

APPENDIX A

**Public Record
(Written Comments)**

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



Denise M. Sheehan
Acting
Commissioner

September 13, 2005

Andrew Gilchrist
Tuczinski, Cavalier, Burstein & Collura, PC
54 State Street, Suite 803
Albany, NY 12207

Re: Hudson Hills PDD Application
Comments on DEIS - Wetlands
Town of Brunswick, Rensselaer County

Dear Mr. Gilchrist:

This is a followup to our previous letter regarding comments on the Draft Environmental Impact Statement for the proposed Hudson Hills project. Comments relative to the Stormwater section of the DEIS were submitted previously.

The DEIS states that only 24% of the 215 acres will be converted to buildings or asphalt, and that 76% will remain as either open space or green space. It is not clear how much of this area will be manicured lawn area, or suitable habitat for displaced species. Much of the open space appears to be wetland areas that cannot be filled and wooded buffer areas, but it is difficult to determine how much of the wooded buffer areas will remain, and serve as habitat corridors. It appears that much of the wooded areas could be preserved with some minor revisions to the design, especially in Phase 2 of the project, and without losing any of the proposed buildings.

The main concern is the use of wetlands for stormwater retention, which was outlined in the stormwater comments forwarded to you on August 3, 2005. Details regarding the amount of stormwater to be directed to the wetland, specific treatment, and the standards required by the US Army Corps of Engineers. The revised stormwater section (in response to our prior comments) may already plan to address these issues.

If you have any questions, please feel free to contact me at (518) 357-2452.

Sincerely,

Nancy M. Adams
Environmental Analyst 2
Region 4

Enclosure

cc: Philip Herrington, Supervisor, Town of Brunswick, 308 Town Office Road, Troy, NY 12180
Mark Kestner, via fax 273-7583
file

New York State Department of Environmental Conservation

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Re: Hudson Hills PDD Application
Comments on DEIS
Town of Brunswick, Rensselaer County

Dear Mr. Gilchrist:

Staff are reviewing the Draft Environmental Impact Statement for the proposed Hudson Hills project. Comments relative to the Stormwater section of the DEIS are attached.

Unfortunately, comments regarding wetland impacts are not available as of this writing, but will be submitted to the Town prior to the close of the public comment period on August 13. I apologize for the delay in forwarding those comments to you.

If you have any questions, please feel free to contact me at (518) 357-2452.

Sincerely,

Nancy M. Adams
Environmental Analyst 2
Region 4

Enclosure

cc: Mark Kestner, via fax 273-7583
file

Hudson Hills Apartments
Brunswick (T), Rensselaer County
Stormwater Comments
August 1, 2005

- 1] The description of the proposed action (Section 2.3.6) states that Betts Road (currently 12± feet wide) will be widened in accordance with Town specifications (i.e. 30-foot pavement width). The proposed drainage improvements will involve using dry swales designed in accordance with the NYSDEC *Stormwater Management Design Manual* to mitigate stormwater runoff quantity and quality. While open channel systems can meet the water quality treatment goal, they are not suitable for quantity control. Provisions to control the rate of runoff for the 1 year, 10 year and 100 year events will be required.
- 2] The Design Manual imposes restrictions on the maximum side slopes and minimum bottom widths for open channel systems. No information is provided in the DEIS to allow for an evaluation of whether the proposed channel systems, treating the runoff from Betts Road, can be installed within the limited space of the right of way.
- 3] The description of the proposed action (Section 2.3.8) states that for disturbances greater than 1 acre, the contractor will be required to obtain permit coverage under the *NYSDEC General Permit for Storm Water Discharges Associated with Construction Activities (GP-02-01)*. The owner of the property must obtain the permit coverage. Prior to submission of the Notice of Intent to be covered under the permit, a Stormwater Pollution Prevention Plan (SWPPP) must be developed in accordance with the permit requirements. The plan must present fully designed and engineered stormwater management practices with all necessary maps, plans and construction drawings and include all the details as set forth in the permit (Part III.D.2). The information provided in the DEIS is conceptual and does not satisfy the requirements of the SPDES permit. A stormwater management plan, based on the construction plans under review, should be required and reviewed by the Town prior to issuing any final approvals. The stormwater plan should address the site's existing and proposed topography and hydrogeology and location of stormwater collection structures.
- 4] The description of the proposed action (Section 2.3.7, page 18) states that the *Interim Strategy for Redevelopment Projects, dated April 30, 2004*, will be utilized to address the required stormwater management controls for the proposed Betts Road improvements. Since this portion of the project includes a combination of new development (increasing the width by 15 feet) and redevelopment, only the portion that was previously paved is eligible for application of the redevelopment strategy. Application of the redevelopment strategy is not automatic and is subject to the discretion of the Department. In order to be eligible to apply the redevelopment strategy, there must be site specific site circumstances that do not allow conformance to DEC's technical standards. When deviations are proposed the SWPPP should identify the design difficulties that lead to the deviations (inadequate space, head, or other physical constraints). Deviations from technical standards require a 60-business day review period from the date that the NOI is received by the Department. Insufficient information was provided in the DEIS to determine if this portion of the project can apply the redevelopment strategy.

- 5] The description of the proposed action (Section 2.4) indicates that construction of Phase I is anticipated to begin in late 2005/early 2006. Our records indicate that an NOI has not been received by the Department. Commencement of construction may not proceed until all UPA permits area (Article 24) issued but no sooner than 60 business days from the date the NOI is received by the Department (if deviations from the standards are necessary). Commencement of construction means the initial disturbance of soils associated with clearing, grading or excavating activities or other construction activities. The plan as presented would necessitate a 60 business day review period.
- 6] Phase I is described as 324 apartment units within 24 multi unit apartment structures constructed on approximately 59 acres. The erosion & sediment control plan must include a construction phasing plan describing the intended sequence of construction activities within Phase I. Disturbance of over 5 acres at any one time is prohibited unless prior approval is granted by the Department.
- 7] The description of the mitigation of the potential geologic impacts (Section 3.1.5, page 25) states that an E&SC plan for Phase I is included in Appendix C. The plan in Appendix C does not meet the minimum requirements for an Erosion Control Plan as detailed in Part III.D.2.a. The plan as presented does not provide sufficient information to determine if it is adequate to effectively mitigate the environmental impacts associated with this development.
- 8] The description of the stabilization practices (Page 26) does not agree with the permit language (Part III.D.4)
- 9] The description of the mitigation of the geologic impacts (Section 3.1.5, page 25) states that water quality and quantity control components will be developed in conformance with the *New York State Stormwater Management Design Manual*. However, the description of the mitigation of potential impacts to water resources (Section 3.2.3, page 32) states that stormwater basins will be designed to detain storm water for short durations (i.e. 24 hours or less) for regulated storm events and these structures are not intended to be permanent pools. In order to meet the standards contained in the *New York State Stormwater Management Design Manual*, ponds must contain a permanent pool. Dry detention ponds or basins are not suitable for treatment. The required area for a wet pond that incorporates the required storage volumes, benches and buffers will require more area than set aside for dry basins. The full design of the post construction treatment practices should be presented to ensure that sufficient area is dedicated to stormwater management. This comment should be considered in conjunction with comment #3 above.
- 10] The description of the mitigation of the potential impacts to water resources (Section 3.2.3, page 33) states that stormwater management measures will be designed to maintain post development rates of runoff from the site below or equal to pre-development rates for the 2-year, 10-year, 25-year, 100 year 24 hour events. This does not meet the sizing criteria outlined in Chapter 4 of the *New York State Stormwater Management Design Manual*.. The requirement for Channel Protection requires the 24 hour detention of the 1 year storm.

- 11] The description of the mitigation of the potential impacts to water resources (Section 3.2.3, page 33) states that BMPs will be designed to manage the "first flush" of runoff as defined to be the first one-half inch of runoff per acre of land for which the perviousness has been changed. This is a requirement that was included in Phase I of the stormwater regulations and is no longer applicable. The current permit requires the capture and treatment of the stormwater runoff associated with the 90th% storm (approximately 1 inch) from all areas within the disturbed area. The water quality volume for the contributory drainage area to each practice must be calculated using the method specified in Section 4.2 of the *New York State Stormwater Management Design Manual* and the final water quality volume must be treated by an appropriately sized, acceptable practice from the list presented in Chapter 5 of the *New York State Stormwater Management Design Manual*.
- 12] The stormwater management report summary contained in Appendix E does not provide sufficient information to comment. A map clearly identifying the drainage boundaries for each drainage areas is necessary. The design points, flow path, ground cover, soils, etc.. must be shown for each drainage area and calculations must be provided in order to determine if the calculations accurately represent the existing and future impacts.
- 13] The stormwater management report summary contained in Appendix E (page 2) states that mitigation of the post construction runoff is not proposed because the post developed runoff rates from this area are less than pre-developed rates. This is incorrect. The permit requires that all areas within the disturbance must be conveyed to an acceptable treatment practice from the list presented in Chapter 5 of the *New York State Stormwater Management Design Manual*. The drainage areas boundaries shown on the Post-Development Stormwater Management Plan (Drawing 10) were not clear making it difficult to determine if there were other areas that were not being directed to a treatment practice. Without this information, the potential impacts to water quality cannot be assessed.
- 14] The General Concept Site Grading Plan (Drawing 2) provides the general location of 12 storm water control structures. Several of these structures are shown to be tucked away behind buildings or on sloped areas with limited access making maintenance difficult. The more difficult it is to maintain a practice, the less likely it will be maintained. Stormwater management facilities must be properly maintained if they are to function over a long period of time. Without proper maintenance, the practices will eventually become less effective and may eventually fail.
- 15] The DEIS does not reference the standards required by the US Army Corps of Engineers for the use of wetlands as part of a stormwater collection system. It would be advisable for the applicant to contact the Army Corps Troy, New York office.



RENSSELAER COUNTY DEPARTMENT of ENGINEERING and HIGHWAYS

Kathleen M. Jimino
County Executive

RECEIVED

Frederick M. Howard, P.E.
County Engineer
fhoward@rensco.com

August 17 2005

AUG 1 0 2005

**TUCZINSKI, CAVALIER,
BURSTEIN & COLLURA, P.C.**

Andrew W. Gilchrist, Esq.
Tuczinski, Cavalier, Burstein & Collura, P.C.
54 State Street
Suite 803
Albany, New York 12207

Re: DEIS Hudson Hill Apartments - Town of Brunswick

Dear Mr. Gilchrist:

The Rensselaer County Highway Department has reviewed your Draft Environmental Impact Statement pertaining to the Capital District Properties/Hudson Hill complex proposed for in the Town of Brunswick, and would like to state the following as listed below. The on traffic issues pertaining to roads maintained by Rensselaer County include a County portion of Oakwood Ave. (CR145; McChesney Avenue (CR134); and North Lake Avenue (CR144)

- **Pg. 10 – 12 Trip Generation/Distribution**

The Trip Generation studies were based on ITE Land Use Codes (LUC) 220 – Apartments.

The County understands that the report has reviewed trip generation as pertains to all of the surrounding businesses which include not only the Wall Mart site but the additional shopping areas such as supermarkets (i.e. Grand Union site); Pollock's Home Center, and 2 Diners and fast food chain restaurants; (if not please look at fast food trip generation of 496.12 per 1,000 sq. ft. gross floor area). We further believe the analysis has been examined and concurred with N.Y.S. D.O.T.

Both high density apartment developments and socioeconomic conditions often generate a large volume of traffic. Typical trip generation in a low rise apartment complex designed for middle to upper middle incomes is 6.59 per occupied unit

for average weekday trips. The apartment complex will result in heavy traffic to those commuting to the commercial centers and to regional business and government centers (i.e. downtown Albany, Latham and the City of Troy).

Additionally, please note that most of the analysis examined the area in a manner used for urban areas. The proposed complex clearly lies in a suburban/rural area and has limited public transportation, therefore, increasing the need for private automobiles for all trips.

- **Pg. 36 - Level of Service –**

The Level of Service Study indicates recommendation of installation of individual left-turn lanes on Route 7 to Fifteenth Street. It indicates that the City of Troy will be improving this intersection and discusses the adoption of “The Hoosick Street Phase II Corridor Plan” by the City of Troy. Is there designated funding for this proposal budgeted for in the Capital Improvement Plan by the City of Troy; and if so, what is the date of anticipated construction? Also, what is the impact on traffic if the City of Troy is unable to develop this concept due to lack of funding.

The report states that with traffic signals at the intersection of Route 7/Betts Road, the LOS will improve to an overall LOS C during peak hours. It also states that “a stop sign should be installed on the Site Access#2 approach to North Lake Avenue with construction of the second access site.” Is the developer prepared to either purchase or work with NYSDOT for the proposed traffic signal and the recommended stop sign on the approach to North Lake Avenue?

- **Pg. 40 – Emergency Services –**

It is anticipated that Emergency Access is proposed via a connection to Belair Lane just north of Lord Avenue. The road is described as a “dead end street ½ mile east of North Lake Avenue (i.e. a county road). Is the developer prepared to develop this street for emergency use, and if so, at which construction phase will it be completed.

- **Pg. 41 – Site Distance -**

The report indicates that sight distance is limited by vegetation and topography at the new North Lake Avenue (CR144) intersection. It recommends re-grading and cutting back vegetation. The County will require that the Developer provide a specific proposal for construction of a safe intersection prior to approving final plans. In addition, right-of-way or permanent easements will be required to allow maintenance of any areas that have to be mowed to maintain safe conditions at this intersection.

- **Pg. 43 Accident Analysis –**

The report indicates 22 accidents located in the vicinity of the proposed complex. These accidents consisted of rear end collisions caused by a large variety of traffic issues. Most drivers in rural locations are not prepared to drive with an urban awareness. Details must include closer review of preventing accidents both on the adjacent county roads and the town and state systems.

The cumulative impact of this development will make a significant change that will greatly affect this suburban/rural community. According to U.S. Census data, the population of the Town of Brunswick is approximately 11,660, the impact of a project of this magnitude on the community will result in traffic delays and a higher risk of residents to be involved in vehicular mishaps. In recent news articles appearing in both the Times Union and The Record (August 2005), it described the complex as similar to the Hudson Preserve complex in Colonie. The apartment complex described should not conduct analysis for areas adjacent to the capital district such as the Town of Colonie with a population in excess of 70,000.

If the County can answer any questions pertaining to this report please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, reading "Judith Breselor". The signature is written in dark ink and is positioned above the typed name.

Judith Breselor, AICP
Deputy County Engineer for Transportation Planning

SEP-26-2005 11:01 FROM:
SENT BY: A;

518 273 7583
111;

TO: TCBC
AUG-3-05 15:25;

P.2/5
PAGE 3/6

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4
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Denise M. Sheehan
Acting
Commissioner

August 3, 2005

Andrew Gilchrist
Tuczinski, Cavalier, Burstein & Collura, PC
54 State Street, Suite 803
Albany, NY 12207

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Comments on DEIS
Town of Brunswick, Rensselaer County

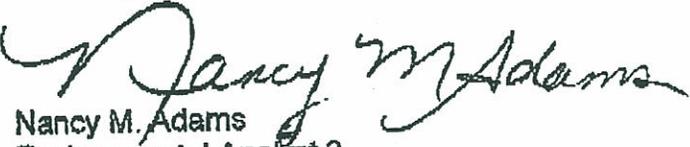
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August 1, 2005

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*File***New York State Department of Environmental Conservation****Division of Environmental Permits, Region 4**

1150 North Westcott Road, Schenectady, New York 12308-2014

Phone: (518) 357-2069 • FAX: (518) 357-2460

Website: www.dec.state.ny.usErin M. Crotty
Commissioner

March 28, 2005

Hon. Philip Herrington, Supervisor
Town of Brunswick
308 Town Office Road
Troy, NY 12180

RE: Proposed WalMart SuperCenter
Comments on Draft Scope
Brunswick (T), Rensselaer County

Dear Supervisor Herrington:

The following comments are offered in response to the draft scope submitted for the above referenced project.

Stormwater

The DEIS should include a discussion of post-construction stormwater conditions, as well as pre-construction conditions, and proposed stormwater management during construction as part of the Stormwater Pollution Prevention Plan. The DEIS should also include a copy of the SWPPP for preliminary review.

Wetlands

The line representing TN-106 on the 1:24000 scale regulatory freshwater wetlands map may be misleading, and portions of the property may, in fact contain, portions of wetland TN-106. Accurate wetland boundaries should be delineated to confirm or deny the existence of State-regulated wetlands on the subject parcel.

Our Department, in conjunction with DOT, has been working on developing Wetland TN-106 as a wildlife viewing area. As part of their "green initiative" and mitigation for unavoidable impacts to TN-106 during a project undertaken to prevent water in the wetland from continuing to seep through the roadbed, DOT constructed a small public parking area between Route 7 and the wetland. We are in the process now of developing a kiosk and interpretive signs for the parking area and adjacent wildlife viewing area.

It may be possible that constructing WalMart (and Hudson Hills) right next to TN-106 may change the character of the wildlife now using that wetland. Specifically, staff are concerned that species like gulls will be drawn to the immediate vicinity of the wetland by the big parking area with discarded gull food, and greater numbers of gulls will use the wetland. Populations of other species that thrive around human development like raccoons and skunks will increase locally and prey on waterfowl and turtle nests. Staff also have concerns that geese will be attracted to the stormwater ponds on both sites and become a nuisance.

The scoping document acknowledges the cumulative impacts of Walmart and the proposed Hudson Hills. The direct wildlife habitat impacts on those, and perhaps some other properties for which development is

over

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Website: www.dec.state.ny.usDenise Sheehan
Acting
Commissioner

May 10, 2005

RECEIVED

MAY 11 2005

**TUCZINSKI, CAVALIER,
BURSTEIN & COLLURA, P.C.**Andrew W. Gilchrist
Tuczinski, Cavalier, Burstein & Collura, PC
54 State Street, Suite 803
Albany, NY 12207RE: Proposed WalMart SuperCenter
Comments on Draft Scope
Brunswick (T), Rensselaer County

Dear Mr. Gilchrist:

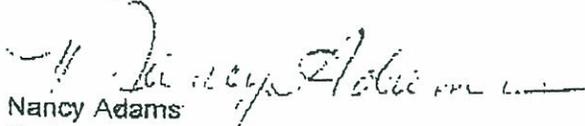
This responds to your letter of April 4, 2005, regarding the Department's comments relative to the proposed Wal-Mart Draft Scope as well as the Draft Scope for the proposed Hudson Hills project. As noted in your letter, our comments regarding the Wal-Mart project included concerns regarding development adjacent to Freshwater Wetland TN-106, and the potential for significant impacts, whether direct or indirect, from several proposals adjacent to the same wetland. Our prior letter regarding Hudson Hills did not include this concern, as we were unaware of the Wal-Mart proposal at that time.

As multiple development occurs in an area containing wetlands, the concern becomes whether multiple projects would result in larger impacts from runoff, potential erosion, habitat displacement, etc., to a higher degree than if one project were proposed, leaving much more open space around the remaining wetland. When multiple projects occur in close proximity to the wetlands it is important to take a hard look at the overall picture, and ensure that the wetland will not be adversely impacted unnecessarily, or that the potential impacts can be mitigated to the maximum extent practicable.

I understand that the scope has already been accepted for Hudson Hills and that the DEIS is currently being prepared. If it is possible, I believe that some discussion of the "whole picture" relative to potential wetland and habitat impacts would be beneficial in the review process for both projects.

Please feel free to contact me if you have any questions or concerns.

Sincerely,


Nancy Adams
Environmental Analyst 2
Division of Environmental Permits
Region 4CC: N. Heaslip, Wildlife
File

Patricia Hyde

From: "Carolyn Abrams" <cabrams50@hotmail.com>
To: <phyde@townofbrunswick.org>
Sent: Monday, August 15, 2005 9:38 AM
Subject: for phil

This is an impression from another realtor in town:

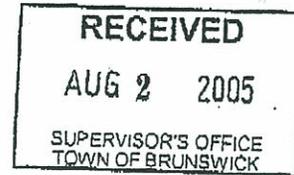
Carolyn, my first impression is: not apartments, but townhouses and condos for certain! However, as realtors, we do not hear from many people who are looking for apartment living - the large majority are calling us because they want to invest in a home. My first thought about apartments is that they maybe needed by students at RPI and Sage who would consider living in Brunswick rather than the city, especially on a bus line. But I don't know how true this is - maybe a call to the Residence Life office at the colleges would help.

Carolyn Abrams

www.CarolinaMoonArts.net

10 Kreiger Lane
Brunswick, NY 12180
518-279-3412

172 North Lake Avenue
Troy, NY 12180-6518
2 August 2005



Philip Herrington, Supervisor
Brunswick Town Office
308 Town Office Road
Troy, NY 12180

I am unable to attend the meeting at which the Hudson Hills project is to be discussed. I am using this letter to express my concerns. We bought our home on North Lake Avenue in 1970. We deliberately chose Rensselaer County, a medium-sized town, where officials carefully planned growth and the use of open spaces. We have watched our part of Brunswick grow and change over the years. Some of the growth has been positive and has been spread out over a 20 year period (Kestner's North Forty etc. and other single dwelling homes built on N.Lake and Liberty.). The most recent growth in Brunswick has occurred on the Hoosick Road and has had some very negative effects on North Lake Avenue residents.

In 1970 our children could walk safely to the homes of friends and even ride their bicycles on the road. This is not a possibility anymore. North Lake Avenue is used now as a cut-through road (an escape route) for commuters trying to avoid the businesses, the traffic lights, and the road construction between Rt. 142 and North Lake. The speed limit is posted as 35 mph and is frequently ignored.

Hudson Hills proposes 1,116 housing units. There is going to be an access road onto North Lake. Even if there is only one car per unit and even if only half of the residents utilize the N.Lake Ave egress, that's a huge increase of traffic. The quality of my life in this town, on this road, will hit rock bottom.

I don't want to live in a Clifton Park-type community. I chose Rensselaer County! I don't want to live near a Wolf Road or a Route 9. I don't want to sit in my driveway for 5 minutes or more waiting for an opening in traffic. I don't want to have my conversation with my next-door neighbor come to a dead-halt while we wait for 8 or 10 noisy vehicles to roar past. I don't want to have another mailbox knocked down by a speeding kid. I don't want to be tail-gated by an irate motorist just because I am traveling the posted speed limit on my road.

Please be careful with your decisions. There are 4 housing developments in the planning stages. There is one huge super store. The cumulative effects of these projects could have very negative impacts on the people who already live here. Don't make decisions that will wreck our town. They can't be unmade. Plan carefully.

One of my mother's admonishments to a greedy child was, "Your eyes are bigger than your stomach." Don't let your upcoming land use decisions be the cause of a big county-wide belly ache.

Respectfully,

Judith Armstrong (Mrs. Roger)

Sycaway Bicycle Shop
104 Lord Ave.
Troy, NY 12180
(518) 273-7788

*Family Owned and Operated
Serving the Town of Brunswick since 1953*

~~RECEIVED
FEB 13 2006
SUPERVISOR'S OFFICE
TOWN OF BRUNSWICK~~

RECEIVED
FEB 13 2006
SUPERVISOR'S OFFICE
TOWN OF BRUNSWICK

February 12, 2006

Supervisor Herrington & Town Board Members
Brunswick Town Board
Brunswick Town Office
Town Office Road
Troy, NY 12180

Re: Comments for Hudson Hills Proposed Development

Supervisor Herrington & Town of Brunswick board

Please take notice that I am very concerned of the negative impact that Hudson Hills, if allowed by the Town to proceed as proposed, will have on my home and family's business. My property border's the property of the proposed development. As you may be aware, my father built my home in 1931. My mother recently died in this same house. In addition, I have lived here for 57 years and I would like to be able to spend the rest of my life in it as well.

I have seen the developer's plans of Hudson Hills (the project) and believe they are not sufficient to protect my property. I am already experiencing problems with excess surface water runoff due to the pond at the end of Belair Lane being filled in. This excess runoff has already caused damage to my home as my basement now floods during heavy rain and sudden snowmelt. Any additional runoff onto my property is likely to result in rendering my home unfit to live in. The additional runoff is also cause for concern of additional flooding, erosion of my property, and the destabilization of the foundation of my home and other buildings on my property, including those that are used by Sycaway Bicycle Shop.

In addition to my concern for my home and likely water damage to my business, I am also concerned with the additional runoff caused by the project damaging my septic system and well, as well as those of my neighbors. The flooding caused by the project will cause septic systems to become surface cesspools that will pollute well water on my neighbor's properties as well as my property, leaving us with no fresh water. The runoff from the project will also bring with it hazardous chemicals such as ice melting salts, lawn fertilizers, and pesticides from the daily operations of the project. That is not even including all the other debris and pollutants that will come onto my property with the runoff during the construction

of the buildings, parking lots, roadways, and all other infrastructure necessary and proposed for the project.

I would like to express my disappointment with the way the developer has conducted itself, as there have already been property line infringements. The developer has entered my property and placed certain flags and stakes on my property without my permission. In addition to the trespassing on my property, if the Town Board should allow the developer to proceed, I anticipate there will be additional nuisances caused by the project such as nighttime light, sound, and additional trespassing by renters of the project.

I request that the Town Board have an independent survey completed. Should the Town Board allow the project to be completed, I allege that it will be akin to an eminent domain taking of at least part of my property, if not all of it, as the project will render my property unusable for the purposes in which I am currently using it.

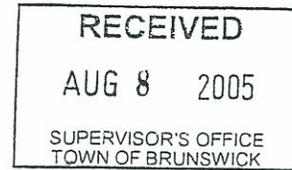
Very truly yours,

Denny Baily
Sycaway Bicycle Shop

I am writing about my concerns about the Hudson Hill development and the impact it will have on the surface water run off and the quality

91 Bald Mountain Road
Troy, NY 12180
4 August 2005

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



Dear Supervisor Herrington:

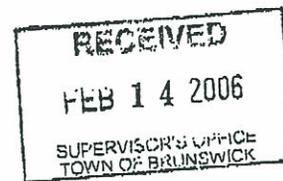
Due to considerations of health I could not attend last night's meeting, but my wife did. She indicated that you remarked that you had only two more years to serve the community which you love so much. As I have written to you previously, your financial management has been impressive, and the services are first-rate, the best I have ever known in all the places I have lived. However, I ask you, how do you and your associates on the Board wish to be remembered later on? For having helped to preserve a unique natural environment with an especially rich historical heritage, one to which the larger Herrington family has contributed substantially in the past or for having promoted the spread of sprawl of the awful Clifton Park variety?

Very truly yours,



Thomas M. Barker, PhD

Kathy Betzinger
Phil Nicholas
1 Valley View Dr.
Troy, NY 12180



February 14, 2006

Brunswick Town Board
Town Hall
308 Town Office RD
Troy, NY 12180

RE: Hudson Hills Apartments
Draft Environmental Impact Statement

Dear Brunswick Town Supervisor and Town Council,

This correspondence is in regard to the proposed Hudson Hills project and should be considered our comments for the draft environmental impact statement discussed at the public hearing this past month. This correspondence also is more general in nature and directed to the overall impact that a variety of proposed developments would have on our town.

When we first began to think about development in Brunswick we looked at all sides of the issue. A good place to begin is with the Town Comprehensive Plan. The Plan indicates that Brunswick should remain a rural community with farms and residences intermingled. In light of this and similar other findings in the Comprehensive Plan, this project is incompatible with our vision of Brunswick, and in stark contrast with the future of our town mapped out in the Comprehensive Plan. We therefore believe that there should be a moratorium placed on all zoning changes in the town, until we can create a new comprehensive plan that will direct development in ways that do not impact the character of the town in such a rapid and dramatic fashion. Town officials in conjunction with residents need to assess the cumulative impact of all these proposed developments. A moratorium on all zoning changes would be fair to all the developers involved because they would be treated equally.

We disagree with the piecemeal approach of approving one project at a time because this fails to take into account the cumulative impact of all the projects on traffic, rural character, energy consumption that can affect our national security,

and public safety. The Town of Brunswick is at a crossroads and we should consider hiring a professional planner so that a comprehensive plan can be drafted that will meet everyone's needs (not just the desires of developers who can build houses in many locations not in our town). Our own planner could assess the variety of needs and resources our town possesses. These pending projects threaten our existing comprehensive plan that limits high-density development in the areas slated for development.

Let's return to a discussion about the Hudson Hills project specifically. The benefit of this housing project is more affordable housing. In this way the project differs from some of the other large projects that developers and Wal-Mart have requested zoning changes for. Although Capital District Properties scaled back the project 60%, we will be harmed by a number of factors that can not be mitigated without large public works projects the developer is unable to accomplish. The level of traffic on North Lake Ave. has increased to the point where it is nearly impossible for older people to walk without an escort of military vehicles. If there is any more development around RT 7, that have direct access to their residences through RT 7, there will be more numerous motorists using North Lake Ave. as a cut through. Just the other day we saw someone drive through with skis on their car going back to New Jersey (at least that is what their license plate read). Soon we will need a sidewalk that goes the distance of North Lake Ave, otherwise public safety will suffer and there may be pedestrian fatalities. This will leave the town open to lawsuits and ruin the nice bond rating we have. More traffic on Route 7 means more traffic on cut-through streets like North Lake Ave.

The Hudson Hill project was an ill-planned development from the beginning. It would have taken an act of god to make 1,116 apartment units blend in with the rural neighborhood. The initial plan was way too big, and required a widescale revision before the DEIS even became somewhat of a coherent plan. One nearby resident even claimed the developer erected property markers on his adjoining property not on the parcel slated for development. While the accuracy of this boundary dispute is unknown, many residents distrust the developer and do not believe the developer has the level of competence or expertise necessary to rely on its models of environmental impacts.

One town resident expressed concern that Capital District Properties manages other property around the region and does not keep up the properties. I do not know the validity of this comment, but it is worth considering before over 600 apartment units are built in town. We do not want these places to deteriorate to the point where a bunch of crack dealers ride in and out without 300 watts of

low frequency base blareing at all hours of the night. If some of the other housing facilities managed by the developer appear blighted, it might be appropriate to ask the developer to post a bond to guarantee the upkeep of the parking areas and other facilities to encourage better long-term maintenance.

If we sit back and say well a person has a right to sell their land and the owner can do whatever he wants then we should all live in places like Texas that have little zoning. Anyone who travels down South can see what a contrast sprawling southern suburbs littered with chain stores have with New England villages to our east. We need to develop in ways that create community not destroy it. One way to achieve this is through mixed use. In the Hudson Hills complex there should be space set aside for light retail establishments like corner stores. This way people will not have to get in their cars and drive 2 miles to just get some soda or a bottle of aspirin.

There is also a need to have not just energy efficiency but encourage new housing projects to create some energy, and work with developers to install wind power for example. Sprawling suburban areas have increased our energy use and may hurt our economy by driving energy prices up. In light of terrorism and increasing fuel prices, it is important that we examine large-scale housing or apartment developments in a different light. Since 9/11 we should be even more cognizant of the need to preserve farmland to possibly feed our community in times of terrorism when the economy may be disrupted.

Let's imagine Brunswick in the year 2010:

We might have an extra 20,000 cars on the road just from new residents in our town and their friends and family (and those visiting a new Super Wal-Mart). This would not include the hundreds of thousands of additional cars of tourist traffic driving through Hoosick Ave. to get to Vermont.

The residents will also be begging the Town Board to hire our own town police because the county sheriff and state police do not have enough presence on town or county roads. It will raise taxes 5%, but it would give residents a respite from cut-through speeders.

There will be more traffic lights for engineers to try to monitor the traffic flow. The ten traffic lights on Hoosick Ave in our town can not be timed property for the rush hour or fall foliage tourist season.

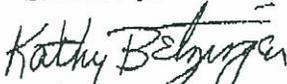
Local businesses like Maselli's and Plum Blossum just received a letter from New York State with the words eminent domain. The businesses will need to relocate because of a proposed 2012 expansion of Hoosick Ave. to five lanes and new sidewalks. This was necessary due to the emergency vehicles not being able to get to a severe traffic accident, and prompted NYS DOT to take action. There simply won't be much room left for car dealers, natural food stores, Burger King, and gas stations. They will all lose valuable space to accommodate two more lanes and new sidewalks. The value of the surrounding property plummets and the town loses valuable tax revenue.

All this could easily happen in five years.

Again, to reiterate, we favor a moratorium on all zoning changes until greater research is completed regarding the future of our town. A new Comprehensive Plan may be in order, or just adhering more closely to the old one, and perhaps reflect a post 9/11 perspective.

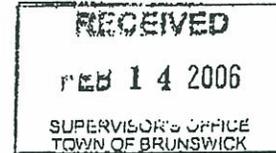
In regard to the Hudson Hills project it is also **very important** for the environmental impact of this project to be considered in conjunction with other nearby pending projects like the Super Walmart. The draft EIS for Hudson Hills should along with its own impact take into consideration the potential impact of the Walmart Super Center. The three other pending large housing projects (Brunswick Meadows, Highland Creek, and Carriage Hill) also have some negative attributes that the Hudson Hills EIS should make reference to and find ways to collectively mitigate.

Sincerely,


Kathy Betzinger



Phil Nicholas



446 McChesney Ave. Ext.
Troy NY 12180
February 14, 2006

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

Re: Hudson Hills PDD

Dear Brunswick Board Members:

In December 2005, the Times Union reported New York State's population decreased by 20,000. Brunswick has excess residential property and a list of infrastructure problems for the existing residents of 12,000.

Route 7 is finished and the bridge on Route 2 will be adding to traffic congestion. Residents are complaining of sewer and drainage problems in the existing housing. The proposed units will add stress to services that need to be maintained. The additional 668 units will add to an increased need for services. At the 1/17/2006 public meeting Mr. Marvin Chudnoff said he will take bids and use the "cheapest price materials." Despite the continuous mention of amenities, the structure themselves will be built with cheap materials. What does this say these proposed structures appearances in ten years?

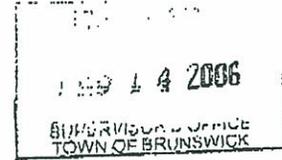
The Tri-city area is loaded with new residential construction. Brunswick needs development that increases the tax base without disabling the services and infrastructure of its current population. I am against the Hudson Hills PDD developing in Brunswick.

Sincerely,



Ms. Holly Bolliger

Timothy P. Bolliger
446 Mc Chesney Avenue Extension
Troy, NY 12180



February 14, 2006

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

Dear Members of the Board:

This letter is in response to comments made at the public hearing dated January 17, 2006 regarding the Hudson Hills Draft Environmental Impact Statement.

I have been a resident of 446 McChesney Ave Extension for the past 46 years. It is my feeling that the DEIS for the Hudson Hills project does not answer the question of "need" for an apartment complex of this size within the town of Brunswick.

The Sugar Hill Apartments at 400 McChesney Ave Ext. have held an "open house" every week since the spring of 2005. I have toured several of these buildings and have noted the occupancy rate to be between 40 to 60 percent of full. The current rental rates for the Sugar Hill apartments range between \$600 and \$800 per month. It is my understanding that the Hudson Hills apartments rental rates would be between \$1,000 and \$1,200 per month. It makes no sense to construct 668 additional apartment units (at twice the rental price) when we cannot currently fill the apartments we have. Where are the jobs coming from in this area to support this type of housing? What happens if these units are not rented? Is it worth placing an additional 700 to 1,000 vehicles onto an already stressed route 7 for this project?

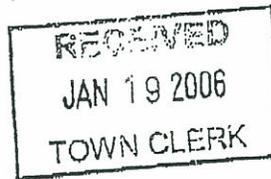
The statement has been made a several public meetings that Brunswick has been "discovered". While this may be true, it does not necessitate the selling out to the town to the first bidders. Brunswick has never been a transient community; careful consideration should be made before allowing it to become one now.

Sincerely,

Timothy P. Bolliger

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

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



Jan. 19, 2006.

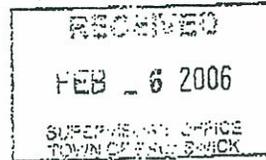
I am no stranger to the Town, as my parents moved to Brunswick from Reman Park in 1937. As I recall, the main business on Rte. 7 was Bath Brothers Garage and on Rte. 2 was Dixon's General Store. The same narrow, winding and up and down secondary gravel roads existed and over the years they have been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

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

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

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

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



To Supervisor Phillip Harrington,
We were not able to attend the
Jan 17th meeting as we were away.
We would like to be numbered among those
who oppose "The Hudson Hill Project". The
town of Brunswick still maintains a
rural atmosphere but most certainly a
project such as "Hudson Hills" will tend
to change that atmosphere. This may be
our main objection to the project
however a number of environmental con-
siderations must also be considered. This

would include removal of trees & shrubbery
on the hill section causing the town to be
conducive to erosion with consequences
such as recently occurred at Clavrock
creek.

Assuming that the project did come to
completion I am fed that the impact on our
schools, roadways further our loss of
our atmosphere. It would seem that the
only good result to the town would be
the money made in short by the developer.
This seems to me to be a short sighted view.
I do feel that extensive studies on the
town record of apartment complexes
especially any previous such construction
by the developer making the proposal.
I would be disturbed to see (668)
apts. in some town conditions in 10 or
15 years. Professionally we understand
that is too frequently the result.

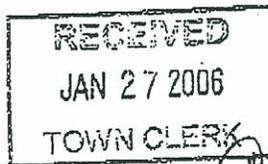
Sincerely

Dr. & Mrs. Thomas V. Casey

2/4/06

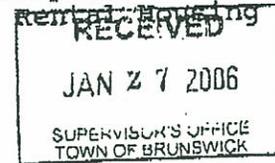
Joseph Cioffi Jr.
23 Norfolk Street
Troy, New York 12180
272-8189

Town Board
Town of Brunswick
308 Town Office Rd.
Troy, NY 12180
279-3461



January 22, 2006

RE: Proposed Hudson Hills



Dear Mr. Herrington, Supervisor; Mr. Clemente, Mr. Poletto,
Mr. Salvi, Mr. Abrams;

For this matter of Hudson Hills PDD, which I
am opposed to it, both for personal and governeemt reasons; I submit
these comments,,

- 1) The location chosen is presently zoned agriculture and thus
should remain agriculture, deny re-zoning; and no variances.
- 2) Too much housing presently,
As of this date in the Sycaway-Center Brunswick- Eagle Mills
area there is (9) housing developments (total may not be
complete),

- 1 Kestner
Highlands
Eagle Crest
Brunswick Hills
Brunswick Apartments
Green Hills Apartments
McChesney Ave Ext Apartments
Brunswick Senior Housing
- 9 Highpoint, including Senior (Troy/Brunswick)

This Housing, plus Walmart, Price Chopper, ect has increased
the local portion of Rt 7 auto traffic and has led to road
congestion during peak hours (8A/5P).

- 3) There is no infrastructure for large developements, for
conversion of farm lands to suburban.

A) Route 7, has served as a rural secondary state road from
Troy to Vermont for many decades and has been
successful for many decades. Its a series artery that
serves Towns of Brunswick, Pittstown & Hoosick, plus
its interstate category serves Bennington, VT and
up to Manchester, VT,, serves a total route length of
25 miles to Bennington and 20 miles more to
Manchester, for a total of 45 miles.
Its not a road exclusively for Brunswick, thus
Brunswick has no right to take the road capacity all
for itself. It must be shared.
I was opposed the Hoosick Street Bridge because it
would open Brunswick & Pittstown to development.
(Its nolonger US Rt. 7, since completion of I-91/89
in Vermont, thus federal subsidy was severely
reduced for Rt. 7.)

B) School capacity lacks.

With new proposal of 668 units that could become small family units, its could be 2 kids per unit, thus 1336 kids from Hudson Hills, then all the other proposals will add to that, we could end up with 5000 kids with no schools to go to. So its \$500 million in school improvements. (2005, \$200,000 per child per school district per yr, Eastern NY, thus 1336 times \$200,000 is \$267.2 million per year, split in half to Lansingburg & Brittonkill, ie: shift boundry. More school buildings required.)

Revised proposal,

Assume only families in 2 bedroom units,
Phase 1-3, (578) 2-bedroom units, 2 kids per unit,
1156 kids total, assume 800 to Brittonkill
and balance (356) to Lansingburg schools.
This will cost Brittonkill \$160 million
plus and \$71.2 million for Lansingburg per yr.

C) Water line and capacity lacks.

Assume each unit has 2 toilets of 6 gallons each, and each is flushed 5 times a day, its 60 gal total plus laundry, showers, dishwashers. If all units flush toilets all at once, its 40,080 gallons and if it takes that toilet 5 minutes to refill, its 8016 gallons per minute. This would also be what has to be put back into a water supply tank. Brunswick's water supply will run out with this new wave of growth.

D) The Hoosick Rd sewer line is 12 inch and will be too small; changing it to a force line is too expensive, like \$500,000 plus. From the water figures, assume 20 percent of the toilets flush at once, then its a 8016 gallons per minute discharge [40080(.2)](it takes less than 1 minute for a toilet to flush). Dishwasher discharges are like washing machines & laundry. (A 12 inch sewer will not handle 1000 homes, but I am looking into sewer size capacity at this time.)

E) These numerous proposals to develop all of Brunswick & Pittstown farmlands into suburban, makes Rt.7 too small, it would have to be enlarged to 6-8 lanes at a cost of \$150 million plus from Hoosick St bridge to Boyntonville of Pittstown (\$50 million from bridge to Betts Rd), BUT, BUT how about the Hoosick St. Bridge. Capacity of Hoosick St. Bridge is only 4-lanes, so the bridge has to be enlarge to 6-8 lanes at cost of \$600 million or more.

NYS DOT has ill advised the Town of Brunswick, they should of been right there to tell about costs and capacity. Then that new 8-lane highway has to be re-paved every (10) yrs or earlier; who pays for that. Who pays is a issue and a problem, because across the state, the towns have the same development diseases. There is not enough money across the state for this.

(Track wear roads result from the new narrow cars with catalytic converters (2500F) that are close to the ground.

In the summer with slow traffic the heat from such cars bakes the pavement, raises it to over 400F, with softened pavement, pavement flows slowly out from under the tire, become ruts. After a hot car passes over a spot of pavement, the pavement has no chance to cool off. A car every second on a 80F day, raises pavement to over 400F. Today most cars are narrow downsized track widths, and width of ruts corresponds to small cars. The large trucks and full size cars & pickups all feel the ruts severely. Worst yet, these track worn roads are very dangerous in the winter. All water & slush accumulates in the bottom of the rut and freezes, to cause loss of control. Snow plows just ride ontop of the ruts; snow is left in the bottom of the rut, thus the road looks partly plowed.

With 668 units, 2 cars per unit, its 1336 cars parked up ontop that hill. If they are all office worker tenants, then assume 90 percent of those cars got to leave for work at 8 AM.

Road Capacity,
 $30 \text{ mph} = .5 \text{ miles/minute} = 2640 \text{ ft/min} = 44 \text{ ft/sec}$
 assume cars are 14 ft long SUV's,
 as they travel, they are spaced 2 car lengths, thus
 the rectangular travel envelope is 3 times 14, 42 ft.
 Time it takes the length of the envelope to pass a
 line across the pavement is (.95) seconds per car,
 $[42 \text{ times } 1/44 \text{ ft per sec}]$,
 Number of Cars per minute is $60/ (.95) = 63$,
 3789 per hr, no stops.

With a stop light,
 Green for 5 minutes, limits it to 315 per Green,
 5 min green/5 min red, 10 min per cycle,
 6 green cycles per hour $[60/10]$, thus
 6 times 315 is 1890 cars per hour.
 As can be seen, the limit on road capacity is
 the stop lights. (Just having one light on a stretch
 limits the capacity.)

F) Storm Water,

There are 2 worst case conditions that set the specifications for handling storm water; (1) ground is frozen with no snow cover and it rains; and (2) ground is frozen with snow cover and it rains.

With frozen ground, all rain and existing snow becomes run-off, non of it soaks into the ground.

Water that is (1) ft deep and covers (1) acre is called an Acre-Ft of water. Each Ac-Ft becomes an amount cubic ft of flowing water, based on slope and obstructions to the flow.

For Hudson Hills, the site is 215 Acres,
 and with a typical 2 inch rain storm (2005), the total run-off (frozen bare ground) is 35.8 Ac-Ft $[2 \setminus 12 \text{ times } 215]$,

7260 cuft of run-off [43560 times 2\12]. (Because ground is frozen, covered and uncovered areas produce run-off equal to amount of rain.) If 2 inches of rain comes in 3 hours, the maximum flow rate (how fast it could flow out) is (.67) cu ft per second, past one outlet point. Run-off could become 1-5 cu ft per second, which is noticeable, can cause significant erosion.

G) Electric Power Demands,

For 668 units, electric heat, 30 KW per unit peak, its 20,040 KW (20.04 Megawatts). This will be something like a 66 Kv pole line to a small substation. Too much for existing lines.

4) History, the Overall Situation,

Up to about the year 2000, there has been no, none high density cluster type housing developments in Brunswick, same for others, thus, past the city line area, it was all rural farm with scattered housing; all because of the sewers. The only sewers available was gravity sewer near the city line and septic systems out in the rural. Whole Brunswick area is built with infrastructure for no sewers past the city line, which gave the open space rural farm character for the last 40 yrs. All high density development was confined to the city, because that is where gravity sewers was possible. In 1970, pumped sewers for housing was too expensive, because you had to buy American made pumps at \$2000-\$5000 each and use welded steel pipe (clay tile pipe is not rated for forced main use). Thus to run pumped sewer one mile up a 20 degree slope, 100 ft head, in shale rock, in 1970 would of cost easily up to \$1 million, so no one wanted it. In 1970, all of the Brunswick farmland could not be developed for large amounts of housing, because the topography prevented installation of gravity sewers to Troy. For decades, industrial growth in Troy had little effect on Brunswick. When population crested at 150,000 in the 1930's, the high density population was confined to the city of Troy. Also back in the 1800's, the Troy high density population was limited to a elevation that was below the highest elevation on the water supply. If you located above that elevation, you had no city water and thus had a well, thus were in the country. When the Tibbets Ave. water tank was installed, this allowed gravity city water to serve higher elevations in Brunswick.

When new technology is introduced, problems can result; existing way of life can be threatened, people can loose money.

Previous to this next wave of development, in Brunswick and Troy, the roads, schools, firehouses, churches, gravity sewer system, the whole vast current infrastructure, was built on the premise of no pumped sewer systems. Introducing pumped sewer systems to a mostly gravity sewer system, is a complete drastic change of direction, thus it has a big cost penalty.

By late 1980's, plastic forced main sewer pipe was introduced, along with imported sewer pumps. This lowered the cost of a pumped sewer system; that \$1 million system of 1970, now can cost \$300,000-\$400,000..

This present next wave of development in Brunswick, is the result of cheap pumped sewer systems, something never before available, which has lured these enormous high density cluster developments to Brunswick, to the open farmlands. Worst, the developers are speculating, are building on speculation. Hoping, speculating, that Sematech will not fold, speculating that retired

seniors will not go to Florida or down South (Today, seniors without responsibility and some money still prefer to go down South, to escape -20F winters here.) Brunswick has no obligation to provide Senior Housing of any kind.

5) Recommendation by Joseph Cioffi Jr. on 1-17-2006, to Town Board.

It was suggested that the smartest thing to do is to limit the number of high density cluster developments in Brunswick. With these developers all building on speculation, this limit of high density housing, limits the amount of speculation in the Town of Brunswick and best of all it limits the amount of debt the town acquires from this speculation (this amount of proposed speculation can wipe Brunswick off the map for good).

If the pumped sewer system is built, people come and thus the sewer wipes out the roads. Once major infrastructure has to be built, large amount on a large scale, then a municipality will never recover investment costs thru property & sales taxes, because of unlimited inflation and world wide markets (causing loss of industry) and inflation causing near 3-10 fold increases in repairs & replacement costs. (After the Vietnam war it went to world wide markets.)

[I was against building the Hoosick Street Bridge because it would and has brought too many people in and I was against extending the gravity sewer up to Betts Rd.]

For the comment on Jan 23rd, 2006, Town Meeting, about What If, Power Utility & Telephone Companies can deny service to new locations; to clarify.. Everytime someone requests electric service to a new location, the power company has to long term borrow money to install it, because profits do not cover new service installations and storm damage, plus the new customer can just terminate the service in 6 months or less. By allowing the utility to deny new service installations, at new locations, would allow the utility to start paying off old debt (instead of paying by debtor prison).

Under this new wave of development, the Brunswick sewer system can go from 95 percent gravity type to 40 percent pumped sewer type. This 40 percent is major cost burden to maintain (replacement pumps, back-up generators, ect), thus Brunswick has to set a policy now on pumped sewers, before it gets stuck with (in-lue-of-taxes) \$30 million worth pumped sewers.

Any policy to limit or exclude large developments from sections of Brunswick or all of Brunswick, is important to do now at this time, before Hudson Hills or Carriage Hill Estates applications are considered. Anything to limit the population per square mile is also desireable now.

IF Hudson Hills only goes to Phase (1) and ends at 248 units, then 10 other big developments come in, it can result in a accumulated total of 2000 plus units, which is a population jump of 4000 (2 persons per unit) or 8000 (4 persons per unit), with major impact on roads, schools & sewer/water.

For infrastructure costs, its desireable to confront the effects of accumulated growth now (something Brunswick has never done)(what Brunswick has done is remain in its 1950's position of a empty lonely town looking for growth and this led us to Walmart, Price Chopper, ect sporatic growth under present zoning, as speculation, an additude of lets see what it does for us. Brunswick has squeezed by up to this point of another development era, this time based on cheap pumped sewers.)

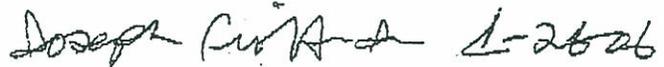
(I do not own these developers, do not work for them, I do not need the money from such projects and Brunswick does not need the money.)

Presently these new waves of development are for 200 Acre projects, why can't it go to 500, 600, 800, 1200 Acres later on. (All these proposals are because of pumped sewers.)

I suggest the Town Board vote Hudson Hills down, then get some formal studies on large developments, examine changing zoning rules to limit them more. Presently Brunswick is mostly New England style rural and these 200 Acre high density cluster housing proposals will destroy the town as it stands today. I do not believe the Town Board has a really deep understand as to what trouble these large proposals can bring.

If you have any questions call, write or visit (by appointment).

Sincerely,



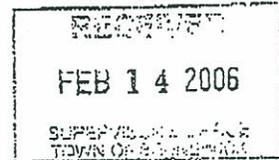
Joseph Cioffi Jr.

Proof Read as best had time for.

MICHAEL CONWAY
ELEVEN • BLUE HERON LANE
BRUNSWICK, NEW YORK 12180

February 13, 2006

Town of Brunswick Town Board
Attn: Honorable Philip H. Herrington, Supervisor
336 Town Office Road
Troy, New York 12180



Re: Proposed Hudson Hills PDD

Dear Members of the Board:

I am a property owner within 500 feet of the proposed project. I have reviewed the DEIS and attended both public hearings on the project.

I find the DEIS lacking with respect to impact on wildlife. It makes light of the impact on common species of animals. Furthermore it fails to find or make mention of the protected or endangered species often seen in the area such as Blue Heron, Golden Eagles and Bald Eagles. While finding these species in the impacted area is not in the interest of the developer, their failure to find them makes me question their diligence with respect to other aspects of the project.

I do not see this project having anything other than a negative impact on the town and citizens of Brunswick. The town already suffers a blight on the view-shed with the current apartment complexes. Continuing to move this sort of development deeper into the town is an assault on the town's rural character, one that I find very objectionable.

As a property owner, I would expect my property value to drop from being adjacent to an apartment complex. At the very least I would be subject to the noise and dust of the construction phase as the project is built out. After 3 years of having to keep my windows closed while NYS Rt. 7 was being rebuilt, I've had enough.

I believe in our town leaders and the laws which govern these issues. I believe the zoning laws serve to protect all of us. They give us a level of expectation of what can and cannot be done by both us and our neighbors. I do not believe that our laws are deficient in accounting for the needs of the community. I see no reason to set them or the interest of the citizens they protect, aside. The sole beneficiary of such an action would be the applicant and the losers would be the citizens.

I ask and expect that you will defend our zoning laws and deny this application.

I ask you deny any PDD application that attempts to subvert the density restrictions of the current zoning laws. I would also encourage you to carefully consider and approve applications that provide a significant overall reduction in density beyond what is required by applicable zoning laws.

Sincerely,

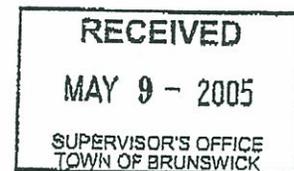


Michael Conway

**Michael & Cherie Conway
11 Blue Heron Lane
Brunswick, New York 12180**

Date: May 7, 2005

Brunswick Town Board
Town Hall
308 Town Office Road
Troy, New York 12180



RE: Hudson Hills Apartments
Environmental Impact Statements

Dear Members of the Board:

We reside at 11 Blue Heron Lane in the Town of Brunswick. Our property overlooks the proposed site for the Wal-Mart Supercenter project and adjoins the property for the proposed Hudson Hills Apartments Project.

This letter concerns the Environmental Impact Statements, which are prepared for the Hudson Hills Apartments project.

Subsequent to the issuance of the Final Scoping Document for the Hudson Hills Apartments, a Draft Scoping Document was filed for the Wal-Mart Supercenter project. Given the size and the proximity of these two (2) projects to each other and to our property, we request that the draft and final Environmental Impact Statements for Hudson Hills apartments address the matters set forth in the Final Scoping Document in light of the potential cumulative impact of both projects.

Thank you.

Sincerely,

Michael Conway
Cherie Conway

RECEIVED

FEB 14 2006

SUPERVISOR'S OFFICE
TOWN OF BRUNSWICK

Dear Phil,

We have previously aired our concerns to you, but felt the need to reaffirm them.

We are property owners that border the proposed apartment complex, Hudson Hills. The reduction from 1116 units to 668 is still objectional. The only acceptable solution is NO Hudson Hills at all.

The amount of traffic on North Lake Ave is bordering dangerous right now. From 6:30 AM to 9:00 AM and 3:00 PM till 6:30 PM, it's a steady flow of cars that by-pass route 7 from Center Brunswick to Sycaway. You also have the commuters that by-pass Oakwood Ave by cutting over Liberty Road. It's dangerous to be on North Lake trying to jog-walk or bike during those hours. Very few of these drivers obey the speed limit and if you do, they think nothing of passing you even though it's a double yellow line.

Most families have two cars now, so with 668 units you're probably talking 800 plus autos using Hoosick Rd or North Lake exits. It's not acceptable.

Then you have children going to school #18, Lady of Victory or Tamarac.

So you end up with over crowded classes, the need for extra teachers, and more school buses, so there would probably be a need for more tax money. The town utilities would be affected and probably many unseen items that would have to be addressed.

Why do we need these apartments? Whatever taxes are generated by their existence surely would not cover all that is needed to accommodate their existence.

North Lake Ave was not built with heavy trucks as a daily reminder of what that doing to the road, for who knows how long.

I was born and raised on North Lake and have seen it change from a quiet country road to the "Indy 500". We witness many accidents, people flying off motorcycles, roll-overs and even a 100 lb propane tank that ended up on our front lawn, nice huh.

There are times were afraid to cross the road for fear of these drivers and they blow their horns for us to get out of the way.

As you can guess by now we are totally against the construction of Hudson Hills.

Thanks for your time,
Jack Derrick
Marionie Derrick

314 N. Lake Ave.
Troy, NY 12180
January 5, 2005

Mr. Philip Herrington,
Town Supervisor
Town of Brunswick
308 Town Office Road
Troy, NY 12180

Dear Supervisor Herrington,

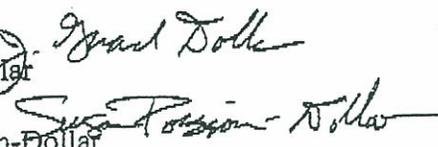
We reside on North Lake Avenue—near the intersection of North Lake and Liberty—and we are writing to express our concern about the proposed Hudson Hills Apartments. We have been in Brunswick for over 13 years now; we are pleased with the town, we like the way that it is run (by people like you), and of course we love our local town beach. We are certainly not anti-growth when it comes to Brunswick, but we are writing mostly to point out that there is a large difference between responsible growth and irresponsible growth. We are troubled by the huge size of Hudson Hills (realizing, of course, that the full project will be gradually phased in), by the pressure it will put on the existing infrastructure, but mostly by the extremely troubling and ill-advised plan to route a secondary access onto North Lake Avenue.

As Town Supervisor, you know very well the huge increase in traffic that North Lake has experienced over the past ten years or so. You also know that many homes (such as ours) are situated quite close to the road, so that we are now experiencing much more noise pollution than we did in the early and mid-90's. And we're sure you know that, along with the increase in sheer numbers of vehicles, there has come a regrettable increase in the number of speeders—posing an increased danger to the many young children (including ours) who live along North Lake. To allow a huge new housing project to use North Lake as an ingress/egress route would, we feel, be extremely irresponsible on the part of the town, and we are counting on you to support and uphold the rights of North Lake (and Lord Ave.) homeowners. North Lake is not a state highway, like Route 7, which has just experienced a multimillion-dollar upgrade; it is a much more modest roadway, which was never planned to handle heavy traffic, such as exists today. A significant increase in this traffic—which is inevitable if the full plans for Hudson Hills are carried out—would also mean a significant deterioration of both safety for our kids and the quality of life for those of us who call North Lake home.

We therefore urge you—at the very least—to oppose the North Lake (and Lord Ave) access to Hudson Hills, and (given the huge traffic problems on Route 7 as well) we strongly recommend that the entire project be seriously questioned. We think this project goes well beyond what our roadways and existing infrastructure can handle.

Sincerely,
J. Gerard Dollar

Susan Poisson-Dollar





STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
328 STATE STREET
SCHENECTADY, NEW YORK 12305

Thomas C. Werner
Regional Director

Joseph H. Boardman
Commissioner

August 17, 2005

Mr. Andrew W. Gilchrist, Esq.
Attorney, Town of Brunswick Town Board
Tuczinski, Cavalier, Burstein & Collura, PC
54 State Street, Suite 803
Albany, NY 12207

RECEIVED

AUG 10 2005

**TUCZINSKI, CAVALIER,
BURSTEIN & COLLURA, P.C.**

Re: Hudson Hills PDD Application
Betts Road (off Route 7), Town of Brunswick

Dear Mr. Gilchrist:

We have reviewed the Draft Environmental Impact Statement for the Hudson Hills Apartments submitted with your June 27, 2005 letter on behalf of the Town of Brunswick Town Board. Our comments, which are particular to the Traffic Impact Study included as Appendix G of the DEIS, are:

- 1) The trip generation, distribution, and assignment of site traffic is reasonable.
- 2) Table 4.2 of the Traffic Impact Study lists the unsignalized SB approach of Betts Road as having a LOS of F in the AM and E in the PM. This is unacceptable and should be mitigated by the construction of separate SB left and right turn lanes when Betts Road is widened by the developer prior to Phase 1. Our experience at similar intersections has shown that vehicles who wish to turn right will drive over whatever they have to in order to bypass a stopped vehicle waiting to make a left turn, increasing the risk to bicyclists and pedestrians.
- 3) The Conclusion and Recommendation #5 in the Traffic Impact Study discusses impacts to the operations of the intersection of Route 7 and Fifteenth Street in the City of Troy at the completion of Phase II of development. The Conclusion goes on to say that planned improvements in the Hoosick Street Phase II Corridor Plan to be implemented by the City

Mr. Andrew W. Gilchrist, Esq.
August 17, 2005
Page 2 of 2

of Troy include construction of individual left-turn lanes on the Route 7 approaches to Fifteenth Street, which will mitigate increases in delay at the intersection. If these improvements are not implemented by the City of Troy, the developer will be responsible for mitigating the impacts to the operations of this intersection. The Traffic Impact Study must be revised to this effect and the SEQRA findings must also reflect this.

- 4) Concept plans for both the addition of separate exiting lanes at Betts Road and the construction of left-turn lanes on Route 7 at Fifteenth Street must be submitted for our review and approval.
- 5) The Traffic Impact Study states that the intersection sight distances at Betts Road and Route 7 exceed AASHTO design sight distances. The available intersection sight distance from Betts Road looking to the left (east) on Route 7 from a vehicle waiting at the stop bar does not come close to the AASHTO design sight distance. A sketch must be submitted showing where this intersection sight distance was measured from.

If you have any questions on this, please call Matt Bromirski at 388-0380.

Sincerely,



Mark J. Kennedy
Acting Regional Traffic Engineer

- c: Jan Meilhede, Rensselaer County Resident Engineer
Phil Herrington, Town of Brunswick Supervisor
Tom Johnson, Creighton Manning Engineering
Mark Kestner, Kestner Engineering

RECEIVED

AUG 11 2005

**TUCZINSKI, CAVALIER,
BURSTEIN & COLLURA, P.C.**

August 10, 2005
Joseph Durkin
22 Maple Avenue
Eagle Mills, New York 12180

Brunswick Town Board
308 Town Office Road
Troy, New York 12180
Attention Philip Herrington

Re: Hudson Hills Apartments Draft Environmental Impact Statement

Dear Members of the Board:

This letter is to supplement the comments that I made at the public hearing held on August 3, 2005 regarding the Draft Environmental Impact Statement that has been submitted in connection with the proposed Hudson Hills Apartments Planned Development District. At the public hearing I commented that the Draft Environmental Impact Statement was deficient because it did not adequately address the character of the community. The DEIS attempts to characterize Brunswick as a "bedroom community" by selectively quoting from the Town of Brunswick's Comprehensive Plan. Then after characterizing Brunswick as a bedroom community the DEIS concludes that there will be no impact on the character of the community. This attempt to characterize Brunswick as a bedroom community is inaccurate and misleading and the conclusion that there will be no impact on the character of the community is simply wrong. The Comprehensive Plan plainly states that the character of Brunswick is, a peaceful, rural setting comprised of residential areas interspersed with open fields and farms. In fact, the quotes from the Comprehensive Plan that the DEIS should have referred to are:

"As one looks at the character of the Town, one sees a majority of residential areas with farming intermingled throughout." at page 8

"Agricultural practices require open space for pasture and crop production. These 'fields' are a major contributor to the 'sense of place' in Brunswick. They form a patchwork of open space and expand vistas along many roads within the Town." At page 29

"Brunswick acknowledges the desires of the residents to preserve the rural character and natural resources of the Town. The town has an obligation to enact and enforce laws that respect the use of land and preserve the general health, welfare and safety of the community." at page 39

Thus the Town of Brunswick has officially recognized that the character of Brunswick is rural. It is against this official statement of the character of the community that the impact of the Hudson Hills Apartment Planned Development District on the character of the community must be measured.

Furthermore, determining whether the Hudson Hills Apartment Planned Development District is consistent with the character of the community as expressed in the Comprehensive Plan is required as a matter of law. Currently the land upon which the Hudson Hills Apartment complex is proposed to be built is zoned Agricultural and does not permit the construction of multi-family housing. In order to permit the construction of the Hudson Hills Apartment complex, it is proposed that the zoning be changed from an Agricultural zone to a Planned Development District. Zoning regulations and changes to the zoning regulations must be in accordance with a comprehensive plan. See Town Law Section 263. The reason that the application to change the zoning to permit the Hudson Hills Apartment complex is being reviewed under the State Environmental Quality Review Act is because the decision to change the zoning constitutes an Action under 6 NYCRR 617.2. In order for the Town to change the zoning to permit the Hudson Hills

apartment complex, it must first determine whether there will be a significant adverse impact on the environment. The regulations governing SEQR review specifically state that, to determine whether a proposed action may have an adverse impact on the environment, the impacts that may reasonably be expected to result from the action must be compared against the criteria listed in the regulations. 6 NYCRR 617.7 (c). The regulations further provide that;

These criteria are considered indicators of significant adverse impacts on the environment:

(v) the impairment of the character of aesthetic resources or of existing neighborhood character.

Similarly the Town of Brunswick Zoning Ordinance requires that before a planned development district may be approved the existing character of the neighborhood is to be considered. Town of Brunswick Zoning Ordinance Section 10.

The removal of 216 acres of open space from the patchwork of open space and farmland currently found in Brunswick and replacement with 77, three story structures containing 1,116 apartment units is by itself a change in the character of the community. The change is self-evident; it is a change from rural to urban.

Aside from the generic inconsistency between the urban nature of the Hudson Hills Apartment complex with the rural nature of Brunswick, the proposed Planned Development District would violate a specific goal of the Comprehensive Plan. At page 8 the Comprehensive Plan specifically states, "Development shall consist of single family residential housing with multifamily housing increasing slightly where infrastructure can support the use." It is difficult to see how the Board would ever be able to conclude that the Hudson Hills Apartment complex is only a slight increase in multifamily housing. It is also difficult to see how the Board would ever be able to conclude that the infrastructure can support the Hudson Hills Apartment complex. The DEIS discusses improvements to both the water supply system and the sanitary sewer system. In fact, the demand for water alone from the Hudson Hills Apartments would absorb over 50% of the existing water supply capacity.

The Hudson Hills Draft Environmental Impact Statement contains several other statements with misleading references to the Comprehensive Plan. One is that it says that the Planned Development District will be located within the Route 7 preferred development corridor. However, the Hudson Hills Planned Development District would extend all the way to Route 144 and nearly to the Town Beach. This is a distance of just under 1 mile. This would mean that the supposed Route 7 corridor would extend nearly 1 mile on either side of Route 7 creating a band of dense development nearly 2 miles wide through Brunswick along Route 7. Is this truly what the Comprehensive Plan meant when it referred to the Route 7 corridor? Another misleading reference is the claim that approximately 75% of the site will be maintained as open/green space. This statement is misleading because that figure is derived by only subtracting the surface area of the buildings, roads and parking. One look at the site plans plainly shows that the entire 216 acre site will be developed. This is not what is meant by open space in the Comprehensive Plan. There can be no mistaking that the open space envisioned by the Comprehensive Plan are the fields and farms that currently exist that contribute to the vistas that Brunswick's residents currently enjoy. See the Comprehensive Plan at page 16.

The Hudson Hills Draft Environmental Impact Statement is also deficient in its discussion of the cumulative impact on the character of the community. Currently there are before the Board requests to change the zoning to allow planned development districts for four large residential development projects. These are Hudson Hills, Brunswick Meadow, Highland Creek and Carriage Hill. If all of these planned development districts were approved and the projects built as proposed, the population of Brunswick could increase by one third. In addition, there is before the Board a proposal to allow the construction of a Wal-Mart that would consist of a building covering over 200,000 square feet and parking for more than 1,000 cars. As previously discussed above, the Town's Comprehensive Plan recognized that Brunswick is rural in nature and made up of a patchwork of open space interspersed with residential areas. If one places these proposed planned development districts on a map of Brunswick it is plain to see that they will fill in many of the open spaces that currently exist along the western edge of the Town. Currently there is a clear line of

demarcation between the urban areas of Troy to the west and the beginning of Brunswick. The approval of these planned development districts will effectively move the line of demarcation between urban and rural deep into Brunswick. The approval of these planned development districts by the Board would constitute a major change in the Town's zoning ordinance, which will change the character of Brunswick from rural to urban in clear contravention of the Comprehensive Plan.

I trust that the Members of the Board will endeavor to do what is best for the residents of Brunswick. I hope that your decision will follow the policies set forth in the Town's Comprehensive Plan.

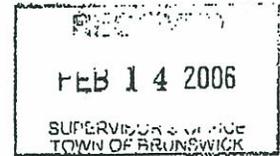
Very truly yours,


Joseph Durkin

Cc: A. Gilchrist

547 McChesney Ave. Ext.
Troy, NY 12180
February 13, 2006

Phillip Herrington, Town Supervisor
Brunswick Town Board
Town Office Road
Troy, NY 12180



Dear Supervisor Herrington and Town Board:

I am writing to voice my concerns and objection to Hudson Hills, the proposed 668 unit apartment development. I believe this development will have a negative impact on taxes, our volunteer fire companies, the rural setting of Brunswick, and traffic. In addition, it could negatively effect two important water resources, i.e., the wetland on Route 7 and the Troy Reservoir/Town Beach. These concerns are detailed as follows:

- **Traffic:** As is anecdotally obvious, Route 7 is a major problem starting from the Hoosick St. Bridge over the Hudson River to the intersection of 142 in Brunswick. Most residents currently routinely avoid Route 7 especially at peak traffic hours. The problems are well explained in the City of Troy's *Hoosick Street Phase II Corridor Plan*, which compares Wolf Road in Colonie and Route 7. The volume of traffic on both is nearly equal, and they represent the two busiest roads in the Capital District. However, these two roads function very differently. Wolf Road is strictly a four-lane road for commercial traffic. Hoosick Road serves as an interstate, a commuting route to areas east of Brunswick, a commercial road and a residential road, with many neighborhoods in near vicinity. Of course, Hoosick Road past the Troy City limit is only a two lane road with an extra turning lane, which in peak hours causes back ups often to Burdett Avenue. The congestion in Brunswick of all these uses is obvious: not only by backed up traffic, but also by the difficulty in entering or exiting Hoosick via neighborhood streets (such as Lord Ave. and Woodrow) and small business parking areas. This is causing several small businesses on Route 7 difficulty in keeping their customer base. Furthermore, many local roads now serving as alternatives to Route 7, including Moonlawn Ave., McChesney Ave Ext., Tamarac Road, Route 2 and North Lake Ave. This increased traffic has definitely negatively impacted my own neighborhood on McChesney Ave. Ext.

With the completion of the roadway construction on Route 7 this summer, there was some hope that traffic problems would be better. This, however, has not been the case, except possibly during mid-day hours. If you speak with locals about Route 7, the general consensus is that it is still to be avoided as much as possible, and in cases where I have tried to use it in PM rush hour (hoping to stop at the market and stores), I have found myself in stop and go traffic reaching to Burdett Ave.

To place a large apartment complex, with between 1200 and 1400 cars off of Betts Road, with only the one access route entering on Route 7 is only to further compound an unsolved problem to the expense of nearby residents, small businesses and many other neighborhoods already affected by the alternative routes.

Despite the existence of the needed water and sewer infrastructure along Route 7, it is my feeling that Brunswick needs first to address the current problems on Route 7 before any approval of the PDD takes place. Also the cumulative effect of the three PDD's in the area of Route 7 also needs to be quantified before approvals are considered. These, of course, would be Hudson Hills, Highland Creek and WalMart.

- **Taxes:** Each apartment unit in Hudson Hills will contribute c. \$1,344 in taxes, an amount far smaller than that paid by single family residents. In the portion used for Town taxes, it was stated on Feb. 13th that the apartment complex would build and maintain their own roads, and thus require fewer services. However, a portion of these Town taxes will pay for the new water, sewer, and stormwater maintenance services required for the development. The majority of Brunswick residents have septic and well systems, and thus do not contribute towards their own services, yet a portion of the water budget is paid through general tax revenues (in the 2006 budget \$288,510 out of the total \$1,035,455 appropriated for the water fund.)

The developer and the Town need to itemize the costs associated with this development for Town services and the taxes that will be paid by the developer to the Town. Also, the Town needs to analyze the cumulative costs to Town taxpayers for the maintenance of all the new water and sewer lines for the 5 PDD's, as well as the increased costs for stormwater systems.

- The school tax contributed from the apartments could seriously be much less than the costs of educating students living in the apartments. The cost to educate each student (estimated at c. \$8,000) will be the same as any other student in Brittonkill. (As there are only 21 estimated students for the Lansingburgh District, I will only discuss Brittonkill. With less than \$1,000 in school taxes per apartment unit, I find it mathematically impossible for the apartment taxes to make up the shortfall between \$8,000 and the tax paid by a student's family, without local tax payers making up the difference. This issue is certainly of great concern to many local taxpayers, especially because of the huge difference between what we pay in school tax and the small tax burden per apartment.

As well, there is no guarantee that families will only rent one-third of the apartments, as assumed in the DEIS. Should the targeted proportion of empty-nesters, young professionals and young families shift, the effect on Brittonkill and local taxpayers could be even more grave.

- **Local Fire Companies:** This proposal and the 4 other PDD's under consideration cumulatively have the potential to stretch our volunteer departments beyond their

limits. As stated in the Comprehensive Plan, Brunswick wishes to preserve community "volunteers," which is best exemplified by the fire companies. Should Brunswick need to move beyond a strictly volunteer force, not only will I find myself having to pay more taxes, but more importantly, Brunswick would lose one of its best elements.

In the DEIS the developer did not name the responsible fire company, did not itemize if a ladder truck or other specialized equipment was necessary, and did not make public any of the concerns of the fire companies that were met with. These need to be addressed.

Furthermore, the existence of only one access road entering onto Route 7, which potentially may be shared with a Super WalMart raises serious concerns over delays in response time by ambulance, fire trucks and police. As evidenced in the testimony of Rick Guirre (sp?) in the public hearing on January 17th, such delays can be fatal! The developer needs to include careful analysis of this in the EIS, and include the increased traffic from Hudson Hills resulting from eliminating the North Lake Avenue exit.

- **Brunswick's Rural Character/Comprehensive Plan:** The Comprehensive Plan cites maintaining Brunswick's rural character and beautiful scenery. This proposal is an urban style development, both in density and architecture. Also the concept of the PDD is discussed in the Comprehensive Plan as a way to minimize costs both to the developer and the resident. In this way, more Brunswick natives would be able to afford to stay in the community or buy their first homes. This use of the PDD creates high-end apartments, that few in Brunswick could live in. I do not see this development as being compatible with Brunswick's Comprehensive Plan. Furthermore, the developer did not market research in Brunswick to establish whether there is a need.
- **Stormwater Runoff/ Water and Wetlands:** Given the high topography of this development, which will runoff towards the wetland on Route 7 and the Troy Reservoir, as well as toward North Lake Avenue and Lord Avenue residences, I am concerned that serious drainage problems will arise.

I hope the Town Board will seriously consider these PDD's and their possible effects to the community. As one who lived where development was not controlled, I know the serious problems that come with "progress," and know that once built it can't be changed.

Sincerely yours,



Donna Forster

Andy Gilchrist

From: Andy Gilchrist
Sent: Tuesday, January 31, 2006 1:46 PM
To: 'DMarieFor@aol.com'
Subject: RE: Carriage Hill/Hudson Hills -- a couple of questions

The written comment period on Carriage Hill PDD ends March 8. I will make sure the Town has this correct. I do not have the transcript from the stenographer yet- I will have my office follow up with the stenographer. Any further questions, let me know. Andy.

From: DMarieFor@aol.com [mailto:DMarieFor@aol.com]
Sent: Tuesday, January 31, 2006 12:46 AM
To: Andy Gilchrist
Subject: Carriage Hill/Hudson Hills -- a couple of questions

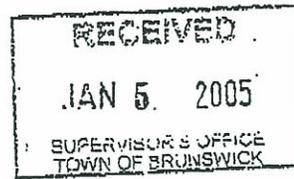
Andy,

Bill Lewis, Asst. Town Clerk, said that Feb. 28th was the last day for written comments on Carriage Hill. That doesn't seem to compute with the "15 working days after the Hudson Hills comments are due (Feb. 14)," that was stated at the public hearing. What is the official date?

Also the transcript of the second Hudson Hills hearing is not yet available -- Is it known when it will be, and in what form? I am glad to see the other transcripts on the town's website.

That's it. Thank you, Donna Forster

January 5, 2005



Honorable Philip Herrington
Supervisor
Town of Brunswick
308 Town Office Road
Troy, New York 12180

Re: Hudson Hills Apts. Application

Hon. Philip Herrington:

We would like to comment on the proposed Scope for the Hudson Hills Environmental Impact Statement.

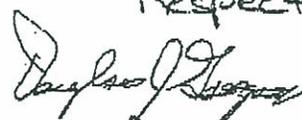
As neighboring residents of the proposed apartment complex we would like to voice our opposition to this plan. The negative affect of such a large building project on our rural community is certain and final.

Our concerns are: decreased property values, noise, pollution; displaced wildlife and the impact on our schools.

North Lake Avenue is a two-lane county road with a narrow bridge, a town beach and no sidewalks. It is only safe if one does not exceed the speed limit. How can this road possibly accomodate the additional traffic which would surely result if this project is approved.

Also, the associated health risks from increased exhaust fumes from an additional 1000 to 2000 vehicles in our back yards pose even greater dangers.

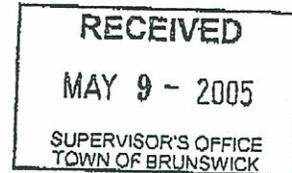
Thank you in advance for any consideration of our views.

Respectfully yours,
 Susan Gagnon

**Mark & Mary Gensickiy
9 Heather Ridge Road
Brunswick, New York 12180**

Date: May 7, 2005

Brunswick Town Board
Town Hall
308 Town Office Road
Troy, New York 12180



RE: Hudson Hills Apartments
Environmental Impact Statements

Dear Members of the Board:

We reside at 9 Heather Ridge Road in the Town of Brunswick. This letter concerns the Environmental Impact Statements, which are prepared for the Hudson Hills Apartments project.

Subsequent to the issuance of the Final Scoping Document for the Hudson Hills Apartments, a Draft Scoping Document was filed for the Wal-Mart Supercenter project. Given the size and the proximity of these two (2) projects to each other, we request that the draft and final Environmental Impact Statements for Hudson Hills apartments address the matters set forth in the Final Scoping Document in light of the potential cumulative impact of both projects.

Thank you.

Sincerely,

Mary Gensickiy

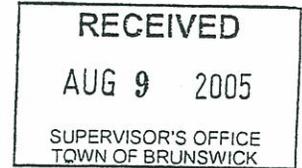
Patricia Hyde

From: "Edward V. Golden" <evgolden90@hotmail.com>
To: "Philip H Herrington" <phyde@townofbrunswick.org>
Sent: Friday, August 05, 2005 1:53 PM
Subject: Apartment Construction

Dear Supervisor Herrington:

I wasn't able to attend the public hearing Wednesday night concerning the construction of over 1,100 apartments between Hoosick St. and N. Lake Ave. I would like to express my concern that this project would result in traffic that would be too great for the local infrastructure. As a resident living on Lord Ave. I am also concerned with the potential traffic that would use Lord Ave. as a means to enter the apartment complex. I know the plans call for a locked gate at that point, only available to emergency services but I'd be willing to bet that the lock is quickly cut off to gain access. I am also concerned with the potential a transient population that would take no ownership in the apartment complex and it would soon look like many other apartment building that would lower property values. If housing is to go on that property, I would prefer to see single family homes and/or condominiums. Something the owners would have a vested interest in keep up. Something like the North 40 off N. Lake Ave. I heard the plan was tabled at the public hearing but I hope you and the Town Board will reject the current plan for something smaller, something that will have less impact on traffic, school districts, and property values.

Sincerely, Edward Golden



6 Clinton Place
Troy, New York 12180-6805
August 5, 2005

Supervisor Philip Herrington
Town of Brunswick, Town Hall
308 Town Office Road
Troy, New York 12180

Dear Supervisor Herrington:

My husband and I were both present last Wednesday evening at the town meeting to discuss the proposed additions to the town. You should be very proud of our residents, who were both articulate and informed. We cannot say the same for the proposed developer, who addressed us with a distinct off-the cuff manner that I feel did not sit very well with the people he was supposed to be convincing.

In the final analysis one could say that there are many questions and even more complete answers that have to be given before a final determination can be made, not only about this particular parcel, but about the whole proposal.

Brunswick has its own Big Dig! Boston has nothing on us! Traveling Route #7 is a nightmare, at some times of the day more than others. The intersection of South Lake and Hoosick Road is a real challenge. We have resorted to using Route #2 for going east and Tibbits Avenue for going west. And now it is proposed that there is to be additional traffic on Route #7. Someone really has to be kidding!

The meeting the other evening addressed almost exclusively the environmental impact the changes would make. Granted that these are monumental. But the human impact must not be overlooked, because for the people who chose to live here these can be equally important. Brunswick has some special characteristics. Even we who have lived here only forty-eight years can see the quality of life that is found in its environs. Do not spoil them, or who will come to fill up the rooms that are to be found in the apartment houses and splendid carriage homes the builder has on his screen. Let Brunswick be Brunswick! If we want traffic, malls, restaurants, bumper to bumper people we can move to Colonie or Latham!

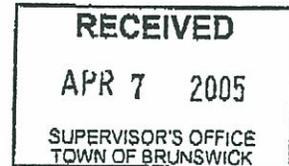
Sincerely,

Marcia M. Handelman *George H. Handelman*

Marcia M. Handelman George H. Handelman

The Rev. Dr. Charles W. Haynes & Susan B. Hoff-Haynes
11 Westlane Road
Troy, NY 12180-6534
Phone 518-273-6854

April 6, 2005



Brunswick Town Board
Brunswick Town Hall
308 Town Office Road
Troy, NY 12180

RE: The Hudson Hills Apartment Project

Dear Members of the Brunswick Town Board,

We are residents of the Town of Brunswick and wish to address some concerns and questions to you with regard to the Final Scoping Document of the proposed Hudson Hills Apartments project while keeping in mind the potential added affects of the Draft Scoping Document for the proposed Wal-Mart Supercenter project. We believe that the cumulative impact of these two developments needs to be carefully assessed, each in terms of the other. Out of concern for our community, we submit the following questions to the Brunswick Town Board:

- Should the process be restarted or extended with respect to the Hudson Hills project since it began its application process prior to Wal-Mart's proposed development and a Wal-Mart Supercenter could considerably change the entire scenario with respect to the total impact of these projects on our Town?
- How will the construction and operation of these two developments affect the local environment, especially any incursions on Federally protected local wetlands?
- Will there be a need to expand town services – police, fire, ambulance, etc., and how will the cost for any added services be covered?
- Will the Rensselaer County Sheriff's Department and/or the New York State Police be willing to expand their presence in the Town to cope with any expanded criminal activity in the Town resulting from these developments? What has been researched and/or confirmed with respect to this issue?
- How will the Town cope with increased traffic on Hoosick Road, North and South Lake Avenues, Liberty Road, Route 142, Route 278, and Route 2?
- What new burdens will be added to the town's infrastructure (sewers, waste disposal, clean water, pollution control, traffic, roads, etc.), and how will these costs be covered?
- How will the Town cover any added costs of increased road building, road repairs and road resurfacing?
- What would be the justification for changing the present zoning on the properties where the proposed projects are to be located?

The answers and statements that address these questions in the documents we have seen seem to us to be unclear and confusing, and in some instances nonexistent. We know that the fault for this does not lie with the Town Board but rather with the developers whose language leaves us profoundly concerned. Many of the statements made within these documents are open to considerably varied interpretations. Specific and detailed answers to these questions will, we believe, help all of the citizens of our Town to be better informed.

Also, if these projects should be approved, who will be paying for the added costs our Town will incur? Will our taxes be going up as they have in many other communities that have experienced similar developments?

One further comment: We are aware that the files related to all of the proposed projects now before the Town are publicly available to all the citizens of the Town of Brunswick at both the Town Offices of Brunswick, 308 Town Office Road, and the Brunswick Town Library, 605 Brunswick Road, Eagle Mills. Since, however, all of the proposed developments now before the Town Board could result in multiple interrelated problems for our suburban/rural community, could the key documents related to all the development projects now before the Town be made readily available to the citizenry of our Town? The Town has a truly excellent web site where these documents and proposals could be posted for all to see. The developers, in this age of computer generated documents, surely must have electronic versions of these documents that you can request and make public.

We trust that the Brunswick Town Board functions, as it should, in an open and responsive manner on behalf of all of the citizens of the Town and that it has at heart what is in the best interest of the Town's citizenry. Everyone in our Town has a stake in the decisions that will soon be before the Town Board, and we trust that you will do everything possible to act in the best interests of our Town.

We are not opposed to development in Brunswick, but we question any development that could be hurtful to our quality of life. Development is inevitable but the size and scope of these two proposed projects referenced above could seriously and adversely affect our Town. We hope that you will make every effort to control growth in our town so as to protect and preserve the quality of life and the uniqueness of Brunswick.

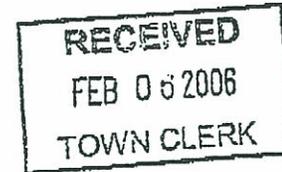
We look forward to your response.

Sincerely,



Charles and Susan Haynes

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



February 3, 2006

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

Subject: Hudson Hills PDD Comments

Sirs:

Thank you for listening to the comments at the public hearing. Due to the length of the hearing and tone of many of the comments, I chose not to speak at that time, and am providing my comments in this letter.

Before I comments, I wish to apologize to the Town Board and its members for the residents who spoke out of line at the hearing. Their comments should have been limited to comments regarding the PDD and its DEIS only. Opinions concerning the Board and its members should not have been expressed.

COMMENT 1

There are multiple PDDs in or due for application plus the Wal-Mart supercenter application plus existing development. Many residents have commented that the impact from the various projects should be studied together since they will occur during the same time frame and represent more that 20 percent growth additional to existing growth within a few years. I agree. There should be a combined impact study. The study should use the predicted Brunswick at 20 or 30 years in the future for the baseline. This is not unreasonable since this will be the condition that exists over most of the foreseeable future that the projects will be in existence. Further, this is a common engineering study condition. I am an engineer. When I evaluate or design a highway or structure, I use the predicted traffic at 30 years from now or the structure usage over the next 20 years.

To be fair to the developers, I do feel that it is reasonable to allow the impact to be compared against the impact of the maximum usage of the PDD sites under the existing zoning.

The combined impact study should address the Brunswick infrastructure. Most of the infrastructure was recently or is scheduled for rehabilitation or replacement. This includes Route 7, Route 2 in Eagle Mills, the McChesney Avenue bridge, Brittonkill School, most of our fire companies, the town government facilities, and more. Frankly, none of this will be upgraded within the next 20 or so years due to the capital investment. Any development in Brunswick will have to be accommodated by this existing infrastructure.

COMMENT 2

Taxes paid by the PDD should not be considered in their review. It is my experience that most developments have little effect on my taxes for several reasons as follows:

- The PDD taxes may reduce or increase my town tax. However, town taxes are a small fraction of my property taxes. Even if my town taxes were eliminated, my taxes would still be at least 90 percent of existing.
- Development is generally tax neutral. Look around the Capital Region. We have many degrees of development. However, property taxes are relatively the same. The additional taxes from development is generally offset by additional government services that are necessary.

COMMENT 3

Our zoning and land use regulations date from the 1950s I believe. It is my understanding that these regulations are under exhaustive review and revision and revised regulations are due to be issued shortly. It is improper to review the PDD application using the existing regulations when the town residents are already expressing their opinions as to desired development separately in the development of the new regulations. We will have to live forever with any development today. Therefore, today's development should reflect our desires for the future, which are almost complete. I feel that any significant development, including the PDD, should only be considered using the revised regulations under development. I understand that this means the PDD need to be delayed for a short time while the regulations are finalized. To address the existing regulations in the EIS knowing that new regulations will be enacted shortly is an "end around" the intent of the town and its zoning and planning regulations.

COMMENT 4

Brunswick is developing a serious light pollution problem. Until recently, the town had beautiful nighttime vistas. The view was mostly moonlit with only a few dull house and intersection lights (that actually complemented the nighttime views). However, we now have a serious horizon illumination problem from Albany, Troy, and Route 7 (e.g., Action Chevrolet) plus several local developments that exhibit glare or lights so bright that you cannot look at them from several miles away at night. The light pollution from this PDD should be addressed.

Using the standard illumination intensity analysis is incorrect because it does not reflect what residents will see. Standard intensity analysis predicts the light illuminating the ground. It does not address the illumination of the ground that I will see. Reflective light off snow cover in the winter when leafy vegetation does not exist will cause the PDD to be visible for miles and ruin the night vista of the town. I have had difficulties explaining this phenomena to people in the past. Allow me to present two examples:

1. Observe the new White Church. At the public hearing, I requested shielding against the ground glare that I have described. According to the developer, their downward

illuminating fixtures and illumination analysis said I was wrong. Regrettably, I was right. The illuminated hill that the church is on top of looks like a night skiing resort.

2. Stand next to the driver's door of your car on a dark roadway. Turn the head lights on. According to the standard intensity analysis, there will be no light where you are standing. Correct. The ground will be dark at your feet. However, look at the glare from the headlights on the ground in front of the car. It is this glare which is the problem that needs to be addressed.

COMMENT 5

I feel that one access road to the PDD is inadequate. I believe there is a town law that a maximum of 11 or so houses can be located on a dead end road. The 666 units is a lot to depend on one road. If there ever is a problem with the road, the residents are cut off.

I don't feel a locked access road is an adequate for secondary emergency access for the following reasons:

1. Consider the condition of the unused road and gate 20 years from now. It simply will not receive the necessary maintenance because it is unused. It will be forgotten about and not receive the necessary priority. For example, if a tree falls across the road, it may not be immediately removed like on a regular road. See reason 2 next.
2. Emergency access must be 24/7. The locked access road will not be plowed and otherwise cleared as well as other road. This is most true during severe events when resources will be strained to simply keep up with the regular roads.

The single access road from Route 7 contributes to a walled off effect to the PDD. There is no way to interact with the rest of the town because Route 7 is not conducive to mixing. Route 7 is an arterial, not a local road. Most intra-Brunswick travel is via local roads such as White Church Road, McChensey Avenue Extension, Moonlawn Road, etc. I feel several roads into the PDD would be much more conducive to integrating the PDD with Brunswick.

COMMENT 6

The developer showed a vantage view from North Lake Avenue that indicated only a small portion of one building will be visible. The developer stated that the presented view was in accordance with accepted standards. This may be true. However, I request that the following also be considered in the review of his vantage view presentation:

- The shown view will occur only for 6 months of the year. During the winter 6 months, the small tree will be leafless and not shield the building.
- See my comment regarding light glare. The vantage view presentation did not address light glare.

COMMENT 7

This is a significant development that requests a variance from acceptable development. I ask that the Town Board confirm that the PDD is needed and suitable for Brunswick. Do we need this higher average density housing? Will it fit culturally within Brunswick?

I am concerned about the cultural fit with Brunswick. Some of my concerns are:

- The intended income level exceeds the average in Brunswick.
- The intended customers appear to be people who work and "live" (ie, shop, entertain, everything but the house) on the other side of the Hudson River. There too many such people east of us (Grafton) and south of us (Averill Park) who see Brunswick as a place to drive through as quick as possible because we are in the way.
- The PDD appears to be an inward looking enclave. It has its own facilities that are not accessible or appealing to Brunswick. The McChensey Apartments have such a problem. The residents generally stay within their complex (they even have their own self-storage) or drive out to the left to Route 7 and out of Brunswick.
- See my earlier comment regarding the one access road.

Thank you for the opportunity to express my comments.

Sincerely,



Louis Hutter

Ec: Brunswick Smart Growth

Rebecca Kaiser
398 Moonlawn Road
Troy, NY 12180

January 12, 2006

Brunswick Town Board
336 Town Office Road
Troy, NY 12180

Dear Town Board Members,

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

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

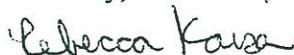
If the cumulative impacts are to be assessed by members of the Town of Brunswick staff, which staff members will be performing the assessment and what are their qualifications for performing the assessment?

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

I am asking you to respond to me in writing.

Thank you very much.

Sincerely,



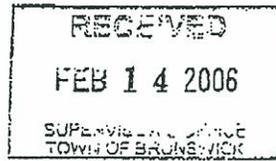
Rebecca Kaiser

Cc: Andrew Gilchrist, Esq.

RECEIVED

JAN 13 2006

TUCZINSKI, CAVALIER,
BURSTEIN & COLLURA, P.C.



February 14, 2006

To Brunswick Town Board:

I am opposed to the construction of the proposed Hudson Hills Development.

Thank you,

Helene S. Krause
728 Pinewoods Av
Troy, NY 12180

Patricia Hyde

From: "Ted W. Mallin" <tedmallin@hotmail.com>
To: "Philip H Herrington" <phyde@townofbrunswick.org>
Sent: Tuesday, August 16, 2005 6:09 PM
Subject: Development proposals

This is to voice my strong opposition to the scale of development proposed in the 100 unit development planned for Betts Road, over to Lake Avenue, as well as the Wal-Mart Superstore.

By now, you have heard so many opposing opinions that I will not go on about my own. These are bad proposals and bad for our Town.

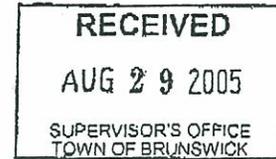
It seems to me that the time has come to have a moratorium on development while the Town figures out what our future wants to be and what regulations need to be in place to assure that we get there and enhance it. This will hopefully be accomplished through a highly public, participatory process.

Route 7 in Brunswick has become a congested 'nowhere land' ugly commercial strip. Stop now before things become even worse.

Heinrich Medicus
1 The Knoll, East Acres
Troy, NY 12180

August 26, 2005

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



Re: Hudson Hills and Other Real Estate Projects

Dear Members of the Town Board:

As recommended by some speakers at the August 3 Town Meeting regarding the Hudson Hill Project, I looked at a similar development going up in Watervliet. My impression is that such a conglomerate of houses would be very appropriate for Brunswick - if it is Brunswick in New Jersey, not Brunswick, New York! These high density developments do not at all fit into the character of our town, but they may well be appropriate for regions close to New York City.

I assume that the builders, after having heard the wide spread opposition to their immense project, will propose a somewhat smaller one. However, I would be surprised if their revised project contained less than one hundred units, and even this would be too much in my opinion. I fully understand that some farm land will be converted towards other uses, but this should be done with due diligence.

As a resident of our town for over forty years I therefore propose that the Town Board issue a moratorium for this and similar big housing projects. This moratorium should remain in force until a comprehensive plan for the growth of our town has been developed and accepted.

Sincerely yours,

Heinrich Medicus

February 13th 2006
Peter Meskoskey
168 Town Office Rd
Troy, N.Y. 12180

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

Highland Creek

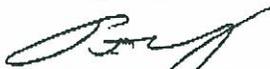
Dear Board Members:

I am writing in regards to the Hudson Hills project that we have before us in the Town of Brunswick. Please take note that none of my questions have been answered in the 1st or 2nd public hearing on this project. Mr. Chundoff's people came to the 2nd meeting and did nothing differently but reduce the number of units. They painted a picture with a broad brush that all issues and problems were resolved. I am asking you to review all the questions. Nothing has been addressed.

I have submitted with this letter a DVD which shows some of the projects managed and built by Mr. Chundoff and his people. I request that each board member watch this DVD (approx. 8 min.). Then go look at these units. They do not belong in our town. The apts are Village One in Menands, Lake Shore & Fenimoretrace, & Valley View in Watervliet. This DVD will speak for itself and show the poor condition of his apartments. Keep in mind in his DEIS he actually boasted how well kept these apartments were. These apartments are anything but what Mr Chundoff and his people described. Mr. Chundoff became very angry when I questioned him about the use of an incorrect address regarding his newer project Hudson Perserve. If you look in the Verizon Phone Book dated February 2006 Hudson Perserve is listed as a Watervliet address. Check with the post office they will tell you the same information. Please!!! I ask you to judge this case with everyones best interest in mind. They promise quality now and look at the long term track record. It is very poor.

You must decide what will be good for all the people in the Town. What will bring the most benefit to the Town overall in the future, the long term future. You must receive help and input from others. Leave no stone unturned or no one's opinion left out. Judge no one who comes before you until you have exhausted every possible avenue. Be open to all. This Board has the opportunity to Grow this town to greatness. The decision is your. I once again offer any assistance you may need in this process.

Regards,



Pete Meskoskey

Andy Gilchrist

From: Teresa Snyder [TSnyder@brittonkill.k12.ny.us]
Sent: Wednesday, February 15, 2006 8:46 AM
To: Peter Murdoch; Andy Gilchrist; Tony; 5dujacks@surf.free.com; Jamie Meehan; Karen J; Paul; Rob McCaffrey; Nancy LaRocque; Gail Lathrop
Subject: RE: HHD

I should add that, although we can accommodate the student growth in the short term, should we eventually approach the State Ed. determined capacity numbers, our biggest problem might be our waste water treatment plant.

Dr. Teresa Thayer Snyder
Superintendent of Schools
Brunswick Central School District

-----Original Message-----

From: Peter Murdoch [mailto:petedoch@yahoo.com]
Sent: Wednesday, February 15, 2006 8:31 AM
To: agilchrist@tcbcllegal.com; Tony; 5dujacks@surf.free.com; Jamie Meehan; Karen J; Paul; petedoch@yahoo.com; Rob McCaffrey; Nancy LaRocque; Gail Lathrop; Teresa Snyder
Subject: HHD

Hi Andy-- One other topic I didn't discuss yesterday is bussing and traffic. Obviously the increased student enrollment will affect the number of buses needed, but I'm wondering if someone has done an analysis to see what the increased traffic will do to bus routes and time of travel. With around 660 to 670 new apartments, we can assume between 660 and 1320 new cars could potentially be on the road during the morning commute. Retirees will lower that number, and working couples will push us toward the higher number, but we can guess that it will land somewhere between those 2 figures. Teresa-- can we sort out the effect of this increase from our bussing study we did last year?

- Pete

Yahoo! Mail

Use Photomail to share photos without annoying attachments.

Andy Gilchrist

From: Peter Murdoch [petedoch@yahoo.com]
Sent: Tuesday, February 14, 2006 3:46 PM
To: Andy Gilchrist
Cc: Tony; 5dujacks@surfree.com; Jamie Meehan; Karen J; Paul; petedoch@yahoo.com; Rob McCaffrey; Nancy LaRocque; Gail Lathrop; Teresa Snyder
Subject: Response regarding the Hudson Hills PDD

Hi Andy-- Thanks for sending the fax along with the details on the Hudson Hills PDD. I'd like to offer some thoughts to consider from what I've very briefly reviewed this afternoon. I should emphasize that I am not speaking for the Brittonkill School Board, since I have not discussed the document with them. I'm hoping we can have that discussion. However, since today is the closing date for comments, I felt I should at least take the time to provide you with a little constructive feedback.

1) The document gives the percentage of students, and the estimated number of students, that the CCDRPC estimates will attend either the Lansingburgh or Brittonkill scholl systems, but never gives the actual number of 1-bedroom and 2-bedroom apartments that will be built in each district. Since their estimate of students is based on a combination of 1 and 2 bedroom apartments in each case, I must rely on their assessment of how many students per apartment will be generated.

2) As pointed out by Dr. McCaffrey last night, the CCDRPC again gives a statistic but no range of potential error on those statistics. I am not in the contractor community , but I can say in the science and economic community this is generally considered to be inadequate, and again forces the reviewer to accept the student to apartment ratio as being exact and as CCDRPC has calculated it.

3) I know that some of these apartments will also have a den. A den for a split-home parent trying to get back on their feet can also be known as a bedroom. If there are a large number of dens being built, this should have the effect of significantly increasing the potential error associated with the CCDRPC student to apartment ratio. It would help to know the number of 1-bedroom and 2-bedroom apartments being built in the Brittonkill Distict, and how many of each also have dens.

4) Our demographic/enrollment projection study completed to support our building project was way off for the 2000-05 period. It predicted a 35 student increase, but we actually dropped. Averill Park's enrollment projections for their building project hugely underestimated the actual growth that occurred there when their town started developing at a rate similar to what Brunswick will experience if all of the proposed developments come in. I therefore don't know that the recent downward trend at our elementary can be trusted as an indicator of the 25-50 year trend-- it is simply too short a period.

5) In phase 1, we get all the apartments. The projections are that 212 2-bedroom units will generate 47 students and the 36 1-bedroom units will produce 1 student. That's the wildly optimistic scenario in my book. We could also have 2 kids and a mom in these 2-bedroom apartments, and a parent with one child is very possible in a 1-bedroom apartment. The very pessimistic number is therefore 460 kids for phase 1. Phase 2 adds 198 2-bedroom and 30 1-bedroom units, and Phase 3 adds 168 and 24 respectively in the combined districts. Based on 80% of Phase 2 and 67% of phase 3, the unthinkable upper end is roughly 1040. That's not even remotely going to happen. But neither is 110 students (the CCDRPC number). I think is logical to assume we are somewhere in-between these numbers. If the cost of the new students is compounded by need for special education services, we're of course in deeper trouble. The taxes that will be generated by these apartments will not cover what I see as the potential increased enrollment. Once they are here, they will be our own as much as any child in the District, and will be cared for with equivalent diligence by the school. We cannot say with complete confidence, however, that the effect on the current taxpayers will not be burden. The Hudson Hills developer is one who should probably be asked to help the school create contingencies for the number of kids we might get, through land set-aside or a financial set-aside for whatever else we might need to consider.

6) I truly believe that the Town Board is trying to be as deliberative as possible on these decisions, and is using the standard practices and services to come to a conclusion that is best for Brunswick citizens. I think some of the practices and services in New York, however, have been designed over the years to result in an outcome favorable to development, and not necessarily favorable to the current residents of the town. That makes the Town Board's job extremely difficult. I hope that a continued dialog with the School Board can be a way to ease some of the difficulty in sorting out the best way forward.

I have one other request that would help in trying to sort out the impact of planned development on the school. Last night we discussed the average rate for individual home construction in Brunswick (40 houses per year) but never discussed whether that matches projections for this year or the next 5 years. Do we have such numbers? Are the applications coming in at a rate consistent with previous years? I hope these comments above are of some use.

Regards- Pete Murdoch

Relax. Yahoo! Mail virus scanning helps detect nasty viruses!

Andy Gilchrist

From: Peter Murdoch [petedoch@yahoo.com]
Sent: Wednesday, February 15, 2006 8:46 AM
To: Andy Gilchrist; Tony; 5dujacks@surfree.com; Jamie Meehan; Karen J; Paul; petedoch@yahoo.com; Rob McCaffrey; Nancy LaRocque; Gail Lathrop; Teresa Snyder
Subject: HHD

Hi Andy-- One other topic I didn't discuss yesterday is bussing and traffic. Obviously the increased student enrollment will affect the number of buses needed, but I'm wondering if someone has done an analysis to see what the increased traffic will do to bus routes and time of travel. With around 660 to 670 new apartments, we can assume between 660 and 1320 new cars could potentially be on the road during the morning commute. Retirees will lower that number, and working couples will push us toward the higher number, but we can guess that it will land somewhere between those 2 figures. Teresa-- can we sort out the effect of this increase from our bussing study we did last year?

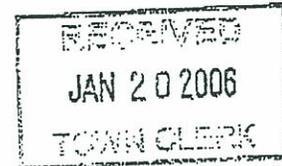
- Pete

Yahoo! Mail
Use Photomail to share photos without annoying attachments.

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

HUDSON HILL

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



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

Dear Planning Board Members:

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

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

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

Tom Ogden

Andy Gilchrist

From: Peter Murdoch [petedoch@yahoo.com]
Sent: Tuesday, February 14, 2006 3:46 PM
To: Andy Gilchrist
Cc: Tony; 5dujacks@surf.free.com; Jamie Meehan; Karen J; Paul; petedoch@yahoo.com; Rob McCaffrey; Nancy LaRocque; Gail Lathrop; Teresa Snyder
Subject: Response regarding the Hudson Hills PDD

Hi Andy-- Thanks for sending the fax along with the details on the Hudson Hills PDD. I'd like to offer some thoughts to consider from what I've very briefly reviewed this afternoon. I should emphasize that I am not speaking for the Brittonkill School Board, since I have not discussed the document with them. I'm hoping we can have that discussion. However, since today is the closing date for comments, I felt I should at least take the time to provide you with a little constructive feedback.

- 1) The document gives the percentage of students, and the estimated number of students, that the CCDRPC estimates will attend either the Lansingburgh or Brittonkill scholl systems, but never gives the actual number of 1-bedroom and 2-bedroom apartments that will be built in each district. Since their estimate of students is based on a combination of 1 and 2 bedroom apartments in each case, I must rely on their assessment of how many students per apartment will be generated.
- 2) As pointed out by Dr. McCaffrey last night, the CCDRPC again gives a statistic but no range of potential error on those statistics. I am not in the contractor community , but I can say in the science and economic community this is generally considered to be inadequate, and again forces the reviewer to accept the student to apartment ratio as being exact and as CCDRPC has calculated it.
- 3) I know that some of these apartments will also have a den. A den for a split-home parent trying to get back on their feet can also be known as a bedroom. If there are a large number of dens being built, this should have the effect of significantly increasing the potential error associated with the CCDRPC student to apartment ratio. It would help to know the number of 1-bedroom and 2-bedroom apartments being built in the Brittonkill Distict, and how many of each also have dens.
- 4) Our demographic/enrollment projection study completed to support our building project was way off for the 2000-05 period. It predicted a 35 student increase, but we actually dropped. Averill Park's enrollment projections for their building project hugely underestimated the actual growth that occurred there when their town started developing at a rate similar to what Brunswick will experience if all of the proposed developments come in. I therefore don't know that the recent downward trend at our elementary can be trusted as an indicator of the 25-50 year trend-- it is simply too short a period.
- 5) In phase 1, we get all the apartments. The projections are that 212 2-bedroom units will generate 47 students and the 36 1-bedroom units will produce 1 student. That's the wildly optimistic scenario in my book. We could also have 2 kids and a mom in these 2-bedroom apartments, and a parent with one child is very possible in a 1-bedroom apartment. The very pessimistic number is therefore 460 kids for phase 1. Phase 2 adds 198 2-bedroom and 30 1-bedroom units, and Phase 3 adds 168 and 24 respectively in the combined districts. Based on 80% of Phase 2 and 67% of phase 3, the unthinkable upper end is roughly 1040. That's not even remotely going to happen. But neither is 110 students (the CCDRPC number). I think is logical to assume we are somewhere in-between these numbers. If the cost of the new students is compounded by need for special education services, we're of course in deeper trouble. The taxes that will be generated by these apartments will not cover what I see as the potential increased enrollment. Once they are here, they will be our own as much as any child in the District, and will be cared for with equivalent diligence by the school. We cannot say with complete confidence, however, that the effect on the current taxpayers will not be burden. The Hudson Hills developer is one who should probably be asked to help the school create contingencies for the number of kids we might get, through land set-aside or a financial set-aside for whatever else we might need to consider.

6) I truly believe that the Town Board is trying to be as deliberative as possible on these decisions, and is using the standard practices and services to come to a conclusion that is best for Brunswick citizens. I think some of the practices and services in New York, however, have been designed over the years to result in an outcome favorable to development, and not necessarily favorable to the current residents of the town. That makes the Town Board's job extremely difficult. I hope that a continued dialog with the School Board can be a way to ease some of the difficulty in sorting out the best way forward.

I have one other request that would help in trying to sort out the impact of planned development on the school. Last night we discussed the average rate for individual home construction in Brunswick (40 houses per year) but never discussed whether that matches projections for this year or the next 5 years. Do we have such numbers? Are the applications coming in at a rate consistent with previous years? I hope these comments above are of some use.

Regards- Pete Murdoch

Relax. Yahoo! Mail virus scanning helps detect nasty viruses!

Patricia Hyde

From: "Susan Quest-Sherman" <SSherman@townofbrunswick.org>
To: "Hyde Pat" <PHyde@townofbrunswick.org>
Sent: Friday, August 19, 2005 9:00 AM
Subject: Fw: Opposition to Proposed Developments

----- Original Message -----

From: "Ted Mallin" <tedmallin@hotmail.com>
To: <SSherman@townofbrunswick.org>
Sent: Wednesday, August 17, 2005 3:02 PM
Subject: Re: Opposition to Proposed Developments

> Thank you Susan. I noticed a typo. I had meant to refer to the 1100 unit
> hudson Hills Project and said 100 unit by mistake!

>

>

>>From: "Susan Quest-Sherman" <SSherman@townofbrunswick.org>
>>Reply-To: "Susan Quest-Sherman" <SSherman@townofbrunswick.org>
>>To: "Ted Mallin" <tedmallin@hotmail.com>
>>Subject: Re: Opposition to Proposed Developments
>>Date: Thu, 18 Aug 2005 08:28:53 -0400

>>

>>Mr. Mallin,

>> I will forward your comments to the Supervisor's Office.

>>

>> Thank you for your input.

>>

>> Susan Quest-Sherman

>> Town Clerk

>>----- Original Message ----- From: "Ted Mallin" <tedmallin@hotmail.com>

>>To: "Susan Quest-Sherman" <ssherman@townofbrunswick.org>

>>Sent: Tuesday, August 16, 2005 6:11 PM

>>Subject: Opposition to Proposed Developments

>>

>>

>>This is to voice my strong opposition to the scale of development proposed
>>in the 100 unit development planned for Betts Road, over to Lake Avenue,
>>as well as the Wal-Mart Superstore.

>>

>>By now, you have heard so many opposing opinions that I will not go on
>>about my own. These are bad proposals and bad for our Town.

>>

>>It seems to me that the time has come to have a moratorium on development
>>while the Town figures out what our future wants to be and what
>>regulations need to be in place to assure that we get there and enhance
>>it. This will hopefully be accomplished through a highly public,
>>participatory process.

>>

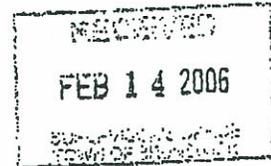
>>Route 7 in Brunswick has become a congested 'nowhere land' ugly commercial
>>strip. Stop now before things become even worse.

>>

>

>

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



February 10, 2006

Honorable Philip H. Herrington, Supervisor
Town of Brunswick
336 Town Office Road
Troy, New York 12180

Re: Carriage Hill Project
Pinewoods Avenue & Route 2

Dear Mr. Herrington and the Brunswick Town Board:

We would like to express our concern regarding the proposed Carriage Hill housing project to be constructed on property between County Route 140 (Pinewoods Avenue) and State Route 2. Much of our concern is focused on the following items:

- **Increased amount of traffic in the Pinewoods Avenue area and noise level:** The proposed access road from Pinewoods Avenue is to be constructed in between our property and the property of our neighbor, Mr. Robert Smith. Our driveway is directly across the street from the entrance to a much smaller housing development (Eagle Ridge) and we feel that with the addition of the proposed access road for the Carriage Hill Project, which is a short distance away, this will create a significant amount of congested traffic in the area and a possible traffic safety hazard. The developer proposes that there will likely be one car per household for most residences since they are marketing to "empty nesters." We strongly disagree with the traffic studies and the projected amount of traffic that this project will bring to Pinewoods Avenue and surrounding areas. Most senior citizens that we know – family, friends, relatives, and neighbors, have at least two cars per household. A project of this magnitude would bring **568 additional cars** to travel over Pinewoods Avenue and Route 2, and this doesn't count vehicles who may be visiting the new residences. Carriage Hill will directly adversely affect the atmosphere around our residence because of the increased traffic that will be coming and going. We will lose whatever privacy we currently have and ultimately become a corner lot due to placement of the access road from Pinewoods Avenue.
- **Density of the Carriage Hill Project:** We have concern that this project is simply too large and will forever affect the country atmosphere that residents in the Pinewoods Avenue and Route 2 area have become accustomed to. The proposed **284 new residences** (106 single-family homes and 178 senior apartments) will create a housing development that is too dense. Homes built on 1/3 to 1/4 acre lots are not in keeping with the character of current Brunswick homes. We equate this to the density of homes that

have been built in Colonie or other congested communities around the Capital Region. Do we really want to become another Colonie or Clifton Park? We sincerely hope not. The proposed acreage (3 to 8 acres) for the Estate Homes is more in line with Brunswick's Master Plan and with its rural character.

- **Impact on school system:** We feel that the Carriage Hill Project will have a significant impact on the Averill Park School District since most of this project is within the boundaries of that school district. According to Michael Uccellini of the United Group Development Corporation, this project is being marketed to seniors and "baby boomers." The developers *expect* that "baby boomers" with 0-1 children will be buying the 106 single-family homes. Since there is no guarantee that any of these homes will be sold to only people with 0-1 children, then we would assume that there could be a significant impact on the school system. We think that this project needs some serious thought in terms of actual numbers of children who *could* enter into the Averill Park School System because of this project and whether or not the schools can accommodate more students. It is our understanding that George Washington School (GWS), part of the Averill Park School District, cannot accommodate all of the elementary school children in the GWS area and that it buses some children to another elementary school in the Poestenkill area. The magnitude of the Carriage Hill Project could have a serious ripple effect, i.e., more busing, more teachers needed, and the possibility of having to add on to existing school structures, which would ultimately increase school taxes, etc.

Another consideration is that if the senior citizens in the area are selling their current homes to go into the proposed senior housing apartment units, then chances are that the buyers of their homes will be those with children. Again, we see a possible ripple effect with even more children coming into the school district.

- **Proposed project as senior housing:** Even though the senior apartment project is being portrayed as "senior housing," to date we have seen no evidence of this portion of the project as being a federally mandated senior housing project. Therefore, there is no guarantee that the developers will hold true to this project being for residents who are 62 years of age and older. Mr. Uccellini indicated that marketing research suggests there are approximately 6,400 senior citizens in the area that could possibly utilize the type of senior housing units being proposed. He also indicated that the developers have not decided on how much these housing units will cost seniors. It appears that since the senior housing units are not federally mandated, then one would assume that these units would have a higher price tag attached to them, especially since they are proposed to be luxury apartments. How many of our seniors can really afford this type of high-end housing? We would also like to point out that there is already senior housing in Brunswick, Rouse Senior Housing, which is federally mandated and has a sliding scale fee attached. So is there really a market for this type of housing right now? Most of the seniors we know want to stay in their current homes. My own parents, who have been residents of Brunswick all of their lives, reached that point of being an "empty nester", tried apartment and condo living, only to return to Brunswick and have another smaller home built. Now, in their late 70s, they still have a mortgage. That's no way for seniors

to live. Once people own a home for many years, adjusting to apartment living is not very easy, especially at an advanced age.

- **Impact on Fire Department:** Again, with the size of the proposed number of single-family homes and senior housing units to be built, we have some concern over whether there would be adequate water and adequate fire personnel coverage by the local volunteer fire department in the event of a fire emergency. Fire departments around the town are having trouble recruiting new members. This project and the other major PDDs currently proposed, *will* significantly impact fire emergency response time. Even though the United Group made changes to the 3-story senior apartment buildings originally proposed by reducing the buildings to 2 stories and thus reducing the number of apartment units, they made up for that loss by increasing the number and density of single-family homes.
- **Installation of sewer:** It is our understanding that the project includes installation of a sewer system that incorporates 5 pumping stations, which will mean ripping up a significant portion of Pinewoods Avenue. How long will it take to install the system? Most of us who live on Pinewoods Avenue will not receive any benefit from the sewer installation. We have concern about these pumping stations working properly and what happens in the event they fail to work properly? Will there be generator backup systems? Who is responsible for maintaining the systems *after* the project is completed? Will it be the Town who takes over maintenance of the sewer system and will that cost be passed on to Pinewoods Avenue residents in the form of increased taxes? Will Pinewoods Avenue residents be required to hook up to the system in the future? We feel that there wasn't adequate discussion about these issues at the public hearings.
- **Impact on aesthetics/environment:** We feel that the size of the Carriage Hill Project will have a negative affect on the wildlife that habitats the wooded acreage between Pinewoods Avenue and Route 2. There are numerous deer, fox, and other wildlife that live within those boundaries. In fact, the proposed access road from Pinewoods Avenue is a well-known deer run and crossing. Even though the proposed type of homes may look nice, we feel that aesthetically they will look more like row houses since so many of them will be in each project area. Again, the density issue prevails. Larger, wooded home sites would certainly be more pleasing to keep in line with the current aesthetics of the area.

We also have some concern about any environmental toxins that may result from movement of earth during the various construction phases. A portion of this project site was formerly a junkyard (Fox Hollow) where there are still remnants of old batteries, car parts, and tires. In fact, a number of years ago, there was a huge tire fire that emitted large amounts of black smoke into the air. We are not aware of any clean up of those toxic items. So we have some concern about how this project might affect the environment.

So far we have not heard much comment from the developer regarding any existing bodies of water that are on the development site, other than that wetlands will be

preserved. Of particular interest to us is how the developers are going to handle the *existing stream* the runs through our property, through the proposed entrance road from Pinewoods Avenue, and through the back portion of our neighbor's (Mr. Robert Smith's) property? Will that site be preserved as well and will this stream still be free flowing?

- **Timeframe of the project:** The Carriage Hill Project is estimated to take about 5 years to complete. There will be significant traffic and noise due to the number of trucks coming and going and a significant increase in the noise level to the Pinewoods Avenue area once construction begins on the housing. The Eagle Ridge Project, which is in the same vicinity (off of Pinewoods Avenue), has been ongoing for well over 5 years and there are still lots that have not been sold in this high-end housing development. We certainly do not relish the idea of another 5 or more years of construction noise occurring in our neighborhood, whether it's from the Carriage Hill Project or the ongoing Eagle Ridge Project. We will *directly* be affected by noise and dust caused by the continuous truck traffic since the access road from Pinewoods Avenue borders our property.
- **Zoning Changes:** If the zoning of property for the Carriage Hill Project is changed to a PDD, then will other properties immediately adjacent to this project also be allowed a change in their own property zoning? For example, our residence immediately borders the proposed entrance to Carriage Hill from Pinewoods Avenue. We will become a corner lot. Right now we are zoned R-40, the most restricted. Currently, if we wanted to subdivide our property, it could only be done so in 1-acre parcels. If the PDD goes through, would we be allowed to petition the Town Board to change our property zoning and subdivide it to the lot sizes that are in the Carriage Hill Project (i.e., 1/3 to 1/4 acre parcels)?
- **Existing Structures:** There are several barns on the development site that are currently in ruins (close to the Pinewoods Avenue access). That portion of the site could have been a part of Brunswick's history preserved. On several occasions over the past 10 years, we contacted Walter Uccellini of the United Group to purchase the strip of land leading to the barns. The response we were given was that the property could not be subdivided at that time. During the times when we made the inquiries, those barns could have been salvaged. We are a family that has a strong sense of history here in Brunswick. It's a shame that Mr. Uccellini doesn't see the value in preserving a part of Brunswick's past.
- **Other Proposed Projects:** We have concern over the number of large-scale projects that are currently being proposed in the Town of Brunswick: Hudson Hills Apartments, Highland Creek, Brunswick Meadows, the Wal-Mart Supercenter, and this project – Carriage Hill. We feel that the combined effects of all these projects will have a negative impact on the Town of Brunswick. If all of these projects are approved, the total number of residential units will be over 1,750. Brunswick's population will increase by one-third. Is that what we really want for our town – to have suburban sprawl like Clifton Park?

We propose that the Brunswick Town Board do the following:

- 1) Not approve any large-scale development at this point in time;
- 2) Further study all types of impacts that the proposed Carriage Hill Project will have on the residents of Brunswick;
- 3) Keep within the guidelines of the current Brunswick Master Plan regarding development;
- 4) Keep all residents of Brunswick informed about proposed developments in the town, not just informing the residents who live within 500 feet of the planned development sites.

Further, we envision that town residents have more of a voice in the planning that is done regarding future development of the town. We suggest that there be a Steering Committee. Its membership should include:

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

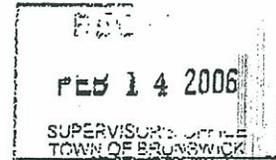
Large-scale developments in our town will have impact on Brunswick residents. We suggest that PDDs be put to a public vote. The Town Board and residents should act slowly and carefully in planning our town's future.

Overall, we are not in favor of the proposed project as submitted. We request that you notify us of any further proceedings that relate to the Carriage Hill Project.

Respectfully submitted,


Richard T. Patton


Lynne M. Patton



Town of Brunswick Planning Board,

To whom it may concern, I am writing with my concerns about the Hudson Hills development. The impact it will have on the surface water runoff, and what it will do to the quality of my of well water.

Do to the rainfall, the raising of the brook water has already started to affect my septic, the water covers the bottom of my driveway and has already started to erode the road, by my mailbox and my neighbors.

If the developers add any water, lawn, or ice removal chemicals it will affect mine and my neighbors well. It will ultimately affect our drinking water as well.

I live with my fiancée and our 9 year old son, and have concerns about what these affects will have on his growth as well.

When the pond on the end of Belair Lane was filled in, it caused water damage. Any more runoff of the foothills of the development will greatly cause havoc at my home. The developer has not considered what damages will occur for the homes that already exist here.

It seems to me that if you are already established in Brunswick you don't matter. Please take this into consideration as if a project was jeopardizing the quality of your own home.

**Thank You,
James W. Peek
104 Lord Ave.
274-7927**

COPY

RESIDENTS OF BETTS ROAD
AND WILROSE LANE

February 13, 2006

Brunswick Town Board
Philip H. Herrington, Supervisor
336 Town Office Road
Troy, New York 12180

RE: Hudson Hills Apartments

Dear Members of the Board:

Please consider this letter in connection with your review of the Draft Environmental Impact Statement ("DEIS") for the proposed Hudson Hills Apartments project. The project presents a number of troubling issues which we are sure will be addressed by others. However, this letter focuses on the problem of traffic on Betts Road.

In the discussion of potential impacts on transportation in Section 3.5.2 of the DEIS, the following statement is made:

"At completion of Phase II of the development, study area intersections are expected to operate adequately with the exception of NYS Route 7/Fifteenth Street and NYS Route 7/Betts Road intersections."

The DEIS then goes on to discuss proposed mitigation of this adverse impact in the second bullet point in Section 3.5.3 on page 45:

"The decreased LOS [level of service] experienced at peak hours on the Betts Road approach to NYS Route 7 for Phase II are considered acceptable at unsignalized intersections on a busy corridor. However, the intersection should be monitored at completion of Phase II for future installation of a traffic signal."

At the end of that section, as one of the "Notes" following Table 14 on page 46, the following appears:

"2. The **poor levels of service** experienced at peak hours on the Betts Road approach to NYS Route 7 for Phase II are considered acceptable at unsignalized intersections on a busy corridor. However, the intersection should be monitored at the completion of Phase II for future installation of a traffic signal." (Emphasis added.)

These statements appear in the original DEIS when 1,116 units were proposed and there was to be additional access to the project from North Lake Avenue. Now the proposal is for 668 units and the elimination of the North Lake Avenue access. So there would be approximately 60% of the original number of apartments with 50% of the access. In other words, traffic on Betts Road will be worse, not to mention that it all will be dumped onto Route 7.

Furthermore, this admittedly poor prognosis for Betts Road is based on the developer's estimate that there will be only one (1) vehicle per apartment unit. This estimate is ludicrous on its face. And, this "poor" condition is anticipated even without considering the cumulative impact of the Wal-Mart Supercenter, if approved.

While the developer finds this "poor level of service" to be "acceptable," we, as residents of Betts Road and Wilrose Lane, do not.

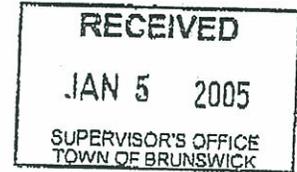
The developer's proposal to have the intersection "monitored at the completion of Phase II for future installation of a traffic signal" does nothing to adequately alleviate this adverse impact. It is not real mitigation, just words.

It is clear that the developer is prepared to throw the long-time residents of Betts Road and Wilrose Lane to the wolves so he can build his project and make his money. Hopefully, the Town Board won't be right along side tossing us in.

Thank you for your consideration.

Norman Fivel Norman Fivel 101 WILROSE LANE, TROY, NY
Joanne Fivel JOANNE FIVEL 101 WILROSE LANE, TROY, NY
ROSIE ENGELKE BOB ENGELKE 100 WILROSE JA. TROY, NY
Laura Engelke LAURA ENGELKE 100 WILROSE LA TROY NY
WM. A. ENGELKE, WM. A. ENGELKE 100 WILROSE LANE, TROY, N.Y. 12180
William LaBontard William LaBontard 44 Betts Rd Troy NY 12180
Dandra Bejain Sandra Bejain 105 Wilrose Ln, Troy NY 12180
Michael Ryan michael Ryan 103 Wilrose Ln Troy NY 12180
Elizabeth Ryan Elizabeth Ryan 103 W. Wilrose Ln Troy NY 12180
ROBERT A FIVEL 109 WILROSE LN TROY NY 12180
FRANK M. RENASIEWICZ 28 BETTS RD TROY NY 12180
JoAnn Renasiewicz JoAnn M. Renasiewicz 28 13 W. Rd TROY NY
12180

190 North Lake Avenue
Troy, NY 12180
January 5, 2005



The Hon. Philip Herrington
Supervisor, Town of Brunswick
308 Town Office Road
Troy, NY 12180

Dear Supt. Herrington:

As 25-year residents of North Lake Avenue, we would like to comment on the proposal of Capital District Properties to construct a 1,116 apartment unit complex in an area bordered by Hoosick Road, Lord Avenue, and North Lake Avenue.

The draft scope contains several statements that we believe will prove not to be consistent with either the likely outcome of this development or with the aims of the Town of Brunswick Master Plan.

- 1) The project site is stated to be "tucked into the hills of Brunswick," in a location "intended to take advantage of the long view corridors to the east, south and north; without significantly impacting existing viewsheds by making use of the property's gentle undulating topography." The "long view corridors" are made possible by the fact that the property where this development is proposed to be sited is actually on an elevation that rises above North Lake Avenue. We can clearly see houses on Lord Avenue, which appear higher than our property, from our back yard. A cluster of two-story buildings will be very difficult to conceal from view of residents on North Lake Avenue by virtue of the elevation. The proposed "Adirondack fire tower" of phase 4, to be constructed at the "highest promontory point on the site" will undoubtedly be visible not only from North Lake Avenue, but also to anyone within several miles of it.
- 2) The scope report states that "The existing site consists of a combination of agricultural fields, brushland, and wooded areas. The 'elemental rank' value assigned to these habitats by the NYSDEC'S New York Natural Heritage Program, indicates that the observed habitats are common and are considered 'apparently' or 'demonstrably' secure throughout their range including New York State. The initial reconnaissance did not indicate the presence of endangered/threatened species of critical habitats." With the development of the North Forty residential properties, areas of fields, brushland, and woods have shrunk dramatically in our neighborhood. The many wild animals that we have seen in our yard and neighborhood – deer,

raccoons, skunks, opossums, rabbits, wild turkeys, waterfowl, songbirds, and others – are more and more pressed for habitat. Although none of them are presently endangered species, they are important to the natural ecology of the area. The town's Master Plan states that, "*Brunswick should promote land use practices that conserve wetlands and natural vegetation, and maintain natural habitats for the proper management of natural wildlife.*" To add a development of the proposed size and impact to this area does not support this stated goal for town growth.

- 3) As the scope report states, supplying water and sewage to the proposed number of units will strain the town's present capacities to the point that "supplemental pumping and potential water storage may be necessary to service the proposed apartments to be located at higher elevations," and "the capacity of the sanitary pump station would not be sufficient for phases II and IV of the Hudson Hills development without improvements." Electrical, telephone and cable service will also have to be extended over a considerable distance from their present locations on North Lake Avenue and Hoosick Road. All these infrastructure upgrades will bring added cost burdens to the town's taxpayers, with benefits accruing only to Hudson Hills residents.
- 4) The population of Brunswick, according to the 2000 census was 11,664. Although the developers state that they expect approximately two thirds of the prospective residents of Hudson Hills will be couples without children, they have not presented anything but anecdotal evidence for that assertion. One could make the equally likely assumption that that approximately half the residents will have children and half will not. If all 1,116 units were rented out, with an average of three people per unit in 50% of the units, and 2 people per unit in the remaining 50%, that would mean an increase of 2,232 people – a 19% addition – to Brunswick's population. This puts a tremendous burden on the school district and on town services, such as police and fire protection, which are even at this point barely adequate for the town's size. Again, this portends a rapidly increasing tax burden, whose benefits will not be shared by most of those paying it.
- 5) The developers state that the community will benefit by having access to a proposed cherry orchard and memorial garden on July 4th, Memorial Day, Veteran's Day, and Flag Day ceremonies. The fire tower is also listed as a community benefit, with educational dioramas to be placed at its base to illustrate "the surrounding terrain, habitats, and wildlife." I would reply that these "benefits" will not make up for the loss of the real habitats and wildlife that this development will cause, nor will it compensate the residents for potentially harmful impacts to the water quality of the Town Beach, a true community benefit we now enjoy.

We understand that Brunswick's open land will make it attractive to developers, and we have no objection to apartment construction per se. But the proposed scope of this development is far beyond what the area around it can assimilate and the town can service. We implore you and the Planning Board to scale this development back to a size that will be workable on an environmental, neighborhood, and municipal level. Please keep the goals of the Master Plan in mind as you consider the impact this will have on our community. Thank you for your consideration.

Sincerely,

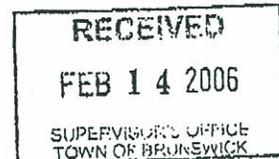
Christine A. Salmon

Richard D. Salmon

Christine A. Salmon
Richard D. Salmon

Mark Sarnacki
2 Robin Lane
Troy, NY 12180
February 14, 2006

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



Comments on Hudson Hills PDD Application and DEIS

To whom it may concern:

Below are my comments on the Hudson Hills Planned Development District (PDD) Application and Draft Environmental Impact Statement (DEIS). I am strongly opposed to the project and find the DEIS deficient for the following reasons:

Cumulative Impacts Need to be considered- It is inappropriate to consider the impact on open space, schools, water and sewer needs, traffic, and other factors in light of several large-scale high density developments planned for the Town in the next several years. A combined DEIS should be drafted and reviewed by the Town or a qualified consultant before making a decision on any one of these projects. Hudson Hills will impact Route 7 in particular, which is already burdened by the heaviest traffic in the Town.

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

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

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

High Density Development- High density developments such as Hudson Hills are not in keeping with the longstanding rural and suburban character of the Town. They are welcomed by few existing residents. The project could be revised to decrease the density

and also make profits to the landowner.

Sewer Infrastructure: The extension of sewer lines will ultimately create a continuous urban/suburban sprawl which will remain unbroken from Center Brunswick to the Troy City Line. Such future consequences are not considered. As sewer dependant development grows, so too grows demand on the City of Troy's sewer system, which is aging and prone to failing, would not support continual demand of high density development. In light of Troy's financial hardships, the Town (and the Town's taxpayers) would have to carry a substantial share maintaining sewer services and infrastructure. Such foreseeable impacts to Town residents are not considered.

Sincerely,



Mark F. Sarnacki

Patricia Hyde

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

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

-----Original Message-----

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

Dear Senator Bruno:

Thanks for the reminder.

A note if I may sir:

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

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

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

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

Yours sincerely (speaking as an individual),

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

Complete business address

Henry A. Scarton, Ph.D.

Consultant in Vibrations & Acoustics

Henry A. Scarton, Ph.D.

PMB 3105, 870 Hoosick Road

Troy NY 12180-6624

Dr. Henry A. Scarton, Ph.D.

Director, Laboratory for Noise & Vibration Control Research;

Associate Professor of Mechanical Engineering & Mechanics;

DEPARTMENT OF MECHANICAL, AEROSPACE, AND NUCLEAR ENGINEERING;

Rensselaer Polytechnic Institute;

Troy NY 12180-3590;

Tel: (518)-276-6728;

Fax: (518)-276-2623

scarton@rpi.edu

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

Home Address:

14 Kestner Lane

Troy NY 12180-6517

Home Tel: (518) 272-2964

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

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

-----Original Message-----

From: Senator Joseph L. Bruno [mailto:senator43@intelisend.net]

Sent: Friday, January 27, 2006 2:39 PM

To: scarton@rpi.edu

Subject: Sales Tax Free Week Reminder from Senator Bruno

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

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

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

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

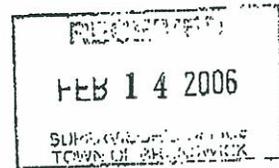
Sincerely,

Joseph L. Bruno
State Senator

To remove yourself from the list click below:

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

Hudson Hills Comments
Raymond J. Schmidt
81 Liberty Road
Brunswick, NY



The Hudson Hills Proposal postulates that this project will be populated by "empty nesters." This "Empty Nester" concept seems to be a recurring theme. How is this empty nester supposition to be enforced? As our town attorney pointed out at the town board meeting of February 13, 2006, it cannot. Building plans can be enforced, but the actual occupants cannot be prescribed or mandated. An implicit assumption is made that the floor plans will appeal only to "empty nesters". Where is the proof this postulate? Somehow two-bedroom apartments supposedly appeal only or primarily to the childless demographic. Nothing could be further from the truth. This is a fallacy. I know this from renting 2 bedroom apartments in East Troy. The majority of applicants seeking a two bedroom residence are people (single parents) with 1-3 children. A one bedroom is sub optimal and a three bedroom is prohibitively priced. Hence the two bedroom remains as the viable and attractive option. 212 two-bedroom units will produce far more than the claimed 47 school children. I assume the developer is forecasting using a Gaussian distribution i.e. the bell shaped curve. Well what is the variance for this distribution? That is, how wide or narrow is the shape of the bell? The mean without the variance is useless. The town board needs to make decisions based on realistic numbers.

There are serious traffic issues. I won't elaborate here. Others have and will. Effects on secondary roads are ignored. As the main roads become increasingly congested, Brunswick's rural roads are becoming speed zone shortcuts. The NYSP is doing nothing about this. In addition, what steps will be taken to ensure that construction traffic will not use back roads as shortcuts? The weight limits on Liberty and Farrell are constantly being violated. I have spoken to the NYSP about this. Nothing is done.

When I visit my Doctor, he does not just examine one organ. The entire body is checked to ensure that bodily functions are performing in unison. Similarly, the Town Board must consider this proposal and all other proposals cumulatively. Their total impact must be studied and evaluated. Our Honorable Supervisor Herrington pointed this out himself at the town board meeting of February 13, 2006. Mr. Herrington noted that Brunswick currently possesses copious amounts of vacant, attractive dormant farmland a ripe crop of farmers reaching retirement age.

The implication is obvious. Brunswick will be continually bombarded with megaplex and megabox proposals. A definitive plan for the future must be developed and the collective impact must be an issue of singular importance.

Until such plan is enacted, and the sentiment of all town residents is fully known, all large scale development should be placed on hold.

Sincerely

A handwritten signature in black ink, appearing to read "Ray Schmidt", with a long horizontal flourish extending to the right.

Ray Schmidt



CAPITAL DISTRICT SURGICAL ASSOCIATES, P.L.L.C.

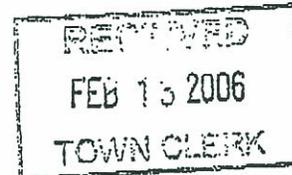
General & Vascular Surgery - Surgical Oncology

J. KEVIN GEBERT, M.D., F.A.C.S.
EDWARD J. HANNAN, M.D., F.A.C.S.
YUSUF N. SILK, M.D., F.A.C.S.

2231 Burdett Avenue, Suite 130
Troy, NY 12180
Telephone: (518) 272-0171
Fax: (518) 271-6580

January 30, 2006

Honorable Philip H. Harrington
Supervisor
336 Town Office Road
Troy, New York 12180



Dear Mr. Harrington:

As a resident and a tax payer in the Town of Brunswick, I am keenly aware of the need for an increased tax base. However, I do not believe that allowing a 700 unit apartment development is really going to help us in this regard. The cost to the town infrastructure will far exceed any benefit that might be gained from this massive apartment complex.

The people who have lived in Troy and Brunswick for a long time, and even the more recent arrivals such as me came to this area because of its scenic beauty, and quiet. As a prior resident of Slingerlands, I have seen the destruction of an environment by the allowing of the building of exactly the same thing that you are now planning to give permission for. Do we want our town to become another Clifton Park?

As a property owner who will be more directly affected by this development, I foresee people walking through their complex onto the properties of my neighbor and myself, robbing us of the privacy that we so cherish, and which was one of the main reasons for buying the land in the location it is. I do believe that this is unjustified, and a direct assault on our lifestyle. I will therefore request you to reconsider before giving the go ahead to this project which will be to the detriment of all the loyal citizens of the area who have invested their lives in this town. Apartment complex residents, by their very nature of their accommodations, tend to be short term residents, and will not add to the human richness of our environment. Thank you.

Sincerely,

Yusuf N. Silk, M.D.

YNS:MTS:dm



CAPITAL DISTRICT SURGICAL ASSOCIATES, P.L.L.C.

General & Vascular Surgery - Surgical Oncology

YUSUF N. SILK, M.D., F.A.C.S.

2231 Burdett Avenue, Suite 130

Troy, NY 12180

Telephone: (518) 272-0171

Fax: (518) 271-6580

Date: May 7, 2005

Brunswick Town Board
Town Hall
308 Town Office Road
Troy, New York 12180

RECEIVED

MAY 16 2005

SUPERVISOR'S OFFICE
TOWN OF BRUNSWICK

RE: Hudson Hills Apartments
Environmental Impact Statements

Dear Members of the Board:

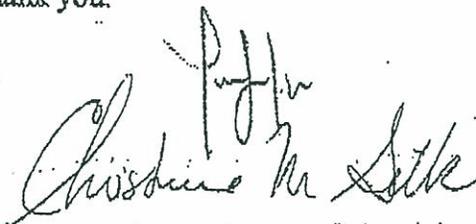
We reside at 14 Blue Heron Lane in the Town of Brunswick. Our property overlooks the proposed site for the Wal-Mart Supercenter project and adjoins the property for the proposed Hudson Hills Apartments Project.

This letter concerns the Environmental Impact Statements, which are prepared for the Hudson Hills Apartments project.

Subsequent to the issuance of the Final Scoping Document for the Hudson Hills Apartments, a Draft Scoping Document was filed for the Wal-Mart Supercenter project. Given the size and the proximity of these two (2) projects to each other and to our property, we request that the draft and final Environmental Impact Statements for Hudson Hills apartments address the matters set forth in the Final Scoping Document in light of the potential cumulative impact of both projects.

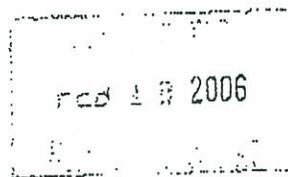
Thank you.

Sincerely,


Christine M. Silk

2/9/06

Honorable Philip Herrington, Supervisor,
Town of Brunswick
336 Town Office Road
Troy, New York 12180



Dear Mr. Herrington

My wife, Susan and I are writing to comment on the revised Hudson Hill Apartments Application.

We remain strongly opposed to the project for the same reasons detailed in our last letter and in my wife's statement at the public hearing. I will enclose a copy of our first letter.

Decreasing the number of apartments doesn't change the fact that this usage is not in keeping with the Brunswick Plan.

If the project is permitted there is no question that the bordering property values will suffer.

It is our feeling that it is the obligation of the town board to protect those of us who live and pay taxes in Brunswick and not permit a developer to profit by forever ruining our beautiful countryside.

We feel that the only reasonable use of the land in question is agricultural, for which it is already zoned or single family homes on at least one acre of land each.

Respectfully yours,

Donald Symanowicz
Susan Symanowicz
Donald and Susan Symanowicz
416 N Lake Ave
Troy NY 12180

12/31/04

Honorable Philip Herrington, Supervisor,
Town of Brunswick
308 Town Office Road
Troy, New York 12180

FEB 10 2006

Dear Mr. Herrington

My wife, Susan and I are writing to comment on the Hudson Hill Apartments Application. We have reviewed the documents available at the town office as well as the Comprehensive Plan for Brunswick dated Feb. 6, 2001.

After considering both documents we would like to express our strong opposition to the proposed apartment complex, as well as our disappointment in the lack of notification of this plan to all the residents of N. Lake Ave (even though this may not be legally required). The traffic problems will affect all the residents of North Lake Avenue not just those of us who border the property.

The Comprehensive Plan states that "Brunswick is recognized for its beauty, safety and community." "The Majority of the residents who responded to the 1999 survey would prefer for it stay as it is." There appears to be a commitment in the comprehensive plan to protect these characteristics and to preserve individual property value. It reads "Development should increase slowly. Development shall consist mainly of single family residential housing with multi family housing increasing slightly..." The Hudson Hills complex works against this commitment.

The Hudson Hills Apartments consists of 1116 residences on 216 acres or one residence for every .19 acre. This exceeds the definition of High density Residential Housing on page 49 of the comprehensive plan. In addition High density residential development is recommended for only areas where it already exists. The proposed development site is surrounded by properties in the low density classification. Therefore building high density housing in this location it is not in keeping with the comprehensive plan.

We also believe the traffic impact on North Lake Ave was not given the focus it deserves in the documents we reviewed. If the apartments are occupied there will be at least 1500 more cars in the area. There will be a connector road between route 7 and North Lake Ave. The Hudson Hills plan seems to indicate the connector road will benefit the residents of North Lake Ave by providing access to Rt. 7. We think the opposite will happen. That is, more traffic will try to bypass Hoosick Street by cutting through to North Lake Ave. This is already evident by the number of Vermont registered cars I see in the morning.

North Lake Avenue is used for recreation by joggers, walkers and bike riders. Speeding and Illegal passing are commonplace. I have seen small animals killed; I have seen deer killed and a number of years ago our dog was killed. I have seen speeding drivers slide off the road when conditions are slippery. There is inadequate enforcement of present traffic violations. If more cars are added, the situation will only be worse. There will be much more risk for children going to the town beach in the summer. I fear the possibility of pedestrian or bicyclist death.

We feel the impact of such development will put a stress on the town resources, including, police and fire protection as well as water and sewer service. Are the local schools ready to handle the influx of students? Will the development result in increases in our school and property tax to pay for the impact of the development?

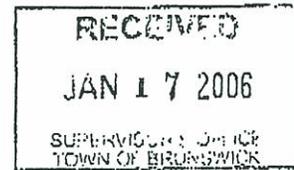
I am certain Property values will be affected negatively. Even planting 150 cherry trees (as indicated in the Hudson Hill Plan) will not make up for the negative effect on homes on Betts Road. Our home and land will be greatly devalued by having large apartment buildings as neighbors.

While we believe that further development is inevitable. We are totally opposed to apartments. We feel a better and more appropriate way to develop this area is with single family owner occupied homes on 2-3 acres.

Considering the BRUNSWICK COMPREHENSIVE PLAN introduction and THE VISION- BRUNSWICK IN THE FUTURE it would be best to rethink this project into something more consistent with the wishes of the town residents.

Respectfully yours,

Donald and Susan Symanowicz
416 N Lake Ave
Troy NY 12180



January 11, 2006

Brunswick Town Board
308 Town Office Road
Troy NY 12180

Janice Tefft
187 McChesney Ave
Troy NY 12180

RE: Hudson Hills Apartments
Environmental Impact Statements

Dear Members of the Board:

I reside at 187 McChesney Ave in the Town of Brunswick. This letter concerns the Environmental Impact Statements, which are prepared for the Hudson Hills Apartments project.

Subsequent to the issuance of the Final scoping Document for the Hudson Hills apartments, A Draft Scoping document was filed for the Wal-Mart Supercenter project. Given the size and the proximity of these two projects, I request that the draft and final Environmental Impact Statements for Hudson Hills apartments address the matters set forth in the Final Scoping Document in the light of the potential cumulative impact of both projects. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Janice Tefft".

Janice Tefft

Transportation Concepts, LLP

162 Jay Street
Schenectady, N.Y. 12305
(518) 347-2753 Phone
(518) 370-1578 Fax.

January 25, 2006

Mr. Mark L. Kestner, P.E.
Kestner Engineers, P.C.
One Kestner Lane
Troy, New York 12180

RE: Hudson Hills P.D.D. -- Brunswick, NY: 1/17/06 Mtg. Summary

Dear Mr. Kestner:

Subsequent to the January 17, 2006 Public Hearing on the above-listed project we have provided a brief summary of our understanding of the public comments for the Town's consideration moving forward. In our opinion the main transportation issues expressed were again; cumulative impacts, trip generation/density, development alternatives (i.e. Hobbie Farms), cut-through/neighborhood traffic issues, pedestrian issues, emergency vehicle access/response and construction traffic.

In regard to cumulative impacts, as requested, we have provided a proposal to address all area projects under one dynamic traffic model. The model will be very helpful for this process as well as a planning tool for future work and 'what if' scenario's as they arise. This has been a consistent comment by all involved parties both public and private. Noting that cumulative impacts can be reviewed either individually or collectively, however given that there is no pre-existing traffic mitigation fee or improvement plan in-place we would recommend a collective analysis. In our opinion, if the impacts were found to warrant specific mitigation, a uniform reduction (i.e. percentage based) in development size would not unfairly place bias on any of the applicant proposals currently before the board. Finally, given the current state of concern, we would caution that even without any additional applications we would not be surprised to hear 'moratorium' soon from Town resident's.

The remaining issues have been responded to many times before and can be addressed either as part of the planning board's conditions of approval and/or specific request by the Town for more detailed analyses. Trip generation is more of a perception issue rather than an error on the applicant side. This is often one of the most common comments that can be addressed by a local similar use review of trip generation during the identified peak periods. Density issues have been discussed

Discussions concerning 'spill-over' traffic are covered as a result of scoping and subsequent analyses results, whereby the more 'far reaching' roadway issues and historic traffic trends are more easily discussed as part of the cumulative analyses process.

Pedestrian issues are an obvious concern, and are best addressed by providing access to the extent possible to persons with disabilities. Unfortunately, the increased density actually aides in securing more pedestrian accommodations, where as rural pedestrian access is restricted due to the lack of warrants for pedestrian accommodations.

Emergency vehicle access and response issues are very real concerns and are related to site development due to a reduction of reserve capacity and the ability to gain access to site features. In this regard, means of secondary access is recommend and there are several options that are available to ensure that 'cut-through' traffic is restricted.

Construction related comments are best handled as site approval conditions, which would stipulate what is required from applicant. Significant construction traffic would otherwise be permitted by way of a permit through NYSDOT, which could include peak period restrictions.

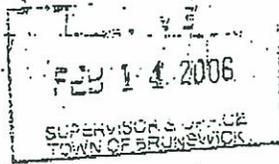
This concludes the summary comments for the above-mentioned public hearing for this project at this time. If you should have any questions or comments in regard to the information provided, please contact our office at the above-listed address and contact numbers.

Sincerely,
TRANSPORTATION CONCEPTS, LLP



Mark W. Gregory, P.E.
mwg/MWG

Cc: Office file



2/14/06

To the Brunswick Town Board,
We would like to go on record as opposing the Hudson Hills development. First and foremost is the destruction of the country side - both wet lands and rolling hills. When this is destroyed the beauty of Brunswick goes also.

Second is the cost to taxpayers. It is proven every new tax dollar cost the taxpayer between \$1.33 to 1.50 more.

Third is the traffic on Hoosick street. Six hundred, sixty-eight units will generate between 668 to 1336 cars at rush hours. People do not car pool, add school buses to this mix.

and you are creating havoc!

Please have a professional
planner help Brunswick develop
a viable sensible plan for our
beautiful country side,
Thank you,

Martha Eubank
148 Brunswick Rd
Troy, NY 12180


36 OXFORD CIR
TROY 12180

Patricia Hyde

From: "Carolyn Abrams" <cabrams50@hotmail.com>
To: <phyde@townofbrunswick.org>
Sent: Monday, August 15, 2005 9:32 AM
Subject: realtor's view

Phil, here's a little insight from a jackie:

I understand communities need apartments, but we have them .. and I believe there are more being built adjacent to Sugar Hill already? I just wish we could accomodate single family homes for families with children that wish they could be in the school district and the community. Moderate in this day and age can be \$175,000 - \$275,000 for the 'soccer mom' families. Unfortunately .. there aren't any here in this town/school district. Families take pride in participating in the community events/school events and pride of ownership in their homes. *Jackie Witbeck*

Carolyn Abrams

www.CarolinaMoonArts.net

10 Kreiger Lane
Brunswick, NY 12180
518-279-3412

Patricia Hyde

From: <SZankel@aol.com>
To: <EcklerSM@obg.com>
Cc: <BuelowKW@obg.com>
Sent: Friday, March 25, 2006 3:40 AM
Subject: Re: Hudson Hills Apartments

Hello, again, Steve,

This is in response to your request regarding the historic use of property between Betts Road, off NY Route 7, and North Lake Avenue in the town of Brunswick.

Having checked cadastral maps for the years 1854, 1862, and 1876 with the occupations given for property owners in this locality in the 1860 and 1870 federal censuses, I conclude the historic use of this property was residential/agricultural. Farms in this area of our town were then primarily dairy farms, producing milk products, grains, and vegetables for home consumption as well as for market. A town resident has reported a barn on his property on Betts Road was a nineteenth-century slaughterhouse but I have not been able to verify this.

The Rensselaer County Natural Resources Inventory (NRI), compiled about 1989, indicates no known burial grounds or designated landmarks exist on or near the subject area.

The lake now part of the Brunswick Town Park on North Lake Avenue is actually two lakes, Lape's Lake and Vanderheyden Lake, and both were enlarged upon incorporation into a network of reservoirs that once supplied water to the city of Troy. The area has long been considered a scenic area where town residents have enjoyed recreational activities throughout our history, even before its conveyance to the Town of Brunswick to serve as a park in 1965. Looking beyond the one-family residences along North Lake Avenue from the Town Park and Grange Road (NY Route 142) one views a forested hillside; I urge you to consider this viewshed in your plans.

Betts Road takes its name from the fact that at least two farms were operated on nearby lands by the Betts family. One of these was owned by Nathan Betts, an early settler in Brunswick, who is named as a tenant of the Patroon Van Rensselaer (Van Alen Map of eastern portion of the Manor of Rensselaerwyck, c. 1790). (Most lands here were leased from the Patroon beginning in the late-18th century.) The Town of Brunswick was created in 1807, and Town records indicate the inn of Nathan Betts was the place of the first town meeting. I believe this inn may have existed on or near the subject site. If you come across information which may substantiate this, I will appreciate your sharing it with me. The site should be identified with a roadside historic marker, and this would not be incompatible with any planned construction.

Thank you for the opportunity to comment on the Hudson Hills project.

Sharon Zankel
Brunswick Historian

Andy Gilchrist

From: SZankel@aol.com
Sent: Wednesday, August 03, 2005 12:01 AM
To: Andy Gilchrist
Cc: phyde@townofbrunswick.org; ssherman@townofbrunswick.org; cabrams50@hotmail.com
Subject: Hudson Hills PDD - Comments

To: Mr. Andrew Gilchrist

From: Sharon Zankel

Re: Hudson Hills PDD Application/DEIS

Thank you for sending me the DEIS on the Hudson Hills Project; I offer the following comments - sorry for the late response!

- Capital District Properties is one of several firms presently anticipating a booming housing market exists in the town of Brunswick. I do not note any *specific* data (numbers) in the DEIS to substantiate there will be a market for Hudson Hill's planned 1116 apartment units in the town of Brunswick over the next several years. While the developer presents a lengthy discussion of how the move of SEMATECH to Albany may create jobs and the need for additional housing for DINKS and emerging families, the plan offers general information for the Capital District area housing market and says little about marketing techniques. The developer also states one of its targeted populations is (35%) "empty nesters." From where will this population come? PDD applications have also been submitted by several other developers who also indicate they intend to build housing suitable for empty nesters. How much housing for empty nesters does Brunswick need? Can the "empty nester" population afford to live in high-end apartments? Is the need for this great number of apartments governed by the theory "Build it and they will come?"
- In the DEIS Capital District Properties contends its assessments and data collection support Hudson Hills will not disrupt the town's pastoral setting, severely impact the environment, or add significantly to traffic. Phrases such as "will have no long term adverse effect" and "no significant impact" appear throughout the document. One is left wondering, however, if the total long-range impact will not be greater than the sum of all its parts. The traffic, noise, and dust generated by construction-related vehicles, coupled with that arising from related installations of public utilities, promises to disrupt the neighborhood and impede traffic flow off and on for several years if Hudson Hills is fully built. This follows a long period of road-construction-related traffic delays along our so-called commercial corridor that was to come to a close this year. Motorists are creative in finding alternate routes, beyond those mentioned in the DEIS, and one of those includes Route 2 which will soon be impacted by the reconstruction of the Eagle Mills bridge.
- The developer, in evaluating the impact of the project on community character (pages 63 - 64), stresses the Town will enjoy the benefit of increased business and added sales tax dollars generated by Hudson Hills residents. The Hudson Hills project is itself a business venture, and its creators understandably see increased commercial growth to be a desirable outcome. Projects like Hudson Hills will, without question, promote Brunswick's ever-increasing image as a hot spot for retail/commercial growth. The Town should consider reevaluating and updating its 2001

comprehensive plan as it relates to commercial growth (yes - it costs money to do this). Is another commercial corridor needed? Should Brunswick be proactive and court certain types of businesses such as locally founded eateries and homegrown businesses such as small shops and specialty markets that may compliment our quickly fading small-town feel, or do we want Brunswick to be a magnet for big box stores and restaurant chains?

- The developer projects Hudson Hills may add as many as 218 students (or 27 per year) to two local school districts and offers the assurance "project-generated school tax revenue will provide additional capital for educational resources" (page 57). The only specific data the developer provides relates to anticipated tax revenues (town, county, and school taxes) generated by the project, but fails to forecast *to what degree* these additional tax revenues will cover the actual educational costs of the Hudson Hills school-age population. Similarly, the developer (page 57) suggests additional tax revenues generated by the Hudson Hills community will be available to the Town of Brunswick for operation of Town-supported recreational facilities (the Town park, athletic fields and community center are specifically mentioned) but makes no attempt to define the additional demands and concomitant costs the Hudson Hills population will place on these services. It would seem the Town's summer youth program would be especially attractive to young working families with children considering the apartment complex's close proximity to the Town park. The developer says, (page 57) "the extensive on-site recreational facilities would result in a decrease impact on town-supported recreational facilities." How can this be? While the apartment project may include recreational facilities and a clubhouse, thereby reducing the likelihood its occupants will use town facilities such as the park and Community Center, the fact that our community hosts a library is overlooked. What percentage of the additional tax revenue may be expected to enhance existing community services or create new ones? And - the big question is - what costs in delivery of essential town services will be increased/created if the Hudson Hill project is fully built out?
- It's apparent the Town Recycling Center is expected to play a role in waste disposal. I may have overlooked it, but I do not note specific mention of how Hudson Hills will handle garbage removal. How much trash/garbage might these apartments produce and where will it go?
- Capital District Properties wishes to erect an Adirondack-type fire tower for the education and enjoyment of local citizens, and this is commendable although the appropriateness of such a structure in a community with an agricultural heritage is questionable. I also submit that once you've been to the fire tower, you've "been there, done that." The DEIS notes various forms of wildlife, a variety of native plants, and several wetlands exist in the area to be developed. These can provide outdoor learning labs! In the book *Last Child in the Woods* (Algonquin Books, 2005), author Richard Louv presents several arguments demonstrating the value of increased exposure of children to nature and the environment. The developer is urged to consider investing resources in a community feature that would get people outdoors to learn what "country living" is all about. Setting aside areas for community gardens is another idea.
- The developer states it intends to build out no more than about 24% of the 216-acre parcel to create the Hudson Hills apartment community, leaving 76% of the property open or green space. Will the developer consider granting a group such as the Rensselaer-Taconic Land Conservancy a "forever wild" easement to confirm no effort will be made at a future time to additionally develop this property? Couple this with the above idea to create a unique nature preserve!

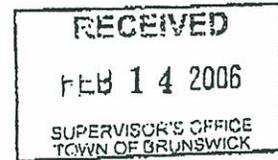
- The developer indicates it met with representatives of the two volunteer fire departments responsible for the area under consideration, and (page 55) and they can serve "without an increase in budget due to backup from other departments." Delivery of fire protection and emergency services in our community has long depended on volunteers and mutual aid, and, recently, our volunteer fire department have all called for additional volunteers. The ability of our volunteers to extend coverage without placing the residents of one fire district in jeopardy while its department covers another may require more thorough examination. How likely is it our fire departments may recruit volunteers from among the Hudson Hills population?
- The Hudson Hills plan provides for a cherry tree orchard to be a sort of memorial garden to be enjoyed by all town residents. While the creation of such a natural area for the enjoyment of the local community is a friendly gesture, it must be pointed out Brunswick already has a Veterans Memorial Park in Eagle Mills, and this park was created by the people of Brunswick. Plans are to enhance the Veterans Memorial Park in recognition of our town's 2007 bicentennial. Might the developer present the use of this orchard as other than a memorial park? How will Hudson Hills renters feel about a part of their complex being open to the public? How will Hudson Hills property management restrict use of this park-like setting to local citizens? Our local landscape does not need another area that requires policing.

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

File copy - Duplicate

February 14, 2006

Hon. Philip Herrington
Town Supervisor
336 Town Office Road
Troy, New York 12180



Re: Hudson Hills Planned Development District
Comments on Draft Environmental Impact
Statement

Dear Supervisor Herrington:

The following are comments pursuant to 6 NYCRR617.9 (a)(4)(iii) on the Draft Environmental Impact Statement (DEIS) for the proposed Hudson Hills Planned Development District. Brunswick Smart Growth, Inc. (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.

Brunswick Smart Growth objects to the Town Board's action of closing the public hearing and record in this matter. The Applicant has significantly changed the proposed project subsequent to the submission of the DEIS. Pursuant to 6 NYCRR 627.9(a)(7)(i)(a), a supplemental DEIS should be required for significant adverse environmental impacts not addressed or inadequately addressed in the DEIS that arise from changes proposed for the proposed Hudson Hills PDD.

Please make note that this correspondence is addressed to Supervisor Herrington with great reluctance due to his conflict of interest regarding the proposed Highland Creek PDD. Supervisor Herrington should not participate in any proceedings involving any of the five pending PDD projects (Brunswick Meadows, Carriage Hill, Highland Creek, Hudson Hills, Wal-Mart Supercenter) because they are competing for the limited resources of the Town and for Town Board approval.

1.1 - Description of Action

- What will be the hours of operation of the clubhouse, media center, fitness center and swimming pool? Who will be responsible for operation of these facilities? Who will be responsible for the costs of operating and maintaining these

facilities? What impact will the noise and light produced by these facilities have on the surrounding neighborhoods?

- Who will be responsible for capital repairs to the structures and facilities comprising the project? What assurances will there be (e.g. the posting of a bond by the developer, or periodic deposits to an account or fund) that sufficient moneys will be available to make capital repairs and improvements when required? What is the track record of this developer in regard to maintenance and repair of other apartment complexes/housing projects he owns or is associated with including but not limited to Village One Apartments in Menands, and Lake Shore, Fenimore Trace, and Valley View Apartments in Watervliet?

1.2.1 – Alleged Beneficial Impacts

- What is the basis for the assumption that such development will be occupied by “empty nesters” and “young professionals?”
- The DEIS claims that the project will generate approximately 200 construction jobs. Has this number changed since the plan was revised? Will local firms be utilized for this construction? How will long-term local employment be affected upon completion of the project?
- The DEIS states that each apartment unit would produce approximately \$1,354.44 in taxes, increasing over the next decade to approximately \$2,031 per unit. This figure is substantially less than that paid by single-family homeowners. Would there be any differences in the level of town and school services required by Hudson Hills residents as compared to single-family homeowners in Brunswick? If so, what are those differences?
- 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 and infrastructure required by the new residents. 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 Hudson Hills DEIS does not adequately address the costs of this new residential development to the community. The costs of additional public services to taxpayers must be assessed.

- The tax revenue estimates must be adjusted to reflect the reduced number of units.
- The traffic impact study and proposed mitigation must be redone using a realistic projection of number of vehicles per unit.

1.3 - Mitigation Measures

- In terms of air quality, the DEIS claims as a mitigation measure, "Encouraging use of alternative commute opportunities (i.e. carpools, public transit)." Is a bus stop or some other type of public transportation proposed for the site? If so, where would the bus stop be positioned? Is a carpool lot proposed?
- The DEIS also claims as a mitigation measure, "Highway improvements to facilitate traffic flow to and from the site." What types of highway improvements are proposed? Where and at what cost? Who will be responsible for the costs of any such "highway improvements"? What are the maintenance costs of any such "highway improvements" and who will be responsible for said maintenance costs? Is it not true that the Hoosick Street Phase II Corridor Plan increase traffic volumes in Brunswick?
- In terms of transportation, the DEIS claims as a mitigation measure, "Implementation by others of planned improvements by the City of Troy that include construction of individual left-turn lanes on the NYS Route 7 approaches to the intersection as recommended in the Hoosick Street Phase II Corridor Plan." Who are the "others" that are expected to implement any planned improvements? What are the assurances that said "others" will actually do these things? What are the contingency plans if they do not? What are the costs of said planned improvements and who is responsible for the costs? What are the costs of maintenance of any such improvements, and who is responsible for such maintenance costs? What time schedule is anticipated for this mitigation?

2.1 - Project Purpose and Need

- The DEIS claims “the project is intended to fulfill a housing need resulting from regional economic growth identified by the applicant’s 30 mile radius market research.” Was any market study performed specifically within the Brunswick area to determine whether there is any demand for such a housing project within the Town? If not, the DEIS is deficient and such a study should be included in the final EIS.
- The DEIS references the applicant’s market research. Did this market research account for the proposed Wal-Mart Supercenter located adjacent to the proposed luxury garden apartment community? In what other areas have luxury apartments been built adjacent to a large retail store? Does this proximity affect the marketability and rent of these units?
- The DEIS claims that the project is tailored to “empty nesters” and to “young professionals.” 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 the DEIS?
- The DEIS must establish the actual need for this Planned Development District. The market study in Appendix I is based on speculation about the effect of SEMATECH North, located at UALBANY, on the Capital District’s job market. This study draws a parallel between Austin, TX, one of the nation’s fastest growing cities, and Albany, NY because of the existence of SEMATECH centers in each area. This comparison is premature.

The SEMATECH center was established in Austin, TX in 1988 and the job growth was immediate. A chart in the DEIS Appendix (pg II-7) shows population growth in Austin of 100,000 by 2001. In comparison, the SEMATECH North established in Albany in 2002 has yet to cause a great increase in either jobs or population during the past three years. (Reference DEIS chart pg II-9). To show economic promise, the DEIS lists initiatives launched in this region (pg II-4), 8 of which are university-based, with fewer new jobs created than would occur in industry. In addition, it lists the Saratoga Tech Campus, which currently has only 100 employees on site, as opposed to the 1500 hoped for by now (Source: Times Union, 1/22/2006, pg. E1). Finally, it includes the IBM Chip Plant in East Fishkill, NY, which, though a large resource, is not relevant to this proposal.

Therefore, the DEIS needs to show what actual job growth and what actual population growth has occurred in the Capital District to justify this proposal at this time.

Furthermore, the DEIS uses a radius of 30 miles for this market study. What is the basis to assume commutes to Brunswick from areas farther than approximately 15 miles are viable in predicting the market base? How many of

the jobs enumerated as an answer to the above question exist within 15 miles of Brunswick?

- What need is shown for such apartments in Brunswick when considering the continual availability of apartments currently existing on Hoosick Street and McChesney Avenue Extension which, we believe, show a consistently high vacancy rate? What are the rent ranges for the apartments on Hoosick Street and McChesney Avenue Extension and how do they compare to the proposed Hudson Hills apartments?

2.1.2 – Project Benefits

- How will the amount of property tax revenue and school tax revenue generated by the project compare with the costs generated from increased demands on infrastructure and services?
- What will be the tax be on the property in the first construction phase prior to renting apartments built in Phase I? Upon completion of Phase I, what will the tax be on the property for the Phase I apartments and the undeveloped Phase II property? If Phase II is not built, what will the total tax be on the property? Who will pay this? Will the developer benefit from any local, county, or state tax incentives or programs?
- The DEIS cites that an on-site community benefit will be the presence of a Memorial Garden in the Cherry Orchard. This area would be open on national holidays for patriotic gatherings, and would total 4+ days for community events. Brunswick already has an historic Veterans' Monument area. Such gatherings at the Cherry Orchard would be a duplication of traditional services, and would not provide a community amenity.
- What will the size of the cherry trees be when planted? What variety of tree will be planted? Will they create a suitable buffer at the time of planting? If not, how long will it take for the trees to grow to a size that will provide a suitable buffer? Will the measurement and quality of the plantings conform to American Association of Nurserymen (AAN) standards?
- What dust control measures will be employed during the excavation, grading and planting of the orchard and memorial garden? Is it anticipated that dust control and erosion measures will be required after planting? If not, why? If so, what measures will be used and for how long? Who will be responsible for performing such measures?
- What provisions, if any, will be made for fertilization, irrigation, pest control and maintenance of the orchard, and who will be responsible for performing and paying for these services?

- Where will the flagpole and gazebo be situated? How many lights will illuminate these structures? What type of lighting will be used? What times will the lights be on? What is the projected visual impact of the lighting on the residences on Wilrose Lane and Betts Road? From what distance will the light be visible?
- Outside of the above activity, the open spaces at Hudson Hills provide no public amenities for the community other than Hudson Hills residents. Will the developer offer any further public amenities, such as hiking trails, to Brunswick residents?

2.2 – Project Location

- While the Route 7 Corridor has needed utilities and ties to water and sewer lines, the developer must demonstrate that the site provides a suitable access road onto Route 7, and that the intersection of Betts Road and Route 7 can accommodate up to c. 1400 more cars from the apartments.

Furthermore, the combined impact of the proposed Wal-Mart and Hudson Hills traffic must be addressed as to the suitability of this connector road. What will be the wait time for peak hours of travel for cars turning right onto Route 7? What will be the wait time for peak hours of travel for cars turning left onto Route 7? Will there be separate turning lanes onto Route 7 for right and left turns?

2.3.3 – Structures

- Have the local fire departments and rescue services indicated that their existing equipment and manpower are sufficient to effectively service the three-level apartment buildings? If not, what else will be needed and at what cost? Who will be responsible for paying these costs?
- Phase I and Phase II are to be comprised of 90 one-bedroom units and 574 two-bedroom units. If this project is targeted to tenants with no children, why are there six times more two-bedroom units than one-bedroom? What studies or other information are relied on in answering this question?

2.3.4 - Open (green) space

- Explain specifically what the DEIS refers to as “open” and “green” space. Will a portion of the land be dedicated as forever wild? If so, what percentage and what areas? Will the open or green space be “forever wild”? If not, will there be restrictions against future development on that space? What will be the text of these restrictions? Where will such restrictions be evidenced? Who will be entitled to enforce these restrictions? Who would be entitled to release the restrictions? Will any such restrictions be limited in duration, and if so, for how long?

2.3.5 – Parking

- Will additional parking areas be created for guest parking?

2.3.6 - Access/Egress

- The DEIS states that Betts Road will be widened. What are the proposed specifications of the new road? Are turning lanes proposed for Betts Road, based on the modified plan with Betts Road as the only point of access?
- How will the widening of Betts Road impact the adjacent wetlands? Will the widening of Betts Road intrude onto wetland TN-106? Will the widening of Betts Road intrude on the 100-foot buffer zone of TN-106? The final EIS must include a complete and clear wetlands delineation and such delineation must be referenced and identified in a detailed specification of the boundaries of the proposed widening for Betts Road. What mitigation measures are proposed?

2.3.7 – Utilities and Storm Water Management

- The DEIS states, “Costs for operating and maintaining water and sewer improvements will be borne by water and sewer district users including the developer.” Will the extension of the water and sewer districts mandate that a resident within these districts, even though they choose not to connect to either water or sewer, shall be taxed for these costs?
- What are the estimated costs to the Town for maintaining the new water and sewer lines? What are the estimated taxes that the developer will pay for these water and sewer district costs? What percent of the water costs is born by the general public in funds taken from general tax revenues?
- In terms of storm water, what baseline measures have been collected from the DEC Wetland on Route 7 and the Troy Reservoir to use as comparisons to tests for possible pollutants entering both waterways during construction and post-construction of Hudson Hills? How will the developer measure and report water quality of these two bodies of water during and post-construction? With what frequency will such tests be done? Will such testing be public record?
- How will runoff affect Lord Avenue and North Lake Avenue properties, both areas of which lie directly downhill from the Hudson Hills site?
- What will be the boundaries of the new water and sewer districts?
- The DEIS states that “Costs for operating and maintaining water and sewer improvements will be borne by water and sewer district users including the developer. In addition, the developer will contribute to other necessary upgrades (i.e., sewer pump station) in an amount proportional to the level of improvements

directly related to the project". The DEIS further states that "It is understood that construction of a sanitary pump station will also benefit future non-project related development." To what extent does the developer propose that the level of improvements will be directly related to the project? What proportion of the improvements will the developer be responsible for? Who is responsible for the remainder of the improvements?

- Pursuant to the DEIS, improvements for the sanitary sewer include on-site subgrade pump stations, force mains and gravity lines; 8-inch diameter force main sewer along Betts Road; pumping station (subgrade pumps, above-grade control panel) located in the vicinity of the clubhouse; upgrades to existing McChesney Avenue Extension pumping station pumps to allow for additional flow capacity; upgrading the existing 8-inch diameter sewer to a 12-inch diameter gravity sewer (the new sewer is proposed to be installed for approximately 3,350 lf from Betts Road/NYS Route 7 intersection to the McChesney Avenue Extension pumping station); upgrading the existing 6-inch diameter force main (a new 8-inch diameter force main is proposed to be installed for approximately 2,400 lf from the existing McChesney Avenue Extension pumping station to the sanitary manhole on NYS Route 7). Who will be responsible for these improvements? What are the anticipated expenses? If the developer only intends to contribute to "an amount proportional to the level of improvements directly related to the project", what is the proportional amount, and how does the developer intend to measure the amount proportional to the project? Who is responsible for the remainder of the necessary improvements? As the required improvements will currently only benefit this proposed project, why should the costs be apportioned to other currently nonexistent and speculative future development? How much of the associated costs of the improvements and maintenance will the Town bear?
- The Modified Proposed Plan fails to adequately address the project's impact on water and sewer service. The Modified Proposed Plan merely discusses the water demand required for the modified number of units, and the projected amount of sanitary flows for the modified number of units. The Modified Proposed Plan fails to discuss whether the same on and off-site water system improvements as discussed in the original proposed plan will be necessary for the modified plan. Will the proposed off-site water connection for the project be the same as that indicated in the original proposed plan? The original proposed plan states that the point of connection shall be the existing 16-inch high pressure water main on North Lake Avenue, just beyond the booster pump station, and that "a 12-inch proposed water main will be extended approximately 1,300 lf along North Lake Ave, in a westerly direction, towards the Hudson Hills entrance". The original plan further states that the installation of the water main will be installed along the intended roadway route of the North Lake Avenue access driveway. Does the modified proposed plan anticipate the same location and configuration of the water main from North Lake Avenue? Now that the modified plan has eliminated the North Lake Avenue access road, does the plan continue to propose that the water main will be installed "along the intended roadway route"? As there is no

longer an intended roadway from North Lake Avenue, where will the water main be installed? Additionally, regarding the required improvements for the sanitary sewer, will the Modified Proposed Plan require the same upgrades to the sanitary sewer system as stated in the original DEIS?

- The DEIS states that "Proposed Phase I road improvements for Betts Road include widening of the existing 12-ft wide paved roadway to a 30-ft wide paved roadway. The proposed roadway widening will result in an increase in impervious area, and subsequently an increased runoff discharge rate from the roadway area" (DEIS p. 18). An actual measurement taken from Betts Road to state wetland TN-106 indicates that the distance from the edge of Betts Road to standing water in the state wetland is approximately 45 feet, and from the edge of Betts Road to the marsh grass of TN-106 is approximately 20 feet. A 100-foot nondisturbance buffer zone is required surrounding state wetland TN-106, pursuant to New York State's Environmental Regulations. As such, any construction on Betts Road, including "improvements" to the road, widening of the road, and trenching along Betts Road for extending utilities would intrude on the buffer zone.
- The final EIS must address the impact on neighboring properties from increased storm water runoff. Additional runoff from impervious surfaces and clearing of trees on the proposed project site could have a direct impact on the quality of the water in wells on surrounding residents' properties which are used for drinking water. Moreover, the increased runoff will contribute to erosion and flooding on neighboring properties.
- The DEIS fails to address the cumulative impact on utilities and storm water management from this project together with the proposed Wal-Mart Supercenter and other currently proposed PDDs. The cumulative impact from these proposed projects must be addressed.

2.5 – Approvals Needed

- What approvals have been obtained by the developer through the date of the final EIS? Are any of the approvals conditional, and if so, what are the conditions? What approvals still need to be obtained?

3.1.4 – Geology - Potential Impacts

- What are the buffers, by location, between the project site and adjacent properties? Specifically, what existing tree lines and vegetation are to be retained? What tree lines and vegetation, if any, are proposed to be removed?
- The Modified Proposed Plan states that 14,900 feet (over 2.8 miles) of roads are to be constructed and the DEIS states that additional rock materials will be brought on site for foundation and sub-base for roadways and driveways.

What is the estimated volume of additional rock material to be brought on site?
What is the estimated surface area of paved areas (roads, driveways, etc.)?

3.2 – Water Resources

- What is the anticipated impact upon existing wells and septic systems on the residential properties surrounding the project site, including but not limited to Betts Road, Wilrose Lane, Lord Avenue and North Lake Avenue?
- The DEIS claims that “A few of the existing residential uses on Betts Road and Wilrose Lane have individual ground water supply wells” (emphasis added). Based on information Brunswick Smart Growth has received, all residences currently located on Betts Road and Wilrose Lane have individual ground water supply wells. The DEIS claims there will be no significant impact to ground water, including off-site wells, yet the majority of the site consists of a high water table and relatively shallow depth to the high water table (see DEIS Table 9, p. 29 and Figure 2). Indeed, the vast majority of the site has a depth to high water table of only .5 to 2 feet. The Applicant’s claim in the DEIS that there will be no significant impact to ground water and that “no major excavations are proposed during construction, as the buildings will not have basements” (DEIS p. 31) is erroneous. Even without basements, foundations must be dug for the buildings at a level below the point in which the soil freezes (generally 3 to 4 feet). Additionally, trenching will be necessary to extend utilities to the site. Such excavation and trenching will clearly be at a level below the ground water, and will impede on both the flow and quality of the ground water. The DEIS merely dismisses the impact on ground water, claiming that “the Contractor will be responsible for controlling and managing inflows such that discharges do not increase erosion and sedimentation or contravene State water quality standards on- or off-site.” (Id.) How will the Contractor control and manage inflows? How will the quality of the ground water be monitored? The impact on the ground water from the excavation and trenching for utilities must be adequately addressed in the final EIS. The impact on off-site ground water supply wells from the extension of sewer lines must be addressed. What is the potential impact on ground water quality, the wetlands and the Troy Reservoir should the sewer system back-up and/or overflow? Will monitoring wells be established to measure the quality of the ground water, wetlands and the quality of water in the Troy Reservoir, together with other waterways both on and off site? Who will be responsible if the project causes degradation of residential drinking water wells off-site? Who will be responsible if the project causes degradation to the Troy Reservoir, wetlands and/or other waterways?

Additionally, the final EIS must address the impact on ground water from the use of pesticides/herbicides, fertilizer, and salt from the parking lots and roadways, as well as potential contamination from petroleum and other detrimental emissions, spills and/or leakages from tenants’ vehicles, delivery and other commercial vehicles, and potentially mass transit vehicles.

3.2.2 – Surface Water

- The Modified Proposed Plan does not address changes to the post-development drainage plan as presented in Appendix E. What are the changes to the post-development drainage plan? What are the proposed contours for the proposed development and how do these affect drainage patterns and drainage basins? What are the dimensions (length, width, and depth) of the detention basins? How was storm water quality addressed in the drainage plan?
- The adequacy of the storm water pre- and post-development drainage plans cannot be adequately assessed without additional information. What are the assumptions, input parameters, and output parameters used in the Soil Conservation Service (SCS), Technical Release No. 55 (TR-55) and the SCS Technical Release No. 20 (TR-20) for the pre- and post development conditions?
- Appendix E discusses post-development run off rates. What increased volume of run off is anticipated due to site improvements? Can this increased volume be accommodated by down gradient off site drainage structures without adverse impacts to down gradient property owners? What assurance do down-gradient property owners have against impacts related to site improvements including increased volumes and re-routing storm water run off?
- The increase in impervious surfaces will impact the quantity and quality of storm water runoff. The DEIS states that storm water runoff will be detained on site in storm water detention basins. Where will the proposed detention basins be located? What is the proposed capacity of the detention basins? Where will the water/runoff from the detention basins go if they exceed their capacity? Will the water quality in the detention basins be monitored? If so, by whom? The potential impact for contaminants leaching from the detention basins into the ground water and/or connected wetlands, streams, the Troy Reservoir, and other waters must be addressed. The detention basins will hold runoff from the impervious surfaces (parking areas, roadways, etc.). The impact of pollutants (gasoline, oil, antifreeze, trash, etc.) leaching from the detention basins into the wetlands, streams, ground water, Troy Reservoir, and other off-site waters must be addressed. Will these detention basins discharge directly into the wetlands or infiltrate into the groundwater? Will they discharge onto neighboring properties?
- The proposed project area including on- and off-site must be studied during and immediately after a significant storm event. Upon information and belief, down-gradient off-site neighboring properties will be significantly impacted from any increase in storm water runoff. Such impact must be addressed in the final EIS.
- The DEIS fails to adequately discuss what type of permanent storm water management facilities will be installed upon completion of construction. The DEIS states that “structural facilities *may* include grass-lined drainage swales, stone rip-rap at inlets to and outfalls from culverts, or storm water

detention/retention facilities” and further claims that “contract documents to be developed for the project will provide technical material and performance specifications to be adhered to by the contractor when installing components of the E&SC plan” (DEIS, p. 34). Such information including the specific type of permanent storm water management facilities, technical material and performance specifications must be provided in the final EIS. Without such information, the Lead Agency would clearly be unable to make an educated decision regarding the project.

- The DEIS fails to address the cumulative impact on water resources from this project together with other proposed development projects in the area. The cumulative impact on ground water, surface water, storm water and increased runoff due to increased impervious areas must be addressed.
- Is the developer going to post a bond or other security or otherwise indemnify the Town and/or the owners of surrounding properties against adverse impacts on residential water supplies and septic systems, or upon wetland TN-106? If so, in what amount or amounts, and for what period of time?

3.3.2 – Air Quality – Potential Impacts

- The assessment of air quality impacts on adjacent residential properties resulting from vehicle emissions must be re-analyzed using a realistic estimate of the number of vehicles per unit.

3.3.3 – Air Quality – Mitigation

- What is the anticipated schedule of “work hours” and days of work during each phase of construction? Whose responsibility will it be to enforce the schedule?

3.4 – Terrestrial and Aquatic Ecology

- The DEIS delineates 6 terrestrial habitats and their acreage. What is the total acreage for each habitat that will remain undisturbed during and after construction? How many acres will require mitigation or re-landscaping of the total open space once construction is complete?
- The description of the Red Maple–Hardwood Swamp has many species that are characteristic of Silver Maple–Ash Swamp according to “Ecological Communities of New York State (1st edition: Reschke 1990, draft 2nd edition: Edinger et al. 2002). Is there a Silver Maple–Ash Swamp, a global, state, and county rare natural community, located on the property?

Two of the plants listed are being tracked as “county rare” - Cornus florida and C. stolonifera. What measures are being taken to avoid impacts to these plants and their associated habitat? If such impacts will occur, are mitigation efforts planned

such as increased preservation for other sites in the county that support these species?

- The DEIS states there are no known occurrences of rare or state-listed animals and plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the site were identified and refers the reader to a NYSDEC letter in Appendix D.

The letter continues and states that "The absence of this data does not mean rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather our files currently do not contain any information which indicates their presence. . . . This information should not be substituted for on-site surveys that may be required for environmental assessment."

Was an on-site survey conducted for rare or state-listed animals and plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the site? If not, one needs to be completed to verify the veracity of the above statement.

The final EIS should include a study by an independent biologist to confirm the presence or absence of rare, endangered or listed animals or plants, significant natural communities or other significant habitats. Moreover, additional information is needed regarding the types of species that currently use the wetlands in the area adjacent to the project site (TN-106) and the types of vegetation that will be lost. The final EIS must look at both the project site and the adjacent wetlands (TN-106). The final EIS must address the potential negative impact on the adjacent natural community.

- The final EIS must address the impact on migratory birds in the area of the project site and the adjacent wetlands. The following species listed as present on the site per the DEIS are protected by the Migratory Bird Treaty Act: field sparrow (*Spizella pusilla*), song sparrow (*Melospiza melodia*), bobolink (*Dolichonyx oryzivorus*), American robin (*Turdus migratorius*), eastern kingbird (*Tyrannus tyrannus*), red-winged blackbird (*Agelaius phoeniceus*) common yellowthroat (*Geothlypis trichas*), wood duck (*Aix sponsa*), northern waterthrush (*Seiurus noveboracensis*), American redstart (*Setophaga ruticilla*) and red-eyed vireo (*Vireo olivaceus*). 50 CFR 10.13. The DEIS fails to address the impact on these protected migratory birds. The final EIS must address whether the project will violate the Migratory Bird Treaty Act ("MBTA") (16 U.S.C. § 703). It appears that the project would violate the MBTA by allowing construction in areas where migratory birds nest during nesting season. Will the project result in the killing of young migratory birds in violation of the MBTA by allowing construction during the nesting season? Additional information is also necessary to determine whether the project would result in a "taking" of migratory birds' nests in

violation of the MBTA. The final EIS must also address the potential impact on migratory birds and their habitat in the adjoining wetlands (TN-106).

Additionally, the final EIS must address the impact on protected migratory birds from increased populations of other species that thrive around human development such as raccoons and skunks, which will prey on migratory birds' nests, eggs and hatchlings. The increased human population in the area and resulting increase in discarded food, including the proposed project's dumpsters/trash disposal areas, will cause an increase in such predatory species which will prey on protected migratory birds.

- Additional information is necessary regarding the impact on the adjacent wildlife habitat in wetland TN-106 from erosion from construction activities and from runoff during and post-construction from the increase in impervious surfaces. Additional information is also necessary regarding the impact on the adjacent wildlife habitat in and surrounding the Troy Reservoir from erosion from construction activities and from runoff during and post-construction from the increase in impervious surfaces. The impact on the adjacent wildlife habitat and the natural ecosystems from the runoff resulting from the use of pesticides/herbicides and salt from the parking lots and roadways must be addressed, as well as potential contamination from petroleum and other detrimental emissions, spills and/or leakages from tenants' vehicles, delivery and other commercial vehicles, and potentially mass transit vehicles, as well as discarded trash. The impact on the adjacent wildlife habitat from the increased populations of other species that thrive around human development such as raccoons and skunks, which will prey on the native wildlife must be addressed.
- The Modified Proposed Plan fails to adequately address the modified project's impact on terrestrial and aquatic ecology. The Modified Proposed Plan eliminates the North Lake Avenue access to the site, and makes Betts Road the only point of access, yet fails to address the impact on terrestrial and aquatic ecology from widening Betts Road and from the increased traffic that will result on Betts Road.
- In terms of wetlands, information is needed on the hydrologic flow into the adjacent state wetlands (TN-106) and into the Troy Reservoir and surrounding wetlands. The impact on the state wetlands TN-106 must be addressed, including but not limited to: whether the proposed project will raise or lower the water level in the state wetland; will flow from the project site into the state wetland be decreased or increased; what is the potential impact of contaminated flow from the project into the wetlands (both during and post construction); what effect will the fill have on the flow of water; what protection from contamination of water flow is proposed?
- The impact on the Troy Reservoir/Town Beach and surrounding wetlands must be addressed, including but not limited to: whether the Troy Reservoir and/or surrounding wetlands are hydrologically connected to the project site; whether the

proposed project will raise or lower the water level in the Troy Reservoir and/or surrounding wetlands; will flow from the project site into the Troy Reservoir and/or surrounding wetlands be decreased or increased; what is the potential impact of contaminated flow from the project into the Troy Reservoir and surrounding wetlands (both during and post-construction); what effect will the fill have on the flow of water; what protection from contamination of water flow is proposed?

Additional information is needed on the use, amount and type of pesticides/herbicides, road salt, and seal coating proposed to be used on the site, and their resulting impact on wetlands, groundwater, Troy Reservoir and wildlife habitat.

- The DEIS fails to address the 100 foot buffer zone of TN-106. An actual measurement taken from Betts Road to state wetland TN-106 indicates that the distance from the edge of Betts Road to standing water in the state wetland is approximately 45 feet, and from the edge of Betts Road to the marsh grass of TN-106 is approximately 20 feet. As such, any construction on Betts Road, including "improvements" to the road, widening of the road, and trenching along Betts Road for extending utilities would intrude on the buffer zone.
- The Modified Proposed Plan fails to adequately address the modified project's impact on wetlands. The Modified Proposed Plan eliminates the North Lake Avenue access to the site, and makes Betts Road the only point of access, yet fails to address the impact on state wetland TN-106 from widening Betts Road and from the increased traffic that will result on Betts Road.
- Moreover, the final EIS must address the cumulative impact on the state wetland TN-106, the Troy Reservoir and surrounding wetlands from the various development projects, including but not limited to the cumulative impact of the Hudson Hills project, the proposed Wal-Mart Supercenter project, and other proposed PDDs before the Town Board. In correspondence dated March 28, 2005 from Nancy Adams, Environmental Analyst 2 of the New York State Department of Environmental Conservation ("DEC") to Town Supervisor Philip Herrington, the DEC raises concerns of cumulative impact, stating:

"It may be possible that constructing WalMart (and Hudson Hills) right next to TN-106 may change the character of the wildlife now using that wetland. Specifically, staff are concerned that species like gulls will be drawn to the immediate vicinity of the wetland by the big parking area with discarded gull food, and greater numbers of gulls will use the wetland. Populations of other species that thrive around human development like raccoons and skunks will increase locally and prey on waterfowl and turtle nests. Staff also have concerns that geese will be attracted to the stormwater ponds on both sites and become a nuisance.

"The scoping document acknowledges the cumulative impacts of Walmart and the proposed Hudson Hills. The direct wildlife habitat impacts on those, and perhaps some other properties for which development is proposed, in the context of the larger landscape, as well as indirect impacts

to TN-106 and its wetland habitat functions would be of particular interest to Department staff.” (See DEC correspondence dated March 28, 2005, attached hereto).

Additionally, correspondence dated May 10, 2005 from Nancy Adams, Environmental Analyst 2 of the DEC to Andrew W. Gilchrist states:

“This responds to your letter of April 4, 2005, regarding the Department’s comments relative to the proposed Wal-Mart Draft Scope as well as the Draft Scope for the proposed Hudson Hills project. As noted in your letter, our comments regarding the Wal-Mart project included concerns regarding development adjacent to Freshwater Wetland TN-106, and the potential for significant impacts, whether direct or indirect, from several proposals adjacent to the same wetland. Our prior letter regarding Hudson Hills did not include this concern, as we were unaware of the Wal-Mart proposal at that time.

“As multiple development occurs in an area containing wetlands, the concern becomes whether multiple projects would result in larger impacts from runoff, potential erosion, habitat displacement, etc., to a higher degree than if one project were proposed, leaving much more open space around the remaining wetland. When multiple projects occur in close proximity to the wetlands, it is important to take a hard look at the overall picture, and ensure that the wetland will not be adversely impacted unnecessarily, or that the potential impacts can be mitigated to the maximum extent practicable.” (See DEC correspondence dated May 10, 2005, attached hereto).

The DEIS fails to address the cumulative impact of multiple projects on the wetlands. The Final EIS must include a discussion of the “whole picture” and address the cumulative impact to the wetlands and wildlife habitat.

3.5 – 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. Not only was the traffic sampling used for the DEIS’ traffic analyses taken before the reconstruction was completed, the analyses themselves were completed in March of 2005. As the purpose of this multi-year roadway project was to improve traffic flow, the validity of using the DEIS’ count data as Hudson Hills’ 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 cites NYSDOT’s 2003 Traffic Volume Report as a reference. The DEIS’ Traffic Impact Study points out “This data may be skewed due to the reconstruction of Route 7”. The NYSDOT’s 2003 Traffic Volume 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 (County Route 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 16,990 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 those cases where the NYSDOT's 2004 Traffic Volume Report has volume estimates based on 2004 count data for Route 7, the apparent growth rates from the previous sampling period indicate that an overall, concurrent traffic study is warranted. The Route 7 section between 8th Street and 10th (Route 40/Oakwood Avenue) in Troy shows an increase of over 13,000 vehicles between 2001 and 2004. This is an average linear increase of 10% per year. The adjoining section from 10th up to 15th Street had an apparent decrease of 2000 vehicles over this same period (-3% per year). No new sampling was undertaken on Route 40 in Troy in 2004. One possible interpretation of these data is that drivers, in order to avoid the congested parts of Route 7, are looping around it in Troy and western Brunswick by taking Route 40 to Frear Avenue and thence to North Lake Avenue as an alternate route.

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.

Despite the completion of reconstruction of Route 7 in Brunswick, Route 7 and its adjoining roads continue to be plagued by stop and go traffic conditions. Accessing Route 7 from the numerous uncontrolled intersections in Sycaway through Center Brunswick is frequently difficult and dangerous. This is heightened when crossing Route 7 traffic is necessary to go either to or from one of these roadways. The slow pace of traffic along Route 7 also causes excess traffic onto these side roads because drivers attempt to find alternate routes to

their destination. Troy's proposed reconstruction of both Routes 2 and 7 will and cause an even heavier traffic demand in Brunswick than currently exist.

The compounding effects of development throughout Brunswick and vicinity should not be ignored. 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. This study should determine the historical growth rates for these roadways and provide traffic projections over the next 30 years in five-year increments. The additional traffic in Brunswick due to Troy's Hoosick Street Phase 2 Corridor Plan, which will redevelop Route 7 up to the Brunswick line, and the proposed reconstruction of Route 2 at Pawling Avenue in Troy, should be assessed. Various development scenarios for Brunswick should also be included. Traffic volumes and level of service analyses should also be performed for all projections and scenarios. Baseline sampling similar to NYSDOT's protocol for its Traffic Count Hourly Reporting should be used.

BSG recommends that the following intersections be part of such a study:

Route 7 and 8th Street, Oakwood Avenue, 15th Street, Burdett Avenue, North Lake Avenue, Otsego Avenue, Coolidge Avenue, Lord Avenue, Price Chopper Plaza/Mohawk Avenue, McChesney Avenue, (western end), Wal-mart Plaza/Brunswick Drive, Betts Road, McChesney Avenue (eastern end), Grange Road (Cty. Rt. 142), Town Office Road (Cty. Rt. 135), Brick Church Road (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 (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 (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), Leverage 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).

- The following comments pertain to the Traffic Impact Study - Appendix G:

The intersections sampled were not all done concurrently and each lasted only four hours on a single day. Why were they not done for longer periods and durations? Why were they not done at the same time? Why were the Route 7 intersections with McChesney Avenue (eastern end), Town Office Road (Cty. Rt. 135), and Brick Church Road (Rt. 278) not included? This is particularly perplexing in that the Route 7 intersection with McChesney Avenue (eastern end) was sampled in Feb. 2005 by CME as part of the Highland Creek DEIS.

The location where "The seasonally adjusted two-way traffic volume for Route 7 of 985 vehicles per hour AM and 1335 vehicles per hour PM" is not identified. Does this refer to Route 7 in the vicinity of Betts Road?

The DEIS' assumption of a traffic growth rate of 1% per year is apparently based on a growth projection used by NYSDOT years ago when designing the recently completed reconstruction of Route 7 in Brunswick. Since these estimated projections are based on old information, there is no assurance that such a low growth rate is reflective of the current traffic situation in the Brunswick area. Has traffic sampling taken after Route 7 reconstruction confirmed this growth rate?

A number of factors would seem to indicate that using a higher growth rate would be appropriate. As pointed out at all public hearings, the level of service experienced by Brunswick residents along Route 7 is quite unsatisfactory due to the high traffic levels and low traffic speeds. These conditions have continued unabated even after the completion of reconstruction of Route 7 in Brunswick. A review of the NYSDOT's 2004 Traffic Volume Report for volume estimates based on 2004 count data for state routes in Brunswick find the following linear growth rates between 2004 and the next most recent sampling year:

6.6% on the Route 2 segment between Rt. 351 Jct. & Grafton State Park;
1.2% on the Route 7 segment between Rt. 278 Jct. & County Rt. 115; and
5.0% on Route 278 between Route 7 and Route 2.

Finally, the size and scale of the proposed reconstruction of Route 7 in Troy (i.e., Hoosick Street Phase II Corridor Plan) indicates that a higher growth rate than that which presently exist should be assumed due to the increased traffic and congestion it will create in Brunswick. Therefore, it is requested a growth rate based on recent traffic trends and plans be determined and used.

- Traffic projections for “redevelopment of Grand Union and residential development near Bonesteel Lane” were added to the “No Build” scenarios. As the traffic volumes from these projects may or may not occur, they should not be included in the projected “No Build” traffic estimates. Instead, these estimated volumes should be shown in their own series as Trip Distributions for Other Potential Projects. That is, separate future estimates for “No Build”, “Hudson Hills”, and “Other Potential Projects”, plus a “Total” estimate, would allow better delineation of the individual and cumulative effects of each project.

Traffic projections for “redevelopment of Grand Union and residential development near Bonesteel Lane” are shown Appendix D of the Traffic Impact Study. The analytical methodology used to estimate these traffic volumes should be explained in detail. Concerning the former Grand Union site, it is not clear what assumptions are used for its redevelopment, nor why its traffic is assumed to split equally in both directions on Route 7. The directional splits at receding intersections are not explained either.

For example, it is our understanding from the Highland Creek DEIS, which has the same 2010 “No Build” traffic volumes for these potential projects, that the Grand Union building is 33,250 square feet. Using this square footage for the supermarket Local Use Code (LUC 850) in The Institute of Transportation Engineers’ Trip Generation, 7th Edition for the Peak Weekday Hour of Adjacent Street Traffic yields:

108 vehicle trips in AM ($33.25 \text{ SF}(1000) \times 3.25 \text{ vehicles/SF}(1000)$) and
347 vehicle trips in PM ($33.25 \text{ SF}(1000) \times 10.45 \text{ vehicles/SF}(1000)$).

While Figure D.1 has the entering/exiting splits one would expect for using these factors, the total trips are lower (76 and 274, respectively). How were these values calculated?

Concerning Figure D.2 for the traffic from the proposed Highland Creek project, the following comment from BSG’s letter on the Highland Creek DEIS is germane:

“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. ”

In particular, The Institute of Transportation Engineers' Trip Generation, 7th Edition, defines condominium/townhouse as "ownership units that have at least one other owner unit within the same building structure" and single family detached housing to include "all single family detached homes on individual lots."

BSG's commentary on directional flow from Highland Creek is also germane:

"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 requests that a conservative approach of examining various scenarios, in cases where the appropriate factor and or approach is uncertain, be used. For example, trip distributions with all traffic going west and another for all traffic going east should be examined. Scenarios for trip generated solely using LUC 210 (Single Family Detached Housing) should also be presented. Level of service analyses of the surrounding intersections for these multiple scenarios should be presented as well."

- The potential traffic generated by the proposed Wal-Mart Supercenter, that would be immediately adjacent to the proposed Hudson Hills Apartment complex, should be included as part of the traffic projections. This is particularly important as both of these proposed projects would greatly influence traffic on Betts Road. The proposed Wal-Mart Supercenter includes an entrance on Betts Road. This has not been given adequate attention in the traffic analysis. 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 stated previously, the increased traffic due to the proposed reconstruction of Route 7 in Troy should also be included.

The size proposed for the Wal-mart Supercenter is 203,826 square feet. Using this for the Free-Standing Discount Superstore Local Use Code (LUC 813) for the Peak Weekday Hour of Adjacent Street Traffic yields:

375 vehicle trips in AM ($203.8 \text{ SF}(1000) \times 1.84 \text{ vehicles/SF}(1000)$) and
788 vehicle trips in PM ($203.8 \text{ SF}(1000) \times 3.87 \text{ vehicles/SF}(1000)$).

Using the 12 vehicle fueling positions (VFP) for the proposed Wal-mart gas station for the Gasoline/Service Station Local Use Code (LUC 944) for the Peak Weekday Hour of Adjacent Street Traffic yields:

145 vehicle trips in AM ($12.07 \text{ vehicles/VPD} \times 12 \text{ VPD}$) and
166 vehicle trips in PM ($13.86 \text{ vehicles/VPD} \times 12 \text{ VPD}$).

Combining these yields an estimated 520 AM Peak Hour Trips and 954 PM Peak Hour Trips for the proposed Wal-mart Supercenter.

Table 3.2 contains the estimated AM and PM Peak Hour Trips for the proposed Hudson Hills complex. The Phase II estimates for 668 apartments are 334 AM Peak Hour Trips and 403 PM Peak Hour Trips. Combining these indicate that the proposed Wal-Mart and Hudson Hills projects have the potential to increase morning rush hour traffic on Route 7 in the vicinity of Betts Road by almost 1000 vehicle trips and the afternoon rush hour by almost 1500 vehicle trips.

Figure 2.1 indicates that the current AM Peak Hour on Route 7 in the vicinity Betts Road has approximately 990 vehicles/hour. Figure 2.2 indicates that the current PM Peak Hour on Route 7 in the vicinity Betts Road has approximately 1330 vehicles/hour. Thus, it appears that these projects if approved will more than double the current morning and evening rush hours on Route 7 in the vicinity of Betts Road. The DEIS fails to adequately address these effects on the surrounding community.

The NYSDOT's 2004 Traffic Volume Report shows an estimated Average Annual Daily Traffic of 17,000 vehicles per day for Route 7 in the vicinity of Betts Road. Using the LUC 813 (49.21 vehicles/SF(1000)) and LUC 944 (168.56 vehicles/VPD) Weekday Average Vehicle Trip End Factors for Wal-Mart indicates that it could bring over 12,000 vehicle trips per day to the Route 7/Betts Road vicinity. Using the Land Use Code for Apartments (LUC 220) Weekday Average Vehicle Trip End Factor (6.72 vehicles per dwelling unit) for Hudson Hills indicates that it may bring almost 4500 vehicle trips per day to the Route 7/Betts Road vicinity. Therefore, if approved these two projects alone would approximately double the daily traffic on Route 7 around Betts Road, bringing it to a level of traffic congestion greater than that currently experienced on Route 7 around the Troy Shopping Plaza, which has 4 lanes rather than just 2 lanes. The DEIS fails to adequately address these effects on the surrounding community.

What is the basis used to determine the trip distributions and assignments? The reasons for all assumptions and the methodologies used should be explained in detail. For example, Table 3.2 lists the Phase I-II trips for 668 units as 334 during AM Peak and 403 for the PM Peak. Table 1 of the March 17, 2005 CME Memo Re: Alternative Analysis lists these values as 331 and 385, respectively. BSG believes that these values were given as 338 AM and 420 PM trips at the January 17, 2006 Public Hearing. BSG's estimates using the Peak Weekday Hour of Adjacent Street Traffic Factors (.51/.62 vehicles per unit) for LUC 220 (Apartments) for 668 units result in 341 and 414, respectively.

The Phase II traffic assignments need to be re-evaluated based on the modifications of the project as proposed by the developer, particularly in light of the elimination of access to and from North Lake Avenue. Why is it "expected" that approximately 45% of the trips generated by the project will travel to and

from the west on NYS Route 7 and 20% to and from the east on NYS Route 7"? This is roughly a 70%/30% directional split. As most jobs, shopping, etc. are west of the proposed complex, shouldn't one expect more traffic coming and going in that direction? Why is it expected that no one will use McChesney Avenue? Why are "15% expected to travel to and from the south via South Lake Avenue and Burdett Avenue"? Where are they going? Why would 20% of the Hudson Hills commuters on Route 7 in Troy take Burdett Avenue, while only 10% of the current AM Peak Hour commuters do?

Chapter IV points out that a Level of Service 'F/E' would be created by the project at the intersection of Route 7 and Betts Road. This poor level of service is glossed over by stating "This level of service is also typical of unsignalized side-street approaches throughout the Route 7 corridor and is generally considered acceptable at unsignalized intersections in a built up area." Table 4.2 indicates that Betts Road is currently estimated to be 'B' in the AM and 'C' in the PM. Thus, it appears that the vicinity of Betts Road is not currently "a built up area." BSG believes that rather than allowing projects like Hudson Hills to cause a diminished quality of life for Brunswick residents, steps should be taken to alleviate poor level of service along Route 7 that currently exist.

The so-called "Sensitivity (Cumulative) Analysis" concerning Wal-Mart is deficient in that it fails to identify any of the methodologies used. Even the estimated traffic volumes are not given. As stated earlier, a detailed accounting of the potential effects of Wal-Mart is warranted. For example, detailed explanations, such as why Tables 4.5 and 4.6 indicate that eastbound Route 7 traffic making a left turn onto Betts Road will be a Level of Service 'F' compared to Table 4.2's Level of Service 'A', should be given.

As the traffic effects of this project on local intersections would be equivalent to intersection reconstruction, and the need for intersection construction and/or reconstruction is called for in the DEIS, 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.

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. Level of service analyses of the surrounding intersections for these multiple scenarios should be presented as well.

- The following comments deal with Betts Road:

The DEIS states Betts Road is 12 feet wide in the project vicinity, while the traffic impact study states that Betts road is approximately 22 feet wide. On-site measurements indicate that the actual pavement width varies from 17 to 18 feet for a good deal of the road. It is BSG's understanding that traffic direction during construction will be the responsibility of the developer. How do they intend to maintain a suitable traffic flow during the periods of heavy construction?

During the construction period there will be a large increase in heavy vehicle traffic on Betts Road as well as other surrounding roads. BSG requests an analysis of how this will affect local roads. If the effects are negative, who is responsible for repair/rebuilding of these roadways?

The proposed plan is to widen Betts Road in order to accommodate the increase in traffic. Who will provide the funding for this? If the town is responsible, are sufficient funds available? After completion of the apartments, the increase in traffic flow will undoubtedly cause more wear and tear to Betts Road as well as other surrounding roads. Will the town be able to support this increase in maintenance?

What, if any pedestrian accommodations will be made along Betts Road? Will there be sufficient room for automobiles and pedestrians on the road?

Has there been any consideration of a bus stop somewhere along Betts Road or on Route 7? If there hasn't, why not? If there has, how will this affect the traffic predictions? What modifications would be necessary to the roads?

The DEIS states on page 44: "At completion of Phase II of development, study area intersections are expected to operate 'adequately' with the exception of the NYS Route 7/15th Street and NYS Route 7/Betts Road intersections". What is meant by "adequately?" Is "adequately" a defined term or term of art in traffic analysis? How does "adequate" operation of an intersection compare to other standards of intersection operation? What mitigation is proposed for the NYS/Route 7 intersection and the NYS/Betts Road intersection? Has this mitigation been approved by the appropriate regulatory agencies? If so, is the approval in writing? Who will be responsible for implementing any such mitigation?

The DEIS states in the "Notes" on page 46: "The poor levels of service experienced during the peak hours on the Betts Road approach to NYS Route 7 for Phase II are considered acceptable at unsignalized intersections on a busy corridor". Who considers such level of service "acceptable?" What criteria are used in determining that the level of service will be "acceptable?" How does this level of service compare to other levels of service used in traffic analysis? Were the residents who use Betts Road consulted in making this determination? If so,

what information were they provided? What were their comments or responses? Are these in writing?

This "Note" continues "However, the intersection should be monitored at completion of Phase II for future installation of a traffic signal" By whom? Paid for by whom? Who would pay for signalization if installed? To what extent is the developer relying on the proposed Wal-Mart Supercenter to handle any necessary modification of the Betts Road/Rt. 7 intersection? In the event that this development is approved and Wal-Mart is not, how will this issue be handled?

3.6 – Land Use and Zoning

- The DEIS states that Brunswick defines itself as a "bedroom community" in its Comprehensive Plan. Yet the Comprehensive Plan also elaborates that Brunswick is primarily a rural community. This proposed development creates an urban setting in Brunswick's rural area, yet the DEIS never demonstrates 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 urban density been shown to be compatible with the goals of maintaining a rural setting and slow, sustainable growth, as set out in Brunswick's Comprehensive Plan? It is our belief that the Hudson Hills PDD will contribute to the urbanization of Brunswick and to the loss of its essentially rural character, as referenced in the The Hoosick Street Phase II Corridor Plan, page 6, which, in its discussion of the effects of the Collar City Bridge, clearly describes Brunswick's susceptibility to sprawl.

"The bridge opened in the late 1970's. Some 25 years later, 'adverse impacts,' many of which were forecast by bridge 'opponents,' are the bridge's legacy for the immediate neighbors and, often, for the motorists for whom the arterial was originally built. Congestion, pollution, noise, safety issues and divided communities have resulted in unacceptable living conditions, declining property values and a negative perception of Troy by those passing through while promoting sprawl in the once-rural outlying areas."

- The DEIS states that Brunswick's Comprehensive Plan recommends "the encouraged use of various development tools including PDD's.

This reference is found on page 6 of the Comprehensive Plan which states "Various development tools should be encouraged, including Planned Development Districts (PDD)..." In the same paragraph the Comprehensive Plan explains this use as follows: "These may include homes clustered to minimize development/purchase costsIn this way, the Town will encourage and support low or fixed-income residents, some of who have Town-based roots going back more than two hundred years, in their desire to live in Brunswick."

How does this apartment proposal meet the goals of the Comprehensive Plan to address the needs of low and fixed income residents by minimizing rental costs?

3.7.1. – Community Resources

- Impacts related to potable water cannot be adequately assessed without an Engineer's Report included as an Appendix to the DEIS. 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?

The DEIS discusses the creation of a water district. What is the process for establishing, funding, operating and maintaining a water district? Who is responsible for these items? How will these costs be distributed among the members of the water district and the Town? Will multiple water districts be involved in the proposed development? What are the boundaries of the proposed water district?

Table 6 lists the existing capacity as 370,000 gpd (average daily flow). What is the basis for this figure? The Modified Proposal Plan lists the estimated demand for full build out as 115,878 gpd (average daily flow) based on 93 gpd per bedroom (1,246 bedrooms). This represents 31% of the existing capacity. How does this compare with the existing demand? Will the supply be adequate? Will on-site storage be necessary? Will the water mains supplying the area need to be upgraded? When upgrades are necessary, who will pay for these upgrades?

The 93 gpd is on a per bedroom basis. Other water usage must be accounted for i.e. seasonal water usage such as the swimming pool, lawn sprinklers, etc. What are these additional demands?

The DEIS references testing the 16-inch main along North Lake Avenue and refers the reader to Appendix M. Appendix M does not include this testing information. Appendix M also remarks that one more test has been requested. Has this test been conducted? This information needs to be included in Appendix M.

The text and drawings are not clear on the Phase II water main connection. The text discusses connecting the 12-inch water main to the Brunswick system located off McChesney Avenue, while the drawings indicate connecting to the Troy system at Betts Road. The DEIS also references relocation of the pressure-reducing pit. Will the pressure-reducing pit be moved west of the connection on Betts Road? If so, how far past this connection does the Troy system extend and what will be the associated increased demand from users between this connection and terminus of the Troy system?

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?

No documentation is provided for the purveyors (Town's Water Department, Town Engineer, and NYSDOT) who provided the information included in this section. Who was contacted regarding this information? These correspondences need to be summarized and included in Appendix D.

- Impacts related to sanitary waste cannot be adequately assessed without an Engineer's Report included as an Appendix. What are the overall capacity, existing flow, and additional flow in terms of average daily flow and peak flow? What are these flows by Phase? What are the assumptions, references, and relevant equations?

The Report needs to address the capacity and adequacy of the existing and proposed sewers. This needs to include the Phase I development which consists of connecting an 8-inch force main to the existing 8-inch gravity sewer on Hoosick Street; to the existing pump station; to the existing 6-inch force main; and to the existing 12-inch gravity sewer; and the Phase II improvements which consists of upgrading the 8-inch gravity sewer to a 12-inch gravity sewer on Hoosick Street and the 6-inch force main to an 8-inch force main.

The DEIS states that the developer will contribute to other necessary upgrades (i.e. sewer pump station) in an amount proportional to the level of improvements directly related to the project. The DEIS estimates that current peak flow at the pump station is 88 gpm. Phase I flow is estimated at 153 gpm, Phase I-II at 285 gpm, and Phase I-III at 405 gpm. This means the additional peak flows compared to current peak flow as a percentage is over 174% for Phase I, 324% for Phase I-II, and 460% for Phase I-III which are significant proportions of flow attributed to the proposed development. How will the cost sharing to these facilities be determined?

What other users will discharge to the force mains and gravity sewers? Is R.O.U.S.E. one of these users? Will the proposed Highland Creek PDD and proposed Wal-Mart Supercenter PDD be one of these users? If yes, what is the cumulative effect of these discharges?

The DEIS outlines upgrades to existing sewer systems. How will the cost sharing portion of the upgrade from the existing 8-inch gravity sewer to the 12-inch gravity sewer and the existing 6-inch force main to the 8-inch force main be determined? What are the associated costs for upgrading these utilities?

What is the capacity of the existing pump station? Is the existing pump station adequately sized for this additional flow? What is the existing capacity of the wet well? Is the existing wet well adequately sized for this additional flow? How will the cost sharing portion of the upgrades to these facilities be determined? What are the estimated costs for upgrading these facilities?

What other users will discharge to the lift station? Is R.O.U.S.E. one of these

users? Will the proposed Highland Creek PDD and/or proposed Wal-Mart Supercenter PDD be one of these users? If yes, what is the cumulative effect of these discharges?

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 sewer district?

What is the process for extending, funding, operating and maintaining a sewer district? Who is responsible for these items? How will these costs be distributed among the members of the sewer district and the Town? Will multiple sewer districts be involved in the proposed development? What are the boundaries of the proposed sewer district?

- In terms of municipal revenues, the SEQR Final Scoping Document states, "The DEIS will include an analysis of the overall and net effect of the project on Town and County revenues. Increased revenues will be compared to increased cost, if any, for the services and utilities such as schools, water, sewer, police, and fire protection." The DEIS does not adequately address this requirement. The DEIS only addresses revenues and glosses over increased costs. For example, 3.7.3 Mitigation states that the increase in municipal revenues will assist in offsetting infrastructure improvements, but the DEIS never discusses cost associated with infrastructure improvements. What are the anticipated increased costs and revenues of the project on Town and County revenues?

There is also a concern that tax revenues may be over inflated. What reference document was used to establish the 30% increase in per unit above existing communities?

3.7.2. – Community Services (Potential Impacts)

- Who made the determination that "dry swales" will sufficiently mitigate the increased discharge rates of water from Betts Road after the road is improved? What is the basis for this determination? Has this method of mitigation been approved by the appropriate regulatory agencies as being sufficient in this instance? If so, is the approval in writing?
- Is there written confirmation from the police, fire and ambulance services that they each will be able to adequately serve the development without an increase in their respective budgets?
- The DEIS states on page 55 that the project will maintain a self-contained waste transfer station on site. Where will this be located? Will it be enclosed? If so, how? How large will it be? Will there be any kind of odor control? How often will waste be removed? By whom? If waste removal will be contracted out,

what assurance is there of performance? What happens if the removal service fails to perform? Is there a plan for back up?

- The DEIS predicts the number of school children in Hudson Hills to total 130, with 110 attending Brittonkill and 21 attending Lansingburgh. While Lansingburgh school enrollment would only increase by 1%, Brittonkill would experience an 8 % increase. Based on the percentage of students to attend Brittonkill (84%), it follows that 561 apartment units fall within the Brittonkill District. With two bedroom apartments outnumbering one-bedroom apartments in the complex by 578 to 90, are there any rental restrictions that would ensure young professionals and "empty nesters" will actually rent these apartments as predicted? Is this predicted number of students assured? If not, based on local models, what might be the upward number of students attending Brittonkill and Lansingburgh?

Each apartment unit is to contribute approximately \$1,355.44 in school and property tax revenues. What is the approximate cost to educate each student? What will be the costs to the schools to transport students from Hudson Hills? How shall the difference in educational costs and the relatively small tax burden for each apartment be met?

What changes will be needed within Brittonkill to accommodate this additional enrollment? What will be the effect on the school budget, and resulting taxes? How will this change the current educational model, such as teacher to student ratio?

What is the cumulative effect on Brittonkill of this proposal and Highland Creek? Dr. Theresa Snyder, Superintendent of Brittonkill Schools, has indicated that when Brittonkill reaches 1,600 students there will be a significant impact on school services and budget. How will these two projects affect both the educational model and budget in the Brittonkill District?

The Modified Proposed Plan estimated an additional 131 children (110 to Brittonkill and 21 to Lansingburgh) attending public school. Was the Modified Proposal Plan discussed with the Lansingburgh school district? With an entrance only to Route 7, how will these children be transported to the school district?

- The DEIS needs to identify the specific fire district or districts in which Hudson Hills would fall and to include any correspondence with that company(s). What Brunswick companies attended the meeting on March 5, 2005?

What other new development, including other PDDs under consideration, will that company have to serve? While the fire companies have indicated that they could meet the needs of this particular project through backup from other fire departments within the Town and surrounding areas, what will be the estimated increase of services that Hudson Hills will require? What security systems

installed in the apartments might require police or fire response because of dial-up reporting to an outside security firm?

Given that the fire departments will have to meet increased demands for services, what is an estimate from the fire companies of optimal numbers of volunteers needed? How will Hudson Hills aid in increasing the number of volunteers?

Given the height of structures (c.35 feet) described in the DEIS, what special equipment would the fire department need? Specifically, would a ladder truck be needed? Does the responsible fire district own a ladder truck? If not, is there one within the distance required by the ISO for backup? Does the department currently own the needed equipment? If it has to buy the equipment, what will be the cost?

How much of Hudson Hills' estimated taxes will be allocated for fire services?

How long will it take for emergency services to reach the proposed PDD during rush hour or during other times when traffic is heavy on Hoosick Road? How long will it take an ambulance to reach Samaritan Hospital and St. Mary's Hospital during rush hours? What is the current range of response times to similar Hoosick Road locations for ambulance and fire personnel at peak times? With the additional traffic from this PDD, what will be the difference in response time to locations on Route 7 between South Lake Ave. and Route 142? What will be the response time in the same area due to the combined traffic from Hudson Hills, Highland Creek and the Wal-Mart Supercenter?

If the North Lake connection, to "facilitate site ingress and egress", is not built, how will the emergency services response time be affected, especially when traffic is heavy on Hoosick Road? What will the combined impact of Wal-Mart Supercenter and Hudson Hills traffic on Betts Road be on the response time need for emergencies?

If the Lord Avenue emergency connection is constructed, how will emergency vehicles be able to rapidly access that route, given that the route will be locked and gated?

- The DEIS for Hudson Hills assumes that the police will be able to handle the additional calls for police protection. However, since apartment complexes often have a higher crime rate, how many more calls might be anticipated?

No documentation is provided for the representatives (local fire departments, Mohawk Ambulance, Rensselaer County Sheriff's Department, and New York State Police) who provided the information included in this section. Who was contacted to verify the adequacy of these emergency services? What items were discussed with local fire representatives? Are meeting minutes available for this meeting?

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

The DEIS states that police services will be provided by Rensselaer County Sheriff's Department with mutual aid support from the New York State Police. What items were discussed with the Rensselaer County Sheriff's Department and New York State Police? Are meeting minutes available for this meeting? Are these agencies adequately staffed to support this additional demand on their services?

Was the Modified Proposal Plan discussed with local emergency services? These correspondences need to be summarized and included in Appendix D.

The increased demand on police, fire, and ambulance services need to be included as a bullet item in Section 6.7 Community Resources.

3.8.3 – Cultural Resources (Mitigation)

- What lighting is planned for the orchard, clubhouse and memorial garden? What type of lighting is proposed? How tall will lighting poles and fixtures be? What times of the day/night will the lighting be on? Will timers be utilized?

7.1 – Population

- This proposed project targets similar markets to other proposed projects in Brunswick. Were these other proposed developments taken into account in the market analysis?
- What are the similarities that make the Austin, Texas study relevant to Brunswick? Why is this 1990 study relevant to the economic times of 2006?

7.3 – Cumulative Impacts

- The DEIS fails to adequately address all potential adverse environmental impacts in light of the cumulative effect of not only the proposed Wal-Mart Supercenter, but the other proposed PDDs currently pending in the Town.

Appendix D:

No references are made to the purveyors (Town Engineer, and NYSDOT), police, fire, and ambulance contacts who provided the information included in main text. These correspondences need to be summarized and included in Appendix D.

Very truly yours,



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

Attachments:

Letter from Nancy Adams of NYSDEC to Philip Herrington, dated March 28, 2005

Letter from Nancy Adams of NYSDEC to Andrew W. Gilchrist, Esq., dated May 10, 2005