FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) HIGHLAND CREEK PLANNED DEVELOPMENT DISTRICT TOWN OF BRUNSWICK, RENSSELAER COUNTY, NEW YORK

LEAD AGENCY:

THE TOWN BOARD FOR THE TOWN OF BRUNSWICK
308 TOWN OFFICE ROAD
BRUNSWICK, NY 13041

LEAD AGENCY CONTACT:

PATRICK E. POLETO, COUNCILMAN
TOWN BOARD OF THE TOWN OF BRUNSWICK
35 MELLON AVENUE
TROY, NY 12180

PROJECT SPONSOR:

LANDMARK DEVELOPMENT GROUP, LLC
16 PETRA LANE
ALBANY, NY 12205

PREPARED BY:

IVAN ZDRAHAL ASSOCIATES, PLLC
ENGINEERING AND PLANNING
959 ROUTE 146
CLIFTON PARK, NY 12065
(518) 383-0769

DATE OF FEIS ACCEPTANCE:

April 13, 2006

APPENDIX B

PUBLIC COMMENT LETTERS SUBMITTED TO THE TOWN OF BRUNSWICK TOWN BOARD

January 17, 2006
Frances Bolliger
446 McChesney Ave Ext.
Troy, NY 12180

RECEIVED
JAN 18 2006
TOWN CLERK

Brunswick Town Board
308 Town Office Road
Troy, NY 12180
Attention: Patrick Poleto

Dear Members of the Board:

This letter is in response to comments made at the public hearing dated December 28, 2005 regarding the Highland Creek Draft Environmental Impact Statement.

I have been a resident of 446 McChesney Ave Ext. for over 70 years. The proposed project for the Bonesteel farm does not take into consideration the impact on its surroundings and residents. Potential problems with the aquifer, invading wetlands, disturbing wildlife and the effects on the school district have not been adequately addressed.

McChesney Avenue Extension is no longer a small country road and has now become a service road to route 7 and route 2. This is a dangerous road with several blind corners and hills. I do not believe the site lines for the exit/entrance to the Highland Creek PDD have been adequately addressed. The traffic study reported in the DEIS was completed during the summer under optimal weather conditions. How would these numbers differ if this study were done during the winter months? From a dead stop would a car exiting onto McChesney Avenue Extension be able to get out of the way of oncoming traffic?

In addition to the increase in the amount garbage we now routinely pick up along this road, speeds have dramatically increased. It appears that the NYS police and the Rensselaer County Sheriff's do not currently have the manpower and resources to patrol this road adequately. With this project and the other proposed developments there would be a need for addition police protection. Have these additional costs been figured against the proposed benefits? These costs must be weighed before proceeding with any of these projects.

Sincerely,

Frances Bolliger

Frances Bolliger

RECEIVED
JAN 18 2006
TOWN CLERK

446 McChesney Ave. Ext.
Troy NY 12180
January 17, 2006

Town of Brunswick
336 Town Office Rd.
Troy NY 12180

Re: Highland Creek Development

Dear Mr. Poleto:

I have lived in the town of Brunswick most of my life. My great grandfather originally bought the land where I now reside. I have seen the character change in the area it is no longer safe to walk and ride bikes on our roads.

Suburban sprawl is here complete with nasty traffic, littered roads, fast food franchises, vacant apartment complexes, car dealerships, and failed strip malls. I am not in favor of this high density development. With an increased population, the town will need to provide increased services and Brunswick does not have the infrastructure to provide for this development.

Why hasn't the Comprehensive Plan been employed? The issues above need to be addressed with the current population and current infrastructure. A professional master plan including small building commercial growth would benefit all the residents.

Sincerely,

Holly Bolliger

Ms. Holly Bolliger

January 18, 2006
Timothy Bolliger
446 McChesney Ave Ext.
Troy, NY 12180

RECEIVED
JAN 20 2006
TOWN CLERK

Brunswick Town Board
308 Town Office Road
Troy, NY 12180
Attention: Patrick Poleto

Dear Members of the Board:

This letter is in response to the acceptance of written comment regarding the Highland Creek Draft Environmental Impact Statement.

I have been a resident of the town of Brunswick for the past 46 years. I have concerns with several points relating to the Highland Creek DEIS. My first concern is with the price of these "empty-nester" houses. With the proposed price of these homes to be $290,000, I wonder who will be buying these units. I have spoke to a number of family members and other residents at or near retirement age and every person I have spoken to tells me that they would be unable to afford these prices. What research has been done to establish a need for "empty-nester" housing in the Town of Brunswick? What happens if these houses don't sell? What happens to property/housing values in town if these homes are built?

The DEIS also fails to show adequate plan for the flow of storm water from the site. From all indications Sweet Milk Creek appears to be the final release point for storm drainage. This stream is labeled properly in the DEIS as a class "C" (TS) trout stream and therefore is currently capable of sustaining aquatic life. I have fished this stream for nearly 40 years and while I have seen a decline over the years it is still a "living" body of water. Without a proper storm drainage plan this stream will surely die. Will the stream be tested to check water quality? Will it be tested during the construction process? Will it be tested in the spring months and under other high volume conditions?

The DEIS also fails to identify who would be responsible for the proposed new water district. As a resident living close to this project there are many questions that need to be answered. Who will be included in this new water district? Will it be limited to new residents of the proposed development or will existing residents along McChesney Avenue Extension be part of this new water district? Will I be forced to be part of this water system? Will I have to pay for connection costs to this new system? Who will be

responsible for maintenance on this new system? What is the impact of the proposed water system on my existing well?

Finally I would like to ask what methodology does the board plan on using to examine the cumulative effects of these 5 proposed projects on our town. The decisions you make will affect the character of the town for generations to come. Please take the time to consider them all carefully. Once they are done, they cannot be undone.

Sincerely,

Timothy P. Bolliger

Mr. Edward H. Boughton
551 McChesney Ave Ext.
Troy, NY 12180-8840

Jan. 19, 2006.

RECEIVED
JAN 19 2006
TOWN CLERK

Town of Brunswick
308 Town Office Rd.
Troy, N.Y. 12180
Attention: Planning Board

Dear Members:

I am no stranger to the Town, as my parents moved to Brunswick from Beman Park in 1937. As I recall, the main business on Rte. 7 was Rath Brothers Garage and on Rte. 2 was Dixon's General Store. The same narrow, winding and up and down secondary gravel roads existed and over the years they have been black topped. My home is now at the corner of Mc Chesney Ave. Extension and Moonlawn Rd. (Turkey Hill). It is a challenge for me to retrieve my mail from the mailbox by crossing traffic on McChesney and tightrope walking well where a shoulder should exist. I wear boots so that I can jump into the plowed snowbanks. Mowing adjacent to Moonlawn is also a problem as my only escape route from the fast and heavy Vermont traffic (headed for Pinewoods Ave. is a deep, rocky ditch.

A part of the planning which should be going on <u>now</u> is for Park and Ride areas on 7 north east of the 278 intersection and also on 2 east of the 351, Farm to Market, and Brittonkill School. Public transportation is a must!

A completely new highway is needed to by-pass Hoosick St. (similar to the Bennington By-Pass). The 18 million dollar upgrading of Hoosick Road (complete with sidewalks and bird watching ramp) is merely a bandaid and already overwhelmed. Once the existing open areas are covered with home developments and malls, it will no longer be financially feasible to buy up properties and put in a new highway. The longer we wait, the situation can only worsen.

The other concern I have is how long will volunteer firefighters, EMTs and fire police want, or be able to, give up hours lost at work or sleep time. Throwing money at the departments is not the answer. The members practice and do their service to help residents of their own communities.

Very truly yours,
Edward H. (Ted) Boughton
active fire police, Eagle Mills.

BRUNSWICK SMART GROWTH
P.O. Box 23
Cropseyville, New York 12052
(518) 273-4034

November 21, 2005

Brunswick Town Board
308 Town Office Road
Troy, New York 12180
Attention: Mr. Patrick Poleto

Re: Highland Creek Draft Environmental Impact Statement

Dear Members of the Board:

On behalf of the members of Brunswick Smart Growth we believe that the scheduling of the public hearing regarding the Draft Environmental Impact Statement for the proposed Highland Creek Planned Development District does not provide adequate time for public review and comment. The Town Board accepted the Highland Creek Draft EIS as ready for public review and comment at its meeting held on November 10th and scheduled the public hearing for November 28th. The Notice of the Public Hearing is dated November 15th and the Highland Creek Draft EIS was made available to the public after that. It would appear that on its face the Notice of Public Hearing does not satisfy the minimum requirements of the SEQR regulations that notice of the public hearing be published at least 14 days in advance of the date of the hearing date. Since the regulations require that the notice be 14 days in advance of the date of the hearing, the date the hearing is held should not be counted. This would mean that the meeting should have been scheduled for November 29th. It also appears that the date of the meeting does not satisfy the minimum requirements of the SEQR regulations that the hearing will commence no less than 15 days following the filing of the notice of completion of a draft EIS. Since the Town Board accepted the Highland Creek Draft EIS on November 10th and November 11th was the Veterans Day holiday, it does not seem possible that the notice of completion was filed with the involved agencies until November 14th at the earliest. If the filing were completed on November 14th, 15 days following the date of filing would be November 29th.

Even assuming that the Notice of Public Hearing and the date of the Hearing do satisfy the minimum requirements of the SEQR regulations, it is not adequate when taking into account that the Thanksgiving Holiday weekend directly precedes the day scheduled for the public hearing. This is a time when many people are traveling and visiting and should not be expected to try to review the Highland Creek Draft EIS. Furthermore, the Town Board is not compelled to schedule this public hearing so quickly.

According to the SEQR regulations, the Town Board has the ability to schedule the public hearing at any time up to 60 days following the filing of the Draft EIS and still be able to satisfy the requirement under the regulations to prepare a final EIS. This is because the SEQR regulations require that a final EIS be prepared within 60 days of the filing of the draft EIS or 45 days after the close of any public hearing. The public hearing could have been scheduled for as late as the beginning of January and thus commencing the 45-day time period to prepare the final EIS. While it is true that there are many holidays through out that time period it still would have afforded the members of the public sufficient time to review the Highland Creek Draft EIS. At least the members of the public would have had a greater opportunity to learn of the date of the Hearing and review the Highland Creek Draft EIS than has been afforded to them by the current schedule.

The members of the Board are well aware that a large and growing number of the residents of Brunswick are interested in the several proposed planned development districts that are currently before the Board and are concerned over the impact that these planned development districts will have on the community. It is difficult to understand how the Board could schedule a public hearing such as this with what is at best bare minimum compliance with the notice requirements. While we understand that it may be inconvenient, we request the Public Hearing for the Highland Creek Draft EIS currently scheduled for November 28th, be rescheduled to a time that affords the residents of the Town the maximum opportunity to review the Draft EIS before the date of the hearing.

Yours sincerely,

Steering Committee
Brunswick Smart Growth

Cc: Andrew Gilchrist, Esq.

BRUNSWICK SMART GROWTH, INC.
P.O. Box 23
Cropseyville, New York 12052
(518) 273-4034

RECEIVED
JAN 20 2006
TOWN CLERK

January 20, 2006

Town of Brunswick Town Board
336 Town Office Road
Troy, New York 12180

Re: Highland Creek Planned Development District
Comments on Draft Environmental Impact Statement

Dear Members of the Town Board:

The following are comments pursuant to 6 NYCRR617.9 (a)(4)(iii) on the Draft Environmental Impact Statement (DEIS) for the proposed Highland Creek Planned Development District. Brunswick Smart Growth (BSG) represents the concerns of residents of the Town of Brunswick, including property owners near the proposed project site. The section numbers referred to below correspond with those used in the DEIS.

This correspondence is addressed to the Town Board Members rather than Supervisor Herrington. At prior Town Board meetings and Public Hearings, Supervisor Herrington has recused himself from Town Board actions involving this project, and he should not be involved in the SEQRA review process.

There are numerous instances where the current DEIS ignores in whole or in part BSG's comments on the Draft Scoping Document of the proposed Highland Creek Planned Development District. This letter was submitted to the Town of Brunswick Town Board on July 1, 2005. It is attached and by reference BSG requests that these omissions be corrected and answered in the Final EIS.

Section 2.1 – Project Purpose and Need

- What need is demonstrated in Brunswick for this type of development? The DEIS states that the proposed development responds to real estate market demand but provides no documentation supporting this claim. What research of local and other markets were used to make this assertion? Has this been updated by examining recent trends in the housing market through 2005? The DEIS must include market analysis specifically to identify the market base for Highland Creek.

- The project's DEIS describes the 130 Carriage Houses as "single family, detached homes specifically designed for the 'empty-nester' owner ... This 'empty nester' market, where lawn mowing, snow removal and other services are provided, is currently vastly underserved in the Town."

  In light of the proposed price of $290,000, property taxes estimated at over $9,000, and association fees over $900 for Carriage Houses, what research has been done in the Town to establish that Brunswick 'empty-nesters' would buy these homes or be able to meet the increased costs incurred due to the higher price of the Carriage Homes as compared to the average home in Brunswick, which are more than $100,000 lower on the average.

  Likewise, what comparison has been made between average local taxes and the over $9,000 estimated taxes for Carriage Homes to establish the feasibility of marketing these Carriage Homes to Brunswick empty-nesters?

- How are Brunswick residents assured that the Carriage Homes will be bought by "empty-nesters?" With no deed restrictions on the Carriage Homes that limit the number of household members or age of the purchaser, how does the developer determine that these houses will be bought by 'empty-nesters?' Should this market of buyers not materialize, how does the developer account in alternative scenarios for additional costs to and effects on Town services, school, traffic and overall impact on the quality of life of the Town?

- The proposed development creates an urban setting in a rural area, yet never demonstrates through references or studies that this is a viable form of development for the benefit of the Town. In what similar areas locally and in the Northeast has this type of development been constructed and proven to be viable: What similar projects has this developer completed that demonstrate the success of this model?

- The DEIS lists the benefits that people living in Highland Creek would enjoy as residents of the Town of Brunswick including a "range of recreational opportunities," "proximity to shopping, employment centers, and professional services," a "full range of essential services including electric, water supply, and sanitary sewer system," and "excellent community services including schools, fire and police protection, and medical and emergency services." Other than temporary construction jobs and alleged increases in tax revenues, what additional benefits will Highland Creek offer existing residents living outside the Highland Creek development?

- Section 2.1.2 claims that the construction of Highland Creek will ensure the protection of an environmentally sensitive area and protect that area from future development. The validity of this statement must be evaluated. A portion of the project cannot be developed due to wetlands, outcrops and steep slopes. What portion of the site is being preserved simply because it is not buildable?

- The DEIS gives an estimated value of the total tax revenues generated from the project but gives no estimate of the cost to taxpayers in terms of services required by the new residences.

  Katherine H. Daniels and David S. Sampson described these costs on page 35 of the Open Space Institute's report "Open Space for Tomorrow: A Capital District Sprawl and Open Space Action Strategy." The section entitled "Raising Local Taxes" reads as follows:

  "Communities across the country are coming to understand that most residential development demands more in service costs than it generates in property taxes. Thus, most new residential development places an increased tax burden on existing residents, as municipal expenditures rise to cover growing costs. The American Farmland Trust recently completed an in-depth study, which found that new residential growth costs approximately $1.23 in services for every dollar it pays in local property taxes. Farmland, on the other hand, generates more property taxes than it requires in local services."

  The Open Space report continues:

  "A look at recent growth within the region as compared to changes in municipal expenditures is insightful. According to the U.S. Census, the Town of Clifton Park grew by 38% between 1980 and 2000, experiencing the greatest growth in population of any municipality within the Capital District. Yet its per person municipal expenditures in that time period *increased by 218%*. Clearly, new growth is not paying its own way, but instead in many communities is a serious drain on local revenues. This is due to the higher demands for local services by suburban dwellers than by rural residents. There are more children to educate and public sewer and water systems and road improvements are often needed."

  The Highland Creek DEIS does not adequately address the costs of this new residential development to the community. The costs of additional public services must be addressed.

- The DEIS estimates total tax revenues generated by this development to be $1,824,551 after full build out and sales. The DEIS must detail also what the total of amount of taxes will be that will be paid by the developer prior to this point in time, and what methodology and provisions will apply to calculate this amount. During this time as well, what will be the responsibility and cost to the Town to maintain the completed infrastructure, including roads, water, sewer and storm water drainage?

- The DEIS says the Highland Creek project will generate construction jobs. How many local firms will be utilized for this construction? How will long-term local employment be affected upon completion of the project?

Section 2.2 - Location

- Section 2.2.3 of the DEIS states that the "Proposed main access will be constructed in an area that allows for safe traffic intersection movements with respect to required sight distance." This proposed access road intersects McChesney Ave. Ext. near the bottom of a dip between two steep hills, and has approximately 1/10 mile (640' and 710') line of sight in either direction, after which the view in either direction is completely blind. McChesney Avenue Extension is a county two-lane roadway with no shoulders available for emergencies or pulling off the road. At present the roadway is raised (c. 3 inches) from the adjoining roadside area, making the lack of shoulders and pulling over increasingly dangerous. It is a road that takes careful driving and in bad weather and/or with current levels of speeding can be treacherous. The increased traffic will impose an increased demand on both snow removal services and emergency response to traffic accidents caused by the increased volume of traffic driving on McChesney Ave. Ext. during poor weather conditions.

  McChesney Ave. Ext. is being used increasingly as a crossover between Route 2 and Route 7. This has already posed issues of safety for residents and motorists alike on McChesney Ave. Ext. What traffic studies (safety and volume) have been done to identify the level of traffic and the historical increase (in the last 4 or 5 years) that establish this as a safe roadway for building a large development with c. 400 cars.? What is the estimated total number of cars that Highland Creek residents would possess?

  As stated this access road enters McChesney Ave. Ext. near the bottom of two steep hills. Assessment must be made as to the feasibility of so many Highland Creek cars safely entering and exiting the access road. All road conditions must be included, wet, dry, snow and ice.

  Presently Brunswick residents often avoid McChesney Ave. Ext. in winter storms due to its hilly, winding traverses with no safe place to pull off the road, and its history of winter driving mishaps. How will residents be able to safely maneuver exits and entrances, as well as climbing and descending the immediate steep hills on McChesney Ave. Ext.? Public safety studies of this intersection must be shown, which properly take into account the total estimated autos in the Highland Creek development, current levels of traffic on McChesney Ave. Ext., potential traffic from proposed Hudson Hills and Wal-Mart Supercenter, traffic from the proposed Carriage Hill PDD, and all weather conditions.

- The emergency access road for this site must be analyzed using the same safety criteria for the main entrance because there might be a need for this intersection to be used for ingress and egress under special circumstances.

- Section 2.2.5 of the DEIS addresses existing zoning. It states correctly that "the entire project site of the proposed PDD is zoned as A-40 Agricultural, which allows for the construction of single-family residential homes," but does not state the allowable acreage per residence. Is not that further information, "one home per acre?" It appears that approximately 85 homes could be built on the proposed area to be developed.

  In the SEQR application found in Volume II of the DEIS (Section A/ Item 3) the applicant states, on page 3, that 193 homes could be built on this site under current zoning. Yet there are 210.5 acres of land including 60 acres of wetlands administered under the US Army Corps of Engineers. In addition, as is mentioned in the DEIS and known locally, other terrain and drainage areas included in the open space in the current application present limits to the number of single family homes that can be built under current zoning.

  The developer needs to present a calculation of the total number of buildable homes under current zoning with an accompanying map delineating these sites.

Section 2.3 – Design and Layout

- It is unclear how effectively "the Open Space will screen this project." In particular, the claim that "it will reduce visual impact" fails to address how the project's introduction of an urban streetscape, complete with street lamps (Section 2.3.2.2), will be screened from the surrounding rural neighborhood. What will be the light and noise pollution of introducing an urban streetscape into a rural area?

- Section 2.3.2.5 of the DEIS states the proposed layout for Highland Creek PDD identifies 135.5 acres, or 64% of the project area, to remain undeveloped. This statement is misleading. Of the 135.5 acres or 64% to remain Open Space, how many acres, or what percentage of the project area cannot be developed due to physical restrains, i.e. wetland area, pond area, outcrop area, and steep slope area?

- Section 2.3.2.6 of the DEIS fails to provide a complete and adequate plan for the flow of storm water. Minimal plans are given for the drainage system, with only maps referenced which show roadway drainage, and the location of catch basins. No map is presented which summarizes the drainage system of the 6 sectional maps. No written summary or study is presented which details plans for said drainage system, including those of capacity, treatment, and estimated runoff according to varying weather and seasonal conditions.

  Is Sweetmilk Creek the final point of release? If so, what parameters for water quality have been collected, and at what times of the year? How will this stream be tested to verify maintenance of water quality?

  The DEIS claims that any use of pesticides and fertilizers by the development will be less than used previously in farming, with no quantifiable statistics. (Section

3.1.4.3.2). This section further states, "future storm water runoff will be managed for both water quantity and quality." (pg. 54) What is the means of this management, particularly of water quality?

In section 4.2.4 Hydrology the DEIS states "The alteration of the on-site drainage patterns and the increase of surface runoff volumes will result in a change of the current hydrologic conditions of the project area." As this area already contains many wetland areas, and the water table is 3 to 6 feet below the surface in some area, these changes need to be quantified and evaluated. With much of the development located in a bowl shaped area, how will runoff from higher terrains be mitigated, other than with the planned sump pumps and foundation drains? Where will such drainage (i.e., sump pumps and foundation drains) discharge said storm water? What is the estimated capacity, and how would this affect the sanitary sewers if this were the end destination for this discharge? How would this affect Sweet Milk Creek, if that is the end destination for this discharge?

The DEIS also needs to evaluate the possible effect of this increased runoff on neighboring properties and McChesney Ave. Ext.

- Section 2.3.2.7 concerns the Water Supply System.

The DEIS states that a Water District must be established for the proposed PDD water service area (p. 19). However, the DEIS fails to state the boundaries of the proposed water district. What are the parameters of the proposed water district? Who will be included in the proposed district? What would the likely amounts of those fees and costs be? Will the proposed water district be limited to prospective new residents of the proposed development, or will existing residents along McChesney or other areas become part of the new water district? Will existing residents be forced to pay a fee as part of the new water district, or be forced to hook up to the water supply? If existing residents are forced to hook up to the new water supply system, who is responsible for the connection costs? What are the likely amounts of those costs and fees?

What is the impact of the proposed water supply system on existing wells? How will construction of the water supply system impact existing wells, and what mitigation is proposed to avoid/mitigate impact on existing wells?

Who is responsible for the costs of the proposed new water district? Who pays for the "improvements" (Extending pipes, digging up a path along the town road's right of way, etc.) to install the proposed water supply system? Who owns the current existing water main, which runs from McChesney Avenue Extension to the Rouse senior citizen housing facility? If the existing water main is not currently owned by the Town, will it be necessary for the Town to acquire the existing water main, and if so, at what cost?

Who pays for the maintenance of the water supply system? The DEIS states that the water distribution system will be maintained and operated by the Town. What are the estimated expenses that will be incurred by the Town for operation and maintenance? Where will the money come from to pay for the operation and maintenance? Is it expected that the revenue from the water fees collected from residents within the new water district will be used to pay for the operation and maintenance expenses? If so, what if the development does not reach the expected build-out (i.e. what if the infrastructure for the new water supply system is built, and then the developer is unable to sell the expected amount of homes in the development)? In such circumstances, from where will the money for the operation and maintenance of the water supply system come? The water supply system would most likely be built in the initial stage (although p. 20, paragraph 2.4.1 of the DEIS states that "the actual sequence of implementation is presently unknown"), thus it would be unknown at the time of building the water supply system whether the amount of fees generated from the proposed water district would be sufficient to cover the expenses of operation and maintenance.

Appendix G of the DEIS concerns water supply but details as outlined in the Final Scoping Document are missing. The DEIS Engineer's Report must include water supply details as outlined in the Scoping Document. The DEIS states that project related utility needs will be identified and compared to existing capacities and limiting factors (i.e. pumping, treatment, pipe size, pressure, etc.) This information is not included. Additional details must be addressed in the Engineer's Report. What are the overall capacity, existing demand, and additional demand in terms of average daily demand and peak demand? What are the assumptions, references, and relevant equations?

What is the reference for the assumed 2.8 persons per house and demand of 100 GPD/capita?

The DEIS states that homeowners will be required to irrigate their lawn when necessary. Was this additional demand accounted for in the 100 GPD assumptions?

Will there be multiple water districts?

- Section 2.3.2.8 concerns the Sanitary Sewer System.

The DEIS states that a Sanitary Sewer District will be required to be extended to include the proposed PDD in the Town sewer service area (pg. 20). However, the DEIS fails to state the boundaries of the proposed sanitary sewer district. What are the parameters of the proposed sewer district? Who will be included in the proposed district? Will the proposed sewer district be limited to prospective new residents of the proposed development, or will existing residents along

McChesney Ave. Ext. or other areas become part of the new sewer district? Will existing residents be forced to pay a fee as part of the new sewer district, or be forced to hook up to the sewer system? If existing residents are forced to hook up to the new sewer system, who is responsible for the connection costs? What are the likely amounts of such fees and costs?

What is the impact of the proposed extension of the sewer district on existing wells? How will construction of the sewer system impact existing wells, and what mitigation is proposed to avoid/mitigate impact on existing wells?

Who is responsible for the costs of the proposed extension of the sewer district? Who pays for the "improvements" (Extending pipes, expanding pump station capacity, digging up a path along the town road's right of way, etc.) to install the proposed sewer system. Who owns the current existing gravity sewer system with the terminal manhole located at the Rouse senior citizen housing facility? If the existing gravity sewer system and terminal manhole is not currently owned by the Town, will it be necessary for the Town to acquire it, and if so, at what cost?

Who pays for the maintenance of the new proposed sewer system? The DEIS states that the sewer system will be maintained and operated by the Town. What are the estimated expenses that will be incurred by the Town for operation and maintenance? Where will the money come from to pay for the operation and maintenance? Is it expected that the revenue from the sewer district fees collected from residents within the new sewer district will be used to pay for the operation and maintenance expenses? If so, what if the development does not reach the expected build-out (i.e. what if the infrastructure for the extended sewer system is built, and then the developer is unable to sell the expected amount of homes in the development)? In such circumstances, from where will the money for the operation and maintenance of the sewer system come? The extended sewer system and expanded pumping station would most likely be built in the initial stage (although p. 20, paragraph 2.4.1 of the DEIS states that "the actual sequence of implementation is presently unknown"), thus it would be unknown at the time of building the sewer system whether the amount of fees generated from the proposed sewer district would be sufficient to cover the expenses of operation and maintenance.

What is the location of the proposed new pumping station to be located on the Highland Creek site? Will the proposed new pumping station be visible from McChesney Avenue and neighboring residents? How will the visual impact be mitigated?

Appendix G to the DEIS (attached Appendix F - Relevant Correspondence and Documents, Item 4-2) states that "the issue related to the observed high

flows during rain events is difficult to assess without a better understanding of the collection system. I would submit that mitigation costs of this observed inflow should not be borne by the Highland Creek party . . ." Who, then, is responsible for such mitigation costs? How will the sewer system handle significant rain events? What impact would significant rain events have on the capacity of the sewer system? How will the increased runoff and storm water flow from an increase in impervious areas caused by the project impact the sewer system? What mitigation is proposed?

Referring to Appendix G, the DEIS Engineer's Report must include sanitary sewer details as outlined in the Scoping Document. The DEIS states that project related utility needs will be identified and compared to existing capacities and limiting factors (i.e. pumping, treatment, pipe size, pressure, etc.)

Additional details must be addressed in the Engineer's Report. What is the overall capacity, existing flow, and additional flow in terms of average daily flow and peak flow of the existing and proposed sewers (existing 12-inch gravity sewer along NYS Route 7, existing 6-inch force main from NYS Route 7 to NYS Route 7 pump station (BSD6), existing 8-inch gravity sewer from ROUSE to BSD6, proposed 6-inch Highland Creek force main)? What are the limiting factors? What are the assumptions, references, and relevant equations?

The existing flow from ROUSE is 50,000 GPD and the estimated flow from Highland Creek is 54,000 GPD. This is double the existing flow and is significant flow added to BSD6. The BSD6 upgrade is designed for the flow from Rouse, Highland Creek, and I & I flow (leaks - 50 GPM). Are other properties connected and contribute flow to the pump stations? Are other properties anticipated to be connected to the pump stations? In particular, what about the extensive property on McChesney Ave. recently sold to ECM Land Development?

Excess capacity to BSD6 is being allocated to one project. The Koester Associates Inc., memorandum to Ivan Zdrahal Associates and dated July 27, 2005 discusses the upgrades to BSD6 and states that for long term planning, the wet well capacity may need to be addressed, but should be adequate to serve the Highland Creek flow contribution. Has this conclusion been discussed with the Sewer District? Has the possibility of additional flow to BSD6 been discussed with the Sewer District? Have alternate upgrade schemes (pumps of greater capacity, installation of an additional wet well) that address long term planning and do not use the entire reserve capacity for one project been discussed with the Sewer District? If yes, what schemes were discussed? If no, who will pay for additional improvements and would there be a cost savings to the Sewer District to address these issues now and not in the future?
What is the reference for the peaking factor of 4?

What are the costs associated for the Town operating and maintaining these improvements? How do these costs compare to revenues generated by fees collected by the sewer district?

Is the Town familiar with operating and maintaining the Smith & Loveless packages specified for the Highland Creek and BSD6 pump stations?

What is the storage capacity of the Highland Creek and BSD6 wet well? How many hours of storage will be provided during power interruption? Will an emergency generator be installed at these pump stations?

Will multiple sewer districts be involved in the proposed development?

Section 2.4 – Future Development

- Section 2.4 states that "Potential exists that the constructed infrastructure for this project (road, utilities) could be extended to adjoining properties. Such potential future development will be limited by the remaining capacity of the constructed facilities." The over capacity of each system, especially water and sewage, should be specified. In addition, the induced potential development of these excesses should be addressed (e.g., the number of potential housing units that the excess capacity could support, and its associated additional traffic, etc.).

Section 2.5 – Approvals and Permits

- Unless intentionally presumptuous, items 1 through 10 are misstated as being "granted."

Section 3.1 – Natural Resources

- The DEIS states that some blasting might be required, ripped shale will remain on site, and this shale will be properly placed without adverse effects on the project and adjoining properties. What procedures will be followed to ensure that blasting does not damage nearby property structures? What is the anticipated volume of ripped shale to be stockpiled and where will the material be stockpiled?

- The DEIS must include items stated in the Scoping Document. As stated in the Scoping Document, the DEIS must evaluate the use of on site materials in construction (foundations, berms, landscaping, etc.); extent of cut and fills; soils to be imported; permeability of the soils and impact on storm water management. What on site materials and what volume can be used for construction? What off site materials and what volume must be brought to the site? What is the extent and volumes of cut and fills (proposed and final grades)? What are the drainage characteristics of the soils related to storm water management?

- In terms of topography, the DEIS must evaluate the extent of cut and fills; soils to be imported and exported as stated in the Scoping Document. The DEIS only presents existing contours, not proposed contours which are used to evaluate the extent and impact of cut and fill. What is the anticipated cut volume? What is the anticipated fill volume? What are the proposed final grades?

- It appears that parts of the proposed project will be built in the high water table areas identified in Section 3.1.2.1.1. The DEIS states that groundwater is located at a depth between 3 to 6 feet. Will basements be located in areas with shallow groundwater? If yes, what is the anticipated base flow from groundwater that will be discharged into the storm water system? The DEIS also indicates that foundation drains and sump pumps will drain to the storm water system. Has this additional volume been accounted for in storm water management system? Will houses requiring sump pumps be equipped with emergency power generators to keep water out during power failures? If not, the additional burden to the local firehouse to pump them dry periodically should be accounted for.

- Section 3.1.2.2 concerns surface water. The DEIS fails to include several important items that were outlined in the Final Scope. These items include: a storm water analysis; an assessment of potential impacts to storm water quality (pesticides/herbicides, road salt, pavement, seal coating) during construction and operation phases; an assessment of water quality and quantity impacts on down-gradient uses; a storm water management plan to assess pre- and post-construction storm water drainage; discharge points; and storm water quantities and rates of flow. The Final Scope stated that Guidelines presented in USDA's Natural Resource Conservation Technical Release No. 55 (TR-55) would be utilized to develop these assessments and that the findings would be presented in an Appendix to the DEIS. None of these things are in the DEIS. These omissions must be included in the Final Environmental Impact Statement.

- The regrading of the local topography, the paving with impermeable surfaces and the introduction of a storm water management system have the potential of short-circuiting natural groundwater infiltration and increasing stream loading of pollutants. The projects potential effect on the neighboring wells with respect to the height of the surrounding water table and its water quality (i.e., introduction of pollutants) should be addressed.

- The DEIS fails to explain whether the detention basins' "water quality function" will be beneficial or detrimental. Section 2.1 identifies the introduction of extensive landscaping and indicates that "long-term maintenance" of these man-made environs will be required. The potential environmental burdens from pesticides, herbicides, fungicides, sediment, phosphorus and nitrogen, etc., as well as salt, siltation, oil and gasoline, etc. from the roadways, parking lots, driveways, motor vehicles, lawn mowers and other landscaping equipment should be quantified.

- For public review purposes the Appendix must also include back-up documentation (i.e. assumptions, curve numbers, rain events, drainage basin configurations, detention basin configuration, model output, discharge rates, discharge points, etc.). Existing drainage basins and proposed drainage basins must be described and delineated on a map.

- The DEIS States that the Town will maintain portions of the storm water system. What are the anticipated costs to the Town to maintain their portion of the storm water system?

- Section 3.1.2.2.2 concerns potential for flooding: The text states the flood elevation is 408 ft, while EC5 indicated 308 ft. Which is the correct elevation?

- In reference to section 3.1.4.3, it is unclear why indirect impacts to the wetlands "will be minimal" even if "the project sponsor proposes to maintain many of the wetland adjacent areas in a natural state." It would appear that this would be offset by the "long-term maintenance" of extensive landscaping, the regrading of the local topography, the paving with impermeable surfaces and the introduction of a stormwater management system. The potential environmental burdens from pesticides, herbicides, fungicides, sediment, phosphorus and nitrogen, etc., as well as salt, siltation, oil and gasoline, etc. from the roadways, parking lots, driveways, motor vehicles, lawn mowers and other landscaping equipment should be calculated.

- It is uncertain whether the wetlands adjacent to the fields currently used for agriculture will be positively impacted because of the project's "long-term maintenance" of extensive landscaping, the regrading of the local topography, the paving with impermeable surfaces and the introduction of a stormwater management system. Any potential reductions should be calculated and compared to the project's additional loadings in both the immediate area as well as downstream.

- It is uncertain whether "the proposed development may improve water quality" or "result in a benefit to the water quality of the stream corridor." Any potential reductions because of "eliminating chemical and sediment laden agricultural runoff", stabilization of exposed soils or storm water management will be offset by the "long-term maintenance" of extensive landscaping, the regrading of the local topography, the paving with impermeable surfaces and the introduction of a storm water management system. The current and potential environmental burdens from pesticides, herbicides, fungicides, phosphorus and nitrogen, etc., as well as salt, siltation, oil and gasoline, etc. from the roadways, parking lots, driveways, motor vehicles, lawn mowers and other landscaping equipment should be calculated. A comparison between potential reductions and additions should be presented.

Because Sweet Mild Creek and Poestenkill Creek are both significant trout fishing creeks as well as swimming areas, cumulative impacts from all proposed PDDs must be assessed and reported, for the construction phase and post-construction period.

- It is uncertain whether the project "may result in a minor improvement to the water quality of the pond by reducing agricultural runoff" because the effects of "long-term maintenance" of extensive landscaping, the regrading of the local topography, the paving with impermeable surfaces and the introduction of a storm water management system have not been accounted for. The current and potential environmental burdens from pesticides, herbicides, fungicides, phosphorus and nitrogen, etc., as well as salt, siltation, oil and gasoline, etc. from the roadways, parking lots, driveways, motor vehicles, lawn mowers and other landscaping equipment should be quantified. In addition, the current and potential eutrophication of this pond should be addressed.

- The DEIS fails to account for two major, proposed projects upstream (i.e., Hudson Hills Apartments and Wal-Mart Supercenter). These cumulative effects should be addressed.

Section 3.2 – Human Resources

- Section 3.2.1 concerns Transportation.

  A major reconstruction of Route 7 from below North Lake Avenue in Troy up to Grange Road (Route 142) in Center Brunswick was recently completed. The traffic sampling used for the DEIS' traffic analyses was taken before the reconstruction was completed. As the purpose of this multi-year roadway project was to improve traffic flow, the validity of using the DEIS' count data as Highland Creek's base year traffic is questionable. Not only because the construction phase restricted roadway capacity and thus may have affected vehicle volumes, but also because roadway traffic almost always increases beyond pre-construction levels due to the improvements made.

  The DEIS' Traffic Impact Study points out that "Based on the NYSDOT data, traffic volumes in the project area have varied greatly over the past decade with growth rates on the major roads fluctuating from –3.7% on Route 7 to 3.5% on Route2.". The DEIS cites NYSDOT's 2003 Traffic Volume Report as a reference. This report indicates that data for the Route 7 segment nearest McChesney Avenue is based on a NYSDOT traffic count taken in 1999. The adjacent segments' counts were from 2001. These counts, which measure traffic in both directions on an hourly bases for an entire week including weekends, are normally done every third year.

  The map shown on the NYS Transportation Federation's Traffic Data Viewer website appears to indicate that the traffic volume between the Troy City line and

McChesney Avenue (Rt 134) is presently indeterminate. This appears to be confirmed by the unavailability of a 2004 AADT (Annual Average Daily Traffic) report for this road segment. This uncertainty is most likely due to long-term traffic disruption caused by the reconstruction of Route 7. The adjoining section to the East between McChesney Avenue (CR 134) and Route 142 has a forecasted volume of 16,900 vehicles per day, while the estimate for the adjoining segment to the West (15th Street to Troy City line) is 25,394. The destinations in Brunswick of this difference, which is approximately 8,500 vehicles a day, should be accounted for.

The Local Highway Traffic Volume Report for Rensselaer County, currently posted on NYSDOT's website, list AADT for various roads in the Town of Brunswick. The most recent count data used for this report is 2001. In addition, it appears that traffic counting is not done for either McChesney Avenue or McChesney Avenue Extension.

In BSG's July 1, 2005 letter to the Town of Brunswick Town Board, concerning Highland Creek's Draft Scoping Document, it was requested that a traffic sampling study be undertaken to establish the baseline traffic pattern for the vicinity of the project. In BSG's April 7, 2005 letter to Philip Herrington, Supervisor of the Town of Brunswick, concerning the proposed Wal-Mart Supercenter's Draft Scoping Document, BSG requested that the "baseline traffic pattern for Brunswick and vicinity" be established.

Since August 2005, there have been numerous traffic concerns expressed by residents throughout Brunswick at various public hearings (Carriage Hill, Highland Creek, and Hudson Hills). The need for a comprehensive review of the cumulative impacts of all the proposed PDDs was also raised repeatedly.

BSG believes that it is incumbent upon the Town Board to ensure that a comprehensive traffic study is undertaken for all of Brunswick and vicinity before any proposed PDD's EIS be considered final, since the compounding effects of development throughout the town should not be ignored. This study should determine the historical growth rates for these roadways and provide traffic projections over the next 30 years in five-year increments. Level of service analyses should also be included in these projections. Sampling similar to NYSDOT's protocol for its Traffic Count Hourly Reporting should be used.

BSG's April 7, 2005 letter listed the following intersections as important for such a study:

> Route 7 and 8th Street, Oakwood Avenue, 15th Street, Burdett Avenue, North Lake Avenue, McChesney Avenue, (western end), Betts Road, McChesney Avenue (eastern end), Grange Road (Cty. Rt. 142), Town Office Road (Cty. Rt. 135), Brick Church Road (Cty. Rt. 278) and Carrolls Grove Road;

Route 2 and Pawling Avenue, South Lake Avenue, Pinewoods Avenue & Creek Road, Garfield Road, Moonlawn Road (Cty. Rt. 133), Brick Church Road (Cty. Rt. 278), Farm to Market Road and Blue Factory Hill Road;

McChesney Avenue Extension (Cty. Rt. 134) and McChesney Avenue, Town Office Road (Cty. Rt. 135) and Moonlawn Road (Cty. Rt. 133);

Brick Church Road (Cty. Rt. 278) and Route 7, Moonlawn Road (Cty. Rt. 133), Tamarac Road (Cty. Rt. 129) and Route 2;

North Lake Avenue (Cty. Rt. 144) and Route 7, Frear Park Road, Liberty Road, Miller Lane, and Grange Road (Cty. Rt. 142);

Route 142 and Oakwood Avenue (Route 40), Leversee Road (Route 40), Plank Road (Cty. Rt. 128), Liberty Road, Miller Lane, North Lake Avenue and Hoosick Road (Route 7);

Oakwood Avenue (Route 40) and Hoosick Street (Route 7), Frear Park Road, Farrell Road, and Route 142;

Garfield Road (Cty. Rt. 137) and Spring Avenue Extension (Route 355); and

Creek Road (Cty. Rt. 139) and Spring Avenue Extension (Cty. Rt. 130).

Having stated the above, the following comments follow the order of presentation contained in Appendix B's Traffic Study.

Chapter I.B fails to explain why the study area was restricted to only the immediate environs of McChesney Avenue and McChesney Avenue Extension. The potential impacted roadway system is much more extensive. What criteria were used to determine the impacted area?

Chapter II.C indicates that morning/evening rush hour sampling was done in February 2005 for Route 7/McChesney Avenue and June 2005 for the McChesney Avenue Extension intersections. Appendix B – Turning Movement Counts contains morning/evening rush hour sampling for Moonlawn Road and Route 2, taken in August 2005. Why was sampling done at different times of year?

The weekly vehicles count data for McChesney Avenue Extension (Appendix C – pages 2 of WeeklyVehicle –211 & 212) appears to contain an evident observation not mentioned in Chapter 1.C in that a mid-day traffic peak was found for both Eastbound and Westbound traffic. Mid-day traffic peaks are becoming common due to lunchtime traffic. Why wasn't traffic sampled throughout the day at all sampling sites?

Although "traffic volumes in the project area have varied greatly over the past decade with growth rates on the major roads fluctuating from –3.7% on Route 7 to 3.5% on Route2," a growth rate of 1% per year was assumed? On what was this assumption based?

Traffic projections for 2010 included potential traffic volumes from 668 apartments in the proposed Hudson Hills PDD and a hypothetical 33,250 square foot grocery store on Route 7, where a Grand Union once was. The estimated traffic from each of these should be listed separately and the methodology for each calculation should be explained in detail. Why was an access point from Hudson Hills to North Lake Avenue (CR 144) assumed?

Why was the proposed Wal-Mart Super Center ignored? The possible traffic from this proposed Wal-Mart Super Center should be estimated and included. Also, the traffic potential of the major tract of land along McChesney Avenue, east of McChesney Avenue Extension, which was recently acquired by ECM Land Development, should be examined and presented.

As the traffic effects of this project on local intersections would be equivalent to intersection reconstruction, traffic projections and level of service analyses for not only the estimated year of completion (ETC) but also ten and twenty years after ETC should be included in the FEIS.

The narrative should indicate the values used for factors, such as LUC, etc. Since references, such as The Institute of Transportation Engineers Trip Generation, are not easily available to the general public, the pertinent Tables from which factors are chosen should be included in an appendix.

The equivalency of a "carriage" house to a condominium/townhouse was not demonstrated. The proposed "carriage" homes will be detached and approximately the size of numerous single-family houses in the area. Each will have its own garage and a driveway. Further, many so-called "empty-nesters" work and have unmarried children. Therefore, the trip generation estimates based on Land Use Code (LUC) 230 are questionable. For example, using the seemingly more appropriate single family detached housing factor (LUC 210) for all proposed homes raises the AM Peak Hour estimate by 40% from 115 cars to approximately 161, and the PM Peak Hour estimate by 50% from 143 to around 215.

Why is "it expected that 60% of the site generated traffic will travel to and from the west via Route 7 and 40% of the site generated traffic will travel to and from the east via Moonlawn Road (CR 133)?" What is the source and validity of this assumption?

BSG request that a conservative approach of examining various scenarios, in cases where the appropriate factor and or approach is uncertain, be used. For

example, trip distributions with all traffic going west and another for all traffic going east should be examined. Scenarios for trip generated solely using LUC 210 (Single Family Detached Housing) should also be presented. Level of service analyses of the surrounding intersections for these multiple scenarios should be presented as well.

- The DEIS gives projected numbers for site distance evaluation for the entrance to the Highland Creek PDD access road. There are questions that remain regarding this data. This is a winding dangerous road with numerous blind hills, driveways and curves. The study used 50 mph in the 85thpercentile as its base numbers. Was the study done on a wet, dry road? What were the road conditions at the time of this survey? What time of year was this done? What time of day?

  Using 50mph as the base speed, was driver perception and reaction time figured in to these numbers? Were other numbers evaluated? What results were obtained from other models using a car traveling 55 mph (80.666'/sec) and 60 mph (88.00'/sec)? What about above 60 mph?

  Was there a site distance evaluation done for the current Bonesteel Lane? What sort of volume would be expected utilizing this entrance/exit? Is this exclusively a service road or would residents be using this road?

  Were increases in traffic and speeds due to other pending projects looked at in this research? What methodology was used in determining the cumulative effects of all five PDD projects on this location?

- The DEIS must include a municipal revenues section as outlined in the Final Scoping Document. The section must include an analysis of the overall and net effect of the project on the Town and County revenues. Increased revenues will be compared to increased costs, if any, for service and utilities such as schools, water, sewer, police, and fire protection.

- Section 3.2.2.3 concerns the Town of Brunswick Zoning Laws. The DEIS cites the Town of Brunswick's Comprehensive Plan issued February 6, 2001 and its recommendation in regard to "clustering of homes."

  Furthermore throughout the DEIS, it refers to the use of PDD zoning as fitting the goals of Brunswick's Comprehensive Plan 2001, which does set out PDD's as one possible development method.

  On page 6, the Brunswick Comprehensive Plan 2001 states,"Various development tools should be encouraged, including Planned Development Districts (PDD) ....These may include homes clustered to minimize development/purchase costs and having common water/sewerage facilities."

  Further on page 17, the Comprehensive Plan continues, "By using cluster development practices, it is possible to consolidate homes and maintain small land

disturbance. These housing developments (sic) include fewer roadways and reduced development costs for utility infrastructure while maintaining open lands."

Last, in the Comprehensive Plan, on page 49, under 'High Density Residential,' which would be the descriptive section applicable to the zoning allowed through this PDD, it states, "High density residential is recommended in those areas already in the category of approximately four families per acre, according to the existing zoning ordinance, and certain other restricted areas where it seems desirable to have a higher concentration of families. These areas are most desirable for those persons not wishing to make the sizable investment in land that is required in the less dense residential areas."

The DEIS needs to address how Highland Creek's use of clustering maintains and promotes these related criteria set out in the Comprehensive Plan in the following areas: financial savings offered to town residents seeking a change of residence due to lowered building costs of clustered housing; sustainable development (pg. 5, Master Plan); and implications and effects on development in Brunswick in the future.

The Carriage Homes are constructed on lots of c. 1/6 acre, which is a 50% higher density than recommended under High Density Residential. Town Zoning currently allows quarter acre lots as its smallest residential lots, and there are few of these in the town. The developer must demonstrate the need for building on smaller lots for the Carriage Homes, and include the following issues centering on housing density: appropriateness for town's rural character, emergency services (particularly fire), and storm water runoff.

- The DEIS quotes Dr. Teresa Thayer Snyder, Superintendent of Schools for the Brunswick Central School District, as specifying that there are approximately 1,400 students attending BCSD schools and maximum capacity is 1,600 students. The report states that the project would introduce an additional 100 students into the school and that it would have minimal impact on the school.

  Based on statistics from similarly priced projects with Carriage Homes, what might be the upward number of students attending the school, considering the 100 projection to be a lower limit, and considering that a greater number of families might buy Carriage Homes as starter homes? What are the projected number of students from Highland Creek using the criteria set out in "School Enrollment Projections for the Brunswick Central School District" in Scenario 2 and 3?

  Likewise what is the cumulative enrollment numbers for all currently proposed developments (PDD's and subdivisions) according to both Scenario 2 and 3 in the above study? What percentage of these students would come from Highland Creek?

What is the cumulative impact of this project and all others under consideration on school taxes and on delivery of educational services and quality of education when the current enrollment reaches the 1,600 limit? This limit has been recently refined to indicate the level at which taxes and educational services would be affected, but no capital projects could be built (per DOE study of Brittonkill square footage.)

- As submitted the DEIS never addresses revenue expenditures associated with the proposed development of the property. Is the claim that there are no increased costs associated with the proposed development? If so, provide references to support that claim.

- Section 3.2.3.2 concerns Police Protection. The DEIS contains letters to, but no response from, the State Police and Rensselaer County Sheriff. What follow up letter or phone calls were made to open up dialogue with the State Police and Rensselaer County Sheriff?

  The DEIS states that increased demand for police services will be mitigated by increased tax revenues generated from taxes levied on owners of homes within the Highland Creek PDD. What is the basis or reference for this statement? Did the State Police of Rensselaer County Sheriff indicate that staffing levels would increase due to this proposed development?

- What is the required response for police and/or fire personnel for alarm systems installed in Highland Creek homes? Will all homes have the same type alarm system?

- Section 3.2.3.3 of the DEIS concerns Fire Protection. The DEIS referenced a meeting with Center Brunswick Volunteer Fire Company and Brunswick Fire Company, No. 1 and cited their request for the looping of the water main servicing the proposed development. The DEIS dismisses this option because construction would be hard and problems could arise during maintenance. This is a health and safety issue and warrants further discussion. What is the length of water main that would need to be constructed? What is the profile? What are the anticipated costs? Was this discussed with the Health Department or the Town's Water Department?

  The DEIS cites its correspondence with Center Brunswick Volunteer Fire Company, Brunswick Fire Company No. 1 and Mountain View Volunteer Fire Company but not with the Eagle Mills Fire Department, which directly adjoins the Center Brunswick FD on this part of McChesney Ave. Ext. The developer needs to correspond with Eagle Mills Fire District. Clarification of Eagle Mills' coverage is needed, as a portion of Highland Creek housing would traditionally fall into its Fire District.

  The DEIS needs to cite responses and issues raised by all local companies.

The DEIS does not adequately address firefighting issues that will effect Brunswick's volunteer force. Carriage Homes have no visitor parking areas, and with the short area in front of the home, it would appear that most visitor parking will be along the streets. What is the visitor parking for the Carriage Homes? With these streets narrowed to allow for a sidewalk, is there adequate space for a fire truck to reach a call? Have the fire companies been consulted to evaluate fighting fires in the limited space between homes to ensure safety and effectiveness is not compromised? Are ISO requirements for these districts being met? What response will alarm systems pre-installed in this development require from local police and fire companies?

Page 64 of the DEIS cites "The increased demand for services will be mitigated by increased tax revenues generated from taxes levied on owners of homes within the Community." As Brunswick has volunteer fire companies, which rely more on availability of volunteers than on revenues, what assessment has been made on the frequency of emergency response needed from a development of this size?

The DEIS states that an increased demand for services will be mitigated by increased tax revenues generated from taxes levied on owners of homes within the Community. What is the basis or reference for this statement? Did the Volunteer Fire Departments indicate that staffing levels would increase due to this proposed development?

The March 25, 2005 Advertiser's Pennysaver contained an article where Rensselaer County Executive Kathleen M. Jimino and Legislator Michael Stammel announced the formation of a task force aimed at recruitment and retention of volunteers for fire and emergency medical services. Ms. Jimino discussed the shrinking number of volunteers and the additional pressure on the current volunteers. The report of the task force was anticipated in four months. The DEIS discussed the Highland Creek's impact on fire department budgets, but not on the supply of volunteers. Are volunteer departments adequately staffed to support this additional demand on their services?

- Section 3.2.3.7.1 concerns Water Supply. The DEIS must include water supply details as outlined in the Final Scoping Document. The DEIS states that project related utility needs will be identified and compared to existing capacities and limiting factors (i.e. pumping, treatment, pipe size, pressure, etc.)

  Additional details must be addressed in the Engineer's Report. What is the overall capacity, existing demand, and additional demand in terms of average daily demand and peak demand? What are the assumptions, references, and relevant equations?

  What is the reference for the assumed demand of 100 GPD?

The DEIS states that homeowners will be required to irrigate their lawn when necessary. Was this additional demand accounted for in the 100 GPD assumption?

Who currently owns the water main that needs to be extended? What costs are associated with the extension? What costs are associated with the Town operating and maintaining these improvements? How do these costs compared to revenues generated by fees collected by the water district?

- The DEIS must include sanitary sewer details as outlined in the Final Scoping Document. The DEIS states that project related utility needs will be identified and compared to existing capacities and limiting factors (i.e. pumping, treatment, pipe size, pressure, etc.).

  Additional details must be addressed in the Engineer's Report. What is the overall capacity, existing flows, and additional flow in terms of average daily flow and peak flow of the existing and proposed sewers (force mains and gravity sewers)? What are the limiting factors? What are the assumptions, references, and relevant equations?

  What are the associated costs to the Town for operating and maintaining these improvements? How do these costs compared to revenues generated by fees collected by the sewer district?

- The DEIS states that within 1/4 mile distance land use includes a mix of residential (single family, multi family), institutional (ROUSE retirement complex), commercial and agricultural uses. What is the percentage use for each listed use within the 1/4-mile area? How is this distance calculated? If 1/4 mile is the closest point, what is the mileage from the most distant portions of the development? If the 1/4 mile is calculated "as the crow flies," how can residents access these areas? Are there appropriate pedestrian means to reach the commercial properties? How far are these mixed-use areas by car, which would be the typical method of accessing these areas?

- Section 3.2.5.3 concerns Historic and Archaeological Resources. Who supervised and performed the "shovel tests" referred to in the first full paragraph on page 75 of the DEIS? Who determined the number of shovel tests to be performed? What was the basis for doing 550 shovel tests? Were the tests performed manually or by machine?

  Who determined that Sites P1 and P2 represented "stray or isolated occurrences"? What was the basis for this determination?

  With respect to the "Scattered historic resources" referred to in the second paragraph on page 76, who determined that "these resources represent secondary depositions and . . . have not been determined to be significant"? What was the

nature of the "secondary depositions"? What was the basis for this determination?

With respect to the Phase II level cultural resource investigations on Native American Site P3, when will OPRHP be consulted, as stated on page 77? When is the work scheduled to be performed? Who is the archaeologist who will perform the work?
Is it anticipated that other experts will be engaged, and if so, who are they and what will they do? What is the scope of the work to be performed? When will the results of the investigation be available? Will the results be made available to the general public? Will the results be made available before any construction activities begin on the project? What happens if the investigation reveals further evidence of archaeological significance?

Section 4.1 - Human Factors

- The DEIS fails to address the social impacts of the project.

There is no precedent for large, self-contained, exclusive, common interest, homeowner association-governed developments in the town. The literature on this topic indicates that developments like Highland Creek change the character of the town by generating atmospheres of separation, segregation and isolation. An article entitled "Subdivisions Impose Social Divide: Some Neighbors of Self-Contained Clusters in North Virginia Feel Isolated," written by Stephanie McCrummen and published in the Washington Post on Sunday, May 1, 2005, describes this phenomenon. Ms. McCrummen wrote:

> 'Lately, Ivan Barry, who is 12, feels like a stranger in a strange land, which is odd, since he and his family moved to their red brick rambler on Ryan Road in Loudoun County seven years ago, before most of their neighbors arrived.
>
> They were part of a rural community then, their street mostly fields and woods where Ivan could romp with abandon, discovering creeks and paths to such hidden spots as an old mill, where he'd go sometimes to think, hunt for red-tailed skinks or just pretend that he was lost in the wilderness. Then, things changed.
>
> It was not simply that thousands of houses came; it was how they came -- in such self-contained communities as Brambleton and Forest Manor, Forest Run and Belle Terra, all with their backs turned to the rambler. And Ivan, once the insider in a sense, became an outsider -- a resident of nowhere.
>
> "At school, they're like, 'What development do you live in?' " Ivan said recently. "And I'm like, 'I don't live in a development!' And they're like, 'Do you live in the woods?' And I'm like, 'I've been living here for seven years!' And they're like, 'This didn't exist seven years ago!' " he said, throwing his hands in the air.

Scattered across such rapidly suburbanizing counties as Loudoun and Prince William in Northern Virginia and Charles and Frederick in Maryland are scraps of communities left behind. They are remnants of places where people live the old-fashioned way: in a house, on a road open to other roads, forming a place that anyone might pass through on the way to somewhere else.

Increasingly, these places have become balkanized by self-contained communities, now the dominant form of home building in suburban America. In Prince William and Loudoun, for instance, virtually all new homes in recent years have been built that way.

According to the Community Associations Institute in Alexandria, four out of five U.S. homes built since 2000 have been in homeowner association-governed subdivisions, where residents pay dues to support such amenities as clubhouses and pools that usually exclude those outside.

While life inside such places as Brambleton often is vibrant with block parties, poker nights, book clubs and a sense of identity, life on the outside feels quite different these days, altered in ways large and small.

"I don't know what community means anymore," said Nancy Siler, who is retired. "Do they mean subdivision? Or can it be a group of houses spread out?"

She was genuinely confused. Siler moved in 1956 to Gainesville, then a rural community in western Prince William. It was not a well-defined place, she said, but she felt she belonged.

She still lives on Linton Hall Road, which these days often is smeared with construction dirt and where signs point to Victory Lakes, Allison's Ridge, Broad Run Oaks, Braemar, Lake Manassas, Heritage Hunt, Independence, Dunbarton and others, the federation of subdivisions that Gainesville has become.

In relation to that new geography, Siler is tangential, in some netherworld in between.

That sense is exacerbated by the fact that it can take 10 minutes to pull out of her driveway because of the traffic. Sometimes she walks through the new subdivisions, where people, who are friendly enough, wave at her as if she's a visitor from a foreign land. Then there is all the talk about the "new Gainesville."

"There is the new Gainesville and there is the old Gainesville," Siler said. "So, does that mean I don't exist?"

Down Linton Hall Road, Cornelius Ennis, 74, has posted "No Trespassing" signs in his driveway because people are constantly peeling into it to turn around, spewing gravel onto his living room windows. "It's not our community anymore," he said.

Not too far away, the residents along Catharpin Road, adjacent to

Heritage Hunt, Piedmont and other large developments, have given their row of brick homes a name.

"We call ourselves the Strip," said Belinda Hess, 36, who has lived there seven years. "It feels different. I feel -- small."

In eastern Prince William, Anthony Mullins, who lives in a neighborhood built in the 1960s on a small hill in Woodbridge, is struggling with the effects of the changing geography.

"We're like an island," said Mullins, 42. "An island in dirt."

His back yard, which used to overlook trees, now overlooks a vast, dusty, denuded valley where a subdivision called Eagle's Point is being built. With no trees, the sun is brighter these days and the wind so stiff that once it blew over his weight-lifting bench.

Across the street, James Kline, 62, noted that a way into the neighborhood is being sealed off because of increased traffic.

"We've been here all these years, but they're the ones who are going to benefit," he said, referring to new residents. "They're isolating us. They're penalizing us. The way they treat us now, I guess they call us white trash."

In Loudoun, Theresa Peer, 54, lives in a disappearing place called Lenah. Hers is a one-story house at the end of a long, hilly yard on the edge of the landscaped entrance to Lenah Run, a closed circuit of 4,000-square-foot homes called Brownings, Randalls and Langleys. If she is out of place now, she doesn't exactly mind.

She keeps her front door open and watches her new neighbors as though they were exotic birds.

Sometimes, she said, a new person will walk a dog beyond the entrance to Lenah Run, down the road and into her yard, where the owner allows the dog to relieve itself. This amuses her. Other times, neighbors just turn dogs loose as if her yard were a dog run. Once, a woman asked Peer if she could cut a magnolia blossom from her tree. Another woman asked if she could ride Peer's tractor, and another came to see her chickens and peacocks.

She obliged them all but understands that it does not exactly go both ways.

"I haven't tried to use their pool," she said, noting that it is private.

And that, after all, is the essence of it.

Beyond the exclusion, the new pattern of building in suburbia has created such confusing situations as a public park inside a planned community where most shared amenities are private. In Loudoun, two public parks, proffers from developers, wound up that way to the bewilderment of outsiders.

"When we moved to the area, we didn't know this was here," said Richard Groberg, 46, who was coaching soccer at the county park inside the South Riding development recently. "It makes it awkward to come in."

It is the sort of strange effect that Evan McKenzie, author of the book "Privatopia," thinks county and other governments are only beginning to grapple with. The very concept of local citizenship is changing, he argues, as people are identifying less with such public entities as counties and more with their private developments and homeowner associations, which largely have assumed the role of governments.

"I think we're at a brave-new-world moment here," McKenzie said. "I think we're going through a major revolution in urban governance, and we won't fully understand the consequences of this for 50 years."

Being 12, Ivan Barry doesn't know much about urban governance, but he does know that last summer, after splashing around and playing Marco Polo, he got kicked out of the pool at Brambleton, which is for dues-paying residents only.

His mother, Kaira Barry, 37, on a trip to a grocery store inside the Ashburn Farm development, noticed a sign on the community bulletin board for swim lessons and stood in line to sign up her children, only to find out the lessons were not for outsiders.

"I don't see any kind of cooperative action here," said Barry, who has two other children, Zofia, 9, and Rhiannon, 15. "If they wanted to do that, I'd be for it. But they want their own little enclaves. It isolates what's already here."

Ivan, who has plenty of friends in the new developments these days, said he doesn't mind it when he gets on the bus and children say, "Here comes Little Red Riding Hood in his little red brick shack."

"I'm like, 'Yeah, pick your fairy tale,' " he said.

He tries to relate, he said, but it is difficult sometimes.

The new kids like to talk about the interiors of their houses because they all have similar floor plans.
"I'm like, 'This one time at the mill,' and they're like, 'This one time on my catwalk,' " he said.

But he likes his house, and when his friends come over, they seem to like it, too -- the plywood back porch with the colored lights strung all around, the screaming monkey head mounted on the wall, the treehouse he and his father built.

And although Ivan sees large-screen televisions instead of trees across the street, and the path to the old mill has been bisected by a cul-de-sac, he has made his peace with Brambleton.

Being a stranger there, he explores it like a new country, and in his own way, he has conquered it.

"I can go to their playgrounds because there's no one watching . . . but

> my favorite place of all is the man-made waterfall," he said, referring to the grand entrance, all landscaped with stone.
>
> "I sit at the top," he said. "I just sit there. And sometimes I take off my socks and shoes and put my feet in. And you look there, and you can see one of the greatest views -- that's one of the few advantages. Well, it's not really an advantage, but it's one of the few things I'm okay with.'

The Highland Creek project would change how people live in Brunswick. The DEIS does not address the social effects resulting from its inherent exclusivity. At the least, an objective and exhaustive review of the literature should be done.

Section 5.1 – Alternative Land Uses

- In the first paragraph on page 80 of the DEIS, it is stated that Carriage Homes are "designed to appeal to the 'empty nester' homebuyer, which is a segment of the market that is vastly underserved in the Town." What is the authority for this statement? What studies were performed to substantiate this statement? Does the developer intend to restrict these homes to "empty nesters?" If so, how? If not, how will occupancy by families with children affect the projections and conclusions in this DEIS?

- Why would increased road frontage "decrease the value" of a home built under existing zoning, as stated in the first paragraph on page 80? What would be the extent of such decrease as compared to homes proposed by the developer?

- Would development under current zoning allow homebuyers to participate in a homeowners' association?

- In the first paragraph on page 81, it is stated that " . . . development under existing zoning would result in the creation of more traditional single-family homes and no homes designed for the 'empty nester.'" What are the differences between a "traditional single-family home" and the homes in this project designed for the "empty nester?"

- Secondary effects are ignored. If this development is to be populated by the "vastly underserved Brunswick residents, what will be the effect of 150 newly released homes on the market? The purchases of these homes will most likely be by people in their childbearing years and the impact on our schools would be dramatic. How this project would affect the existing housing market is not mentioned.

Section 6.0 - Irretrievable and Irreversible Commitment of Resources

- The DEIS must include all item outlined in the Final Scoping Document. Items omitted from the DEIS include transportation, land use and zoning, community services, and cultural resources.

Section 6.2 – Physical Factors

- The statement concerning the placement of impervious surface over portions of the project and reducing the increase of surface runoff is contradictory. Will the placement of impervious surfaces increase the surface runoff?

Section 7.0 - Growth Inducing Aspects of the Proposed Action

- The DEIS must include a section on Support Facilities as outlined in the Final Scoping Document.

Section 7.2 - Future Development Potential

- The DEIS states that proposed infrastructure (sanitary sewer, water distribution) will increase growth potential on adjoining properties or in the project vicinity. Limit of such potential will be controlled by the remaining available capacity of the constructed facilities, especially of the sanitary sewer system.

- Sprawl, defined by Katharine H. Daniels and David S. Sampson in "Open Space for Tomorrow: A Capital District Sprawl and Open Space Action Strategy" as development that tends to leapfrog over adjacent undeveloped sites, sometimes far into the countryside, is rampant in the Capital District.

  According to Daniels and Sampson, new housing starts in the Capital District are "outpacing population growth." Between 1980 and 2000, new residents (people) in the Capital Region increased by 52, 713 while 63, 718 building permits were issued (page 22, Open Space report). A Smart Growth America report stated that the "Albany-Schenectady-Troy area is the 19th most sprawling region in the country, out of 83 metropolitan areas with a population greater than 500,000" (page 26, Open Space report).

  The DEIS must assess the regional impact of the Highland Creek project in terms of its contribution to sprawl.

  What is the impact of this anticipated sprawl? What is the remaining capacity of the sanitary sewer?

Very truly yours,

Rebecca J. Kaiser

Rebecca J. Kaiser
President, Brunswick Smart Growth, Inc.

Attachments: BSG comments to Brunswick Town Board re: Draft Scoping Document for Highland Creek PDD dated July 1, 2005

January 20, 2006

RECEIVED
JAN 20 2006
TOWN CLERK

Mr. Pat Poleto,
Member, Brunswick Town Board
336 Town Office Road
Troy, NY 12180

Re: Highland Creek PPD

Dear Mr. Poleto:

My name is Colleen Carroll and I am a 3rd generation life time resident of the Town of Brunswick. I have lived on Carroll's Grove Road most of my life. I believe this road represents an excellent example of smart growth within our town. Twenty years ago we had 15 houses, today there are 31. A number of these houses have been built on parcels of land that were either farms or parts of existing farms. This rate of growth has created a neighborhood that the residents are proud to belong to.

The developer of the project paints a pretty picture of a beautiful cohesive community. When in reality it's over priced row housing packing a large number of people into such a small space. Will this create a cohesive environment? Human nature tells me no.

Residents at the public hearings have stated over and over the many concerns they have about this project. I only hope that the Town Board is listening. These are the people that have trusted the Board members with the future of their Town. Once the Town allows a development such as this to be built haphazardly, other developers will be anxious to follow, creating a snow ball effect. Which makes me ask when will it stop, when all the open space and farms have been sold. The density and volume of this project and others to come will permanently change not only the entire landscape of the community but also the culture.

As a concerned resident, I can't stress enough that we need planned development decided by the Town Board and the residents. It is our responsibility to preserve the character of the Brunswick for future generations.

Sincerely,

Colleen Carroll

Colleen Carroll
393 Carrolls Grove Road
Troy, NY 12180

RECEIVED
JAN 12 2006
TUCZINSKI, CAVALIER, BURSTEIN & COLLURA, P.C.

January 10, 2006
Joseph Durkin
22 Maple Avenue
Eagle Mills, New York 12180

Brunswick Town Board
308 Town Office Road
Troy, New York 12180
Attention Patrick Poleto

Re Highland Creek Draft Environmental Impact Statement

Dear Members of the Board:

This letter is to supplement the comments that I made at the public hearing held on November 28, 2005 regarding the Draft Environmental Impact Statement that has been submitted in connection with the proposed Highland Creek Planned Development District. At the public hearing, I commented that the Draft Environmental Impact Statement is deficient because it does not adequately address the impact on the character of the community due to the growth inducing impacts of the Highland Creek development by itself and that the Draft Environmental Impact Statement does not address the cumulative impact on the community of the Highland Creek development along with the other proposed planned development districts currently being considered by the Board.

"Brunswick is a town on the verge of large scale change if it succumbs to the urban and suburban pressures of the Capital District." This statement comes from the Town of Brunswick Comprehensive Plan dated February 6, 2001. The reason why the Comprehensive Plan says that large scale change will result from urban and suburban pressure is that the Comprehensive Plan also plainly states that the character of Brunswick is rural due to its open fields and farmland. The prediction made by the Comprehensive Plan is now coming true in the form of the five proposed planned development districts that are currently before the Town Board. These five proposed planned development districts; Highland Creek, Carriage Hill, Hudson Highlands, Brunswick Meadows and the Wal-Mart Super Center present significant issues for the Town, whether as issues of cumulative impact under the State Environmental Quality Review Act or as issues of compliance with the Town's Comprehensive Plan. What must be kept in mind is that the Town Board is being asked to amend the Town's Zoning Ordinance so that these five projects may be built. Under SEQRA, the Board must determine whether its action in amending the Zoning Ordinance will impair the character of the community. See 6 NYCRR 617.2 and 6 NYCRR 617.7(c). This is because the act of amending the Zoning Ordinance is an action under SEQRA and one of the criteria to determine whether there is an impact on the environment is whether there is an impairment of the character of the existing neighborhood. Similarly, zoning regulations must be made in accordance with a comprehensive plan to promote the general welfare and take into consideration the character of the district. See Town Law Section 263. The Town's own Zoning Ordinance for the adoption of a planned development district requires that the Zoning Board of Appeals shall consider the need for the proposed use in the proposed location and the existing character of the neighborhood. See Town of Brunswick Zoning Ordinance Article IV, Section 10.

The Highland Creek DEIS does not adequately address the change in the character of the community. The DEIS states that planned development districts are permitted, even encouraged and that by clustering development, the Highland Creek Planned Development District is in line with the Town's Comprehensive Plan. What the DEIS does not discuss is that the Town's Comprehensive Plan officially recognizes that the character of Brunswick is rural and that the residents of Brunswick desire to preserve that character. In this regard the DEIS is deficient in its discussion of the growth inducing

impacts of both the project and the change in the Town's Zoning Ordinance See 6 NYCRR 617.9(b) (5) (iii). These impacts are twofold;

1. Extension of the water and sewer to the site will facilitate further development along McChesney Ave. Extension.
2. The authorization of lots that are less than one third of an acre sets the stage for denser development both along McChesney Ave. Extension and throughout the Town.

Currently the area around the project site is open fields and woodland. Two things limit the development in this area; the lack of municipal water and sewer and the Zoning Ordinance. The growth inducing impact of extending the water and sewer along McChesney Ave. Extension is obvious because that will enable development to a density that is no longer limited by the need for sufficient space for wells and septic systems. The other growth inducing impact is less obvious, but no less significant. A major component of the Highland Creek Planned Development is the 130 houses to be built on lots that are approximately one sixth of an acre. This is a density that is not seen anywhere else in Brunswick. According to the current Zoning Map there are only two areas in Brunswick where the lots are less than one third of an acre. Both of these areas are directly along the Troy border and in both of these zones the minimum lot size is 9,000 square feet. By amending the Zoning Ordinance as requested for the Highland Creek Planned Development District, the Town Board will be introducing urban density development deep into Brunswick.

Please bear in mind that it is the first project that changes the character of the community, not the last project. The time to discuss what the character of the community is, or is to be, is when the first project is proposed. After lots as small as proposed for Highland Creek are allowed in this neighborhood, how will the Town Board be able to say no to the next developer who proposes to build a planned development district with lots less than one third of an acre? That developer will simply point to Highland Creek and say that the neighborhood is already characterized by small, urban density lots and therefore he should be allowed to build the same density. When coupled with the extension of the water and sewer, the allowance of small urban density lots in this area changes the character of the area and promotes further development.

Although these small lots are clearly urban density lots, the developer claims that they are consistent with the Town's Comprehensive Plan because they are part of a clustered development that preserves open space. This claim is disingenuous. What is really being done is to achieve a greater number of houses than would be possible as currently zoned. According to the Zoning Map, the area is zoned A-40, which permits single family houses on lots that are 40,000 square feet. According to the DEIS and the topographical map included therein, of the 210 acres, 60 acres are Federally protected wetlands, approximately another 20 to 30 acres have severe slopes and streams. Thus the area that may be developed is 120 to 130 acres. After deducting for roads the number of building lots that could be achieved is more like 100 to 110. Thus the developer is squeezing 80 to 90 more building sites out of the project site. This is not how the concept of clustered development should be used. In fact, this simply illustrates the way that the idea of the planned development district can be abused and manipulated.

Another deficiency is that the DEIS fails to discuss the cumulative impact along with the other four planned development districts. See 6 NYCRR 617.7(c)(2) and 6 NYCRR 617.9(b)(5)(iii). If all of these were to be approved the character of the community will be changed dramatically by moving the line between the urban area along the Troy border over one mile east into Brunswick. As previously stated, the Town's Comprehensive Plan acknowledges the Town's rural character and the desire of the residents to keep it that way. The State law which authorizes the Town's Comprehensive Plan says;

> "Among the most important powers and duties granted by the Legislature to a town government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and welfare of its citizens." See Town Law Section 272-a.

The Town Board has the duty to act on behalf of all of the citizens of the Town, not just on behalf of the owner of the land in question. The Town Board is required to do more than simply follow the suggestions of the developer who has his own interest at heart. The land may belong to the owner, but the Town's Zoning Ordinance belongs to all of the citizens.

What this Town should do is look at all five proposed planned development districts in a comprehensive planning manner and not in piecemeal fashion. I understand that the Town is currently engaging the services of a consultant to undertake a review to change the Zoning Map. Why then are these five planned development districts not being included in that study? Why are these five amendments to the Zoning Ordinance being considered prior to the study of the Town's current land use regulations? The State law that authorizes zoning regulations says:

> "Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets...to promote the general welfare...to prevent overcrowding of land, to avoid undue concentration of population...Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and peculiar suitability for particular uses..." See Town Law Section 263.

In amending the Town's Zoning Ordinance to allow the five planned development districts that the Board is currently considering, the requirements to prevent overcrowding of land, to avoid undue concentrations of population and to give consideration to the character of the district have to be met in a setting where the land is currently undeveloped open fields and woodland and where the Town's own official policy as stated in the Comprehensive Plan is to preserve the rural nature of Brunswick. One fact that is particularly significant is that according to the 1990 and 2000 Census data the population of the entire Town of Brunswick increased by 626 people in those 10 years. By itself Highland Creek would concentrate nearly this many people in one area. By itself Carriage Hill would concentrate nearly this many people in one area. Hudson Hills would by itself concentrate more than this number in one area. Brunswick Meadows, being the smallest of the planned development districts would concentrate nearly one half of that number in one area. How can anyone say that taking the population growth that has occurred in the entire Town over an entire 10 year span and concentrating that population in one area is not an undue concentration? Similarly, the Wal-Mart Super Center is designed to have a parking lot for 1,000 cars. If they need a parking lot to hold 1,000 cars at one time, how many individual trips are expected and where will those cars be coming from? How is this not congestion in the streets and an overcrowding of land? By placing these planned development districts on a map one can see that when taken together the impact is even more dramatic. Hudson Hills and Wal-Mart are directly adjacent to each other. Highland Creek is one-half mile from Hudson Hills and Wal-Mart. Carriage Hill is one-half mile from Highland Creek and one and one-half mile from Hudson Hills. What these four planned development districts will do is to concentrate in a circle with a radius of one and one-half mile three times the development than occurred in the entire Town between 1990 and 2000. As mentioned earlier, the Town's Comprehensive Plan states that the character of Brunswick is rural and that if Brunswick gives in to urban and suburban pressure it will undergo a large scale change. If the Town Board were to amend the Zoning Ordinance in a piecemeal fashion to allow each one of these five planned development districts without considering the combined effect on the community, then it will have done so contrary to its own Comprehensive Plan and contrary to the requirements of Section 263 of the Town Law.

However, it does not end with these five proposals. One does not have to be a professional urban planner to see that entire new areas of Brunswick will become available for development. Once the sewer and water lines are extended and once the Zoning Ordinance is amended to permit urban density this far into Brunswick, then any area that may be connected to water and sewer is similarly open to development as a planned development district. The only limitation is the Zoning Ordinance. However, if the Zoning Ordinance is amended each time a developer proposes a planned development district, then the Zoning Ordinance ceases to fulfill its purpose of controlling development. The purpose of zoning regulations since they were first enacted at the beginning of the 1900's is to prevent land use from being controlled by market forces. By looking at the site plan maps for the currently proposed planned development districts it is plain to see that the guiding principal behind these plans is to maximize development. Part of the reason is undoubtedly due to the cost of extending the necessary infrastructure to these sites. If the density of the planned development district zone is based on the economics of a profitable development then what is taking place is that the land use regulations are now being controlled by the market forces that the regulations were supposed to control. Instead of having a coherent zoning scheme that is based on what is in the best interest of all of the residents of the Town, we will eventually end up with a patchwork of planned development districts stitched together. All of the open space along McChesney Ave. Extension as far as Town Office Road and possibly beyond will be filled up with a series of dense clustered planned development districts. All of the open space along Pinewoods Avenue and Route 2 to Eagle Mills will fill up with dense clustered planned development districts. Any open space between Hudson Hills and Troy or north of Route 144 will fill up with dense clustered planned development districts. After that developers will then propose planned development districts further east into Brunswick by extending the water and sewer the next mile. And so it goes until finally Brunswick looks exactly like Latham and Colonie and Clifton Park. Is this what Brunswick needs? Is this what the Capital District needs? This is the sort of scenario that the Town Board has the statutory duty and responsibility to study. The only way that the Town Board can fulfill its responsibility is to engage in independent planning and study, not influenced by the motives of developers. It is not fair to the individual developers to expect them to undertake this responsibility and would be a disservice to the residents of Brunswick. If the Town Board does not currently have the capability to undertake this task, then it should reconvene a comprehensive planning committee of Brunswick residents and hire the services of professional planners to evaluate what is taking place.

Very truly yours,

Joseph Durkin

Cc: A. Gilchrist

Paul Engelke
463 Garfield Rd.
Troy NY 12180
518-279-3971

RECEIVED
JAN 10 2006
TOWN CLERK

1-4-06
Dear Board Members

I am in favor of Mr. Herrington's project, Highland Creek on McChesney Ave Ext. I not only feel that the community can handle the extra housing but also feel Mr. Herrington has more than done his share for this community and should be entitled to some extra consideration. Particularly in his position as town supervisor.

I also feel he and his family has also done more than their share in the preservation of farmland. The project he is working on will only impact about 5 percent of the land he and his family are maintaining.

Please keep in mind, there are only a few in town that carry the financial and labor-intensive burden of maintaining property that others so cherish.

Thank you, for your time.

Paul Engelke

Paul W Engelke

Wayne M. Fletcher
70 Flower Rd.
Troy, NY 12180

RECEIVED
DEC 29 2005
SUPERVISOR'S OFFICE
TOWN OF BRUNSWICK

12/27/05

Brunswick Town Council,

I believe that the property owners have the right to decide what happens to their property, not any other person or group who just happens to live within the borders of the same township. Therefore I am in favor of the Highland Creek project.

Thank you,

Wayne M. Fletcher

RECEIVED
JAN 20 2006
TOWN CLERK

547 McChesney Ave. Ext.
Troy, NY 12180
February 19, 2006

Pat Poleto, Town Board
Town Office Road
Troy, NY 12180

Dear Town Board Members:

As you know from my comments at the public hearings, I am not in favor of the Highland Creek proposal, and would like to offer some of my reservations about this development proposal.

I wish to preface these remarks with a short background. Both of my parents grew up on farms in Brunswick, and my mother's side dates back to the early 1800's through the Pollock and Carner families in White Church As some of you may know my father was very active on the Town Planning Board for many years, and was very dedicated to keeping Brunswick growing at a slow pace. Even back then (1970's and 80's) there were pressures for more houses and smaller lot sizes. He watched very carefully the path that Clifton Park was taking, and felt Brunswick could do better by preserving its character through slow growth. In addition, as an engineer working constantly with water systems, he felt this area presented special problems with the soil, topography and resultant drainage problems.

After graduating from Tamarac in 1963, I studied music and ended up in California, first as a graduate student at Stanford, then working as a professional musician (which also took me to Singapore and New York City). In the late 90's, I returned to help out my parents, and soon realized I wanted to stay in the area again. I had seen California change immensely, and knew first hand many of the problems of rapid growth, i.e., overwhelming traffic congestion, the impact of a speculative real estate market, the lack of interaction in tightly packed developments, loss of community character because of dense, uniform construction, and environmental degradation. When people here asked me what I thought about "all" the new development in Brunswick, I saw the new cul-de-sacs and other new housing with varied architecture and reasonable lot sizes, I thought "Thank goodness, Brunswick is doing it right!!"

This said, the following outlines my concerns about the Highland Creek project, as well some of possible cumulative impact from the other PDD's proposed:

- **Traffics**: Obviously Route 7 is a big problem in this area, both from its congestion and the spillover it has created onto many town roads. The completion of Route 7's construction *has not alleviated* previous problems. Such large developments close to

Hoosick Road do not make sense, even though that is where the water and sewer lines are available. My own road, McChesney Ave. Ext. has experienced a big increase in traffic and in higher, unsafe speeds. Walking on McChesney and Moonlawn Road in the past four years has become increasingly difficult due to this traffic, and affects the quality of our neighborhoods. Introducing 190 homes on McChesney Ave. Ext. will greatly worsen this problem. Furthermore many driveways on McChesney Ave. Ext are already very hard to enter and exit safely because of the hills, curves and many blind spots. To me adding up to 400 cars from the development is very dangerous for present residents. I have heard residents state they feel the only solution for Route 7 would be the bypass suggested in previous years, and that until such time these large projects should not be considered.

- **Access Road**: The location of the access road to Highland Creek seems very dangerous to me because of its situation at the bottom of two short and steep hills with blind spots at each rise. In winter and rainy conditions especially, this will pose the potential for bad accidents. With the high number of cars that would use this access road, the probability of such accidents raises considerably.

- **Property Values:** The increased traffic described above has the potential to negatively impact property values on McChesney Ave. Ext., as well as many other roads in the town.

- **Drainage Problems/Area Creeks:** It is obvious that this site has serious drainage issues, as the 60 acres of wetlands demonstrate. Such dense housing on 75 acres of land will change the runoff patterns even more. While there is a partial plan to address this, there will be increased storm water directed into the Sweet Milk Creek. Two areas concern me here: 1) the possible of flooding into lands and roadways adjoining Highland Creek, and 2) adverse impacts to Sweet Milk Creek and the Poestenkill Creek (which would also be impacted by the Carriage Hill PDD). These streams are important recreational and aesthetic resources to our town. These issues must be studied considering the impact of *all the proposals*.

- **Small Lot Size/Number of Houses:** The small lot sizes for Highland Creek concern me greatly, and most are smaller than any lots allowed by current zoning. Building homes on 1/6 acre lots with 10 to 15 feet between homes is simply too dense and provides the homeowners with no outside area that offers any privacy. Furthermore, the close proximity of the Carriage Houses could pose difficulties for our firefighters needing to access rear or side portions of a house. In addition, the total of 190 homes is much greater than could be realistically be built under current zoning. To me, the only advantage of these lot sizes appears to be to maximize the developer's profits.

- **Loss of Community Character:** Brunswick is a town rich in varied architecture. The design of this development, particularly of the Carriage Houses is basically cookie-cutter (despite Mr. Marini's claim to the opposite), with all having the same shape and doorway configurations. Only small details are different.. Certainly one

can ask for more imagination in land use and design from a developer that would be in keeping with Brunswick's character.

- **Not in keeping with Brunswick's Needs:** There is no doubt that some Brunswick seniors and 'empty-nesters' desire alternatives to their large family houses; however, the high price of the Carriage Homes in comparison to average Brunswick home values makes a purchase of these Carriage Homes unrealistic for Brunswick residents. Older neighbors also have told they would never consider living in such a densely packed development, even if they could afford it. As well, first time local home buyers could better afford an existing home here.

The above outlines my major concerns. I hope the Town Board will carefully consider this proposal, as well as the 4 other PDD's, and not approve such a dense development which will negatively impact current residents in so many ways, and which will great effect on future zoning in Brunswick *And,* for the good of the Town, please find a good planner who can work with all sides of the community to find acceptable alternatives for development in Brunswick before continuing further with any of these proposals. This community has always been close knit, and presently is very concerned about future development. *Once any of these PDD's are built we can never change it back. Thus it so important for the Town to do it right!*

Sincerely yours,

D M Forster

Donna Forster

Patricia Hyde

From: "Susan Quest-Sherman" <SSherman@townofbrunswick.org>
To: "Hyde Pat" <PHyde@townofbrunswick.org>
Sent: Tuesday, January 10, 2006 8:16 AM
Subject: Fw: Town of Brunswick Plan

----- Original Message -----
From: "J Frost" <jfrost65@yahoo.com>
To: <ssherman@townofbrunswick.org>
Sent: Monday, January 09, 2006 2:20 PM
Subject: Town of Brunswick Plan

Referring Page: http://www.townofbrunswick.org/

Is there a meeting tonight (Monday, Jan. 9) at the church on the corner of Route 2 and Maple Avenue (Eagle Mills) to explain the Town Plan?
If so, please tell me what time the meeting is scheduled to take place?
Also, is this the only meeting about the Plan or will there be others?

On another subject, I wanted Town officials to know that while I am grateful that they are holding numerous forums to discuss the several proposed developments (Carriage Hill, Highland Creek, etc.) I was disappointed that the Town Board decided to hold its last meeting on Dec. 29, the week between the Christmas and New Year's holidays. They had to know that many residents would be unavailable to attend a meeting during the holiday week.
Thank you.

Patricia Hyde

From: "James Gardner" <GrdJm436@aol.com>
To: "Philip H Herrington" <phyde@townofbrunswick.org>
Sent: Wednesday, December 28, 2005 2:04 PM
Subject: Proposed Residential Developements

Attention Pat Polieto:

As residents of the town for over thirty years, we would like to express our support for the development of Highland Creek and Carriage Hill. As "empty nesters" we feel that the development of carriage or townhome communities is something definitely needed in Brunswick.

While we are not in favor of overdevelopment such as Hudson Shores, we do think some small "cluster" communities would be beneficial to our town and our residents.

We also have a need for an additional Supermarket in order to create some competition with the Price Chopper.

We believe the Town Board has done an excellent job since they have been elected and hope it will not be years before we see some type of residential housing other than the $300,000+ big box houses that seem to be the only type of new housing built in the community.

Thanks for your attention to our concerns.

3815 NY 2
Cropseyville, New York 12052
January 18, 2006

RECEIVED
JAN 18 2006
TOWN CLERK

Councilman Pat Poleto
Town of Brunswick
336 Town Office Road
Troy, New York 12180

Dear Mr. Poleto:

I am writing to you about the proposed Highland Creek Development. I am concerned about the impact that such a development would have on the Town of Brunswick. It has been stated that the residents of this development would pay a homeowner's association fee. It seems possible that residents who pay a homeowner's fee to a development would be less likely to support adequate taxes to provide for the town's needs. This could have an adverse affect on the other town residents. Either they would receive diminished services or they would be subsidizing town services for the residents who live in the development. I am not convinced that developments requiring homeowner's fees would have a positive impact on Brunswick.

In addition, I would like to see Brunswick maintain its rural character. I do not believe that the proposed development at Highland Creek, in addition to the other proposed residential developments and the proposed construction of a Wal-Mart Super Center, would enhance the rural character of Brunswick. I believe that these developments would have a long lasting, detrimental and possibly irreversible effect on Brunswick.

Thank you for your attention.

Sincerely,

Elisa Grimm

Elisa Grimm

MICHAEL J. HART
64 FORD ROAD
TROY, NEW YORK 12180
(518) 663-8055

RECEIVED
JAN 03 2006
TOWN CLERK

December 29, 2005

Brunswick Town Board
336 Town Office Road
Troy, New York 12180

Attention: Pat Poleto

Reference: Highland Creek Planned Development District

With all the negative propaganda being produced against any and all development proposed with-in Brunswick, I felt it necessary to address the Town Board. The mere proposal of *any* type of development in Brunswick has a group preparing petitions, making false claims and disputing much of the engineering prepared by the "developers". This group hides behind the shield of "Brunswick Smart Growth", calling themselves a "citizen action group". They claim to "promote sustainable and positive growth". I've yet to read anything they favor other than *No-Growth*.

I have prepared my comments not as a business owner but as a property owner, tax payer, a coach, an adult leader working with children, as a parent and a son. If the Town expects to attract civic-minded individuals who will join our places of worship, coach our children or fill a need in any of the many volunteer organizations in our Town, we need to welcome people rather than discouraging them from coming to Brunswick.

Many have stated there is no need for additional housing with-in the Town. I can personally dispute that comment. My Mother was on a waiting list for two years before an apartment at Rouses became available. She is at the North Greenbush facility as nothing was available in Brunswick. Appropriate senior housing with-in Brunswick is scarce and in demand. I know of many single parents who would jump at the opportunity to have a carriage home but none are available. It has been brought to my attention there is a backlog of 50 to 75 clients looking for homes with any given realtor but the realtors are reluctant to provide that information. Businesses are reluctant to make public statements for fear of repercussions in the local media. I'm convinced there is an obvious need for housing with-in the Town and this development is one step in providing for those needs.

Statements have been made the "Brittonkill School district is currently at a capacity of 90%." Being the father of three boys in grades 5, 8 and 9 at Tamarac, I know my children's classes are approaching 75% capacity. I appreciate the smaller class sizes but also believe the capacity of the schools is being misquoted. Furthermore, if Tamarac was at 90% capacity, I think the School Board should be planning for the future rather engaging in the politics of the anti-development crowd.

My question to the folks that want to "preserve" Brunswick's character is; "How do you think the people in Schenectady or Amsterdam or Fulton County feel about preserving their character?" Should any one industry ever control the destiny a town or city? These local communities are perfect examples of what can happen when you cater to only one industry. What will become of Brunswick if the farming industry leaves and nothing becomes of the farm land. As a Board member you must look at any and all areas which can produce revenue for the Town. Increased taxes on existing property owners should not be the only option. Growth should be expected and furthermore should be embraced. If the very vocal minority feels strongly the need to preserve the rural character with-in the Town of Brunswick, I would suggest they buy land, become a farmer and find out what character really means.

The Town of Brunswick Comprehensive Plan dated February 6, 2001 encourages "promotion of cluster development" and "encourages development that is environmentally friendly and provides buffers and open space." I believe the current *"Highland Creek"* proposal before the Board provides the recommendations the Town has requested. In addition by declaring a "Planned Development District", the Board is in the position to recommend other amenities such as curbs, sidewalks street trees and lighting which could further enhance this development and define it as a real neighborhood. The alternative could be spot housing which is currently being spattered throughout the Town with very little over-sight. Highland Creek has the potential to define the future of Brunswick with up-scale homes in true neighborhoods rather than spot houses without any common theme, setting or architectural style. Please consider the advantages of developments such as *"Highlands"* and look to "build" Brunswick's character. Building character is not a bad attribute.

Sincerely,

Michael J. Hart

Rev. Charles W. Haynes
11 Westlane Road
Brunswick, New York 12180-6534
518-273-6854

January 12, 2006

Brunswick Town Council
Brunswick Town Office
308 Town Office Road
Troy, New York 12180

To the Members of the Brunswick Town Board,

Brunswick is being hit hard with a plethora of proposed development projects. So much so, that I personally feel a bit overwhelmed by the implications and potential impact of doing so much in such a short period of time. Others I have spoken to have expressed similar frustration. Because there has been no effort whatsoever to address the cumulative impact of all of these proposed developments, I suggest that the Town Board, in the interest of being attentive to and responsive to the citizens of Brunswick, give serious thought to what several of our neighboring towns have done by declaring a moratorium on all large development projects. This would give us a year and a half to two year breathing space for responsibly considering each project and working with developers to produce housing and businesses in Brunswick that will enhance the quality of life in our town. Since our current plan for development in our community is lacking a cohesive approach to the subject, I further suggest that the Town employ the services of a planner who would be neutral and not beholden to anyone who has a financial interest in any current or future developments.

These are my comments, questions and concerns with respect to the proposed Highland Creek project. The DEIS for this project gives little more than "Boiler Plate" answers in addressing the issues that require attention in their DEIS. Most of my concerns and questions have not been, in my opinion, satisfactorily addressed. I feel much more information is needed before the Town Board can act responsibly on this proposal

According to SECRA regulations, a developer must address the **"public needs and benefits"** that their proposed project will provide to the community. In accordance, the Highland Creek DEIS addresses the possible benefits of their project. Among those listed are these:

- High quality attractive residential living
- A range of recreational opportunities on site and in close proximity
- A location providing shopping centers, employment and professional services
- Full range of available essential services including water, sewer, telephone and cable television provided to each residential home lot
- Excellent community service including schools, fire and police protection, medical and emergency services.

While these homes may be of quality construction, I seriously question, from what I have seen, whether they will be attractive. Housing jammed together on small plots of land will not, in my opinion, add to the beauty of the locale. How will the rest of the town residents benefit?

When it comes to recreational opportunities, I do not understand how such facilities or programs benefit the public. It looks more like a "gated" community designed to exclude others in the community. In fact, all the proposed services appear to provide no "benefits" to enhance the larger community whatsoever.

[illegible] mentioned especially police and fire protections, will place added other proposed projects will require? Won't this added population require additional emergency services, thus increasing the burden on the community" Won't these "benefits," in fact, over burden the current infrastructure and further necessitate the need to employ professional fire fighters with EMT training? Will this project, taken together with all of the other proposed projects necessitate the creation of a town police force with all the attendant expenses? The DEIS has spoken eloquently about the services and benefits the new residents will receive, but has largely failed to put forth a plan suggesting how to put all of this in place, and gives no clue as to how the community will benefit.

Who has decided that these new homes will primarily attract "empty nesters?" How many empty nesters live in the capital district? Are there enough to fill the spaces that this project together with the other proposed projects will make available? Since school service is listed as a "benefit," it would appear that the developers want to target a much broader population. Won't such concentrated construction serve to over burden the current school systems that serve Brunswick and require construction of added classrooms and employment of more staff? Won't such added costs negate any supposed tax "benefit?" Won't the number of children who will live in this project, together with those who will live in the other projects require more school buses and thus increase the size of our school bus fleet as well as increase the number of personnel to drive and maintain them? Won't residents find their school taxes increasing not decreasing? Won't new residents increase the need for added recreational services by the town thus further adding to the cost the community must bear?

This DEIS also refers to its proposed site as offering close by shopping centers and employment opportunities. Since the closest shopping area to the proposed site is Hoosick Road, won't this further burden the traffic flow on this road, which, despite recent construction, is already overburdened?

Won't the expansion of the town water supply and sewer service to this site require ongoing maintenance of these roads and services further increasing taxes? Won't the character of McChesney Avenue Extension be ripe for further development? Won't this necessitate current residents putting their homes on the new sewer system at their own expense? Won't this again be another added expense to current residents?

While jobs may be created by this project, how many if any such jobs will be permanent, and what guarantees are there that local Brunswick people would be part of the employment circle? Won't the town need to employ more people in its highway department to plow, pick up leaves, and repair roads, sewers, waterlines, etc.?

Another sited benefit of this project is that it will be a "means of preserving an environmentally sensitive area that will be protected from future development in perpetuity." This laughable claim can hardly be regarded seriously or proven. Isn't it true that the land on which this project would be located is situated on a ledge with adjacent wetlands which are unsuitable for construction? Won't the run off from this project damage the very environment it claims to protect. Is it not true that the hiking paths to be created by this project will be open only to the residents of this project and in no way benefit that larger community?

Another supposed benefit to the town stated in this project is an increased tax base. While the tax base would increase, won't the need for added services and infrastructure maintenance and improvement more than offset those tax benefits? Won't increasing costs mean increasing taxes? Won't increased taxes and an overburdened infrastructure make living in Brunswick less rather than more desirable? Won't this result in property values decreasing rather than increasing? In the Conservation League's estimates, congested new housing develpments generally increase the tax burden of every resident by approximately 23¢ for every additional tax dollar generated. That doesn't sound like a very good deal for the residents of Brunswick!

Finally, **this project must be considered in terms of cumulative impact**. It does not stand alone, and the Town Board needs to look at the larger picture with all the proposed developments on the planning table. Benefits of any one project may be tempting but when taken cumulatively, there are few or no benefits to current residents who will most certainly experience a cut back in services, increased school taxes, more traffic aggravation, an overburdened infrastructure, increasing crime, and increasing pollution of the land, wetlands and the air. The supposed benefits from this project would go to its residents only, and I am not so sure that, in the long run, these people will be benefited by living in the midst of sprawl and all its concurrent problems. Other than having a new home, these residents would run the risk of living in a situation where there are ever increasing taxes as the town continues to look to development as the primary means of increasing its tax base. This kind of development creates a very slippery slope that can put the residents of Brunswick on a tax carousel from which they will never be able to get off. This kind of development is a bad idea and only serves to line the pockets of a few at the expense of everyone else in the community.

Sincerely,

Charles W. Haynes

Susan H. Haynes
11 Westlane Road
Troy, New York 12180

RECEIVED
JAN 18 2006
TOWN CLERK

January 17, 2008

Brunswick Town Council
Brunswick Town Offices
308 Town Office Road
Troy, New York 12180

To the Brunswick Town Council:

This is a follow up letter to supplement my comments made at the 2005 November 28th hearing regarding Highland Creek.

According to SECRA regulations "**public needs and benefits**" must be shown. On page 8, the Highland Creek DEIS addresses the issue of the project's benefits. Among those listed by the DEIS these are include

- High quality attractive residential living
- A range of recreational opportunities on site and in close proximity to the project site
- Good location with respect to shopping, employment centers and professional services;
- Full range of available essential services including water supply, and sanitary sewer system, telephone and cable television provided to each residential home lot;
- Excellent community service including schools, fire and police protection, medical and emergency services.

While the building will be of superior quality, I do not understand how this benefits the public. In all these listed services none of these 'benefits" do anything to enhance the life of current town residents.

In fact, the services mentioned especially police and fire will place a burden on an already overwhelmed system. If the thrust of the project is "empty nesters" then it is unlikely these people, who want to be free to travel etc., will join the volunteer fire department and could, as they age, be in need of emergency services. These "benefits" could, in fact, over burden the current infrastructure and necessitate the need to employ professional fire fighters with EMT training.

Next if community school service is a factor, then this construction combined with people moving into homes vacated by "empty nesters" could also over burden the current school system and require construction thus negating any tax "benefit". The number of children who would live in this project alone would account for one or two school buses thus requiring and increase in the fleet of school buses as well as an increase in personnel or at the very minimum class size. In fact current residents could very well find their school taxes increasing not decreasing. . Finally, the new residents would compete for current recreational services created by the town and could require more recreational construction or flood the town beach or the summer camping program which is highly accessible and easily available now.

The DEIS site also refers to location in terms of shopping and employment centers. Since the closest shopping area to the site is Hoosick Road, then it assumes an increase in traffic on this road, which despite recent construction, is already overwhelmed at times.

Also the expansion of town water supply and an increase in town sewer service also requires maintenance and means that the character of McChesney Avenue Extension will be ripe for further development while also necessitating current resident to pay to have their homes put on the new sewer system. This again is another expense to current residents.

Also, while jobs would be created by this project are not permanent in nature, and there is no guarantee that local Brunswick people would be part of the employment circle. However, the town may need to employ more people in its highway department to plow, pick up leaves, and repair the roads more frequently.

Another cited benefit of the project is that it will be a "means of preserving an environmentally sensitive are that will be protected from future development in perpetuity"

This claim could be regarded as incorrect if not cynical. Where there is no housing proposed the land is ledge or wetlands and unsuitable for construction. Also the effect of run off from the current project could very possibly damage the environment that it claims to protect. Also the hiking paths recreated by this project are not open to the public and would again benefit the only the residents of this project

Another so-called benefit to the town is an increased tax base. However, while the tax base would increase, so will the need for services. Those increasing costs would be borne by town residents. In a study commissioned by the Conservation League, it was determined that for every new dollar new housing adds to the tax rolls, it costs the community one dollar and twenty-three cents in services.

Finally, this project must be considered in term of cumulative impact. It does not stand alone, and the town needs to look at the larger picture of all proposed development upon the town. Benefits of any one project may be tempting but when regarded cumulatively,

there are few benefits to current residents but only a depletion of services, increased school taxes, and more traffic aggravation. The benefits from this project would go to the new proposed residents, and I am not so sure that, in the long run, these people would benefit either. Other than having a new home, these residents would run the risk of living in a situation with ever increasing taxes as the town continues to look to development as a means of increasing tax base and an over whelmed system of services.

Sincerely,

Susan H. Haynes

Susan H. Haynes

December 2, 2005

RECEIVED
DEC 5 _ 2005
SUPERVISOR'S OFFICE
TOWN OF BRUNSWICK

Members of the Town of Brunswick Council

I was at the open hearing on Monday, November 28, regarding the proposed development called Highland Creek. I was one of those that arrived too late to get in the meeting space, spending most of the evening on the porch, slowly moving toward the room. I encourage you to find larger spaces for these hearings.

Most of the comments I heard were reasonably civil, though at the end that changed in unfortunate ways. I left just before 9pm, so I didn't hear every comment. Here are some points I wish to register with you.

1. I want Brunswick to maintain its lovely character, but not at the cost of halting growth. I want to live in a town that welcomes careful growth, a town in which those that arrived first can't stop all others from entering.

2. There is wisdom in considering the cumulative affects of several developments on the town's infrastructure and school system, but there is also a danger in lumping several developments together. Each development deserves its own hearing and should receive unique treatment. The first developer should not be held hostage to other developers. It is perfectly appropriate for the town to say, for example, yes to development #1, no to development #2, a qualified yes to #3, etc. Each proposal deserves to be heard and evaluated on its merits. That, I think, is the American way. Precedent doesn't need to determine future outcomes; it merely establishes that something was once done in a certain way. You are free, and should be, to evaluate each development proposal as it comes.

3. At open hearings, which are a good thing for democracy, early comments often inform later comments. For example, last Monday some of the things said early were repeated again and again. The hearings themselves have a kind of self-selectivity to them. That is, people troubled about the matter of discussion are more likely to turn out than those in support or indifferent. That shouldn't stop open hearings, just clarify that there are limits to what they accomplish.

4. I hold the view that the elected representatives of the people in this government, at every level, are elected to make the best decisions they can, informed in every way available. You are not merely to find out what 51% of your constituents hold at a given moment and vote that way. Listen to your constituents, by all means, and listen to all pertinent information, and vote what you think is right. If your constituents vote you out the next time, then the system worked. I want representatives that are not puppets to their parties, prevailing viewpoints, or polls. Listen to all the above and vote what you think is right.

This is a momentous time in Brunswick's life. Never, in my 31 years here, has there been such a confluence of proposed development and opposition to development. Please stay the course in listening carefully and deciding as wisely as you can in these matters.

Sincerely,

Harry J. Heintz
32 Colehamer Ave.
Troy, NY 12180

Louis Hutter
228 White Church Rd.
Troy, NY 12180
(518) 279-9882

RECEIVED
DEC 30 2005
SUPERVISOR'S OFFICE
TOWN OF BRUNSWICK

December 28, 2005

Town Board
Town of Brunswick
336 Town Office Road
Troy, NY 12180

Subject: 10/28/05 Public Hearing Comments

Sirs:

The following are my comments that I was unable to provide at the subject public due to a lack of time.

I have not been able to read the EIS nor the EISs of the other applications in to the town. Each is multivolume and is simply beyond the time and schedule (eg, 8-4 at the town office availability) that I as an individual have. The comments below are requests to the Town Board to confirm that these points are addressed in the EIS.

I assume that the EIS only considers the applications effect on the existing conditions in the town. However, there are multiple PDDs in or due for application plus the Wal-Mart supercenter application. It is safe to assume that all of the applications have or will only consider existing conditions. They have not considered the existing rate of development and commercial growth under the existing zoning regulations (baseline growth). They have also not considered the effects of the other applications. As presently submitted in piecemeal fashion, each application may or may not have an adverse or a significant effect on Brunswick. One house isn't much growth. Nor is two. Nor 20. But we are talking about over 1,000 units. Considered together with the baseline growth, I believe that a roughly 20% (based on 5,000 existing units) residential and commercial growth in less than 2 years is proposed! This is very significant and I doubt any municipality has ever seen this amount of growth in such a short time. This should be addressed in the EIS. I propose that the EIS's for all of the applications be combined into one EIS for review because they are all proposed for the same time frame.

The applicant referenced the Master Plan for Brunswick. There is at least one error in the Master Plan that should be corrected. I started re-reading the Master Plan on the town's website but stopped after one page because I came across a clause that stated

"In the future, development will broaden the tax base of both the Town and the county, helping to offset the need for increased taxes."

During the public hearing on the Master Plan, a comment was made that this clause was incorrect. Development has historically not reduced taxes. Examples were cited of nearby highly developed towns, such as Clifton Park, that have similar taxes as Brunswick. Increased development brings a higher tax base, but also brings an offsetting need for increased amounts and types of services, such as adding a police force. Everyone at that public hearing agreed that the statement was incorrect and would be stricken from the final Master Plan. What happened to its removal? How many other inaccuracies are in the Master Plan? A correct and up-to-date Master Plan should be used for the EIS and its review.

Our zoning and land use (Planning Board) regulations date from the 1950s I believe. It is my understanding that these regulations are under exhaustive review and revision. Based on the Master Plan finished 5 years ago, the tremendous present growth pressures, and a new Town Hall planned and built in the meantime, I would have to say that the new regulations should be issued any day now. The EIS should address the new zoning and land use regulations, not the existing regulations. We will be living with the proposed development and new regulations for the foreseeable future. To address the existing regulations in the EIS knowing that new regulations will be enacted shortly is simply an "end around" the intent of the town and its zoning and planning regulations.

We already have a serious horizon glare problem from Albany, Troy, and Route 7 (e.g., Action Chevrolet). The additional light pollution from this development should be addressed. I assume that the area will be lit. Vegetation is not an effective barrier nor are special fixtures. The problem is reflective light off snow cover in the winter when leafy vegetation exists. This lit area will be visible for miles and ruin the night vista of the town. Before anyone says this is not a problem, I welcome a call and I'll show the new White Church development. It looks like a night skiing resort.

Housing for senior citizens is always a good cause. I recall Rouse was built to service the senior citizens of Brunswick. Questions: How many Brunswick residents moved to Rouse? How many more housing units are needed for Brunswick seniors? The EIS should consider the additional infrastructure needs of the proposed "empty nester" housing. These buyers will become senior citizens in 10 years. The infrastructure needs include health care, ambulances, public transit, and local government agencies. Frankly, the town does not have the necessary infrastructure and modus operandi for the proposed growth. As an example, the public hearing was held in a room that was signed by the Building Department for 99 persons maximum occupancy. However, several hundred people were in the room, including the town officials and local fire departments. Excuses were made, but the fact remains that we violated our own law. As long as the town operates this way (and I happen to like the way the town operates), it will not be able to accommodate the proposed growth. The EIS should address this.

This is the third PDD in this area. At some point, multiple PDDs should be addressed by zoning and not by these special applications. I feel that three PDDs in such close proximity should be zoning. So many PDDs need to be considered in the overall zoning of the town and not piecemeal additions.

One comment regarding the PDD application. The application is a total disrespect of the town regulations and people. The applicant overstated the number of houses that could be built under the existing zoning by including wetlands and hilly areas that are not developable. It is simply a thinly disguised attempt to sell higher density housing that is allowed. It is improper to use a PDD in this area. PDDs are intended for high density areas in and near commercial centers. The idea is that people will walk from their houses to work, shopping, and entertainment. Where are these activities? A Price Chopper and Wal-Mart and no offices or other local employment for the intended inhabitants just does not meet the requirements for a PDD. Hell, the PDD is not even connected to Route 7, the only commercial road near the PDD.

Thank you for the opportunity to express my comments.

Sincerely,

Louis Hutter

Rebecca Kaiser
398 Moonlawn Road
Troy, NY 12180

January 12, 2006

Brunswick Town Board
336 Town Office Road
Troy, NY 12180

Dear Town Board Members,

I would like to know who is going to assess the cumulative impacts of the five Planned Development District proposals presently before the Board. I am referring to Highland Creek, Hudson Hills, Carriage Hill, Brunswick Meadows and the Wal-Mart Supercenter.

If the cumulative impacts are to be assessed by members of the Town Board, which Town Board members will be performing the assessment and what are their qualifications for performing the assessment?

If the cumulative impacts are to be assessed by members of the Town of Brunswick staff, which staff members will be performing the assessment and what are their qualifications for performing the assessment?

If the cumulative impacts are to be assessed by paid consultants or by any other individuals I have not mentioned, who are those people and what are their qualifications for performing the assessment?

I am asking you to respond to me in writing.

Thank you very much.

Sincerely,

Rebecca Kaiser

Rebecca Kaiser

Cc: Andrew Gilchrist, Esq.

RECEIVED
JAN 2006
TUCZINSKI, CAVALIER,
BURSTEIN & COLLURA, P.C.

RECEIVED
JAN 18 2006
TOWN CLERK

62 Moonlawn Road
Troy, New York 12180
January 17, 2006

Mr. Patrick Poleto, Councilman
Town Board of the Town of Brunswick
336 Town Office Road
Troy, New York 12180

Dear Councilman Poleto:

RE: Public Comments on Highland Creek Planned Development District Draft Environmental Impact Statement

The following comments are submitted regarding the Highland Creek Planned Development District Draft Environmental Impact Statement:

2.0 Project Purpose and Need: This section never demonstrates the need for this type of development. The DEIS states that the proposed development "responds to real estate market demand", but provides no documentation supporting this claim. The proposed development creates an urban setting in a rural area, yet never demonstrates through references or studies that this is a viable form of development for the Town. In what similar areas in the Northeast has this type of development been constructed and proven to be viable?

2.1.2 Project Benefit: The DEIS touts the project benefit as increased tax revenues with an "overall anticipated construction values of $317,105 for an average of all single family homes proposed." Appendix A, Item 18 lists housing costs of $290,000 for a carriage home, $350,000 for a traditional home, and $400,000 for a manor home. The DEIS never discussed the marketability of homes in this price range. How do these costs compare with the current average values of homes in the Town? How do these costs compare with recently sold homes in the Town?

Furthermore, the DEIS touts another benefit as "an effective means of preserving environmentally sensitive area that will be protected from future development in perpetuity." In order to assess the validity of this statement, what percentage of the site can <u>not</u> be developed due to physical constraints (wetland areas, outcrop areas, or steep sloped areas)?

2.1.3 Municipality Objectives: Another objective the municipality uses to evaluate a proposed project is the compatibility of the project with the character of the Town. Where in Brunswick or in town's of similar demographics have these proposed housing schemes been successful? What has been the impact of this housing scheme on the adjacent areas?

2.3.2.5 Open Space: The DEIS states "the proposed layout for Highland Creek PDD identifies 135.5 acres, or 64% of the project area, to remain undeveloped Open Space." This statement is misleading and to assess the significance of the statement required further clarification. Of the 135.5 acres or 64% to remain Open Space, how many acres, or % of the project area can not be developed due to physical constraints, i.e. wetland area, pond area, outcrop area, and steep slope area?

2.3.2.7 Water Supply System: The DEIS states that a 12-inch water main will be extended from the ROUSE senior housing to the proposed development. Who currently owns the existing water supply to ROUSE, and what are the costs associated with the water main extension, and who will pay those costs?

The DEIS also states that a "water district will need to be established for this proposed water service area." What is the process for establishing, funding, operating and maintaining a water district? Who is responsible for these items? How will these costs be distributed among the members of the water district and the Town? Will multiple water districts be involved in the proposed development?

2.3.2.8 Sanitary Sewer District: The DEIS also states that a "sanitary sewer district will be required to be extended to include the proposed PDD in the Town sewer service area.." What is the process for extending, funding, operating and maintaining a sewer district? Who is responsible for these items? How will these costs be distributed among the members of the sewer district and the Town? Will multiple sewer districts be involved in the proposed development?

2.4.3 Operation: The DEIS states that "upon completion of the project, the operations will require maintenance of roads, utilities, and Open Space." And further states "the dedicated town roads, water distribution system, wastewater collection system, and storm sewer systems will be owned, maintained and operated by the Town of Brunswick."

What are the anticipated costs associated with the ownership, maintenance, and operation of these Town owned roads and utilities? Will the Town own, maintain, and operated the Highland Creek pump station, Hoosick Street pump station, or both?

3.1.1.1 Subsurface: The DEIS states that some blasting might be required, ripped shale will remain on site, and this shale will be properly placed without adverse effects on the project and adjoining properties. What procedures will be followed to ensure that blasting does not damage nearby property structures? What is the anticipated volume of ripped shale to be stockpiles and where will the material be stockpiles?

3.1.1.2 Surfaces: The DEIS must include items stated in the Scoping Document. As stated in the Scoping Document, the DEIS must evaluate the "use of on site materials in construction (foundations, berms, landscaping, etc.); extent of cut and fills; soils to be imported and exported; permeability of the soils and impact on stormwater management." What on site materials and

what volume can be used for construction? What off site materials and what volume must be brought to the site? What is the extent and volumes of cut and fills (proposed and final grades)? What are the drainage characteristics of the soils related to stormwater management?

3.1.1.2.4 Topography: The DEIS must evaluate the "extent of cut and fills; soils to be imported and exported." as stated in the Scoping Document The DEIS only presents existing contours, not proposed contours which are used to evaluate the extent and impact of cut and fill. What is the anticipated cut volume? What is the anticipated fill volume? What are the proposed final grades?

3.1.2.1 Groundwater: The DEIS states that groundwater is located at a depth between 3 to 6 feet. Will basements be located in areas with shallow groundwater? If yes, what is the anticipated base flow from groundwater that will be discharged into the stormwater system? The DEIS also indicates that foundation drains and sump pumps will drain to the stormwater system. Has this additional volume been accounted for in stormwater management system?

3.1.2.2 Surface Water: The DEIS must include stormwater analysis as outlined in the Scoping Document. The Scoping document states "Potential impacts to be assessed in the DEIS include the impacts to storm water quality (pesticides/herbicides, road salt, pavement, seal coating) and quality during construction and operation phases and water quality and quantity impacts on down-gradient uses. A storm water management plan will be developed to assess pre- and post-construction storm water drainage and discharge points. Storm water quantities and rates of flow will be identified. Guidelines presented in USDA's Natural Resource Conservation Technical Release No. 55 (TR-55) will be utilized to develop these assessments. Findings will be presented in an Appendix to the DEIS."

The Appendix must related back-up documentation (i.e. assumptions, curve numbers, rain events, drainage basin configurations, detention basin configuration, model output, discharge rates, discharge points, etc.). Existing drainage basins and proposed drainage basins must be described and delineated on a map.

The DEIS States that the Town will maintain portions of the stormwater system. What portions on the stormwater system will the Town maintain? What are the anticipated costs to the Town to maintain their portion of the storwwater system?

3.1.2.2.2 Potential for Flooding: The text states the flood elevation is 408 ft, while EC5 indicated 308 ft. Which is the correct elevation?

3.2.3 Community Services: The DEIS must include a municipal revenues section as outlined in the Scoping Document. The section must "include an analysis of the overall and net effect of the project on the Town and County revenues. Increased revenues will be compared to increased costs, if any, for service and utilities such as schools, water, sewer, police, and fire protection."

As submitted the DEIS never addresses revenue expenditures associated with the proposed development of the property. Is the claim that there are no increased costs associated with the proposed development? If so, provide references to support that claim.

3.2.3.2 Police Protection: The DEIS contains letters to, but no response from the State Police and Rensselaer County Sheriff. What follow up letter or phone calls were made to open up dialogue with the State Police and Rensselaer County Sheriff?

The DEIS also states that "increased demand for services will be mitigated by increased tax revenues generated from taxes levied on owners of homes within the Highland Creek PDD." What is the basis or reference for this statement? Did the State Police of Rensselaer County Sheriff indicate that staffing levels would increase due to this proposed development?

3.2.3.3 Fire Protection: The DEIS discussed a meeting with Center Brunswick Volunteer Fire Company and Brunswick Fire Company, No. 1 and their request for the looping of the water main servicing the proposed development. The DEIS dismisses this option because construction would be hard and problems could arise during maintenance.

This is a health and safety issue and warrants further discussion. Along with helping minimize stagnant water looping helps minimize interruption to services during maintenance. What is the length of water main that would need to be constructed? What is the profile? What are the anticipated costs? Was this discussed with the Health Department or the Town's Water Department?

The DEIS states that "increased demand for services will be mitigated by increased tax revenues generated from taxes levied on owners of homes within the Community." What is the basis or reference for this statement? Did the Volunteer Fire Departments indicate that staffing levels would increase due to this proposed development?

Furthermore, the March 25, 2005 Advertiser's Pennysaver contained an article where Rensselaer County Executive Kathleen M. Jimino and Legislator Michael Stammel announced the formation of a task force aimed at recruitment and retention of volunteers for fire and emergency medical services. Ms. Jimino discussed the shrinking number of volunteers and the additional pressure on the current volunteers. The report of the task force was anticipated in four months. The DEIS discussed the developments impact on their budget, but not on the volunteers. Was the issue of staffing along with the additional demand on their services discussed with the volunteers? At what point will the Town need to consider a full time paid fire company?

3.2.3.7.1 Water Supply: The DEIS must include water supply details as outlined in the Scoping Document. The DEIS states that "project related utility needs will be identified and compared to existing capacities and limiting factors (i.e. pumping, treatment, pipe size, pressure, etc.)."

Additional details must be addressed in the Engineer's Report. What is the overall capacity, existing demand, and additional demand in terms of average daily demand and peak demand? What are the assumptions, references, and relevant equations?

What is the reference for the assumed demand of 100 GPD?

The DEIS states that homeowners will be required to irrigate their lawn when necessary. Was this additional demand accounted for in the 100 GPD assumption?

Who currently owns the water main that needs to be extended? What costs are associated with the extension? What costs are associated with the Town operating and maintaining these improvements? How are these cost distributed among the water district members and the Town? How do these costs compared to revenues generated by fees collected by the water district?

3.2.3.7.2 Sanitary Sewer: The DEIS must include sanitary sewer details as outlined in the Scoping Document. The DEIS states that "project related utility needs will be identified and compared to existing capacities and limiting factors (i.e. pumping, treatment, pipe size, pressure, etc.)."

Additional details must be addressed in the Engineer's Report. What is the overall capacity, existing flows, and additional flow in terms of average daily flow and peak flow of the existing and proposed sewers (force mains and gravity sewers)? What are the limiting factors? What are the assumptions, references, and relevant equations?

What are the associated costs to the Town for operating and maintaining these improvements? How are these cost distributed among the sewer district members and the Town? How do these costs compared to revenues generated by fees collected by the sewer district?

3.2.5.2 Physical Character of the Community: The DEIS states that within 1/4 mile distance land use includes a mix of residential (single family, multi family), institutional (ROUSE retirement complex), commercial and agricultural uses. What is the percentage use for each listed use within the 1/4 mile area?

3.2.5.3 Historic and Archaeological Resources: The DEIS states that the "Native American archaeological site (P3) is located in part of the development area and cannot be easily avoided. What is the status of the further Archaeological Survey? How will the developer avoid development of this historic site?

6.0 Irretrievable and Irreversible Commitment of Resources: The DEIS must include all item outlined in the Scoping Document. Items not discussed in the DEIS include transportation, land use and zoning, community services, and cultural resources.

6.2.1 Topography, Geography, Soils: The statement of the placement of impervious surface over portions of the project and reducing the increase of surface runoff is contradictory. Will the placement of impervious surfaces increase the surface runoff?

7.0 Growth Inducing Aspects of the Proposed Action: The DEIS must include a section on Support Facilities as outlined in the Scoping Document.

7.2 Future Development Potential: The DEIS states that "proposed infrastructure (sanitary sewer, water distribution) will increase growth potential on adjoining properties or in the project vicinity. Limit of such potential will be controlled by the remaining available capacity of the constructed facilities, especially of the sanitary sewer system."

What is the anticipated additional impact of this sprawl? What is the remaining available capacity of the sanitary sewer?

Appendix G: Water Supply and Wastewater Disposal Report:

Water Supply:

The DEIS Engineer's Report must include water supply details as outlined in the Scoping Document. The DEIS states that "project related utility needs will be identified and compared to existing capacities and limiting factors (i.e. pumping, treatment, pipe size, pressure, etc.)."

Additional details must be addressed in the Engineer's Report. What is the overall capacity, existing demand, and additional demand in terms of average daily demand and peak demand? What are the assumptions, references, and relevant equations?

What is the reference for the assumed 2.8 persons per house and demand of 100 GPD/capita?

The DEIS states that homeowners will be required to irrigate their lawn when necessary. Was this additional demand accounted for in the 100 GPD assumption?

Who currently owns the water main that needs to be extended? What are the costs associated with the extension? What are the costs associated with the Town operating and maintaining these improvements? How are these cost distributed among the water district members and the Town? How do these costs compared to revenues generated by fees collected by the water district?

Sanitary Sewer:

The DEIS Engineer's Report must include sanitary sewer details as outlined in the Scoping Document. The DEIS states that "project related utility needs will be identified and compared to existing capacities and limiting factors (i.e. pumping, treatment, pipe size, pressure, etc.)."

Additional details must be addressed in the Engineer's Report. What is the overall capacity, existing flow, and additional flow in terms of average daily flow and peak flow of the existing and proposed sewers (existing 12-inch gravity sewer along NYS Route 7, existing 6-inch force main from NYS Route 7 pump station (BSD6) to NYS Route 7, existing 8-inch gravity sewer from ROUSE to BSD6, proposed 6-inch Highland Creek force main to ROUSE)? What are the limiting factors? What are the assumptions, references, and relevant equations?

The existing flow from ROUSE is 50,000 GPD and the estimated flow from Highland Creek is 54,000 GPD. This is double the existing flow and is significant flow added to BSD6. The BSD6 upgrade is designed for the flow from ROUSE, Highland Creek, and I & I flow (leaks - 50 GPM). Are other properties connected and contribute flow to the pump stations? Are other properties anticipated to be connected and contribute flow to the pump stations?

Excess capacity to BSD6 is being allocated to one project. The Koester Associates Inc., memorandum to Ivan Zdrahal Associates and dated July 27, 2005 discusses the upgrades to BSD6 and states "For long term planning, the wet well capacity may need to be addressed, but should be adequate to serve the Highland Creek flow contribution." Has this conclusion been discussed with the Sewer District? Has the possibility of additional flow to BSD6 been discussed with the Sewer District? Have alternate upgrade schemes (pumps of greater capacity, installation of an additional wet well) that address long term planning and do not use the entire reserve capacity for one project been discussed with the Sewer District? If yes, what schemes were discussed? If no, who will pay for additional improvements and would there be a cost savings to the Sewer District to address these issues now and not in the future?

What is the reference for the peaking factor of 4?

What are the costs associated for the Town operating and maintaining these improvements? How are these cost distributed among the sewer district members and the Town? How do these costs compared to revenues generated by fees collected by the sewer district?

Is the Town familiar with operating and maintaining the Smith & Loveless packages specified for the Highland Creek and BSD6 pump stations?

What is the storage capacity of the Highland Creek and BSD6 wet well? How many hours of storage will be provided during power interruption? Will an emergency generator be installed at these pump stations?

Very Truly Yours,

Dylan T. Keenan

Dylan T. Keenan

highlandcreeksdcjs.wpd

RECEIVED
JAN 20 2006
TOWN CLERK

Teresa Ludwig
81 Liberty Road
Brunswick, NY

Dear Town Board:

I am opposed to the Highland Creek development. I am an "empty nester" in my eighties. I will not move out of my beloved house into this project which I cannot afford. I moved to Brunswick to enjoy its rural characteristics and quiet way of live. This proposal is not in tune with Brunswick traditional housing. Houses 15 ft. apart belong somewhere else.

I do not want Brunswick to become another Latham or Clifton Park. The developers will enjoy the profits while I will be chased out of my house (which I built myself like many Brunswick residents) due to ever increasing taxes.

These projects must be studied cumulatively. This has been emphasized over and over again at the town meetings. I hope the Town Board is listening.

Thank you for listening to my comments.

Teresa A. Ludwig
Teresa Ludwig

HEINRICH MEDICUS
1 THE KNOLL, EAST ACRES
TROY, NY 12180

December 7, 2005

To the Town Board
Town of Brunswick
308 Town Office Road
Troy, NY 12180-8809

Re: Highland Creek Development

Dear Ladies and Gentlemen:

At the recent public meeting, during the discussion period, the developer pointed out that the master plan came out in favor of clustering. However, there are clusters of reasonable size and much too big ones. Certainly the proposed Highland Creek project belongs to the latter group.

I fully accept the fact that for economical reasons some farmland in our region has to be converted to other uses. If the project on the Bonesteel Farm had consisted of twenty or even thirty one-family homes on one-acre lots, there would have been probably little opposition. Or if the project had been, say, only one tenth of the proposed size, no serious objection would have been raised. The same holds true for the other planned projects. All four projects together in this case would amount to one hundred or so new homes, therefore leading, together with a number of independently built new homes, to a reasonable and healthy growth of our town.

If the Highland Creek project would be approved, from which our Town Supervisor would personally profit, it would be nearly impossible for the Town Board to deny the other building projects.

Although in my opinion each of the four proposed projects singly deserves to be turned down, it is absolutely necessary that all four development projects must be be considered as a whole. This would immediately show the need for much thinking in which way our town should grow and how it should look a quarter of a century from now. For this it is necessary using the input of the various constituents. It should not left to the developers, in what direction our town should move.

Sincerely yours,

Heinrich Medicus

RECEIVED
JAN 20 2006
TOWN CLERK

January 19th 2006
Peter Meskoskey
168 Town Office Rd
Troy, N.Y. 12180

Brunswick Town Board
308 Town Office Rd
Troy, N.Y. 12180

Highland Creek

Dear Board Members:

Phil Herrington, quoted from his TV interview just before the 1st Highland Creek public hearing "We need growth, we cannot stop growth. He is correct in his statement. He is very correct. The question is what is the correct amount and type growth for the Town? We have a lot of terms that everyone uses. We have no growth, slow growth, out of control growth and many more. Everyone has a different idea and perception of what these terms mean.

There were a lot of promises made at election time by our Town Supervisor and Board Members who were runing. "Please do me a favor... I need your vote and your help!!! I need Pat Poleto and Sam Salvi with me on the Town Board to continue my vision for the Town of Brunswick.... Providing a managed growth to the town.... Controled Growth.... Preservation of the rural character of the town.... and Controlled responsible deveolpment." These are all great statements and ideas that were put forth to the public. I am asking this Board and all of its members to keep these promises in mind when making decisions on any of the current projects especially Highland Creek.

Highland Creek is a very sensetive issue in the community due to the fact of who is involved in the purposed project. I feel that we are all losing sight of the true issue and what is really important. One needs to take a hard look at the facts. I am talking about everyone. It does not matter if someone wants to sell there land. It does not matter if the person has lived in the town for a long time. Its does not matter if the person is rich or poor. It does not matter if the person has worked hard all his life or not. There is no law against selling land. Anyone can sell land. The Declaration of Independence states " life liberty and the pursuit of happiness". One of the original drafts was a little different. It reads life liberty and the pursuit of property. How ironic in today's growing world especially in our Town.

Phil mentioned vision. Vision about what will take place in the future not about what has taken place in the past. This Board in all its wisdom must gather all the facts and make a decision based on the true facts alone. They must be diligent to take the personalities out of the mix. They must decide what will be good for all the people in the Town. What will bring the most benefit to the Town overall in the future, the long term

future. You must receive help and input from others. Leave no stone unturned or no one's opinion left out. Judge no one who comes before you until you have exhausted every possible avenue. Be open to all. This Board has the opportunity to Grow this town to greatness. The decision is your. I once again offer any assistance you may need in this process.

Regards,

Pete Meskoskey

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4
1150 North Westcott Road, Schenectady, New York 12306-2014
Phone: (518) 357-2069 • **FAX:** (518) 357-2460
Website: www.dec.state.ny.us

Denise M. Sheehan
Commissioner

December 21, 2005

Phillip H. Herrington, Supervisor
Town of Brunswick
308 Town Office Road
Troy, NY 12180

RE: DEIS Comments
Highland Creek Planned Development District
Town of Brunswick, Rensselaer County

Dear Mr. Herrington:

This letter represents the Department's comments on the Draft Environmental Impact Statement (DEIS) for the Highland Creek Planned Development District off of McChesney Avenue Extension.

In April of 2005, consultants performed a wetland delineation for the purpose of obtaining a jurisdictional determination from the Army Corps of Engineers. The consultants for the project determined that there were no wetlands on the Final Freshwater Wetland Map for Rensselaer County in the vicinity of the proposed project and that none of the wetlands on the site would be subject to Article 24 regulations. The DEIS reports that the consultants delineated a total of 60 acres of wetland on the site that are Federal jurisdictional wetlands. The largest wetland area is approximately 45 acres and is associated with Sweet Mill Creek.

It is clear from the consultant's wetland delineation report, as well as aerial photographs, that a wetland meeting the minimum statutory requirements for regulation under Article 24 exists on the site. This wetland was apparently missed during the initial regulatory mapping efforts in the early 1980's, and this wetland will be added to the Article 24 regulatory map as soon as a county wide wetland map amendment procedure is undertaken in Rensselaer County.

To address the present situation of an unmapped wetland on the site of the proposed development, we encourage the project sponsor to voluntarily modify the project's present design to minimize potential wetland impacts by avoiding more direct wetland impacts and moving more of the project out of areas within 100 feet of the wetland boundary. The alternative would be for the Department to take the necessary steps to assert formal jurisdiction by initiating a map amendment procedure for the wetland. This would involve sending notification by certified mail to all affected landowners, providing a copy of the proposed wetland addition to the Town of Brunswick Clerk and publishing our intent to add the wetland to the map in the legal notice section of two local newspapers and the Department's Environmental Notice Bulletin with a 30 day comment period. According to the regulation (NYCRR. Section 664.7 (2)(l)), once an amendment procedure has been initiated, no activity subject to regulation under Article 24 can be initiated until the map has been amended. The amendment procedure typically takes several months to a year. The Department prefers to work with the project sponsor to find a mutually acceptable development plan that avoids impacts to the wetland and adjacent area to the maximum extent practicable.

It appears that most of the planned construction has been kept away from the wetland boundary which was delineated by the consultant and confirmed by the US Army Corps of Engineers. However, in light of the existence of a State regulated wetland on the site, the applicant should review the plans to determine whether other changes can be made to the project design to move as much disturbance out of the 100' adjacent area as possible.

Additionally, this project is located in an area where several large scale development projects are either proposed or underway. Staff are concerned with the potential elimination of additional forested wildlife habitat in the overall landscape. It is crucial to the long term viability of certain wildlife populations in the area to maintain contiguous stretches of suitable forest habitat, not simply corridors for animals to travel through from one patch of suitable habitat to another, but continuous, intact habitat. Presently an area of several hundred acres of forested habitat exists in that area between Route 7 and McChesney Avenue extension which is about the largest forested patch south of Route 7. In anticipation of additional development proposals on adjacent forested properties, as much of the forested land on the present project area should remain undisturbed so as to minimize the cumulative impacts of development on this relatively large patch of forested habitat, as well as on the long term viability of wildlife populations on the larger landscape.

Thank you for the opportunity to review the DEIS and provide comments. Please feel free to contact this office if you have any questions or for further information.

Sincerely,

Nancy M. Adams

Nancy M. Adams
Environmental Analyst 2
Region 4

cc: Andrew W. Gilchrist, Tuczinski, Cavalier, Burstein & Collura, PC, 54 State Street, Suite 803, Albany, NY 12207
File

Andy Gilchrist

From: Nancy Adams [nmadams@gw.dec.state.ny.us]
Sent: Tuesday, December 20, 2005 7:01 PM
To: Andy Gilchrist
Subject: RE: Highland Creek DEIS

Andy - Thanks for the update. On the Highland Creek project - there is a substantial freshwater wetland on the site, as depicted by the delineation of the consultant and confirmed by the US ACOE. That wetland is subject to State jurisdiction, since it exceeds the 12.4 acre threshold. (It's over 50 acres in size). In our initial response, we did not identify the wetland, since it was not mapped, but it appears to be far beyond what would qualify for protection. Comments will be sent to you shortly, but should not result in major revisions to the project, since they made a "good avoidance" attempt.

I think we are up to date on the other two. thanks, Andy.

>>> "Andy Gilchrist" <AGilchrist@tcbclegal.com> 12/20/05 1:29 PM >>>
Nancy- The Highland Creek public hearing was held open, and is scheduled to continue on the evening of December 29 at the Brittonkill Central School auditorium. The written comment period will be held open for at least 10 days following the close of the public hearing. Thus, the written comment period on the DEIS remains open. Once the Town Board establishes the date for the close of the written comment pereiod, I will let you know. Andy. PS. The public hearing on the Hudson Hills project will be continued by the Board on January 17, also at the Brittonkill Central School auditorium. The applicant has revised its plan, reducing the number of proposed apartment units from 1116 to 668, with a revised layout. I am expecting revised concept layouts from the applicant this week, and will get a copy to you soon. Lastly, the Board held open the public hearing on the Carriage Hill project as well (this public hearing was opened on 12/12). Once I have a date from the Board for continuing that public hearing, I will let you know. While the public hearings remain open on Hudson Hills and Carriage Hill, the written comment period likewise is remaining open on those applications.

-----Original Message-----
From: Nancy Adams [mailto:nmadams@gw.dec.state.ny.us]
Sent: Tuesday, December 20, 2005 9:46 AM
To: Andy Gilchrist
Subject: Highland Creek DEIS

Andy - is the town still accepting comments on the DEIS for the Highland Creek DEIS? I had read that there was to be a second hearing, and the comment period was extended. Is that true? We have some comments on the wetland portion of the project, but I wasn't sure if the comment period had closed.

thanks, and happy holidays.

Nancy Adams
Deputy Regional Permit Administrator
NYS DEC, Region 4
1150 North Westcott Road
Schenectady, NY 12306
(518) 357-2452

Andy Gilchrist

From: Andy Gilchrist
Sent: Wednesday, December 21, 2005 1:40 PM
To: 'Nancy Adams'
Cc: 'mark@kestnerengineers.com'
Subject: RE: Highland Creek DEIS

Nancy- My recollection is that the Town Board received comment on wetlands from your office on the scoping document for Hudson Hills, but not on the wetlands discussion presented in the Hudson Hills DEIS. Also, I do not believe the Town Board received any comment from your office on the wetlands discussion presented in the Carriage Hill DEIS. If comments on the wetlands section of the Hudson Hills and/or Carriage Hill DEIS were sent, please re-send them to my attention. If not, let me know whether your office will be sending any comments on the wetlands issues. The written comment periods on these DEIS's remain open. Thanks. Andy G.

-----Original Message-----
From: Nancy Adams [mailto:nmadams@gw.dec.state.ny.us]
Sent: Tuesday, December 20, 2005 7:01 PM
To: Andy Gilchrist
Subject: RE: Highland Creek DEIS

Andy - Thanks for the update. On the Highland Creek project - there is a substantial freshwater wetland on the site, as depicted by the delineation of the consultant and confirmed by the US ACOE. That wetland is subject to State jurisdiction, since it exceeds the 12.4 acre threshold. (It's over 50 acres in size). In our initial response, we did not identify the wetland, since it was not mapped, but it appears to be far beyond what would qualify for protection. Comments will be sent to you shortly, but should not result in major revisions to the project, since they made a "good avoidance" attempt.

I think we are up to date on the other two. thanks, Andy.

>>> "Andy Gilchrist" <AGilchrist@tcbclegal.com> 12/20/05 1:29 PM >>>
Nancy- The Highland Creek public hearing was held open, and is scheduled to continue on the evening of December 29 at the Brittonkill Central School auditorium. The written comment period will be held open for at least 10 days following the close of the public hearing. Thus, the written comment period on the DEIS remains open. Once the Town Board establishes the date for the close of the written comment pereiod, I will let you know. Andy. PS. The public hearing on the Hudson Hills project will be continued by the Board on January 17, also at the Brittonkill Central School auditorium. The applicant has revised its plan, reducing the number of proposed apartment units from 1116 to 668, with a revised layout. I am expecting revised concept layouts from the applicant this week, and will get a copy to you soon. Lastly, the Board held open the public hearing on the Carriage Hill project as well (this public hearing was opened on 12/12). Once I have a date from the Board for continuing that public hearing, I will let you know. While the public hearings remain open on Hudson Hills and Carriage Hill, the written comment period likewise is remaining open on those applications.

-----Original Message-----
From: Nancy Adams [mailto:nmadams@gw.dec.state.ny.us]
Sent: Tuesday, December 20, 2005 9:46 AM
To: Andy Gilchrist
Subject: Highland Creek DEIS

Andy - is the town still accepting comments on the DEIS for the Highland Creek DEIS? I had read that there was to be a second hearing, and the
comment period was extended. Is that true? We have some comments on
the wetland portion of the project, but I wasn't sure if the comment period had closed.

thanks, and happy holidays.

Nancy Adams
Deputy Regional Permit Administrator
NYS DEC, Region 4
1150 North Westcott Road
Schenectady, NY 12306
(518) 357-2452

12 Colehamer Avenue
Troy, New York 12180
January 20, 2006

HIGHLAND CREEK

Town of Brunswick
Town Planning Board
336 Town Office Road
Troy, New York 12180

RECEIVED
JAN 20 2006
TOWN CLERK

Re: All Multi-Habitational PDD's Being Proposed in the Town

Dear Planning Board Members:

I have been to several hearings lately on the various planned developments in the Town and would like to express my concerns regarding each of them. My thoughts for each are the same, so one site discussion will apply all the projects.

1. Developers tend to under-estimate expenditures and over-estimate revenues. Please have someone who's an expert check their calculations. Don't accept their projected cost for the infra-structure as "gospel". If they later scale down the project and the revenues decrease, the same is NOT true for the cost of preparing the site.
2. The same thing applies to the number of residents, children, automobiles, etc. Every meeting seemed to take the bare minimum estimate and I feel that the impact on the traffic, schools and town services will be much greater than what they have told us. For example, one project estimated one child for every 5 or 6 units. Also, that same project stated that they were targeting upscale clientele and young professionals and, at the same time, only calculated projections on one automobile per unit.
3. If they scale down a site or if they don't sell the units, the revenues will be down drastically. Also, does their estimate of tax money contemplate such things as Veteran's Exemptions, STAR Program Credits or any similar items?
4. Have their companies, including any former/off-shoots/sister companies or any of the members of their organizations defaulted on any payments to any municipality or government agencies in the past? If so, that should be an indication that you would not want to do business with them.
5. Is there some type of Performance Bond or other method you could use to have money set aside in case they default on the project or the projected revenue is not achieved? While the money for the infra-structure will mainly come "up-front", the revenues will be coming in stages that could last several years.

I am not against any development in the Town of Brunswick, but I do not think it is fair for anyone to make money at my expense. If the project will not pay for itself, each taxpayer will be asked to make up the difference long after the developer has made his money and "run away to enjoy the profits" or reduce his losses if things don't work out.

Tom Ogden

Lynne & Richard Patton
529 Pinewoods Avenue
Troy, New York 12180

RECEIVED
JAN 10 2006
TOWN CLERK

January 2, 2006

Pat Poleto and Town Board Members
Town of Brunswick
336 Town Office Road
Troy, New York 12180

Re: Highland Creek Project
McChesney Ave. Ext. along Bonesteel Lane

Dear Mr. Poleto and Town Board Members:

I would like to express my concerns regarding the Highland Creek Project. I know that you've heard many concerns about this project from other Brunswick residents, but I want to go on record as being opposed to this project. I will try and keep my comments somewhat brief.

- Density of the project – The project concerns me because of the number of homes (206) being planned on small amounts of property. This type of clustering of homes is not consistent with what is stated in the town's Master Plan for Brunswick.

- Traffic, traffic, traffic! – Do I need to say any more? No, but I will anyways. With 206 new dwellings, that means approximately 412 more cars traveling between Route 2 and Route 7 and the various other country roads (McChesney Ave. Ext., Moonlawn, etc.). The traffic studies would have us believe that there would be minimal impact and that not all home sites would have two cars. I strongly disagree. Think about it for a moment. How many of your own friends, relatives, or neighbors' households only have one car? Probably not many. I'll examine my own household. Since about 1995, which is the time that my oldest child was able to drive, we have had a minimum of four cars in the driveway, with a maximum of seven vehicles by the time all four of my children were able to start driving. The seventh vehicle was a spare in case any family member had a car that broke down, which did happen fairly often. My household is only one of how many households in Brunswick? My point is that it all looks good on paper what the developers are planning, but the reality is that most households will have at least two cars or more depending on the number of children they have. Those who live in the proposed Highland Creek development will travel Route 7, which is already highly congested, or alternatively will travel via Route 2 to Pinewoods Avenue, especially if they are working in Albany. Pinewoods Avenue is a narrow, curvy, and hilly country road. It is dangerous for walkers and bicyclists. Adding more traffic to this road would cause a public safety issue, especially in light of another large-scale development that is being proposed on property between Pinewoods Avenue and Route 2 – the Carriage Hill Estate project.

- Marketing of homes to "Empty Nesters" – I would like to know where the developers came up with their numbers that suggests there's a market in Brunswick to sell these proposed homes to "empty nesters?" Most of the older folks that I know who live in Brunswick have lived in the same home since the time they got married. Even my own parents, who were once "empty nesters," sold their home in Brunswick to try apartment living and then condo living, only to

build another new home a few doors away from their original Brunswick residence that they sold. Their mistake was costly because now that they have retired and are on a fixed income, they shouldn't have a mortgage – but they do. My parents thought they wanted to downsize and have no lawn. In the end, it only created discontentment and the desire to have what they had given up. Their newer home is a bit smaller than the original home simply because today's dollar doesn't go as far as it used to like 40+ years ago. My dad, who is now 77, still works part-time so he and my mom can live in their modest home comfortably. The bottom line is that most people aren't going to want to have a big mortgage as they get older. With real estate prices being so high these days, I don't think that there is a market for such homes, especially if the developer hopes to sell to "empty nesters."

- Schools - Brittonkill Central School District has reported that if 200 more students are enrolled, they will have to build another school. With 206 housing units being planned for Highland Creek, there is certainly a reality that 200 or more students could possibly reside in these homes. Even though the majority of the proposed dwellings are supposed to be for "empty nesters," there are no guarantees that those type of homes will be sold to couples without children or that childless couples will continue to live in those homes in the future. Is the developer really going to deny the purchase of a home to a couple who has one or more children? I doubt it. The developer is in the business to make a profit, not turn away a sure customer.

- Fire and Police Protection – Will there be adequate fire and police protection? A member of the Eagle Mills Fire Department had recently publicly expressed concern that there would not be adequate protection of residents because membership in all Brunswick fire departments has been declining. Also, unofficial reports that I heard from other residents indicate that police protection will not be adequate either.

- Other Proposed Projects – I have concern over the number of large-scale projects that are currently being proposed in the Town of Brunswick: Hudson Hills Apartments, Carriage Hill Estates, Brunswick Meadows, the Walmart Supercenter, and this project – Highland Creek. I feel that the combined effects of all these projects will have a negative impact on the Town of Brunswick. If all of these projects are approved, the total number of residential units will be over 1,750. Brunswick's population will increase by one-third. Is that what we really want for our town – to have suburban sprawl like Clifton Park?

- Brunswick's Character – The character of Brunswick will forever be changed if care isn't taken to preserve its charming country atmosphere. Our residents cherish the country feeling that we currently have. Will that all be gone with these proposed projects lurking in our backyards? I hear a song on the radio that makes me wonder about how much of Brunswick, as we know it now, will be lost? The name of the song is "Big Yellow Taxi." The current version is sung by a group named Counting Crows, but it was originally written and sung by a gal named Joni Mitchell around 1969. Through her music, Joni tells her story of a visit to beautiful Hawaii. She stands on the balcony of a high-rise hotel. As she looks out to the blue Pacific Ocean, it's a picture-perfect scenery, palm trees swaying in the breeze. But…then she looks down. That perfect image is replaced by an ugly concrete parking lot.

  The lyrics of Joni's song should remind us that the images we now have of our beautiful and charming Brunswick will be forever changed if we let suburban sprawl take over. I realize that the developers are not planning on building hotels and parking lots for this project, but I suggest this song only as an analogy. The lyrics go like this:

They paved paradise
And put up a parking lot
With a pink hotel, a boutique
And a swinging hot spot
Don't it always seem to go
That you don't know what you've got
Till it's gone
They paved paradise
And put up a parking lot.

They took all the trees
And put them in a tree museum
And they charged all the people
A dollar and a half just to see 'em
Don't it always seem to go
That you don't know what you've got
Till it's gone
They paved paradise
And put up a parking lot.

Hey farmer farmer
Put away that D.D.T. now
Give me
Spots on my apples
But leave me the birds and the bees
Please!
Don't it always seem to go
That you don't know what you've got
Till it's gone
They paved paradise
And put up a parking lot.

Late last night
I heard the
Screen door slam
And a big yellow taxi
Took away my old man
Don't it always seem to go
That you don't know what you've got
Till it's gone
They paved paradise
And put up a parking lot.

(Published 1969 Siquomb Publishing Co. BMI)

I would like to propose that the Brunswick Town Board do the following:

1) Not approve any large-scale development at this point in time;
2) Further study all types of impacts that the proposed Highland Creek development will have on the residents of Brunswick;
3) Keep within the guidelines of the current Brunswick Master Plan regarding development;

4) Keep all residents of Brunswick informed about proposed developments in the town, not just informing the residents who live within 500 feet of the planned development sites.

What I envision in the Town of Brunswick is to have residents more directly involved in the planning that is done regarding the town. I'm not proposing to get rid of the board members. I'm simply proposing that the people of our town have more of a voice, not just at public hearings, but to also have the opportunity to take an active role in planning what's best for the town. I suggest that there be a Steering Committee. Its membership should consist of:

- Town Board
- Residents from the various regional areas of Brunswick
- School Board
- Fire Department
- Police Department
- Agricultural Community
- Businesses
- Transportation Department
- Other interested community members

I would also like to see residents have more of a say in what happens in our town by being allowed to vote on important issues in Brunswick. We vote for our town officials, vote for school board members, vote on important school issues such as taxes and new buses, and vote on whether or not to have a new library. So why is a large-scale development any different? Large-scale developments in our town *will have impact on Brunswick residents*. So why don't we vote on whether to have them or not? I suggest that the Town Board and residents act slowly and carefully in the planning of such developments because..."Don't it always seem to go

That you don't know what you've got
Till it's gone
They paved paradise
And put up a parking lot."

I sincerely hope that the Town Board members take all of my comments into consideration when deciding whether to approve or disapprove the Highland Creek project.

Respectfully submitted,

Lynne M. Patton

Lynne M. Patton

Patricia Hyde

From: "Susan Quest-Sherman" <SSherman@townofbrunswick.org>
To: "Hyde Pat" <PHyde@townofbrunswick.org>
Sent: Tuesday, December 13, 2005 10:42 AM
Subject: Fw: Town of Brunswick Issues

----- Original Message -----
From: "Caren Canier & Langdon Quin" <nogna4@att.net>
To: <ssherman@townofbrunswick.org>
Sent: Tuesday, December 13, 2005 7:52 AM
Subject: Town of Brunswick Issues

Referring Page: http://www.townofbrunswick.org/

Dear Mr. Herrington and members of the Town Council and Planning Board,

We are residents at 468 McChesney Avenue Extension. We've attended the recent hearings regarding development in our town and have grave concerns about the negative impact these high density housing projects will have on our community.

We're very upset that the town has chosen to hold the follow up meeting for Highland Creek on December 29. We know that you are well aware that many residents, particularly those with school age children, have travel plans for that week. Naturally, it makes one wonder whether this is purposeful. For many families in our community, the school vacation between Christmas and New Years is the only time when they can visit with family out of town.

We request that you postpone the meeting until after the New Year.

Respectfully,
Caren Canier & Langdon Quin

468 McChesney Ave. Ext.
Troy, NY 12180

RECEIVED
JAN 10 2006
TOWN CLERK

January 6, 2006

Town of Brunswick
Supervisor Phil Herrington
Board Member Patrick Poleto ✓
Board Member Sam Salvi
Board Member Carl Clemente
Board Member Carolyn Abrams

Dear Supervisor Herrington and Members of the Brunswick Town Council,

We're writing to state our strong opposition to the proposal for Highland Creek. As longtime residents of McChesney Avenue Extension we've watched with dismay as our beautiful, bucolic road has been transformed into a highly trafficked, hazardous road that is strewn with garbage. It is obvious to us that the addition of this high density residential project will compound the already existing problems of unchecked development that were caused by the construction of Sugar Hill, WalMart and the Price Chopper Plaza. We are convinced that the project will have a negative impact on the quality of life in our community.

We are not necessarily opposed to all development in the town. But the Highland Creek project is much too dense to be sustainable as per the testimony of so many knowledgeable residents at the recent town hearings. It is clear to us that any tax revenue benefit derived by these new residential units will be much more than offset by the increased expenses to taxpayers in terms of school expenses, road maintenance and other services that will need to be substantially increased. The idea that "empty nest" units will bring no children and only one car per unit is laughable. The only residents who stand to benefit from the construction of this project are the owners of the property and the developers.

We implore you reject this project.

Sincerely,

Caren Canier
Langdon Quin

Caren Canier and Langdon Quin

RIFENBURG
CONSTRUCTION, INC.
EST. 1958

159 Brick Church Road
Troy, NY 12180-9643

(518) 279-3265
Fax - (518) 279-4260
An E.E.O. Employer

http://www.rifenburg.com

RECEIVED
DEC 6 2005
SUPERVISOR'S OFFICE
TOWN OF BRUNSWICK

November 29, 2005

Town Board
Town of Brunswick
336 Town Office Road
Troy, New York 12180

Dear Council Members:

My name is Jack Rifenburg. I grew up in Brunswick, graduated from Tamarac High School in 1972, and have worked in this Town all my life. I am vice-president of Rifenburg Construction, Inc., president of Rifenburg Contracting Corp. and one-third owner of Park East Sales, LLC, all based in Brunswick.

I had the opportunity to be present at the public hearing held on November 28th for the Highland Creek development proposed for McChesney Avenue. Listening to the speakers made me think that everyone there had a cause.

Mr. Rosen & Mr. Marini gave a very nice presentation on the development. I am sure many studies were done to see if there was a need for such a development in this area. Mr. Rosen and Mr. Marini made a business decision that this town could support such a development. Hence, their decision to proceed.

Many of the residents who spoke were concerned that they were going to lose their rural community. Many of the issues they talked about were personal feelings that they had about our town and how they don't want things to change. Hence, their decision to fight the development.

Mr. Herrington gave a very personal synopsis of his life and how he has worked for many years and deserves to be able to reap some of the benefits that come with his hard work. Hence, his decision to sell the land.

Running three family-owned businesses and being the father of three children has taught me that nothing remains the same. Many of the residents who spoke probably would not have their rural lots had not a farmer sold a piece of property so that they could build their houses. As my kids become young adults, I hope they have the opportunity to live and work in our town. Everyone is afraid of change, but don't let the short sighting of a few town residents chase my kids out of town. Hence, my decision to SUPPORT THE DEVELOPMENT.

Sincerely,

Jack Rifenburg

RECEIVED
JAN 20 2006
TOWN CLERK

Mark Sarnacki
2 Robin Lane
Troy, NY 12180
January 20, 2006

Town of Brunswick Town Board
336 Town Office Road
Troy, NY 12180
Attn: Patrick Poleto

Comments on Highland Creek PDD Application and Draft DEIS

To whom it may concern:

Below are a listing of my comments on the Highland Creek PDD Application and Draft DEIS. I am strongly opposed to the project and find the DEIS deficient for the following reasons:

Cumulative Impacts Need to be considered- It is inappropriate to consider the impact on open space, schools, water and sewer needs, traffic, and other factors in light of several large-scale high density developments planned for the Town in the next several years. A combined DEIS should be drafted and reviewed by the Town or a qualified consultant before making a decision on any one of these projects.

Planned Development District Concept- The planned development district concept is undesirable and inappropriate for the Town. It excludes land from the control of local ordinances and sets the stage for continual high denity development. The green space remaining on the Highland Creek PDD will ultimately be developed to the fullest extent possible.

Empty Nester Homes- There is no way to prevent families from occupying "empty nester" housing units short of easements or town ordinances. The DEIS should be revised to reflect that the impact of empty nester or senior units is essentially the same over time as single family housing.

Degradation of Sweet Milk Creek- The Highland Creek PDD provides for significant impact on the Sweet Milk Creek. The creek is an important tributary to the Postenkill Creek and impacts should be mitigated to the fullest extent practical. The Town should encourage the option of setting aside a protected stream corridor for future aquisition in order to protect surface water resources and opportunities for future public access.

Schools Tax Burden- This project alone will consume most of the exisiting school capacity. High density development will force the need to build a new school in a very short time. The resulting high increase in school taxes in the district will create severe economic hardships on existing residents, many of whom are on fixed incomes. This condition will also drive further development as existing residents may be forced to sell their open land because they can no longer afford to pay the taxes.

High Density Development- High density developments such as Higland Creek are not in keeping with the longstanding rural and suburban charqacter of the Town. They are welcomed by few existing residents. The project could be revised to decrease the density and also make profits to the landowner.

Maintenance of Sewer Infrastructure- The added operating and maintenance costs to the Town in relation to water and sewer services will create the need to raise property taxes at the expense of existing residents.

Native American Sites- At least one of the Native American sites discovered on the parcel bears

further investigation and/or preservation. The general lack of intact Native American sites in the area makes further action of special importance.

Impact on Wildlife Habitat- Wildlife impacts are not adequately considered. It should be noted that this area has been known to be frequented by such uncommon species such as black bear and bobcat.

Sincerely,

Mark F. Sarnacki

Patricia Hyde

From: "Dr. Henry A. Scarton, Ph.D." <scarton@rpi.edu>
To: "Philip H Herrington" <phyde@townofbrunswick.org>
Sent: Friday, January 27, 2006 7:54 PM
Subject: cc of letter to Senator Bruno

Hi Phil - Here below is an e-mail that I just sent to Senator Bruno. You do a great job under adverse conditions with lousy pay. I appreciate you very much. Henry

-----Original Message-----
From: Henry A. Scarton [mailto:scarton@rpi.edu]
Sent: Friday, January 27, 2006 6:47 PM
To: 'Senator Joseph L. Bruno'
Cc: 'Henry A. Scarton'
Subject: RE: further widening of 7 in Brunswick/ state -federal funded Brunswic-Troy-Rensselaer plan

Dear Senator Bruno:

Thanks for the reminder.

A note if I may sir:

I have attended a number of meetings in the Town of Brunswick regarding a number of separate proposed housing complexes along the route 7 corridor in the Town of Brunswick. Sir, in my professional opinion as a Mechanical Engineer and resident of Brunswick for over 15 years and 35 years in Troy, no expansion of our town can possibly and successfully occur, unless you use your good offices to assist our town in adding two additional travel lanes in the approximately 3.5 mile section of route 7 Hoosick St East of Lake. Sir, I have routinely seen the traffic backed up all the way to almost Burdett Ave. No major store can be successful if the traffic clogs limiting access. I understand that this will cost about $50 Million. Considering the cost of alternate route 7 between the Northway and the Hudson, and the cost of the Collar City Bridge, this expenditure is not out of line, and in my opinion, is mandatory for successful expansion.

You could consider merely moving the two sidewalk over and adding the two lanes with minimum additional land acquisition.

Regarding expansion, to avoid a Latham or Clifton Park, please help us by providing a neutrally prepared unified planning document; perhaps a state/federal funded project. Otherwise, our beautiful town will be severely compromised.

Sir, I have the greatest respect for you and personally thank you for all that you have done for us. So I know that you can help.

Yours sincerely (speaking as an individual),

Henry A. Scarton
14 Kestner Lane
Troy NY 12180-6517
(518) 272-2964
scarton@rpi.edu

Complete business address

Henry A. Scarton, Ph.D.

Consultant in Vibrations & Acoustics

Henry A. Scarton, Ph.D.

PMB 3105, 870 Hoosick Road

Troy NY 12180-6624

Dr. Henry A. Scarton, Ph.D.

Director, Laboratory for Noise & Vibration Control Research;

Associate Professor of Mechanical Engineering & Mechanics;

DEPARTMENT OF MECHANICAL, AEROSPACE, AND NUCLEAR ENGINEERING;

Rensselaer Polytechnic Institute;

Troy NY 12180-3590;

Tel: (518)-276-6728;

Fax: (518)-276-2623

scarton@rpi.edu

http://www.rpi.edu/dept/mane/deptweb/faculty/member/scarton.html

Home Address:

14 Kestner Lane

Troy NY 12180-6517

Home Tel: (518) 272-2964

Private Cell: (518) 466-1965 [reception does NOT work well at my home]

Second Cell: (518) 366-3510 [reception does NOT work well at my home]

-----Original Message-----
From: Senator Joseph L. Bruno [mailto:senator43@intelisend.net]
Sent: Friday, January 27, 2006 2:39 PM
To: scarton@rpi.edu
Subject: Sales Tax Free Week Reminder from Senator Bruno

I am writing to remind you that clothing and footwear purchases under $110 will be TAX FREE from January 30 to February 5, 2006 during New York State's sales tax free week.

The local sales tax will also be waived throughout the Capital District, which will totally eliminate sales tax on clothing and footwear purchases of $110 or less.

Whether shopping for gifts or personal items, you're sure to get the most for your money during the January 30 through February 5, 2006 sales tax free week.

For more information on the sales tax free week and other helpful programs, visit my web site at http://www.senatorbruno.com.

Sincerely,

Joseph L. Bruno
State Senator

To remove yourself from the list click below:

http://www.senatorbruno.com/RemoveEmail.asp?email=scarton@rpi.edu

RECEIVED
JAN 20 2006
TOWN CLERK

Raymond A. Schmidt
81 Liberty Road
Brunswick, NY

Dear Town Board:

I am opposed to the Highland Creek development. I am an "empty nester" in my eighties. I will not move out of my beloved house into this project which I cannot afford. I moved to Brunswick to enjoy its rural characteristics and quiet way of live. This proposal is not in tune with Brunswick traditional housing. Houses 15 ft. apart belong somewhere else.

I do not want Brunswick to become another Latham or Clifton Park. The developers will enjoy the profits while I will be chased out of my house (which I built myself like many Brunswick residents) due to ever increasing taxes.

These projects must be studied cumulatively. This has been emphasized over and over again at the town meetings. I hope the Town Board is listening.

Thank you and my best regards,

Raymond A. Schmidt

Raymond A. Schmidt

RECEIVED
JAN 20 2006
TOWN CLERK

Highland Creek Comments
Raymond J Schmidt
81 Liberty Road
Brunswick, NY

The Highland Creek Proposal postulates that Brunswick residents have an imminent need for this development due to an urgent and immediate desire for Brunswick "empty nesters' to abandon their current residences.. The claim is made that the "empty-nester" market is vastly underserved, yet no proof is offered that this market even exists.

How many empty nesters exist in Brunswick? And what percentage of these are eager to move from their current homes in which they have lived and cherished for years? What will they do with their possessions that they have accumulated over the years as the downgrade to a smaller more expensive edifice?

With the average house price of a Brunswick house about 186K, the typical Brunswick household cannot liquidate their current house and relocate to a 300K Highland Creek Carriage edifice. Furthermore, if a Brunswick household requires external property maintenance, the simple and cost effective solution is to contract these services. Snow removal and lawn mowing can be contracted on an annual rate quite competitive with the fees charged by Highland Creek. This has the added advantage of keeping locals employed and putting some cash in the boy next door's pocket. The projected taxes on a Carriage edifice are 9K. Surely, this is not the tax rate on the average Brunswick home. Why would one relocate from a cherished home which is probably paid off and incur a new 100K mortgage on a smaller edifice with higher taxes at a time in one's life when one is past peak earning power?

What then is the targeted market demographics for this project? The above simple arithmetic clearly shows it is not the Brunswick resident.

The "empty nester" theory is a spurious supposition. No statistical evidence is promulgated to prove that this project would be populated in perpetuity by childless people. In fact, a childless provision cannot be enforced, it is illegal. Thus, any projections for this project must be generated from demographics that do not assume a no children pretension. Current projections need to be reworked and made realistic.

Secondary effects are ignored. If this development is to be populated by "vastly underserved" Brunswick residents, what will be the effect of 150 newly released homes on the market. The purchases of these homes will most likely be in child bearing years and the impact on our schools would be dramatic. How this project would affect the existing housing market (and thus schools) is not mentioned.

There are serious traffic issues. I won't elaborate here. Others have and will. Effects on secondary roads are ignored. As the main roads become increasing congested, Brunswick's rural roads are becoming speed zone shortcuts. The NYSP is doing nothing about this.

When I visit my Doctor, he does not just examine one organ. The entire body is checked to ensure that bodily functions are performing in unison. Similarly, the Town Board must consider this proposal and all other proposals cumulatively. Their total impact must be studied and evaluated.

Sincerely

Ray Schmidt

RECEIVED
JAN 13 2006
TOWN CLERK

January 13, 2006

Councilman Poleto:

We are writing in response to the building of the proposed Highland Creek Planned Development District project discussed at the last town meeting.

We all agree growth in Brunswick is to be expected and will happen. What we object to is the number of dwellings being built on so little land. Brunswick is a rural community and all houses have to have an acre of land or more to build on. If this mandate were followed we and I sure over 90% of the Brunswick residents would gladly accept this new development into our community.

Thank you,

(Mrs) Patricia L. Schneider
Donald E Schneider
12 Rose Lane
Troy, N.Y. 12180

RECEIVED
JAN 20 2006
TOWN CLERK

January 20, 2006

Brunswick Town Board
Town Office Road
Brunswick, NY

RE: Comments on the Highland Creek Development Project, Brunswick, NY

I would like to take this moment to comment on the above proposed development. I have attended nearly all the meetings and, as a resident of Brunswick, I am concerned with some of the statements that have been made by the developers and the overall lack of total town planning.

Cars per Household
I question as to whether Empty Nesters are truly looking to move into a suburban/rural community. Much of the research indicates that these nesters, mostly married and with dual incomes, are working longer into their so called retirement years, some working into their early seventies. Their needs and demands are changing. Unlike newlyweds, who generally move out of the cities into suburban environments, empty nesters are doing the opposite - many older Americans find that the services and amenities they need and enjoy are more abundant and accessible in an urban environment.[1] In addition, per a Del Webb[2] 2004 survey 73% or empty nesters would have their adult children move back in with them – at least temporarily,

Empty nester from other communities may be willing to re-locate to such a proposed community in Brunswick. However, it is unlikely due to the amount of **current** traffic on Route 7, and with the additional developments, the traffic situation will further decrease the developments prospects of renting out their units.

What does this mean for Brunswick?
That the empty nesters for this proposed development will not necessarily have one car, but most likely be a two car family, provided their adult children are not living with them.

Until the Route 7 and other service issues are addressed, I do not believe that this development will offer enough amenities that will promote continued growth. Who wants to live in a lovely so called rural environment that takes a half hour via Route 7 to reach? Yes there are other circuitous routes one can take, however, these too will be congested. During Wednesdays recent flooding, Oakwood Avenue was closed from Frear Park to Route 142, Oakwood Avenue traffic was the backed-up onto Route 7! The drive to Route 142 from Oakwood Avenue at 5:30pm was twenty minutes!

Potential Residences for this Proposed Community
Per American Demographics, in what may seem like a contradiction, residential mobility is at a record low. As Boomers age into their sixties, they are not changing their

[1] Smith, Wendy, "The Good Life in the Big City: Empty nesters join older urbanites where the lights are brighter", *AARP Bulletin*, June, 2004

[2] Del Webb is a Aging Active Community Developer who first began to develop retirement communities in warmer places – Arizona, California, etc. They too are shifting their development strategies to outside major urban environments, such as Boston, Philadelphia, Chicago, etc.

residence as often as they used to. But for many reasons, are spending less time at home.[3] Furthermore, are Brunswick residents really looking to move into such communities?

What does this mean for Brunswick?
Who is really moving into this development? Native Brunswickians? It is rather unlikely due to the cost of the units and their location – near a proposed Super WalMart? Are there figures addressing this issue of who will live there? Do these empty nesters/retirees looking to stay within the community? Is this a "build it and they will come" attitude without substantiating data?

Services
As a resident, I have very few services from the town of Brunswick. Where is the plan to increase services, such as fire department, police, etc. I do not feel that the tax base upon which these units are being considered is realistic.

I realize that some town members close to this project will achieve great financial gain should this and other developments pass and become a reality. As a resident of Brunswick how can I be assured that the town will explore this development impartially?

In closing, I implore the Town of Brunswick to review all development projects as a whole, and how they will impact the look and flavor or such a lovely community as well as how they will impact each other. The town and the developer in their due diligence to their respective projects and in respect to the town and its residents, needs to consider all of these changes to the Brunswick landscape in order to make a feasible and viable economic solution to growth within this community.

Planning continued long-term growth of a town requires regard for its existing community, but can achieve a well respected legacy to its residents.

Thank you for taking the time to consider my opinion and comments.

Sincerely,

Ann M. Seman
49 Farrell Road
Brunswick, NY 12180

[3] Francese, Peter, "More Home Less", *American Demographics*, October, 2003.

RECEIVED
JAN 17 2006
TOWN CLERK

January 11, 2006

Brunswick Town Board
308 Town Office Road
Troy NY 12180

Janice Tefft
187 McChesney Ave
Troy NY 12180

RE: Highland Creek

Dear Members of the Board:

I reside at 187 McChesney Avenue. I am against the Highland Creek project. I moved to Brunswick because of the rural environment. If I wanted to live in a Clifton Park environment I would have moved there. That is exactly what Brunswick is becoming. It is already a nightmare traveling up Hoosick Rd.

The residents are being accused of not wanting to allow any development. We have accepted enough development already. There is a point where enough is enough. I don't deny anyone the right to build a house in Brunswick, while also allowing enough space between properties for it to still be rural, but the huge developments that are being presented aren't homes they are monstrosities.

I can't imagine three hundred or more cars traveling through the intersection of McChesney Avenue Extension and McChesney Avenue. There aren't many people who actually stop at that stop sign. On a daily basis someone pulls out in front of me because they believe I am going to turn right on the Extension even though I have no signal on to do so.

I also believe that somehow the residents should be able to request for our town board members not to be able to vote on these developments. There is definitely a conflict of interest considering the town supervisor's position. Given the fact that there will be favoritism towards this project, the board will most likely have to accept all the projects in order to accept the Harrington project, just to show there is no favoritism. This whole situation is totally unfair to the resident's and I for one am very upset by this.

Sincerely,

Janice Tefft

Janice Tefft

Andy Gilchrist

From: SZankel@aol.com
Sent: Monday, November 28, 2005 3:01 PM
To: Andy Gilchrist
Cc: cabrams50@hotmail.com; ssalvi1@nycap.rr.com; ssherman@townofbrunswick.org
Subject: Highland Creek PDD

Dear Mr. Gilchrist,

As a citizen of Brunswick, I am concerned about the longrange impact of all home construction, including proposed residential planned development districts, especially as regards increased traffic issues and overburdening of the Brittonkill School system.

As is pointed out in the DEIS, the Highland Creek Development will generate slightly increased traffic through the Route 2/Moonlawn Road intersection, an area where a number of traffic mishaps have occurred in recent years (local citizens two years ago petitioned the Town to request improved traffic controls at this intersection). The Town-owned Garfield School, presently occupied by the Brunswick Community Library and the Brunswick Historical Society, is located at this intersection, and users of these facilities frequently must enter and exit with great trepidation. The presence of these services at this location also generates occasional pedestrian traffic, which may be expected to increase with the installation of sidewalks through part of Eagle Mills in connection with the reconstruction of the bridge over the Poestenkill. While it may not be expected that the Highland Creek developer can address this matter, it is one the Town Board should review. Installation of a traffic light, a reduction in the speed limit on Route 2, the introduction of traffic calming features, or relocation of the entry and exit points to the Garfield School might be considered.

"Green development" is presently being encouraged in many new housing developments across the country. "Green development" suggests, as it relates to traffic, use of public transportation, trip sharing, provision for shared on-site homeowner services, and incentives for increased use of non-gasoline powered transportation modes among residents of a planned neighborhood. Brunswick should encourage adoption of green development principles.

On page 60, Vol. I, of the DEIS, the developer suggests the impact of increased student enrollment at the Brittonkill School can generate tax revenues in excess of expenditures, however this calculation seems to assume no increase in the current $9,000 per student cost over the six-year buildout.

Discussions regarding the impact of residential development on local school systems avoid recognition of the fact that growth in neighboring towns also generally contribute to a school's population growth. The Brittonkill Superintendent, Dr. T. Snyder, and one member of the Brittonkill Board of Education have earlier stated an increase of just 200 - 300 additional students *in the district* will most likely require the expansion of the present facility. It would seem recent increases in the number of single-family homes being constructed privately coupled with planned residential developments of even a small magnitude will stress the Brittonkill system very soon. I submit the "empty-nester" population many developers seek to attract to several residential developments currently proposed do not wish to settle in a community where school taxes increases are driven by building school additions. The Town Boards of Brunswick as well as those in neighboring towns and officials of our school systems need to get together in longrange community planning.

Sharon Zankel
734 Pinewoods Avenue
Troy, NY 12180

Patricia Hyde

From: <SZankel@aol.com>
To: <agilchrist@tcbclegal.com>
Cc: <ssalvi1@nycap.rr.com>; <ppoleto@senate.state.ny.us>; <cabrams50@hotmail.com>; <phyde@townofbrunswick.org>
Sent: Monday, November 28, 2005 12:14 PM
Subject: DEIS-Highland Creek

Dear Mr. Gilchrist,

Thank you for forwarding to me the subject DEIS.

I have already provided, as is indicated in the report submitted to the developer by Arch Tech Archeological, various historical information about the Herrington parcel, including data from the Rensselaer County Natural Resources Inventory regarding the possibility that human remains may exist in an old burial ground on the property. I am satisfied this issue is addressed in the DEIS.

In the capacity of local government historian, it is my mission to ensure any publication mentioning the history of the town be as accurate as possible. Thus I must point out a brief reference to Brunswick's early history, found on page 76 (Vol. I), is erroneous. Settlement in Brunswick by German Palatines began several decades before 1760, as indicated by the fact the Palatines formed the Gilead Lutheran Church here no later than 1742. Also, the Town of Brunswick was formally created in 1807. The McManus family's occupation of the subject parcel predates the year 1800; one Hugh McManus leased the property from the Van Rensselaers in the late 1700s.

Sharon Zankel
Brunswick Historian