

*State Environmental Quality Review Act (SEQRA)
Findings Statement*

*Brunswick Meadows
Planned Development District*
Town of Brunswick, Rensselaer County, New York

SEQRA Lead Agency: Town Board, Town of Brunswick
336 Town Office Road
Troy, New York 12180

Dated: April 10, 2008

TABLE OF CONTENTS

	<u>Page</u>
1.0 Description of Action	3
2.0 SEQRA and Municipal Review Procedure on PDD Application	3
3.0 Land Use and Zoning	
3.1. Existing Land Use of the Project Area	11
3.2. Surrounding Land Uses	11
3.3. Brunswick Zoning Law	12
4.0 Demography	12
5.0 Findings Concerning Relevant Environmental Impacts	
5.1. Geology	13
5.1.1 Subsurface Geology.....	13
5.1.2 Surface Geology/Topography	14
5.2. Groundwater.....	15
5.3. Surface water.....	15
5.4. Wetlands.....	16
5.5. Stormwater	17
5.6. Vegetation.....	21
5.7. Fish and Wildlife.....	21
5.8. Traffic.....	22
5.9. Air Quality	25
5.10 Public Water Supply.....	26
5.11 Public Sewer.....	29
5.12 Schools/Educational Facilities.....	31
5.13 Public Safety.....	31
5.14 Recreation.....	32
5.15 Visual Resources	33
5.16 Noise.....	33
5.17 Solid Waste.....	34
5.18 Historic and Archeological Assessment.....	35
5.19 Environmental Conditions.....	36
5.20 Consistency with Comprehensive Plan	37
5.21 Economic Considerations.....	40
6.0 Cumulative Impacts	41
7.0 Unavoidable Impacts	42
8.0 Alternatives	43
9.0 Enumerated Conditions	44
10.0 Certification	49

1. DESCRIPTION OF ACTION

J.P.J. Partnership (“Applicant”) has made application to the Town of Brunswick Town Board pursuant to Article III, Section 10 of the Zoning Ordinance for the Town of Brunswick for a Planned Development District (“PDD”) known as “Brunswick Meadows” (the “Project”). The Applicant is contracted to TOPATOMA, LLC, the owner of the underlying property, to undertake the application and development of the project.

The proposed Brunswick Meadows PDD project includes the development of an 18.3 acre parcel, as a residential condominium community. The 18.3 acre parcel is a portion of a larger 97.6 acre parcel. Part of the application includes the subdivision of the 18.3 acre project site from the 97.6 acre parcel. No further development is planned for the remaining 79.3 acres of land.

The project site is located off NYS Route 142 (Grange Road) approximately 200 feet east of the Town of Brunswick and City of Troy municipal boundary. The project will include roads, infrastructure, and stormwater management systems to accommodate 23 buildings, containing 92 residential units (4 units per building).

The proposed buildings will measure approximately 84 feet by 60 feet consisting of approximately 6,278 square feet. The project includes the creation of approximately 256 off-street parking spaces. This parking will consist of 92 garage spaces, 140 driveway spaces and 24 unassigned spaces spread throughout the site in small landscaped parking areas. This results in 2.8 parking spaces per condominium unit.

The project includes access improvements from NYS Route 142 under the jurisdiction of NYSDOT, extension of public potable water and sanitary sewage disposal facilities, stormwater management facilities, lighting and landscaping/open space to support the proposed residential use of the project site.

The Brunswick Meadows PDD application originally sought approval for 34 condominium buildings and a total of 136 condominium units. Through the PDD and SEQRA review process, the proposed project size was reduced to 31 buildings (124 condominium units), further reduced to 28 buildings (112 condominium units), further reduced to 26 buildings (104 condominium units), and further reduced to the current proposal of 23 buildings, with a total of 92 condominium units. The concept site plan, depicting the building layout and road system, identified as “Proposed Site Plan for Brunswick Meadows”, prepared by Danskin Land Surveying LLC, dated 2-28-08, is attached hereto as Appendix “A” and made a part of these SEQRA Findings.

2. SEQRA AND MUNICIPAL REVIEW PROCEDURE ON PDD APPLICATION

On January 13, 2005, the Applicant submitted its application for a Planned Development District (“PDD”) with the Town of Brunswick pursuant to Article III, Section 10 of the Zoning Ordinance of the Town of Brunswick. In connection with the Brunswick Meadows PDD application, the Applicant filed a Full Environmental Assessment Form pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617.

The Town Board, upon receipt of the PDD application and Full Environmental Assessment Form, determined to undertake a coordinated environmental impact review pursuant to the SEQRA Regulations at 6NYCRR §617.6(b)(3). Toward that end, the Town Board prepared a Notice of Intent to Establish Lead Agency pursuant to SEQRA. The Notice identified the SEQRA involved agencies on the action, which include:

- Town of Brunswick Town Board, attn: Hon. Philip H. Herrington, Town Supervisor
- Town of Brunswick Planning Board
- Rensselaer County Health Department
- Rensselaer County Sewer District
- City of Troy
- New York State Department of Environmental Conservation
- New York State Department of Health
- New York Office of Parks, Recreation and Historic Preservation
- New York State Department of Transportation
- U.S. Army Corps of Engineers

The Notice of Intent to Establish SEQRA Lead Agency was served upon all involved agencies on the service list on March 15, 2005.

The Town Board also directed that a copy of the PDD application and Full Environmental Assessment Form be forwarded to the Brunswick Planning Board and Brunswick Zoning Board of Appeals for their respective review and recommendation. Pursuant to Article III, Section 10 of the Zoning Ordinance, the Town Board is required to forward the PDD application to the Zoning Board of Appeals for its review and recommendation. As a courtesy, and as the Planning Board must review the detailed site plan and/or subdivision plat in the event the PDD is approved, the Town Board also forwarded the PDD application to the Planning Board for its initial review and recommendation.

A copy of the PDD application and Full Environmental Assessment Form were also sent to the Rensselaer County Department of Economic Development and Planning for County review pursuant to New York State General Municipal Law. The referral to the County Planning Agency was required as the project site is within 500 feet of a New York State highway (NYS Route 142).

The Town Board received responses to the Notice of Intent to Establish SEQRA Lead Agency from the Brunswick Planning Board; Rensselaer County Health Department; Rensselaer County Sewer District; New York State Department of Environmental Conservation; New York State Department of Health; New York State Office of Parks, Recreation and Historic Preservation; and New York State Department of Transportation. The timeframe for response to the Notice of Intent to Establish SEQRA Lead Agency by other involved agencies otherwise expired pursuant to the SEQRA Regulations. No involved agency objected to the Town Board assuming Lead Agency status. Therefore, pursuant to a Resolution adopted April 14, 2005, the Town Board established itself as Lead Agency pursuant to SEQRA on the review of the Brunswick Meadows PDD action.

Also by Resolution dated April 14, 2005, and upon complete review of the application materials and information contained in the Full Environmental Assessment Form, and in consideration of technical

review of the application and SEQRA materials by the Town Board's consulting engineers, the Town Board adopted a Positive Declaration pursuant to SEQRA on the Brunswick Meadows PDD action, determining that there may be significant adverse environmental impacts as a result of the action, warranting further investigation and review. The SEQRA Positive Declaration was published in the Environmental Notice Bulletin on May 4, 2005.

To determine all significant potential adverse environmental impacts requiring further investigation on this action, the Town Board determined to conduct public scoping for this action pursuant to 6NYCRR §617.8. According to 6NYCRR §617.8(b):

If scoping is conducted, the project sponsor must submit a draft scope that contains the items identified in paragraphs 617.8(f)(1) through (5) of this section to the Lead Agency. The Lead Agency must provide a copy of the draft scope to all involved agencies, and make it available to any individual or interested agency that has expressed an interest in writing to the Lead Agency.

In compliance with the stated SEQRA Regulation, the Applicant submitted a draft scope to the Town Board, listing issues it proposed to be studied in the Environmental Impact Statement ("EIS") for this action. The Town Board served a copy of the draft scope upon each member of the Brunswick Planning Board, each member of the Brunswick Zoning Board of Appeals, the Town Highway Department, the Town Water Department, and upon the following involved and interested agencies:

- Rensselaer County Department of Health
- Rensselaer County Sewer District
- Rensselaer County Department of Economic Development and Planning
- New York State Department of Environmental Conservation
- New York State Department of Health
- New York State Office New York State Department of Parks, Recreation and Historic Preservation
- New York State Department of Transportation
- United States Army Corps of Engineers
- City of Troy
- Lansingburgh Central School District
- Brunswick Fire Company No. 1, Inc.
- Center Brunswick Fire District
- Eagle Mills Fire Department
- Speigletown Fire Company
- Mountain View Fire Company

The Town Board also made a copy of the draft scope available for public review and inspection at the Office of the Town Clerk and at the Brunswick Community Library.

In addition, the Town Board served a Notice to all owners of real property within 500 feet of the project site that the draft scope was available for public review and inspection at the Office of the Town Clerk and the Brunswick Community Library, and that the Town Board would receive public comment on that document. Such Notice was published in the Troy Record (official newspaper for

the Town of Brunswick) on May 22, 2005, and posted on the sign board at Town Hall and the Town website.

Written comments were received and reviewed by the Town Board concerning the adequacy of the draft scope. The Town Board undertook the review of all written comments received, and also forwarded a copy of all comments received to the Applicant.

In response to the comments received on the draft scope, the Applicant submitted a revised scope to the Town Board for review and consideration. The Town Board undertook to review the revised scope, both as to adequacy and completeness of response to public comments received.

On September 8, 2005, by Resolution, the Town Board adopted the Final SEQRA Scope for this action. A copy of the Final SEQRA Scope was distributed by the Town Board to all involved and interested agencies to which the draft scope had been sent. The Final SEQRA Scope was also placed in the Office of the Town Clerk and the Brunswick Community Library.

Given the adoption of the positive declaration and final scoping document pursuant to SEQRA, the Town Board sent letters to both the Brunswick Planning Board and the Brunswick Zoning Board of Appeals, stating that supplemental information would be received on the application pursuant to SEQRA, and that such information should be incorporated into each respective Board's review and recommendation on the PDD application. The Town Board also sent a letter to the Rensselaer County Department of Economic Development and Planning stating that additional information would be received through the SEQRA process, and that such information should be included in the County review pursuant to the General Municipal Law.

In or about November, 2006, the Applicant submitted a Draft Environmental Impact Statement ("DEIS") for review by the Town Board. This preliminary DEIS was reviewed by the Town Board, and its legal and technical consultants, for adequacy and completeness in relation to the SEQRA Final Scope.

Upon review, the Town Board, through its legal and technical consultants, determined that the DEIS was incomplete. The Town Board required the Applicant to supply additional information in the DEIS in compliance with the SEQRA Final Scope.

Thereafter, the Applicant submitted a revised and supplemented DEIS to the Town Board. The Town Board again undertook a review of the revised and supplemented DEIS for completeness. At this point, the proposed project was reduced to 31 buildings, with 124 condominium units proposed.

Pursuant to Resolution dated April 12, 2007, the Town Board accepted the Brunswick Meadows DEIS as complete and adequate for public review and inspection pursuant to 6NYCRR §617.9(a)(3). The Town Board adopted a Notice of Completion of DEIS and Notice of SEQRA Hearing, establishing a public hearing date on the DEIS and PDD application for May 15, 2007. A copy of the Notice of Completion of DEIS and Notice of Hearing was sent to the following agencies:

- Town of Brunswick Planning Board
- Town of Brunswick Zoning Board of Appeals
- City of Troy
- Rensselaer County Health Department

- Rensselaer County Sewer District
- Rensselaer County Department of Economic Development and Planning
- New York State Department of Environmental Conservation
- New York Office of Parks, Recreation & Historic Preservation
- New York State Department of Health
- New York State Department of Transportation
- U.S. Army Corps of Engineers
- Mountain View Fire Company
- Brunswick No. 1 Fire Company
- Center Brunswick Fire District
- Eagle Mills Fire District
- Speigletown Fire Company
- Lansingburgh Central School District

Also, a Notice of Public Hearing was prepared by the Town Board, both with respect to the DEIS and PDD application. That Public Hearing was posted on the notice board at the Brunswick Town Hall, as well as posted on the Town's website. The Notice of Public Hearing was also published in the Troy Record on April 20, 2007. Further, a notice of the public hearing was sent to all owners of real property within 500 feet of the project site. The Notice of Acceptance of Draft EIS and Public Hearing was published in the Environmental Notice Bulletin on April 25, 2007.

In addition, a complete copy of the Draft Environmental Impact Statement, including all Appendices, was provided by the Town Board to every member of the Brunswick Planning Board, every member of the Brunswick Zoning Board of Appeals, the Town Highway Department, the Town Water Department, the Town Assessor's Office, the Town Building Department, the Town Historian, and also upon the following agencies:

- City of Troy
- Rensselaer County Health Department
- Rensselaer County Sewer District
- Rensselaer County Department of Economic Development and Planning
- New York State Department of Environmental Conservation
- New York Office of Parks, Recreation & Historic Preservation
- New York State Department of Health
- New York State Department of Transportation
- U.S. Army Corps of Engineers
- Mountain View Fire Company
- Brunswick No. 1 Fire Company
- Center Brunswick Fire District
- Eagle Mills Fire District
- Speigletown Fire Company
- Lansingburgh Central School District

Additionally, a complete copy of the DEIS, including Appendices, was made available for public review and inspection at the Office of the Brunswick Town Clerk and the Brunswick Community Library.

The Town Board opened the public hearing on the Brunswick Meadows PDD application and DEIS on May 15, 2007. A stenographer was retained by the Town Board, and a stenographic transcript of the public comments received was prepared. A motion was made by the Town Board at the May 15, 2007 public hearing to keep the public hearing open, and to continue the public hearing on June 14, 2007.

The Town Board then prepared a Notice of Public Hearing for the continuation of the public hearing on the Brunswick Meadows PDD application and DEIS to be held on June 14, 2007. Such Notice of Public Hearing was again published in the Troy Record, and posted on the Town website, and also posted on the notice board at Town Hall. Additionally, notice of the public hearing scheduled for June 14, 2007 was sent to all owners of real property within 500 feet of the project site.

On June 14, 2007, the Town Board continued the public hearing on the Brunswick Meadows PDD application and DEIS, and received additional public comment. The Town Board again retained a stenographer for this public hearing, and a stenographic transcript was made.

At the June 14, 2007 public hearing, the Town Board closed the public hearing. At that time, the Town Board established a written comment period to continue through and including July 6, 2007, for the receipt of additional written comments on the Brunswick Meadows PDD application and DEIS.

A notice of the written comment period on the Brunswick Meadows PDD application and DEIS was prepared by the Town Board, which was posted at Town Hall and on the Town website. The public hearing transcripts were made available for public review as soon as they were available to the Town Board, and were available for review and consideration during the written comment period. This notice of written comment period was also sent to all owners of real property within 500 feet of the project site. It is noted that an electronic copy of the DEIS was placed on the Town of Brunswick website, at www.townofbrunswick.org.

Written comments were received by the Town Board through and including July 6, 2007. These comment letters were reviewed and considered by the Town Board. In addition, a complete copy of the public hearing transcripts and written comments were forwarded to the Applicant.

Thereafter, the Applicant prepared and submitted a Final Environmental Impact Statement ("FEIS") to the Town Board for review and consideration. The Town Board, through its legal and technical consultants, determined that the FEIS was incomplete, and requested additional information from the Applicant in October, 2007. The Applicant did prepare additional data, and re-submitted its FEIS as amended. The Town Board then undertook a thorough review of the revised FEIS, as submitted. At this point, the scope of the project was reduced to 28 buildings, with 112 condominium units proposed. Three of the proposed buildings were removed to address comments of the New York State Office of Parks, Recreation and Historic Preservation.

By Resolution dated November 8, 2007, the Town Board accepted the Brunswick Meadows FEIS as complete, and adopted the same for this action. The Town Board prepared a Notice of Completion of FEIS, and served the same upon all involved agencies and all property owners within 500 feet of the project site. The Notice of Completion of FEIS was published in the Environmental Notice Bulletin.

The Town Board made the Brunswick Meadows FEIS available both in hard copy and electronic format. Hardcopy of the Brunswick Meadows FEIS was made available for public review and inspection at the Brunswick Town Clerk's Office and the Brunswick Community Library, with complete copies of the FEIS, including Appendices, made available at both locations by November 15, 2007. In addition, an electronic format of the Brunswick Meadows FEIS was made available on the Town of Brunswick website, at www.townofbrunswick.org, on November 15, 2007. Pursuant to the SEQRA Regulations at 6 NYCRR §617.11(a), the Town Board allowed the requisite 10 day period for receipt of comment on the Brunswick Meadows FEIS. Notice of the acceptance of the FEIS and establishment of the comment period was posted at the Brunswick Town Hall, and also posted on the Town of Brunswick website.

On November 26, 2007, the Brunswick Planning Board held a workshop meeting to discuss the Brunswick Meadows PDD application. The Brunswick Planning Board further discussed this action at its meeting held on January 3, 2008. At the January 3, 2008 meeting of the Brunswick Planning Board, the Applicant explained that to address prior Planning Board comments concerning density of the proposed project, two of the proposed condominium buildings had been removed, reducing the total number of proposed condominium buildings to 26 (total number of condominium units at 104).

The Planning Board members made further comments concerning overall project density, spacing between condominium buildings, parking, as well as coordination with the Speigletown Fire District on emergency access. Thereafter, the Applicant did meet with the Speigletown Fire District Chief on January 14, 2008 to further address emergency access as well as current Fire Code Requirements. The Brunswick Planning Board next addressed the proposed project at its meeting held January 17, 2008. At such meeting, the Brunswick Planning Board adopted its recommendation on the Brunswick Meadows PDD application, which adopted a Positive Recommendation on the action, subject to the following considerations:

- a. The general layout of buildings as depicted on the revised concept plan for 26 condominium buildings is generally acceptable;
- b. While the general layout of the buildings as depicted on the revised concept plan is acceptable, the Planning Board notes that the overall density on this project site, when considering the total number of units and total site acreage, is greater than that allowed in the R-9 zoning district in the Town of Brunswick, the smallest allowable lot size under the Brunswick Zoning Ordinance. The Planning Board acknowledges that the Applicant seeks approval of a Planned Development District, which allows the Town Board to establish density on this specific site, but the Planning Board raises density issue for specific consideration by the Town Board. The Planning Board finds the issue of density on this site to be a critical factor, and recommends that the Town Board closely examine the total number of condominium buildings proposed for this particular site, particularly in the area of the entrance road and in proximity to adjacent residences. On this issue, the Planning Board makes the following findings for the Town Board's consideration:

<u># of buildings</u>	<u># of units</u>	<u>density/area per unit/18.3 acres</u>	<u>additional acreage needed to comply with 9,000 sq. ft per unit</u>
26	104	7,664 sq. ft/unit	3.18 acres
24	96	8,303 sq. ft/unit	1.53 acres
23	92	8,664 sq. ft/unit	0.7 acre
22	88	9,058 sq. ft/unit	0

The Town Board should consider options including reducing the total number of buildings/units, increasing the acreage of the project site (the project site is being subdivided from a larger parcel), or a combination of both options to address this density issue;

- c. The Planning Board finds that the increased available on-site parking is a positive addition to the concept site plan, but recommends that approval of a final parking plan for this project be reserved to the Planning Board for detailed review during site plan review;
- d. Due to the proximity of this project site to other residences, the Planning Board finds that lighting will be a critical issue. At a minimum, the Planning Board recommends that down-lighting fixtures be required on all buildings, and further recommends that the approval of a final lighting plan for this project be reserved to the Planning Board for detailed review during site plan review;
- e. Due to the proximity of this project site to other residences, the Planning Board finds that the issue of appropriate vegetative screening between the project site and nearby residences will be a critical issue. At a minimum, the Planning Board recommends that the Town Board carefully consider an appropriate vegetative buffer to be required between the condominium buildings and the properties owned by Gauthier and Moran, and further recommends that approval of a final vegetative screening plan for this project be reserved to the Planning Board for detailed review during site plan review;
- f. The Planning Board finds that the general internal road system proposed for this project to be acceptable, and specifically notes that the roads will not be transferred to the Town of Brunswick and will not become public roadways, but will rather remain private roadways to be owned and maintained by the condominium association to be formed in connection with the project.
- g. The Planning Board notes that the Applicant met with the Chief of the Spiegletown Fire Department to review the revised concept plan, that the Chief indicated that the revised concept plan fully addressed prior comments of the Department.

The Planning Board forwarded its recommendation to the Brunswick Town Board for consideration.

The Town of Brunswick Zoning Board of Appeals also reviewed and considered the Brunswick Meadows PDD application. At its meeting held January 28, 2008, the Brunswick Zoning Board of Appeals adopted its recommendation on this action, wherein the Zoning Board of Appeals:

Acknowledges and generally concurs with the findings and recommendations of the Planning Board as set forth in its resolution dated January 17, 2008, and, in addition, finds and determines that, at a minimum, buildings 1, 2, and 16 should be deleted from the Plan due to overall density, and the proximity of those buildings to adjacent property owners in the entrance to NYS Route 142.

The Brunswick Zoning Board of Appeals forwarded its recommendation to the Brunswick Town Board for consideration as well.

The Rensselaer County Department of Economic Development and Planning likewise completed its review and recommendation of the proposed project pursuant to General Municipal Law Section 239-m, finding that the proposed project does not have a major impact on County plans, and that local consideration shall prevail.

Based on the comments made by the Brunswick Planning Board and Brunswick Zoning Board of Appeals, as well as discussion by the Town Board, the Applicant further revised its concept plan to eliminate three additional condominium buildings from the proposed project, specifically removing buildings identified as No. 1, 2, and 16. These proposed buildings were in proximity to the proposed entrance road, as well as the property owned by Moran and Gauthier. In addition, the Applicant provided for additional landscaping in the area of the access road off NYS Route 142, as well as adjacent to the lands of Gauthier and Moran. This revision was noted in the concept site plan entitled "Proposed Site Plan for Brunswick Meadows", prepared by Danskin Land Surveying, LLC dated 2-28-08 (see Appendix "A"). Such revised concept site plan was presented by the Applicant to the Brunswick Town Board. The Brunswick Town Board concluded that the amendments to the concept site plan adequately addressed the review comments raised by both the Brunswick Planning Board and Brunswick Zoning Board of Appeals, did not result in a significant amendment to the overall concept site plan of development, and an improvement to the Planned Development District design.

3.0 LAND USE AND ZONING

3.1 Existing Land Use of the Project Area

The existing site is vacant fields, woods and hedgerows. Currently there are no structures on the site. The tax classification is Vacant Land.

3.2 Surrounding Land Uses

Surrounding the project site are low to medium density single family, multi family, residential housing. Small commercial land uses are located within ½ mile of the project site. A vacant parcel, containing approximately 80 acres will remain to the south of the project site. A utility corridor separates the project site from the medium density residential properties to the north of the site along Hialeah Drive.

The adjoining 80 acre parcel, south of the project site is currently vacant. The project site has not been used for agricultural purposes for several years. The site is located in the Town of Brunswick Agricultural District No. 118.

Commercial uses in proximity to the project site include a private water company, doctor's office, dentist's office, bank, and retail. Other surrounding land uses include farming, apartments, church, public water treatment plant, as well as residential on Hialeah Drive and Route 40.

3.3 Brunswick Zoning Law

The Zoning Ordinance provides for the creation of Planned Development Districts within the Town. Pursuant to Article III §10 of the Zoning Ordinance, land and buildings on property of at least 10 acres in size may be used for any lawful purpose as authorized by the Town Board upon application duly submitted for a Planned Development District. Article III §10 of the Zoning Ordinance requires the Town Board upon receipt of an application for a PDD, to refer said application to the Brunswick Zoning Board of Appeals for review and recommendation. The Zoning Board of Appeals shall make such recommendation and report the same to the Town Board. In addition, Article III §10 requires the Town Board to hold a public hearing on the PDD application.

Although not required pursuant to the Brunswick Zoning Ordinance, the Town Board also refers the PDD application to the Brunswick Planning Board for its review and recommendation as well. As a courtesy, and as the Planning Board must review the detailed site plan and/or subdivision plat in the event the PDD is approved, the Town Board makes such referral to the Planning Board.

In the event the PDD application is approved by the Town Board, the applicant must file with the Brunswick Planning Board a detailed site plan or subdivision application pursuant to the Site Plan or Subdivision Regulations of the Town of Brunswick, as the case may be. Such application proceeds through the full municipal review process before the Brunswick Planning Board.

4.0 DEMOGRAPHY

The Town Board has investigated statistical demographic data for the Town of Brunswick prepared by the US Census Bureau, based on the 2000 US Census Data. The following information is based on information provided by the US Census Bureau from the 2000 Census.

The total population of the Town of Brunswick is 11,664 persons.

The median age of all residents in the Town of Brunswick is 40.3 years.

The total housing units in the Town of Brunswick is 4,808. Of this total, 4,613 housing units are occupied, representing 95.9% of the housing stock in the Town. Of the total occupied housing units in the Town, 3,692 are owner occupied, representing 80% of the occupied housing stock in the Town. This compares with 66.2% of owner-occupied housing units nationally. Of the total occupied housing units in the Town, 921 units are renter-occupied, representing 20% of the total occupied housing units. This compares with 33.8% of renter-occupied housing units nationally.

Of the total number of housing units existing in the Town, 2,911 units were constructed prior to 1970. This represents 60.5% of the total housing stock in the Town of Brunswick.

On average, the household size in the Town of Brunswick is 2.52 persons.

According to the US Census Bureau profile of selected housing characteristics, 81.7% of all household units in the Town of Brunswick have a total of 2 vehicles or less.

A table of comparative demographics, below, shows that Brunswick gained population between the 1990 and 2000 censuses, while the City of Troy lost over 10% of its population. Also noteworthy is Brunswick’s median household income of \$56,528, which is nearly double that of Troy, and also significantly higher than Rensselaer County as a whole.

Comparative Demographic					
Municipality	Population 1990	Population 2000	Population % change	Median Household Income 2000 (in dollars)	Per Capita Income 2000 (in dollars)
Town of Brunswick	11,093	11,664	+5.3	56,528	26,554
City of Troy	54,269	49,170	-10.3	29,844	16,796
Rensselaer County	154,429	152,538	-1.2	42,905	21,095

Source: 2000 U.S. Census

Many residents have resided in the Town of Brunswick for a very long time - almost one-third of residents have lived in the Town for more than 20 years (32%) and more than 50% for more than 10 years.

5.0 FINDINGS CONCERNING RELEVANT ENVIRONMENTAL IMPACTS

The Town Board makes the following findings on relevant environmental impacts concerning the Brunswick Meadows PDD application:

5.1 GEOLOGY

5.1.1 Subsurface Geology

Information from the Soil Survey of Rensselaer County and engineering analysis were prepared and reviewed by the Town Board and its consultants.

The Rensselaer County Soil Survey indicates that the soils on the site predominantly silty and clayey lacustrine material that is mostly free of gravel. The soils found on the project site are identified in the Rensselaer County Soil Survey as including Bernardston-Nassua (gravely silt), Elmridge (very fine sandy loam), Hudson (silt loam), Shaker (very fine sandy loam), and Fluvaquents-udifluent. The soils lie over a folded inter-bedded shale and slate bedrock.

The proposed action will not cause any significant change in subsurface geology or bedrock layers during or after construction. The proposed building foundations will be excavated; however, the

buildings are proposed to be constructed in the “slab on grade” method. This will reduce the amount of disturbance and soil removal required for a typical basement.

Due predominantly to the proposed method of construction (“slab on grade”) significant subsurface excavation or impact to bedrock is not anticipated. Due to site characteristics, grading through mechanical means is anticipated, and non-mechanical site grading practices (i.e. blasting) will not be utilized.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon subsurface geology.

5.1.2 Surface Geology

The topography of the project site is rolling terrain with the land sloping to the west from NYS Route 142, with a rise in elevation along the tree-line boundary at the west boundary of the project site. A stream corridor exists along the western boundary of the project site, which is significantly lower in elevation than the area proposed for residential construction.

The proposed grading plan for the action will not result in large cut or fill quantities as a result of site preparation. However, there is the potential of soil and dust particles becoming stirred during construction, which may adversely affect surrounding residences.

The project will result in the loss of approximately 5 acres of pervious areas, which now include open fields and brush. The project is also proposed to disturb approximately 0.0876± acre of wetlands subject to the jurisdiction of the United States Army Corps of Engineers.

With this loss of vegetation an increase in impervious area, the potential exists for the increased erosion of soils as vegetation is cleared for construction, particularly prior to completion of construction and re-vegetation/landscaping completion.

The Town Board finds that the project will not have a significant adverse impact upon surface geology through the use of a Stormwater Pollution Prevention Plan (SWPPP) [surface water is further discussed at Section 5.3 of this Findings Statement]. To mitigate potential impacts from the increase of impervious areas, the loss of vegetation, and permitted impact to wetland areas, specifically stormwater management facilities will be employed and designed as part of the SWPPP. The SWPPP must address the design, implementation and maintenance of both the erosion and sediment control measures to be used during construction, and the post-construction stormwater management facilities.

Further, the Town Board requires that all areas disturbed during construction be stabilized as soon as practical to reduce the potential for erosion during storm events, and seeded to re-establish vegetation as soon as possible.

MITIGATION:

The Town Board finds that employing the SWPPP in compliance with NYSDEC Standards will mitigate the potential for any significant adverse impact due to disturbance during the construction and post-construction periods. To address the potential for soil and dust particles becoming stirred during construction activities, and any potential impacts on surrounding residences, the Town Board requires as mitigation measures that all exposed soils be covered or sprayed with water or NYSDEC-approved dust palliative to reduce the potential for erosion and the blowing of dust particles throughout and beyond the project site during all grading and construction-related activities. Further specific mitigation measures concerning stormwater compliance are addressed in Section 5.5 of these Findings.

5.2 GROUNDWATER

Information obtained from the Rensselaer County Soil Survey indicates that ground water at the project site is below depth of 6 feet from grade. In order to confirm this information, on-site soil observations were made. During this investigation, 10 deep test pits were advanced to a depth between 6-8 feet. Groundwater was not encountered in any of the deep test pit areas.

The proposed project has the potential to slightly impact groundwater by diverting groundwater flows through piping and ditches to a designated stormwater management area. Construction of the proposed structures may include under-drain along building foundations, retaining walls, and road curb lines and transported via a piping system to the proposed stormwater management areas. However, with the deep test holes excavated in connection with site investigation, it is not anticipated that groundwater flows will be significantly affected by the proposed project.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon groundwater conditions. To the extent groundwater is encountered during site construction, the potential impact will be mitigated through the use of under-drains and discharge to stormwater management areas as part of the requisite SWPPP for the project. The Town Board also requires that techniques be implemented to reduce the pollutant load in stormwater runoff from developed areas, including petroleum products from automobiles. These techniques may include, but are not limited to, filter strips, water quality inlets, infiltration or detention as appropriate. These techniques must be included in the SWPPP for this project. Further specific mitigation measures concerning stormwater compliance are addressed in Section 5.5 of these Findings. Groundwater will not be used for purposes of potable water supply, as public water will be extended to this project site.

5.3 SURFACE WATER

The project site is divided between two distinct watershed areas, due to an existing embankment along the western edge of the project site. This embankment will be maintained as part of site development. To the east of this embankment, surface water flows perpendicular to the contour of the land and collects in the northern central portion of the site. It is conveyed off site via an excavated ditch that leads to a 24 inch culvert and headwall in the National Grid Power corridor. To the west, water flows down the embankment to an existing stream and wetland area that will

be used, in part, to create a recreation area for the site. There is no development proposed for this western watershed area.

Several comments were received during public hearings concerning existing offsite surface water drainage issues. The Town Board investigated this issue, identifying a channelized stream located in the National Grid corridor, which then enters a 24 inch culvert. The culvert has a flare end section (“headwall”) which aids in directing the flow into the pipe and stabilizes the ground around the pipe end. From the flared end section, the pipe flows through a drainage easement area which was depicted and shown on the approved and filed subdivision map for the adjacent Miami Beach Estates Subdivision Plan along Hialeah Drive. The City of Troy Department of Public Utilities has maintained this culvert and all other drainage appurtenances within the Miami Beach Estates Subdivision since 1968, when the various streets, water mains, sewer lines, and drainage appurtenances were dedicated and accepted by the Troy City Council on September 12, 1968. This was confirmed by the City of Troy Department of Public Utilities through correspondence dated October 26, 2007.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon surface waters. The Town Board finds that the construction of detention and/or retention basins pursuant to an approved SWPPP will limit peak runoff from the project to pre-development rates. Further, the Town Board finds that existing offsite drainage features, owned and maintained by the City of Troy, are adequate to handle projected offsite surface drainage, which will be limited to pre-development conditions pursuant to the approved SWPPP. Further specific mitigation measures concerning stormwater compliance are addressed in Section 5.5 of these Findings.

5.4 WETLANDS

The Applicant prepared a Wetlands Delineation Report for the project site.

The wetland delineation activities were performed to determine presence of wetlands subject to regulation by the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.

Wetlands subject to regulation by the New York State Department of Environmental Conservation are shown on Freshwater Wetlands Maps prepared and maintained by the NYSDEC, and are typically 12.4 acres or larger in size. There are no State mapped wetlands on or adjacent to the project site.

Federally regulated wetlands were delineated using accepted methodology outlined in the U.S. Army Corps of Engineers Wetlands Delineation Manual. The Applicant also investigated the site for purposes of determining the potential presence of isolated wetlands.

Based on the on-site delineation, approximately 3.25 acre of federal jurisdictional wetlands are present on the site, together with 890 linear feet of perennial stream, 320 linear feet of intermittent stream and 200 linear feet of ephemeral stream. In addition, 0.74 acres of isolated, non-jurisdictional wetlands were noted on the site.

In correspondence dated February 27, 2007, the New York State Department of Environmental Conservation reviewed the project concept plans, which noted that the project shows less than 0.10 acres of wetland impacts. With wetland impacts less than 0.10 acres, the threshold for requiring a water quality certification from the New York State Department of Environmental Conservation is not implicated. The Department noted that although a water quality certification is not required, all construction plans should insure that appropriate erosion and sediment control measures are incorporated into the work plans to prevent contamination of the wetlands or waters by silt, sediment, or construction fluids and/or debris. The Department further recommended that all areas of soil disturbance be graded, seeded and mulched as soon as possible.

In correspondence dated March 12, 2007, the United States Army Corps of Engineers determined that 0.09 acres of federal wetlands may be impacted pursuant to the concept site plan, and that such work may be authorized under the Department of the Army Nationwide General Permit No. 39. The Army Corps of Engineers noted that the work may be performed without further authorization from the Army Corps of Engineers, provided the activity complies with the terms and conditions of Nationwide Permit No. 39. It was noted by the Army Corps of Engineers that Nationwide Permit General Condition No. 3 requires the installation and maintenance of proper soil erosion and sediment controls during construction.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon wetland resources. This finding is based on the review of the wetland permitting requirements by the United States Army Corps of Engineers and the New York State Department of Environmental Conservation. The Town Board expressly incorporates the conditions and requirements of the Army Corps of Engineers and the Department of Environmental Conservation with regard to wetland impacts.

5.5 STORMWATER

A Stormwater Management Report was prepared by the Applicant and reviewed by the Town Board.

Stormwater calculations prepared in connection with the proposed project show the following pre-development and post-development conditions:¹

	Pre-development Flow	Post-development Flow
1 Year Storm	12.42 cfs	2.64 cfs
10 Year Storm	34.73 cfs	27.20 cfs
100 Year Storm	60.64 cfs	49.10 cfs

These stormwater calculations show that the post-development flow rate is modeled to be less than pre-development flow rates for the design storm events. These stormwater calculations were also

¹ These calculations were based on the concept plan depicting 28 proposed condominium buildings. The current proposal of 23 condominium buildings reduces the area of impervious surfaces, further reducing potential stormwater runoff. Revised calculations for the 23 building layout provide post-development flows of 25.47 cfs (10-year storm) and 48.02 cfs (100-year storm).

reviewed by the City of Troy Department of Public Utilities, as the City of Troy will be receiving the stormwater runoff from the SWPPP facilities via the culvert pipe and drainage facilities within public easements run by the City of Troy in the Miami Beach Estates Subdivision. The City of Troy has accepted these stormwater calculations, and did confirm that the City of Troy has maintained the drainage piping through the public easements in the Miami Beach Estates Subdivision, and will continue to do so in the future.

The Town Board notes that due to the fact that the proposed disturbance on the project site will exceed one acre in size, the stormwater management facilities for the proposed project must be designed in accordance with the NYSDEC SPDES General Permit for stormwater discharges from construction activity, Permit No. GP02-01. The General Permit requires the preparation of the SWPPP in accordance with the Technical Standards published by the NYSDEC. The SWPPP will address the design, implementation and maintenance of both the erosion and sediment control measures to be used during construction, and the post-construction stormwater management facilities. The SWPPP must be completed prior to the start of construction in accordance with the notification requirements detailed in the NYSDEC General Permit.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon stormwater management and runoff. The Town Board finds that without proper controls in place, stormwater runoff from developing areas can result in off-site problems including erosion and water quality degradation due to sedimentation and other non-point source pollutants. These impacts are greatest during construction periods when soils are without vegetative cover.

The Town Board further finds that a SWPPP prepared in accordance with the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for stormwater discharges from construction activity, Permit No. GP02-01 will provide adequate mitigation for potential stormwater management impacts. Through the preparation and implementation of the SWPPP and in compliance with NYSDEC Standards, impacts resulting from erosion, sedimentation and stormwater runoff during construction will be mitigated. Further, SWPPP must also employ techniques to address both quantity and quality standards for off-site stormwater impacts in a post-development condition. The SWPPP will be completed prior to the start of construction in accordance with the certification requirements detailed in the NYSDEC General Permit.

In particular, the Town Board further finds that proper stormwater management techniques during the construction phase to control erosion and sedimentation will include the following:

1. Temporary controls shall be installed and maintained throughout the site during construction activity. This may include silt fencing, hay bales, stone check dams, tracking pads at construction entrances, parking and equipment maintenance pads, silt fencing at drainage inlets and temporary seeding of disturbed areas susceptible to erosion. All appropriate stormwater control measures shall be in place before any site work construction and earthwork shall take place on any part of the project that requires such measures. All disturbed areas shall be seeded as soon as possible after completion of construction in that area. No area shall be left unstabilized within 14 days after completion of construction activities. Erosion control devices shall be maintained daily and shall be inspected once a

week and after every one-half inch rainfall event occurring in a 24 hour period. A rain gauge shall be installed and maintained on the site to determine rainfall amounts.

2. Permanent controls will be implemented during construction activity, which may include the installation of geotextile erosion control blankets on slope areas as needed; planting of vegetation, including appropriate buffer shrubbery; vegetative filter strips along the paved parking areas; installation of sumps on drainage catch basins; construction of a detention pond and appurtenances; discharges from roof downspouts will be protected by splash blocks, sod and piping to drainage catch basins; concrete curbing/sidewalks will be used to control and direct runoff to drainage catch basins; and the construction of permanent landscaped areas to control and minimize storm water runoff.

The Town Board further finds that in order to confirm the necessary erosion and sediment control features for construction activities are implemented prior to construction, the following pre-construction activities will occur:

Pre-construction Stage

- All necessary permits shall be obtained, as required.
- A pre-construction meeting shall be held with all applicable project personnel, agencies representatives and the various contractors and subcontractors that will be involved with the project. An emergency telephone listing shall be developed and distributed accordingly.
- Prior to commencement of clearing and grading activities on the site, silt fencing, stone check dams and protective hay bale barriers shall be installed along the site's property lines where drainage runoff could leave the site.
- Existing drainage catch basins adjacent to the site will be inspected and cleaned out to allow for maximum sump volume during storm events.
- Drainage fabric and hay bales barriers will be installed at existing catch basins off-site to prevent erosion from entering the existing storm sewer system.
- A staging work pad/parking area will be constructed out of approved material for the excavating equipment to be used on the site.
- Evaluate, mark and protect important trees and associated rooting zones that are to remain.
- Portable toilets for the construction workers are to be delivered to the site and a regular schedule is to be developed for maintaining the units.
- Solid waste dumpster will be delivered to the site and emptied on a regular basis to control litter and construction debris from leaving the site during storm events and strong wind conditions.
- A SWPPP logbook shall be maintained at the site to record and document with a date and time of all construction activities and rainfall events. This logbook shall contain the Contractor's Certifications and the Inspection Reports for the project.

During the construction stage activities, the following erosion and sediment control measures will be in place:

Construction Stage

- Establish a temporary construction entrance to capture mud and debris from construction vehicles before they enter the public highways.
- As grading and excavation progresses, existing drainage patterns in undisturbed areas shall be maintained to direct runoff to existing storm water management system facilities.
- Construct the stormwater management detention pond and appurtenances.
- Establish vegetation on the stormwater detention pond site upon completion of infrastructure work.
- In all disturbed areas appropriate erosion control and pollution prevention devices shall be installed as work progresses.
- Stockpile the topsoil stripped from the site. Topsoil shall be protected, stabilized and sited in a location away from storm drains and property lines.
- Material stockpiles (crushed stone, sand and gravel) for the utility line construction shall be located in areas of the site that will not be in a direct line of surface runoff. Silt fencing shall be installed around the material stockpiles that are not being actively used for construction.
- Immediately upon completion of the utility line construction vegetative cover shall be re-established on all disturbed areas. If the weather/season conditions do not allow vegetative cover to be re-established, then appropriate rip rap stone material shall be used to seal the top of the utility trenches from erosion.
- Sediment tracked onto the public highways shall be removed or cleaned on a daily basis.
- Install additional sediment traps and barriers as needed during site grading and excavation. Install stone check dams to lower velocity of storm drainage runoff as needed.
- Excavation for footings, clearing, or other earth disturbance shall only take place after the sediment and erosion controls are installed.
- Sediment shall be removed from behind sediment silt fence when it becomes approximately 6-inches deep at the fence. The sediment fence shall be repaired as necessary to maintain a barrier. Sediment must be removed from sediment traps and sumps whenever their capacity has been reduced by 50 percent of the design capacity.
- Erosion control devices shall be maintained daily and shall be inspected once a week and after every one-half inch rainfall event occurring in a 24 hour period.
- After building construction has progressed to a stage where no further earthwork is required, the contractor shall complete pavement construction with the exception of the final asphalt concrete top course.
- Seed and mulch balance of lawn and install landscaping as required to complete site work as soon as possible after building construction has progressed to interior work.
- Clean all stormwater management facilities and appurtenances.

Following completion of all construction related activities, the following measures will be implemented to insure proper operation and maintenance of stormwater management features on the project site:

Post-construction Stage

- Inspect and clean all new drainage and stormwater management structures as needed to make sure that they are working as designed.
- Inspect all roof leaders and down spouts areas to assure proper working conditions.
- Maintain the landscaping, trees, shrubs, mulch and grass as designed.
- Advise the homeowner association of the need to maintain the stormwater management improvements as outlined in this stormwater pollution prevention plan.
- Evaluate the post-construction runoff condition on the site.

5.6 VEGETATION

The current vegetative cover on the project site includes vacant fields, hedgerows, wetlands and limited forest areas. Plant species identified at the site are typical of northeastern New York, in sandy silt soils. Plant species identified at the project site include: Shag Bark Hickory, Oak, Maple, Apple, Cherry, Elm, Rose, Honey suckle, Goldenrod.

The existing vacant field and some of the associated hedgerow will be impacted during construction of the proposed buildings and associated road and utility system. Existing wooded areas along the western boundary of the project site along the stream corridor will remain intact and undisturbed.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon site vegetation. While areas will be removed and graded during construction activities, and approximately 5 acres of previously vegetated areas will be permanently lost due to building construction and associated road and utility systems, the Applicant did include project modifications which resulted in increased vegetative and landscaped areas to the project site. This included a reduction of the total proposed buildings from the 34 buildings originally sought in the PDD application to a total number of 23 buildings on the current PDD concept site plan, as well as increased vegetation and landscaping in the area of the proposed access from NYS Route 142 and surrounding residential properties.

The Town Board further finds that the permanent loss of vegetation is mitigated by requiring disturbed areas to be re-vegetated as appropriate. Disturbed areas on the project site will be seeded as soon as practicable after construction activities have commenced. The access road off NYS Route 142 will be landscaped. All cleared areas, which are not built on, will be re-vegetated and landscaped as soon as practicable.

5.7 FISH AND WILDLIFE

According to the New York State Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources, New York Natural Heritage Program, there are no records of known occurrences of rare or State-listed animals or plants, significant natural communities, or other significant habitat on or in the immediate vicinity of the project site.

Approximately 72% of the project site will be retained as open greenspace, and will accommodate many of the current species at the site. The resulting residential use of the project site will allow for ecosystems to develop that will be similar to those north of the project site.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon fish or wildlife species.

To mitigate the permanent loss of approximately 5 acres of vegetation, the Town Board requires that all areas that are not proposed to be disturbed will be protected by construction fencing or other appropriate means to restrict access by machinery or reduce the potential for the accidental removal or disturbance of vegetation or habitats. In addition, the Town Board requires that all the disturbed areas will be re-vegetated as soon as practicable, and all cleared areas not proposed to be constructed upon will also be re-vegetated and landscaped. Also, approximately 72% of the project site will be permanently preserved as open space.

5.8 TRAFFIC

To fully assess the potential traffic generation from this project and impact upon existing road systems and traffic flow, the Town Board required the Applicant to perform a Traffic Impact Study. The Applicant retained the firm of Erdman Anthony & Associates, Inc. to undertake and complete the Traffic Impact Study. Further, the Town Board retained a traffic engineer to assist it in the review and analysis of the Traffic Impact Study. The Town Board retained the firm of Transportation Concepts, LLP as a technical consultant for the traffic-related issues.

The Applicant's consultant undertook its Traffic Impact Analysis according to the SEQRA Scope. A Traffic Impact Report provided the following:

The access road to this project is located off NYS Route 142 (Grange Road). NYS Route 142 is a State road owned and maintained by the New York State Department of Transportation and connects NYS Route 7 with NYS Route 40. A 24-foot wide pavement section with 2-foot wide paved shoulders on both sides of the road is contained inside a 66-foot right-of-way width of NYS Route 142. The road is striped with a double yellow line, with one through lane in each direction occupying the pavement width. No road side parking or sidewalks are provided along NYS Route 142 in the vicinity of the project. The posted speed limit near the proposed site is 45 miles per hour, reducing to 30 miles per hour at the Troy City line approximately two hundred feet to the north of the project site.

The proposed development entrance intersects NYS Route 142 at a right (90 degree) angle.

Southwest of the project site there is a signal controlled intersection at the corner of NYS Route 142 and NYS Route 40 (north bound). This intersection is approximately 0.3 miles from the project site. The intersection of NYS Route 142 and Liberty Road/Gypsy Lane is located 0.4 miles south of the proposed site entrance, and it is a two way un-signalized intersection.

The New York State Department of Transportation Traffic Volume Report contains traffic data for NYS Route 142 in the year 2003, and the report indicates that NYS Route 142 Average Annual Daily Traffic (AADT) was 5,444. This State data was supplemented by the Applicant's consultant using road tubes and electronic counters along NYS Route 142.

The underlying traffic analysis prepared by Erdman Anthony analyzed projected traffic volume and flow from 124 units of housing, containing two bedroom condominiums. Since that time, the proposed project has been reduced to a total number of 92 units of housing, containing two bedroom condominiums. Thus, the traffic analysis may be viewed as conservative in terms of traffic volume and flow, and that the total proposed build-out of the project has been reduced during project review.

Thus, based on an assumption of 124 units of housing, containing two bedroom condominiums, and using the Institute of Transportation Engineers' (ITE) Trip Generation, 6th Edition, traffic estimated to be generated to and from the area during the AM and PM peak traffic hours was determined as follows:

NUMBER OF NEW ENTERING AND EXITING VEHICLES				
	Weekday AM Peak Volume		Weekday PM Peak Volume	
	Entering	Exiting	Entering	Exiting
Number of Vehicles	11	50	49	27

Two traffic conditions were evaluated for the proposed Brunswick Meadows project site access road intersection with NYS Route 142, including existing traffic conditions and also existing plus proposed site generated traffic conditions. The Level of Service (LOS) analysis provided the following data:

UNSIGNALIZED INTERSECTION ANALYSIS					
Intersection	Move	Southbound		Northbound	
		LOS	DELAY (sec)	LOS	Delay
Brunswick Meadows Drive/NYS Route 142	AM Proposed	A	7.6	B	10.6
	PM Proposed	B	12.9	A	8.0

TWO LANE HIGHWAY SEGMENT ANALYSIS (NYS Route 142)				
	Existing		Proposed	
	LOS	% Time-Spent-Following	LOS	% Time-Spent-Following
AM	A	26.1	A	27.8
PM	B	42.3	B	43.1

The Applicant's traffic consultant also analyzed access road geometrics and sight distance data. The project road will intersect NYS Route 142 and will provide the only access to the project site. One lane entering and one lane exiting the facility will be constructed. The sight distance from the site

driveway intersection with NYS Route 142 is 850 feet in the west (left) direction and 657 feet in the east (right) direction. The sight distances are greater than those required by the NYSDOT Policy and Standards for Entrance to State Highway Specifications, posted speed limit at 45 miles mph, which require 610 feet/left and 530 feet/right.

Warrants for a left turn lane on NYS Route 142 into the project site were evaluated in accordance with the Transportation Research Board's (TRB) National Cooperative Research Program Report 279, Intersection Channelization Design Guide. Using the same peak hour traffic volumes predicated for the Level of Service (LOS) analyses, warrants for a left turn lane are not met on the analyzed intersection.

These data results and conclusions were reviewed by Transportation Concepts, LLP. The traffic data presented is documented and prepared in accordance with accepted traffic engineering standards. The scope of the traffic analysis in compliance with accepted traffic engineering standards and is appropriate for analysis for the proposed Brunswick Meadows project.

During public hearings on this project, comments were raised concerning traffic queuing and backups resulting from the intersection of NYS Route 142 and Oakwood Avenue. It is noted that the City of Troy implemented modifications to the intersection of NYS Route 142 and Oakwood Avenue in the Summer of 2007 to relief traffic backups on NYS Route 142. An additional turning lane was added to reduce the queue lengths at the traffic signal for this intersection. This additional left turn lane was put into place to reduce the queuing length of traffic waiting to make a left hand turn from NYS Route 142 onto Oakwood Avenue and prevent excessive backups onto Leverage Road. According to the City of Troy Engineering Department, this additional turn lane has aided in alleviating congestion in the vicinity of this intersection.

Further, it is noted that the proposed site entrance road is in conformance with the NYSDOT Policy and Standards for entrance to State Highways and sight distance requirements. A Highway Permit from NYSDOT will be required in connection with the entrance. A "boulevard type" entrance was originally considered for this location; however, at the request of the emergency services personnel this proposed entrance road was abandoned during earlier project reviews due to the potential issue of emergency vehicle access being obstructed by a boulevard. The access road width was selected as being more responsive and safer for emergency services vehicle access. The wider access design was reviewed with NYSDOT engineers, and is in accordance with NYSDOT Regulations.

The Town Board also investigated the issue of availability of public transportation to the project site. According to the Capital District Transportation Association, this proposed project site is not in an existing service catchment area of any CDTA bus route. Further, CDTA notes that the site location and low population density of the project area and its surrounding areas does not make it a strong candidate for future transit service. The proposed development plan does not meet the guidelines outlined in CDTA Regional Transit Development Plan and Service Performance Monitoring System for new service expansions. The established guidelines require a threshold of transit ridership to justify the service extension. Based on the total number of proposed residential units, CDTA concludes that the project is highly unlikely to be able to meet the ridership requirement for service extension.

MITIGATION:

The Town Board finds that based on an independent technical review by the Town Board's Traffic Engineer, in coordination with involved public agencies, this project will not result in a significant adverse traffic impact. The Town Board notes that a reliable traffic engineering report was prepared and reviewed by the Town Board and its consulting traffic engineer. The Town Board finds the traffic engineering data to be consistent with accepted standards and practices of traffic engineering.

5.9 AIR QUALITY

An air quality assessment performed on this action conforms to the procedures followed by the New York State Department of Environmental Conservation. Currently, the NYSDEC follows the procedures of the New York State Department of Transportation as outlined in Chapter 1.1 of the Environmental Procedures Manual (EPM). These procedures address the Clean Air Act Amendments of 1990 and guidance from the Environmental Protection Agency.

Through a program operated by the Bureau of Air Quality Surveillance, New York State collects data for numerous air pollutants. Data is recorded in the New York State Air Quality Report, Air Monitoring System. The latest data was compiled in 2003.

The project site is located in Rensselaer County, New York which is classified as attainment for carbon monoxide and marginal non-attainment for ozone, based on the 2003 data. An air monitoring station (ozone/sulfur dioxide) is located at Grafton Lakes State Park approximately 12 miles to the east and upgradient from the project site. The Grafton Lakes State Park station was in compliance with New York and National Ambient Air Quality Standards for one-hour average period in 2003 for ozone and the one hour and eight-hour averages for sulfur dioxide. The closest carbon monoxide monitoring station is located in Loudonville, New York, approximately 14 miles southwest of the project site. The Loudonville station was in compliance for the one hour and eight-hour averages for carbon monoxide in 2003.

A microscale air quality analysis for carbon monoxide concentrations may be used to determine if worst case receptors adjacent to roadways will be affected by the increased traffic volume. The analysis is based on procedures found in the Environmental Protection Manual (EPM), and is typically performed at signalized intersections with a Level of Service (LOS) of D, E or F. Unsignalized intersections typically do not warrant further air quality analysis. The proposed Brunswick Meadows access road intersection with NYS Route 142 will be a non-signalized intersection. The Level of Service (LOS) at the proposed intersection is A and B. Based on the results of the traffic analysis (See Findings Statement Section 5.8), a microscale air quality analysis is not warranted for the proposed intersection for purposes of carbon monoxide concentrations.

The air quality within the project area may experience short-term impacts due to the construction of the project. During the construction, airborne particulates will increase as dust is raised by construction vehicles in motion. This increase is expected to be sporadic and short-term in nature and will be most noticeable in the area immediately adjacent to the construction.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon air quality. The Town Board further finds that temporary air quality impacts from construction activities related to dust and other particulate matter will be mitigated to the maximum extent practicable by the following:

- The Town Board requires the use of water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this must include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.
- The Town Board requires that onsite construction vehicle speeds be kept low.
- The Town Board requires that gravel pads be installed at all access points to prevent tracking of mud onto public roads.
- The Town Board requires that soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site must be tarped from the point of origin.
- The Town Board requires that after clearing, grading, earthmoving, or excavation is completed, all areas will be treated by watering or re-vegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur or be kept to the minimum extent practicable.

The Town Board finds that temporary increases in automobile pollutants related to the operation of construction vehicles and equipment may be mitigated to the maximum extent practicable by:

- requiring that all equipment will meet state and federal requirements for exhaust and pollution control, and will be maintained and tuned per the manufacturers' specifications.

5.10 PUBLIC WATER SUPPLY

The project will be serviced by public water supply, which will be extended from an existing water main located at Hialeah Drive. An agreement has been executed between the Applicant, J.P.J. Partnership, and the City of Troy dated April 3, 2007, under which the City of Troy agrees to supply public water services to this project (executed Agreement identifies the project as Brunswick Meadows Planned Development District, located at Grange Road (NYS Route 142), in the Town of Brunswick, Rensselaer County, Tax Map No. 80.00-2-3). Further, through correspondence dated October 26, 2007, the City of Troy has agreed that for such portion of the water infrastructure extension located within the City of Troy, all costs for such installation will be borne by the Applicant, but that following completion of construction and acceptance by the City of Troy, the City of Troy will assume ownership, operation and maintenance responsibilities for that portion of the public water infrastructure for this project located within the City of Troy boundary.

The following water systems specifications will apply:

1. All water mains and fittings shall be Class 50 ductile iron pipe, cement lined, paint seal coated with o-ring rubber gasket push-on tyton joints, conforming to AWWA Specification CI51-B with a rated working pressure of 350 psi, as manufactured by US Pipe Company or approved equal. All pipes shall be supplied and installed in accordance with the latest AWWA specifications.
2. All residential water services shall be 2-inch type K copper. No joints will be allowed between the corporation stop and the curb stop.
3. Water mains and building services under permanent and semi-permanent pavements shall be installed at a minimum depth of 5 feet below finished grade. When pipeline is installed with deflection, the design engineer or his representative shall approve the degree of deflection. Bends are to be used when deflection exceeds manufacturer's recommendations. In rock excavation, the trench excavation shall be to a depth of 12 inches below the bottom of the pipe. Pipe to be bedded in select sand material.
4. There shall be a minimum horizontal separation of ten (10) feet between any water main and any sanitary / storm sewer line. Any deviations are to be approved by the design engineer or his representative.
5. There shall be a minimum 18-inch vertical separation between any water line and any sanitary/storm sewer line. Where 18 inches of vertical separation cannot be met, the sanitary 1 storm sewer shall be pressure rated SDR 26 PVC pipe (meeting ASTM designation D - 3034 latest revision) with joints of a full length of pipe equidistant from the crossing point.
6. All ductile iron fittings shall be mechanical or restrained joints, cement lined, paint seal coated and Class 250 as approved by the Town of Brunswick.
7. Corporation stop shall be as approved by the Town of Brunswick.
8. Curb stop shall be as approved by the Town of Brunswick.
9. Curb box shall be as approved by the Town of Brunswick and shall be installed flush with final grade.
10. Fire hydrants shall be as currently used by the Town of Brunswick. Hydrants shall be of the break flange type with a valve opening not less than five inches. Hydrant shall be installed with retainer glands and shall open as per Town of Brunswick requirements. A six-inch valve shall be installed between the main and the fire hydrant.
11. Water valves shall be as currently used by the Town of Brunswick.
12. Retainer glands shall be as approved by the Town of Brunswick.
13. Thrust block concrete shall be 3000 psi (28-day strength) or an approved equal thrust mechanism.
14. The contractor shall ensure that the existing public water supply remains uncontaminated during the construction activities.
15. Chlorination procedure - upon completion of the work and before final acceptance, the waterlines constructed under this project shall be chlorinated and disinfected in accordance with AWWA Standard C601. Prior to chlorination, all dirt and foreign material shall be removed by a thorough flushing through the fire hydrants, or by other approved means. Each valved section of water main shall be flushed independently. The method of disinfection shall consist of introducing a solution of hypochlorite or chlorine gas and water in controlled quantities into the piping system in such proportion that the chlorine water mixture entering the piping shall contain sufficient chlorine solution so that after the solution has been in the pipeline for a period of 24 hours, there shall be a chlorine residual throughout the entire system of not less than 50 ppm. If the residual at any point in the

system is less than 50 ppm after the 24-hour period, the disinfection procedure shall be repeated until such a residual is obtained at the extremities.

16. Following chlorination, all treated water shall be thoroughly flushed from the newly installed water mains at their extremities until the replacement water throughout its length shall, upon bacterial testing, be satisfactory to the design engineer or his representative.
17. Chlorination, pressure and leakage tests of water lines shall be in conformance AWWA Standards and Town of Brunswick regulations. All tests shall be performed under the supervision of the design engineer or his representative and shall be observed by representatives of the Town of Brunswick. After disinfection, water samples shall be taken and examined for bacteria at a NYSDOH approved laboratory. Approved sample results, to verify sanitary quality, shall be obtained and submitted to the Rensselaer County Health Department and the Town of Brunswick prior to turning the water main over to the Town of Brunswick for use.
18. Water used for disinfecting the: water mains, if discharged to any stream or body of water, must have a chlorine residual not exceeding 0.05 mg/l at the point of discharge.
19. The City of Troy Department of Public Utilities personnel shall make all necessary connections to the existing water system near Hialeah Drive after issuance of the required permits. The contractor shall provide an approved 12-inch valve for the City of Troy Department of Public Utilities crews to install on the 12-inch main at Hialeah Drive and NYS Route 142. The contractor shall reimburse the City of Troy Department of Public Utilities for the cost of performing the connection. Contractor shall not operate any existing water valves or fire hydrants without prior authorization from the City of Troy Department of Public Utilities.
20. Each residential building shall have an individual water meter and outside register as approved by the Town of Brunswick on the domestic water service. The 2-inch fire sprinkler service shall not be metered unless directed by the Town of Brunswick.
21. The Applicant shall extend the water line along Route 142 in the Town of Brunswick as twelve (12) inch D.I.P. and construct a water meter vault to meter all water flows into the Town of Brunswick from the City of Troy. The vault and meter will conform to Town of Brunswick and City of Troy requirements.

However, final water system specifications will be subject to review and approval by the Town of Brunswick Water Department and Consulting Engineer, in coordination with the City of Troy Department of Public Utilities and Engineer.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon public water supplies. In consultation with the City of Troy, and upon review of the agreement between the Applicant and the City of Troy, the Town Board finds that adequate public water supply is available for the project without impact upon service to existing water supply users.

The Town Board notes that all improvements constructed in conjunction with providing a system of water supply and distribution to this project and located within the boundaries of the Town of Brunswick will be, upon satisfactory completion by the developer, dedicated to the Town of Brunswick for operation and maintenance without costs to the Town. In connection therewith, a special improvement water district must be created for this action, and this Town Board finding is expressly conditioned upon such district being legally established. The Town Board notes that

through correspondence dated October 26, 2007, the City of Troy has agreed that for such portion of the water infrastructure extension located within the City of Troy, all costs for such installation will be borne by the Applicant, but that following completion of construction and acceptance by the City of Troy, the City of Troy will assume ownership, operation and maintenance responsibilities for that portion of the public water infrastructure for this project located within the City of Troy boundary.

5.11 PUBLIC SEWER

The project will be served by public sewer, which will be extended from an existing sewer infrastructure located in the City of Troy.

An Agreement has been executed between the City of Troy and the Applicant, J.P.J. Partnership, dated April 3, 2007, under which the City of Troy agrees to supply public sewer services to this project (executed Agreement identifies the project as Brunswick Meadows Planned Development District, located at Grange Road (NYS Route 142), in the Town of Brunswick, Rensselaer County, Tax Map No. 80.00-2-3). Further, through correspondence dated October 26, 2007, the City of Troy has agreed that for such portion of the sewer infrastructure extension located within the City of Troy, all costs for such installation will be borne by the Applicant, but that following completion of construction and acceptance by the City of Troy, the City of Troy will assume ownership, operation and maintenance responsibilities for that portion of the public sewer infrastructure for this project located within the City of Troy boundary.

The following Sanitary Sewer System Specifications will apply:

1. All installation, minimum distances, materials, construction and inspection requirements shall comply with all requirements as set forth by the RCHD and the Town of Brunswick.
2. All sanitary sewer mains and fittings shall be made of 8-inch diameter SDR 35 PVC material and shall be installed in accordance with the manufacturer recommendations to the line and grade as shown on the plans. Prior to final acceptance the alignment and grade shall be field verified in a manner acceptable to the design engineer or his representative. Results shall be certified by the design engineer or his representative and submitted to the RCHD and the Town of Brunswick.
3. In general, all sanitary sewer main depths are designed to receive sewage from basements via gravity flow from all fixtures and l or piping which discharge at or above an elevation approximately four (4) feet below grade at the building setback line.
4. All sanitary sewer mains and manholes shall be tested in accordance with the NYSDEC, RCHD and Town of Brunswick regulations under the supervision of the design engineer or his representative and shall be observed by representatives of the Town of Brunswick. The contractor shall furnish all necessary labor, equipment, water and materials, including watertight / airtight bulkheads for making the low pressure air tests as required. The contractor shall, at his own expense, make the necessary repairs or replacements required to reduce the leakage to within the specified limits, and the tests shall be repeated until the leakage requirements is met-Results shall be certified by the design engineer or his representative and submitted to the RCHD and the Town of Brunswick.
5. All sanitary sewer laterals and fittings shall be made of 6-inch diameter SDR 35 PVC material and shall be installed at a minimum slope of two (2) percent. Lateral connection to the sewer main shall be done with a SDR 35 PVC wye fitting (6-inch by 8-inch).

6. All sewer piping and fittings shall conform to the Standard Specifications for PVC pipe, ASTM designation D - 3034 latest revision and to the dimensions and tolerances of classification SDR - 35 (gravity pipe) with single gasket push-on joints.
7. Manholes shall be precast reinforced concrete (4,000 psi at 28 days) as manufactured by Fort Miller Company or equal in accordance with ASTM C-478-78 unless otherwise noted. All structures are to be approved by the Town of Brunswick prior to installation. Manhole inverts are to be installed with smooth poured concrete (2,500 psi) in the shape of a half pipe, sloping 1 inch per foot from wall to channel. Manholes are to be set upon 12 inches of crushed stone bedding. All manholes are to be watertight with entry and exit connections to be made with a resilient "rubber boot". Joints of the manhole sections shall be formed entirely of concrete employing a round, rubber gasket of butyl rope gasket material. When assembled the entire manhole joint shall form a self-centering and uniform watertight joint. The gasket shall be the sole element utilized in sealing the joint from either internal or external hydrostatic pressures.
8. Manhole frames and covers shall be Campbell No. 1009 or equal as approved by the Town of Brunswick.
9. Information and shop drawings for all materials used shall be submitted to and approved by the design engineer or his representative and the Town of Brunswick prior to the placement of any orders for said material.
10. All sanitary sewer pipes shall be bedded in a minimum of six (6) inches of crushed stone or pea stone and shall be backfilled and compacted with approximately twelve (12) inches of select sand material over the top of the pipe. The remainder of the trench shall be backfilled and compacted with acceptable material as ordered by the design engineer or his representative.
11. Trench backfill shall be placed in lifts not exceeding 12 inches in thickness prior to compaction and then compacted to 95% maximum dry density as determined by the Proctor method. Backfill shall be placed in such a manner as not to disturb the alignment of the pipe.
12. All sources of inflow and 1 or infiltration water such as ground water, surface runoff, sump pumps, footing drains, roof downspouts, etc. shall not be connected to the sanitary sewer system. There shall be no interconnection between the storm sewer and the sanitary sewer systems.
13. The sanitary sewage pump station and force main design, construction, installation, material standards, minimum separation distances and inspection requirements shall comply with the latest editions of:
 - New York State Department of Environmental Conservation (NYSDEC) publication - Design Standards for Waste Treatment Works
 - G.L.U.M.R.B. publication - Recommended Standards for Sewage Works
 - Rensselaer County Health Department Standards
 - Town of Brunswick Rules and Regulations
 - Manufacturer's recommended standards and instructions for installation
14. The sanitary sewer force main shall be 4-inch in diameter and shall be ductile iron pipe.
15. The sanitary sewage pump station shall be Metropolitan Industries Inc., or approved equal, with generator.

However, final sewer system specifications will be subject to review and approval by the Town of Brunswick and Consulting Engineer, in coordination with the City of Troy Department of Public Utilities and Engineer.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon public sewer services. In consultation with the City of Troy, and upon review of the Agreement between the Applicant and the City of Troy, the Town Board finds that adequate sewer services are available for the project without impact upon service to existing sewer system users.

The Town Board notes that all improvements constructed in conjunction with providing a system of providing public sewer to this project and located within the boundaries of the Town of Brunswick will be, upon satisfactory completion by the developer, dedicated to the Town of Brunswick for operation and maintenance without costs to the Town. In connection therewith, a special improvement sewer district must be created for this action, and this Town Board finding is expressly conditioned upon such district being legally established. The Town Board notes that through correspondence dated October 26, 2007, the City of Troy has agreed that for such portion of the sewer infrastructure extension located within the City of Troy, all costs for such installation will be borne by the Applicant, but that following completion of construction and acceptance by the City of Troy, the City of Troy will assume ownership, operation and maintenance responsibilities for that portion of the public sewer infrastructure for this project located within the City of Troy boundary.

5.12 SCHOOLS/EDUCATIONAL FACILITIES

The proposed project will be located solely within the Lansingburgh School District. The Lansingburgh School District notified the Town Board that it supports the Brunswick Meadows project, finding that the project will be a positive addition of homes within the boundary of the Lansingburgh Central School District and will not create any hardships for that district.

MITIGATION:

Based on this input from the Lansingburgh Central School District, the Town Board finds that the project will not have a significant impact upon schools/educational facilities. Further, the Town Board finds that the projected number of students from this project calculated for 23 buildings and 92 condominium units, conservatively estimated at 32 school age children based on American Housing Survey (AHS) statistical data, in consideration of the general education expenditure per student in the Lansingburgh Central School District of \$6,398.00 (New York State School Report Card Fiscal Accountability Supplement), will be offset by the projected school district tax revenues generated by this action.

5.13 PUBLIC SAFETY

Potential impacts on public safety, including police and fire protection and ambulance service, were analyzed with respect to the proposed project.

Police protection for the proposed project will fall under the jurisdiction of the Rensselaer County Sheriff's Department and the New York State Police. While the project will increase demand on

police services, that increase is expected to be minimal. A specific lighting plan will be reviewed by the Town of Brunswick Planning Board as part of site plan review, addressing adequate exterior lighting to provide a secure atmosphere at the project site.

The proposed project will be served by municipal water service via a proposed water main extension. The proposed system and fire hydrants will aide in the capacity of emergency responders to fight fires quickly onsite without seeking outside water sources or water storage trucks. The proposed buildings will be constructed in accordance with current Fire Code Requirements. The proposed project's internal road layout has been designed to accommodate fire protection and emergency service vehicle accessibility.

The project site is approximately 1.1 miles from the Speigletown Fire Station and 2.3 miles from the Center Brunswick Fire Station. The project will be located in the Speigletown Fire District. The Applicant met with the Chief of the Speigletown Fire Department to review the concept site plan, and that all comments of the Speigletown Fire Department have been fully addressed and that the Department raises no objection to the concept site plan. The Town of Brunswick Planning Board, as part of site plan review, will be required to coordinate with the Speigletown Fire Department with respect to review of the final site plan.

The ambulance service available for the proposed project will be provided by Mohawk Ambulance Service. Currently Mohawk Ambulance Service has a station located near the intersection of Route 2 and Route 278, and is approximately 3.5 miles from the project site.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact on public safety, with specific regard to police and fire protection and ambulance service.

5.14 RECREATION

The Town of Brunswick operates a Town beach and park located on North Lake Avenue, which is open to Town of Brunswick residents only. The Town also operates the Brunswick Family Community Center located on Keyes Lane. The Town also owns public recreation fields on Route 2, currently providing baseball, softball, football, and soccer facilities.

The proposed project will include a network of walking trails to be developed along the existing stream corridor at the western edge of the property, and will provide for active and passage recreational venues for the project residents. These onsite recreational amenities will be private, and not open for use by the general public. These project recreational amenities will mitigate the impact on Town recreational facilities by providing alternate facilities for residents of the project.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon recreation facilities in the Town.

The Town Board notes that under Town local law, the Applicant will pay a fee of \$500.00 per unit for parks and recreation impacts. With the total number of units at 92, this will generate a \$46,000.00 fee paid to the Town for use in its parks and recreation facilities and youth programs.

5.15 VISUAL RESOURCES

The project site has not been identified by any local, county, state or federal agency as being a significant visual resource to the community. Utilizing NYSDEC Policy DEP-00-02, Assessing and Mitigation Visual Impacts, an Inventory of Aesthetic Resources was reviewed and determined not to present a significant negative visual impact upon such aesthetic resources.

The height of the proposed buildings have been limited to two-stories. This limitation will promote consistency with existing surrounding structures, and reduce any potential visual impact due to height of buildings being out of character with surrounding features.

In its review and recommendation of this proposed project, the Brunswick Planning Board identified the need for appropriate vegetative buffers to surrounding residential properties, particularly those properties owned by Gauthier and Moran. As a result of review and recommendation by the Brunswick Planning Board and Brunswick Zoning Board of Appeals, and discussion and deliberation by the Town Board, proposed condominium buildings located along the access road in proximity to the properties of Gauthier and Moran have been eliminated from the project, and replaced with a landscaped area to promote a vegetative screen between this project site and these residential properties. The final landscaping plan will be subject to site plan review by the Brunswick Planning Board.

MITIGATION:

The Town Board finds that this project will not have a significant adverse impact upon visual resources, and appropriate vegetative screening has been included to promote a buffer between the project site and surrounding residences.

5.16 NOISE

The current use of the project site is vacant land, but former agriculture uses occurred on the project site. The site is adjacent to NYS Route 142, on which traffic generates an ambient noise level of between 60 and 90 decibels for vehicular traffic. Such ambient noise generated from traffic on NYS Route 142 is factored into the ambient noise level for existing residences along this corridor.

The closest residential structure to the project site is the Gauthier property, which is located approximately 50 feet from the project property line. The home on the Gauthier property is also approximately 50 feet from NYS Route 142. The residential structure located on the property of Valley is approximately 70 feet from the project site property line, and 50 feet from NYS Route 142. The residential structure on the lands of Moran is approximately 100 feet from the project property line. The homes along the south side of Hialeah Drive are approximately 150 feet from the project property line.

Following completion of residential building and infrastructure construction, the resulting land use and projected noise levels will be consistent with existing land uses and will not result in a significant adverse impact upon existing residential receptors surrounding the project site.

However, it is anticipated that temporary construction noise impacts will result during the build out period. The following information was reviewed in connection with temporary construction sound generators:

Temporary Construction Sound Generators	Noise Level (dB) At 50' distance	Noise Level (dB) At 200' distance
Earthwork Operations (Backhoe)	84	72
Foundations (Cement Mixer)	65	53
Excavation (Bulldozer)	80	68
Material transport (Truck)	91	79
Wood Frame Building Process (Generator)	78	66

Upon review of this information, the Town Board finds that the resulting noise levels at the property line during construction and upon completion of the project development will not result in a significant adverse impact upon existing offsite noise receptors, subject to the following mitigation measures. During construction activities, the project must comply with Best Management Practices (BMP) for construction activities, including the use of mufflers on engines and machinery, use of strobe lights in place of backup beepers (subject to OSHA requirements), and proper construction equipment maintenance. Further, noise will be further mitigated during the construction phase by establishing a work schedule to be reviewed by the Planning Board during site plan review, which construction work schedule will establish forceable restrictions on hours per day and days per week during which construction activities will occur (see Enumerated Conditions for construction activity restrictions). Following completion of construction, the implementation of a landscaping plan will provide for a vegetative buffer, which will also act to attenuate potential noise impact to offsite noise receptors.

MITIGATION:

Based upon a review of this information, the Town Board finds that the project will not result in a significant adverse noise impact.

5.17 SOLID WASTE

The proposed project will increase the amount of municipal solid waste generated in Rensselaer County. Information obtained by the U.S. Environmental Protection Agency estimates that on average each person generates 4.4 pounds of solid waste per day. Based upon an estimated population for the proposed project, anticipated increase in solid waste from the project site is 18 tons per month.

Several licensed waste haulers provide service in the Brunswick area, including Superior Waste,

County Waste, and Ace Carting. Each hauler participates in recycling programs. The Town of Brunswick also has a waste and recycling facility located at the Town Office complex on Town Office Road, approximately 2.3 miles from the project site. The Town accepts recycling products (cardboard, paper, plastics, tin, glass), and has scheduled yard waste removal during Summer months.

The Town of Colonie landfill receives the majority of the waste generated in Rensselaer County, while some waste is shipped to western New York landfills.

MITIGATION:

The Town Board finds that the project will not result in a significant adverse impact upon solid waste production or disposal facilities. Solid waste disposal is an issue that is addressed at the local, regional, and state level through solid waste collection and transport to permitted solid waste disposal facilities.

5.18 HISTORIC AND ARCHAEOLOGICAL ASSESSMENT

The completion of the full archeological investigation was performed at the project site in coordination with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP).

A Phase IA, Phase IB, and Phase II archeological assessment was completed for the project site by Columbia Heritage Limited.

The Phase IA site assessment identified a potential for buried Native American cultural remains. This required the completion of the Phase IB field investigation for the project site. This investigation uncovered five pieces of Native American cultural material, along with scattered European American era items scattered across the inspection area. The Native American era items were concentrated in an area approximately 140' x 90'. Based on the field investigation, a more intensive investigation surrounding the Native American era items was required. The area identified as sensitive is located in the southwestern corner of the project site.

A Phase II archeological investigation was performed, in consultation with OPRHP and in compliance with OPRHP guidelines.

Based upon the results of the archeological assessment, it was determined that an avoidance plan was required for the southwestern corner of the project site, which resulted in the elimination of three proposed condominium buildings in that location. An archeological avoidance plan was prepared for the project site, prepared by Erdman Anthony and identified as Drawing AR-1 (dated 9-9-07).

The archeological avoidance plan was reviewed by OPRHP. Through correspondence dated September 11, 2007, OPRHP stated as follows:

Our office has received the avoidance plan for the State and National Registrars eligible Brunswick Meadows precontact site (A08302.000229). Based upon this review, it is the opinion of the OPRHP that the project will have No Adverse Impact

on historic properties in or eligible for inclusion in the State and National Registrars of historic places with the condition that the avoidance plan is implemented as currently proposed.

Further, the Town of Brunswick Historian reviewed the project concept and site, and reported the following:

I have checked cadastral maps for the years 1854, 1862, and 1876 and the 1850, 1860, and 1870 Federal Censuses, and conclude the subject property was used for agricultural purposes throughout the 19 Century. The Hamilton-Child 1870-1871 *Rensselaer County Directory* indicates the landowners along what is now Route 142, formerly the Lansingburgh-Brunswick Turnpike were engaged in farming. Farms of this period generally produced dairy products and grain and vegetable crops, much of it for home consumption.

The Rensselaer County Natural Resources Inventory (NRI) shows no burial grounds have been found on the subject property. There are no designated historic landmarks in the vicinity you plan to develop.

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact upon historic or archeological resources. This finding is expressly conditioned upon compliance with the approved avoidance plan required by OPRHP through correspondence dated September 11, 2007.

5.19 ENVIRONMENTAL CONDITIONS

A Phase I Environmental Site Assessment was performed for the project site in accordance with the ASTM Standard E1527-05.

Phase I Environmental Site Assessment concluded:

No indications of the current storage, handling or disposal of hazardous substances or petroleum products on the subject parcel were encountered during the site inspection. Furthermore, no evidence of spills, discharges, or PCBs were observed on the subject parcel.

...the potential for the subject parcel [] to be impacted by recognized environmental conditions either from on-site sources or potential off-site sources of contamination is low. No historic or current recognized environmental conditions associated with the subject parcel were discovered. Therefore, based on the information presented in [the Phase I Environmental Site Assessment Report], there is no indication that further investigation is required.

The Town Board required the Applicant to specifically address the location of the former Troy Municipal Incinerator located in proximity to the project site, on Oakwood Avenue. The Phase I Environmental Site Assessment Report investigated any potential impact from the former Troy

Municipal Incinerator, and concluded that the former incinerator site does not present a risk to the project site.

The Town Board notes that the complete Phase I Environmental Site Assessment is included in the SEQRA record.

5.20 CONSISTENCY WITH COMPREHENSIVE PLAN

The Town of Brunswick has in place a Comprehensive Plan dated February 6, 2001. This Plan was prepared following extensive interaction with community residents, to gain public input on identifying and promoting critical factors to guide future land use decisions in the Town of Brunswick.

The Town created a Comprehensive Planning Committee to assist in the preparation of the Comprehensive Plan. Members of the Comprehensive Planning Committee included Philip H. Herrington, Town Supervisor; Caroline Trzcinski, Zoning Board of Appeals Member (and Chairperson at time of Comprehensive Plan adoption); Town Board Members, including Sam Salvi and Patrick Poletto; and a number of residents from the Town were members of the Comprehensive Planning Committee.

The Town Comprehensive Plan set forth a summary of major recommendations. These include the following:

1. Land Use Policies

Brunswick will encourage enhancement of site development standards, promotion of cluster development, conservation of natural resources and use of buffer areas. These policies will work to regulate commercial growth, improve the community's appearance and balance property rights with health, safety and welfare.

The Plan specifically provided that the Town should embrace progressive forms of land use policies to encourage development that is environmentally friendly and provide buffers and open space.

2. Environmental Policies

Brunswick should formulate environmental policies, guided by existing County, State and Federal Regulations, to conserve and protect natural resources. Brunswick will encourage activities to ensure that conservation of natural resources in the Town is maintained.

The Plan specifically provided that, to the extent practical, public water and sewage systems will be encouraged. Areas of high density residential developments will be encouraged to use or development public water and sewer systems. Steps will be taken to ensure that any development is in compliance with Rensselaer County Health Department requirements.

3. Economic Development Policies

Brunswick will encourage development in locations where the integration of residents, business and commerce protects the natural environment and preserves the historical flavor of the Town.

The Plan specifically provided that Brunswick will embrace policies that strike a balance between generating operational costs for the Town's many services and providing tax rates compatible with residents. The Town should encourage opportunities to broaden the tax base without burdening services or negatively impacting natural resources or quality of life.

4. Transportation Policies

Brunswick will continue its partnership with the New York State Department of Transportation.

The Plan specifically provides that the Town should continue to work with the New York State Department of Transportation to improve traffic flow on and along the Route 7 corridor.

With respect to Land Use Policies, the Comprehensive Plan provides the following:

The Town of Brunswick should upgrade current standards for site development. The Town should encourage attractive growth that blends with or extenuates one of the Town's most valuable resources - scenic rural beauty. This policy is intended to apply to commercial, industrial, multi-family and residential development.

This review would consider physical characteristics such as layout, access, appearance, signage, landscaping, parking as well as the project's harmony and compatibility with the surrounding neighborhoods.

The majority of soils within the Town are not capable of high-density development where community sanitary sewer systems are unavailable. By using cluster development practices, it is possible to consolidate homes and maintain small land disturbance. These development include fewer roadways and reduced development costs for utility infrastructure while maintaining open lands.

Developers should be encouraged to maintain existing land forms and/or vegetative buffers between existing and proposed development.

The Plan promotes the use of various planning techniques, including Planned Development Districts. Through the use of such planning techniques, the Plan also envisioned the maintenance of buffered areas between existing and new areas for development.

The Plan also identified and acknowledged that land use planning must provide for a balance between individual property rights and the legitimate public need to protect health, safety and welfare. In this regard, the Plan provided that the Statutes of New York State and the Law as established by the New York Court of Appeals and the United States Supreme Court recognized that modern planning and zoning entails a balancing of property rights of citizens and the protection of the residents health, safety and welfare.

In terms of Recreation Policies, the Plan identified the growing need for recreation facilities in the Town, and encouraged utilization of its Land Use and Subdivision Regulations to enhance recreation availability. In this regard, the Plan urged the Town to research sources for funding of recreation land acquisition, buildings, and associated appurtenances. The Plan also supported and encouraged the implementation of trails and pathways in future land use planning and decision making.

The Comprehensive Plan also identified the rich history and important place of agriculture and open space in the Town of Brunswick. In this regard, the Comprehensive Plan supported the maintenance of agricultural land use, but also acknowledged that “lower profit margins for agricultural activities have contributed to the decline in the number of farms and other agricultural business operating in the Town”. While the Plan promotes the maintenance of agriculture, it also identified that a principle benefit of agricultural use was the maintenance of open space and scenic vistas in the Town. In order to promote the maintenance of open space and scenic vistas, the Plan also encourages the use of conservation easements to cover areas where property owners agree to leave certain areas undeveloped and in the care of the entity which is responsible for overseeing the resource. The use of conservation easements for the maintenance of open space was identified as a method for preserving the rural character of the Town.

MITIGATION:

The Town Board finds that the project is consistent with the goals and objectives set forth in the Town Comprehensive Plan. Specifically, the project is in keeping with several of the Comprehensive Plans’ policies, as follows:

The Comprehensive Plan supports the following:

- ...maintain quality of life presently enjoyed in Brunswick
The Project addresses this issue by providing a housing type that is currently not available within the Town. The Project is located in close proximity to the Town-City of Troy municipal boundary where the condominium housing style relates to the surrounding housing styles and densities.
- ...development will broaden the tax base of the Town and the County, helping to offset the need for increased taxes.
The Project addresses this issue by providing increased tax revenues to the Town, and the Speigletown Fire District.
- The rolling terrain, open lands, quality of housing, school system, and community facilities all contribute to the positive feelings...

The Project addresses this issue by providing a residential type housing type not available in the Town. The park and recreation fee will contribute to community recreational facilities.

- ...extend sewer, potable water and natural gas to areas not currently served, while maintaining and improving those that exist.

The Project is situated within five hundred feet from existing sanitary and water service which are available at the City of Troy boundary. Currently no water or sewer services support the site.

The Project will expand the service into the Town of Brunswick and will be designed to allow for future connections to provide public service to this area.

- 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 Project uses one of the encouraged development tools, the Planned Development District, in order to cluster multi-family housing. The clustering of units reduces the infrastructure costs associated with construction of the supply of sewer and water to the project site by reducing the pipe distances.

The future should ensure environmental quality and protection of natural resources.

The Project includes the preservation of existing wetland areas by reducing their impacts to less than 0.10 acre. The largest wetland located along the western boundary will not have construction practices occurring within 100 feet of it. In addition, the total number of buildings has been reduced during extensive project review, thereby increasing open space and vegetated areas. The Project has been reviewed in coordination with the NYSDEC, NYSOPRHP, and USACOE.

A conservation easement will be required over the open space/recreation area of the project.

5.21 ECONOMIC CONSIDERATIONS

The Applicant prepared annual tax revenue projections for the proposed project. This annual tax revenue projection was premised on the full market value approach, assuming a value of \$150,000.00 for each condominium unit. The Applicant applied an equalization rate of 28.75% to the full market value analysis. Using these factors and utilizing the current proposed number of condominium units at 92, the Applicant estimates annual tax revenue projections at \$407,608.85, broken down as follows:

Town of Brunswick General Fund	\$ 11,918.69
Town of Brunswick Highway Fund	\$ 17,933.23
Speigletown Fire Department	\$ 23,957.87
Rensselaer County	\$ 88,990.66
Lansingburgh Central School District	\$264,808.40

MITIGATION:

The Town Board finds that the project will not have a significant adverse impact with respect to projected real property tax revenues. However, it is expressly noted that the annual tax revenue projections prepared by the Applicant were based upon an assumed project full value assessment of \$150,000.00 per condominium unit. The Town of Brunswick is not bound by such assessment factor, and the Town of Brunswick Assessor's Office will undertake its independent real property tax assessment. However, the Town Board finds that the Applicant's annual tax revenue projections constitute adequate record basis for determining no significant economic impact as a result of this action.

It is reiterated that the Lansingburgh Central School District raised no objection to the project.

6.0 CUMULATIVE IMPACTS

The SEQRA Regulations provide that the Lead Agency must consider, in assessing the significance of a proposed action:

Reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are:

- (i) included in any long-range plan of which the action under consideration is a part;
- (ii) likely to be undertaken as a result thereof; or
- (iii) dependent thereon.

6NYCRR Section 617.7(c)(2). Impacts resulting from projects other than the one immediately under consideration must be considered, then, when the projects are related to one another by a long-range plan, likely sequential action, or interdependency.

The SEQRA Regulations also provide that cumulative impacts should be analyzed “where applicable and significant”. 6NYCRR Section 617.9(b)(5)(iii). Cumulative impact assessment is applicable where the action is deemed to integrally related with other projects, through a common plan of development either by the applicant(s) or by the municipality.

The New York Court of Appeals has ruled upon the issue of cumulative impact analysis under the SEQRA Regulations. The Court has identified those circumstances of which the projects themselves are not part of the same plan by one or more sponsors, but do satisfy the “relatedness” necessary for cumulative impact review. In *Long Island Pine Barrens Society, Inc.* the Planning Board of the Town of Brookhaven, AD NY2d 500, 606 NE2d 1373, 591 NYS2d 982 (1992), the Court ruled that for purposes of determining environmental significance, the Lead Agency is required to consider “cumulative effects of projects other than the one immediately proposed” only if the actions are related, including actions proposed in areas in which there are “actual municipal development plans”. *Pine Barrens*, at 513.

In the absence of projects that actually depend on one another or a part of one overall plan by one or more project sponsors, i.e. interdependent road systems or infrastructure, the Court explained that municipal development plans provide the “cohesive framework” for cumulative review. *Pine Barrens* at 514. Courts have found such plans expressed in special development districts. *CEG Save the Pinebush Inc. v. City of Albany*, 70 NY2d 193, 512 NE2d 526, 518 NYS2d 943 (1987) (project part of a government plan to balance commercial development with ecological integrity through the creation of a special Pine Barrens Development District); *Chinese Staff and Works Association v. City of New York* 68 NY2d 359, 502 NE2d 176, 509 NYS2d 499 (1986) (Project within special Manhattan Bridge District created to preserve residential character of China Town).

According to the Court in the *Pine Barrens* case, consideration of cumulative effects of various projects is not legally required in environmental impact assessment unless (i) the municipality has a special development district or regulatory structure, as opposed to a mere general policy, or (ii) the various projects are actually interdependent with one another, through road system, infrastructure, or

otherwise. See Pine Barrens at 512-513; See also *Village of Tarrytown v. Planning Board of the Village of Sleepy Hollow*, 292 AD2d 617, 741 NYS2d 44 (2d Dept. 2002) (other proposed development in Town was independent from project under consideration and not part of an overall development plan by the municipality such that cumulative impact analysis was not required; *Village of Westbury v. Department of Transportation*, 75 NY2d 62, 549 NE2d 1175, 550 NYS2d 604 (1989) (construction of interchange and widening of roadway were actually related and cumulative effects must be considered).

Further, the New York State Department of Environmental Conservation, in its SEQRA Handbook, provides that cumulative impacts are impacts on the environment that result from the incremental or increased impact of an action when the impacts of that action are added to other past, present, and reasonably foreseeable future actions. Cumulative impacts must be addressed "when actions are proposed to or will foreseeably take place simultaneously or sequentially in a way that their combined impacts may be significant". Further, cumulative impact assessment must be done under the circumstances where: one action is an interdependent part of a larger action or included as part of any long range plan; one action is likely to be undertaken as a result of the proposed action or will likely be triggered by the proposed action; and, one action cannot or will not proceed unless another action is taken or one action is dependent on another. In addition, cumulative impacts must be addressed if the impacts of related or unrelated actions may be incrementally significant and the impacts themselves are related, as well as those that are sufficiently close geographically.

The Town Board finds that the Project is geographically isolated from other PDD applications pending before the Town Board.

The Town Board further finds that all identified areas of potential environmental impact are relevant only as to site specific conditions, and have been fully analyzed by the Town Board.

The Town Board finds that there are no significant adverse cumulative environmental impacts concerning this action.

7.0 UNAVOIDABLE IMPACTS

The Town Board finds that unavoidable impacts are effectively mitigated to the maximum extent practicable.

The Town Board finds that there will be an unavoidable change to the project site from vacant land to residential use. However, the Town Board finds that existing zoning permitted the property to be altered from its prior agricultural use to residential use. Further, the planning design of clustered condominium units is a permissible land use under the Town's Planned Development District Regulations. Further, in conjunction with the clustered design, permanent open space and on-site recreation areas are included in the project design, and will be restricted to open space with no future development potential through the requirement of a conservation easement. Additionally, the Town Board has required the implementation of a landscaping plan to promote additional vegetation and green space within the limits of construction.

The Town Board also finds that there will be grading and modifications to existing land forms in the project area. However, the Town Board finds that additional stormwater runoff from topographic

modification and creation of impervious surfaces has been adequately addressed through the requirement of a Stormwater Management Plan designed in accordance with NYSDEC Guidelines. This plan must adequately address stormwater runoff, both in terms of quantity and quality. It is noted here that coordination with the City of Troy concerning appropriate stormwater management has been achieved, with the City of Troy concurring that adequate drainage facilities owned and maintained by the City of Troy exist for anticipated stormwater runoff from the project.

The Town Board further finds that while wetlands exist on the project site, appropriate coordination with the New York State Department of Environmental Conservation and United States Army Corps of Engineers has been achieved, and wetland impacts have been minimized to the maximum extent practicable. The total wetland impact areas have been reduced to below 0.10 acres, and will be governed through U.S. Army Corps of Engineers Nationwide General Permit Requirements.

The Town Board also finds that the site modification from former agricultural use to residential use will not result in a significant impact to agricultural resources within the Town. It is noted that farming operations had not occurred on the project site for a number of years, and that the site is in a remote location as it relates to other farming operations within the Town. Further, the project site tillable acreage is relatively small in comparison to current agricultural techniques and practices utilized on remaining agricultural lands in the Town. It is noted that the site will be removed from an agricultural district, increasing the real property tax revenues from the project site.

The Town Board further finds that as a result of the archeological investigation and assessment prepared for the project site, an area of historic significance was identified, but will be avoided and preserved as a result of the project. In consultation and coordination with the New York State Office of Parks, Recreation and Historic Preservation, an appropriate avoidance plan has been prepared, and the site of historic significance will be preserved and restricted through appropriate deed restrictions.

8.0 ALTERNATIVES

The Town Board examined possible alternative land uses for the project site. These are discussed below:

a. No action alternative.

The no action alternative would result in no development of the project site. The site will remain undeveloped, and is currently not in agricultural production. Under the no action alternative, the positive economic benefits from the project would not result, including the increased real property tax assessment as well as the generation of additional park and recreation fees for existing community recreational facilities.

b. Current zoning allowances.

The current zoning of the site is R-15 and A-40 Agricultural.

The Brunswick Zoning Code permits the following principal uses in the R-15 and A-40 Zones:

Private dwellings; churches and other places of worship and religious instruction; parish houses; rectories; convents in connection with schools; public schools; private

schools offering general instruction; public recreation buildings and grounds not carried on for gain; government buildings and uses; libraries; police and fire stations; farms, except hog farms; tourist homes; veterinary hospital; dog kennels; forestry and nursery operations.

If the site was developed under current zoning and not through a PDD process, and given the size of the project site, the Town Board finds that the probable site development would include single-family home construction on lots ranging between 15,000 square feet and 40,000 square feet. In connection with such development, it is likely that a public road would be required, ultimately to be owned and maintained by the Town of Brunswick. It is estimated that approximately 25 single-family detached homes could be developed on the project site.

Under the proposed project alternative, the PDD design is allowing a more flexible land use, resulting in development concentrated in specific areas which fosters and encourages the protection of open space and recreation amenities.

9.0 ENUMERATED CONDITIONS

The Town Board establishes the following conditions on the Brunswick Meadows Planned Development District project:

1. The Brunswick Meadows Planned Development District project shall include no more than 23 condominium buildings, with four condominium units within each building, for no more than 92 total condominium units. The condominium buildings shall be limited to two-stories. The general layout and location for the Brunswick Meadows Planned Development District project is set forth in a plan entitled “Proposed Site Plan for Brunswick Meadows”, prepared by Danskin Land Surveying, LLC, dated 2-28-08, and attached hereto as Appendix “A”. A conservation easement shall be required for those areas of the project site identified as recreation area and permanent open/green space. The conservation easement must be transferred to, and be in favor of, the Town of Brunswick. The form and content of such conservation easement shall be subject to review and approval by the Town Board and Town Attorney.
2. All roadways within the Brunswick Meadows project shall be in the general location as set forth on the concept plan described in Condition No. 1. Coordination with the Speigletown Fire District during site plan review before the Brunswick Planning Board shall be required for purposes of emergency vehicle access and Fire Code Requirements.
3. The Brunswick Meadows Homeowners Association documents, including its Declaration of Covenants, Restrictions and By-Laws are subject to review by the Town Board, Town Attorney, Town of Brunswick Planning Board, and Town of Brunswick Planning Board Attorney, prior to filing with the Office of the New York State Attorney General to ensure compliance with the requirements of this Findings Statement.

4. A Bonding Security Agreement for all roads within the Brunswick Meadows project in a form and content acceptable to the Town Board and Town Attorney must be executed by the Applicant.
5. The Applicant must provide to the Town of Brunswick a performance bond or other acceptable financial undertaking for the construction of all proposed roadways in the Brunswick Meadows project. The form and content of such performance bond or other acceptable financial undertaking is subject to approval by the Town Board, Town Attorney, and Town Consulting Engineer.
6. A Declaration of Easements and Road Maintenance Agreement in form and content acceptable to the Town Board and Town Attorney must be executed by the Applicant and recorded in the Office of the Rensselaer County Clerk at the expense of the Applicant. Proof of such filing at the Office of the Rensselaer County Clerk must be provided to the Town of Brunswick by the Applicant. Such Declaration shall provide for an easement granted to the Town of Brunswick for access to all public water and public sewer infrastructure, including pump stations and hydrants. The easement shall be in a minimal width of fifteen (15) feet on each side of sewer and water piping, and be of sufficient area around pump station to allow for repair and maintenance activities. The area of the easement shall be subject to approval by the Town of Brunswick Water Department and consulting engineer.
7. The Applicant shall be responsible for all roadway maintenance, including paving, repairing, and snowplowing, for the benefit of all residents within the Brunswick Meadows project, to ensure that all roadways are open, passable, and accessible to and by residents and emergency vehicles. All such roadways within the Brunswick Meadows project are designed to be maintained as private roadways, and will not become public roadways subject to Town ownership, repair, and maintenance.
8. The Applicant must pursue its application for creation of a water district, including full map, plan, and engineering report in compliance with municipal and state requirements and standards. The application for creation of water district will be subject to full municipal review by the Town Board.
9. All improvements constructed in conjunction with providing a system of water supply and distribution will be, upon satisfactory completion by the Applicant, dedicated to the Town of Brunswick for operation maintenance without costs to the Town. This condition is limited to those infrastructure installations located within the municipal boundary of the Town of Brunswick. It is noted that the extension of a system of public water supply also anticipates construction of public water infrastructure within the City of Troy. Pursuant to written agreement between the Applicant and the City of Troy, and as confirmed through correspondence from the City of Troy Department of Public Utilities, upon satisfactory completion by the Applicant, all infrastructure located within the City of Troy providing a system of public water supply to the Brunswick Meadows project will be accepted by the City of Troy for ownership, operation and maintenance by the City of Troy.

10. The Applicant shall post a performance bond or other acceptable undertaking for all improvements in conjunction with providing a system of water supply and distribution in an amount to be approved by the Town Board in consultation with its Consulting Engineer. The form and content of such performance bond or other acceptable financial undertaking shall be subject to review and approval by the Town Attorney. This will be included in the Bonding Security Agreement.
11. The Applicant must pursue its application for the creation of a sewer district, including full map, plan, and engineering report in compliance with municipal and state requirements and standards. The application for creation of the sewer district will be subject to full municipal review by the Town Board.
12. All improvements constructed in conjunction with providing a system of sewer supply and distribution will be, upon satisfactory completion by the Applicant, dedicated to the Town of Brunswick for operation maintenance without costs to the Town. This condition is limited to those infrastructure installations located within the municipal boundary of the Town of Brunswick. It is noted that the extension of a system of public sewer supply also anticipates construction of public sewer infrastructure within the City of Troy. Pursuant to written agreement between the Applicant and the City of Troy, and as confirmed through correspondence from the City of Troy Department of Public Utilities, upon satisfactory completion by the Applicant, all infrastructure located within the City of Troy providing a system of public sewer supply to the Brunswick Meadows project will be accepted by the City of Troy for ownership, operation and maintenance by the City of Troy.
13. The Applicant shall post a performance bond or other acceptable financial undertaking for all improvements in conjunction with providing a system of wastewater collection and distribution in an amount to be approved by the Town Board in consultation with its Consulting Engineer. The form and content of such performance bond or other acceptable financial undertaking shall be subject to review and approval by the Town Attorney. This will be included in the Bonding Security Agreement.
14. The Applicant must comply with all New York State Department of Environmental Conservation (NYSDEC) Stormwater Regulations and Town of Brunswick local laws concerning stormwater compliance. In addition to any mandatory notice of intent to commence construction activities, the Applicant must complete a Full Erosion and Sediment Control Plan (ESCP) and Stormwater Pollution Prevention Plan (SWPPP) in compliance with NYSDEC Stormwater Regulations. Prior to any grading or other construction activities on the construction site, the ESCP and SWPPP, together with a copy of the NYSDEC Notice of Intent to commence construction activities, shall be provided to the Town of Brunswick.
15. All stormwater management facilities shall be constructed in compliance with the approved SWPPP. All stormwater management facilities shall be owned and maintained by the Brunswick Meadows Homeowners Association. The Town of Brunswick shall not own or otherwise be responsible for future operation or maintenance of such stormwater management facilities. This obligation shall be set

forth in the Homeowners Association By-laws, Covenants and Restrictions. The Town of Brunswick shall be granted an easement for access to such stormwater management facilities pursuant to the Homeowners Association By-laws, Covenants and Restrictions. The form and content of the Homeowners Association By-laws, Covenants and Restrictions as to stormwater management facility ownership, operation, maintenance, insurance and access, including the easement granted in favor of the Town of Brunswick for access, shall be subject to review by the Town Board, Town Attorney, and the Town of Brunswick Planning Board prior to filing with the Office of the New York State Attorney General. The Town of Brunswick shall have no responsible or liability with respect to such stormwater management facilities. The Applicant must further execute a Stormwater Management Facilities Maintenance Agreement with the Town of Brunswick. The form and content of the Stormwater Management Facilities Maintenance Agreement shall be subject to approval by the Town Board and Town Attorney.

16. The Applicant must comply with all requirements and conditions of the United States Army Corps of Engineers concerning any activities on the project site pursuant to U.S. Army Corps of Engineers Nationwide Permit Program.
17. Final location and specifications of fire hydrants in the Brunswick Meadows project will be coordinated with the Speigletown Fire District, and also with the Planning Board and Consulting Engineer as part of site plan review.
18. The Applicant shall pay the sum of \$46,000.00 as a park and recreation fee. Payment of this park and recreation fee by the Applicant must be received by the Town of Brunswick prior to the issuance of any Building Permits or other work permits.
19. The Application must comply with all requirements of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as set forth in correspondence of OPRHP dated September 11, 2007, which correspondence is expressly incorporated herein, and which requires full compliance with approval avoidance plan on the project site.
20. All site work and construction activities on the project site shall be limited to the following hours of operation: Monday through Friday, 7:00 a.m. to 7:00 p.m., Saturday 7:00 a.m. to 5:00 p.m., no site work or construction activities shall be permitted on Sundays or legal holidays.
21. The Brunswick Planning Board shall make the final determination concerning the required number of parking spaces and overall parking plan for the Brunswick Meadows project during site plan review. Consideration of the parking plan shall also be coordinated with the Speigletown Fire District.
22. Appropriate vegetative screening and landscaping will be determined by the Brunswick Planning Board during site plan review. It is expressly noted that appropriate vegetative screening and landscaping shall be required to provide for adequate buffering to off-site residences.

- 23. The Brunswick Planning Board shall make the final determination concerning an appropriate lighting plan for the Brunswick Meadows project, with due regard to light impacts to off-site residences.
- 24. The following note shall be placed on all plans and specifications for the Brunswick Meadows project:

The undersigned Applicant for the property and undersigned owner of the property state that they are familiar with all conditions of the Town Board of the Town of Brunswick on the Brunswick Meadows Planned Development District, and consent to all said conditions.

Applicant

Date

Owner

Date

- 25. The Applicant shall provide to the Town of Brunswick GIS data, including but not limited to project boundary area, roads, utilities, control points, and drainage elements.
- 26. The Applicant shall pay all consulting review fees incurred by the Town Board in connection with the review of the Brunswick Meadows PDD application. A final accounting for all such fees shall be made, and all such fees shall be paid by the Applicant within 30 days of notification of such a final accounting.
- 27. The Applicant shall be required to establish at the Town of Brunswick and Engineering Review Escrow Account in an amount to be determined by the Town Board upon review with its consulting engineer. The Applicant must submit an estimate for projected infrastructure costs, including roads, water, sewer, and stormwater facilities; and further, the Applicant must submit an estimated construction schedule. This information will be used by the Town in considering an appropriate engineering review escrow amount, which amount is anticipated to be five (5) percent of total estimated infrastructure construction costs. The Town Board shall retain an engineer for the purpose of providing engineering review and oversight on all construction plans and site construction activities related to the Brunswick Meadows project. In addition, such consulting engineer shall assist the Town Building Department in all mandatory inspections pursuant to all applicable codes. All fees for engineering oversight shall be the responsibility of the Applicant, and shall be paid out of the escrow account established pursuant to this paragraph. The amount of such escrow account shall be subject to review from time to time by the Town Board during construction activities on the Brunswick Meadows project. At no time shall such account be in amount less than \$20,000.00. In the event the Applicant fails to maintain such escrow account in a balance of less \$20,000.00 a

Stop Work Order shall be issued by the Town of Brunswick Building Department on all construction activities at the site. The Applicant shall be entitled to an accounting of all invoices for engineering review fees. At the conclusion of construction and completion of engineering oversight activities and upon a final accounting of all engineering fees, all funds remaining in such escrow account shall be returned to the Applicant.

28. The Brunswick Meadows project shall be subject to full review by the Town of Brunswick Planning Board pursuant to the Subdivision Regulations and Site Plan Regulations of the Town Code of the Town of Brunswick.

10.0 CERTIFICATION

The Town Board hereby certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Brunswick Meadows PDD action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts are avoided or minimized to the maximum extent practicable by incorporating as conditions to the Town Board action on the Brunswick Meadows PDD application those mitigating conditions that have been identified in this Findings Statement.