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

Applicant

Landmark Development Group, LLC
16 Petra Lane
Albany, NY 12205
Contact: Robert Marini, Jr. (518) 869-1200

Philip Caponera, Esq.
16 Petra Lane
Albany, NY 12205
Contact: Philip Caponera (518) 869-1200

Preparation of the FEIS
Assisted by the following Consultants

Engineering & Planning
Ivan Zdrahal Associates, PLLC
959 Route 146
Clifton Park, NY 12065
Contact: Ivan Zdrahal (518) 383-0769

Traffic
Creighton Manning Engineering, LLP
17 Computer Drive West
Albany, NY 12205
Contact: Tom Johnson, P.E. (518) 446-0396

Archaeological Services
Arch Tech
40 Colvin Avenue
Albany, NY 12206
Contact: Sarah Majot (518) 453-2227

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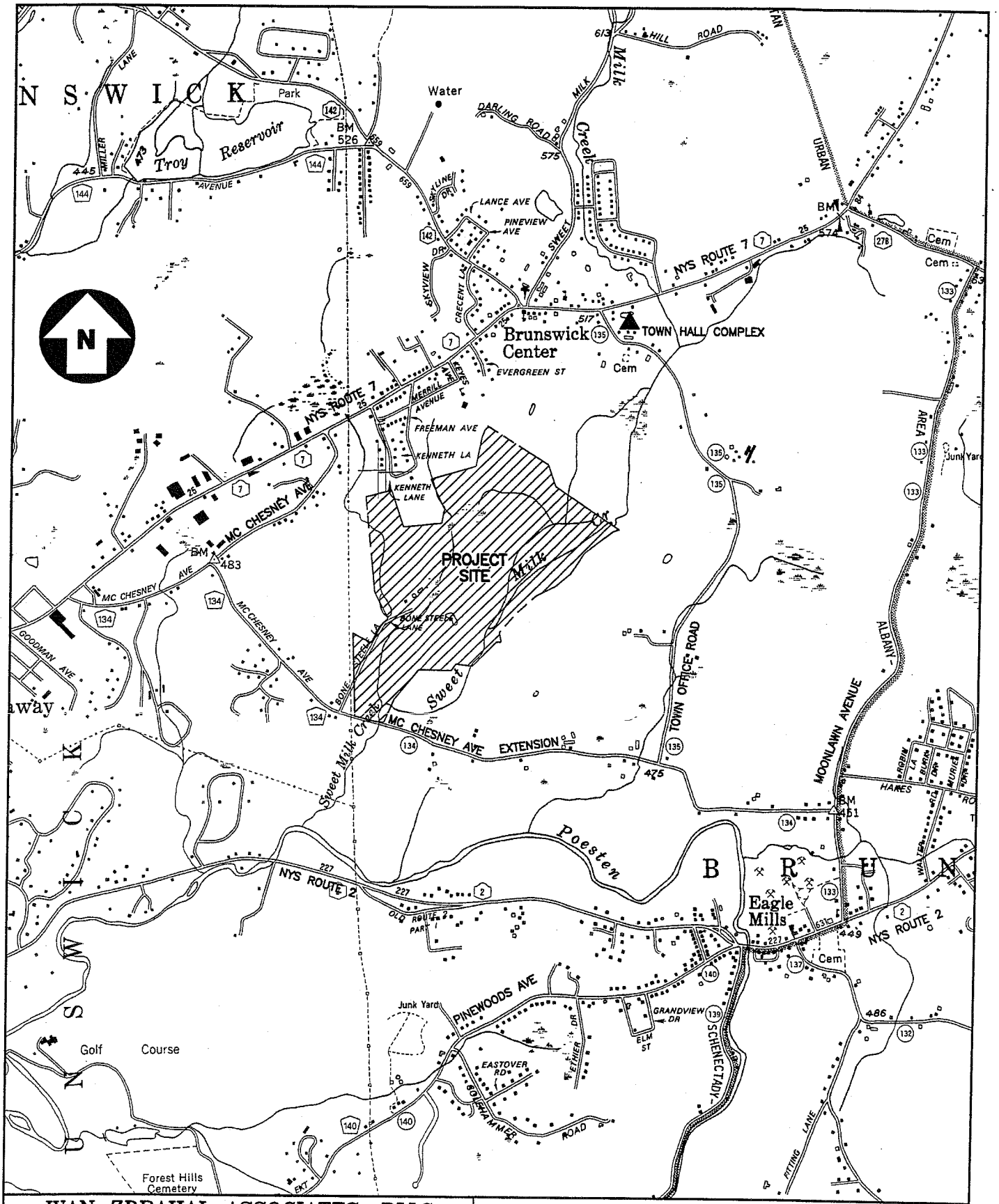
SITELOCA



IVAN ZDRAHAL ASSOCIATES, PLLC
ENGINEERING AND PLANNING

959 ROUTE 146
CLIFTON PARK, NY 12065
PHONE: 518.383.0769
FAX: 518.371.4356

53 MAIN STREET
LAKE PLACID, NY 12946
PHONE: 518.523.8902
FAX: 518.523.2197

Web Site: IZA.cc

PROJ. NO. 05001.00 | DATE: AUG 2005

SITE LOCATION MAP
HIGHLAND CREEK PDD
TOWN OF BRUNSWICK, RENSSELLEAR COUNTY, NY

SCALE: 1" = 2,000'

CAD DWG. FILE NAME: SITELOCFIG.DWG

I. STATEMENT OF DOCUMENT

A. Introduction

The following is a Final Environmental Impact Statement (FEIS) for the proposed Highland Creek PDD pursuant to the State Environmental Quality Review Act (SEQR). The purpose of this FEIS is to respond to comments on the Draft Environmental Impact Statement (DEIS) provided during the public comment period.

B. Project Background

The Project area subject to the SEQR review includes 210.5± acres of land in the Town of Brunswick proposed for a residential Planned Development District (PDD) named Highland Creek.

The proposed Highland Creek PDD is located generally northerly of McChesney Avenue Extension (CR-134) approximately 3,000 feet easterly from its intersection with McChesney Avenue (CR-134).

The Town of Brunswick Town Board coordinated and conducted review and established itself as Lead Agency. A Positive Declaration was issued on May 12, 2005. The Town Board elected to conduct public scoping in accordance with 6 NYCRR 617.8. A Draft Scope was prepared and circulated to involved agencies and the public on June 6, 2005. The Final Scope was prepared and distributed on July 11, 2005 and adopted on July 14, 2005.

The DEIS was prepared and determined complete on November 10, 2005 and subsequently filed along with a Notice of Completion and Hearing Notice pursuant to 6 NYCRR 617.8(d). Public hearings were held on November 28, 2005 and December 29, 2005. Transcripts of the hearings are provided in Appendix A of this FEIS. The comment period for the DEIS closed on January 20, 2006.

C. Document Organization

The FEIS is divided into three parts:

Part I Summarizes actions that led to preparation of the FEIS.

Part II Presents responses to public comments.

Part III Appendices:
Includes copies of public hearing transcripts, copies of all written comments and additional supporting information.

II. RESPONSE TO PUBLIC COMMENT

A. Introduction

The purpose of this section of the FEIS is to provide information supplemental to the DEIS in response to public comments expressed both at the public hearings held on November 28, 2005 and December 29, 2005, as well as in writings submitted to the Town of Brunswick Town Board throughout the public comment period ended January 20, 2006.

B. Navigation and Organization

The presentation of the responses provided herein is consistent with the presentation of the DEIS sections. Each response has been numbered to facilitate navigating the responses as directed by the navigation table summarizing the response(s) applicable to individual public comments.

Please note the following:

- Transcripts of each public hearing are annexed hereto as Appendix A.
- Copies of written comments received by the Town of Brunswick during the public comment period ended January 20, 2006 are annexed hereto as Appendix B.

Responses to Comments
Highland Creek Planned Development District
Public Hearing November 28, 2005 and December 29, 2005

And Written Comments

HEARING DATE/ DATE COMMENT RECEIVED	NAME	TRANSCRIPT PAGE (if applicable)	RESPONSE NUMBER							
12/29/05	BETZINGER	39	56	62						
12/29/05	BETZINGER	40	57	60	61	62				
12/29/05	BETZINGER	40	68							
12/29/05	BETZINGER	41	56							
01/17/06	BOLLINGER, F.		11	51	60	61	94			
01/17/06	BOLLINGER, H.		11	56	64	67				
01/18/06	BOLLINGER, T.		1	2	3	16	17	19	24	26
01/18/06	BOLLINGER, T. (Con't.)		27	37	56	62				
11/28/05	BOLOGER	106	11	56						
11/28/05	BONESTEEL	113	89							
01/19/06	BOUGHTON		11	57	60	61	62	64		
12/29/05	BREARTON	42	11							
12/29/05	BREARTON	42	12	56						
12/29/05	BREARTON	43	60							
12/29/05	BRENENSTUHL	71	56	62						
11/21/05	BRUNSWICK SMART GROWTH									
01/20/06	BRUNSWICK SMART GROWTH		Addressed Separately							
12/29/05	CARR	51	56	62						
01/20/06	CARROLL		1	2	3	56	62			

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Public Hearing November 28, 2005 and December 29, 2005

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HEARING DATE/ DATE COMMENT RECEIVED	NAME	TRANSCRIPT PAGE (if applicable)	RESPONSE NUMBER							
12/29/05	CONWAY	83	12							
12/29/05	CONWAY	84	1	2	3	56				
12/29/05	CONWAY	84	17	19	24	26	27			
11/28/05	DURKIN	42	12	56						
11/28/05	DURKIN	43	12	56	84					
11/28/05	DURKIN	43	84							
11/28/05	DURKIN	45	62							
11/28/05	DURKIN	46	12							
01/10/06	DURKIN		12	56	62	84				
01/04/06	ENGELKE		56							
11/28/05	FALUSZCZAK	66	57	60	61	62	84			
11/28/05	FIVEL	63	11							
11/28/05	FIVEL	64	60							
11/28/05	FIVEL	64	64							
11/28/05	FIVEL	65	11							
11/28/05	FIVEL	66	62							
11/28/05	FLEISHMAN	46	56	62						
11/28/05	FLEISHMAN	47	11							
11/28/05	FLEISHMAN	88	91							
12/29/05	FLEISHMAN	35	11							
12/29/05	FLEISHMAN	35	56							
12/27/05	FLETCHER		56							
12/29/05	FLYNN	77	57	60	61	62				
12/29/05	FORRESTER	53	64							
12/29/05	FORRESTER	53	64							
12/29/05	FORRESTER	54	1	2	3					
12/29/05	FORRESTER	54	12	56						
12/29/05	FORRESTER	54	60							
01/19/06	FORSTER		1	2	3	11	16	56		
01/19/06	FORSTER		57	60	61	62	64			
11/28/05	FOSTERING	54	60							
11/28/05	FOSTERING	55	11							
11/28/05	FOSTERING	55	60							
11/28/05	FOSTERING	55	64							
11/28/05	FOSTERING	98	12	56						
01/09/06	FROST		56							
11/28/05	GALLIVAN, B	101	56							
11/28/05	GALLIVAN, S	104	56							
12/28/05	GARDNER		56							

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And Written Comments

HEARING DATE/ DATE COMMENT RECEIVED	NAME	TRANSCRIPT PAGE (if applicable)	RESPONSE NUMBER							
11/28/05	GERMONO	96	16							
11/28/05	GERMONO	97	72							
12/29/05	GIBSON	75	56							
11/28/05	GOWER	63	91							
01/18/06	GRIMM		7	56						
12/29/05	GUIRE	49	56							
11/28/05	HART	50	56							
12/29/05	HART		56							
11/28/05	HAYNES	49	56							
11/28/05	HAYNES, C	57	67	91						
11/28/05	HAYNES, C	57	56							
01/12/06	HAYNES, C.		1	2	3	7	10	11	16	56
01/12/06	HAYNES, C. (con't.)		57	60	61	62				
01/17/06	HAYNES, S.		1	10	11	16	60	62	64	
12/02/05	HEINTZ		56							
11/28/05	HERRINGTON, K	89-95	91							
11/28/05	HEWITT	112	56							
12/29/05	HOWARD	95	56							
12/29/05	HOWARD	96	56							
11/28/05	HUNTER	84	56							
12/28/05	HUTTER		12	56	57	60	61	62	70	
12/29/05	HUTTER	20	56	62						
12/29/05	HUTTER	21	57	60	61	62	67			
12/29/05	HUTTER	22	56							
12/29/05	HUTTER	23	70							
12/29/05	HUTTER	24	85							
12/29/05	HUTTER	24	85							
12/29/05	HUTTER	27	1	5	56					
12/29/05	HUTTER	27	56							
11/28/05	JABOUR	111	56							
11/28/05	JOHNSON	113	89							
11/28/05	KAISER	68	57	60	61	62				
11/28/05	KAISER	71-72	56							
01/12/06	KAISER		62							
11/28/05	KEENAN	103	87							
12/29/05	KEENAN	52	56	84						
12/29/05	KEENAN	52	56							
12/29/05	KEENAN	52	56							
01/17/06	KEENAN		Addressed Separately							

Responses to Comments
Highland Creek Planned Development District
Public Hearing November 28, 2005 and December 29, 2005

And Written Comments

HEARING DATE/ DATE COMMENT RECEIVED	NAME	TRANSCRIPT PAGE (if applicable)	RESPONSE NUMBER							
12/29/05	KIESER (sic)	66	56	57	60	61	62			
12/29/05	KIESER (sic)	66	67							
12/29/05	KIESER (sic)	67	56	63						
12/29/05	KIESER (sic)	68	56							
11/28/05	KNEER	106	56							
11/28/05	LITTLE	58	60							
11/28/05	LITTLE	62	56	62						
11/28/05	LITTLE	59-62	60							
12/29/05	LONDON	86	56							
01/20/06	LUDWIG		56							
12/29/05	LUND	28-34	56	60						
12/29/05	MacDONALD	55	11	61	94					
12/29/05	MacDONALD	56	1	12	56					
12/29/05	MacDONALD	56	37	62						
12/29/05	MacDONALD	57	56	62						
12/29/05	MacDONALD	59	13							
12/29/05	MacDONALD	60	56	57	60	61	62			
12/29/05	McINTYRE	87	56							
12/29/05	McINTYRE	88	1	2	3					
12/29/05	McINTYRE	89	11	61	94					
12/29/05	McINTYRE	90	1	2	3	56	57	60	61	62
12/29/05	McINTYRE	91	67							
12/29/05	McINTYRE	91	67							
12/29/05	McINTYRE	92	16							
11/28/05	McLEAN	87	72							
11/28/05	McLEAN	88	56							
11/28/05	MEDICUS	49	56	84						
12/07/05	MEDICUS		12	56	62					
11/28/05	MEEHAN	50	7							
11/28/05	MEEHAN	51	56	57	60	61	62	84		
11/28/05	MEEHAN	51	56	62						
11/28/05	MEEHAN	52	11							
11/28/05	MEEHAN	53	64							
11/28/05	MEEHAN	54	56							
12/29/05	MEEHAN	72	11							
12/29/05	MEEHAN	74	56							
12/29/05	MEEHAN	74	60							
12/29/05	MENDRO	46	16							
12/29/05	MENDRO	47	11							

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Highland Creek Planned Development District
Public Hearing November 28, 2005 and December 29, 2005

And Written Comments

HEARING DATE/ DATE COMMENT RECEIVED	NAME	TRANSCRIPT PAGE (if applicable)	RESPONSE NUMBER							
11/28/05	MESKOSKEY	81	11							
11/28/05	MESKOSKEY	81	61	62	94					
11/28/05	MESKOSKEY	83	56							
01/19/06	MESKOSKEY		56							
12/29/05	MESKOSKY	62	56	62						
12/29/05	MESKOSKY	62	88							
12/20/05	N.Y.S.D.E.C.		51							
01/20/06	OGDEN		37	57	60	61	62	68	70	
01/02/06	PATTON		1	11	12	56	57	60	61	62
01/02/06	PATTON (con't.)		64							
12/13/05	QUIN		1	56	57	60	61	62		
11/29/05	RIFENBURG		56							
01/20/06	SARNACKI		7	11	16	17	19	24	26	27
01/20/06	SARNACKI (con't.)		51	56	57	60	61	62	72	
12/29/05	SCANLON	63	11	56	57	60	61	62	70	
12/29/05	SCANLON	63	56							
12/29/05	SCANLON	64	12	56						
12/29/05	SCANLON	64	62							
11/28/05	SCARTON	98	73							
11/28/05	SCARTON	100	14							
11/28/05	SCARTON	101	14	56						
11/28/05	SCARTON	101	14							
01/27/06	SCARTON		11							
12/29/05	SCHMIDT, R	61	56	62						
01/20/06	SCHMIDT, R.A.		1	57	60	61	62			
01/20/06	SCHMIDT, R.J.		1	2	3	11	60	62		
01/13/06	SCHNEIDER		56							
01/20/06	SEMAN		1	2	3	11	57	60	61	62
12/29/05	SYMS	85	62							
01/11/06	TAFT		11	56	91					
12/29/05	TRAZINSKY	78	56	60						
12/29/05	TYRRELL	44	1	2	3					
12/29/05	WAGNER	17	60							
12/29/05	WAGNER	18	11							
12/29/05	WAGNER	18	11							
12/29/05	WAGNER	19	67							
12/29/05	WAGNER	19	68							
12/29/05	WAGNER	19	87							
11/28/05	ZANKEN		11	56	60	62	64			

Responses to Comments
Highland Creek Planned Development District
Public Hearing November 28, 2005 and December 29, 2005

And Written Comments

HEARING DATE/ DATE COMMENT RECEIVED	NAME	TRANSCRIPT PAGE (if applicable)	RESPONSE NUMBER							
11/28/05	ZIEMBA	73	85							
11/28/05	ZIEMBA	74	62							
11/28/05	ZIEMBA	75	12	56						

C. Copies of Letters from Brunswick Smart Growth, Inc. and Dylan T. Keenan Annotated with Response References

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

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.

REFERENCE RESPONSE #1

- 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.

REFERENCE RESPONSE #2

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?

REFERENCE RESPONSE #3

- 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?

REFERENCE RESPONSE #4

- 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?

REFERENCE RESPONSE #5

- 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?

REFERENCE RESPONSE #6

- 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?

REFERENCE RESPONSE #7

- 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.

REFERENCE RESPONSE #8

- 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?

REFERENCE RESPONSE #9

- 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?

REFERENCE RESPONSE #10

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.

REFERENCE RESPONSE #11

- 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.

REFERENCE RESPONSE #12

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?

REFERENCE RESPONSE #14

- 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?

REFERENCE RESPONSE #15

- 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.

REFERENCE RESPONSE #16

- 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?

REFERENCE RESPONSE #17

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?

REFERENCE RESPONSE #18

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?

REFERENCE RESPONSE #19

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.

REFERENCE RESPONSE #20

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 Engineers 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?

REFERENCE RESPONSE #21

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?

REFERENCE RESPONSE #22

Will there be multiple water districts?

REFERENCE RESPONSE #23

- 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?

REFERENCE RESPONSE #24

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?

REFERENCE RESPONSE #25

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?

REFERENCE RESPONSE #26

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.

REFERENCE RESPONSE #27

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?

REFERENCE RESPONSE #28

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?

REFERENCE RESPONSE #29

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.)

REFERENCE RESPONSE #30

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?

REFERENCE RESPONSE #31

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?

REFERENCE RESPONSE #32

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?

REFERENCE RESPONSE #33

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?

REFERENCE RESPONSE #27

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

REFERENCE RESPONSE #34

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?

REFERENCE RESPONSE #35

Will multiple sewer districts be involved in the proposed development?

REFERENCE RESPONSE #36

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.).

REFERENCE RESPONSE #38

Section 2.5 – Approvals and Permits

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

REFERENCE RESPONSE #39

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?

REFERENCE RESPONSE #40

- 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?

REFERENCE RESPONSE #41

- 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?

REFERENCE RESPONSE #42

- 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.

REFERENCE RESPONSE #43

- 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.

REFERENCE RESPONSE #44

- 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.

REFERENCE RESPONSE #45

- 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.

REFERENCE RESPONSE #46

- 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.

REFERENCE RESPONSE #47

- 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?

REFERENCE RESPONSE #48

- 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?

REFERENCE RESPONSE #49

- 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.

REFERENCE RESPONSE #50

- 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.

REFERENCE RESPONSE #51

- 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.

REFERENCE RESPONSE #52

- 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.

REFERENCE RESPONSE #53

- 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.

REFERENCE RESPONSE #54

- 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.

REFERENCE RESPONSE #55

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 Route 2." 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.

REFERENCE RESPONSE #11

- 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 85th percentile 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?

REFERENCE RESPONSE #11

- 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.

REFERENCE RESPONSE #57

- 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.

REFERENCE RESPONSE #58

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.

REFERENCE RESPONSE #59

- 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.)

REFERENCE RESPONSE #60

- 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.

REFERENCE RESPONSE #57

- 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?

REFERENCE RESPONSE #61

  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?

REFERENCE RESPONSE #62

- 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?

REFERENCE RESPONSE #63

- 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 Towns Water Department?

REFERENCE RESPONSE #64

- 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.

REFERENCE RESPONSE #65

- 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?

REFERENCE RESPONSE #66

- 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?

REFERENCE RESPONSE #64

- 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?

REFERENCE RESPONSE #67

- 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?

REFERENCE RESPONSE #30

- 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?

REFERENCE RESPONSE #71

- 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?

REFERENCE RESPONSE #72

<u>Section 4.1 - Human Factors</u>

- 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 pathsto 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 tograpple 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.

REFERENCE RESPONSE #74

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?

REFERENCE RESPONSE #76

- 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?

REFERENCE RESPONSE #77

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

REFERENCE RESPONSE #78

- 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?"

REFERENCE RESPONSE #79

- 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.

REFERENCE RESPONSE #80

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.

REFERENCE RESPONSE #82

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?

REFERENCE RESPONSE #83

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.

REFERENCE RESPONSE #85

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?
REFERENCE RESPONSE #86

What is the remaining capacity of the sanitary sewer?
REFERENCE RESPONSE #38

Comment by D. T. Keenan (Please note: a copy of Dylan T. Keenan's comment letter is included in its entirety in Appendix B annexed hereto).

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.

REFERENCE RESPONSE #1

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?

REFERENCE RESPONSE #5

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?

REFERENCE RESPONSE #2

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)?

REFERENCE RESPONSE #7

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?

REFERENCE RESPONSE #5

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 cannot be developed due to physical restrains, i.e. wetland area, pond area, outcrop area, and steep slope area?

REFERENCE RESPONSE #15

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?

REFERENCE RESPONSE #19

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? Will multiple water districts be involved in the proposed development?

REFERENCE RESPONSES #19 & #20

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? Will multiple sewer districts be involved in the proposed development?

REFERENCE RESPONSE #23

2.4.3 Operation: The DEIS states, "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?

REFERENCE RESPONSES #20, #27, #48

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?

REFERENCE RESPONSE #40

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?

REFERENCE RESPONSE #41

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?

REFERENCE RESPONSE #42

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?

REFERENCE RESPONSE #43

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."

REFERENCE RESPONSE #44

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.

REFERENCE RESPONSE #47

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 stormwater system?

REFERENCE RESPONSE #48

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?

REFERENCE RESPONSE #49

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."

REFERENCE RESPONSE #57

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.

REFERENCE RESPONSE #57

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?

REFERENCE RESPONSE #61

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?

REFERENCE RESPONSE #62

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. 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 development's impact on their budget, but not on the volunteers. Are volunteer departments adequately staffed to support this additional demand on their services?

REFERENCE RESPONSE #64

3.2.3.7.1 Water Supply: The DEIS must include water supply details as outlined in the Scoping Document. The DEIS states "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 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 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?

REFERENCE RESPONSE #67

3.2.3.7.2 Sanitary Sewer: The DEIS must include sanitary sewer details as outlined in the Scoping Document. The DEIS states "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?

REFERENCE RESPONSE #30

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?

REFERENCE RESPONSE #71

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 develop around this historic site?

REFERENCE RESPONSE #72

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.

REFERENCE RESPONSE #82

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?

REFERENCE RESPONSE #83

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

REFERENCE RESPONSE #85

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?
REFERENCE RESPONSE #86

What is the remaining available capacity of the sanitary sewer?
REFERENCE RESPONSE #38

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 "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 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?
REFERENCE RESPONSE #21

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?
REFERENCE RESPONSE #22

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 do these costs compared to revenues generated by fees collected by the water district?
REFERENCE RESPONSES #19 & #20

Sanitary Sewer:

The DEIS Engineer=s Report must include sanitary sewer details as outlined in the Scoping Document. The DEIS states "project related utility needs will be identified and compared to existing capacities and limiting factors (i.e. pumping, treatment, pipe size, pressure, etc.)".
REFERENCE RESPONSE #30

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?

REFERENCE RESPONSE #31

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?

REFERENCE RESPONSE #32

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?

REFERENCE RESPONSE #33

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

REFERENCE RESPONSE #27

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

REFERENCE RESPONSE #34

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?

REFERENCE RESPONSE #35

D. Responses

Section 2.1 – Project Purpose and Need

RESPONSE #1

Presently, there are no projects in the Town of Brunswick with the empty-nester product such as is being proposed for the Project. Communities featuring product designed for the empty-nester have been successfully developed in many towns in the Capital District, including the towns of Bethlehem (Walden Fields, 92 Twin Townhomes), East Greenbush (Forrest Pointe, 80 Twin Townhomes), Clifton Park (Grooms Pointe, 58 Twin Townhomes), and by the Applicant in two projects located in the Town of Malta (Highpointe at Malta, 74 Carriage Homes, part of a 300 unit planned development district, and Avendale, 80 Carriage Homes a part of a 188 unit community). Each of these communities was well received by the market when built and either is now completely sold-out and completed, or currently under construction and being quickly absorbed. Included in Appendix H of this FEIS are photos of completed Carriage Homes built by Robert Marini Builders in both Highpointe and Avendale.

Of these towns, the Town of Malta is demographically comparable to the Town of Brunswick and also has a Comprehensive Plan emphasizing preservation of the Town's rural character while providing for planned growth and design standards.

As shown in the tables from the U.S. Census Bureau annexed hereto as Appendix I, the Town of Brunswick and the Town of Malta both have similar populations (11,664 and 13,005 respectively), land area (44.6 square miles and 31.4 square miles, respectively) and median household income($56,528 and $57,037 respectively). Age distribution is also similar with the median age of residents in the Town of Brunswick higher at 40.3 years of age as compared with residents of the Town of Malta with a median age of 35.6, evidencing a similar, if not larger, market for empty nester housing in the Town of Brunswick. Nearly 25% of the Town of Brunswick's residents are 55 years of age or older, and over 40% of the Town's residents are currently 45 years of age or older, indicating that persons within these age groups make up a large portion of the housing market to be served by the Project. According to 2000 Census Bureau statistics annexed hereto as Appendix J, by 2020 the population in Rensselaer County aged 55 to 74 will increase to 36,449 (a 52% increase from 2000), further evidencing the market for empty nester housing in the Town of Brunswick.

Similarly, the Town of Malta Comprehensive Plan adopted in 2005 (available online at **http://www.malta-town.org**) provides that "Malta will continue to preserve its important natural and cultural resources by maintaining the rural character of the Town. Malta is capable of accommodating carefully planned growth while protecting agricultural uses, open spaces, environmentally sensitive lands, historic and cultural resources." (Town of Malta Comprehensive Plan at page 7)
Prior to the Applicant's project in Malta, as is the case now in the Town of Brunswick, there were no projects with empty-nester product such as is being proposed for the Project. When

the project opened, there was strong demand for the empty-nester product. Given the similarities between the two markets, it is reasonably anticipated that the demand for the Carriage Homes will be strong in the Project as well. It should also be noted that the sales records show that the majority of buyers of the empty-nester product came either from the Town of Malta or neighboring communities, which is also anticipated for the Project, given the similarities of the two communities. The average base selling price for Carriage Homes offered by the Applicant in its Project in the Town of Malta is $300,729. While the tax rate per $1,000 of assessed valuation is higher in the Town of Brunswick than it is in the Town of Malta, the median selling price of new homes in the two communities is approximately the same. This indicates that the higher tax rate per $1,000 of assessed value of a home in the Town of Brunswick does not adversely affect the selling price of a home. Therefore, given the similarities between the two communities, it is anticipated that Carriage Homes offered at the same price in the Town of Brunswick will be accepted by the market.

According to 2000 Census Bureau statistics annexed hereto as Appendix K, 60.4% (2,911 units) of the Town of Brunswick's housing units, and 69.2% (45,773 units) of Rensselaer County's housing units, were built prior to 1970. Given the relative age of the housing stock within the county and accounting for functional and physical obsolescence and increasing maintenance and utility costs of the older housing units, there is likely to be a limited supply of housing units in the market which address the desires and needs of the aging population. Moreover, given the size of the baby-boom generation and the amount of home equity that has been accumulated, demand for empty-nester communities will remain strong for the foreseeable future.

RESPONSE #2

There are a variety of factors that affect affordability. According to Capital Region Multiple Listing Service (CRMLS, Jan. 2006) statistics annexed hereto as Appendix L, as of January 31. 2006, there were 118 new construction listings in Rensselaer County. The median and average prices for all listings were $368,048 and $386,313, respectively. Homes in Highland Creek are designed to compete within their target markets based on price, quality, features, style and design. Carriage Homes are expected to start at approximately $230,000 to $240,000 with a median price of $267,000. Traditional Homes are expected to start in low $300,000's with a median price of $323,000. According to US Census Bureau year 2000 statistics (latest available), the Town of Brunswick has median household income of $56,528 compared to $45,001 for the entire Capital Region. The ratio of house prices to median household incomes compares favorably when compared to other townships throughout the capital region. The median price to income ratios of Carriage Homes and Traditional Homes in Highland Creek are 4.72 and 5.71 respectively. The median household income to sales price of new homes ratio for Highland Creek is similar to other communities throughout the capital region. As stated in Response #1, demand for the type of housing to be contained within the Project is based on demographics of the Town of Brunswick. There has been strong demand for the housing product of the type to be offered within the Project in other markets in the Capital District with characteristics similar to those of the Town of Brunswick.

The Carriage Homes in Highland Creek are designed to offer an alternative choice of housing for those who are seeking a new home in a maintenance free community. The homes proposed for Highland Creek will allow current residents who seek smaller maintenance free homes a choice of housing that is currently non-existent within the Town. These homes will provide housing inventory within the Town that will serve existing residents as well as compete for other buyers within the Capital Region, adding to the social and economic well being of the Town.

RESPONSE #3

The average base selling price for Carriage Homes offered by the Applicant in its Project in the Town of Malta is $300,729. While the tax rate per $1,000 of assessed valuation is higher in the Town of Brunswick than it is in the Town of Malta, the median selling price of new homes in the two communities is approximately the same. This indicates that the higher tax rate per $1,000 of assessed value of a home in the Town of Brunswick does not adversely affect the selling price of a home. Therefore, given the similarities between the two communities, it is anticipated that Carriage Homes offered at the same price in the Town of Brunswick will be accepted by the market.

RESPONSE #4

Design features of the Carriage Homes are specifically targeted to the empty-nester. The Carriage Home models have first floor master bedrooms. The size and design of the Carriage Home lots, which are intended to require little maintenance by the homeowner, also do not provide the type of lot that are desired by the homebuyer with children. In light of the price point at which the Carriage Homes will be offered, the homebuyer with children easily can, and does, choose other housing options that better meet the housing needs of the homebuyer with children. No age-restrictive covenants are proposed for the Community. However, the assessment of the Project's impacts has not been made under the assumption that the Carriage Homes will be occupied by "empty-nesters." Rather, the assessment of the Project's impacts has been made without regard to the type of occupant of the home to be constructed, including, but not limited to, the Project's impact on Transportation (Traffic) in Section 3.2.1 of the DEIS and on Existing Utilities (Water Supply and Sanitary Sewer) in Section 3.2.3.7 of the DEIS for example. And, in the case of the Project's impact on the Brittonkill Central School District, the district-wide school enrollment projections to the 2010-11 school year, prepared by the Capital District Regional Planning Commission (CDRPC), projections of school enrollment specifically included the scenario under which all Carriage Homes are marketed to the general public, and not to "empty-nesters". CDRPC's projections demonstrate that, even under the scenario of full build-out of the above-mentioned PDD's, there is more than adequate capacity within the existing BCSD facilities for the projected student enrollment including the scenario where the Carriage Homes are marketed to the general public, rather than being successfully marketed to the empty-nester. Therefore, occupancy of the Carriage Homes by families with children would not affect the projections and conclusions in this DEIS.

RESPONSE #5

Communities featuring product designed for the empty-nester have been successfully developed in many towns in the Capital District, including the towns of Bethlehem (Walden Fields), East Greenbush (Forrest Pointe), Clifton Park (Grooms Pointe), and by the Applicant in two Projects located in the Town of Malta (Highpointe and Avendale). All of these communities were well received by the home buying market. Avendale and Grooms Pointe have been completely sold-out and completed, and the remaining projects continue to be quickly absorbed as they are developed. As detailed in Response #1 above, of these towns , the Town of Malta is demographically comparable to the Town of Brunswick and also has a Comprehensive Plan that emphasizes preservation of the Town's rural character while providing for planned growth and design standards.

RESPONSE #6

In addition to the acknowledged benefits of construction employment and increased tax revenues, the Highland Creek Planned Development District will provide an alternative housing choice for homebuyers, including current residents of the Town as well as those in neighboring communities, who desire to reside in the Town, but do not desire to live on a large lot, with the maintenance responsibilities that accompany traditional home ownership. Many of these people have ties to the Town (including family members who reside in the Town) that they wish to maintain and keep close. The housing offered in the Highland Creek PDD allows those homebuyers the opportunity to live in the Town of Brunswick under those conditions.

RESPONSE #7

As a part of the Highland Creek Planned Development District, development will be limited to 75 acres of the site, leaving 135.5 acres (64% of the site) undeveloped (which undeveloped area includes wetlands, forested areas and other environmentally sensitive portions of the site). The undeveloped lands will be made subject to deed restrictions that will prohibit future development beyond that approved under the Planned District Development legislation. It will also place these lands under the common ownership offered by the homeowners association, rather than the land being owned by several different individual private owners. Ownership of these lands in common by the community as a whole offers greater protection and control of the use of the lands to remain undeveloped. It provides for an institution with mechanisms to enforce the deed restrictions that will be placed on the lands that is in addition to governmental regulation and is much more focused on the particular piece of property. Regulation of the property by the homeowners association has qualities that are unique, particularly in the context of situations of persons that are members of the homeowners association, since such persons will have previously expressly agreed, in writing, to be bound by the deed restrictions and rules and regulations affecting the HOA property. In these ways, the portions of the Highland Creek Panned Development District that are to be deed restricted and owned by the HOA will be offered even greater protection from future development.

RESPONSE #8

In evaluating the Project's impact on Human Resources, there were no resources where utilization was reported to be at or near capacity. No significant increase in services and/or infrastructure was identified as being required by the Project. Specific resources evaluated in the DEIS included Transportation (Section 3.1.2) and Community Services (Section 3.2.3), including, Educational Facilities, Police Protection, Fire Protection, Ambulance Services, Recreational Facilities, Solid Waste Disposal and Exiting Utilities, including Water Supply, Sanitary Sewer, Electric, Telephone, Cable and Natural Gas. In the case of Recreational Facilities, the Project will generate fees of $500 per lot as additional mitigation for any impact. Therefore, there will not be any significant expansion of municipal services or infrastructure required to serve the Project or its residents other than infrastructure that will be paid for directly by the project developer. Accordingly, the increased marginal cost of providing municipal services associated with the Project will be offset entirely by the increase in tax revenues generated. In fact, due to the fact that no increase in municipal services or infrastructure required to serve the Project or its residents will be required, except for increases associated with inflation, expenditures per capita for costs funded under the Town General Fund Appropriations would be expected to decrease as a result of the Project.

RESPONSE #9

The total estimated property taxes paid by the Applicant over the build-out term of the project are estimated to be $356,420, assuming the development of 40 lots per year and current tax rates, with assessments of $12,000 on undeveloped lots and $35,000 on developed lots, which is consistent with the Applicant's experience in other projects.

RESPONSE #10

The construction of the Project will create jobs directly and indirectly for local firms and residents. Jobs are created directly through the construction of the development infrastructure and construction of the homes. The Applicant currently has business relationships with more than fifty companies located in Rensselaer County. Moreover, the definition of what constitutes a "local firm" continues to change. Many people in the region (i.e., the Capital District) live in one town, work in another municipality, shop in another, go to school in another, etc. While "regionalization" may not have resulted in the elimination of units of government, certainly from an economic perspective, the Capital District is often viewed as a single integrated market. In that regard, virtually all of the firms that will be utilized in the course of the construction of the Project will be local. While many of the firms may not have their offices in the Town of Brunswick and many of the actual laborers may not reside in the Town, all effectively support the Town of Brunswick and/or the businesses while working in the Town at the Project. Jobs are also created indirectly as a result of new home construction through the purchasing of goods and services of local businesses by the future residents of the project. There will also be continued demand following completion of construction in the Project by residents for goods and services from local firms and industries such as retail establishments including supermarkets, banks, restaurants and other service providers, such as, real estate and insurance agencies, and providers of household services, and consumer durable and non-durable goods.

Section 2.2 - Location

RESPONSE #11

Responses to items concerning traffic are contained in the supplement prepared by Creighton Manning Engineering, LLP annexed as Appendix C

RESPONSE #12

In response to comments received by both the general public during the course of review by the Town Board, the Town Planning Board and the Town Zoning Board of Appeals, revisions have been made to the Project concept plan. The revisions resulted in the elimination of 20 building lots from the original concept plan, to a total of 170 building lots comprised of 13 Manor Homes, 31 Traditional Single Family Homes and 126 Carriage Homes. The Revised General Development Plan (Dwg. 06-15-L) is annexed hereto as Appendix M.

Under the Town's A-40 zoning, without taking into account the physical constraints of any particular parcel of land, a maximum density of just under 1 per acre could be anticipated for the subject property. Given the physical characteristics of the subject parcel, fewer lots could actually be developed under a conventional subdivision plan. In any event, the density permitted under the underlying zoning for the parcel does not limit density permitted under application for a Planned Development District. In the case of the Project, the density is less than 1 unit per acre of the total parcel, which is not inconsistent with the density that would be allowed under the underlying zoning for the property. The Project's density is not inconsistent with the density of other projects within close proximity of the Project, which are two multi-family projects.

Notwithstanding the density of this Project or any other project, approval of any Planned Development District does not set any binding precedent upon the Town for density with respect to any future applications; nor is any precedent required to justify any future proposed density. Moreover, the long-term economic viability of the homeowners association (which will own and maintain the amenities and common/undeveloped lands within the Project), and its ability to afford services that are desired by residents, is enhanced by there being a sufficient number of homes included in the association.

Section 2.3 – Design and Layout

RESPONSE #13

Design and Layout/Pedestrian Circulation. Comments related to the Project's design and layout, including minimum lot size and pedestrian circulation are addressed below:
As described in Response # 12above, the Project has been revised to address comments of both the general public and comments from the Town Board, the Town Planning Board and the Town Zoning Board of Appeals. The comments have resulted in the elimination of 20

building lots from the original concept plan, to a total of 170 building lots comprised of 13 Manor Homes, 31 Traditional Single Family Homes and 126 Carriage Homes. In addition, the modification of the concept plan also resulted in the elimination of portions of the new Town roads proposed to be built within the Project site. The reduction in the number of lots and proposed new road will result in an overall reduction of impacts associated with the Project. The Revised General Development Plan (Dwg. 06-15-L) is annexed hereto as Appendix M.

The minimum distance between structures in the Carriage Home section of the community is fifteen (15') feet. This distance has proven to be more than adequate to provide privacy required and desired by residents in communities that have been built in the area, including the Highpointe Planned Development District and Avendale built by Marini Builders. It also provides sufficient room between structures to perform construction and maintenance of the dwellings. Increasing the distance between structures is not warranted, does not add value to the Community and actually may decrease value, for the following reasons: first, it adds to the construction cost of the home that the homeowner must bear due to the fact that more infrastructure (i.e., road and utilities) must be allocated to each unit. The cost of the additional infrastructure does not add value to the home. There would be added expense to the Town to maintain the additional road frontage and utilities, and added expense to the homeowner each year to maintain the additional land. Again, in each case, the additional expense would be without any additional value to the Town or the homeowner because there is no significant additional benefit to the Town or homeowner from the additional road frontage or lot size provided. The size of the Carriage Homes has been compared to the size of the smallest single-family building lot allowed under the Town's zoning code. However, the conventional building lot under the Zoning Code is not associated with any particular land plan, such as the Project, which features a land plan including building lots designed for the empty-nester clustered around an integrated open space system. There is no open space system that accompanies the minimum-sized conventional lot.

The Community will contain approximately two miles of roads upon completion. The Community will also include walking paths and sidewalks where appropriate with regard to both traffic conditions as well as the aesthetic value of the sidewalk, providing ample opportunity for walking and/or running/jogging within the Community, although there is no commercial or other similar "destination" within the Community.

RESPONSE #14

Impacts attributable to light and noise pollution are not anticipated to be significant. As also addressed in Response #70 below, with respect to light pollution, a street light at the intersection with McChesney Avenue Extension will be installed as a part of the Project. Additional decorative street lamps will be located within the center of the Carriage Homes development area, which includes the proposed roundabout. Individual houses will have post lights to illuminate walkways and driveways. Wall-mounted lights adjacent to entrances will illuminate house entry. All street light luminaries will be of a design that directs light to the ground without a glare. Individual post lights and building wall lights are small light fixtures (40 to 60 watts), which are too dim to create a glare. The extensive open space, setbacks

from existing roads and adjacent properties will prevent any adverse impacts due to night light illumination for this project. With respect to noise pollution, the impact of the Project is consistent with other residential use of the property. Specific concerns with respect to noise pollution associated with air-conditioning units to be installed in homes within the Project are addressed herein at Response #73. Moreover, the extensive amount of open space and setbacks from existing roads and adjacent properties will minimize any adverse impacts due associated with noise pollution from the Project.

RESPONSE #15

As stated throughout the Project materials, the Open Space to be owned by the homeowners association to be created for the Project contains portions of the property that include wetlands, forested areas and other environmentally sensitive portions of the site. Development of much of the land to be included in Open Space would require extensive permits and/or approvals, or would be very costly to accomplish. However, development of the land to be owned Homeowners Association is not proposed or contemplated and the land so owned will remain undeveloped pursuant to deed restrictions to be placed on the property.

RESPONSE #16

The Stormwater Pollution Prevention Plan (SWPPP) for the Project will comply with the State Pollution Discharge Elimination Systems (SPDES) General Permit for Storm Water Discharge from Construction Activities (permit no. GP-02-01) and is subject to the review and approval of the New York State Department of Environmental Conservation. Details of the SWPPP, points of discharge and anticipated water quality impacts are provided in Appendix D annexed hereto and made a part hereof.

The proposed drainage system concept is further detailed and documented in the report entitled *Preliminary Stormwater Management Plan, Highland Creek PDD* annexed hereto as "Appendix D". Existing and proposed drainage patterns and all proposed drainage sub-areas with associated stormwater management areas and their discharge points are identified on maps D-1 to D-7 included in the report. Calculations on pre- and post-developed flows are also included.

None of the proposed discharge points is directly to Sweet Milk Creek; however, discharge from all proposed stormwater management areas will ultimately enter into Sweet Milk Creek via the existing tributaries referenced in the DEIS as A, B and C.

All of the proposed detention basins will be sized to satisfy NYSDEC criteria for stormwater discharges in regard to quality (water quality volume) and erosion flood protection (stream channel protection volume, overbank flood control criteria and extreme flood control criteria).

The required volume and/or rate of discharge for each of the above criteria is included in "Appendix D".

At the present time, approximately 85 acres of the project site is used for farming. The following quantities of fertilizers and herbicides are used:

- 710 lbs. of fertilizer per acre (30.2 tons total)
- 1.5 qts. of "G-MAX LITE" herbicide per acre (32 gallons total)

The total area of lawns that will receive regular lawn care is estimated at 40± acres. This is less than half in comparison to the present area used for farming. Based on a typical annual fertilizer program (spring, summer, fall/winter) it is estimated that approximately 6,000 lbs. (150 lbs./acre) of fertilizer will be required.

The project site will be graded in such a way that all basement areas will be constructed above the observed groundwater table. For unforeseen conditions, foundation drains will be provided for each house. These drains will be connected to the storm sewer system or will daylight for surface discharge. It is illegal to connect foundation drains to sanitary sewers.

Since the post-development rate of surface runoff from the project site will be at or below the pre-developed rates of flow, there will be no adverse effect due to increased rate of runoff on the McChesney Avenue Sweet Milk Creek culvert. Runoff from the project site does not drain on any of the adjoining properties.

RESPONSE #17

A new water district will be created and will serve the geographic area of this project site only. The water use rate charged is $4.05/1000 gallons. Minimum charged usage is 15,000 gallons per half-year. The water use rate allows for maintenance and operation of the system.

For property that is in the district yet has no usage of water, there is an ad valorem tax charged, which is based on the property's assessed value.

RESPONSE #18

The Project will be served by a municipal system. Groundwater on the project site will not be utilized as a source of water; therefore there will be no impact on groundwater levels.

RESPONSE #19

To form a new water district, the Project sponsors must submit an application to the Town Board. The application, consisting of map, plan and report, will establish the estimated water demand and the required improvements that will need to be constructed to provide water supply to the proposed district. The Project sponsor will pay for the design and construction of all improvements required for the new water district.

The existing 12" water main located on McChesney Avenue Extension is owned by the Town of Brunswick.

RESPONSE #20

The completed water distribution system will be maintained by the Town of Brunswick. The cost of operation and maintenance is included in the water usage rate. Projects of this size are developed in phases. As indicated in the DEIS, three to four phases are anticipated. The required infrastructure improvements will be constructed one phase at a time as needed to service each phase, thereby eliminating the potential for completed but unused improvements. The operating budget of the Town of Brunswick Water Department is sufficient without increase to maintain the infrastructure improvements that will be dedicated to the Town by this project. Any developed lots that do not have houses constructed will be charged the ad valorem tax, based on assessed valuation.

The DEIS presents all proposed improvements on a concept basis only, as established in the scoping document. Water supply details (i.e., types and sizes of water mains, hydrants, gate valves and house services) will be established on final design plans, which will be submitted to the Town and the DOH for their review and approval.

RESPONSE #21

The Town of Brunswick purchases its water from the City of Troy. Average daily demand is 0.5 million gallons per day (MGD). Highest single-day demand was 1.38 MGD. (Reference: Annual Drinking Water Quality Report for 2004)

RESPONSE #22

Based on data provided by CDRPC for comparable developments, the population of the Highland Creek community is estimated at 534 persons, or an average of 2.81 persons per household. (Reference: DEIS Appendix A, Item 21: Project Population Projections)

The 100 GPD demand estimate is an accepted design standard used for the planning of public water supply systems as accepted by NYSDEC and NYSDOH. No additional demand due to lawn irrigation is applied to design volumes.

RESPONSE #23

A new water district will be created, which will include the entire Highland Creek PDD site.

RESPONSE #24

A new sewer district will be created for this project, which will include the property of the Highland Creek PDD site only. No other properties will be incorporated into this sewer district.

It is anticipated that the use of the completed wastewater collection system will be charged by the Town to its users based on the present sewer rate, which is ten percent (10%) of the water usage charge. Upon evaluation of final detailed plans, the Town could potentially establish a specific sewer rate for the Highland Creek PDD.

RESPONSE #25

The proposed wastewater collection and disposal system will convey all wastewater from the site to existing Town wastewater collection facilities. All wastewater collected by the Town system is conveyed to Rensselaer County Wastewater Treatment Plant for treatment. Since there is no on-site wastewater disposal, any existing wells will not be impacted by potential contamination of groundwater.

RESPONSE #26

The project sponsor is responsible for cost of all improvements as identified conceptually in the DEIS. Existing gravity system to which this project will connect is owned by the Town and is located within an existing sewer district.

RESPONSE #27

All house service connections within the proposed district will be subject to a sewer charge, which is ten percent (10%) of the water usage rate, for each respective property. The sewer charge rate covers the Town's operation and maintenance costs for the system.

This project will be developed in phases. The first phase will include all required off-site improvements (existing pumping station upgrade, extension of sanitary force main to the site) and on-site improvements consisting of pumping station construction and gravity sewer system that will serve the first phase of the project.

Sewer rate will apply only to the properties that have water usage. Sewer rate is not charged to properties that do not use the wastewater collection system.

RESPONSE #28

The proposed pumping station is located approximately four hundred (400) feet from McChesney Avenue Extension. Drawing C-1 in DEIS Appendix G presents the schematic site plan and building elevations. The location of the proposed pumping station is shown on the proposed plan. The drawing of the proposed pumping station is also included in the DEIS. The pumping station will be constructed to blend in with the character of the community and will be built with materials such as architectural shingles, stone and horizontal clapboard siding. The pumping station will be visible from the project entrance road. The pump station will be screened on all four sides with landscaping that will include evergreen trees. Upon completion, the pumping station will be owned, operated and maintained by the Town of Brunswick.

RESPONSE #29

The proposed system that will be constructed for this project will be tested for water tightness before it is turned over to the Town. Present inflow and infiltration conditions

continue to be addressed by the Town. The Project will not be adding any additional stormwater to the sanitary sewer system. Impervious areas within this project will have no impact on wastewater flows since no part of stormwater system is connected to the sanitary sewer system.

RESPONSE #30

The DEIS established in concept a clear and viable proposal for providing wastewater service to this project. All final construction details and documentation will be prepared during the project's final design phase.

RESPONSE #31

The existing 12" gravity receiving sanitary sewer along Route 7 has full-flowing capacity of 1,700 GPM (gallons per minute) along its flattest constructed grade of 1.2%.

The existing discharge rate from the BSD6 pumping station is 223 GPM or 288 GPM (Ref: DEIS Appendix G; Appendix F, Item 2)

The projected discharge rate after the BSD6 pumping station upgrade is 400 GPM.

RESPONSE #32

The estimated daily flow into the BSD6 pumping station from its present service area is 50,000 GPD (Ref: DEIS Appendix G).

RESPONSE #33

The proposed upgrade of BSD6 is evaluated in the DEIS with respect to the Highland Creek project only. The upgrade is to increase the BSD6 pumping capacity by the inflow from Highland Creek without taking away any present reserve capacity of the BSD6.

Peak factor of 4 is from publication entitled *Recommended Standards for Wastewater Facilities* published by Health Education Services, 1990 edition.

RESPONSE #34

Preliminary discussion with the Town indicated that the Smith and Loveless suction lift pumping station will be acceptable, or alternatively, a contribution toward a new pumping station.

RESPONSE #35

The wet well capacity and pump control settings are determined in such a way as to avoid excessive cycling of lead and lag pump.

An emergency generator will be installed for the Highland Creek pumping station.

RESPONSE #36

One new district will be created which will be for the limits of the Highland Creek PDD only. No other properties will be incorporated into this district.

Section 2.4 – Construction and Operation

RESPONSE #37

Schedule of Construction/Spec. Homes. Comments related to the schedule of construction for the Project and homes within the Project are addressed below:

Generally, a home is constructed only when there is a contract to purchase that home. Exceptions to this rule would be the builder's model homes and the construction of a home on "spec," i.e., a home for the buyer who is looking for earlier and/or immediate delivery of a home. There would rarely, if ever, be more than one "spec" home under construction and/or built in any section of the Community, as the typical buyer desires to make specific selections for his or her home. Similarly, sections of the Community will only be developed as there is demand so that there will not be large stretches of lots, road and infrastructure developed if the demand for homes is not present.

RESPONSE #38

The Project does extend the municipal water and sewer to the Project, thereby reducing the cost of extending these services beyond the property. However, in examining the physical constraints (i.e., distance and topography) of property beyond the Project, the benefits to other properties beyond the Project associated with extending these services to the Project are not significant compared to the additional costs of extending these services to developable property beyond the Project.

The Highland Creek wastewater pumping station with its proposed discharge rate of 180 GPM could potentially provide service for up to a total of 231[1] single-family houses utilizing the design assumption(s) established in DEIS Appendix G.

Any associated traffic impact due to an additional 41 houses above the 190 proposed would be minimal.

[1] 180gpm ÷ 4 x 1,440 ÷ 280gpd/house = 231.4 houses

Section 2.5 – Approvals and Permits

RESPONSE #39

This section simply identifies all the permits and approvals this project specifically needs to obtain before actual infrastructure construction can commence.

Section 3.1 – Natural Resources

RESPONSE #40

All blasting operations will comply with state guidelines (Department of Labor *39.7 Blasting Operations* is annexed hereto as Appendix G). Additional requirements are likely to be imposed by the insurance company that underwrites the contractor who will be conducting this operation.

The DEIS presents concept plans for this project. The volume of excavated rock is estimated at 1,000 cubic yards.

Material will be stockpiled in an area of the project site where it will not interfere with construction of project's infrastructure.

RESPONSE #41

The topsoil from areas that will be re-graded will be stripped, stockpiled and reused for landscaping of proposed lots.

The soils on the site do not present limitation in foundation construction. The conservative soil bearing pressure of 2,000 pounds per square foot will allow for normal footing and foundation construction.

The excavated rock will be utilized to stabilize slopes, roadways, detention basins and drainage channels.

The project will be designed in such a way that a balanced cut and fill is accomplished for the basic earthwork operations (grade the site to subgrade elevation). No excavated soils will be exported from the site.

Materials to be imported to the site include those needed for construction of roads, driveways, walkways and utilities (i.e., sand, crushed stone, gravel).

The drainage characteristics of the on-site soils (together with their respective present or future groundcovers) are established in the preliminary Stormwater Management Report annexed hereto as Appendix D.

RESPONSE #42

Proposed grading plan is shown on maps D-2 to D-7 in Appendix D of this document. The cut and fill volumes for the proposed grading are approximately balanced. Total earthwork volume is estimated at 115,000 cubic yards.

RESPONSE #43

Footings for houses will not be constructed in groundwater. It is a standard practice to construct foundation drains as an added measure of protection against unforeseen circumstances. Footing drains discharges are not included in the storm sewer design because any potential discharge will be minimal.

During the construction of home on a lot the high ground water table will be identified and the basement will be located a minimum of 8" above the high ground water table. Footing drains will be installed in all basements. All basements will include a gravity drain whenever possible and a sump pump whenever gravity is not possible. It is not anticipated that water generated from the collection of the basement drain and sump system will contribute materially to the storm water system discharge rates.

RESPONSE #44

The preliminary Stormwater Management Report in Appendix D of this document establishes the following:

- Pre- and post-development rates of discharge
- Summary of design data for Stormwater Management Areas
- Map of existing drainage patterns
- Map of proposed drainage patterns with proposed discharge points from Stormwater Management Areas

The stormwater calculations are performed utilizing methodology established in USDA's Natural Resource Conservation Technical Release No. 55 (TR-55).

Implementation of SWPPP will prevent negative impacts during construction.

The water quality function of the proposed Stormwater Management Areas will prevent negative impact on existing drainage courses in the post-construction period.

RESPONSE #45

There will be a reduction of groundwater infiltration in areas that will receive impervious surfaces.

Infiltration will continue in areas that will remain undeveloped, in stormwater detention basins and in newly landscaped areas.

No significant impact to groundwater (quality and/or quantity) is anticipated.

There are no wells that could be potentially affected by this project.

Surface runoff from developed areas of the project will be intercepted by the stormwater detention basins constructed per NYS DEC regulations and design guidelines. The function of these basins is to reduce the potential increase in pollutant loadings to runoff from project site and to groundwater.

RESPONSE #46

The stormwater detention basins will provide water quality function that will be developed following methodology established in the *"New York State Stormwater Management Design Manual, August 2003"*. It is referred to there as Water Quality Volume (WQv). WQv is designed to capture and treat 90% of the average stormwater runoff volume. The entire runoff from the project site developed areas will be treated in these basins.

RESPONSE #47

Refer to the Preliminary Stormwater Management Plan annexed hereto as Appendix D for:

1.) runoff curve numbers
2.) rain events
3.) discharge rates and discharge points
4.) design data for Stormwater Management Areas
5.) mapping of pre- and post-developed drainage patterns
6.) location of Stormwater Management Areas

RESPONSE #48

Portions of the stormwater management system located on lands owned by the Homeowners Association, including all stormwater detention and retention ponds, will be owned and maintained by the Highland Creek Homeowners Association. Stormwater pipe and structures located within the Town right-of-way will be owned and maintained by the Town of Brunswick, the cost of which maintenance is supported by tax revenues generated from assessments levied on the properties.

The Town will maintain all of the piping components of the stormwater collection system. Maintenance of this system is part of the highway maintenance budget. It is not expected that the present highway budget will change due to this project's construction.

RESPONSE #49

The correct flood elevation is 408 ft.

RESPONSE #50

Impacts to wetlands including impacts associated with pesticides, herbicides and other pollutants from stormwater runoff are subject to control and regulation by the Army Corps of Engineers and the New York State Dept. of Environmental Conservation and will comply with the State Pollution Discharge Elimination Systems (SPDES) General Permit for Stormwater Discharge from Construction Activities (permit no. GP-02-01) also subject to the review and approval of the New York State Dept. of Environmental Conservation.

The surface runoff from the project's developed areas will be intercepted by the proposed Stormwater Management Areas where it will receive treatment prior to discharge to downstream. Reference: Appendix D

RESPONSE #51

The Project development plan has been revised resulting in the elimination of 20 building lots as well as portions of proposed new roads. The Revised General Development Plan (Dwg. 06-15-L) is annexed hereto as Appendix M. As a result of the modification of the development plan which was made to address comments received by the Applicant (including comments received form the New York State Department of Environmental Conservation, potential wetlands impacts have been minimized by avoiding more direct wetland impacts and as well as moving more of the Project out of areas within one hundred feet (100') of the wetland boundary. In addition, a substantial portion of the forested portion of the site will remain undisturbed so as to minimize impacts of development on forested habitat, providing a contiguous block of forested lands. The adjacent wetlands will be positively impacted. At the present time, runoff from agricultural fields enters on-site wetlands directly from the fields. This Project's Stormwater Management Areas will provide full treatment of surface runoff from on-site developed areas before it enters on-site wetlands and/or drainage courses.

RESPONSE #52

All surface runoff from the project area will be treated in the proposed stormwater management areas upon completion of construction. Additional improvements that will add to water quality improvements will be grassed drainage swales, riprap lined channels, inlets and outlets from culverts.

A detailed sediment and erosion control plan will be developed for the project construction phase and implemented and monitored during construction. This plan and its proposed measures will be inspected and maintained by the site Contractor and project's Operator on a regular basis in accordance with approved SWPPP. The final approved SWPPP will also establish stormwater management system maintenance responsibilities and checklist for the post-construction period.

An analysis of stormwater runoff pre-development and post-development is annexed. With respect to stormwater management, the Stormwater Pollution Prevention Plan (SWPPP) for the Project will comply with the State Pollution Discharge Elimination Systems (SPDES)

General Permit for Stormwater Discharge from Construction Activities (permit no. GP-02-01) and is subject to the review and approval of the New York State Department of Environmental Conservation. This would be true for any proposed project, including the proposed PDD's. Details of the SWPPP for the Project, points of discharge and anticipated water quality impacts are provided in Appendix D annexed hereto and made a part hereof.

Draft of the SWPPP together with the Maintenance and Inspection checklist is included in the Appendix F of the DEIS.

RESPONSE #53

Each project that will be potentially undertaken must develop its own stormwater management plan in accordance with NYSDEC guidelines and requirements. It is the intent of the NYSDEC permit for stormwater discharges to prevent cumulative adverse impacts on the watershed from multiple construction projects.

RESPONSE #54

This project will not contribute any stormwater runoff to the existing on-site pond.

RESPONSE #55

Other projects that may be pending or proposed must themselves comply with applicable water quality rules and regulations, which already take into consideration potential cumulative impacts. It is beyond the scope of the DEIS to analyze and/or present data on the cumulative effects of multiple other potential projects in the Town.

Section 3.2 – Human Resources

RESPONSE #56

Land Use and Zoning/Consistency with Comprehensive Plan/impact of rural character of the Town/Project need. Comments concerning the Project's consistency with the Town's Comprehensive Plan dated February 6, 2001 (hereinafter the "Comprehensive Plan"), the Project's open space, open vistas and the rural character of the Town, and need for the Project are addressed below:

The Comprehensive Plan notes that the results of a 1999 survey, "Fact Finding for the Town of Brunswick Comprehensive Plan," (which surveys were returned at return rate of eight percent (8%)) indicate that most residents "enjoy and value the scenic qualities of the Town and their respective Hamlets." (at page 5)

However, the Master Plan also acknowledges that "[r]esidential development will continue throughout the Town. The higher density development should occur where infrastructure is available and the Town should look at broadening the availability of public utilities including sanitary sewer, storm sewer, potable water and natural gas to areas not currently served,

while maintaining and improving those that exist." (at page 6) The Comprehensive Plan recommends high density residential 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.

Thus, while the Master Plan acknowledges the desire by some residents to "keep it [the Town] scenic and rural," it also acknowledges that growth is inevitable, and clearly contemplates residential development, including higher density development, in the Town, in order to both preserve, environmentally sensitive areas, open space and buffers, as well as to reduce the cost of development in some areas of the Town.

Need for the Project is recognized in the Comprehensive Plan, market demand for the Project recognized by the Applicant and was also demonstrated by individuals in attendance at the public hearing some of whom came forward to speak. The need for the development in maintaining and expanding the Town's tax base and providing housing is recognized and documented in the Comprehensive Plan. (pages 5-7)

In fact, developing land and extending services for only a limited number of homes can be viewed as creating sprawl.

The Project site is suitable for higher density development due to the availability of public utilities to the site as well as to the site's access to Route 7 and the services available within close proximity, including supermarkets and retail stores.

The Master Plan includes recommendations for reviewing land use, which can be used in the review of this Project:

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

The Town of Brunswick will work to provide land use policies that maintain scenic and rural qualities. Steps should be taken to raise the standards for development.

The Town should embrace progressive forms of land use policies to encourage development that is environmentally friendly and provides buffers and open space. The Town should strive to limit commercial development to areas with adequate traffic and infrastructure capacity. (at page 13)

The Project has been designed taking into account each of these recommendations: Development has been clustered on 75 acres of the site, leaving 135.5 acres (64% of the site) undeveloped (which undeveloped area includes wetlands, forested areas and other environmentally sensitive portions of the site). The Project has been designed to minimize its visibility from areas where it is visible to the public as well as from adjoining properties.

In fact, the Project as proposed will be less visible, and preserve more open space than development under the existing zoning for the property. Development of the site under the existing zoning most likely would result in more of the site being converted from farmland/vacant land into building lots. Since the lots developed under the existing zoning would be larger than the Project, the overall impact on scenic and rural qualities would be greater than under the proposed development plan.

As recommended by the Comprehensive Plan, the Planned Development District legislation will include development standards that will serve to maintain the quality and character of the Project in the future after development has been completed:

A master landscape plan will be implemented for this project, which will include the following:

- a distinctively landscaped main entrance and drive, which will serve as an identifying element
- street trees
- extensively landscaped central access road in the Carriage Homes neighborhood
- each lot/house will be landscaped.

Deed restrictions will also be placed on the Open Space land owned by Highland Creek Homeowners Association for the long-term maintenance and protection of these lands, as well as upon individual homes to provide architectural control and review procedures.

The Project has been designed to maintain existing landforms within the area to be developed to the greatest extent possible. Obviously, existing land forms will be completely maintained within the 64% of the site to remain undeveloped. The Project design also maintains substantial vegetative buffers between the Project and existing development. Additional landscaping will be planted to augment existing landscaping.

The Project has been designed to minimize its impact on the character of the Town and to address the goals and policies set forth in the Comprehensive Plan. Firstly, the proposed development has limited visibility from any vantage point where it can be viewed by a significant number of persons. Development of the property is not, in and of itself, incompatible with the character (rural or otherwise) of the Town of Brunswick.
Other comments were made to the effect that the Comprehensive Plan should be re-done and/or that all projects should be put hold until the Comprehensive Plan is re-done. The Comprehensive Plan was completed in 2001 after the expenditure of significant time and resources. There is no evidence that underlying data, projections and assumptions upon which the Comprehensive Plan were based, have changed significantly since completion of the Comprehensive Plan. A full Environmental Impact Statement has been prepared for the Project, and a full range of issues has been addressed. It would further appear that the Town Board has a full set of facts and record to make a determination if the proposed Highland Creek Planned Development District is an appropriate and desired project.

RESPONSE #57

In evaluating the Project's impact on the Brittonkill Central School District, the average cost per student as reported by the Superintendent of Schools was utilized in determining that the school tax revenues generated by the Project would exceed school tax expenses. In evaluating the Project's impact on Human Resources, there were no resources where utilization was reported to be at or near capacity. No significant increase in services and/or infrastructure was identified as being required by the Project. Therefore, there will not be any significant expansion of municipal services or infrastructure required to serve the Project or its residents. Accordingly, the increased marginal cost of providing municipal services associated with the Project will be offset entirely by the increase in tax revenues generated. In fact, due to the fact that no increase in municipal services or infrastructure required to serve the Project or its residents will be required, except of increases associated with inflation, expenditures per capita for costs funded under the Town General Fund Appropriations would be expected to decrease as a result of the Project.

RESPONSE #58

Clustering of homes results in cost savings to the homeowner and the Town in the following ways: first, it reduces the cost of the construction of the home that the homeowner must incur initially because less infrastructure (i.e., road and utilities) must be installed for each unit. The cost of the additional infrastructure does not add value to the home. In addition, there are future costs savings to the Town in having to maintain less road frontage and utilities per home, and savings to the homeowner each year in maintenance costs associated with maintaining road frontage. Again, in each case, the additional expense that would have to be incurred without clustering would be without any additional value to the Town or the homeowner because there is no significant additional benefit to the Town or homeowner from the additional road frontage or lot size provided. In fact, developing land and extending services for only a limited number of homes can be viewed as creating sprawl to the extent that the homes that could be accommodated within a particular development are not permitted to be constructed there but, rather, are shifted to another parcel.

RESPONSE #59

Under the Town Zoning Code, the smallest lot permitted under a conventional subdivision is 9,000 square. However, the conventional building lot under the Zoning Code is not associated with any particular land plan, such as the Project, which features a land plan including building lots designed for the empty-nester clustered around an integrated open space system. There is no open space system that accompanies the minimum-sized conventional lot. Due to the Project's limited visibility to the general public, it will have little impact, if any, on the visible rural character of the Town. The Project's design, specifically the size of the lots fosters more of a sense of community than would a conventional, large lot subdivision, because residents have a greater opportunity and need for contact and discourse due to their physical relationship and the existence of the community homeowners association. This will likely translate to a greater sense of community within the Town as well. All streets within the Project, including those on which the Carriage Homes will be located have been designed to accommodate emergency vehicles with

appropriate width and turning radius. The entire Project will have fire hydrants for fire protection. The entire Project, including all Carriage Homes will be covered by a Stormwater Pollution Prevention Plan (SWPPP) which will comply with the State Pollution Discharge Elimination Systems (SPDES) General Permit for Storm Water Discharge from Construction Activities (permit no. GP-02-01) and is subject to the review and approval of the New York State Department of Environmental Conservation. Details of the SWPPP, points of discharge and anticipated water quality impacts are provided in Appendix D annexed hereto and made a part hereof.

RESPONSE #60

Educational Facilities/Impact on Brittonkill Central School District. Comments concerning the Project's impact on the Brittonkill Central School District and/or the projections contained in the DEIS are addressed below:

In September 2005, the Brunswick Central School District requested that the Capital District Regional Planning Commission (CDRPC) prepared district-wide school enrollment projections to the 2010-11 school year. The CDRPC projections are annexed hereto as Appendix E.

CDRPC's projections of the student population projected for the Project are consistent with those contained in the DEIS. CDRPC's projections included enrollment scenarios that assumed full build-out of the Highland Creek Planned Development District, as well as full build-out of both the Hudson Hills PDD and the Carriage Hill PDD. No age-restrictive covenants are proposed for the Community. However, the projections also included the scenario under which the Carriage Homes are successfully marketed to "empty-nesters," as well as the scenario under which all homes are marketed to the general public. (It should also be noted that the projections were done assuming a greater number of units in each PDD than are currently being proposed.) In all scenarios, there was excess capacity for the projected student enrollment within the existing school.

CDRPC's projections demonstrate that, even under the scenario of full build-out of the above-mentioned PDD's, there is more than adequate capacity within the existing BCSD facilities for the projected student enrollment. This is also the case under the scenario where the Carriage Homes are marketed to the general public. The Project will not result in any adverse fiscal impact on educational facilities. In fact, the increased demand for services will be mitigated by increased tax revenues generated from taxes levied on owners of homes within the Highland Creek PDD. In particular, with respect to the Brittonkill Central School District, as set forth in more detail in the FEIS, assuming average expenditures per student of $9,000 for the 100 students residing within the Community, at full build-out, there would be excess revenues of approximately $262,000 per annum to the BCSD generated from the homes within the Highland Creek PDD. Furthermore, assuming that the school's physical plant does not have to be expanded as indicated above, and other fixed costs do not have to be incurred again, the actual surplus of revenues over increased marginal costs would be even greater.

RESPONSE #61

Telephone calls were placed by Philip S. Caponera, Esq., counsel to the Applicant, to both the offices of Rensselaer Sheriff Mahar and Sgt. Lewis of the New York State Police, at their Brunswick stations to follow-up on letters sent to these offices and included in the DEIS. On February 13, 2006, attorney Caponera spoke with Sgt Lewis of the New York State Police who indicated that his position on the DEIS impact for the Highland Creek subdivision was that his department would act as may be needed when the subdivision was constructed. He further indicated he has no personal control over the situation and if additional state police officers were ever needed in the Town of Brunswick due to the Highland Creek subdivision, that decision would be made by the main headquarters of the New York State Police located at Troop G headquarters in Loudonville, NY. If additional manpower were required, that determination would be made after the fact and not before. In summary, their position was that the New York State Police act as may be needed and do not react to the initial implementation of a subdivision.

On February 15, 2006, attorney Caponera spoke with undersheriff Patrick Russo of the Rensselaer County Sheriff's office. Officer Russo indicated that when a new subdivision is proposed for Rensselaer County, the Sheriff's office generally takes a wait and see approach to whether or not additional personnel will be needed as a result of the new community. The Sheriff's office does assign one of its patrol cars to patrol any new subdivision in the normal course of its duties. The office does not presume that there will be any necessity to increase manpower unless the situation specifically warrants. Like the New York State Police, the Sheriff's office does not assume there will be any increase in demand for police service as a result of any new subdivision.

RESPONSE #62

Cumulative Impacts. Comments concerning cumulative impacts of the Project and other projects currently proposed are addressed below:

Cumulative impacts of the Project and other pending projects have been addressed as described above with respect to the Project's impact on Transportation (traffic) and Educational Facilities (schools). Review of cumulative impacts of the Project and other pending projects is not required because the Project is not in any way related to, or dependent on, any such other project, nor is the Project included in any long-range plan associated with any other project or action currently being considered. The Project is not more or less likely to be undertaken as the result of any other project or action and the Project is not within an identified critical environmental area. Furthermore, the size and scope of other projects that are currently pending may change substantially. Fiscal impacts of the Project on municipal services are mitigated by Project by the increased tax revenues generated from taxes levied on owners of homes within the Highland Creek PDD.

No precedent and/or policy binding upon the Town is set by the approval of the Project with respect to minimum lot size, density and/or any other element of the Planned Development District. Each and every proposed Planned Development District stands on its own, and neither the approval of any Planned Development District nor any aspect of any approved

Planned Development District establishes any binding precedent or policy with respect to any future application for a Planned Development District. In fact, the failure of, or any dissatisfaction with, any Planned Development District or component thereof would serve as a lesson or guide in the review of any future application.

RESPONSE #63

There will be smoke detectors and carbon monoxide detectors installed in each home in accordance with the Building Code of the State of New York.

Police and/or fire alarm systems for homes within the Project are optional. Calls are dispatched by a private service contracted by the individual homeowner. Whenever a Buyer purchases an optional security system and elects to have said system monitored by an accredited alarm monitoring company, the alarm monitoring company will notify and dispatch emergency services as needed.

RESPONSE #64

Through further discussion with the Chief of Center Brunswick Volunteer Fire Company, the following has been confirmed:

a. Access for fire fighting equipment. The access provided for fire fighting equipment is adequate. All roads and cul-de-sacs will have sufficient width and turning radius to accommodate fire-fighting equipment.

b. Fire flow. The fire flow test conducted for the Project establishes that there is sufficient fire flow to provide fire protection. Provision has been made for a future connection to the existing water main along Route 7 at Freeman Lane and Harris Avenue.

c. Other. While attracting volunteers to the Department continues to be a challenging goal for the Department, it is not anticipated that the Project's additional homes would result in a significant increased burden on the Department's ability to provide fire protection.

RESPONSE #65

Annexed hereto as Appendix F is a copy of correspondence sent to the Chief of the Eagle Mills Fire District. No further comments or concerns regarding the Project with respect to fire protection have been received.

RESPONSE #66

All Carriage Homes will have two-car garages with driveways of at least thirty-eight (38') feet in length with sufficient width to accommodate two (2) parked cars for at least twenty-five (25') feet. No parking will be permitted on the street except for temporary parking for visitors.

RESPONSE #67

Existing Utilities. Comments regarding and relating to the Project's impact on existing utilities are addressed as follows:

The Project site is in an area that can be served by public water and sewer service. As documented in the DEIS, these services will be extended to and throughout the site by the project sponsor without cost to the Town of Brunswick. Existing town water and sewer district will require extension to allow the Project to be served by public water and public sewer service. The proposed upgrades to existing facilities documented in the DEIS will allow connection of the Project to the existing sanitary sewer collection system. Application for district extension will be made to the Town Board. All proposed improvements in the districts will be paid for by the project sponsor. Revenues generated by the districts will be sufficient to cover expenses associated with operation and maintenance of facilities within the districts. Generated revenues will also contribute to previously constructed improvements in the Town. The wastewater disposal system will utilize existing Town facilities. An engineer's report for each district extension will establish that existing town utilities have adequate capacities to serve the proposed land use in the district and that all constructed facilities will have sufficient pressures and capacities to provide acceptable water supply and sanitary sewer service.

Several data requests (existing capacities, limiting factors, existing demand, additional demand, 100 GPD per person consumption) are addressed in Responses #17, #21, #22 in this document.

The volume of water used for irrigation is included in the design demand of 100 gallons per person per day.

Based on the Annual Drinking Water Quality Report for the Town of Brunswick for 2004, the average consumption per water service connection is 241 gallons per day.

Ownership of existing water mains, costs associated with existing water distribution system extension, operation and maintenance costs are addressed in Responses #17, #19 and #20 in this document.

RESPONSE #68

Bonding. Comments regarding to posting of bonds with respect to the Project are address as follows:

Bonds or other security may be required by the Town to ensure performance by the Developer of its obligations under the Planned Development District Legislation such as, for example, the construction of infrastructure improvements in accordance with applicable plans and specifications. The Project will be constructed in compliance with documentation that will be approved by the Town and all other involved reviewing agencies. The Town will not take over any constructed improvements (roads, water supply system, wastewater

disposal system, stormwater management system) until such constructed improvements meet all Town requirements. Other Project impacts are mitigated through the Project design.

RESPONSE #69

Demography. Comments relating to the Project's demographic impact are addressed below:

As set forth in the DEIS, at full build-out of the Project, a total of 534 persons are projected to live in the Community. Over the projected six-year build-out of the Project, assuming all residents within the Project were new to the Town, the Project would result in an increase in the Town population of less than 1% per annum. It is likely that a portion of the residents of the Community will be current residents of the Town, in which event the creation of a new household may not result in an increase in the net population of the Town. In addition, residents of the Community may also be residents of neighboring communities who presently visit stores and other services located within the Town and will find the Community more convenient for them, resulting in less driving. As noted in the CDRPC study annexed as Appendix E, between 1990 and 2001, the number of single-family homes constructed in the Brunswick School District did not exceed 30 in any single year. Since 2001, the District has followed the regional and national trend of increased real estate activity and has seen home construction increase by approximately 15 homes per year. With a very few exceptions, there has been no major apartment of subdivision activity in the district during the past 15 years. The study further notes that a lack of water and sewer infrastructure is a significant impediment to major residential development in the Brunswick School District. Further single-family developed is limited by Rensselaer County's difficult topography and lack of sewer and water infrastructure.

RESPONSE #70

Visual Resources-Light Pollution. Comments regarding light pollution are addressed as follows:

A street light at the intersection with McChesney Ave. Extension will be installed as a part of the Project. Additional decorative street lamps will be located within the center of the Carriage Homes development area, which includes the proposed roundabout. Individual houses will have post lights to illuminate walkways and driveways. Wall-mounted lights adjacent to entrances will illuminate house entry. All street light luminaries will be of a design that directs light to the ground without a glare. Individual post lights and building wall lights are small light fixtures (40 to 60 watts), which are too dim to create a glare. The extensive amount of open space and setbacks from existing roads and adjacent properties will minimize any adverse impacts due to night light illumination for the Project.

RESPONSE #71

a. Approximate percentage use (based on land mass) of other uses within ¼ mile of the Project

1.	Institutional (Rouse)	1%
2.	Golf Course	6%
3.	Apartments	4%
4.	Residential	4%
5.	Vacant	51%
6.	Farm/Agricultural	28%
7.	Utility	5%
8.	Commercial	1%

b. The distance is calculated from the closest boundary of the Project site

c. The distance from the furthest point in the Project development area to any of the other uses is not greater than one mile.

d. All access to and from the Project is via the Project main entrance on McChesney Avenue Extension. There are no sidewalks outside of the Project that provide pedestrian access to or for residents of the Project.

e. Distance by car to other uses (measured from the entrance to the Community):

1.	Institutional (Rouse)	.3 mile
2.	Golf Course	2.1 miles
3.	Apartments	.4 mile
4.	Residential	.1 mile
5.	Vacant	.1 mile
6.	Farm/Agricultural	.3 mile
7.	Utility	.1 mile
8.	Commercial	.9 mile
9.	Community Center	1.7 miles

RESPONSE #72

Historic and Archaeological Resources. Comments relating to the Project's historical and archaeological resources and the study thereof are addressed below:

The exact location of the archaeological site P-3 identified within the Project limits should not be disclosed in order to preserve the integrity of any materials contained therein. During the Project's final design and approval phase, all efforts will be made to avoid the P-3 site and all mitigation, recommendations and/or requirements of the SHPO will be incorporated into the Project design.

The Phase I (IA & IB) Cultural Resource Investigations were conducted by staff of ARCH TECH, 40 Colvin Avenue in Albany, N.Y., which company is comprised of technical professionals having over 60 years of combined experience in the completion of all phases of cultural resource investigations in New York State.

Cultural resource investigations undertaken by ARCH TECH follow the instruction and intent of Section 106 of the National Historic Preservation Act, as amended (Public Law 89-665), and the Procedures for the Protection of Historic and Cultural Properties (36 CFR 800), in compliance with the National Environmental Policy Act, CFR 14 (1963). Specific tasks conducted during the cultural resource investigations for the Highland Creek project adhered to the Office of Parks, Recreation and Historic Places (OPRHP) accepted guidelines as outlined within the "*Standards for Cultural Resource Investigations and the Curation of Archaeological Collection in New York State*" (NYAC, 1996) and the "S*tate Historic Preservation Office Phase I Archaeological Report Format Requirements*" (OPRHP 2005).

The supervisory archaeological team for the Highland Creek project consisted of:

David R. Starbuck, Ph.D.	Principal Investigator
Sarah Majot	Project Director/Crew Chief /Report Author
Nathaniel Covert	Assistant Crew Chief

Sarah Majot served as the field director and primary crew chief for the project and as the primary author for the report. Ms. Majot has conducted investigations and authored reports for all phases of cultural resource investigations in New York State, as well as, completing work in Vermont. She has directed and participated in over 500 cultural resource management (CRM) projects spanning a period in excess of 20 years with completed reports on file at OPRHP and local municipalities. She has suitable expertise in Native American and early historic period (17th –18th), and 19th century rural and urban historic sites, along with experience on 18th century military and 19th century industrial sites and the excavation of human remains.

David Starbuck served as the Principal Investigator for the project and exceeds the qualifications according to 36 CFR 61 guidelines. Dr. Starbuck has over 30 years of practical field experience with participation in field projects beginning in 1970. He has taught graduate and undergraduate courses in anthropology, Native American, Mesoamerican, historic (8th-19th) and Industrial archaeology, as well as forensic anthropology, at Yale University, Boston University, the University of New Hampshire, Rensselaer Polytechnic Institute (RPI), the University of Vermont, Phillips Exeter Academy, Dartmouth College and Plymouth State University. He is considered to be an expert in the fields of faunal analysis, 18th century military, Shaker, and early Industrial sites. He has extensive experience in the removal and analysis of human remains, as well as on Native American and early historic period sites.

All supervisory personnel have a minimum of 10 years of practical experience in the conduct of cultural resource investigations. Nathaniel Covert has a MA from Union College and has been participating in archaeological investigations since 1995. He has experience on Native American archaeological sites, including Mesoamerican, as well as historic period rural and industrial sites. Field-crew members and archaeological technicians involved on the project included Brian Gosselin, Kelley Roberts, Renee Walker, Karl Hemker and Randy Sherman. All field-crew members have participated in formal archaeological field-school training and have a minimum of two years practical field experience.

The number of initial and final shovel tests excavated for the project was determined by the proposed project impacts, the type of existing ground cover, and extent of the area of potential effect (APE). OPRHP guidelines (1996:2-3 2005:3) outline specifically the methods to be implemented and the intervals to be utilized during the Phase IB investigations. The shovel tests were excavated by hand. The determination and assignment of "stray or isolated" to the identified resources was made based upon scientific evidence acquired through the completion of additional field investigations as dictated in OPRHP guidelines (1996:3, 2005:3). Since only single artifacts were recovered at these locations, despite the additional testing, the resources proved themselves to be isolated. The evaluation of the scattered resources as "casual or secondary depositions" was based upon their sporadic distribution, lack of context, lack of associated features and limited numbers, along with comparisons of similar types of recovered resources on comparable projects in like settings. Additionally, first-person knowledge of the use and management of the property was obtained through interviews conducted with the previous landowner, Sanford Bonesteel. The "nature" of most of the secondary depositions reflects common agricultural practices including manure spreading, loss of small hardware pieces from farm equipment, casual discard of food or beverage containers while performing fieldwork, and general use of the property. The resources primarily consisted of fragments of ceramic, brick, bottle and window glass, plastic, and metal.

A determination of significance is based upon four main criteria as related to the potential to contain, represent or yield additional or significant information important in prehistory or history. Of these, context and integrity of location is key. The application of these criteria and the evaluation of the significance of archaeological properties are spelled out in the National Register Bulletin "*Guidelines for Evaluating and Registering Archaeological Properties*" (Little and Seibert 2000). These guidelines are utilized by contract archaeologists and OPRHP when considering the "significance" of an archaeological site.

OPRHP staff has already been preliminarily consulted with respect to the initial Phase II work and will again be consulted with respect to any further investigations. ARCH TECH will be continuing the Phase II investigations for the Project. Phase II investigations include more intensive and refined archaeological field investigations, coupled with appropriate research to establish the contexts, integrity and significance of the identified sites.

There presently is no anticipation that other experts will be engaged. The scope of Phase II work to be performed will be developed following completion of preliminary Phase II work and consultation with OPRHP. Phase II investigations results will be made available to OPRHP throughout the conduct of the fieldwork with the formal written report prepared for OPRHP comment and review after completion of the Phase II field investigations. The comments of OPRHP will be made available to the public and will be received before construction activity occurs within the affected site areas. Should the archaeological site be determined to be eligible for the State or National Registers of Historic Places and avoidance of the totality of the archaeological site not be possible by the Project, a Phase III Data Recovery Plan will be developed in consultation with OPRHP. During this process, a percentage of the affected archaeological site area will be subjected to intensified investigations.

RESPONSE #73

Noise Pollution. Comments relating to the noise created by air-conditioning units creating excessive noise. These comments are addressed below:

Air-conditioning will be an optional amenity and will not be included as standard. It can be expected that not all homes will have air-conditioning units.

The air-conditioning condensing units will be installed on one side of the home and in a staggered fashion so that each condensing unit will be separated by a combined side yard width of fifteen feet and one building. In other words, there will not be two air-conditioner units placed in adjacent side yards.

The discharge pattern of the top grille provides minimum air restriction, resulting in quiet fan operation. The condensing units feature a single speed motor designed for low speed, quiet, energy saving operation. The scroll compressor is hermetically sealed and incorporates internal high temperature motor overload protection, and durable insulation on the motor windings. It is externally mounted on rubber grommets to reduce vibration and noise. Each air-conditioning unit has a sound rating of 7.4 and will generate a sound level of 74 decibels. Because of the distance between the boundary of the Project and any air-conditioning unit to be placed within the Project, the air-conditioning units will be inaudible at any Project boundary.

All homes will comply with the Building Code of New York State. There is no specification standard in the Building Code of New York State regulating sound levels of air-conditioning units. The Town of Brunswick does not have any law or ordinance relative to noise.

Section 4.1 – Adverse Environmental Effects that Cannot Be Avoided – Human Factors

RESPONSE #74

Notwithstanding comments and characterizations of the Project (i.e., large, self-contained, exclusive), it can also be reasonably asserted that homes within the Project, and the Project itself, are not any more exclusive than any other private home or community located within the Town. Arguably any homeowner can seek to prevent another party from entering property owned by the homeowner. Similarly, the Town roads and right-of-ways are for the use of the general public and generally the public may not be prevented from the reasonable use of public roads and right-of-ways. That a homeowners association is to be established for the Project does not make the Project more exclusive. It does provide for an entity to own the land to be owned in common as well as a body to enforce covenants and deed restrictions to be placed on the property. Moreover, it is not evident that the Project will create any atmosphere of separation, segregation and isolation. On the contrary, the housing it provides will provide an option for both current and future residents who, at least by virtue of being a homeowner, have an interest in the Town. While the character Ivan Barry may have originally had permission to romp with abandon over certain lands, that permission apparently was always subject to being withdrawn at the discretion of the actual owner of the

property, as it was when that property was sold to be developed as homes. The writer seems to imply that the owner of the land should have held that land in its original condition for Ivan Barry's use (and the use of those who followed him) in perpetuity. However, the owner of land, just as the character Theresa Peer, has the right to use his or her property to the exclusion of others. It can reasonably be anticipated that, as did Ivan, residents of the Town living outside of the Project will adapt to the Project's presence and find friends, places to visit and things to do within the Project. In the case of the Project, most of the land that is being developed for homes has been otherwise in use for agriculture and therefore not available for use by non-owners of the property. The portion of the property that is not to be developed will remain in its existing, natural state, although use of the property for hunting of wildlife with weapons almost certainly will no longer be appropriate.

Section 5.1 – Alternatives - Alternative Land Uses

Note: The Revised General Development Plan (Dwg. 06-15-L) is annexed hereto as Appendix M.

RESPONSE #75

Several comments were made that the land should remain as it is being presently used, or be used for other purposes (allowing people on the land, maybe a little store, higher end – selling products that are built on the site) and/or the homes should be built elsewhere (for example, closer/within walking distance of services). These points are addressed in the Alternatives section of the FEIS. Alternative use of the project site for agricultural purposes simply is not economically justified or sustainable due to the costs associated with such use compared with the revenues produced. There are impacts associated even with use of the site for agricultural purposes that are not reduced from, and may even be greater than, impacts associated with residential development. Large areas of the site are impacted by plowing, cutting and other typical agricultural activities. Fertilizer, pesticides and herbicides are also employed often in amounts that are greater than the amounts associated with typical residential use and with less control. Erosion of soil that is exposed to wind and rain can also be a greater impact under use of the site for agricultural purposes. While other impacts on Community Resources associated with residential development may well be less with use of the site for agricultural purposes, there is also a corresponding increase in tax revenues that mitigate these impacts and add to the economic base of the Town and surrounding community.

RESPONSE #76

Presently, there are no projects in the Town of Brunswick with the empty-nester product such as is being proposed for the Project. Communities featuring product designed for the empty-nester have been successfully developed in many communities in the Capital District, including communities in the towns of Bethlehem (Walden Fields), East Greenbush (Forrest Pointe), Clifton Park (Grooms Pointe), and by the Applicant in two Projects located in the Town of Malta (Highpointe and Avendale). Of these, the Town of Malta is demographically comparable to the Town of Brunswick and also has a Land Plan which emphasizes

preservation of the Town's rural character while providing for planned growth and design standards. The Town of Brunswick and the Town of Malta both have a similar population (11,664 and 13,005 respectively), area, median income and age distribution. Prior to the Applicant's project in Malta, as is the case now in the Town of Brunswick, there were no projects with empty-nester product such as is being proposed for the Project. When the project opened, there was strong demand for the empty-nester product. Given the similarities between to the two markets, it is reasonably anticipated that the demand for the Carriage Homes will be strong in the Project as well. It should also be noted that the majority of buyers of the empty-nester product came either from the Town of Malta or neighboring communities, which is also anticipated for the Project, given the similarities of the two communities. Design features of the Carriage Homes are specifically targeted to the empty-nester. The Carriage Home models have first floor master bedrooms. The size and design of the Carriage Home lots, which are intended to require little maintenance by the homeowner, also do not provide the type of lot that are desired by the homebuyer with children. In light of the price point at which the Carriage Homes will be offered, the homebuyer with children easily can, and does, chose other housing options that better meet the housing needs of the homebuyer with children. No age-restrictive covenants are proposed for the Community. However, the assessment of the Project's impacts has not been made under the assumption that the Carriage Homes will be occupied by "empty-nesters." Rather, the assessment of the Project's impacts has been made either without regard to the type of occupant of the home to be constructed or, in the case of the Project's impact on the Brittonkill Central School District, the district-wide school enrollment projections to the 2010-11 school year, prepared by the Capital District Regional Planning Commission (CDRPC), including the scenario under which all Carriage Homes are marketed to the general public, and not to "empty-nesters". CDRPC's projections demonstrate that, even under the scenario of full build-out of the above-mentioned PDD's, there is more than adequate capacity within the existing BCSD facilities for the projected student enrollment including the scenario where the Carriage Homes are marketed to the general public, rather than being successfully marketed to the empty-nester. Therefore, occupancy of the Carriage Homes by families with children would not affect the projections and conclusions in the DEIS.

RESPONSE #77

As stated, in addition to the lot development cost for the lot, the added maintenance cost to the homeowner associated with increasing road frontage required for each lot would result in a decrease in the value of the lot and home itself. For example, all other factors considered equal, a home with annual maintenance costs of $3,000 would be worth less to a buyer than a home with an annual maintenance cost of $1,500. In this case, the value of the home having the higher annual maintenance cost would be discounted (decreased) by the present value of the additional annual maintenance costs which would be borne by the homeowner.

RESPONSE #78

While development under current zoning would allow homebuyers to participate in a homeowners' association, it is unlikely that a homeowners' association would be created for development under the current zoning for the property because the primary reasons for its

existence would not exist in a development under the current zoning. Lots developed under the current zoning would not support a community based lawn mowing/landscaping program such as is to be offered for residents of Highland Creek. Furthermore, there is no need or requirement to establish lands under common ownership and all of the land in the parcel would be divided up into individual lots obviating the need for any entity such as the homeowners' association to own lands in common.

RESPONSE #79

Design features of the Carriage Homes are specifically targeted to the empty-nester. The Carriage Home models have first floor master bedrooms. The size and design of the Carriage Home lots, which are intended to require little maintenance by the homeowner, also do not provide the type of lot that is desired by the homebuyer with children. Conversely, the Traditional Single-Family Home models are designed for the homebuyer with a family including school-aged children with features such as multiple second floor bedrooms, larger kitchen and family rooms, and lots with larger rear yards to accommodate children. In light of the price point at which the Carriage Homes will be offered, the homebuyer with children easily can, and does, choose other housing options that better meet the housing needs of the homebuyer with children.

RESPONSE #80

Even without development of empty-nester housing in Highland Creek, it is likely that homeowners seeking this type of housing will find it elsewhere where it is offered and sell their existing homes. The current projections of student population would already take into account this demographic trend. Highland Creek will provide residents seeking this type of housing the opportunity to find it in the Town of Brunswick rather than having to go to other areas to find the housing that they seek.

Section 5.2 – Alternatives – No Action

RESPONSE #81

While no action is always feasible from an environmental perspective, such inaction is unrealistic and not feasible from an economic perspective. The "no action" alternative is inconsistent with the goals and objectives of the owner and the applicant. The "no action" alternative does not preclude the site from being developed in accordance with the existing zoning.

Section 6.1 - Irretrievable and Irreversible Commitment of Resources – Human Factors

RESPONSE #82

Irreversible and irretrievable commitments of resources associated with (a) transportation (DEIS Section 3.2.1), (b) land use and zoning (DEIS Section 3.2.2), (c) community services (DEIS Section 3.2.3), and (d) cultural resources (DEIS Section 3.2.5) were addressed in Section 3 of the DEIS as noted above, and comments on those sections of the DEIS are addressed in this FEIS.

Section 6.2 – Irretrievable and Irreversible Commitment of Resources – Physical Factors

RESPONSE #83

Volume of runoff from areas developed with impervious surfaces will increase; however, its flows to downstream will be regulated by stormwater management facilities in such a way that the pre- and post-developed rate of flows will remain equal.

Section 7.0 - Growth Inducing Aspects of the Proposed Action

RESPONSE #84

Growth Inducing Aspects of the Proposed Action. Several comments questioned the precedent set by the lot sizes that may be authorized by the Planned Development District and/or the growth inducing aspects of the Project. These comments are addressed below:

Precedent Set by the Project's Approval. No precedent and/or policy binding upon the Town is set by the approval of the Project with respect to minimum lot size, density and/or any other element of the Planned Development District. Each and every proposed Planned Development District stands on its own and neither the approval of any Planned Development District nor any aspect of any approved Planned Development District establishes any binding precedent or policy with respect to any future application for a Planned Development District. In fact, the failure of, or any dissatisfaction with, any Planned Development District or component thereof would serve as a lesson or guide in the review of any future application. Indeed the Planned Development District provides the Town with the opportunity to implement new and innovative planning tools that may not be otherwise available under the existing zoning applicable to the property or to other properties. This is recognized in the Comprehensive Plan's definition of Planned Development District: The planned development district land use practice is currently used within the Town of Brunswick. This method of land use allows large parcels, exceeding 12 acres, to be developed based on zoning standards established at the site plan level. Developer may request setbacks or density values not traditionally allowed for the parcels. (at page 51).

Growth Inducing Aspects of the Project. The Project does extend the municipal water and sewer to the Project, thereby reducing the cost of extending these services beyond the property. However, in examining the physical constraints (i.e., distance and topography) of property beyond the Project, the benefits to other properties beyond the Project associated with extending these services to the Project are not significant compared to the additional costs of extending these services to developable property beyond the Project.

RESPONSE #85

The empty-nester product segment, the Carriage Homes within the Highland Creek Planned Development District, is not designed to provide extensive health related services, such as would be provided in an assisted living community. Supportive services, if required, would have to be provided by third-party providers arranged for by individual homeowners. In such cases, the homeowner may appreciate even more so the landscaping and grounds maintenance provided through the homeowners association, rather than having to perform and/or arrange for these services. Furthermore, while there is no requirement for social interaction among residents, a community such as Highland Creek affords a greater opportunity for social interaction among residents and the physical and mental health benefits afforded by such interaction. This is certainly more so the case than in a conventional development where there is a substantial distance between dwelling units. Further, to the extent that services are required by residents, providing services where there is a greater concentration of people per mile of road is more efficient and easier than where residents are even further spread apart and more isolated.

Section 7.2 - Future Development Potential

RESPONSE #86

In assessing the regional impact of the Highland Creek project in terms of its contribution to "sprawl" as defined by Katharine H. Daniels and David S. Sampson in "Open Space for Tomorrow: A Capital District Sprawl and Open Space Action Strategy, " it should be noted that Daniels and Sampson write at page 2 that "We state emphatically that growth and development are not inherently bad. Unplanned growth and bad development are." While Highland Creek certainly is new development, it arguably contributes less to "sprawl" than would lower density, larger lot developments. Lower density, larger lot development by necessity would require more land to be developed per unit than does Highland Creek. Highland Creek can be viewed as planned growth in that it is development in a logical place for development, that is where utilities (such as public water, sanitary sewer, electric gas, telephone and cable) and services (such as shopping along Route 7), are already present and have existing capacity, while at the same time preserving from development in perpetuity approximately 2/3 of the site as open space under common ownership. Development in areas without the infrastructure available to the land for which Highland Creek is proposed is much more contributory to "sprawl" than is the proposed project.

Section 10.0 – Miscellaneous

Other comments to the extent that they were not addressed in the foregoing responses are addressed as follows:

RESPONSE #87

There were requests to make SEQRA materials available electronically which has been done for the FEIS.

RESPONSE #88

Electromagnetic Fields from Power Lines. Comments relating to concerns of power lines near the project are addressed as follows:

Electromagnetic fields (EMF) are waves of energy generated from all electrical currents. Power line, electrical wiring, computers, televisions, hair dryers, household appliances and everything else that uses electricity are sources of EMF. The strength of the field decreases rapidly with distance from the source. This is similar to the way that heat from a candle will diminish as one moves away from it. The closest distance between a proposed home and the existing power lines is approximately six hundred and fifty (650) feet.

According to the New York State Department of Health, high voltage lines can cause EMF to be elevated directly beneath and nearby the lines. Average EMF levels directly beneath power lines can vary from 30 to 90 mG, depending on the voltage, height and placement of the lines. EMF levels decrease rapidly with distance from the power lines. At approximately 300 feet away, EMF levels from power lines are similar to background levels found outside or inside the home. Despite extensive research over the past 20 years, the health risk caused by EMF exposure remains an open question.

According to sources at National Grid, the towers carry electrical currents as follows: east side = 115kV; center = 34.5kV and west side = 13.2kV.

Numerous national and international organizations responsible for health decisions have convened groups of scientists to review EMF research to date. None of these groups has concluded that EMF is a cause of adverse health effects. Included among the groups drawing this conclusion are The National Academy of Sciences/National Research Council, 1999; The National Institute of Environmental Health Sciences, 2002 and International Agency for Research on Cancer (IARC), 2002.

RESPONSE #89

There were several comments made over the course of the public hearings concerning the current property owner's financial transaction with a prior property owner. Responses to those comments are not within the scope of SEQRA.

RESPONSE #90
Other comments were made indicating that the Project consisted of multi-family dwellings. There are no multi-family dwellings within the Project. Each single-family home is owned in fee absolute title.

RESPONSE #91
The land on which the Project is proposed is currently owned by an entity in which the current Supervisor of the Town of Brunswick has an interest. Accordingly, the Supervisor has recused himself from any portion of any Town meeting concerning the Project and from any vote on the Project as well.

RESPONSE #92
A comment was made regarding the potential for the exercise of the Town's power of eminent domain along Route 7. Route 7 is a State highway. Therefore, there would not be an opportunity for the Town to exercise any power of eminent domain with respect to property along Route 7 (Hoosick Road).

RESPONSE #93
Other comments and/questions were made as to whether there would be some type of voter referendum on the application for the Planned Development District. An application for a Planned Development District is reviewed by the Town Board. There is no provision for a public referendum on a particular application for a Planned Development District.

RESPONSE #94
A general comment was made with respect to existing violent issues in the Town. No specific data with regard to those issues was offered.