

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

***Carriage Hill Estates
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: September 14, 2006

TABLE OF CONTENTS

	<u>Page</u>
1.0 Description of Action	3
2.0 SEQRA and Municipal Review Procedure on PDD Application	5
3.0 Land Use and Zoning	
3.1. Existing Land Use of the Project Area	10
3.2. Surrounding Land Uses	11
3.3. Brunswick Zoning Law	11
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	15
5.2. Groundwater	16
5.3. Surface water	17
5.4. Wetlands	18
5.5. Stormwater	22
5.6. Vegetation	24
5.7. Fish and Wildlife	25
5.8. Traffic	27
5.9. Air Quality	34
5.10 Public Water Supply	37
5.11 Public Sewer	38
5.12 Schools/Educational Facilities	40
5.13 Public Safety	47
5.14 Recreation	50
5.15 Visual Resources	50
5.16 Noise	55
5.17 Solid Waste	56
5.18 Historic and Archeological Assessment	57
5.19 Open Space	62
5.20 Consistency with Comprehensive Plan	64
5.21 Economic Considerations	72
5.22 Environmental Conditions	73
6.0 Cumulative Impacts	75
7.0 Unavoidable Impacts	77
8.0 Alternatives	77
9.0 Enumerated Conditions	79
10.0 Certification	86

1. DESCRIPTION OF ACTION

United Development Group (“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 “Carriage Hill Estates” (the “Project”). The Applicant is contracted to Country Club Lands, Inc., the owner of the underlying property, to undertake the application and development of the project.

The Carriage Hill Estates PDD site totals approximately 214 acres. This is compliant with Article III, Section 10 of the Zoning Ordinance, which requires the site proposal for planned development to be at least ten (10) acres.

The Project site is located approximately two miles east of the City of Troy in the Town of Brunswick. The site is primarily bounded by NYS Route 2 and the Poestenkill Creek to the north; single-family homes to the east; Pinewoods Avenue (County Route 140) and single-family homes to the south; and the Country Club of Troy to the west. The project site consists of three separate tax map parcels totaling approximately 214 acres, excluding an 11.2± acre parcel north of NYS Route 2 bordered by the Poestenkill Creek. The Applicant has not included this 11.2± acre parcel within the PDD Application. The site is currently essentially vacant with a few abandoned buildings and unimproved access drives. National Grid (formerly Niagara Mohawk) owns a 170± foot wide corridor through the eastern part of the project site in a north-south direction. This corridor contains an overhead electric transmission line and an underground high-pressure natural gas transmission pipeline.

The Applicant is proposing to develop the project site with three types of residential units. The Applicant proposes to construct two types of single-family detached residential units, including carriage homes on 0.25± acres to 0.5± acre lots, and estate home lots ranging in size from 2.3± acres to 8.2±. Also, the Applicant proposes to construct senior apartments. These residential units are more particularly described as follows:

1. A total of 106 single family homes are proposed and will include two types of housing:
 - (a) Carriage Hill Landing will include 87 carriage homes on 0.25± acres to 0.5± acre lots; and
 - (b) Carriage Hill Estates will include 19 estate homes on lots ranging in size from 2.3± acres to 8.2± acres.

2. Orchard Village at Carriage Hill – Independent Living, Market Rate, Non-Income Restricted, and Age Restricted Senior Apartments. The proposed senior apartment component, as originally proposed, included a total of 204 units available to individuals 62 years of age and older. The apartments were to be in nine (9) 3-story buildings and eight (8) townhouses. In response to public input, concerns raised by the Eagle Mills Fire Department, and coordination with the Town of Brunswick and other involved and interested agencies, a modification to the Orchard Village senior apartment site plan was made. The Applicant has revised the site plan to include a total of 178 units in nine (9) 2-story buildings and eight (8) townhouses.

As originally proposed, the Project proposed a total of 75.3± acres to be designated as open space and forever wild. Again, in response to public input, and coordination with the Town of Brunswick

and other involved and interested agencies, most particularly the New York State Department of Environmental Conservation, the Applicant modified the Project to increase the amount of open space. The Project will now have a total of 181± acres of open space with no plans for future development, divided into the following restricted areas:

1. Forever Wild (36 acres) – The Forever Wild designated area consists of 36 acres of land that includes the Conservation Zone, the Archeological Protected Zones, and the waters of the United States to remain undisturbed including the streams, buffers, and wetlands. The Applicant proposes to place certain restrictive covenants on these Land Preservation Areas (LPA's) through the use of Declaration of Restrictive Covenants.
2. Home Owner Association (HOA) Protected Lands (63 acres) – This designation includes 26 acres that will consist of undisturbed land not subject to clearing, grading, filling, or placement of structures and 37 acres of disturbed land to be re-vegetated. The approximately 1.25 miles of walking trails and community gardens will be included in this designation. These lands will be protected by Declaration of Protective Covenants, Easements, and Deed Restrictions.
3. Green Space (82 acres) – This designation will consist of undeveloped and developed land within the Estate properties, the Carriage Home properties, and the road right-of-way that is not occupied by structures and roads. The Applicant proposes to preserve the Estate Home Lots by designating the lots as belonging to the R-40 Zoning District, with the maximum percentage of lot occupancy as follows: total lot occupancy would be 20% of the lot size (excluding forever wild lands), garages would be 3% and other accessory buildings would be 2%.

Access to the site is proposed from NYS Route 2 to the north and Pinewoods Avenue to the south. Route 2 is a maintained roadway classified as an urban principal arterial, providing east-west access through the Project area. This road has a 12-foot wide travel lane in each direction with 3-foot shoulders and a posted speed limit of 55-mph. Pinewoods Avenue, also known as County Route 140, extends east from Pawling Avenue to NYS Route 2 in Eagle Mills. This road has a 10-foot wide travel lane in each direction with shoulders less than 1-foot wide in the vicinity of the Project site with a posted speed limit of 30-mph.

The site will have a main internal road from which the carriage and estate homes and senior apartments will be accessible. The road is proposed to be 26 feet wide, with two 13 foot wide travel lanes, together with 2 foot wing gutters on each side. The main road through the site along with all secondary roads, with the exception of the access road serving the senior apartments, will be dedicated to the Town of Brunswick. There will also be a private driveway from Pinewoods Avenue that will provide access to three estate homes. The driveway will be owned and maintained by the Homeowners Association.

The Project will be served by public water supplied by the Town of Brunswick and municipal sewer services provided by Rensselaer County Sewer District No. 1. This will require the creation of a new water district (Water District No. 13) and a new sewer district (Sewer District No. 7), the boundaries of which will encompass the Project site. The new water district and sewer district proposed to be created will be Town Districts.

2. SEQRA AND MUNICIPAL REVIEW PROCEDURE ON PDD APPLICATION

On June 8, 2004, 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 Carriage Hill Estates 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
- Rensselaer County Highway Department
- 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 September 10, 2004.

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 County highway (Pinewoods Avenue is a County highway, owned and maintained by Rensselaer County) and New York State highway (NYS Route 2).

The Town Board received responses from involved agencies to the Notice of Intent to Establish SEQRA Lead Agency. No involved agency objected to the Town Board assuming Lead Agency status. Therefore, pursuant to a Resolution adopted October 14, 2004, the Town Board established itself as Lead Agency pursuant to SEQRA on the review of the Carriage Hill Estates PDD action.

Also by Resolution dated October 14, 2004, 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 Carriage Hill Estates PDD action, determining that there may be significant adverse environmental impacts as a result of the action, warranting further investigation and review.

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 Highway Department
- 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
- Brittonkill Central School District (Brunswick)
- Averill Park Central School District
- Eagle Mills Fire Department

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.

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 December 9, 2004, 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 April, 2005, 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 on or about October 3, 2005. The Town Board again undertook a review of the revised and supplemented DEIS for completeness.

Pursuant to Resolution dated November 10, 2005, the Town Board accepted the Carriage Hill Estates 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 November 28, 2005. A copy of the Notice of Completion of DEIS and Notice of SEQRA Hearing was sent to the following agencies:

- Town of Brunswick Planning Board
- Town of Brunswick Zoning Board of Appeals
- Rensselaer County Health Department
- Rensselaer County Highway 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
- Brittonkill Central School District (Brunswick)
- Averill Park Central School District
- Environmental Notice Bulletin

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 Record, the official newspaper for the Town of Brunswick. Further, a notice of the public hearing was sent to all owners of real property within 500 feet of the project site.

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:

- Rensselaer County Health Department
- Rensselaer County Highway 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
- Brittonkill Central School District (Brunswick)
- Averill Park 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 Carriage Hill Estates PDD application and DEIS on December 12, 2005. 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 December 12, 2005 public hearing to keep the public hearing open, and to continue the public hearing on January 23, 2006.

The Town Board then prepared a Notice of Public Hearing for the continuation of the public hearing on the Carriage Hill Estates PDD application and DEIS to be held on January 23, 2006. Such Notice of Public Hearing was again published in the Record, the official newspaper for the Town of Brunswick, and posted on the Town website, and also posted on the notice board at Town Hall.

Additionally, notice of the public hearing scheduled for January 23, 2006 was sent to all owners of real property within 500 feet of the project site.

On January 23, 2006, the Town Board continued the public hearing on the Carriage Hill Estates 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 January 23, 2006 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 March 8, 2006, for the receipt of additional written comments on the Carriage Hill Estates PDD application and DEIS.

A notice of the written comment period on the Carriage Hill Estates 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 March 8, 2006. 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 June, 2006. Among other matters, the Town Board requested additional data on visual impacts of the Project from the Route 2 corridor. 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.

By Resolution dated August 10, 2006, the Town Board accepted the Carriage Hill Estates 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. The Notice of Completion of FEIS was published in the Environmental Notice Bulletin.

The Town Board made the Carriage Hill Estates FEIS available both in hard copy and electronic format. Hardcopy of the Carriage Hill Estates 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 August 11, 2006. In addition, an electronic format of the Carriage Hill Estates FEIS was made available on the Town of Brunswick website, at www.townofbrunswick.org, on August 14, 2006. 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 Carriage Hill Estates FEIS to run through and including August 25, 2006. 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.

Written comments on the Carriage Hill Estates FEIS have been received and considered by the Town Board.

In June 2006, the Brunswick Planning Board adopted its recommendation on the Carriage Hill Estates PDD application. In August 2006, the Brunswick Zoning Board of Appeals adopted its recommendation on the Carriage Hill Estates PDD application. The full recommendations of the Planning Board and Zoning Board of Appeals were forwarded to the Town Board, which has reviewed and considered each recommendation.

In addition, the Town Board is in receipt of the written review and recommendation by the Rensselaer County Department of Economic Development and Planning concerning the Carriage Hill Estates PDD application. The Notification of Zoning Review Action received from Rensselaer County raises no objection to the proposal, and concludes that the Carriage Hill Estates PDD action does not have a major impact on County plans and that local consideration shall prevail.

It is noted for the record that the Town Board is in receipt of the following:

- (a) The New York State Department of Transportation has conceptually approved the traffic assessment and proposed roadway off NYS Route 2;
- (b) The Rensselaer County Highway Department has received all information on the Project, including plans for the proposed roadway and driveway off Pinewoods Avenue (County Route 140), and has raised no objection;
- (c) The City of Troy and Rensselaer County Sewer District have received information on the proposed sewer design, and have raised no objection;
- (d) The New York State Department of Environmental Conservation has reviewed the Project information, and has determined that through proposed deed restrictions and covenants, the Project provides appropriate protections of wetland areas and buffer areas;
- (e) The United States Army Corps of Engineers has determined that following review of Project information, including a Pre-Construction Notification, an individual wetlands permit is not required for this Project, and project construction may proceed under Department of the Army Nationwide Permit Numbers 12 and 14;
- (f) The New York State Office of Parks, Recreation, and Historic Preservation has reviewed all archeological assessment information, and permits the Project to proceed in compliance with an avoidance plan;
- (g) The Eagle Mills Fire Department has stated that the Project modification reducing the proposed senior apartment buildings from three (3) stories to two (2) stories, and the installation of three (3) fire hydrants to access the rear of the proposed senior apartment buildings, has adequately addressed its concerns regarding fire protection.

3.0 LAND USE AND ZONING

3.1 Existing Land Use of the Project Area

The project site is topographically variable ranging from flat to rolling to moderately steep with areas of dense coniferous and deciduous trees and light to thick brush. There is approximately 47 acres of open fields predominantly vegetated with native grasses. The Project site consists of three separate tax map parcels totaling approximately 214 acres, excluding the 11.2± acre parcel north of NYS Route 2. The remainder of the site is located south of NYS Route 2 and is divided by the 170' wide National Grid corridor running in a north-south direction. This corridor houses an overhead electric transmission line and an underground high-pressure natural gas pipeline.

The site is essentially vacant with a few abandoned buildings and unimproved access drives. According to the Rensselaer County Office of Real Property, the Project site is classified as Vacant,

that is, there is no existing land use and no structure is being occupied for any use. There are two landlocked residential parcels located in the northwestern corner of the Project Site. These residences are accessed via a private driveway, which is an existing ROW through the Project Site from NYS Route 2.

The Project site is not an active agricultural use, nor has there been any recent agricultural activity on the site. Based upon historical aerial photographs, it does appear that at one time the site was hayed, and a barn and several outbuildings had existed. Also, farm debris was observed in these aerial photographs. As mentioned above, there are large agriculturally classified parcels to the east and north as well as to the south. At one time, the Project site and surrounding area was likely predominantly agriculture. Over the years, large parcels were subdivided into residential developments seen today.

3.2 Surrounding Land Uses

There are scattered medium to low-density residential development, including Brunswick Hills and Highland Hills, located northwest of the Project site across NYS Route 2 with several large vacant parcels located immediately north of the site. The western border of the site abuts The Country Club of Troy, classified as Recreation and Entertainment. The southwestern portion of the site borders a residential development. The eastern portion of the site borders a residential subdivision, east of which is land classified as Agricultural. This agriculturally classified property extends north of NYS Route 2 and the Poestenkill Creek. The densest residential development near the Project site is located to the southeast and south of Pinewood Avenue, and consists of two residential developments.

3.3 Brunswick Zoning Law

The project site is currently zoned as Residential (R-40, R-25, and R-15), and Recreational (RCC), with the RCC and R-25 Districts making up the majority of the project site.

The current allowed uses in these districts include: 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; and governmental buildings and uses, libraries, police and fire stations.

If the site was developed under the current zoning and not through a Planned Development District process, the R-25 and R-40 sections of the site would see the majority of the development at 1 unit per 25,000 sf and 1 unit per 40,000 sf respectively.

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 total population of persons aged 65 years and over in the Town of Brunswick is 1,771, constituting 15.2% of the Town's population. This compares with the National Average of 12.4% of the National Population being 65 years and older.

Further, the total population of Town residents 55 years and over is 2,896, which calculates to 24.8% of the Town's population.

When factoring in all residents aged 45 years and over within the Town, this demographic segment totals 4,827 residents, or 41.4% of the Town population.

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. A great many of the Town's senior citizens in particular have chosen to remain as residents for a long period of time - the 18.2% of residents having lived in the Town for over 30 years correlates close to the 19.6% of residents aged 60 and older. This circumstance is consistent with national trends, which show that seniors strongly prefer to remain in their home communities.

In the Town of Brunswick, there currently is no non-subsidized housing for mid-market seniors, although this group represents the great majority of seniors in the Town. Based on the 2000 U.S. Census, 66% of senior households (age 65+) had a household income of \$30,000 or more (78% for age 60+). Projections for 2004 estimate that 71% of senior households (age 65+) have a household income of \$30,000 or more (79% for age 60+).

5.0 FINDINGS CONCERNING RELEVANT ENVIRONMENTAL IMPACTS

The Town Board makes the following findings on relevant environmental impacts concerning the Carriage Hill Estates PDD application:

5.1 GEOLOGY

5.1.1 Subsurface Geology

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

Bedrock in the area is overlain by unsorted glacial soils of the Bernardston Pittstown and Bernardston Nassau associations. The Bernardston-Pittstown soils consist of the gravelly silt loam that is deep and moderately well drained. A very firm hardpan is generally found at a depth of 18-28 inches and permeability is low. Soil may be wet during periods of prolonged rainfall. The Bernardston-Nassau soils are shallow, gently sloping and somewhat excessively drained shaley loam soils that are formed from till that is 10-20 inches thick over bedrock. The permeability of these soils is moderate. None of the soil is currently being proposed for use in construction on the site.

A geotechnical evaluation report, dated November 23, 2004, identified areas of bedrock outcroppings along with steeply dipping, shale bedrock at depths of less than one foot and 7 feet below grade in the southeast portion of the Project site. Specifically, the test pits that detected these conditions were located in the area proposed for the Carriage Hill Landing-East development.

Based on this and subsequent geotechnical investigations, this condition is likely to be prevalent in this area of the Project site. It is noted that fragments of shale were also noted in a soil boring at depths around 11 to 13 feet, located in an area west of the Carriage Hill Landing West and Carriage Hill Landing South development sites.

Subsequent geotechnical investigations were performed to obtain preliminary geotechnical design information in the vicinity of the Orchard Village senior housing and supplemental information on the depth to bedrock where significant cuts are anticipated for infrastructure and housing construction.

A geotechnical report pertaining to Orchard Village provided supplemental information on depth to bedrock, and reported no findings of bedrock in the four (4) areas tested. The test borings ranged in depth from 22 feet to 51.5 feet. These findings indicate that bedrock is not likely to be encountered in the area proposed for the Orchard Village development.

A geotechnical report pertaining to Orchard Village also indicated that the senior housing structures may be supported with conventional spread footings with floor slabs bearing upon prepared subgrades. It is noted that surface water runoff will need to be controlled and diverted away from the work areas during construction.

Based on the geotechnical investigations, bedrock may be encountered during excavations and construction of the proposed roads, dwellings and utilities. This will be limited to an isolated location in the Carriage Hill Landing East development area. While shale fragments were identified in an area west of the Carriage Hill Landing West and Carriage Hill Landing South development sites, no development is proposed for this area. The Town Board finds that the presence of the bedrock is not anticipated to result in significant impacts or obstacles to construction. The removal of the upper layer of bedrock may be able to be accomplished by ripping it with an excavator due to its weathered condition. Where this is not possible, the Applicant has stated that bedrock may be removed by use of a pneumatic hammer or by controlled blasting. When blasting is required, a licensed contractor will perform it in accordance with applicable requirements. Furthermore, limits on vibrations at the Project property boundary will be established in order to protect existing structures from any potential damage.

Adjacent and nearby properties that may be impacted by vibration related to blasting (if necessary) include residents located closest to the Carriage Hill Estates East development site, where bedrock at or near the surface was observed. More specifically, there are approximately 11 residential properties located east of the Project site between Pinewoods Avenue and NYS Route 2, and within 500 feet of the proposed limits of disturbance on the Project site. There are also approximately 3 residential properties located south of Pinewoods Avenue within 500 feet of the area of bedrock removal. The residences within 500 feet of the potential blast area may be more susceptible to experience minor vibrations related to the removal of bedrock. There are also approximately 30 residential properties located within 1000 feet of the potential blast area.

MITIGATION:

The Town Board finds that bedrock removal by mechanical means must be utilized if mechanically feasible. The first mechanical extraction method to be used must be ripping. If ripping is unsuccessful, the use of a pneumatic hammer will be allowed. In the event mechanical means of extraction is not successful, and controlled blasting is required, notice to the Town Building Department and consulting engineer must be made, both verbally and in writing, prior to any blasting activities. The following best management practices must be complied with:

1. All blasts will be designed and implemented in accordance with all applicable state and federal regulations.
2. A licensed expert blaster will perform all blasting.
3. Blasting will be scheduled to avoid adverse weather conditions such as strong, low level thermal inversions and thunderstorms.
4. All blast holes will be loaded and implemented under the direct supervision of an expert licensed blaster.
5. The blast area will be secured prior to each blast.
6. Blasting will be done between 10:00 a.m. and 5:00 p.m. Monday through Friday. No blasting will occur on weekends.
7. All blasts will be monitored with a properly calibrated seismograph.
8. Records of all blasts, including seismograph data, will be prepared and maintained by the Applicant and/or blasting expert, and made available to the Town upon request.
9. The Applicant will promptly and professionally respond to and investigate all complaints.

In addition, the Applicant shall offer to all property owners within 1500 feet of proposed blast areas, or as directed by the Town's consulting engineer and Town Building Department, the opportunity to have a pre-blast survey conducted by the Applicant for all structures located within such area. This offer must be made in writing, with records of such written offer and/or pre-blast survey to be maintained by the Applicant and made available to the Town upon request.

5.1.2 Surface Geology

The Project will result in the loss of approximately 22 acres of pervious areas including low-lying brush, fields and forested areas, bringing the total area of impervious surfaces to 23 acres, consisting of buildings, roads or other paved surfaces. As proposed, the Project will retain approximately 179 acres of pervious surfaces. The Project will also result in the creation of approximately 2.75 acres of open water (during storm events) for stormwater detention. The Project is also proposed to disturb approximately 0.42 acres of wetlands subject to the jurisdiction of the United States Army Corps of Engineers [See Findings Statement Section 5.4].

With this loss of vegetation and increase in impervious area, the potential exists for the increased erosion of soils as vegetation is cleared for construction, especially on the steep slopes of the Project site. The site contains slopes in excess of 40% in certain areas, and the Project will involve limited disturbances to slopes of approximately 33% to 50% for road and building construction. Without proper erosion and sediment controls in place, the construction related erosion of sediments could result in these sediments being carried along with stormwater flows into the unnamed "Class C" tributary of the Poestenkill Creek, other intermittent streams and tributaries on the site, and the Poestenkill Creek itself, thus potentially resulting in adverse impacts on these water resources and water quality.

There is also the potential of soil and dust particles becoming stirred during construction, which may adversely affect surrounding residences.

MITIGATION:

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 in impervious area, the loss of vegetation, and disturbances to steep slopes, specific 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.

The temporary measures for mitigation of erosion and sediment control during construction may include the use of silt fence, straw bale dikes, sediment traps and other techniques as deemed appropriate by the New York State Department of Environmental Conservation during its SWPPP review. The post-construction permanent measures that may be used, include, but not be limited to lined channels, rock outlet protection, and approximately 2.75 acres of area that will be devoted to water quality and detention basins. The plan will also employ techniques to reduce the pollutant load in stormwater runoff from developed areas. These techniques may include, but not be limited to, filter strips, water quality inlets, infiltration or detention as appropriate. The SWPPP will be completed prior to the start of construction in accordance with the notification requirements detailed in the NYSDEC General Permit.

Although approximately 23 acres will be converted to impervious areas, the Town Board requires that all other disturbed areas be covered with mulch as soon as practical to reduce the potential for erosion during rain events, and seeded to re-establish vegetation as soon as it is possible.

The Town Board finds that employing the SWPPP in compliance with NYSDEC standards will also mitigate any potential impact related to development on slopes. The side slopes for temporary excavations in the indigenous site soils and weathered shale will be inclined no steeper than one vertical on one horizontal as required by the Occupational Safety and Health Association (OSHA) for a Type B soil. All permanent cut and fill slopes will be inclined no steeper than one vertical on three horizontal, where possible, and a thick vegetative growth will be promptly established on the final slopes to inhibit erosion. Steeper permanent slopes may be implemented with proper geotechnical evaluation and design, subject to review and approval of the Town Building Department and consulting engineer.

The Town Board further requires the following mitigation measures be implemented to ensure stability of proposed structures and roadways:

- Foundation designs must take into consideration perched water table conditions by providing damp proofing and/or foundation footing drains as appropriate.
- Standard engineering practices for road construction must be instituted to maintain stable conditions.

The Town Board further finds that the clustering of the carriage homes and the senior apartments in Orchard Village will result in a reduction in the area of disturbance, will result in more open and undisturbed areas on the Project site, and aid in the overall mitigation of the potential impacts associated with the increase in impervious areas, erosion and siltation of water resources, and dust.

The Town Board further 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 particulates throughout and beyond the Project site during all grading and construction – related activities.

5.2 GROUNDWATER

As noted at several test pit locations performed as part of the Geotechnical Evaluation, numerous

perched water tables do exist throughout the Project site. These shallow perched groundwater levels result from precipitation infiltrating the ground surface and collecting within the shallow overburden soils, which overlay less permeable soils. At this site, the surficial soils were found to be wet and loose or soft at many locations, particularly in the low-lying areas.

Additionally, the proposed Project will increase total impervious areas by 22 acres, to a total of 23 acres, thus reducing the amount of groundwater infiltration. This increase in impervious areas, however, is considered minimal compared to the remaining 191± acres of pervious surfaces on the Project site, and a drop in the amount of groundwater available to surrounding residential properties that use on-site wells for their water source is not anticipated.

MITIGATION:

The Town Board finds that the Project will not have a significant adverse impact upon groundwater resources.

Through the implementation of the SWPPP, the Town Board finds that potential adverse impacts to the groundwater related to construction activities and the proposed increase in impervious areas, will be mitigated completely, or to the maximum extent practicable.

The Town Board further finds that impacts on groundwater infiltration are not anticipated from the 22-acre increase in impervious areas, due to the proposed use of stormwater detention and infiltration systems.

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. Also, the Town Board acknowledges that the Applicant, through the Carriage Hill Homeowners Association and United Realty Management Corp. (which will operate and manage Orchard Village) will use only organic pesticides and fertilizers to avoid any adverse water quality impacts to groundwater.

5.3 SURFACE WATER

The major surface water resource located in proximity to the Project site is the Poestenkill Creek, which flows generally from east to west along the northern boundary of the Applicant's retained land north of NYS Route 2. The Poestenkill Creek is Classified as a "Class C(T) Fresh Surface Water" by NYSDEC. There also exists an unnamed tributary of the Poestenkill Creek, Classified as a "Class C Fresh Surface Water" by NYSDEC which runs through the southern portion of the Project site. Generally, surface water drains from the higher elevations radially into ten (10) different tributaries of the Poestenkill Creek in almost every direction on the Project site.

In addition to the Poestenkill Creek, the nearest surface waterbody is the Sweet Milk Creek, located north of the Project site.

Pursuant to 6 NYCRR Part 701, the best usage of a Class C Waters is fishing. These waters shall be suitable for fish propagation and survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes: Regarding the Poestenkill Creek, the subclass (T) is an indication that the water quality can sustain trout

population. The Poestenkill Creek is not on the list of protected waters with a defined Total Maximum Daily Load (TMDL) of a particular pollutant.

There are approximately 6 acres of the property owned by the Applicant within the 100-year floodplain of the Poestenkill Creek as identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Map (FIRM) for the Town of Brunswick. The majority of the property within the 100-year floodplain is located north of NYS Route 2, and is not part of this application. A section of the 100-year flood plain of the Poestenkill Creek is located south of NYS Route 2 and in the extreme northwestern corner of the Project site. No development is proposed to occur in or within the 100-year floodplain of the Poestenkill Creek.

No construction is anticipated to occur within the 100-year floodplain of the Poestenkill Creek. While no disturbance to the 100-year floodplain is proposed, there does exist the potential for indirect adverse impacts related to erosion and sedimentation during construction and post-construction stormwater runoff.

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; and construction of wet ponds, grass-lined ditches or other water quality protection measures will mitigate impacts on the quality of stormwater runoff. Further, proper construction techniques must be employed during construction and in accordance with industry standards.

5.4 WETLANDS

The Applicant prepared a wetlands delineation report for the Project site.

The site has 21 wetlands areas. Wetland types have been categorized using the U.S. Fish and Wildlife Service (USFWS) classification system (Cowardin et al., 1979). They are classified as Palustrine Emergent (PEM), Palustrine Scrub-Shrub (PSS), Palustrine Forested (PFO) or a combination of types. Acreage and type of the individual U.S. Army Corps of Engineers (ACOE) jurisdictional wetlands are as follows:

- > Wetland A 1.49 Acres (0.02 Acres off site) PEM/PSS
- > Wetland B 1.08 Acres PSS
- > Wetland C 5.46 Acres (4.09 Acres off site) PEMIPSS
- > Wetland D 0.68 Acres (0.10 Acres off site) PSS
- > Wetland E 0.23 Acres PEMIPSS
- > Wetland F 0.48 Acres PSS
- > Wetland G 0.07 Acres PSS
- > Wetland H 0.16 Acres PFO
- > Wetland I 0.39 Acres PFO
- > Wetland r 0.47 Acres PFO
- > Wetland L 1.13 Acres PSS
- > Wetland M 0.39 Acres PFO
- > Wetland N 0.32 Acres PFO
- > Wetland P 0.28 Acres PFO
- > Wetland Q 1.57 Acres PFO
- > Wetland U 0.35 Acres PFO

> **Total: 14.55 Acres (4.21 Acres off site)**

Portions of Wetlands A, C, and D, are located off the Project site. Many wetlands serve as headwaters to tributaries of the Poestenkill Creek. There are ten (10) tributaries on the Project Site identified as follows:

Tributary "1" flows northeast from Wetland "A" into the Poestenkill Creek

Tributary "2" flows north from Wetland "B" thru Wetland "C" to the Poestenkill Creek

Tributary "3" originates in Wetland "J" and flows north with two more tributaries to the Poestenkill Creek

Tributary "4" flows west thru Wetland "E" to a small pond on The Country Club of Troy property and eventually into the Poestenkill Creek

Tributary "5" flows south thru Wetlands "I", "H", "G" and "F" to Tributary "4"

Tributary "6" originates in Wetland "M" and flows southeast to Tributary "5"

Tributary "7" flows southwest from Wetland "L" onto The Country Club of Troy and eventually into the Poestenkill Creek

Tributary "8" flows north into Tributary "2" and ultimately into the Poestenkill Creek. This Tributary is considered ephemeral and therefore not under jurisdiction by the ACOE.

Tributary "9" flows north into Tributary "4."

Tributary "10" flows southwest from Wetland "N" to Wetland "P."

The delineated wetland areas on site consist of both open and forested mineral soil wetlands of the Palustrine System, commonly characterized as emergent marsh, scrub-shrub and forested wetlands. Most of these wetlands are traversed by intermittent streams, most of which usually become seasonally dry by summer. A total of sixteen (16) ACOE jurisdictional wetlands as noted above have been identified within the delineation limits and ultimately drain into the Poestenkill Creek. Five (5) wetlands ("O, R, S, T, and V") have been determined to be "Isolated" and therefore not subject to ACOE jurisdiction.

These wetlands have been verified by ACOE through a Jurisdictional Letter dated November 10, 2005.

According to the NYSDEC regulated Freshwater Wetlands Maps for Rensselaer County, there are no NYSDEC regulated wetlands mapped in the immediate vicinity of the proposed Project area. This finding was confirmed by the wetland inventory.

A. Proposed Filling of Wetlands and Tributaries:

The Poestenkill Creek and its tributaries, including the unnamed Class C Stream, and all the delineated wetlands on the Project site may be adversely impacted by construction and post-construction activities. These wetlands are not under the jurisdiction of the NYSDEC, as none of them are greater than 12.4 acres in size (the minimum size requirement for NYSDEC jurisdiction), and based upon the field analyses performed by the Applicant, they are not connected to each other by wetland vegetation. While no development is proposed to take place within 375 feet of the Poestenkill Creek, direct impacts to the tributaries and wetlands may include the unavoidable filling of approximately 0.421 acres of a portion of the following Wetlands "A," "B," "E," "H," "M," "I," and "Q," along with ACOE Jurisdictional Tributaries 3 through 6, which include the unnamed Class C stream. The flows of Tributaries 3 through 6 are

not anticipated to be impeded. More specifically, the proposed permanent impacts have been broken down into 8 different Areas as follows:

- > Area 1: Wetland "E" by Site Road A and associated utilities from Pinewoods Avenue (approximately 0.045 acres to be affected);
- > Area 2: Wetland "H" by Site Road A and associated utilities (approximately 0.22 acres);
- > Area 3: Wetland "M" by Site Road E (approximately 0.21 acres);
- > Area 4: Wetland "I" by Site Road A and associated utilities (approximately 0.009 acres);
- > Area 5: Wetland "Q" by Site Road A and associated utilities (approximately 0.251 acres);
- > Area 6: Wetland "Q" by Site Road A and associated utilities (approximately 0.025 acres);
- > Area 7: Wetland "B" by Site Road C and associated utilities (approximately 0.026 acres to be affected); and
- > Area 8: Wetland "A" by Site Road C and associated utilities (approximately 0.022 acres to be affected).

The following tributaries are also proposed to be impacted:

- > Tributary 3 by Site Road A and associated utilities at two locations in the northwestern portion of the Project site.
- > The unnamed Class C stream (also known as Tributary 4) by: Site Road A and associated utilities; and the sanitary sewer force main leading south to Pinewoods Avenue and ultimately to the City of Troy gravity sewers at Pinewoods and Maple Avenues. Tributary 5 by Site Road A and the storm sewer piping from Site Road D.
- > Tributary 6 by Site Road D and associated utilities.
- > Tributary 8 by Site Road A.

Disturbance to Waters of the U.S., both wetlands and surface water resources, require permits from the ACOE. In this case, the Applicant made application to the ACOE through a preconstruction notification for coverage under *Nationwide Permit (NWP) 12 - Utility Line Activities* for the proposed crossings by sewer and water lines, and *NWP #14 - Linear Transportation Projects* for the proposed crossings by the site roads. No Protection of Waters Permits are anticipated from the NYSDEC as no disturbance to the bed and banks of the Poestenkill Creek is proposed, the wetlands proposed to be disturbed are less than 12.4 acres in size (below NYSDEC jurisdictional threshold), and the tributaries to be disturbed are Class C and below.

Through a letter dated August 25, 2006, ACOE determined that the Project was covered by NWP #12 and NWP#14, and that an individual permit is not required. This determination by the ACOE was conditioned upon the following:

- (A) The permittee shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. All exposed soils shall be revegetated in a timely manner to further reduce potential effects. The permittee shall also fence off all wetlands and other sensitive ecological areas during construction periods to prevent equipment and personnel from entering these areas.
- (B) Prior to the initiation of any work on the project site, the permittee shall secure a deed

restriction on 11.68 acres of non-impacted wetlands and 24.32 acres of upland areas, to guarantee their preservation for wetland and wildlife resources. Copies of the instrument(s) effecting such restriction shall be submitted to the New York District Corps of Engineers for approval prior to execution, and the instrument(s) shall be executed and recorded with the Rensselaer County Registrar of Deeds within 60 days from the date of this letter.

- (C) The permittee shall ensure that all synthetic erosion control features (e.g., silt fencing, netting, mats), which are intended for temporary use during construction, are completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade after time, may be used as permanent measures, or if used temporarily, may be abandoned in place. Plastic and other synthetic netting materials do not biodegrade, and can create litter and obstruction hazards to fish and wildlife by entangling and trapping them.
- (D) Prior to the construction of houses on the lots identified in the drawings “Wetland Buffer Fence Location – Figures 10 and 11”, prepared by Saratoga Associates, dated May 19, 2006, the permittee shall install a split rail fence along the wetland boundary to discourage future property owners from encroaching into the deed restricted wetland.
- (E) Prior to the initiation of any work on the project site, the permittee shall implement an approved Avoidance Plan as required in the letter from the State Historic Plan as required in the letter from the State Historic Preservation Office (SHPO) dated October 26, 2005, in regards to three historic sites: A08302.000213 Carriage Hill 5, A08302.000217 Carriage Hill 9, and A08302.000219 W.J. Stillman Site (SUBi2537). The Avoidance Plan should include:
 - 1) Short term – Each site should be identified on the project plans as a “sensitive area” requiring avoidance. Fencing will need to be in place throughout construction. During the preconstruction meeting the applicant shall inform the EIC and other key construction officials of the avoidance/protection requirement.
 - 2) Long term – An Archeology Covenant must be included with each property that contains any portion of the three sites noted.

In addition, NYSDEC has reviewed the Project design. Initially, the Department raised concern regarding potential impacts to wetlands and wildlife corridors. In response, the Applicant provided to the Department additional information, including proposed deed restrictions and covenants. Based on the additional information, the Department found the proposed restrictions and covenants provided appropriate protections of wetland areas and buffer areas, subject to the following:

The 24 acres noted as Land Preservation Areas shall forever remain in an undeveloped state by means of the Declaration of Restrictive Covenants (deed restrictions), which have already been provided to the Department and Town of Brunswick. The 26 acres labeled “Homeowners Association Protected Lands – Undisturbed – 26.23 acres” shall be forever undeveloped as well. Restrictive Covenants or deed restrictions for these areas must be approved by this Department prior to filing.

MITIGATION:

The Town Board finds that the Project will not have a significant adverse impact upon wetlands.

This finding is based on approval of the wetland permitting requirements by the ACOE and NYSDEC. The Town Board expressly incorporates the conditions and requirements of ACOE and NYSDEC with regard to wetland impacts.

5.5 STORMWATER

The Project site is essentially undeveloped forest and abandoned agricultural fields in various stages of regrowth. There is approximately one (1) acre of impervious surface on the site that includes an existing driveway and some abandoned structures. While the site has widely varying topography, the stormwater ultimately drains into the Poestenkill Creek. Specifically, the site drains to the north into the Poestenkill Creek, and to the south into the unnamed Class C tributary of the Poestenkill Creek.

The table below provides a summary of the land coverage, Pre- and Post-Development on the Project site.

Land Coverage, Pre- and Post-Development		
Characteristics	Existing Conditions (in acres)	Full Build-Out (in acres)
Meadow or Brushland (Non-Agricultural)	51.31	32.91
Forested	149.66	94.48
Agricultural (active)	0	0
Wetlands	12.03	11.60
Tributaries	6,196 lin. ft.	6,196 lin. ft.
Unvegetated (Rock, earth Or fill)	0	0
Roads, buildings, and other paved surfaces	1	23
Lawn, Landscaping	0	52
TOTAL	214±	214±

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 development 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 that a Stormwater Pollution Prevention Plan (SWPPP) be developed for the Project 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 General Permit.

Preliminary stormwater runoff calculations have been completed for the proposed development, and reviewed by the Town Board. The purpose of these calculations is to understand the magnitude of the required quality and quantity treatment facilities and ensure that appropriate locations are designated on site for these stormwater management facilities.

The general topography of the Project site results in the division of the overall site into nine (9) smaller drainage areas to be used in the existing conditions runoff calculations. The developed condition results in the division of the overall site into eight (8) drainage areas to be used in the developed conditions runoff calculations. The southern portion of the site drains primarily in a southerly direction towards the unnamed Class C tributary that runs through the site from east to west and discharges to a pond located on The Country Club of Troy property. Overflow from this pond enters the Poestenkill Creek. The northern portion of the site drains in a northerly direction to the Poestenkill Creek. The Poestenkill Creek is defined by the NYSDEC as a Class C trout stream, but is not on the list of protected waters with a defined Total Maximum Daily Load (TMDL) of a particular pollutant.

The runoff calculations were performed for each of the areas for both the existing and developed conditions utilizing Soil Conservation Service TR-55 methodology and the Eagle Point 2003 Watershed Modeling computer program. The 10 and 100 year, 24 hour storm events are analyzed, as on-site detention must be provided to limit the developed conditions peak runoff rates from these storms to the existing conditions rates. In addition, water quality and channel protection volumes were calculated for each of the subareas and these volumes must also be treated and detained on-site, in accordance with the NYSDEC requirements.

The calculated peak runoff rates, required storage volumes to limit runoff to pre-development rates, and calculation methodology for each of the areas were presented in a Stormwater Management Report. These volumes dictate the use of surface treatment/detention basins. Runoff will be conveyed to these basins both as overland flow, in open channels and through newly constructed storm sewer systems. Once treated and detained as required, the runoff will be discharged to the two streams on the Project site.

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 Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-02-01 will provide adequate mitigation for potential stormwater management impacts. Through the preparation and implementation of the SWPPP in compliance with NYSDEC Standards, impacts resulting from erosion, sedimentation and stormwater runoff during construction will be mitigated. The SWPPP will include temporary measures for mitigation of erosion and sediment control during construction, including the use of silt fence, straw bale dikes, sediment traps and other techniques as deemed appropriate. The SWPPP will include permanent measures such as lined channels, rock outlet protection, and detention basins. The Town Board will require that the Homeowners Association created for this Project will own and maintain all on-site stormwater detention basins and related infrastructure. Erosion and sediment control measures will be in accordance with the NYS Guidelines for Urban Erosion and Sediment Control. The SWPPP must also employ techniques to reduce pollutant load in stormwater runoff from the developed areas. These techniques may include filter strips, water quality inlets, infiltration or water quality basins, as appropriate, in accordance with the NYSDEC SPDES General Permit.

The SWPPP will be completed prior to the start of construction in accordance with the notification requirements detailed in the NYSDEC General Permit.

5.6 VEGETATION

Currently, the site is undeveloped forest and abandoned fields in various stages of regrowth. Red maple, big tooth aspen and red oak dominate the overstory along with a mixture of other deciduous trees. Buckthorn, rtarian honeysuckle, and blackberry dominate the understory, with asters, goldenrods, sedges, Christmas fern, spinulose wood fern and ground cedar prevalent in the herbaceous layer. In this community, the trees are widely spaced, allowing for an extensive understory layer. An unnamed Class C Tributary is located near the site's southern boundary. Other communities on the site include scrubby field community, open field community, scrub woods community, mixed coniferous and hardwood forest, floodplain forest and wet meadow.

NYS Department of Environmental Conservation, through the New York Natural Heritage Program, has classified ecological community types that are found in New York State. Although no two examples of a community type are identical in composition or environment, they are similar within a given range of variability. PALUSTRINE refers to wetland communities, while TERRESTRIAL refers to uplands. The following ecological communities, as described by the New York Natural Heritage Program, can be found on the Project site.

Ecological Communities

Shallow emergent marsh (Palustrine):

A marsh meadow community that occurs on mineral soil or deep muck soils (rather than true peat), that are permanently saturated and seasonally flooded. This marsh is better drained than a deep emergent marsh; water depths may range from 6 in to 3.3 ft (15 cm to 1 m) during flood stages, but the water level usually drops by mid to late summer and the substrate is exposed during an average year. Shallow emergent marshes typically occur in lake basins and along streams often intergrading with deep emergent marshes, shrub swamps and sedge meadows, and they may occur together in a complex mosaic in a large wetland.

Shrub swamp (Palustrine):

An inland wetland dominated by tall shrubs that occurs along the shore of a lake or river, in a wet depression or valley not associated with lakes, or as a transition zone between a marsh, fen, or bog and a swamp or upland community. The substrate is usually mineral soil or muck. This is a very broadly defined type that includes several distinct communities and many intermediates. Shrub swamps are very common and quite variable. They may be co-dominated by a mixture of species, or have a single dominant shrub species.

Red maple-hardwood swamp (Palustrine):

A hardwood swamp that occurs in poorly drained depressions, usually on inorganic soils. This is a broadly defined community with many regional and edaphic variants. In any one stand red maple (*Acer rubrum*) is either the only canopy dominant, or it is co-dominant with one or more hardwoods. The shrublayer is usually well-developed and may be quite dense.

Successional old field (Terrestrial):

A meadow dominated by forbs and grasses that occurs on sites that have been cleared and plowed (for farming or development), and then abandoned. Shrubs may be present, but collectively they have less than 50% cover in the community.

Successional shrubland (Terrestrial):

A shrubland that occurs on sites that have been cleared (for fanning, logging, development, etc.) or otherwise disturbed. This community has at least 50% cover of shrubs.

Appalachian oak-hickory forest (Terrestrial):

A hardwood forest that occurs on well-drained sites, usually on ridgetops, upper slopes, or south- and west-facing slopes. The soils are usually loams or sandy loams. This is a broadly defined forest community with several regional and edaphic variants.

Hemlock northern hardwood forest (Terrestrial):

A mixed forest that typically occurs on middle to lower slopes of ravines, on cool, mid-elevation slopes, and on moist, well-drained sites at the margins of swamps. Canopy cover can be quite dense, resulting in low light intensities on the forest floor and hence a relatively sparse groundlayer.

The Project will result in the removal of approximately 55 acres of forested areas and 18 acres of open fields, resulting in a total of 75 acres of vegetation removed. This loss is mainly attributed to the need for vegetation removal during the construction periods, and in return, approximately 52 acres of the 75 acres of vegetation removed will be revegetated and landscaped. Approximately 22 acres will be permanently lost (total of 23 acres) and converted to roads, driveways, parking areas, and structures.

MITIGATION:

The Town Board finds that the Project will not have a significant adverse impact upon site vegetation.

The Town Board finds that the clustered design of the carriage homes in the Project minimizes the amount of land and vegetation that would need to be disturbed. The Project design therefore results in a reduction in the area of disturbance, and will result in more open and undisturbed areas on the Project site, and aid in the overall mitigation of the potential impacts associated with the loss of vegetation.

The Town Board finds that permanent loss of vegetation is mitigated by requiring disturbed areas to be re-vegetated as appropriate. Disturbed areas along the boundaries of the Project site, particularly along Pinewoods Avenue and NYS Route 2, and along the Project site roads, will be seeded as soon as practical after construction of the main entrances and the Project site roads. The main entrances will be landscaped with decorative plantings. All cleared areas, which are not built on, will be revegetated and landscaped as soon as practicable.

5.7 FISH AND WILDLIFE

The variety of communities and the proximity of water all combine to support wildlife habitat in the general area of the Project site. Deer, numerous species of small mammals, songbirds, game birds and birds of prey utilize this area. Hairy woodpeckers, chickadees, crows and a red tail hawk were observed in the open woods community. The scrubby field community and open field community are home to Eastern and New England cottontail, woodchuck, red fox and certain birds. The upland forest communities are home to deer, small mammals and various bird species. The floodplain forest and the wet meadow communities, because of the presence of water, are

preferred habitat for beaver, mink, weasel, opossum, raccoon, river otter and certain species of frogs, turtles and snakes. In addition, many species of birds would be expected to use the site for nesting and feeding. A detailed analysis and discussion of the ecological communities was included in the wetlands delineation report reviewed by the Town Board.

According to a letter dated May 25, 2004 from the NYSDEC New York Natural Heritage Program, no record of known occurrences of rare or state-listed plants, significant natural communities, or other significant habitats exist on or in the immediate vicinity of the Project site.

A letter dated April 11, 2005 from the U.S. Fish and Wildlife Service (USF&W) states the following:

"Although the Indiana bat (Myotis sodalis), a Federally - listed endangered species, could potentially be present in the project area, which is 20.8 miles from an Indiana bat hibernaculum, they are present in such small numbers that it is extremely unlikely that they would be present and impacted by construction of this project."

The letter went on to state: *"Except for the Indiana bat and other occasional transient individuals, no Federally - listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (ESA). Therefore, no further ESA coordination or consultation with the USF&W Service is required."*

The Project site is currently home to several species of songbirds, game birds, and birds of prey, along with small mammals, deer, and other species have been observed or are presumed to exist on the Project site based upon site conditions. The permanent removal of approximately 55 acres of forested areas and 18 acres of open fields, resulting in a total of 75 acres of vegetation removed, and the permanent loss of approximately 22 acres to impervious area, the existing terrestrial species could potentially be adversely impacted and, in certain areas, will be forced to relocate.

These impacts will be temporary in nature and are anticipated to be minimal due to the fact that approximately 180± acres will remain vegetated as open fields, lawns, and forests.

In addition, an independent ecological investigation was prepared by Terrestrial Environmental Specialists, and was included in the FEIS at Appendix "BB". This report also concluded that there are no state endangered, threatened, or rare species or rare communities on the Project site.

MITIGATION:

The Town Board finds that the Project will not have a significant adverse impact upon wildlife.

To mitigate the permanent loss of more than 22 acres of vegetation and the unnecessary disturbance to vegetation and terrestrial habitats to remain, 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 and reduce the potential for the accidental removal or disturbance of vegetation and habitats. In addition, the Town Board requires that all disturbed areas will be revegetated as soon as practicable, and all cleared areas not proposed to be constructed upon will also be revegetated and landscaped. Also, approximately 75.3 acres of

vegetation will be permanently preserved as open space throughout the Project site. The majority of the preserved areas will consist of large, unbroken expanses of forest and/or open fields, will effectively be contiguous, and as such, will provide wildlife corridors.

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 Creighton Manning Engineers 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, Creighton Manning, undertook its traffic impact report according to the SEQRA Scope. The traffic impact report is summarized below.

The potential traffic impact of the proposed project was determined by documenting the existing traffic conditions in the area, projecting future traffic volumes, including adding traffic associated with other developments in the area, adding the peak hour trip generation of the site, and determining the operating conditions of the study area intersections after development of the proposed project.

The Creighton Manning report first identified the existing roadways serving the project site, and focused on the study area intersections. The studied roadways included the following:

- NYS Route 2 – NYS Route 2 is a state-maintained roadway providing east-west access through the project area. The adjacent land uses along NYS Route 2 are generally residential in the vicinity of the project site. The 2003 Highway Sufficiency Ratings (HSR), published by the New York State Department of Transportation (NYSDOT), indicates that in the study area, NYS Route 2 is classified as an urban principal arterial with average annual daily traffic volumes of approximately 4,500 vehicles. In the study area, NYS Route 2 consists of a single 12-foot travel lane in each direction with 3-foot shoulders. At the project site NYS Route 2 has a posted speed limit of 55-mph.
- Pinewoods Avenue – Pinewoods Avenue is County Road 140 extending east from Pawling Avenue to NYS Route 2 in Eagle Mills. The adjacent land uses along Pinewoods Avenue are generally residential. Pinewoods Avenue provides a single 10-foot travel lane in each direction with shoulders less than 1-foot wide in the vicinity of the project site with a posted speed limit of 30-mph.
- Pawling Avenue (NYS Route 66) – Pawling Avenue is state-maintained roadway extending in a southeast direction from NYS Route 2, through Troy and Wynantskill, towards the southeast corner of Rensselaer County. The 2003 HSR indicates that in the study area, Pawling Avenue is classified as an urban minor arterial with average annual daily traffic volumes of approximately 17,000 vehicles. In the study area near NYS Route 2 and Pinewoods Avenue, Pawling Avenue provides a single 22-foot travel lane in each direction with on-street parking and a posted speed limit of 30-mph.
- South Lake Avenue – South Lake Avenue is County Road 141, extending north from NYS Route 2 to Route 7. South Lake Avenue provides a single 12-foot travel lane in

each direction with a posted speed limit of 30-mph. The adjacent land uses along South Lake Avenue are generally residential.

The study area intersections included the following:

- NYS Route 2/South Lake Avenue – This is an unsignalized “T”-type intersection with the southbound approach of South Lake Avenue operating under stop sign control. Each intersection approach provides a single lane for shared travel movements.
- Pinewoods Avenue/Pawling Avenue – This is a four-way intersection operating with a three-phase pre-timed traffic signal with an 89 second cycle length. The northbound approach of Pawling Avenue provides a single lane for left-turn and through movements and on-street parking. The right turn maneuver from Pawling Avenue to Pinewoods Avenue is prohibited. The southbound approach of Pawling Avenue provides two lanes; an exclusive left-turn lane and a shared through/right turn lane. Parking is prohibited on this approach immediately adjacent to the intersection. The eastbound Sheldon Avenue and westbound Pinewoods Avenue approaches each provide single lanes for shared travel movements. Left-turns from Pinewoods Avenue into Pawling Avenue are prohibited.
- NYS Route 2/Pawling Avenue – This is a three leg intersection operating with a three-phase pre-timed traffic signal with an 81 second cycle length. This intersection has a raised center median that splits the NYS Route 2 eastbound and westbound intersection approaches. The eastbound approach of NYS Route 2 is turned to intersect as a north/south roadway and provides an exclusive left turn lane for vehicles to continue east on NYS Route 2 and a through travel lane for vehicles heading southeast on Pawling Avenue. The westbound approach of NYS Route 2 provides two travel lanes; a left-turn lane directing vehicles onto Pawling Avenue and a through lane controlled with a yield sign for vehicles continuing on NYS Route 2 westbound. On-street parking is allowed along the NYS Route 2 westbound through approach. The northbound approach of Pawling Avenue provides two lanes; a through lane for vehicles traveling westbound on NYS Route 2 and a right turn lane for vehicles traveling east on NYS Route 2.

This intersection is currently being studied by Laberge Group for the City of Troy as part of a NYS Route 2 corridor study which proposes to make improvements to this intersection. The preferred alternative currently being considered is the conversion of the intersection from traffic signal controlled to a roundabout. No final determination has been made by the City of Troy.

The Creighton Manning report analyzed existing traffic conditions. Intersection turning movements counts were conducted at the study area intersections on Thursday, October 7, 2004 from 7:00 to 9:00 a.m. and from 4:00 to 6:00 p.m. Existing traffic volumes at the study area intersections were presented in the traffic impact report.

Automatic traffic recorders (ATR’s) were also installed on Route 2 and Pinewoods Road to record directional traffic volumes and speed data for a period of several days. This data indicated that the two-way traffic volume on Route 2, near the proposed site driveway, is approximately 470 vehicles during the AM peak hour and 510 vehicles during the PM peak hour. The 85th percentile speed recorded on Route 2 was approximately 55 mph with approximately 1% of the drivers observing the 30 mph posted speed limit traveling eastbound and approximately 19% of the drivers observing the

40 mph posted speed limit traveling westbound. The two-way traffic volume on Pinewoods Avenue, near the proposed site driveway, is approximately 275 vehicles during the AM peak hour and 250 vehicles during the PM peak hour. The 85th percentile speed recorded on Pinewoods Avenue was approximately 48 mph with approximately 6% of the drivers observing the 30 mph posted speed limit.

The following observations are evident from the traffic count data:

- In general, the morning peak hour occurred from 7:30 to 8:30 a.m. and the afternoon peak hour occurred from 4:30 to 5:30 p.m.
- Heavy vehicle traffic volumes account for approximately 1 to 7% of the traffic on Route 2. No heavy vehicle traffic was observed on Pinewoods Avenue during the peak hours.

To evaluate the impact of the proposed Carriage Hill Estates project, Creighton Manning prepared traffic projections for the expected year of completion. It was estimated that the proposed project would be fully developed by the year 2009. To evaluate the impact of the project, a comparison was made between the traffic volumes in 2009 with and without the proposed residential development. This analysis by Creighton Manning is presented below.

(1) 2009 No-Build Traffic Volumes

The 2009 No-Build traffic volumes were based on an analysis of the existing traffic growth trends and other potential traffic generating projects in the area. These volumes represent traffic that would exist regardless of the construction of Carriage Hill Estates. Historical traffic volumes published by NYSDOT in the 2003 Traffic Volume Report indicates that traffic volumes on NYS Route 2 in the vicinity of the project site area increasing by one percent per year or less. Therefore, the 2009 No-Build traffic volumes were estimated by applying a one percent growth rate for five years to the traffic volumes at the studied intersections. In addition, traffic volumes from another potential 56-unit residential development on NYS Route 2 west of South Lake Avenue were added to the background traffic volumes. The resulting 2009 No-Build traffic volumes are shown below.

(2) Trip Generation

Trip generation determines that quantity of traffic expected to travel to/from the site. The Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition, provides trip generation data for various land uses based on studies of similar existing developments located across the country. Land use code 210 (Single-Family Detached Housing) and land use code 252 (Senior Adult Housing-Attached) were used to estimate the number of trips generated by proposed 310 housing units. The peak hour trip generation estimate is summarized below:

Trip Generation Summary

Land Use	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
106 Single Family Units	21	63	84	71	42	113
204 Senior Adult Housing Units	7	9	16	13	9	22
Total Trips	28	72	100	84	51	135

The estimated trip generation for the proposed project is approximately 100 vehicle trips during the AM peak hour and approximately 135 vehicle trips during the PM peak hour. This trip generation estimate assumes full build-out and occupancy of 310 housing units. It is noted that the senior apartments have been reduced to a total of 178 units.

(3) Trip Distribution

Trip distribution describes where traffic originates or where traffic is destined. Traffic generated by the proposed project was distributed based on the existing travel patterns observed at the study area intersections, an estimate of the expected travel patterns of residents of the development, and a review of the site layout as compared to the two proposed site access locations. In general, approximately 60% of the site traffic will travel to and from the site via NYS Route 2 west of Pawling Avenue, approximately 10% of the site traffic will travel to and from South Lake Avenue, and 10% will travel to and from NYS Route 2 east of the site. The remaining 20% of the site traffic will travel to and from the south using Pawling Avenue and other roadway connections to the south. Due to turning restrictions at the Pawling Avenue/Pinewoods Avenue intersection it is expected that approximately 10% of traffic will use the side streets when traveling between Pawling Avenue and Pinewoods Avenue traveling to and from destinations south of the site. Based on the site plan, the largest cluster of single family homes is proposed at the southern end of the site, therefore; it is expected that the highest percentage of site traffic will utilize the access driveway on Pinewoods Avenue. The expected trip distribution percentages are shown on Figure 3.2.

A. Level of Service Analysis

Intersection Level of Service (LOS) and capacity analysis relate traffic volumes to the physical characteristics of an intersection. Intersection evaluations were made by Creighton Manning using the latest version of the highway capacity software (HSC version 4.1e) which automates the procedures contained in the 2000 Highway Capacity Manual.

The relative impact of the proposed project can be determined by comparing the level of service during the 2009 design year for the No-Build and Build traffic volume conditions. This is presented in the following table:

Level of Service Summary

Intersection Approach		AM Peak Hour				PM Peak Hour			
		2004 Existing	2009 No-Build	2009 Build	2009 Build w/ Imp.	2004 Existing	2009 No-Build	2009 Build	2009 Build w/ Imp.
Pawling/Pinewoods Ave	S	C (31.5)	C (31.6)	C (31.6)	C (28.0)	C (31.3)	C (31.3)	C (31.3)	C (27.9)
Sheldon Ave EB LTR		E (57.9)	E (66.2)	F (92.9)	D (50.0)	C (34.1)	C (34.5)	D (36.9)	C (31.6)
Pinewoods Ave WB TR		B (17.5)	B (18.4)	B (18.5)	B (18.5)	B (14.4)	B (15.0)	B (15.1)	B (15.1)
Pawling Ave NB LT		A (7.1)	A (7.5)	A (7.9)	A (10.0)	A (7.7)	A (8.3)	A (9.4)	B (12.5)
Pawling Ave SB L TR		A (7.2)	A (7.7)	A (7.8)	A (10.3)	A (7.7)	A (8.1)	A (8.2)	B (10.9)
Overall Intersection Delay		B (18.5)	C (20.3)	C (25.1)	B (19.7)	B (11.3)	B (11.9)	B (12.6)	B (13.9)
NYS Route 2/Pawling Ave	S	C (33.9)	D (35.7)	D (36.4)	D (48.0)	C (30.1)	C (30.7)	C (31.0)	D (39.6)
NYS Route 2 WB L		E (55.1)	E (69.0)	F (84.2)	D (46.1)	C (22.5)	C (23.3)	C (24.2)	C (33.1)
Pawling Avenue NB T		A (5.1)	A (5.3)	A (5.3)	A (5.0)	A (4.8)	A (4.9)	A (4.9)	A (9.1)
	R	C (32.3)	C (32.7)	C (33.0)	D (35.7)	F(>120)	F(>120)	F(>120)	D (39.1)
NYS Route 2 EB (SB) L T		A (7.0)	A (7.1)	A (7.2)	A (5.9)	B (10.5)	B (11.1)	B (11.8)	A (8.9)
Overall Intersection Delay		C (32.0)	D (37.9)	D (44.6)	C (30.4)	D (35.5)	D (42.5)	D (45.5)	C (22.9)
NYS Route 2/Pawling Ave	R	---	A (1.8)	A (1.8)	---	---	A (3.0)	A (3.6)	---
NYS Route 2 EB TR		---	D (25.2)	D (32.4)	---	---	B (12.0)	B (13.8)	---
Pawling Avenue NB LR		---	C (18.0)	C (22.2)	---	---	A (5.4)	A (6.0)	---
NYS Route 2 WB LT									
NYS Route 2/South Lake Rd	U	A (9.1)	A (9.2)	A (9.4)	---	A (8.3)	A (8.4)	A (8.5)	---
NYS Route 2 EB LT		C (15.1)	C (16.0)	C (17.0)	---	E (47.8)	F (70.5)	F (104.2)	---
South Lake Ave SB LR									
NYS Route 2/Site Access Rd	U	---	---	A (7.4)	---	---	---	A (8.3)	---
NYS Route 2 WB LT		---	---	B (13.0)	---	---	---	B (13.6)	---
Site Access Road NB LR									
Pinewoods Ave/Site Access Rd	U	---	---	A (7.9)	---	---	---	A (7.5)	---
Pinewoods Ave EB LT		---	---	B (10.3)	---	---	---	A (9.1)	---
Site Access Rd SB LR									

Key: X(Y.Y) = Level of Service (Delay, seconds per vehicle)
 S = Signalized intersection, U = Unsignalized intersection, R = Roundabout
 NB, SB, WB, EB = Northbound, Southbound, Westbound, Eastbound intersection approaches
 LTR = Left-turn, through, and/or right-turn movements
 - = Not Applicable

Creighton Manning offered the following observations from this analysis:

- Pawling/Pinewoods Ave** – The level of service analysis indicates that this intersection operates at level of service B conditions in the existing conditions and level of service C conditions in the No-Build conditions during the AM peak hour with the Pinewoods Avenue westbound approach operating at a level of service E. During the PM peak hour this intersection operates at overall level of service B conditions with all approaches operating at level of service C or better in the existing and No-Build conditions. With the additional traffic expected with the proposed project, this intersection will operate at a level of service C during the AM peak hour and will continue to operate at level of service B during the PM peak hour. The intersection will experience an increase in vehicle delay on the Pinewoods Avenue westbound approach during both peak hours. To improve the overall operating conditions at this intersection it is recommended that the signal timings at this pre-timed intersection be adjusted to better service the vehicles at this intersection. With the improved timings, the intersection will operate at level of service B during both peak hours with the Pinewoods Avenue westbound intersection approach improving to a level of service D during the AM peak hour and level of service C during the PM peak hour. Signal timing modifications will result in level of service at or better than the existing conditions.

- NYS Route 2/Pawling Ave – The level of service analysis indicates that in the existing and No-Build conditions this intersection is experiencing level of service E conditions on the Pawling Avenue northbound intersection approach during the AM peak hour and level of service F conditions on the NYS Route 2 eastbound (southbound) approach during the PM peak hour. The level of service analysis indicates that improvements are currently warranted at this intersection. As noted previously, improvements to include the installation of a roundabout at this intersection are currently being considered by the City of Troy. This intersection was analyzed with a roundabout using the Rodel analysis software. The analysis is summarized in Table 4.1 and indicates that a one lane roundabout would operate at level of service D or better during the AM peak hour and level of service B or better during the PM peak hour. In general, the installation of a roundabout would improve the overall operations of this intersection during the peak hours of the No-Build and Build conditions by reducing vehicle delays experienced. The decrease in delay is especially noticeable during the PM peak hour where the level of service F conditions would improve to level of service A conditions on the NYS Route 2 eastbound approach. Improvements to the roundabout would not be required as a result of this project.

If a roundabout is not constructed at this intersection signal timing improvements will be required to maintain acceptable operating conditions at this intersection. These timing changes are warranted in the existing conditions. The signal timing modifications would result in overall level of service C operations during the AM and PM peak hours with all intersection approaches operating at level of service D or better conditions.

- NYS Route 2/South Lake Road – The level of service analysis indicates that the South Lake Avenue stop sign approach will operate at level of service C conditions during the AM peak hour through the build conditions. During the PM peak hour the South Lake Road intersection approach will experience an increase in vehicle delay with the additional traffic generated by the proposed residential development. The levels of service experienced at this intersection with or without the project during the PM peak hour are likely similar at other unsignalized intersections in the corridor. The higher vehicle delay at this intersection is limited to the PM peak hour and does not require the installation of a traffic signal. It is recommended that stop sign control remain as the appropriate control at this intersection.
- NYS Route 2/Site Access Road – The proposed site access road is expected to operate at good levels of service with short vehicles delays. Stop sign control on the northbound site access road intersection approach is the recommended control at this intersection.
- Pinewoods Ave/Site Access Road – The proposed site access road is expected to operate at good levels of service with short vehicle delays. Stop sign control on the southbound site access road intersection approach is the recommended control at this intersection.

The small percentage of traffic expected to use side roads to travel to and from the site on Pinewoods Road via Pawling Avenue is not expected to impact the operating of any side road intersections. It is expected that this traffic will be dispersed among numerous side roads. This travel pattern exists due

to the turning restrictions at the Pinewoods Avenue/Pawling Avenue intersection which limits movements to and from Pinewoods Avenue and Pawling Avenue at the signalized intersection. Similarly, a small percentage of the site traffic is expected to enter and exit the site from east on NYS Route 2 and Pinewoods Avenue. This small percentage of traffic will not effect the operation of intersections east of the site.

These data results and conclusions were reviewed by Transportation Concepts. The traffic data presented is well documented, thorough, and prepared in accordance with accepted traffic engineering standards. The scope of the roadways and intersections studied and analyzed is likewise in accordance with accepted traffic engineering standards, and is appropriate for an analysis of the proposed Carriage Hill Estates project.

In addition, these data results and conclusions were likewise forwarded to the Rensselaer County Highway Department and NYSDOT for review and consideration. No objection has been received by the Town Board from either public agency as to the data and conclusions set forth in the traffic impact study. In fact, NYSDOT has conceptually approved the location and layout of the proposed access road off NYS Route 2 through correspondence dated October 19, 2005 (presented in FEIS at Appendix “N”).

B. Sight Distance Analysis

A sight distance evaluation was completed at the proposed site access road intersections with NYS Route 2 and Pinewoods Avenue. The intersection sight distance was measured from the perspective of a driver exiting the site access roads looking in both directions along NYS Route 2 and Pinewoods Avenue. In addition, the left-turn sight distance for vehicles traveling along NYS Route 2 westbound and along Pinewoods Avenue eastbound, making a left-turn into the site was also measured. The speed limit on NYS Route 2 in the vicinity of the site access road is 55 mph. The posted speed limit on Pinewoods Avenue at the site access road is 30 mph. Speed data collected by CME indicated that the 85th percentile speeds on NYS Route 2 is approximately 55-mph consistent with the posted speed limit. The 85th percentile speed on Pinewoods Avenue was measured to be 48-mph. The sight distance measurements obtained in the field were compared to the guidelines presented in the American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001 using the 55-mph design speed on NYS Route 2 and for a 50-mph design speed on Pinewoods Avenue. The results of the sight distance analysis by Creighton Manning is presented in the following table:

Sight Distance Summary

Intersection	Design Speed		Intersection Sight Distance (feet)		
			Right-Turn from Site Driveway ¹	Left-Turn from Site Driveway ²	Left-Turn from Major Road ³
NYS Route 2/Site Access Road	55-mph	Available	995	640	995
		Desirable	530	610	445
Pinewoods Avenue/Site Access Road	50-mph	Available	730	920	775
		Desirable	480	555	405

1 = Sight distance looking left along the major road for vehicles to complete a right-turn from the site driveway.
 2 = Sight distance looking right along the major road for vehicles to complete a left-turn from the site driveway.
 3 = Sight distance looking straight on the major road for vehicles to complete a left-turn onto the site driveway.

The results of the sight distance evaluation at the site driveways indicates that all the sight distance measurements exceed the AASHTO desirable sight distances for the 55 and 50-mph design speed on NYS Route 2 and Pinewoods Avenue. No sight distance related mitigation is necessary.

MITIGATION:

The Town Board finds that based on independent technical review by the Board's traffic engineer, this Project will not result in a significant adverse traffic impact.

The Town Board notes that a thorough and 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.

Notwithstanding that this Project will not have a significant adverse impact upon traffic, the Town Board will make a request to NYSDOT to consider installation of a turn-lane on NYS Route 2 in the location of the Project access road.

5.9 AIR QUALITY

An air quality assessment conducted conforms to the procedures followed by the New York State Department of Environmental Conservation (NYSDEC). Currently, the NYSDEC follows the procedures of the New York State Department of Transportation (NYSDOT) as outlined in Chapter 1.1 of the *Environmental Procedures Manual* (EPM), last updated January 2001. These procedures address the Clean Air Act Amendments of 1990 and guidance from the Environmental Protection Agency (EPA).

The proposed project site is located in Rensselaer County which is classified as marginal non-attainment for ozone and attainment for carbon monoxide. New York State collects air quality data for numerous pollutants at monitoring stations in each county through a program operated by the Bureau of Air Quality Surveillance. The EPA prescribes what pollutants are required to be monitored at different locations based on the characteristics of each region. Therefore, monitoring stations are disbursed throughout New York State with each station monitoring certain pollutants. In addition to the continuous and manual monitors in each county, ambient air quality data from private networks (utilities) is also an integral part of the state database for pollutants. The data from each monitoring station is recorded and summarized in the *New York State Air Quality Report, Air Monitoring System*. The latest data tables available are for the year 2003. A monitoring station located in Rensselaer County in Grafton State Park, approximately 10 miles from the study area, monitors ozone. Data was unavailable for the 8-Hour Average period for the last 3 years since data was not compiled in 2001. However, this station was in compliance with the New York State and National Ambient Air Quality Standards for ozone for the 1-hour average period in 2003. The monitoring station in Grafton also monitors sulfur dioxide. This station was in compliance with the New York State and National Ambient Air Quality Standards for one-hour and eight-hour averages for sulfur dioxide in 2003. The closest station which monitors carbon monoxide is located in Loudonville, approximately 15 miles from the project site in Albany County. The Loudonville station was in compliance with the one-hour and eight-hour averages for carbon monoxide in 2003.

Microscale Air Quality

General Requirements

A microscale air quality analysis was performed to determine carbon monoxide (CO) concentrations at various worst case receptors adjacent to the roadways in the Project area in order to determine potential air impacts from traffic. Based on the procedures outlined in the EPM, worst case receptors are typically chosen at signalized intersections where a level of service D, E, or F exists for the build conditions. Unsignalized intersections do not typically warrant a detailed air quality analysis since the major-street high volume approaches at these intersections operate as free flow conditions. Any intersection requiring a detailed air quality analysis based on the level of service criteria undergoes additional screenings based on an analysis of the site conditions with respect to the reduction in source-receptor distances, traffic volume increases, vehicle emission increases, and speed reduction. The screening process is used to pinpoint locations where vehicle emissions will be the highest and will contribute to the background air quality. Any detailed air quality analysis is conducted using CAL3QHC, Version 2.0, which is a computer based air quality dispersion model. This model is based on traffic parameters from the *Highway Capacity Manual* (HCM) and is capable of analyzing intersection and free flow receptors.

Intersection Screening Analysis

Based on a review of the Traffic Impact Study prepared for this project, the five study area intersections listed below were assessed for air quality:

- NYS Route 2/South Lake Avenue
- Pinewoods Avenue/Pawling Avenue (NYS Route 66)
- NYS Route 2/Pawling Avenue (NYS Route 66)
- NYS Route 2/Site Access Road
- Pinewoods Avenue/Site Access Road

The intersection of NYS Route 2 with South Lake Avenue and the two Site Access Road intersections are unsignalized intersections that screen out from requiring additional detailed air quality analyses. The two remaining signalized intersections of Pinewoods Avenue/Pawling Avenue and NYS Route 2/Pawling Avenue were screened based on level of service criteria for the 2009 Build condition. The following table summarizes the intersection level of service.

Level of Service Summary

Intersection	Build	
	AM	PM
Pinewoods Avenue/Pawling Avenue	B	B
NYS Route 2/Pawling Avenue	C	C

As shown, both study area intersections are expected to operate at overall level of service C or better in the Build conditions for the Project when signal timing improvements as discussed in the traffic study are implemented. No further analysis is required at these intersections. It should be noted that the City of Troy is considering construction of a modern roundabout at the NYS Route 2/Pawling Avenue intersection. A roundabout would be considered an unsignalized intersection and would not require further air quality analysis if this option is constructed.

An air quality analysis is not necessary since this project will not increase traffic volumes, reduce source-receptor distances or change other existing conditions to such a degree as to jeopardize attainment of the New York State and National Ambient Air Quality Standards.

Mesoscale Air Quality

A mesoscale air quality analysis is conceptually similar to the microscale air quality analysis; however it covers a larger geographic area, typically larger than the immediate project area. In addition to carbon monoxide, a mesoscale air quality analysis monitors for volatile organic compounds (VOC) and nitrogen oxides (NO_x). In general, a mesoscale air quality analysis is required for projects involving the addition of through travel lanes (substantial in length) on main thoroughfares and major modification to highway interchanges. The Project will not affect traffic conditions over a large area and does not meet any of the criteria for a mesoscale air analysis found in Chapter 1.1 of the EPM.

Construction Impacts

The air quality within the project area may experience short-term impacts due to the construction of the project. During 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 related 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 the use of dust inhibitors, such as calcium chloride and other dust-control provisions found in the NYSDOT Standard Specifications for construction;
- The Town Board requires that on site vehicle speeds be kept low;
- The Town Board requires that gravel pads must be installed at all access points to prevent tracking of mud on to 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, earth moving or excavation is completed, all areas will be treated by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur; and
- The Town Board finds that preservation of the natural vegetation buffer along the perimeter of the Project site will also provide additional protection in reducing any possible off-site impacts.

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

- The Town Board requires that all equipment will meet state and federal requirements for exhaust and pollution control;
- The Town Board requires that construction equipment be maintained and tuned per the manufacturer's specifications;
- The Town Board requires that all combustion engines have catalytic converters where feasible; and
- The Town Board requires that diesel powered equipment be replaced by electric equipment whenever possible.

5.10 PUBLIC WATER SUPPLY

The Project site will be served by public water supplied by the Town of Brunswick, which purchases its water from the City of Troy. The Project site, being undeveloped, is not directly served by public water utilities. The site's nearest public water line is a 16-inch diameter water main located along Pinewoods Avenue serving residences near the Project site, and within the Town of Brunswick's Water District No. 3.

The existing boundary of Water District No. 3 extends 500 feet from the centerline of Pinewoods Avenue. Due to the number of proposed units to be served by public water, a new water district will need to be created that will extend to the boundaries of the Project site. Country Club Lands, Inc. has submitted a petition to the Town Board of the Town of Brunswick for the purposes of establishing Water District #13.

It is proposed that two new 10-inch water mains to serve the development be tied into the existing 16-inch main at the intersection of the new roadway through the development and Pinewoods Avenue. The new 10inch mains would form a looped system along the access roads through the development, with smaller diameter service lines branching off to serve the proposed lots. The looped system would stabilize the flow and pressure within the system. It would also allow for maintenance on the system with minimal interruption of water service. The cul-de-sacs would be supplied by dead end 8-inch water mains with a hydrant at the end for flushing the lines.

The existing 16-inch main is fed from a 2 million gallon water tank located off of Grange Road (Route 142). Hydrant flow test information in the vicinity of the Project site at Pinewoods Avenue and Colehammer Road shows a static pressure of approximately 115 pounds per square inch (psi) in the main and a residual pressure of 32 psi with a flow of 1,075 gallons per minute (gpm). At this hydrant, based on hydrant flow test information, it is estimated that the available fire flow, with a minimum residual pressure of 20 psi, is 1,156 gpm. It should be noted that this hydrant, located at the intersection of Colehammer Road and Pinewoods Avenue, is upstream of an existing pressure reducing valve pit, located along Pinewoods just west of the Project site. This testing location is important, as the proposed water line that would serve the development will be tied into the existing main, on the high-pressure side of the valve pit.

Engineering calculations were performed to estimate the domestic water and fire flow demands for the proposed development. A hydraulic analysis using the Haestad WaterCAD Model program was used to determine if the proposed system has the capacity to meet the estimated water demands. Based on per capita usage estimates, the average domestic daily demand is estimated to be 55,600 gpd and the maximum domestic daily demand is estimated at 111,200 gpd (77 gpm). The worst-case fire flow demand would be 750 gpm for the non-sprinklered residential homes. The total demand estimate for use in design and analysis would be the worst-

case fire flow demand of 750 gpm plus the maximum domestic daily demand of 77 gpm for a total demand of 827 gpm with a minimum 20 psi maintained at any point in the main.

The hydraulic analysis indicates that the most critical location for evaluation is the high point in the system. The topography indicates that this location would occur approximately halfway along the main roadway through the site. The hydraulic analysis indicates that with the maximum domestic daily demand of 77 gpm applied to the system and the worst-case fire flow demand of 750 gpm applied at this point, the resulting pressure in the system is approximately 30 psi.

The water supply facilities also have to provide the required 52 gpm at a minimum 40 psi for the fire sprinkler systems in the senior housing units designed per NFPA 13R. The hydraulic analysis indicates that with the maximum domestic daily demand of 75 gpm applied to the system and the sprinkler fire flow demand of 52 gpm applied at the senior housing units the resulting minimum pressure in the system is approximately 110 psi.

Based on the above, the existing water supply system has adequate capacity to provide water to the proposed development for domestic and fire fighting purposes.

In addition, the Town of Brunswick Planning Board, in its recommendation on this Project, requested that the 10-inch water main to be extended off Pinewoods Avenue be extended through the Project site and connected to NYS Route 2. The Applicant has agreed to this extension.

MITIGATION:

The Town Board finds that the Project will not have a significant adverse impact upon public water supplies.

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 acknowledges receipt of the application for creation of Water District #13. The Town Board action is expressly conditioned upon such district being legally established.

The Town Board also notes that all improvements constructed in conjunction with providing a system of water supply and distribution will be, upon satisfactory completion by the developer, dedicated to the Town of Brunswick for operation and maintenance without cost to the Town.

5.11 PUBLIC SEWER

The Project will be served by municipal sewer services provided by Rensselaer County. The Project site is located east of the Rensselaer County Sewer District No. 1. Based on initial discussions with officials of the Town of Brunswick, Rensselaer County, Rensselaer County Health Department and prior investigations, it was determined that the only practical and feasible way to develop this Project was to access the Rensselaer County Sewer System. The nearest connection to this system is approximately 11,000 feet west of the Project site on Pinewoods Avenue, which will require the construction of a new sewer line along Pinewoods Avenue leading from the Project Site. Due to the number of units proposed and the necessary off-site infrastructure requirements, the Project will result in the creation of a new sewer district. Country Club Lands, Inc. has submitted a petition to the Town Board of the Town of Brunswick

for the purposes of establishing Sewer District #7.

Effluent from the development will ultimately be received, treated and discharged to the Hudson River by the existing county-owned wastewater treatment plant located in the City of Troy. The calculations estimate the maximum daily flow from the development at approximately 0.08 MGD. There is excess capacity at the wastewater treatment plant, as it has a design capacity of 24 MGD and a current average daily loading of only 19 MGD.

The proposed sanitary sewer system for the Project site will consist of an onsite network of gravity sewers and secondary pump stations with force mains to ultimately convey the waste water effluent in a southerly direction towards Pinewoods Avenue. Five pumping stations of various sizes are proposed for the Project, and design information has been submitted to the Town consulting engineer for review. Based on such review, the Applicant was requested to analyze the potential for elimination of one or more of the pump stations. The Applicant's engineer reviewed the possibility of eliminating pump stations from the proposed sewer system, which offer the following information:

1. Pump station (PS)-1 is the primary pump station that pumps sewage from the Project site to the existing gravity sewer at the intersection of Pinewoods Avenue and Maple Avenue, and cannot be eliminated from the Project design.
2. PS-2 pumps sewage from near the proposed senior apartments up and over 60 vertical feet over a knoll to a gravity sewer, and therefore cannot be eliminated from the sewer design.
3. PS-3 pumps sewage from a low point near wetlands A and B up over a 40 foot vertical incline to a gravity sewer, and therefore cannot be eliminated from the sewer Project design.
4. PS-4 pumps sewage from a low point at the northern end of Carriage Hill Landing East up approximately 20 feet over a knoll to a gravity sewer that runs that PS-3. In order to run a gravity sewer from PS-4 to PS-3, trench depths of over 25 feet would be required and it would put a gravity inlet to PS-3 approximately 13 feet below grade, which would result in an increase depth of this pump station. Due to the proximity to wetland A and bedrock outcroppings in the general vicinity [see Section 5.1.1 of this Findings Statement], this would create increasingly difficult conditions for the construction of PS-3, including a potential rock excavation and high groundwater conditions.
5. PS-5 pumps sewage from the location of Estate Lots 3 and 4 up approximately 43 feet over a knoll to a gravity sewer that leads to PS-2. A gravity sewer would require trench depth of over 45 feet, which is not the best practicable engineering design.

The proposed pump stations are provided with dual pumps in the event of failure. In the event of a power failure, alternative power will be provided by propane or natural gas powered emergency generators located at each pump station. It is noted that Town of Brunswick personnel visit existing pump stations on a daily basis, seven days a week, to ensure that the pump stations are functioning properly. The Town has indicated that this procedure will be followed for pump stations located in this Project as well. The proposed five pump stations have been designed with redundant pumps in accordance with Town and Ten States Standard requirements. The Applicant has also offered to provide emergency power systems and telemetric monitoring systems at each pump station to reduce the maintenance burden to the Town.

Operation and maintenance costs involve the electrical operating costs, maintenance costs, and emergency costs for all five pump stations. The manufacturer recommends the following:

Electrical operating costs – based on the design flows, electrical usage is estimated at \$1,500.00 plus the cost of other utilities (i.e., phone line for alarms). Therefore, estimated cost is approximately \$2,000.00 per year per pumping station.

Maintenance costs - comprehensive preventive maintenance should be performed on each unit during the year. This is estimated at \$1,000.00 per year per pumping station.

Emergency costs – based on discussions by the Applicant with a pump station supplier, it was recommended that two emergency calls per year for the entire system should be assumed, at \$1,000.00 per call for a total of \$2,000.00.

Therefore, the Applicant estimates the total costs for operation and maintenance of the entire sewerage system at the Project site at \$17,000.00 per year. These costs will be assessed to the property owners within proposed Sewer District #7, which is proposed to be limited to the Project site itself.

The City of Troy Department of Public Utilities and the Rensselaer County Sewer District have both agreed to the proposed sewer system in concept, and have provided letters stating that the systems have the capacity to handle the additional flow from the Project.

MITIGATION:

The Town Board finds that the Project will not have a significant adverse impact upon the existing sanitary sewer system one considering Project funded upgrades.

The Town Board acknowledges receipt for the application for creation of Sewer District #7. The Town Board action is expressly conditioned upon such district being legally established.

The Town Board also notes that improvements constructed in conjunction with providing a system of waste water collection and disposal will be, upon satisfactory completion by the developer, dedicated to the Town of Brunswick for operation and maintenance without cost to the Town.

5.12 SCHOOLS/EDUCATIONAL FACILITIES

The Brittonkill (Brunswick) and Averill Park Central School Districts currently serve the Project site. The majority of the Project, and virtually all of the single-family residences, are located within the Averill Park district. The senior apartment homes are split almost evenly between Averill Park and Brittonkill. A school district boundary overlay map on the Project site has been prepared, which shows 32.81± acres located in the Brittonkill district, and 181.16± acres located in the Averill Park district.

Brittonkill Central School District

The Brittonkill Central School District (CSD) consists of three (3) separate buildings, Parker Community School, Tamarac Elementary School and Tamarac Secondary School (which houses Grades 6-8 and Grades 9-12 in the same facility). Parker Community includes grades 2-12 and is a "public special school" that exclusively serves students with disabilities. Tamarac Elementary is located on the same site as Tamarac Secondary School. Tamarac Middle School is located in the High School Buildings. The 2004-2005 enrollment breakdown by school for the Brittonkill CSD is depicted below.

Brittonkill CSD 2004-2005 Enrollment Figures		
School	Grades	Current Enrollment
Parker Community School	2-12	22
Tamarac Elementary	K-5	577
Tamarac Middle School	6-8	385
Senior High School	9-12	457
Total		1,441

Averill Park Central School District

The Averill Park CSD consists of George Washington Elementary School, Miller Hill/Sand Lake Elementary School, Poestenkill Creek Elementary School, West Sand Lake Elementary School, Algonquin Middle School and Averill Park High School. The 2004-2005-enrollment breakdown by school for the Averill Park CSD is depicted below.

Averill Park CSD		
School	Grades	Current Enrollment
George Washington Elementary School	K-5	157
Miller Hill/Sand Lake Elementary School	K-5	485
Poestenkill Creek Elementary School	K-5	322
West Sand Lake Elementary School	K-5	536
Elementary School Subtotal	--	1,500
Algonquin Middle School	6-8	852
Averill Park High School	9-12	1148
Total		3,500

Potential impacts of this Project among others pending in the Town, upon school districts have been raised by members of the public as well as the school districts themselves. The Town Board has responded to these comments by supplying the relevant school districts copies of application materials and environmental impact statements, including estimated student enrollment projections.

Initially, the Town Board received from the Brittonkill district a School Enrollment Projections Report prepared by the Capital District Regional Planning Commission. This Report has been used by the Town Board to consider the potential impacts of this Project, among others, upon the Brittonkill district. As discussed below, this Report analyzed the potential impact of a number of pending projects in the Town upon the Brittonkill District, including a worst-case scenario of projected student enrollment.

In late December, 2005, the report prepared by Capital District Regional Planning Commission on school enrollment projections for the Brittonkill Central School District was made available. That report was forwarded by the school district to the Town Board pursuant to the Town Board's request.

In addition, and significantly, the Brittonkill Central School District, through its office of Business Operations, informed the Town Board that according to State Education Guidelines, the school buildings located on the Brittonkill campus have a capacity of 2,215 students.

The School Enrollment Projections Report for the Brittonkill Central School District prepared by the Capital District Regional Planning Commission analyzed historic census data; historic school enrollment data beginning in the 1985-1986 school year; annual birth data for the period 1979-2003; building permit data to determine the number of housing units added or deleted due to demolitions, new construction or rehabilitation for the district for the period 1982-2005; and anticipated residential building activity in the district through 2010. Under this latter scenario, Capital District Regional Planning Commission analyzed several pending residential and planned development district applications in the Town of Brunswick, including the Carriage Hill PDD application¹. With respect to this latter category, the School Enrollment Projections Report considered 3 future building scenarios:

1. No construction of any planned development district applications, including Carriage Hill.
2. Full build-out of all residential planned development district applications in 5 years, including Carriage Hill, with the carriage homes successfully marketed to empty nesters. In this scenario, Capital District Regional Planning Commission used a factor of 0.24 students per carriage home unit.
3. Full build-out of the residential planned development districts in 5 years, including Carriage Hill, with the carriage homes marketed to the general public, and not limited to empty nesters. In this scenario, a factor of 0.77 students per residential unit was applied.

Initially, the Capital District Regional Planning Commission projected that over the studied term, student enrollment at the Brittonkill Central School District is anticipated to decline. This conclusion is set forth in the first studied scenario, which anticipated average residential construction conditions without planned development district approvals. In this regard, the report states that enrollment in school year 2005-2006 was 1,383 students. The report concludes that such number is expected to remain stable through 2008-2009, and then begin to decline as the larger classes, currently in 4th through 9th grades, begin to graduate.

Under the second scenario, which presumes planned development district approval and full build-out within 5 years, including Carriage Hill, with a factor of 0.24 students per carriage home unit, total school population is expected to grow from the current 1,383 students to 1,502 by 2010. This represents an 8.6% increase over the current enrollment, or an additional 119 students. This projection included Carriage Hill, but also included projected students from additional planned development district applications pending before the Town Board and located, in part, within the Brittonkill Central School District boundaries. This projection of 1,502 total students is well within the capacity of the Brittonkill School buildings of 2,215 students.

Under the third scenario, which projects approval of all residential planned development districts, including Carriage Hill, and utilizes a factor of 0.77 students per residential unit, projected student enrollment is expected to increase from the current 1,383 to a total student population of 1,596 by 2010. This represents a 15.4% increase over the current enrollment, or an additional 213 students. Again, this projection includes approval and build-out of all planned development district

¹ The CDRPC Report included analysis of the Highland Creek PDD application, Hudson Hills PDD application, and Carriage Hill PDD application. The factors also presumed average residential development in the Town irrespective of the planned development districts, based on historical building and construction trends.

applications pending before the Town Board and located, in part, within the Brittonkill Central School District boundaries. This projection of 1,596 total students is well within the capacity of the Brittonkill School buildings of 2,215 students.

In order for the Town Board to fully comprehend and apply the conclusions set forth in the School Enrollment Projections Report to the pending applications before the Board, the Town Board invited the Capital District Regional Planning Commission to a meeting of the Town Board to present the report. That presentation occurred at the Town Board meeting held on January 12, 2006.

In addition, the Town Board and the Brittonkill Central School District Board of Education held a joint meeting on February 13, 2006 to discuss the pending residential projects in the Town of Brunswick and potential impacts upon the school district. The School Enrollment Projections Report for the Brittonkill Central School District prepared by the Capital District Regional Planning Commission was discussed at length. It was noted by the Town Board that members of the Board of Education questioned certain of the assumptions and methodologies used by the Capital District Regional Planning Commission in preparation of its School Enrollment Projections Report. Additionally, certain members of the Board of Education sought to have an additional school enrollment projection report prepared. While the Town Board acknowledges that certain members of the Board of Education had questions and/or concerns regarding the Capital District Regional Planning Commission's School Enrollment Projections Report, the Town Board views the Capital District Regional Planning Commission as a competent, professional, qualified, and well-regarded planning agency, relied upon by several members of the Capital District, both public and private, pertaining to planning issues. The Town Board finds the conclusions of the Capital District Regional Planning Commission set forth in its School Enrollment Projections Report for the Brittonkill Central School District to be competent and reliable.

The Averill Park Central School District encompasses 87 carriage homes, 18 estate properties, and the remaining portion of the senior apartments proposed. Using the student/home ratios indicated in the Capital District Regional Planning Commission study for the Brittonkill Central School District, the project will produce the following range of additional students:

School Age Children Scenarios

Scenario Home Type	A Empty Nester	B Family
Carriage Homes	21	67
Estate Properties	14	14
Senior Apartments	0	0
Total	21	67

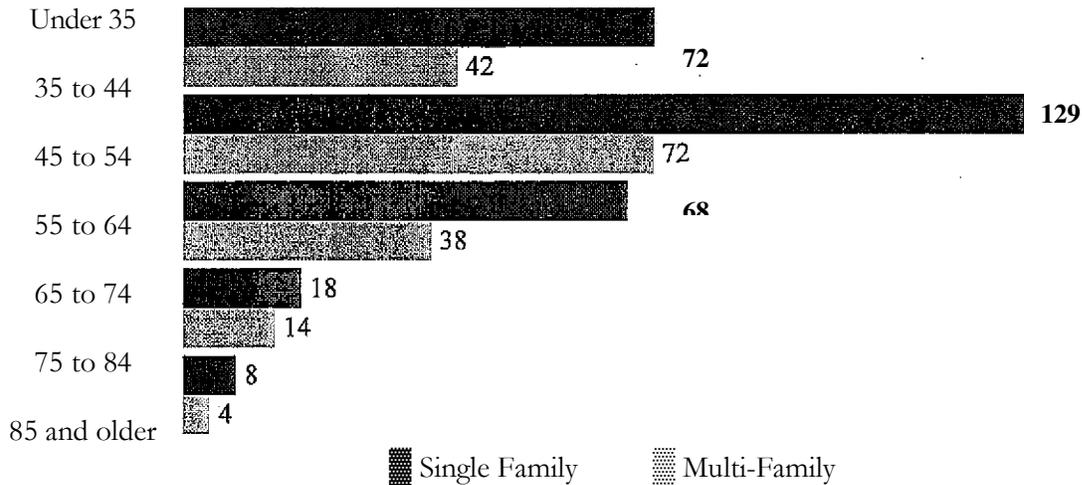
Alternatively, the Applicant also presented the anticipated number of additional students based on ratios derived from the 2000 U.S. Census data. This method predicts a total addition of 72 students from the project. This data is presented below:

Projected Increase in School-Age Children Based on 2000 U.S. Census Data

Home Type	Homes/ Projected Population	# of School- Aged Children /Home	Projected # of School-Aged Children	
			Brittonkill CSD	Averill Park CSD
Senior Apartments	178/251	0.00	0	0
Carriage Homes	87/223	0.68	0	59
Estate Homes	19/68	0.68	1	12
Total			1	71

As a third projection methodology, the Applicant used data published by the Senior Housing Council and the National Association of Home Builders indicating the number of school-age children per 100 households by age of the head of household. For the purposes of this analysis, school-aged children are those 5 through 18. The following chart was created from data collected in the 2001 American Housing Survey conducted by the U.S. Census Bureau and the U.S. Department of Housing and Urban Development (HUD).

School Aged Children per 100 Households by Age of Household Head



Using the above data, and assuming age distributions for each housing type, the total number of school-aged children is projected as follows.

Housing Type	Head of Household Age	Students per Household		Number of Households	Students per 100 Households	Number of Students
		Estimated Distribution				
Sr. Apts.						
Total Units		178				
Resident Age	55 to 64	11%	19	14	3	
	65to74	37%	66	4	3	
	75+	52%	93	2	2	
Sub-total		100%	178		7	
Carriage Homes						
Total Homes		87				
	45 to 54	25%	22	68	15	
	55 to 64	60%	52	18	9	
	65to74	15%	13	8	1	
Sub-total		100%	87		25	
Estate Homes						
Total Homes		19				
	35 to 44	20%	- 4	129	5	
	45 to 54	50%	10	68	6	
	55to64	30%	6	18	1	
Sub-total		100%	19		18	
Totals			284		50	

Based on the above, a total of 50 school-aged children would be projected for the Project. Again, this is well below the original projection of 72. Thus, the original projections are conservative for the purposes of determining impacts.

The Town Board obtained a School Enrollment Projections Report for the Averill Park Central School District prepared by the Capital District Regional Planning Commission for the 2002-2003 school year, the most current report available to the Town Board.

According to 2002-03 Averill Park CSD enrollment projections, district-wide enrollment in Grades K-5 is expected to decline steadily and reach the mid 1,300's by 2007-08. District wide enrollment for middle school was expected to decline significantly by 2005-06, but should stabilize thereafter. Figures for high school enrollment suggest a peak enrollment in 2003-2004, but the District would experience declining enrollments over the following four (4) years. Overall, the Report concluded that total enrollment was projected to decline through 2008. These figures were estimated prior to the

proposal of this Project and indicate that projected enrollment declines could accommodate new students.

The issue arose to the capacity of one of the elementary schools within the Averill Park district, the George Washington Elementary School. This issue was also investigated.

Averill Park Central School District enrollment projections for the 2006 School Year provide an elementary class size guideline of 22 students for Grades K-3 and 25 students for Grades 4-5. These figures combined with expected enrollments for 2006 indicate that 12 additional students distributed appropriately could be accommodated in George Washington Elementary School. The Applicant's analysis shows a maximum projection of 71 school-aged children for the Averill Park Central School District, and a minimum projection of 20 school-aged children. On November 22nd, 2004, the Applicant met with Dr. Michael Johnson, Superintendent of the Averill Park Central School District. During that meeting, the Applicant reports that Dr. Johnson informed the Applicant that the School District had excess capacity and could accommodate the school aged children generated from a full build-out of the Project. He also indicated that if George Washington School could not accommodate all of the Project's K-5 children, the Project's children in K-5 would need to be bussed to the Poestenkill Elementary School where they could be accommodated.

The Town Board has requested further comment from the Averill Park Central School District on the issue of the George Washington Elementary School. Additional information on this issue was not received by the Town Board.

The Applicant also presented data on fiscal impacts to each school district. This information is presented below.

According to data published by the NYS Education Department, the gross cost for education is \$13,200 per student in the Brittonkill Central School District (2004-05) and \$13,666 per student in the Averill Park Central School District (2004-05). Brittonkill Central School District receives \$5,600 per student in NYS aid (42% state aid), and Averill Park Central School District receives \$6,500 per student in NYS aid (48% state aid). This results in a net cost per student of \$7,600 for Brittonkill Central School District and \$7,166 for Averill Park Central School District. Using the conservative estimate of 71 students for the Averill Park Central School District and a net cost of \$7,166 per student yields an educational cost of \$508,786. The Applicant has forecasted \$905,327 in annual school tax revenue generated from the project for the Averill Park Central School District [see Section 5.21 of this Findings Statement]. Using the estimate of 1 student for the Brittonkill Central School District and a net cost of \$7,600 per student yields a total educational cost of \$7,600. The Applicant has forecasted \$24,175 in annual, school tax revenue generated from the project for the Brittonkill Central School District. The table below shows a forecasted Brittonkill Central School District benefit of \$16,575 per year and an Averill Park Central School District benefit of \$396,541 per year. In addition both school districts will receive additional tax revenue from the senior housing property, known as Orchard Village, with practically no additional student impact.

2004 -2005 School District Year

District	Brittonkill Central School District	Averill Park Central District
Cost per Student	\$13,200	\$13,666
NY State Aid	\$5,600	\$6,500
NY State Aid %	42%	48%
Net Cost Per Student	\$7,600	\$7,166

School Districts Impact Analysis

District	Brittonkill Central School District	Averill Park Central School District
Projected Students	1	71
Net Cost Per Student	\$7,600	\$7,166
District Costs Due to Project	\$7,600	\$508,786
Est. Tax Revenue from Project	\$24,175	\$905,327
School District Gain (Loss)	\$16,575	\$396,541
Gain (Loss) Per Student	\$16,575	\$5,585

MITIGATION:

The Town Board finds that the Project will not have a significant adverse impact upon public schools.

The Town Board specifically finds that the Averill Park Central School District as a whole can accommodate the projected student enrollment generated from this Project.

The Town Board further views the Capital District Regional Planning Commission as a competent, professional, qualified, and well-regarded planning agency, relied upon by several members of the Capital District, both public and private, pertaining to planning issues. The Town Board finds the data generated by the Capital District Regional Planning Commission to be competent and reliable.

5.13 PUBLIC SAFETY

5.13.1 Police Protection

The Rensselaer County Sheriff's Department and the New York State Police service the Project site. The Sheriffs Department is located at 1504 Fifth Avenue in Troy, approximately four miles

from the Project site. The New York State Police substation is located on Route 278 in the Town of Brunswick, approximately three miles from the Project site.

The Town Board finds that the Project will not have a significant adverse impact upon public police/sheriff services.

5.13.2 Fire Protection

The Project is located within the Eagle Mills Fire District (EMFD) and is served from their fire house on Brunswick Road (Route 2), approximately 2.5 miles to the east of the Project site. The Project is further supported by other fire companies in the area through the Rensselaer County Mutual Aid Agreement.

Fire Departments in close proximity to the Project site include:

Fire Department	Equipment	Approximate Distance to Site
Eagle Mills Fire Department 627 Brunswick Road Troy, NY	1 engine rescue 2 engine tankers 1 tanker for structure fires, vehicle fires, search & rescue, motor vehicle accidents & EMS	2.5 miles
Brunswick No. 1 Fire Department 566 Hoosick Street Troy, NY	1 95' ladder truck 2 engine tankers 1 rescue mini pumper	2.9 miles
Wynantskill Fire Department 520 Church Street Wynantskill, NY	1 95' ladder truck 3 pumpers 1 rescue truck	2.7 miles
Troy Fire Department 2175 Sixth Avenue Troy, NY	1 aerial ladder truck 1 tower ladder truck 5 pumpers 1 rescue truck 2 haz mat units 3 ambulances	3.5 miles
Mountain View Fire Company 2 Shaffer Avenue Troy, NY	2 engine tankers 1 first response medical vehicle 1 utility van 1 brush fire truck	2 miles
Volunteer Fire Company of Center Brunswick 1045 Hoosick Road Troy, NY	2 engine tankers 1 rescue truck 1 utility truck	6 miles

DeFreestville Fire Department	3 pumpers	7 miles
480 N. Greenbush Road	1 heavy rescue	
North Greenbush, NY	1 brush fire	
	truck 1 EMS	

The Project design initially included three (3)-story buildings for the senior apartments. Concern was raised by the Eagle Mills Fire Department as to the availability of a ladder truck and necessary fire fighting equipment within applicable distance from the Project site to adequately address fire fighting capability with respect to a three-story building. After substantial discussion, the Applicant agreed to modify its Project to reduce the senior apartments to a total of two-stories, thereby reducing the total number of proposed senior apartments for the Project.

Based on the Project redesign, and in a letter dated March 2, 2006, the Eagle Mills Fire District stated that “after review of the revised (two-story buildings in place of three-story buildings) proposed development we have determined that we should be able to accommodate the anticipated increase in call volume”. Additionally, in its March 2, 2006 correspondence, the Eagle Mills Fire District also stated that “our preliminary review indicates that our anticipated increased operating costs should be offset by the estimated tax revenue the Project should develop”.

Further, in its written recommendation on the Project, the Town of Brunswick Planning Board recommended that the fire lanes proposed for the senior apartments be either paved or installed with pre-cast pavers. The Planning Board recommended that comment from the Eagle Mills Fire Department be obtained.

In response to this recommendation, the Applicant met with the Eagle Mills Fire Department on September 7, 2006 to review this issue. At such meeting, it was determined by the Eagle Mills Fire Department that the area to the rear of the proposed senior apartment buildings should likewise have a fire lane access. However, the Fire Department acknowledged that the topography at the rear of the proposed senior apartment buildings is not suitable for fire fighting apparatus. Accordingly, the Eagle Mills Fire Department recommends that the addition of three fire hydrants in the rear of the proposed senior apartment buildings would be acceptable. The Eagle Mills Fire Department based this recommendation upon the following:

- Increase the size of the water main to 10” [this has been agreed to by the Applicant, see Section 5.10 of this Findings Statement]; and
- All senior apartment buildings must have a 100% fire sprinklers system.

This was confirmed by the Eagle Mills Fire Department through correspondence dated September 13, 2006.

MITIGATION:

The Town Board finds that the Project will not have a significant adverse impact upon fire protection services.

The Town Board notes that the Applicant has modified the design of its Project in terms of the proposed senior apartment units to reduce the height of the buildings from three-stories to two-stories, which meets with the approval of the Eagle Mills Fire Department.

The Town Board further finds that the fire lanes around the senior apartment buildings should, in accordance with the recommendation of the Planning Board, either be paved or installed with pre-cast pavers. Further, the Town Board finds that the Applicant must install three fire hydrants in the rear of the senior apartment buildings in location acceptable to the Eagle Mills Fire Department, in compliance with the recommendation of the Eagle Mills Fire Department in correspondence dated September 13, 2006.

5.13.3 Ambulance Services

Ambulance services for the Project are provided by Mohawk Ambulance Service, a private company operating in the Town.

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

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 Project will also include the following site amenities:

- walking trails
- clubhouse located at the senior apartment area

The Project amenities will mitigate the impact on Town recreational facilities by providing alternate facilities for residents of the Project. However, it is noted that the on-site amenities are private and available only for use by residents in the Carriage Hill Estates 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. This will generate \$142,000.00 to the Town for use in its parks and recreation facilities and youth programs.

5.15 VISUAL RESOURCES

A visual impact analysis was performed to evaluate the potential impact to significant visual resources. This analysis provided the following information.

The Project site is located in the Town of Brunswick approximately 2 miles east of the City of Troy. The project site is located between NYS Route 2, a principal arterial, and the Poestenkill

Creek to the north. Single-family homes lie to the east; Pinewoods Avenue and additional single-family homes lie to the south while the County Club of Troy is a major presence to the west.

The surrounding regional landscape consists of varied housing types and other suburban development including an expanding road system. Mixtures of natural wooded hills and open fields with an interspersed pattern of ornamentally vegetated landscapes are also characteristic.

The Project site is currently undeveloped and mostly vegetated with forests and open fields. However, an overhead electric transmission line passes through the eastern part of the site and there are a few abandoned structures as well. The topography is mostly rolling to moderately steep. Open areas and forest trees grow above a mixture of lower shrubs and herbaceous vegetation.

Research was conducted to determine whether aesthetic resources are present within two miles of the proposed project. Aesthetic resources include all National, State and locally designated places as may be listed under The New York State Department of Environmental Conservation Program Policy "Assessing and Mitigating Visual Impacts", July 31, 2000, or as may be listed in official planning and or zoning documents of the Town.

One State-level resource was identified within two miles of the proposed development. The Garfield School, a designated historic property is located east of the project site along NYS Route 2.

At the outer two mile assessment distance is the Emma Willard Educational Institution and the Henry Coon House to the southeast.

A total of 8 other potentially sensitive locations that may afford views of the Project Site were identified during the public scoping process. These sites include (1) Brunswick Hills Development, (2) Highland Hills Development, (3) looking east on NYS Route 2, (4) looking west on NYS Route 2, (5) Pine Woods Hills Development, (6) Eagle Ridge Development, (7) the 7th fairway on the Troy Country Club, and (8) the 5th tee of the Troy Country Club.

The Brunswick Hills Development lies approximately 3,000 feet to the northwest of the Project and north of NYS Route 2 consists of more than 30 homes. Existing views consist of roads, housing and wooded and ornamentally vegetated landscapes.

Highland Hills Development is located approximately 1,750 feet to the northwest, just east of Brunswick Hills and consists of approximately 16 homes. Existing views consist of roads, housing and wooded and ornamentally vegetated landscapes.

NYS Route 2 provides arterial access to the Project. It is classified as an urban principal arterial with average daily traffic volumes of approximately 4,500 vehicles. The adjacent land uses are generally residential though passing motorists can see views of wooded slopes and fields. Both Pine Woods Hills and Eagle Ridge residential developments are located approximately 1,000 feet to the southeast of the Project Site, south of Pinewoods Avenue. Pine Woods Hills is a large residential development with more than 30 homes, while Eagle Ridge is a much smaller development

consisting of 6 homes. The existing view from both of these developments consists of housing, roads and wooded and ornamental landscapes.

A viewshed map was prepared to show all areas from which a potential view of the Project exists. The extent of visibility was limited to an outer distance of two (2) miles. Two miles was the selected distance because the effects of size perspective on housing over two miles sufficiently diminish the visual impact to levels considered background in developing suburban environments. The Garfield School, a designated historic property is located east of the project site along NYS Route 2. The Project will not be visible from any portion of the historic property. According to the map, views of the Project Site may be afforded from the Emma Willard School or from the Henry Koon House located almost 2-miles to the southeast of the Project Site.

Regarding the remaining 8 receptor sites, line of site profiles were prepared for each. The line of site profiles depict the intervening topography and not the vegetation. Based upon this analysis the Project may be visible from certain locations within each adjoining residential development, as well as from portions of NYS Route 2 near the Project Site. View of the Project from the Troy Country Club's 7th fairway and 5th Tee may also be possible.

To mitigate the view of the Project Site from the Troy County Club, the Applicant proposes a 250-foot wide vegetated buffer zone to be maintained between the course and the Project Site in order to preserve the natural appearance of the Course setting while providing continued spatial enclosure to the fairways and greens.

To mitigate the views from NYS Route 2, the Applicant proposes a landscaping plan designed to provide a sense of entrance for the NYS Route 2 entranceway which is consistent, to the maximum extent practicable, with surrounding vegetation.

To further mitigate the views of the Project from surrounding areas including the adjoining residential developments, the Applicant proposes that the building architecture will be soft-toned and multihued. The apartments will be designed with a residential home look complete with dormer elements and peeked rooflines. In addition, extensive set asides including natural areas, wetlands, and fields will compliment ornamental plantings to soften the development and help blend it into the existing landscape patterns.

In reviewing the Project from a visual impact standpoint, the Town Board was concerned regarding visual impacts from the Route 2 corridor. To obtain further information, the Town Board required both a balloon analysis and photographic simulation concerning the proposed senior apartments from various vantage points on the Route 2 corridor. The following information was provided to the Town Board for review.

Additional information was provided related to the visual impact assessment for the Project. In order to provide some context for this additional information, reference was made to the visual assessment information considered by the Town Board which included the following:

1. A viewshed analysis indicating where the Carriage Hill Estates development would be visible from within a 2-mile radius of the project boundary.
2. A viewshed analysis indicating where the senior apartments (Orchard Village) would be

visible from within a 2-mile radius of the project boundary.

3. Line of sight profiles from eight (8) different locations where the viewshed analysis indicated the project may be visible. The locations selected for the line of sight profiles included NYS Route 2, the Country Club of Troy and some of the developments in the vicinity of the project.
4. Detailed profiles from four (4) locations along NYS Route adjacent to the project site.
5. A landscaping plan for the area between the senior apartments and NYS Route 2.
6. A balloon analysis prepared by the developer indicating the visibility of the senior housing in the leaf off condition from selected locations along NYS Route 2.

As requested by the Town Board, the Applicant prepared photographic simulations of the senior apartments as viewed from three (3) locations along NYS Route 2. The photographic simulations were provided and reviewed by the Town Board, and are discussed below.

Intersection of Site Road A and NYS Route 2

This photographic simulation depicts a view of the senior apartments in the developed condition from the road entrance on NYS Route 2. The landscaping shown in the simulation is based on the Applicant's proposed landscaping plan. The proposed trees shown in the simulation are in the early growth stage and will become larger and obscure more of the senior apartments over time. Evergreen trees are placed at the top of slope adjacent to the apartments in order to maximize the screening ability. Evergreens are provided as screening for the senior apartments, so this simulation provides a fair representation of the views of the senior apartments in the leaf off conditions.

Bridge on NYS Route 2 Looking East

This photographic simulation depicts a view of the senior apartments in the developed condition from the bridge over the Poestenkill Creek. An outline of the senior apartment buildings is provided to indicate where they are located within the view. As shown in the simulation, the senior apartments would be totally obscured from view in the leaf on condition. For the leaf off condition, the level of obscurity would be comparable to that depicted the balloon analysis reviewed by the Town Board. Based on that photograph, it is estimated that approximately 40% to 50% of the senior apartments would be obscured from view in the leaf off condition without the proposed landscaping. With the proposed landscaping of evergreen trees at the top of the slope, the senior apartments would be further obscured. This view of the senior apartments would not be in significant contrast to other views as one is traveling along NYS Route 2 at 55 mph. Moreover such visibility is limited to approximately 2 to 3 seconds at roughly 90 degrees to the direction of travel.

NYS Route 2, 0.75 Miles East of Project Site

This photographic simulation depicts a view of the senior apartments in the developed condition from a point approximately 0.75 miles east of the project site, which is where the viewshed analysis indicated the senior apartments would be visible. An outline of the senior apartment buildings is provided to indicate where they are located within the view. As shown

in the simulation, the senior apartments would be totally obscured from view in the leaf on condition. For the leaf off condition, the level of obscurity is anticipated to be equal to or greater than that depicted in the balloon analysis reviewed by the Town Board. Based on this relatively high level of obscurity, coupled with the distance from which the apartments would be visible (approximately 0.50 to 0.75 miles), this view of the senior apartments would not be in significant contrast to other views as one is traveling along NYS Route 2 at 55 mph.

The Town Board also requested data concerning lighting impacts pertaining to the visual assessment data. The Applicant provided the following assessment.

Visual impacts with regard to lighting will be minimized to the maximum extent practicable through the use of best practice lighting designs. Light fixtures will be down lighting with cut-offs to prevent direct light shed onto adjacent properties and/or into the night sky. Lighting will be provided at the project entrances to NYS Route 2 and Pinewoods Avenue, at road intersections within the project area, and along the parking areas and walks within the senior apartment complex. Lighting will not be provided on the rear sides of the buildings that face toward NYS Route 2. Due to the angle of the view from NYS Route 2 and the height of the apartment buildings, the driveway and parking lot lighting will, for the most part, be screened from view. There may be some glimpses of light from between the buildings; however, this will be partially screened by landscaping and existing vegetation. Lighting will be kept to the minimum necessary for safety and security of the residents. During leaf off-season motorists on Route 2 may notice glimpses of light through intervening deciduous vegetation, however, such views will be substantially screened, very brief in duration and at an oblique angle to the direction of travel.

MITIGATION:

The Town Board finds that the Project will not have a significant adverse impact upon visual resources.

The Town Board finds that potential impacts to visual resources will be mitigated to the maximum extent practicable through the implementation of the Applicant's landscaping plan. Further, potential visual impact is also mitigated to the maximum extent practicable through the use of best practice lighting designs, including down lighting with cutoff shields. Also, lighting will not be allowed on the rear sides of the senior apartment buildings which face toward NYS Route 2.

The visual impact of the project would not be in significant contrast to other views traveling along NYS Route 2. A number of factors are considered when drawing this conclusion. Existing vegetation will be maintained to the maximum extent practical and landscaping will be provided such that in combination, the senior apartments will be predominately screened from view.

The visual impact assessment prepared for this Project, which includes the information submitted as part of the DEIS and FEIS, as well as the information provided in the photographic simulation, is consistent with the NYSDEC Policy for Visual Impact Assessment.

5.16 NOISE

The Project site is within a setting that could be defined as rural residential or wooded residential. As such, sound levels in the area are generally low with a somewhat limited number of sound producers. Sound producers generally can be classified as one of three types; fixed equipment or processes, mobile equipment or processes, and transport movement of products.

Sound pressure levels (SPL) or perceived loudness is expressed in decibels (dB) or A-weighted decibel (dBA) scale that is weighted towards those portions of the frequency spectrum to which the human ear is most sensitive. Decibels can be used to describe the sound environment in a number of ways. The Day Night Average Sound Level (Ldn) is the 24-hour average sound level. The Equivalent Sound level (Leq) is the average sound level for any particular time period under consideration. The time period may be a particular peak hour of sound or typical time periods for sound producers, such as over a given work day or regular period of operation.

As depicted in the table below, sound levels in the Project area can generally be expected to range from between 43 to 63 dBA depending on their location. The EPA (1974) provides typical Ldn sound levels of 40 to 46 dBA (average 43 dBA) for rural residential areas.

Typical Day-Night Noise Levels Associated with Different Residential Environments (USEPA 1974)	
Rural	40-46 dBA
Quite Suburban	46-53 dBA
Suburban	53-63 dBA
Urban, Low-Density Residential	58-63 dBA
Urban, Medium-Density Residential	63-68 dBA
Urban, High-Density Residential	68-78 dBA
Urban, Downtown, Business District	74-81 dBA

Source: USEPA

According to the NYSDEC Program Policy, *Assessing and Mitigating Noise Impacts DEP-00-1, dated February 2, 2001*, sound sources increasing the ambient sound level by 6 dBA may cause complaints, but in some instances, increases of greater than 6 dBA may be acceptable. The NYSDEC policy document states, "an increase of 10 dBA deserves consideration of avoidance and mitigation." Based upon this information, construction related increases in ambient sound level of 10 dBA or more (very noticeable) may signal a potentially significant temporary noise impact that requires further consideration and possible mitigation.

There are approximately 18 homes located within 400 feet of the Project boundaries, approximately 36 homes within 400 to 800 feet, and around 16 homes within 800 to 1,000 feet from the Project boundaries. Three (3) homes at the Country Club of Troy are located within 400 feet, while four (4) homes are located within 800 feet.

Based upon USEPA noise data, typical construction equipment is expected to result in approximately 83 dBA at zero (0) ft from the noise source, and 57 dBA at 500 ft. from the noise

source, due to noise level attenuation based on level open terrain. Therefore, approximately 18 to 36 homes will experience worstcase sound levels of between 57 and 83 dBA during construction. These levels are likely to be lower due to accepted attenuation by topography and vegetation.

The most noticeable increases in noise may be related to construction traffic and may occur along NYS Route 2, Pinewoods Avenue, and ultimately the site access roads, due to the proximity of residences. Based upon the proposed construction-phasing plan, a significant amount of the large truck traffic will occur during the first two years of construction during the period of road and infrastructure construction.

It is anticipated that temporary construction noise impacts greater than 10 dBA may occur during portions of the access road construction adjacent to NYS Route 2 and Pinewoods Avenue. All other construction is estimated to result in temporary increases in sound level of less than 10 dBA and probably on the order of 4 dBA, which indicates insignificant noise impacts that do not require mitigation in this context.

The Town Board considered information relative to attenuation of typical noise levels related to construction operations, diminished by distance and as a result of intervening vegetation. The following chart identifies the worst-case scenario from the operation of heavy equipment being 92 dBA, when measured zero feet from the source. A dBA of 83 is expected from typical construction noise related to soil removal and site preparation when measured at zero feet from the source.

Noise Level Comparison				
Distance From Source	Land Use or Cover	Maximum Noise Level (dBA)	Anticipated Project Construction Noise Level (dBA)	Noise Levels (attenuation) (dBA)
0	Residential	92	83	83
500	Residential	66	57	50
1,000	Residential	60	51	43

Source: U.S. EPA

Based on a review of this information, the resulting noise level at the property line both during construction and upon completion of the development due to the proposed vegetative buffer to be provided between the property boundary and areas of disturbance, have been reduced to the maximum extent practicable and are in the accepted range for a rural residential situation.

MITIGATION:

The Town Board finds that the Project will not result in significant adverse noise impacts.

5.17 SOLID WASTE

The proposed development will increase the amount of municipal solid waste generated in Rensselaer County. Information obtained from the U.S. Environmental Protection Agency

(EPA) estimates that on the average each person generates 4.4 pounds of solid waste per day. Based on an estimated population for the proposed Project, this would mean that approximately 36.7 tons of additional municipal solid waste would be generated each month.

Two waste haulers are currently licensed in the Town of Brunswick to collect common household trash and recyclables within the Town; Ace Carting Corporation and Superior Waste. The collected waste is either hauled to the Town of Colonie Landfill or transferred to several western New York landfills. Future limitations on disposal are currently not anticipated. The Town's recycling center is located behind the Town Offices and is a drop-off location for common household trash contained in required bags and recyclables.

The Town Board finds that the Project will no 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

Phase I and II Archeological Investigations were performed for the 214 acres Project Site and a Phase 1A and 1B were completed for a 9-acre section (within the 214 acre Project Site) adjacent to 3 proposed Carriage Homes off Pinewoods Avenue, and for the proposed sewer line route along Pinewoods Avenue. The findings of these analyses are described as follows and are broken down by Project Site, 9-acre Section, and the Proposed Sewer Line:

Project Site

Based upon the background research; there are no previously recorded archeological sites within the 214-acre area of potential effect. Historic maps do not show any historic structures within the Project area. The Phase I archeological surveys identified ten (10) archaeological sites, comprised of five prehistoric, four historic sites, and one mid-20th Century to Modern site.

Phase IB investigations for the 214-acre Project Site entailed the excavation of 1,311 shovel tests and identified a total of nine archaeological sites, Sites A08302.000209-217. Phase II site evaluations were conducted for six sites A08302.000209-212, 215 and 216. Complete Phase I and II Archeological Investigation reports were prepared.

Site A08302.000209

Site A08302.000209 is a small prehistoric site situated on a gently sloping upland sideslope facing the Poestenkill Creek drainage. The site is in a lightly wooded area near a historic dry laid stone wall. The Phase I shovel testing recovered three chert flakes and the Phase II generated an additional six chert flakes. No features were documented. Based upon Phase II evaluations, the site does not appear to be eligible to the NRHP. While the site is proposed to be impacted by the Project, the site is not NRHP eligible and no additional work is recommended the New York State Office of Parks, Recreation, and Historic Preservation (“OPRHP”) concurs.

Site A08302.000210

Site A08302.000210 is a small prehistoric site situated in the southern part of the Project area. The site is positioned on a gently sloping sideslope east of the NIMO transmission line and south of an

ATV path. The site is in an area of tall grass and may be partially disturbed by erosion caused by the ATV path. Phase I shovel testing recovered three chert flakes. Based upon the Phase II investigations, the site does not appear to be NRHP eligible. While the site is proposed to be impacted by the Project, the site is not NRHP eligible and no additional work is recommended. OPRHP concurs.

Site A08302.000211

Site A08302.000211 is a small prehistoric site situated in the western portion of the Project area near the summit of prominent upland hill. The Country Club of Troy's property line is approximately 100 meters west of the site. A sparse stand of mature evergreens is found growing around the site. Phase I shovel testing recovered three chert flakes and one FCR (fire-cracked-rock). Based upon the Phase II investigation, the site does not appear to be eligible for the NRHP, as it only yielded two undiagnostic artifacts. While the site is proposed to be impacted by the Project, the site is not NRHP eligible and no additional work is recommended. OPRHP concurs.

Site A08302.000212

Site A08302.000212 is a historic feature located in well-drained soils along an upland swale in the western portion of the Project area. The site is located in cleared grassy area that is surrounded by dense thickets. A north/south aligned ATV path is near the western boundary of the site. Eleven historic artifacts were recovered in shovel tests. A possible cobble/brick pavement feature was encountered between 11 and 30 centimeters below the present ground surface in one of the tests. The relationship, if any, with this site and historic house Site A08302.000213 that is located about 75 meters to the north, has not been determined. The site is considered potentially eligible to the NRHP. Based upon the Phase II site investigation the site does not appear to contain characteristics that would satisfy eligibility criteria of the NRHP. While the site is proposed to be impacted by the Project, the site is not NRHP eligible and no additional work is recommended. OPRHP concurs.

Site A08302.000213

Site A08302.000213 is a historic site located in the northwest part of the Project area near the O'Conner/Country Club Properties, Inc. property line. The site is comprised of a portioned dry laid rock foundation, a cistern, footings, and two outbuildings. Piles of modern debris have been tossed in the foundation and cistern. The site does not appear on any of the examined historic maps. Shovel testing recovered 241 artifacts. Artifact classes represented include ceramic, glass, metal and miscellaneous, and appear to date circa 1850-1900. Based upon the Phase IB site investigations, the site may be eligible for inclusion in the NRHP. The Project as currently designed will avoid and preserve the site. As a precautionary measure, a temporary fence shall be installed 50 to 75 ft. out from the Phase IB defined site to protect the site from encroachment by heavy equipment. OPRHP has determined that the Project will not have an adverse impact on this location, with the condition that an approved avoidance plan be implemented.

Site A08302.000214

Site A08302.000214 is a raised historic sit comprised of several outbuilding structures that are all in varying stages of collapse and ruins. The site is located on the north side of a small un-named drainage in the southern part of the Project area approximately 300 feet north of Pinewoods Avenue. The structures are comprised of a small cinder block building, concrete footings, and two partially collapsed wooden sheds. According to a local informant, the buildings were likely last used 30 or more years ago as farm buildings. No house is associated with the site. Modern debris dating from the last 50 years is dispersed in several areas around the site's surface. Only modern materials were recovered in shovel tests. The wooden buildings appear to date over 50 years of age. While the site

is proposed to be impacted by the Project, based upon the Phase IB investigation, the site does not appear to be NRHP eligible and no additional work is recommended. OPRHP concurs.

Site A08302.000215

Site A08302.000215 is a small prehistoric site situated in the northeastern portion of the Project Site on an upland toe-slope. Three chert flakes were recovered during the on-site investigations. While the site is proposed to be impacted by the Project, based upon the Phase II excavations, the site does not appear to be NRHP eligible and no additional work is recommended. OPRHP concurs.

Site A08302.000216

Site A08302.000216 is a small prehistoric site situated in the northeastern portion of the Project Site along the southern margins of the same toe-slope that Site 215 occupies. A total of two chert flakes were recovered. While the site is proposed to be impacted by the Project, based upon the Phase II excavations, the site does not appear to be NRHP eligible and no additional work is recommended. OPRHP concurs.

Site A08302.000217

Site A08302.000217 is a small historic site located approximately 33 ft. north of Pinewoods Avenue in the southern portion of the Project Site. The site is no longer proposed to be impacted by the Project and therefore, a Phase II investigation was not performed. If the Project design changes and the site may be impacted, a Phase II investigation is recommended.

OPRHP has determined that the Project will not have an adverse effect on this location, with the condition that an approved avoidance plan be implemented.

Proposed Sewer Line and 9-Acre Section

A Phase IA and IB Cultural Resources Survey were conducted for the route of the proposed sewer line along Pinewoods Avenue and a 9-acre section of the Project Site adjacent to three proposed Carriage Homes.

The first Phase 1 was conducted in May 2005 for the original 10,250 ft sewer route running approximately 4,000 ft. along the southern edge of Pinewoods Avenue from Deerfield Land to Banbury Road, to a point approximately 150 ft. east of Banbury where the line would be directionally bored under Pinewoods Avenue and continue on the north side of Pinewoods Avenue to Maple Avenue. Crews discovered a total of 93 historic/modern artifacts (all of which are likely associated with random roadside refuse) from 22 STPs. No prehistoric artifacts were identified. Based upon the results of the subsurface testing along the 10,250 ft. route, it was recommended that this route would result in no adverse impact on significant cultural resources, and no additional archaeological work is recommended.

Due to a change in the project design it was decided that the sewer line should run along the north side of Pinewoods Avenue the entire length to Maple Avenue. It was therefore necessary to conduct a second Phase 1 was conducted in August 2005 for an alternate route, a 3,400 ft. section along the north side of Pinewoods Avenue. This alternate route runs along the north side of Pinewoods Avenue from the Forests Hills Cemetery to approximately 820 ft east of Deerfield Drive. Subsurface testing was conducted from August 4, 2005 to August 10, 2005 which included the excavation of a total of 181 shovel test pits (STPs) placed at 49 ft intervals at the 9-acre parcel and 60 STPs along the proposed sewer line route.

Excavation along the proposed alternate sewer route resulted in the recovery of only one historic artifact (roadside refuse) and no prehistoric artifacts. Based on the results of the Phase IA and IB investigations it has been determined that the proposed alternate sewer line will have no adverse impact on significant cultural resources and no additional archaeological work has been recommended.

Excavation on the 9-acre section resulted in the recovery of a total of 702 historic artifacts from 35 STPs and the designation of one site, the W.J. Stillman site (SUBI-2537). Within this site, 661 artifacts were recovered, but no prehistoric artifacts. Based upon the results of the investigation, this site is potentially eligible for the NRHP. The Project as proposed will avoid this site and therefore, a Phase II Site Examination is not required to determine eligibility as no impact is anticipated.

OPRHP has determined that the Project will not have an adverse effect on this location, with the condition that an approved avoidance plan be implemented.

To supplement the analysis of impact to historic properties, the Applicant has met with Sharon Zankel, the duly appointed local government historian for the Town of Brunswick. Mrs. Zankel recognizes the following properties within a two-mile radius of the project as having historical and aesthetic worth:

- a. 473 Pinewoods Avenue: Former Buss Residence
- b. 340 Pinewoods Avenue: Bank Barn on the Miller Farm
- c. 270 Pinewoods Avenue: Barn on the old Patton Farm
- d. Pinewoods Avenue: Forest Park Cemetery (Tax Parcel ID No. 113.-4-10)

Mrs. Zankel also identifies the following structures as "contributing to the historical built-environment and bearing exterior historical markers issued by the Brunswick Historical Society":

- a. 567 Brunswick Road: Philip Dater Home
- b. 734 Pinewoods Avenue: Filieau Home
- c. 17 Maple Avenue (Eagle Mills): Band Home
- d. 718 Pinewoods Avenue: Dr. Winship Home
- e. 227 Brunswick Road: Colehamer Home

The Applicant has taken pictures of all of the above-referenced homes, which were forwarded to the Town Board for review, as well as the Eagle Mills General Store at 543 Brunswick Road. The Applicant could not locate the town of Brunswick's historical markers on some of the homes that were listed in Mrs. Zankel's December 10, 2005 letter. None of the homes listed in Mrs. Zankel's letter are on the Department of Interior's National Register of Historic Places or New York State Historic Preservation Office's State Register of Historic Places. In addition, the Town of Brunswick does not have a formal historic preservation program in place. The Archeological Study by Landmark Archeology did identify the following properties within the two-mile radius referenced by Mrs. Zankel:

Street Address	50 Years Old
473 Pinewoods Avenue	Yes
517 Pinewoods Avenue	Yes
519 Pinewoods Avenue	Yes
529 Pinewoods Avenue	Yes
545 Pinewoods Avenue	Yes
292 Route 2	Yes
14 Shippey Lane	Yes
36 Shippey Lane	No

Photos of these properties were forwarded to the Town Board for review. The Applicant's Subdivision Plan and Site Plan use the topography to locate roads and homes, and the two-story apartment buildings that will blend into the surrounding landscape and community. The Applicant's plan provides for 62 acres of undisturbed and protected land, 37 acres of re-vegetated HOA protected land, and 82 acres of green space. The expanding road system for Carriage Hill Estates, as referenced in Mrs. Zankel's letter, is combined 2.33 miles, which will be dedicated to the Town of Brunswick.

Mrs. Zankel also referenced the Scenic NYS Route 2 Byway Proposal, which was a Rensselaer County Planning initiative that did not receive full support of all of the towns that have Route 2 pass through their town. The project entrance engineering design on Route 2 has received New York State Department of Transportation approval. The landscape design of this entrance will need to receive Town Planning Board approval. The Applicant's Subdivision Plan and Site Plan entrance design that is in keeping with the area's natural attributes. The Applicant's viewshed analysis depicts that only a portion of the two-story apartment buildings will be visible from a 0.38 mile section of Route 2 while traveling west, and while looking up about 100 feet in the air, a minimum of 0.4 miles away. If one is traveling west on Route 2 at the posted speed limit of 55 MPH and passes through this 0.38 mile section of road, the visual impacts of the partial view of the two-story apartment buildings will be very small [see Section 5.5 of this Findings Statement]. At this distance, the visual impact will be minimal considering one would be looking at the end(s) of the apartment unit(s), which would be comparable in scale to a single family dwelling. As there is concern about the aesthetic views along Route 2, the Applicant will provide substantial landscaping at the Route 2 entrance. The landscaping will be done in a manner that is compatible with the surrounding area and the Applicant will work with the Town of Brunswick Planning Board during the Site Plan approval process to develop this plan further. Thus, the views would not be in significant contrast to the surrounding area.

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 an approved avoidance plan required by OPRHP through correspondence dated October 26, 2005 and included in the FEIS at Appendix "A".

This finding is further expressly conditioned upon implementation of the declaration of restrictive covenants set forth in the FEIS at Appendix "L", upon final review and approval of the Town Attorney.

5.19 OPEN SPACE

The Town Board acknowledges that the preservation of open space and maintenance of scenic vistas are significant factors in land use planning decision making, and important issues for the Town of Brunswick. In this regard, the Town Board acknowledges that the Town Comprehensive Plan dated February, 2001, expressly provides for the preservation of open space as supporting the maintenance of the rural character of the Brunswick community. The Town Board further acknowledges actions of prior Town Board administrations in creating an Open Space Trust Fund. Pursuant to Resolution No. 39 of 1990, an Open Space Trust Fund was established to be used solely for the acquisition of development rights and property easements. This Resolution expressly provided that the objective of the Open Space Trust Fund is to preserve, protect and maintain the rural character of the Town by promoting farmlands, scenic views, and open spaces within the Town of Brunswick for the long term benefit of the community.

The Project will now have a total of 181± acres of open space with no plans for future development, divided into the following restricted areas:

1. Forever Wild (36 acres) – The Forever Wild designated area consists of 36 acres of land that includes the Conservation Zone, the Archeological Protected Zones, and the waters of the United States to remain undisturbed including the streams, buffers, and wetlands. The Applicant proposes to place certain restrictive covenants on these Land Preservation Areas (LPA's) through the use of Declaration of Restrictive Covenants.
2. Home Owner Association (HOA) Protected Lands (63 acres) – This designation includes 26 acres that will consist of undisturbed land not subject to clearing, grading, filling, or placement of structures and 37 acres of disturbed land to be re-vegetated. The approximately 1.25 miles of walking trails and community gardens will be included in this designation. These lands will be protected by Declaration of Protective Covenants, Easements, and Deed Restrictions.
3. Green Space (82 acres) – This designation will consist of undeveloped and developed land within the Estate properties, the Carriage Home properties, and the road right-of-way that is not occupied by structures and roads. The Applicant proposes to preserve the Estate Home Lots by designating the lots as belonging to the R-40 Zoning District, with the maximum percentage of lot occupancy as follows: total lot occupancy would be 20% of the lot size (excluding forever wild lands), garages would be 3% and other accessory buildings would be 2%.

Further, the Town Board has investigated the impact of this action upon the totality of land uses within the Town of Brunswick. The Town Board has identified on a map all current land uses with the municipal limits of the Town. The Carriage Hill Project site, as well as the sites of the six (6) other PDD applications pending before the Town Board (Hudson Hills, Highland Creek, Brunswick Meadows, Walmart Supercenter, Sugar Hill, Duncan Meadows), have been considered. The Town Board finds that the Town of Brunswick is and will remain predominately rural, including agricultural land, vacant land, forested land, and residential land.

MITIGATION:

The Town Board finds that the Project will not have a significant adverse impact upon open space resources.

The Town Board expressly conditions this finding upon the Land Restrictions proposed by the Applicant as part of this Project. These include:

The Project will now have a total of 181± acres of open space with no plans for future development, divided into the following restricted areas:

1. Forever Wild (36 acres) – The Forever Wild designated area consists of 36 acres of land that includes the Conservation Zone, the Archeological Protected Zones, and the waters of the United States to remain undisturbed including the streams, buffers, and wetlands. The Applicant proposes to place certain restrictive covenants on these Land Preservation Areas (LPA's) through the use of Declaration of Restrictive Covenants.
2. Home Owner Association (HOA) Protected Lands (63 acres) – This designation includes 26 acres that will consist of undisturbed land not subject to clearing, grading, filling, or placement of structures and 37 acres of disturbed land to be re-vegetated. The approximately 1.25 miles of walking trails and community gardens will be included in this designation. These lands will be protected by Declaration of Protective Covenants, Easements, and Deed Restrictions.
3. Green Space (82 acres) – This designation will consist of undeveloped and developed land within the Estate properties, the Carriage Home properties, and the road right-of-way that is not occupied by structures and roads. The Applicant proposes to preserve the Estate Home Lots by designating the lots as belonging to the R-40 Zoning District, with the maximum percentage of lot occupancy as follows: total lot occupancy would be 20% of the lot size (excluding forever wild lands), garages would be 3% and other accessory buildings would be 2%.

As required by the New York State Department of Environmental Conservation in correspondence dated June 29, 2006, the Land Preservation areas shall forever remain in an undeveloped state by means of the Declaration of Restrictive Covenants. The Land Preservation areas are depicted on a map dated June, 2006 and included in the FEIS at Appendix "H". The Declaration of Restrictive Covenants is attached in the FEIS as Appendix "L".

Further, as required by the New York State Department of Environmental Conservation in correspondence dated June 29, 2006, all lands to be preserved by the Homeowners Association shall be forever undeveloped. The Homeowners Association protected lands, totaling 26.23 acres, is identified on a map labeled "Land Restrictions" and dated June, 2006, and included in the FEIS at Appendix "H".

All Restrictive Covenants and Deed Restrictions for all areas to be preserved as undeveloped must be approved by the New York State Department of Environmental Conservation and the Town of Brunswick prior to filing with the Rensselaer County Clerk's Office.

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; Shawn Malone, Planning Board Chairman; Caroline Trzcinski, Zoning Board of Appeals Member (and Chairperson at time of Comprehensive Plan adoption); Town Board Members, including Carolyn Abrams, Sam Salvi, Patrick Poletto, and Carl Clemente; 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.

5. Community Issues Policies

Brunswick will continue to support the development of senior housing. The Plan specifically provided that the Town should embrace senior housing within Brunswick.

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 property development, the Comprehensive Plan highlighted the need to preserve scenic vistas and rural land qualities. In this regard, the Plan identified the use of the SEQRA process to analyze these issues.

The Comprehensive Plan also acknowledged the growing senior population in the Town of Brunswick, and promoted the availability and enhancement of the quality-of-life factors of housing, education, healthcare, senior citizen facilities, and emergency services for this growing segment of the Brunswick community.

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 Plan's policies, as follows:

1. Fact Finding for the Town of Brunswick Comprehensive Plan indicate that most residents enjoy and value the scenic qualities of the Town and their respective Hamlets. The rolling terrain, open lands, quality of housing, school system, and community facilities all contribute to the positive feelings about Brunswick. (page 5 of Comprehensive Plan)

Carriage Hill Estates is an intergenerational community that will have rolling terrain, open lands, quality housing, beautiful architecture and scenic vistas.

2. ...maintain the quality of life presently enjoyed in Brunswick. (page 5)

Carriage Hill Estates as designed will enhance the quality of life presently enjoyed in Brunswick by providing much needed senior housing in the Town and preserving open space.

3. ...development will broaden the tax based of both the Town and the county, helping to offset the need for increased taxes. (page 6)

Carriage Hill Estates will broaden the tax base of the Town and County without placing an undue burden of the Town's services, which will help offset the need for increased taxes.

4. sewer, potable water and natural gas to areas not currently served, while maintaining and improving those that exist. (page 6)

Carriage Hill Estates will broaden the availability of public utilities as the applicant is bringing the public sewer from Maple Avenue in an easterly direction on Pinewoods Avenue to the project site, as well as expanding the water lines, gas lines and storm sewers on the site.

5. Architectural styles conforming to existing flavor in historic districts or areas can be encouraged by regulatory directives and incentives. (page 6)

The architecture for the Senior Housing and Carriage Homes will promote a New England Village feel and maintain the character of Brunswick.

6. Various development tools should be encouraged, including Planned Development Districts (PDD), Transfer of Development Rights (TDR's), Zero Lot Line (ZLL) Zoning Areas. These may include homes clustered to minimize development/purchase costs and having common water/sewerage facilities. (page 6)

Carriage Hill Estates is using the Planned Development District (PDD) approach and has clustered the Carriage Homes and Senior Housing to minimize development costs, have public water and sewer facilities and preserve open space.

7. The Town acknowledges that growth is inevitable, and that growth and change should not diminish the quality of life enjoyed by the residents of the community, nor should it place an undue burden on present taxpayers. (page 7)

See discussion in items 2 and 3.

8. The Town of Brunswick will engage policies that embrace community, economic development, environment, land use, recreation, agriculture and transportation. (page 8)

The development of Carriage Hill Estates, as proposed, will create an intergenerational community that will be socio-economically diverse, economically independent, protective of the environment, and will provide recreational spaces in the way of walking trails, community gardens and a conservation zone. The development will enhance the existing natural and stylistic qualities of its surroundings.

9. Brunswick should take measures to promote "sensitive growth." Development should blend with the existing natural and stylistic qualities of its surroundings.

(page 8)

See discussion in item 6.

10. The future should ensure environmental quality and protection of natural resources. (page 8)

The development of Carriage Hill Estates calls for the protection of natural resources by working with the terrain and topography to create a subdivision plan that respects the wetland and archeological features on the site, as well as the preservation of over 87 acres of undisturbed land.

11. Preservation of historic areas or sites should be encouraged and pursued. Historic preservation of districts and/or individual treasures can be initiated through planning, zoning and incentive programs at a regulatory level. (page 8-9)

Two historic archeological sites were discovered on the site during the Phase I and Phase II archeological investigations. The applicant has made a conscious decision to avoid these sites and protect them during the development process of the project.

12. The Town should continue to stress community safety, encouraging its many, hamlets to exist as core areas for higher density growth "small communities" ...Additionally, these areas can promote 'neighborhood watch ' programs, to promote safety. (page 9)

Carriage Hill Estates, as an intergenerational community, could become a hamlet that exists as a core area within the town. The residents of Carriage Hill Estates will be encouraged to join together and promote neighborhood watch programs to promote safety.

13. When asked what the important goals and values for the Town of Brunswick are, the majority responded: keep it scenic and rural; fix traffic congestion; do not over develop; controlled growth; low, fair taxes, clean environment; and control commercial growth. (page 11)

Carriage Hill Estates, through its smart growth cluster development strategy, will help to control growth in the Town and keep it scenic.

14. ...enhance recreation in the Town by adding bicycle and pedestrian paths and enlarging the youth programs. (page 12)

Carriage Hill Estates will have 1.25 miles of walking paths that will provide recreation through all seasons as these paths will be able to be used for x-country skiing in the winter.

15. 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. (page 13)

Carriage Hill Estates is proposed as a smart growth development with the Carriage Homes and Senior Housing promoting the cluster development concept. In addition, Carriage Hill Estates is conserving natural resources by maintaining 87 acres as forever wild and has used buffer areas throughout the development so that the development does not take away from the scenic vistas on the golf course or from some of the surrounding residential areas.

16. 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 proper use and conservation of natural resources in the Town are maintained...To the extent practical, public water and sewage systems will be encouraged. Areas of residential congestion and commercial/industrial or high density residential developments will be encouraged to use or develop public water and sewer systems. (page 13)

See discussion in items 4, 6 and 13.

17. The Town should encourage opportunities to broaden the tax base without burdening services or negatively impacting natural resources or quality of life. (page 14)

See discussion in items 3, 6 and 8.

18. Brunswick will continue to support the development of Senior Housing. Brunswick will continue to encourage and become an active proponent for the growth of community volunteer services... The Town should embrace Senior Housing, at a moderate level, within Brunswick. (page 15)

The Senior Housing component of Carriage Hill Estates is called Orchard Village. Orchard Village will provide an independent living alternative to the seniors of the Town of Brunswick that they currently don't have. The development of Orchard Village will allow the moderate income seniors in the Town of Brunswick to remain as life-long residents of the Town and enjoy a quality of life that will center around socialization, intellectual stimulation, physical activities, wellness activities, recreational activities and transportation options. The United Group's SUN Program (Senior Umbrella Network) will be the liaison to a gateway of services and activities that will allow the seniors to relax and enjoy life.

19. Brunswick should strive to enhance recreational availability, encouraging trails and pathways, support arts and entertainment, support the Library and Historical Society. The Town should invest in its future by evaluating current conditions, mapping for future expansions and promoting its recreational resources. The Town should augment tax dollars to aid in recreation funding through grants and donations.

Carriage Hill Estates will create a network of open space and recreational opportunities by creating a labyrinth of walking trails, community gardens, nature preserves and an amenity filled Clubhouse.

20. ...should encourage attractive growth that blends with or accentuates one of the Town's most valuable resources - scenic rural beauty-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. (page 17)

Great care was taken in the development of the subdivision, site plans and architectural renderings. Our development team focused on enhancing the scenic beauty of the site by working with the existing topography to promote the sites physical characteristics and integrate the landscape design and building designs into a New England Village feel.

21. Brunswick should promote zoning regulations in accordance with the New York State Town Law, which models the Comprehensive Plan...These options highlight the use of planning techniques that establish open space, combine different land uses, and encourage easements and transferring development rights over zoning district lines...Types of land use are outlined and explained in Appendix 1...conservation...cluster residential...senior citizen housing...recreation open space, planned development districts, and cluster developments. (page 17)

The Carriage Hill Estates project is using planning techniques that establish open space, combine different land uses through different housing options like senior rental housing, for sale Carriage Homes in cluster developments, and large-scale for sale estate lots, and provide for recreational space in the form of walking trails, community gardens, a conservation zone and an amenity filled Clubhouse.

22. Brunswick should promote land use practices that conserve woodlands and natural vegetation, and maintain natural habitats for proper management of native wildlife. Brunswick should discourage wholesale removal of natural resources from proposed development property...Economic incentives for developers, for instance, could be built into fee and tax structures. They may include provisions for conservation zones, concept plan review, cluster development, PDD 's, and conservation easements...The Town as well as developers can use resource mapping to aid in the development of lands that maintain the valuable natural resources and habitat for wildlife. (page 18)

The Carriage Hill development is promoting land use practices that conserve woodlands, natural vegetation, and maintain natural habitats for the proper management of the native wildlife by not disturbing 75.3 acres of the 214 acres and dedicating areas to gardens, conservation zones and providing for natural buffers with the surrounding neighbors.

23. Brunswick should encourage buffer areas between existing residences and new non-

residential development or farms... encouraged through the use of the planning and site plan review procedures. (page 18)

See discussion of buffer areas in item 22.

24. Brunswick should encourage preservation of scenic vistas and rural land qualities. Brunswick should encourage agricultural operations...The Town should evaluate techniques that promote open space, preserve important community vistas, retain rural land characteristics, and encourage land use policies that foster results. (page 20)

Scenic vistas, open space, land use, etc. has been previously addressed in items 1, 8, 10 and 22.

25. Brunswick should remain informed of the abilities and activities of Water and Sewer Authority, and encourage private developers to explore the potential use of the Authority's services in densely developed areas...The Town should encourage private developers to explore its potential application for high-density development such as cluster developments, transfer of development rights, Planned Development Districts and commercial and industrial development in applicable areas. (page 21)

The Project is being developed through a Planned Development District and incorporates clustering techniques and will be utilizing public water and municipal sewer services.

26. Brunswick should promote the availability and enhancement of the quality-of-life factors of housing, education, health care, senior citizen facilities, emergency services, and historical and cultural amenities for Brunswick residents...Brunswick encourages provisions for senior facilities and related organizations for residents. (page 31)

The Senior Housing rental community, Orchard Village, will enhance the quality of life of its senior residents through its design, amenities, operation and the United Group's SUN Program. The SUN Program is a 7 pronged model that provides programming and activities across the following disciplines:

- Health & Wellness
- Finance, Legal & Administrative
- Education & Lifelong Learning
- Convenience & Economics
- Fun & Recreation
- Community & Friendship
- Safety and Security

27. Brunswick should recognize public recreation as a necessary function of the quality of life and provide safe effective recreational opportunities to residents of all age...Brunswick should consider utilizing its land use and subdivision regulations to enhance recreation availability...As a bedroom community with

varied elements of high and low density residential development, Brunswick should develop recreational areas. (page 34)

See discussion in items 8 and 14.

28. Brunswick should support and encourage trails and pathways in the community. (page 35)

See discussion in items 8 and 14.

29. Senior Citizen Housing...The Town has a need for good quality Senior Citizen Housing. Senior Citizens should be afforded an option to continue to reside in good quality housing in the Town when maintaining a single-family residence becomes undesirable. Areas for such use must have adequate infrastructure, such as water and sewer and ready access to public transportation so that the residents can enjoy access to shopping districts and other services. Appropriate areas for such use should be encouraged. (page 49)

See discussion in items 18 and 26.

5.21 ECONOMIC CONSIDERATIONS

Development of the Project is anticipated to involve over \$70 million of construction that will occur over a five-year period and, when completed, will provide the following benefits:

- Construction of the Project is projected to generate approximately \$1,375,000.00 in sales tax revenue over an anticipated five-year construction period and based on total estimated construction costs of \$70 million; and
- Residents of the Project are projected to generate more than \$200,000 per year in sales tax revenue based on estimated income levels as a function of home values and projected consumption patterns.

The estate home and carriage home lots will be fully taxable in accordance with the Town of Brunswick's real property taxation policy, and this is anticipated to generate more than one million (\$1,000,000.00) dollars annually in property tax revenues.

The Applicant prepared a projected tax revenue analysis for the estate and carriage home lots. This analysis is set forth in the FEIS at Appendix "O", and its content is expressly incorporated herein.

In addition, the senior housing units are taxable property. The Applicant has projected that the 178 units at Orchard Village will produce approximately \$700,000 to \$800,000 in net operating income. The \$700,000+ in net operating income is after all operating expenses and reserves, and before real property taxes, and is based on a set of assumptions that are subject to change based on market conditions. Also based on today's market conditions (loan interest rate and yield requirements), the Applicant has assumed a constructive capitalization rate of approximately 17%, the Town of Brunswick's equalization rate of 34.1%, and an average combined tax rate of \$93.9149 per 1,000 of assessed valuation.

Using these assumptions would produce a total estimated tax payment of approximately \$139,000 to \$160,000, or \$780 to \$899 per unit.

MITIGATION:

Applicant originally proposed that the senior apartments section of the Project would be subject to a payment in lieu of tax agreement. Subsequent thereto in Applicant's later submissions, a full tax analysis for the senior apartments was provided. Based upon the full tax analysis including projected real property tax revenues from the senior apartments, the Town Board finds that the Project will not have a significant adverse economic impact on the community. The Town Board further finds that any reduction in real property tax revenues by reason of the PILOT could result in a potential adverse economic impact upon the community and other taxpayers within the Town.

5.22 ENVIRONMENTAL CONDITIONS

A Phase 1 Environmental Site Assessment was performed for the site. The assessment involved document research and three visual inspections of the subject property, which revealed no evidence of surficial contamination, unusual odor, stressed vegetation, or other physical evidence of an adverse environmental impact.

A junkyard was present along the southeastern portion of the subject property prior to 1952 and the debris/ "junk" was removed from the subject area before 1986. A debris field was observed north of the unnamed tributary to the Poestenkill Creek, east and south of an unimproved dirt surface trail, and west of partially collapsed structures noted in the southeastern portion of the subject property. The size and aerial extent of the debris field /disturbed area varied greatly during the time period reviewed (prior to 1952 to mid 90's when it was removed).

Numerous sources were contacted to obtain hard copy documentation for the removal of debris (including tires which were the source for one or more fires) from the subject property, but with no success. However, based on the review of historical aerial photographs and topographic maps, it is clear that the subject debris and tires were removed from the subject property. In addition, the interview of the subject property owner and key governmental agency representatives supported the conclusion that the environmental hazard(s) were removed from the subject property. There are no outstanding code violations, state permit conditions, consent orders or incidents of an environmental nature concerning the subject property. No stressed vegetation, staining, odors, or evidence of spillage were observed along this portion of the subject property during numerous Site inspections.

An occasional waste tire, bulky white item, used automobile parts, and other metallic debris have been dispersed throughout the subject property and surrounding area along a dirt trail frequented by quads. Three additional areas of note include a small shed east of the off-site private dwelling in the northwestern portion of the subject property and an old farm debris area along a localized segment of the southern portion of the subject property, located along the top of a ridge and slope north of a tributary to the Poestenkill Creek and west of the NMPC utility easement. The third area consists of scattered debris dumped in a ditch along the mid-northern portion of the subject property, located south of NYS Route 2 and east of the unimproved private driveway. Although small amounts of junked debris were observed, no containers that are known or suspected to contain hazardous substances were identified.

Three partially collapsed large structures (50'x 20'; 50'x30'; and 30'x30') and one partially

collapsed shed (35'x10') are noted approximately 500 to 650 feet north-northwest of Pinewoods Avenue, east of the NMPC utility easement, and north of the west-flowing tributary of the Poestenkill Creek. These structures were built in 1960, based on the review of property records. Some other former structures were noted to the east of these buildings of poor condition. The former structures were built in 1926, based on information provided by the Town of Brunswick. The surficial area southwest, west and northwest of these structures did not appear to be disturbed or represent an active disturbance. Although a few heavy duty tires were observed in the creek near the access road, no drum(s) or other large container known or suspected to contain a hazardous substance was observed and no unlabeled container that might have contained a hazardous liquid was observed in this area.

The cleared land north and northeast of these structures was located in the vicinity of the former junkyard, which measures approximately 400 feet wide (north to south) by 600 feet long (east to west). Remnants of two west to east-oriented lanes that are 400 feet in length and numerous north to south-oriented paths were identified. A partially collapsed dairy barn was observed in the woods near the northwestern corner of the subject property. No debris was observed at surface, with the exception of scattered pieces along the wooded periphery, especially along the northern and western edges. No stressed vegetation, staining, or evidence of spillage was observed in this suspect area.

In addition, no tire dump(s) was identified on the subject property. Review of various environmental records and interview of key personnel revealed that a tire dump (source of tire fire(s)) had previously been located east of the NMPC utility easement and northeast of a creek in the southeastern portion of the subject property.

An off-site localized area of refuse/debris was noted along the northern third of the NMPC utility easement. Although small amounts of junked debris were observed in this area, no containers that are known or suspected to contain hazardous substances were identified. No drum(s) or other large container known or suspected to contain a hazardous substance was observed and no unlabeled container that might have contained a hazardous liquid was observed in this area.

Based upon EPA guidance documents, no materials were observed on the subject property that must be considered suspect asbestos-containing materials (ACM).

Stormwater runoff from the subject property apparently is via sheet flow to the Poestenkill Creek (tributary 236-4-1) or tributaries of the Poestenkill Creek (tributary 236-P406a-1). Standing (pooled) water was occasionally observed along select low-lying areas of the subject property (i.e., midwestern, southern, and northeastern corner).

No oil-filled transformer was observed on the subject property. There is no refuse generated on the subject property.

Tanks Information gathered during the subject property reconnaissance and background research indicated that no stationary aboveground storage tank (AST) or underground storage tank (UST), excluding water tanks, is known to presently be or formerly have been on the subject property.

The performance of all tasks required for this Phase I ESA and numerous Site inspections did not reveal any impacts to soil or groundwater quality.

Even though the Phase 1 Environmental Site Assessment did not identify any environmental concerns, the Applicant nonetheless performed a focused Phase II environmental assessment (test trench program), which verified that there was no soil contamination present in the vicinity of the former junkyard.

The Focused Phase II Environmental Site Assessment did not reveal any impacts to soil quality or potential impacts to surface water/ groundwater quality. No environmental concerns are present in the vicinity of the former junkyard or tire dump/tire fire area. Analytical results revealed that no volatile organic compounds or semi-volatile organic compounds were detected at or above the method detection limit (MDL). Analytical results revealed total values for barium, cadmium, mercury, selenium, and silver that were below the NYSDEC Recommended Soil Cleanup Objective (RSCO). In addition, total values for arsenic, chromium, and lead were within the range of New York State Background and/or Eastern USA Background levels.

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. Further, the Town Board finds that the projected traffic on the Route 2 corridor from this action does not result in a significant adverse impact [see Section 5.8 of this Findings Statement], but required the Applicant to examine unrelated actions which could have a cumulative impact upon the Route 2 traffic volumes. In this regard, a 56 single-family dwelling Post Creek project located near the intersection of Route 2 and South Lake Avenue in Troy was factored into the projected traffic volume increase associated with the Project. This analysis showed that existing delays may be slightly increased requiring minor mitigation. However, due to the fact that drivers at the subject intersection are currently experiencing delays, and the fact that proposed mitigation measures will alleviate existing conditions and mitigate any impacts to the maximum extent practicable brought on by the Project [see Section 5.8 of this Findings Statement], any cumulative traffic related impacts associated with the Project are not anticipated to be significant.

The Town Board finds that the applicable and relevant areas of potential cumulative environmental impacts have been fully considered. The Town Board further finds that all other 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 of the project site from vacant land to residential use. However, the Town Board finds that the maintenance of 85% (181± acres out of 214± acres) of the project site as forever open, restricted from development, is a significant mitigating factor. Further, the maintenance of 85% of the site as open space is consistent with the Town goals of preserving open space and scenic areas, while also balancing private property rights. The Town Board also notes that the project site was subject to residential development under current zoning, without the requirement for significant set aside for open greenspace to provide for conservation and scenic purposes. The Town Board finds that the use of the Planned Development District tool is an effective planning mechanism to achieve this result.

The Town Board also finds that there will be grading and modification 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 by the Applicant through its Stormwater Management Plan designed in accordance with NYSDEC Guidelines. This Plan will adequately address stormwater runoff, both in terms of quantity and quality. Also, stormwater is presently allowed to runoff the site without quantity or quality treatment, resulting in the potential for sediment and silt runoff to surface water bodies. The stormwater plan designed for this project will decrease sedimentation and siltation through required quality treatment on site, with the potential of improving water quality in the surrounding wetlands and streams.

8.0 ALTERNATIVES

The Town Board examined possible alternate land uses for the Project site. Three alternative uses were examined: a No Action Alternative, the previously proposed residential development on this Project site, referred to as the County Club Properties Project, and third alternative that addresses what is currently permitted on the Project site under the current zoning regulations. These are discussed below.

(a) No Action Alternative

Under the No Action Alternative, the Project would not be implemented, and the Site would remain undeveloped until another project is proposed. Specifically, no change in land use would occur, the vegetation would remain and no change in impervious areas would occur. Conversely, the Project is anticipated to provide various residential options in the Town of Brunswick, and have positive

economic implications on the local economy and the fiscal conditions of the Town of Brunswick, as outlined below:

- Construction of the Project is projected to generate approximately \$1,375,000 in sales tax revenue over an anticipated three-year construction period and based on total estimated construction costs of \$70 million;
- Residents of the Project are projected to generate more than \$200,000 per year in sales tax revenue based on estimated income levels as a function of home values and projected consumption patterns;
- \$142,000 in Park and Recreation fees (\$500 per residential lot and unit);
- Full projected real property tax revenues will be generated and received by the Town [see Section 5.21 of this Findings Statement];
- Development of the Project will generate approximately 60 temporary construction jobs; and,
- The Project will produce 10 to 12 new permanent jobs, including a property manager, administrative staff, maintenance personnel, and grounds workers

Under the No Action Alternative, the various residential options are positive economic impacts would not occur.

(b) Country Club Properties – Previously Proposed Project

The Town of Brunswick issued approvals for the Country Club Properties (CCP) PDD in February 1991. The CCP Project consisted of 127 single-family homes and 64 townhouses on 214 acres of the current project site. While that PDD approval is expired, it is used as an alternate for analysis. The CCP Project was never constructed due to prevailing market conditions at the time.

While the Carriage Hill Project proposes more units than the CCP Project, the CCP Project design would result in a much larger impact on the Site's natural resources. Specifically, the Carriage Hill design carefully takes into consideration the need to cluster units in areas of the Site that could support a higher density, leaving the sensitive sections of the site untouched or minimally impacted. The Carriage Hill design also addresses a compendium of housing needs in the Town as depicted in the Town's Comprehensive Plan. The CCP Project design would result in significantly more impacts to the wetlands, tributaries, and steep slopes when compared to the Carriage Hill design. In addition, the CCP Project would result in the clearing of 96.5± acres compared to only 73± acres for the Carriage Hill design.

These larger disturbance impacts associated with the CCP Project would translate into potentially higher impacts related to stormwater flow, erosion, sedimentation, surface and groundwater quality, wetlands and surface waters functions, terrestrial and aquatic habitat, cultural and historical resources, dust generated during construction, and overall community character. Generally, the CCP

Project would result in a larger footprint of development when compared to the clustered design of the Carriage Hill.

(c) Current Zoning Allowances

Development in the Town of Brunswick is regulated by *The Town of Brunswick Zoning Ordinance* (last revised April 1998), the Town's Subdivision Regulations, and other local laws. The Project site is currently zoned as Residential (R-40, R-25, and R-15), and Recreational (RCC), with the RCC and R-25 Districts making up the majority of the Project site.

The currently allowed uses in these districts include: 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; and governmental buildings and uses, libraries, police and fire stations.

If the site was developed under the current zoning and not through a PDD process, the R-25 and R-40 sections of the site would see the majority of the development at 1 unit per 25,000 sf and 1 unit per 40,000 sf respectively. Based upon the currently allowed densities, approximately 210 units could be allowed. This does not include any development within the RCC district portion of the site. Although, based upon the wetlands, tributaries, and areas of steep slopes, the total number of allowed lots would likely be lower.

Due to the fact that the Project site is divided into four different districts, development would likely occur in a manner that would maximize each developable section of the Project site, and therefore result in minimal amounts of open space. Under the proposed Project alternative, the PDD is allowing for a more flexible design, that will result in development concentrated in specific areas which will allow for the protection of more open space and the preservation of rural character.

9.0 ENUMERATED CONDITIONS

The Town Board establishes the following conditions on the Carriage Hill Estates project:

1. The Carriage Hill Project shall include 284 total units, including 87 carriage home lots, 19 estate home lots, and 178 senior apartment units located in nine (9) 2-story buildings and eight (8) townhouses, in the general layout and location as set forth on the preliminary subdivision plat and site plan submission for Carriage Hill Estates Planned Development District prepared by Saratoga Associated dated October 13, 2005 and labeled "C-1", as amended by a revised concept plan for Orchard Village senior apartments prepared by Saratoga Associates dated June, 2006 and included in the FEIS at Appendix "G", *except* as set forth below at Condition No. 27.
2. All roads within the Carriage Hill Project shall be in the general location as set forth on the preliminary subdivision plat and site plan submission described in Condition No. 1. Such roads shall be 26 feet wide, constituting two 13 feet wide travel lanes, plus 2 foot wide gutters on each side of the roadway. All roads within the Project shall conform to the specifications described on sheets L-13 through L-19 of the preliminary subdivision plat and site plan submission described in Condition No. 1.

3. A Bonding Security Agreement for all roads within the Carriage Hill Project in a form and content acceptable to the Town Board and Town Attorney must be executed by the Applicant prior to a final subdivision plat being stamped or signed by the Town of Brunswick Planning Board.
4. 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 Carriage Hill Project prior to a final subdivision plat or site plan being stamped or signed by the Town of Brunswick Planning Board. 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.
5. 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 with the Office of the Rensselaer County Clerk must be provided to the Town of Brunswick prior to the final subdivision plat or site plan being stamped or signed by the Town of Brunswick Planning Board, and shall be an express condition of final subdivision and site plan approval.
6. Until the roadways within the Carriage Hill Project are completed, offered for dedication, and accepted by the Town Board, the Applicant shall be responsible for all roadway maintenance, including paving, repairing, and snowplowing, for the benefit of all homeowners and residents within Carriage Hill, to ensure that all roadways are open, passable, and accessible to both Pinewoods Avenue and NYS Route 2, and further that such roadways are open, passable, and accessible to and by emergency vehicles. In addition, until such time as all roadways are offered for dedication and accepted by the Town Board, the Applicant shall be responsible for the maintenance of a sign at the entrances to the Carriage Hill Project providing the following: "NOTICE: streets in this plot are being maintained by the developer. Upon completion and final inspection they will be taken over by the Town of Brunswick".
7. All roadways within the Carriage Hill Project are designed to be public roadways, except for the driveway and parking areas in the Orchard Village senior apartment section. Upon construction of roadways in compliance with applicable specifications, the Applicant shall offer for dedication as public roadways all such roads within the Carriage Hill Project.
8. The Carriage Hill Homeowners Association documents, including its 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 insure compliance with the requirements of this Findings Statement.
9. The areas identified on the maps entitled "Land Restrictions" and "Land Preservation Areas", included in the FEIS at Appendix "H" shall be restricted as set forth thereon. The Applicant shall execute a conservation easement in favor of the Town of Brunswick in a form acceptable to the Town Board and Town Attorney covering all property identified on the map entitled "Land Preservation Areas" as conservation lands, buffer areas, and wetlands. Such conservation easement will be recorded, at the expense of the Applicant, in

the Office of the Rensselaer County Clerk. Further, as required by the New York State Department of Environmental Conservation and the Town, restrictive covenants and deed restrictions for the areas identified on the maps entitled “Land Restrictions” and “Land Preservation Areas” must be approved by NYSDEC and the Town Attorney prior to filing.

10. All rock, including bedrock, must be removed by mechanical means, if it is determined to be mechanically feasible. In the event blasting is required to remove such rock, notice to the Town Building Department and consulting engineer must be made, both verbally and in writing, prior to any blasting activities. The following best management practices for blasting must be complied with:
 - a. All blasts will be designed and implemented in accordance with all applicable state and federal regulations.
 - b. A licensed expert blaster will perform all blasting.
 - c. Blasting will be scheduled to avoid adverse weather conditions such as strong, low level thermal inversions and thunderstorms.
 - d. All blast holes will be loaded and implemented under the direct supervision of an expert licensed blaster.
 - e. The blast area will be secured prior to each blast.
 - f. Blasting will be done between 10:00 a.m. and 5:00 p.m. Monday through Friday. No blasting will occur on weekends or holidays.
 - g. All blasts will be monitored with a properly calibrated seismograph.
 - h. Records of all blasts, including seismograph data, will be prepared and maintained by the Applicant and/or blasting expert, and made available to the Town upon request.
 - i. The Applicant will promptly and professionally respond to and investigate all complaints. Applicant shall make all necessary repairs to homes and property if it is determined that such damage is causally related to the blast.
 - j. In addition, the Applicant shall offer to all property owners within 1,500 feet of the blasting areas, or as directed by the Town’s consulting engineer and Town Building Department, the opportunity to have a pre-blast survey conducted by the Applicant for all structures located within such area. This offer must be made in writing, with records of such written offer and/or pre-blast survey to be maintained by the Applicant and made available to the Town upon request.

Blasting shall be confined to the blasting zone identified on a blasting area map included in the FEIS at Appendix “X”. Any blasting outside the identified blasting zone shall be reviewed by the Town consulting engineer prior to any blasting activity.

11. The Applicant must comply with all New York State Department of Environmental Conservation (NYSDEC) Stormwater Regulations. In addition to any mandatory notice of intent to commence construction activities, the Applicant must submit a complete Erosion and Sediment Control Plan (ESCP) and Stormwater Pollution Prevention Plan (SWPPP) to NYSDEC. Prior to any grading or other construction activities on the construction site, the ESCP and SWPPP must be reviewed and approved in writing by NYSDEC, with written notice and a copy of such NYSDEC written approval provided by the Applicant to the Town of Brunswick.

12. All Stormwater Management facilities shall be constructed in compliance with the approved SWPPP. All Stormwater Management facilities shall be owned and maintained by the Carriage Hill 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 New York State Attorney General. The Town of Brunswick shall have no responsibility or liability with respect to such Stormwater Management facilities.
13. The Applicant must comply with all requirements and conditions of the U.S. Army Corps of Engineers concerning activities under NWP#12 and NWP#14, as set forth in correspondence of the Army Corps of Engineers dated August 25, 2006. These special conditions include:
 - (A) The permittee shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. All exposed soils shall be re-vegetated in a timely manner to further reduce potential effects. The permittee shall also fence off all wetlands and other sensitive ecological areas during construction periods to prevent equipment and personnel from entering these areas.
 - (B) Prior to the initiation of any work on the project site, the permittee shall secure a deed restriction on 11.68 acres of non-impacted wetlands and 24.32 acres of upland areas, to guarantee their preservation for wetland and wildlife resources. Copies of the instrument(s) effecting such restriction shall be submitted to the New York District Corps of Engineers for approval prior to execution, and the instrument(s) shall be executed and recorded with the Rensselaer County Registrar of Deeds within 60 days from the date of this letter.
 - (C) The permittee shall ensure that all synthetic erosion control features (e.g., silt fencing, netting, mats), which are intended for temporary use during construction, are completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade after time, may be used as permanent measures, or if used temporarily, may be abandoned in place. Plastic and other synthetic netting materials do not biodegrade, and can create litter and obstruction hazards to fish and wildlife by entangling and trapping them.
 - (D) Prior to the construction of houses on the lots identified in the drawings "Wetland Buffer Fence Location – Figures 10 and 11", prepared by Saratoga Associates, dated May 19, 2006, the permittee shall install a split rail fence along the wetland boundary to discourage future property owners from encroaching into the deed restricted wetland.
 - (E) Prior to the initiation of any work on the project site, the permittee shall

implement an approved Avoidance Plan as required in the letter from the State Historic Plan as required in the letter from the State Historic Preservation Office (SHPO) dated October 26, 2005, in regards to three historic sites: A08302.000213 Carriage Hill 5, A08302.000217 Carriage Hill 9, and A08302.000219 W.J. Stillman Site (SUBi2537). The Avoidance Plan should include:

- (i) Short term – Each site should be identified on the project plans as a “sensitive area” requiring avoidance. Fencing will need to be in place throughout construction. During the preconstruction meeting the applicant shall inform the EIC and other key construction officials of the avoidance/protection requirement.
 - (ii) Long term – An Archeology Covenant must be included with each property that contains any portion of the three sites noted.
14. Dust control measures must be instituted to address dust or airborne particulate during construction activities. This will include the use of water spray during dry conditions, and compliance with all groundcover and/or seeding requirements in the ESCP and SWPPP.
 15. The Applicant must pursue its application for the 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.
 16. 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 and maintenance without cost to the Town.
 17. The Applicant shall post a performance bond or other acceptable financial 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.
 18. 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.
 19. All improvements constructed in conjunction with providing a system of wastewater collection will be, upon satisfactory completion by the Applicant, dedicated to the Town of Brunswick for operation and maintenance without cost to the Town.
 20. 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.

21. The Applicant is required to install a 10” diameter water main extending from Pinewoods Avenue to NYS Route 2. All design parameters for this water main are subject to final review and approval by the Town Water Department and Town consulting engineer.
22. The Applicant is required to install an 8” diameter sewage force main on Pinewoods Avenue. All design parameters for this sewer main are subject to final review and approval by the Town Water Department and Town consulting engineer.
23. Final location and specifications of fire hydrants in the Carriage Hill Project will be coordinated with the Eagle Mills Fire Department, and also with the Town Board and Town Engineer.
24. The Applicant shall pay the sum of \$142,000.00 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 any final subdivision plat and site plan being stamped and signed by the Town of Brunswick Planning Board, and will be an express condition of final subdivision approval and site plan approval in the event the same is granted by the Brunswick Planning Board.
25. The Applicant must comply with all requirements of the Office of Parks Recreation and Historic Preservation (OPRHP) as set forth in correspondence of OPRHP dated October 26, 2005, included in the FEIS at Appendix “A”, which correspondence is expressly incorporated herein.
26. 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.
27. Pursuant to the recommendation of the Brunswick Planning Board, the cul-de-sac in the area identified as Carriage Hill Landing East located in proximity to Pinewoods Avenue shall be eliminated to increase the buffer between the carriage homes lots on the cul-de-sac and adjacent residential areas. The Brunswick Planning Board shall review the final location of such carriage home lots to ensure adequate buffer exists to adjacent residential areas.
28. The boulevards located on the internal road system shall be eliminated. The boulevards, signage, and proposed landscaping in the entrance roads at the Pinewoods Avenue and NYS Route 2 entranceways are permitted, and final design shall be determined by the Brunswick Planning Board upon consultation with the Town Highway Superintendent. All such boulevards, signage, and landscaping shall be maintained by the Carriage Hill Homeowners Association.
29. The Brunswick Planning Board shall make the final determination concerning the number of required parking spaces for the Orchard Village senior apartments.

- 30. Pursuant to the recommendation of the Brunswick Planning Board, pedestrian movement throughout the Project site is important. The Town Board does not agree that sidewalks are required for this Project; however, the Town Board agrees and requires that all walking trails must be paved to allow free pedestrian movement throughout the Project site, especially for projected senior residents.
- 31. Appropriate set-backs and/or vegetative screening must be installed in all areas of the walking trails to buffer such trails from existing off-site residences. Final set-backs and/or vegetative screening will be determined by the Brunswick Planning Board during subdivision and site plan review.
- 32. The following note shall be placed on all plans and plats for the Carriage Hill 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 Carriage Hill Planned Development District, and consent to all said conditions.

Applicant

Date

Owner

Date

- 33. 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.
- 34. The Applicant shall pay all consulting review fees incurred by the Town Board in connection with the review of the Carriage Hill 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 final accounting.
- 35. The Applicant shall be required to establish at the Town of Brunswick an engineering review escrow account in an amount to be determined by the Town Board upon review with its consulting engineer. The Town Board shall retain an engineer for purpose of providing engineering review and oversight on all construction plans and site construction activities related to the Carriage Hill 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 Carriage Hill Project. At no time shall such account be in an amount less than \$20,000.00. In the event the Applicant fails to maintain such escrow account in a balance of at least \$20,000.00, a Stop Work Order will 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.

36. The Carriage Hill 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 Carriage Hill Estates 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 Carriage Hill Estates PDD application those mitigating conditions that have been identified in this Findings Statement.