

**Public Record  
(Transcript of August 3, 2005 Public  
Hearing)**

1 TOWN BOARD

2 TOWN OF BRUNSWICK, NEW YORK

3 -----

4 HUDSON HILLS PLANNED DEVELOPMENT DISTRICT (PDD)

5 APPLICATION

6 -----

7 STENOGRAPHIC MINUTES OF PUBLIC HEARING conducted  
8 in the above-entitled matter on the 3rd day of August,  
9 2005, at the Brunswick Family Community Center,  
10 Brunswick, New York, commencing at 6:30 p.m.

11

12 TOWN OF BRUNSWICK BOARD MEMBERS:

13 Supervisor PHILIP HERRINGTON

14 Councilwoman CAROLYN ABRAMS

15 Councilmen PATRICK POLETO

16 SAM SALVI

17 Clerk SUSAN QUEST-SHERMAN

18

19 APPEARANCES:

20 ANDREW W. GILCHRIST, ESQ. - Town Board Legal Advisor

21 MARK KESTNER - Kestner Engineering

22 MARK GREGORY - Transportation Concepts

23 WILLIAM HOBLOCK, ESQ. - Capital District Properties, LLC

24 MARVIN CHUDNOFF - Capital District Properties, LLC

## 1 P R O C E E D I N G S

2 SUPERVISOR HERRINGTON: At this point, I'd  
3 like to ask our town clerk to read the notice of  
4 the public hearing.

5 THE CLERK: "Notice is hereby given that a  
6 public hearing will be held by the Town Board of  
7 the Town of Brunswick on Wednesday, August 3rd,  
8 2005, at 6:30 p.m. at the Brunswick Community  
9 Center, Keyes Lane, Troy, New York, pursuant to  
10 Section 10 of the Zoning Code of the Town of  
11 Brunswick and also pursuant to the State  
12 Environmental Quality Review Act and its  
13 implementing regulations at 6 NYCRR Part 617, to  
14 allow public comment on the application submitted  
15 by Capital District Properties, LLC for the  
16 proposed Hudson Hills apartment complex consisting  
17 of 1,116 apartment units within 77 buildings, and  
18 located on 216 acres bounded by Route 7 to the  
19 south, North Lake Avenue to the north and Lord  
20 Avenue to the west.

21 "The property is currently zoned  
22 agricultural, A-40. The application has been  
23 submitted pursuant to Section 10 of the Zoning  
24 Code of the Town of Brunswick for a Planned

1 Development District, PDD. A Draft Environmental  
2 Impact Statement, DEIS, has been prepared by  
3 Capital District Properties, LLC for this action  
4 pursuant to SEQRA. The Town Board of the Town of  
5 Brunswick, as SEQRA Lead Agency, has accepted the  
6 DEIS as adequate for public review, and a notice  
7 of completion has been filed. The public hearing  
8 will allow comment on the PDD application and  
9 DEIS. Copies of the application materials and  
10 DEIS are available for public inspection during  
11 regular business hours at the following locations:  
12 Town of Brunswick Town Office, 308 Town Office  
13 Road, Troy, New York, 12180.

14 "In addition, a copy of the DEIS is also  
15 available for public inspection during regular  
16 business hours at the Brunswick Community Library,  
17 605 Brunswick Road, Eagle Mills, New York, 12180.  
18 All interested persons will be heard at the public  
19 hearing." Dated June 24th, 2005 and published  
20 June 27, 2005 in the Troy Record.

21 SUPERVISOR HERRINGTON: Thanks, Sue.

22 This public hearing is for Hudson Hills's  
23 Planned Development District application. The  
24 Brunswick Town Board is serving as a lead agency

1 under the State Environmental Quality Review Act  
2 as well as reviewing the PDD application.

3 This public hearing is being held to receive  
4 comments on both the PDD application itself and  
5 also the Draft Environmental Impact Statement  
6 submitted by the applicant. Your comments on the  
7 overall application as well as the DEIS will be  
8 accepted and considered by this Board.

9 When a Town Board is reviewing the Planned  
10 Development District application and is serving as  
11 lead agency, several other public agencies are  
12 involved in this process, including City of Troy,  
13 Rensselaer County, New York State agencies,  
14 Federal Army Corps of Engineers. The Town  
15 distributed full copies of the Draft Environmental  
16 Impact Statement to all of the individual members  
17 of the Town Board, everyone on the Brunswick  
18 Planning Board, Brunswick Zoning Board, Brunswick  
19 Town department heads, including the building  
20 department, water department, highway department,  
21 town attorney, town assessor all received those  
22 DEIS's.

23 The City of Troy, also Rensselaer County  
24 Health Department, Rensselaer County Sewer

1 District, Rensselaer County Highway Department,  
2 Rensselaer County Planning Department, New York  
3 State Department of Environmental Conservation,  
4 New York State Department of Health, the New York  
5 State Department of Transportation is involved.

6 The New York State Office of Parks,  
7 Recreation and Historic Preservation, the fire  
8 districts and school districts also received the  
9 DEIS.

10 The Town Board will be receiving and  
11 considering comments from every one of these  
12 agencies that I just mentioned to you.

13 The applicant will make a presentation  
14 concerning the application and then the Board will  
15 open the public hearing for your comments. There  
16 is a microphone up in front and we ask that all  
17 speakers use the microphone so your comments can  
18 be heard clearly. We ask that anyone who makes a  
19 comment provide their name and address for the  
20 record.

21 The Town Board has retained a stenographer  
22 who will be making a transcript of the hearing and  
23 that transcript will become part of the official  
24 record.

1           The Town Board has retained an independent  
2 engineering consultant to review this and attorney  
3 who the applicant is paying for -- you aren't  
4 paying for them -- to assist the Town Board in  
5 review of the application.

6           The Town Board has not made any final  
7 decisions, positive or negative, on this  
8 application and will not do so until it receives  
9 and fully considers all of your comments -- and,  
10 hopefully, all of you know us well enough to know  
11 that is a true statement -- as well as comments  
12 from all other public agencies. And I want you to  
13 be assured that this Board will listen to your  
14 comments.

15           Now, at this point, what I'd like to do is  
16 turn it over to Andrew Gilchrist who will update  
17 everyone on the procedural status for this  
18 application.

19           MR. GILCHRIST: This application has been  
20 submitted by Capital District Properties. It is  
21 under Article 10 of the Code. It's for a Planned  
22 Development District, as you know. The  
23 application was submitted several months ago.

24           This Board, as Supervisor Herrington just

7

1 reviewed, is reviewing both the planning  
2 or -- strike that -- the PDD application, that is  
3 a planning and zoning decision by this Board, as  
4 well as all of the environmental impacts  
5 associated with this action, and that's under the  
6 State Environmental Quality Review Act and this  
7 Board is serving as lead agency.

8 As you may recall back in June, after several  
9 months of having reviewed the Environmental Impact  
10 Statement that the applicant submitted to the  
11 Town, the Town Board deemed that document adequate  
12 for public review and comment and, as Supervisor  
13 Herrington said, filed a notice of completion.  
14 That allows the public an opportunity to comment  
15 both on the Draft EIS, the Environmental Impact  
16 Statement, as well as the underlying PDD  
17 application.

18 Your comments on whether this use is  
19 appropriate from a planning and zoning perspective  
20 for that site, that's the purpose of this hearing.

21 I have to reiterate something I said in June,  
22 which is when a DEIS is deemed complete and  
23 adequate for someone to review, it does not mean  
24 that this Board, both as lead agency and Town

1 Board on the PDD, has determined that the  
2 application is approvable in its current form.

3 What that means when you file a notice of  
4 completion is that the document is adequate for  
5 public review and comment. Supervisor Herrington  
6 just stated that this Board has not made a  
7 determination, either positive or negative, on  
8 this application at this time. Legally, I've  
9 advised them that they can't do that until they  
10 consider all the comments received both from  
11 members of the public tonight as well as all the  
12 other public involved agencies.

13 Supervisor Herrington listed several,  
14 municipal, city, county, state. I'll also add for  
15 the record that the Federal Army Corps of  
16 Engineers is involved as well. Until this Board  
17 receives comments on this document, on the Draft  
18 Environmental Impact Statement, as well as the  
19 underlying application, they will not be making a  
20 determination on this application. The law  
21 requires this Board to consider and take what's  
22 called a hard look at the issues raised in this  
23 application and they will do so both with the aid  
24 of technical consultants -- as you may know,

1 Kestner Engineering has been retained to review  
2 this.

3 MR. KESTNER: Mark Kestner.

4 MR. GILCHRIST: Thank you.

5 (Continuing) -- to review this on a technical  
6 basis from an engineering perspective. Mark has  
7 also retained Mark Gregory of Transportation  
8 Concepts and he'll be reviewing the traffic  
9 impacts on the application.

10 And I'm reviewing this from a legal  
11 perspective as well to make sure all the  
12 requirements under the SEQRA regulations and under  
13 the Town Code are adhered to in this review.

14 Again, this is an opportunity for members of  
15 the public to express their comments, their  
16 thoughts on the impact statement which has been  
17 available for public inspection as well as the  
18 overall application which, likewise, has been on  
19 file at the Town Hall and available for public  
20 review.

21 And with that, I'll give it back to  
22 Supervisor Herrington to open the public hearing.

23 SUPERVISOR HERRINGTON: Thank you, counsel.

24 At this point, I'd like to call Mr. Chudnoff.

10

1           Would you like to make a presentation, Marvin?

2           MR. CHUDNOFF: Yes, thank you. My name is  
3           Marvin Chudnoff and I am the managing partner of  
4           Capital District Properties --

5           UNIDENTIFIED PERSON: Can we allow people  
6           standing outside to come in? It will just take a  
7           minute.

8           (Pause in the proceedings.)

9           MR. CHUDNOFF: I think that's an interesting  
10          segue into what I think is somewhat unorthodox.  
11          Typically -- and this meeting tonight is solely to  
12          invite the comments of the general public relative  
13          to this particular document over here, and I will  
14          hand that off to my associate, Bill Hoblock, in a  
15          few moments. But I think because, as what the  
16          Supervisor just said is very true, I have never  
17          seen this many people at the Brunswick meeting and  
18          I think it's unfair for you not to see what we are  
19          talking about.

20          I'd like to spend maybe five minutes and give  
21          you a quick overview of what our dreams and what  
22          our vision is for Brunswick and the immediate  
23          community and then I'm going to just move directly  
24          to Bill Hoblock. Then, we'll talk directly about

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1 the EIS and I believe it then goes to the public.

2 I've been up here for 40 years. For 40  
3 years, I have been a, in quotes, developer, a real  
4 estate builder, a real estate owner. I've been a  
5 developer throughout the entire United States. As  
6 I say, again, I've been in the Capital District,  
7 primarily Watervliet, Latham, Colonie, for the  
8 last 40 years.

9 In the last five or six years, as it has been  
10 obvious, I think, to most of you, there's been  
11 significant growth in the Capital District and  
12 that's growth that's coming from a whole host of  
13 sources, from the educational institutions, from  
14 scientific institutions. But what I think is  
15 interesting is its growth that is diversifying the  
16 economic labor base of the Capital District.

17 And as this has happened throughout the  
18 entire United States, that kind of growth requires  
19 housing for people. And in our country, housing  
20 generally takes one out of three forms. And if  
21 you travel anywhere throughout the United States,  
22 within one or two percentile points, you will find  
23 that a third of the population have stakes in

24 single-family dwellings, a third in condominium,

12

1 high-rise, co-op and a third in multi-family  
2 rentals.

3           What we have tried to do, and which I will  
4 show you in a moment, is kind of take the best of  
5 both worlds. We believe you have a beautiful  
6 community here. We believe that the site is a  
7 beautiful site line. And what we have tried to do  
8 is permit the economic flexibility for people that  
9 live here and people that choose to live here to  
10 be able to have the option of having rental  
11 housing without making a major monetary commitment  
12 and, at the same time, to permit them to move into  
13 first-class, top-drawer, relatively expensive, a  
14 thousand to \$1,600 a month, apartment units that  
15 are built more like condominiums than they are  
16 built as rental apartments.

17           What we are talking about is luxury housing.  
18 The site that we're talking about is the site off  
19 of Hoosick by Betts Road. We have a whole series  
20 of other maps. If anyone wishes to see them, we  
21 will show them.

22           The buildings that we propose to build are  
23 buildings that will be somewhat akin to that, but

24 that's a very poor picture.

13

1 We're building another community right now  
2 which is opening up, interestingly enough, next  
3 week in Latham. Two-dimensional drawings are very  
4 difficult to really convey what something will  
5 look like. That is being built now, as I said, in  
6 Latham and you can see the difference between the  
7 first picture and this picture in that this is  
8 computer-generated and really shows you  
9 dimensions. It shows you a court center to this.  
10 It shows you a series of gabled ends. It shows  
11 you a series of different shadow lines trying to  
12 make housing -- and there are 14 units in this  
13 particular building -- reasonably attractive for  
14 people. And we do that, and we hope we succeed,  
15 with shadow lines, roof lines, individual  
16 entrances for each apartment and the clubhouse  
17 over there.

18 This is a job similar to phase one. By the  
19 way, this is 350 rental units. This is the  
20 clubhouse. This will be the clubhouse that we're  
21 proposing here in Brunswick. This is a luxury  
22 high-rise -- a luxury low-rise multiple family

23 dwelling.

24 The rental, as I said, will range from a

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1 thousand to \$1,600 a month. Interestingly enough,  
2 the demographic which we thought we were targeting  
3 for this particular community, we hit right on the  
4 head. About 60 percent of the people that are  
5 moving in here are considered to be the term  
6 empty-nesters; thus, people my age, maybe five,  
7 six years younger, where their children have moved  
8 out of the house. And these are existing  
9 residents of the entire Colonie community who are  
10 selling their homes to the new people coming in  
11 and wish to stay in Colonie and wish to stay  
12 in a quality community.

13 I'd like to just show you what are basically  
14 the layouts of what we're talking about. By the  
15 way, there's a waiting list for this right now.  
16 It's opening up next week. So it's been rather  
17 well received.

18 This is -- should I show it to the Board as  
19 well as to the public?

20 SUPERVISOR HERRINGTON: Show it to the  
21 public.

22 MR. CHUDNOFF: This is what we propose to

23 build. This is what we build with apartments that  
24 have wooden floors, carpeted floors, central air

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1 conditioners, washers and dryers in them. We  
2 built units that have multiple pane windows.  
3 Every unit has a terrace. Every unit has a  
4 balcony. Every unit has a separate entry. These  
5 are all luxury dwellings. This unit alone is  
6 about 1,600 square feet. So they're good size  
7 units and we think that they are rather well done  
8 and, obviously, the public in Colonie thinks the  
9 same.

10 What does this mean for the community? I've  
11 taken the opportunity to just put up a few bullet  
12 points of where we think the community will be  
13 better if this is an intelligently planned and  
14 intelligently executed housing community.

15 First of all, it will permit you to have an  
16 alternative to what you currently have now. There  
17 is no luxury rental housing in the Brunswick  
18 community today. It gives an alternative for  
19 empty-nesters or young professionals coming into  
20 the area to have an alternative to immediate home  
21 purchase.

22                   Most people that come into the area typically  
23                   would like to spend one, two, three, five years  
24                   before they graduate and many of them do graduate

16

1                   up into a single-family dwelling. This  
2                   development will loop the town's water system from  
3                   Hoosick up to North Lake, which has got  
4                   significant operational benefits to it and  
5                   significant life safety benefits to it.

6                   This entire development will take 10 years to  
7                   reach completion and during that time, we will  
8                   employ about 200 people during that time frame.  
9                   When it is completed, this job will produce about  
10                  \$2.3 million a year in taxes to the community.  
11                  There will be additional revenue support for all  
12                  the other things that are in the community,  
13                  additional users. And, obviously, the new  
14                  residents will patronize the local businesses,  
15                  many of which are now coming up on Hoosick Avenue.

16                  That's a very quick overview of what our  
17                  vision is and I'd like to turn this over to Bill  
18                  Hoblock and he will talk about the Environmental  
19                  Impact Statement itself.

20                  MR. HOBLOCK: My name is Bill Hoblock. We  
21                  began this process about one year ago. It was

22 actually one year ago to the date. It was August  
23 of last year when we submitted our original  
24 application. During the last year, we have been

17

1 working very closely with not only the Town, its  
2 consultants and other public agencies in what  
3 began as a concept to what we're here tonight,  
4 which is to discuss this, our Draft Environmental  
5 Impact Statement.

6 About 50 copies have been submitted, and it  
7 was mentioned earlier, to various Board members,  
8 every public agency, whether involved, whether  
9 interested, under SEQRA and various members of the  
10 public requested it.

11 The DEIS itself discusses all the issues that  
12 have been identified during the SEQRA scoping  
13 process and those were the issues that were  
14 identified by the public, by this Board and by all  
15 public agencies.

16 The assessment included in this Draft  
17 Environmental Impact Statement also includes  
18 mitigation measures and alternatives that will  
19 reduce or eliminate any potential significant  
20 impact of the development.

21                   The DEIS document itself was prepared by our  
22                   engineering firm, O'Brien & Gear. Jeff Ryan and  
23                   Gary Stewart are here tonight from O'Brien &  
24                   Gear and you probably have in that document itself

18

1                   about a dozen different engineering disciplines  
2                   that have gone through all of the issues.

3                   Let me hit briefly -- while this document has  
4                   been available to the public for about two months  
5                   or so, I'd like to hit briefly all of the issues  
6                   that were identified, as I stated, and discussed  
7                   in the DEIS.

8                   Marvin Chudnoff had mentioned the benefit to  
9                   the downtown and that is discussed more in the  
10                  DEIS. The subject of the geology was analyzed.  
11                  Soils, bedrock and topography, erosion and  
12                  sediment control was analyzed. The cut and fill  
13                  analysis with respect to the earth work,  
14                  stormwater management was also detailed and  
15                  outlined. Water resources, surface water as well  
16                  as groundwater were analyzed in the DEIS. Air  
17                  quality with respect to construction vehicle  
18                  emissions and operation of Hudson Hills itself was  
19                  studied.

20                  Terrestrial and aquatic ecology was detailed

21 and looked at, including vegetation, habitat and  
22 species, flora, fauna and wetlands. Traffic was  
23 a major issue that came up on day one, so a very  
24 detailed and exhaustive study was done by Crate

19

1 Manning Engineering. Tom Johnson from Crate  
2 Manning is here tonight. And that study was done  
3 in conjunction with the Town as well as the New  
4 York State Department of Transportation.

5 Land use and zoning was studied. Community  
6 resources were analyzed in the DEIS. Utilities,  
7 every type of utilities, water, sewer, electric,  
8 natural gas, telephone and cable services,  
9 emergency services were looked at. Waste  
10 management, the impact on public school systems,  
11 recreational facilities and municipal revenues was  
12 also analyzed.

13 Cultural resources were assessed in the DEIS,  
14 including a viewshed analysis which was complete  
15 and attached to the document itself. Historical  
16 and archeological resources are also assessed.  
17 Noise and commune character, including the impact  
18 on surrounding property values, potential  
19 population and growth inducement aspects of Hudson

20 Hills were also assessed.

21 Apart from that, apart from all of the issues  
22 and the sub-issues that go along with all of  
23 those, alternatives to the development as proposed  
24 are assessed in the DEIS. These alternatives

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1 include not only alternative configurations of  
2 development but as well as alternative scales or  
3 size.

4 And the last part of the DEIS, based on input  
5 from the Town and input from the agencies and  
6 working with the consultants, a cumulative impact  
7 of Hudson Hills in connection with other proposed  
8 developments in the area was analyzed. Based on  
9 an analysis of all of these issues, the DEIS has  
10 been deemed complete for public comment here  
11 tonight at this meeting. Thank you.

12 SUPERVISOR HERRINGTON: Thank you, Bill.

13 Andy, do you want to maybe explain for me the  
14 format here? I mean, it's not really a question  
15 and answer or a debate tonight, correct?

16 MR. GILCHRIST: Yes. The format tonight,  
17 this is a public hearing that invites comments to  
18 be received that will be looked into by the  
19 applicant as well as the Board. It's not a ,

20 question and answer or debate session. If the  
21 applicant chooses to respond to a comment this  
22 evening as you speak -- you heard their  
23 consultants are here -- they can choose to do  
24 that. But be advised, this is the opportunity for

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1 both the Board as well as the applicant to hear  
2 the comments.

3 You must understand that this doesn't  
4 complete the review process. The applicant must  
5 accept all these comments. The reason we have a  
6 stenographer here to create a transcript is that  
7 transcript will be submitted to the applicant.  
8 That must be reviewed and all the issues raised  
9 tonight as well as all the other written comments  
10 that could be received must be responded to by the  
11 applicant to the satisfaction of the Town Board.

12 So the purpose for tonight again is not  
13 question and answer or debate, but it is the  
14 opportunity to put the comments on the record that  
15 the applicant will need to respond to. And the  
16 other involved agencies, the other public  
17 agencies, will have the opportunity to examine  
18 those comments as well.

19                   So, again, that's the forum. If the  
20                   applicant chooses to respond to a certain issue or  
21                   comment raised, they're certainly entitled to do  
22                   so, but it's not required. You must understand.  
23                   Don't feel that since something's not being  
24                   responded to, it will not be. It will be. The

22

1                   law requires that it be. And there is another  
2                   document, yet, that needs to be submitted by the  
3                   applicant to respond to all of your comments and  
4                   it's that document that will ultimately be  
5                   reviewed by this Board.

6                   Again, to make sure that the application's  
7                   complete, that document needs to be deemed  
8                   complete. So, again, please put all your comments  
9                   on the record. They could be responded to if the  
10                  applicant chooses but, again, it's not a question  
11                  and answer or debate session tonight.

12                  SUPERVISOR HERRINGTON: Thank you, Andy.

13                  At this point, I'd like to open it up to the  
14                  public. Maybe if you would come up and use the  
15                  microphone. What I'd like to have you do is  
16                  address the Board, mainly so we can hear you and  
17                  also so the stenographer can get your comments on  
18                  the record.

19           So at this point, is there anyone who wants  
20           to be number one here to get started? Any  
21           comments, concerns?

22           MR. KESTNER: I'm Tony Kestner. I live at 16  
23           Woodhill Lane. That's right near the Town Beach.  
24           I have a real problem with the density of this

23

1           project. It's more dense than the lowest zoning  
2           that we have, DR-9 zone. When you move into a new  
3           development, you expect to have a certain amount  
4           of construction activity. But when you move to an  
5           area that is basically an A-40 zone, you don't  
6           expect to have to listen to 10 years of  
7           construction of apartment buildings.

8           He stated this is going to be a 10-year  
9           project in phases and my question is: Are we just  
10          allowing this to be dragged out? So that if it  
11          doesn't work out, how do we know that these  
12          apartments won't be changed to a different type of  
13          apartment down the road?

14          As far as the traffic goes, I was wondering  
15          if this study was actually done when the Town  
16          Beach was open or was the traffic count done prior  
17          to the Town Beach opening? Thank you.

18                   SUPERVISOR HERRINGTON: Tony, thank you very  
19 much. These are the types of concerns that we're  
20 here to listen to tonight. As I mentioned, we  
21 make sure we don't want to miss anything, so we  
22 have a stenographer here.

23                   Anyway, these are good comments, Tony. This  
24 is why we're here and, you know, these are the

24

1                   type things we need to hear and have people answer  
2 for us.

3                   Anybody else? Who wants to be next, I should  
4 say?

5                   MR. SCARTON: My name is Henry Scarton. I  
6 live at 14 Kestner Lane in Troy. I have two  
7 informational questions. I may have some  
8 questions, but my first informational question is:  
9 Is that book available to us now since I  
10 personally didn't even know about this?

11                   I know you're going to tell me it's been  
12 publicly available for two months. Well, I've  
13 been very busy. I didn't even hear about it til I  
14 saw a note in my mailbox this afternoon. I'm here  
15 even though my wife is home ill. I would like to  
16 see the book.

17                   Is there a copy they can circulate around

18 this room? We won't destroy it.

19 SUPERVISOR HERRINGTON: I guarantee you won't  
20 read that tonight.

21 MR. SCARTON: As you know, Phil, I have some  
22 experience in reading these documents and I want  
23 to look for certain key points.

24 SUPERVISOR HERRINGTON: What I'm telling

25

1 you --

2 MR. SCARTON: Is this the only public hearing  
3 we're going to have?

4 SUPERVISOR HERRINGTON: Andy will answer all  
5 these. I wasn't trying to be wise, but I mean  
6 that, I'm not as quick as you are. It took me  
7 quite a while to get through that one.

8 MR. SCARTON: I helped to write these  
9 documents. People hire me to do this.

10 SUPERVISOR HERRINGTON: You don't want to  
11 circulate it tonight. I just assume the  
12 people -- Andy, do you want to answer?

13 MR. SCARTON: Well, I'd like to know  
14 specifically the things on the study on the effect  
15 of property values. I have very specific  
16 comments, though. Can somebody just tell us what

17 it says in there, please?

18 SUPERVISOR HERRINGTON: Henry, I'll give you  
19 my copy if you want to read it tonight or right  
20 now.

21 MR. GILCHRIST: That would be fine. The  
22 question was: Is there a copy so that it can be  
23 looked at this evening? And this gentleman asked  
24 me for my copy. My response, just so everyone

26

1 understood what the discussion was, is that's the  
2 copy that I've gone through and read and annotated  
3 with my own notes. So that one is not available  
4 for public review and inspection.

5 There is a clean copy available, I believe,  
6 and if someone would like to take a look at it, we  
7 can make that available. As you said, I will  
8 reiterate for the record that these documents have  
9 been filed in the Town Office and Community  
10 Library since the end of June and I hope everyone  
11 has had an opportunity and adequate access to  
12 those documents so that they can make meaningful  
13 comments. I hope that that has occurred.

14 As to the public hearing, they will make a  
15 determination at the end of this evening as to  
16 whether to keep the public hearing open. If there

17 are issues that we need additional information on,  
18 this public hearing may be held open.

19 So with that, we'll allow additional  
20 comments.

21 SUPERVISOR HERRINGTON: How many of them  
22 copies have we had made? Anyone know? We had 50  
23 copies of that made. I'm quite sure you guys  
24 probably know. What did that cost you?

27

1 MR. CHUDNOFF: It was \$200 a pop.

2 UNIDENTIFIED PERSON: That doesn't matter.

3 SUPERVISOR HERRINGTON: I'm not saying that.  
4 What I'm saying is -- I'm not afraid to charge  
5 developers. I think we'll admit that.

6 UNIDENTIFIED PERSON: Let's move on.

7 SUPERVISOR HERRINGTON: Wait a minute now.  
8 What I'm trying to tell you is I brag about how  
9 polished people are in Brunswick. You don't need  
10 to start fighting with me. I'm on your side,  
11 guys. So what I'm trying to say here is -- wait a  
12 minute. Please.

13 What I'm trying to say here is we  
14 distributed -- Henry, just for your sake, I've  
15 never since I've been here, and Pat's been here

16 quite a while -- made sure that every single  
17 person -- I mean, we never handed out 50 copies is  
18 what I'm trying to say. And they will be  
19 available at the Town. We have one at the Town  
20 Office, the one at the library and we've got 50  
21 copies out.

22 I just want to tell you I've never heard of  
23 that before. So we are working.

24 MR. ABBOTT: Has this been the largest

28

1 development in Brunswick so far? I'm Ron Abbott.  
2 I live on North Lake Avenue.

3 SUPERVISOR HERRINGTON: The largest proposal  
4 probably. What I'm saying is I'm trying to do it  
5 right.

6 MR. ABBOTT: Right. Well, I understand that.  
7 My problem is you're telling us how good of a job  
8 you did, but none of us here seem to have heard a  
9 lot more than you have. It didn't come when they  
10 sent out and told me when the leaves were going to  
11 be picked up. It sure didn't make it to my house.

12 SUPERVISOR HERRINGTON: Tonight is a public  
13 hearing for all you people to come and listen to  
14 try to get informed. You know that. Trust me,  
15 you are going to be informed. Trust me. And I

16 don't think you want me to mail that with a leaf  
17 flyer, I don't think.

18 Anybody else?

19 MR. DURKIN: Joseph Durkin, Maple Avenue.  
20 The Draft Environmental Impact Statement basically  
21 concluded that there's no impact on the character  
22 of the community and it made some selective quotes  
23 from the Comprehensive Plan, selective quotes that  
24 were beneficial to them saying that the

29

1 Comprehensive Plan envisions a bedroom community.

2 The Draft Environmental Impact -- excuse me.  
3 The Comprehensive Plan has quite a number of  
4 comments and commitments to maintaining the rural  
5 character of Brunswick. I think the Draft  
6 Environmental Impact Statement is deficient in not  
7 adequately addressing the rural nature of  
8 Brunswick.

9 If you take a look at this development and if  
10 you look at the other developments that are before  
11 the Board, you will see that the rural suburban  
12 line, the division between the rural areas and the  
13 urban areas, is being moved significantly into the  
14 heart of Brunswick.

15           The Comprehensive Plan makes the point of  
16           saying that there is a patchwork of hamlets, open  
17           space, farm land. Once again, looking at the map  
18           which shows the number of developments currently  
19           before the Board, you will see that the few  
20           remaining open spaces in the vicinity of Hudson  
21           Hills/Brunswick Meadows will be filled up, thus  
22           extending the urban sprawl significantly into  
23           Brunswick.

24           I think the Draft Environmental Impact

30

1           Statement should address the open space issues in  
2           much more detail than it currently does and  
3           address the fact that you're changing an  
4           agricultural zone, as this gentleman said, to an  
5           urban development zone in effect, and that's it.

6           SUPERVISOR HERRINGTON: Thank you. Good  
7           comments.

8           (Applause.)

9           SUPERVISOR HERRINGTON: Anybody else?

10          MR. GRASSO: I'm Vito Grasso. I just want to  
11          thank the Supervisor and the Board for this public  
12          hearing. I also want to thank all of you for  
13          coming out. I think your participation in this is  
14          as important to this process as theirs.

15           I'm Vito Grasso. I live on Pinewoods Avenue.  
16 I share Mr. Kestner's concern about the magnitude  
17 and the density of this proposed project. It  
18 seems to me, and the information that I've seen is  
19 that this project -- and I understand it has a  
20 10-year roll-out period -- would have the effect  
21 of increasing or presumes that there's going to be  
22 approximately a 20 percent increase in the  
23 population of this town. That's what would be  
24 necessary to support this project in the next 10

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1           years.

2           To my recollection, there hasn't been a 10  
3 percent increase in the population of this town  
4 during any of the recent census periods that have  
5 been tracked. So I think that would be an  
6 important issue for the Town Board to look at, the  
7 feasibility of the town growing at the pace and  
8 magnitude that would be necessary to actually  
9 support this type of project. Otherwise, we're  
10 going to have a lot of vacant property in the  
11 town.

12           I also share Joe's concern about the adequacy  
13 of the traffic survey that was done. We've all

14           seen the impact of the work that's been done on  
15           Route 7 on traffic patterns in the areas around  
16           Route 7 even as far as Pinewoods Avenue and that's  
17           without any additional residences or even  
18           commercial property. That's just the work that's  
19           been done on that road and the kinds of things  
20           that have had to occur in order to divert traffic.

21                     Finally, I would be concerned about the  
22           projected income that might be generated by this  
23           development. The developer talked about a  
24           \$2.3 million revenue flow in the tenth year, the

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1           final year of this project. The cost for  
2           municipal services and the cost to prepare the  
3           infrastructure are going to be in the first year  
4           and my question is: What are those costs?

5                     How realistic is it to expect that there will  
6           be that level of revenue flowing from this project  
7           at any point during its life span? And what will  
8           the annual cost be to the town and to the  
9           taxpayers in supporting the development of this  
10          project and then the maintenance of it, including  
11          police and fire protection? Thank you.

12                     (Applause.)

13                     SUPERVISOR HERRINGTON: Next. Come right up.

14 MS. HAYNES: My name is Susan Haynes. I live  
15 at 11 Westlane Road. I, too, share concerns about  
16 the tax upon our infrastructure for this project,  
17 because while it may generate that amount of  
18 income in taxes, we still are going to have to pay  
19 a lot of out-go in terms of increased wear and  
20 tear upon our roads, increased traffic on North  
21 Lake Avenue, because I believe that one of the  
22 proposals is to create a left-hand turn lane on  
23 15th Street which would mean that traffic is going  
24 to be routed through Frear Park up North Lake

33

1 Avenue. And because of the construction on Route  
2 7 right now, there's a lot of traffic coming up  
3 North Lake Avenue.

4 I would see a day if this project with this  
5 magnitude would be considered that we would have  
6 to have sidewalks, that we would have to build  
7 sidewalks on North Lake Avenue in order to ensure  
8 public safety.

9 Also, right now in terms of fire, we have  
10 trouble attracting volunteers. With a project  
11 that would grow this town by 20 percent, and this  
12 is just one of five projects, then are our fire

13 services going to be adequate to handle that? I  
14 would hate to see any volunteer fireman have to  
15 get into a situation where they couldn't  
16 adequately take care of a fire.

17 So those are some of my concerns about this  
18 project.

19 (Applause.)

20 SUPERVISOR HERRINGTON: Thank you, Susan.

21 Next. Anybody else?

22 MR. FLEISHMAN: I'm Bernard Fleishman. I  
23 live at 53 Colehammer Avenue off Pinewoods  
24 Avenue. I think a key phrase that's been

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1 mentioned a couple of times this evening has been  
2 cumulative effect. It's not only inefficient but  
3 I think kind of somewhat misleading to consider in  
4 the light of the several housing projects that  
5 have been proposed and, of course, the relocation  
6 and expansion of the Wal-Mart facility, one gets  
7 an impression of a creeping process to look at one  
8 thing at a time; whereas, as these issues arise  
9 one by one, we may get locked into a situation  
10 where it's said "Well, you approved the last one  
11 without prejudice, why not this one," et cetera,  
12 et cetera?

13           I think what's needed is that the Town should  
14           convene a public forum to consider the overall  
15           impact of the various proposed projects. As a  
16           matter of fact, they should also be considered in  
17           the light of a new Comprehensive Plan, which will  
18           try to designate where the Town is going to be  
19           developed in the future, in what way and what  
20           kinds of preservations will be maintained.

21           You know, the first Comprehensive Plan -- was  
22           that in the late '90s, Phil? Among the  
23           recommendations in that plan was to create a  
24           Traffic Study Board or a Traffic Advisory

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1           Board. I don't think we ever did that and I think  
2           it's much to be regretted now, because the fact is  
3           that the traffic capabilities concerning the  
4           ability of people to go to and from major places  
5           of employment, to and from the town, they're very  
6           limited in this town and this is an area that  
7           requires major focus.

8           So I would rather that the Town slow down and  
9           halt any particular projects until we have a  
10          chance to review the whole array of  
11          recommendations in the light of a serious plan

12 that would ensure the future for the children and  
13 their children in the town. Thanks.

14 (Applause.)

15 SUPERVISOR HERRINGTON: Thanks, Bernie.

16 Yes, come right up.

17 MR. FIVEL: My name is Norman Fivel. I live  
18 on Wilrose Lane, which is right next to this  
19 project. And it's been mentioned already, but the  
20 cumulative impact analysis of this DEIS I find to  
21 be insufficient, specifically with respect to  
22 traffic. As everyone knows, there's a Wal-Mart  
23 Supercenter proposed to be basically adjacent to  
24 this site and the numbers that I got from the DEIS

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1 are kind of staggering in terms of traffic.

2 At full buildout of this project, this DEIS  
3 says there will be 557 new trips at the morning  
4 rush hour. There will be 667 new trips at the  
5 p.m. peak hour. Wal-Mart's environmental  
6 assessment form indicates that they estimate an  
7 additional 592 new trips at the morning peak hour  
8 and an additional 608 new trips at the p.m. peak  
9 hour. This is for a total of new a.m., new  
10 morning, peak hour trips of 1,149. New peak p.m.  
11 trips, p.m. peak hour trips, will be 1,275

12 additional. That's in addition to the traffic  
13 that is currently on Route 7.

14 The DEIS says that the current volume during  
15 the a.m. peak hour is 985 trips; during the  
16 afternoon peak hour is 1,335 trips. If you do the  
17 math, it comes out to more than a hundred percent  
18 increase in the traffic on Route 7. Route 7 now,  
19 just politely put, is a nightmare.

20 The proposed mitigation in this DEIS is for  
21 Route 7 and 15th Street, for the City of Troy to  
22 do something there to alleviate turning lanes, I  
23 believe, but I don't see any proposed mitigation  
24 other than a traffic light and two turning lanes

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1 off of Betts Road. And I don't see how that helps  
2 the congestion at all.

3 As a matter of fact, the traffic light is  
4 going to increase the congestion. So I think in  
5 terms of adding that cumulative impact that the  
6 Draft Environmental Impact Statement is deficient.

7 Also, with respect to traffic, I think I  
8 mentioned it, it talks about on page 44, the third  
9 bullet, at completion of phase two development,  
10 study area intersections are expected to operate

11 adequately with the exception of New York State  
12 Route 7/15th Street and New York State Route  
13 7/Betts Road intersections. The next page talks  
14 about mitigation, but there is no mitigation  
15 mentioned for the Betts Road intersection.

16 So, again, I believe that the DEIS is  
17 insufficient in terms of addressing that traffic  
18 problem.

19 Also, just briefly, I believe the DEIS says  
20 that in certain cases, they will leave boundary  
21 vegetation as it exists now, the existing trees  
22 and vegetation but it's not specific as to where.  
23 I'd like to see where they expect to maintain the  
24 existing vegetation.

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1 And then the last comment: My family's owned  
2 property on Betts Road since the 1930s. They  
3 farmed the property from the 1930s to the 1960s  
4 when my brother and I built homes. We built on  
5 the farm because of its beauty and its family  
6 history. And in looking at the Comprehensive  
7 Plan, it specifically stated that based on a  
8 survey of residents that the two most important  
9 considerations were traffic and preservation of  
10 the rural character of the community. And I fail

11 to see how trading 215 acres of pristine farm land  
12 for 1,100 apartment units with temporary occupants  
13 who really have no stake in the town is worth the  
14 trade. I don't see how that is consistent --

15 (Applause.)

16 MR. FIVEL: I don't see how that's consistent  
17 with the wishes of the town residents, the people  
18 who live here now and in the Comprehensive Plan.  
19 Thank you.

20 (Applause.)

21 SUPERVISOR HERRINGTON: Thank you, Norm.

22 MS. FORSTER: I'm Donna Forster. I live on  
23 McChesney Avenue. As Norm said, reading through  
24 the Comprehensive Plan, the two biggest concerns

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1 have been traffic, which we all are concerned  
2 about -- and I simply know many people who don't  
3 even use Hoosick Road and can't really be  
4 clientele of the businesses that they want because  
5 of the time that it takes to even get there. And  
6 this has been in the papers with business owners  
7 complaining that they cannot get their clientele  
8 in.

9 But the other areas is taxes which concerns

10 all of us and which is a big concern. For school  
11 taxes, I went to Brittonkill School and talked  
12 with Theresa Snyder about enrollment, about the  
13 addition that was just opened two years ago. And  
14 she said that with 200 more students -- enrollment  
15 currently is 1,400. When it reaches 1,600, they  
16 will need a new school. Now, we are going to be  
17 paying for the addition until 2022 at a rate of  
18 six percent of the school budget. With 153 total  
19 students going to Brittonkill from Hudson Hills,  
20 if it's completed, and with the other projects on  
21 board, we are going to be looking at also paying  
22 for a new school. The school budget has already  
23 increased over the last three years by 25 percent.

24 So if we make Brunswick more accessible to

40

1 these developments, are we telling senior citizens  
2 and moderate income homeowners that they won't be  
3 able to afford to pay their school taxes? Because  
4 we're going to see significant rises. That's what  
5 I wish to say.

6 (Applause.)

7 SUPERVISOR HERRINGTON: Thank you, Donna.

8 Who's next? Sir, come on up.

9 MR. KEENAN: Hi. I'm Dillon Keenan. I live

10 at 62 Moonlawn and I'm going to be a little  
11 mundane. Looking at some of the engineering  
12 principals, my first question is: How long does  
13 the public have for comments to be received after  
14 this meeting?

15 SUPERVISOR HERRINGTON: Andy, do you want to  
16 comment on this?

17 MR. GILCHRIST: Sure. As we said earlier,  
18 based on the number of issues raised tonight, it's  
19 very likely that the public hearing will remain  
20 open, meaning that there will be additional time  
21 for the public to comment. Under the regulations,  
22 the comment period will close 10 days after this  
23 Board closes the public hearing.

24 If the Board does not close the public

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1 hearing this evening, the comment period is  
2 extended until another public hearing is convened  
3 by this Board. Once the public hearing is closed,  
4 there's still an additional 10 days to submit  
5 written comments.

6 MR. KEENAN: So that will be decided tonight  
7 or you have 10 days?

8 MR. GILCHRIST: That's correct.

9 MR. KEENAN: The first issue I have is on the  
10 potable water section. Basically, the impacts  
11 related to potable water can't be adequately  
12 assessed without an engineering report which needs  
13 to be included in the appendices. The report  
14 needs to address the overall capacity, the  
15 existing demand and additional fire demand. These  
16 demands need to include the average daily and peak  
17 demand and the adequacy of the fire zone.

18 Now, they list in table six a number of  
19 370,000 gallons per day as existing capacity and  
20 then they also list at full buildout a need for  
21 193,250 gallons. That's over 52 percent of the  
22 existing supply. That seems very significant.  
23 They should investigate that a little more to see  
24 the adequacy of it.

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1 I also have questions on the waste water.  
2 Basically, they're talking about -- they don't  
3 include an engineer's report either. This report  
4 needs to address overall capacity, existing flows  
5 and additional flow by phase. This needs to  
6 include the phase one development, because my  
7 understanding of the way they have it hooked up  
8 is they're connecting an eight-inch force main to

9 the existing eight-inch gravity sewer. That  
10 extends to the pump station which has an existing  
11 six-inch force main and it goes to a twelve-inch  
12 gravity sewer.

13 And phase two improvements include upgrading  
14 this eight-inch gravity sewer to a twelve-inch  
15 gravity sewer and also the six-inch force main to  
16 an eight-inch force main, yet, the adequacy is  
17 never accounted for; just reasons for the  
18 concern.

19 If you look at the existing pump station  
20 rates, they're claiming 88 gallons per minute.  
21 The phase one estimate is 200 gallons per minute.  
22 The phase one and two is 414 gallons per minute.  
23 Phase one through three goes up to 613, et cetera.  
24 But if you look at the percentage, just the phase

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1 one is an increase of 220 percent. The phase one  
2 and two is 470 percent. And it goes up to 785  
3 percent for phase one through four. That is never  
4 really described how they're going to accommodate  
5 that capacity.

6 And just one last note: On their municipal  
7 revenue section, they state under the SEQRA final

8           scoping document, that the DEIS will include an  
9           analysis of the overall and net effect of the  
10          project on the town and county revenues.  
11          "Increased revenues will compare to increased  
12          costs, if any, for the services and utilities such  
13          as schools, water, sewer, police and fire." The  
14          DEIS does not adequately address these  
15          requirements. It just glosses over and presents  
16          revenues but not increased costs.

17                 I guess I'll end there because I've probably  
18          bored you enough with my technical questions.

19                         (Applause.)

20                         SUPERVISOR HERRINGTON: I want to compliment  
21          people here tonight. I thought for sure what  
22          would happen with this crowd is everybody would  
23          get up and say "traffic and traffic and traffic."  
24          I mean, we know traffic's an issue, but

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1           everybody's done their homework and everybody's  
2           got outstanding concerns and outstanding questions  
3           that need to be answered and I'm impressed.

4                         Next, please. Anybody else?

5                         MR. SIMS: Nate Sims, 14 Balton Avenue in  
6           Troy. After that really technical question,  
7           mine's going to be a very philosophical one. But

8 for me, it seems like so much of this is about  
9 what the community -- whether it's Brunswick or  
10 Brunswick and Troy, which I think the fates of  
11 those two places are completely  
12 intertwined -- needs and what a very few people  
13 want. And the very few people, of course, would  
14 be the developers who stand to make quite a bit of  
15 money from these projects. And I think that sort  
16 of umbrella idea is important to keep in mind.

17 The population statistics, which many of you,  
18 I'm sure, know, state that Rensselaer County has  
19 barely gained any population in the last -- I  
20 don't know -- 10, 20 years. And a lot of  
21 developers would have you believe that building  
22 things like this is really just to put people  
23 somewhere, to have a place to live for all these  
24 new people.

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1 But if you look -- if you do the homework,  
2 Brunswick, and Rensselaer County in general, the  
3 population growth is much, much slower than this.  
4 I don't know if it's 20 percent increase in the  
5 size of it now, but certainly, especially when  
6 combined with all the other projects that are

7 being proposed currently, it's extremely  
8 unnecessary and it really comes down to money. So  
9 I just wanted to put that on the record. Thank  
10 you.

11 (Applause.)

12 SUPERVISOR HERRINGTON: Who's next? Come on  
13 right up, please.

14 Henry, that's my copy. Take that home with  
15 you tonight. Take a look at it.

16 MS. SYMANOWITZ: My name is Susan Symanowitz.  
17 I live at 416 North Lake Avenue, 13 acres, a  
18 significant amount that borders this project.  
19 Just a few little statements.

20 We moved from the City 21 years ago for peace  
21 and quiet and a safe environment to raise our  
22 children. If we wanted to live near 1,500-plus  
23 people, we would move back to the City. Hudson  
24 Hills will negatively affect most residents of

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1 Brunswick. Traffic on North Lake is already bad  
2 as a bypass for Hoosick Street. The road is not  
3 designed for heavy use with bends and turns. We  
4 have a hard time now getting out of our driveway  
5 and getting our mail.

6 The Town Beach 15-mile-per-hour speed limit

7 is not being enforced. Increased traffic  
8 jeopardizes walkers and bikers. How will we be  
9 protected from increased vandalism and crime that  
10 will come with transients? Upscale apartment  
11 dwellers will not make Wal-Mart their shopping  
12 destination.

13 (Applause.)

14 MS. SYMANOWITZ: We are downhill from the  
15 project. What will be done about drainage?  
16 Long-term construction will cause noise pollution  
17 and more dirt. Town officials are elected to  
18 protect the town residents and many towns in the  
19 area have established moratoriums for building.  
20 The Town should consider this before a large can  
21 of worms is opened.

22 Brunswick is not Latham where Mr. Chudnoff  
23 and Capital District Properties has 350 units.

24 (Applause.)

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1 MS. SYMANOWITZ: Many changes to zoning  
2 should be carefully considered. Growth can be  
3 managed to benefit a community and all its  
4 inhabitants. All it takes is real leadership and  
5 people who care. Thank you.

6 (Applause.)

7 SUPERVISOR HERRINGTON: Thank you. Next.  
8 Anybody else have any comments?

9 MR. MEDICUS: Heinrich Medicus, The Knoll. I  
10 would say if all these projects go through, it  
11 really would change the character of the town very  
12 much and it also might change the Board.

13 (Applause.)

14 SUPERVISOR HERRINGTON: Sir, come up.

15 MR. MCLEAN: Hi. My name is Sean McLean,  
16 Eagle Mills, 509 Brunswick Road. Just a quick  
17 comment. In lieu of like the cumulative effect of  
18 all these projects, wouldn't it make more sense to  
19 have a meeting at some point that will address the  
20 bigger picture? Because I think what people are  
21 really concerned about is not just, you know, to  
22 vilify these gentlemen up here, because they want  
23 to build apartments but that the overall effect  
24 of, you know, at least a half dozen projects, what

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1 it will do to Route 7. I know what it's done to  
2 Route 2. They think that's the speedway now,  
3 because you know, I live on a little farm, a  
4 little side road. You pull out now and it's  
5 Friday, New Jersey plates, you know, New York

6 City, Connecticut. I mean, these people are just  
7 zipping through, because they realize that they  
8 can whip out Tamarac Road. You must see them up  
9 near you, Phil.

10 SUPERVISOR HERRINGTON: Yeah.

11 MR. MCLEAN: Wave to them when they go by.  
12 But, you know, they're not stopping to spend any  
13 money in our town. They're not adding revenue,  
14 you know. And, also, the gentleman over here said  
15 that it will add, you know, 200-plus jobs, I  
16 believe. For who?

17 You know, our own town, you know, office  
18 building isn't even being built by local  
19 contractors. So I assume you're not going to  
20 have -- you're not going to call me up to build  
21 fireplaces. Okay? Thank you.

22 (Applause.)

23 SUPERVISOR HERRINGTON: Peter.

24 MR. MESKOSKEY: Pete Meskoskey, 168 Town

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1 Office Road. I want to thank everybody here.

2 Pat, can you stand up and hold up the DEIS?  
3 For all those who haven't looked at the DEIS, it  
4 looks intimidating. Hold it sideways, Pat. If

5           you were to take the maps out, if you were to take  
6           the traffic study out and a couple other things,  
7           it's about two and a half inches thick. It looks  
8           intimidating but it's not as bad as it looks. If  
9           anybody wants to look at it, you should because  
10          there are a lot of different things.

11                 And the gentlemen from the development team,  
12          please jump in if you have any questions, because  
13          I have some questions about some inadequacies that  
14          I'd like to answer. So I'd like to entertain any  
15          questions.

16                 First of all, the property value section,  
17          the second from the last section, I looked through  
18          the property value section and no place in the  
19          property value section does it show any local  
20          property value comparisons. It talks about a  
21          couple theories about property values. It talks  
22          about a couple other things about property values  
23          but no comparisons and I've seen some property  
24          value studies. It's very inadequate. And I would

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1           like to see some defined and detailed information  
2           on the property studies. It doesn't address any  
3           of the high-end homes that are going to be next to  
4           this that have high acreage. I'd like to see some

5 comparisons on that and how those either went down  
6 or went up when apartments were put next to them.

7 Next is the fire protection. In the  
8 DEIS -- and I'm going to read this section. Feel  
9 free to respond -- "Police, fire and ambulance  
10 services. Representatives from CDP met with  
11 representatives from the local fire departments  
12 on March 5th, 2005. At this meeting, the project  
13 was reviewed. The departments confirmed that they  
14 can serve the purpose of the development without  
15 an increase in budget due in large to a backup  
16 from the other fire departments within the town  
17 and surrounding municipalities."

18 Now, I talked to one of the fire  
19 chiefs -- and we have a meeting scheduled for  
20 September 8th with the fire chiefs and the fire  
21 commissioners to address these issues -- and I was  
22 told that this group of people was told that no  
23 promises were made and no commitments were made.  
24 But yet, in the DEIS, it sounds like you got a

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1 commitment that our local fire department can  
2 handle it.

3 Right now, during the day, if there's a

4 structure fire in Brunswick, they call three  
5 departments because of the lack of manning and  
6 they usually have backup possibly from Troy. So  
7 this again does not -- it's inconsistent as far as  
8 the information is concerned.

9 Next is the waste management section. Under  
10 that same section, it talks about transfer  
11 station. Now, I've seen the transfer stations in  
12 some of your properties and it's deplorable. I'm  
13 talking about the big building that's about the  
14 size of this building and they're really nasty.  
15 And I think according to this, you're going to use  
16 those there. So we want to take a look; possibly,  
17 the Board should go look at a transfer station to  
18 see what it looks like, the accommodation transfer  
19 and recycle station. Again, it's inconsistent  
20 with what they're showing here.

21 Then, the school tax -- Donna, help me out on  
22 this. When you talked to Theresa Snyder, she said  
23 that it takes three family school taxes to pay for  
24 one student, correct?

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1 MS. FORSTER: Correct.

2 MR. MESKOSKEY: Three. According to the  
3 numbers that you have here on phase one, you're

4 going to pay for 354 units, \$202,743 of school tax  
5 which -- that number seems substantial. If you  
6 take the average -- now, I'm just going to get a  
7 sample here. How many people here their school  
8 taxes are over \$2,500?

9 (Affirmative responses.)

10 MR. MESKOSKEY: How many are under?

11 (No affirmative response.)

12 MR. MESKOSKEY: I pay \$4,000. So let's  
13 multiply three families, \$2,500, which is low, it  
14 comes to \$7,500. Phase one statement says 62.8  
15 people. It equates to \$471,000 and you're going  
16 to pay \$202,000. That leaves a deficit of  
17 \$268,000 just on phase one, which means your taxes  
18 will go up significantly.

19 (Applause.)

20 MR. MESKOSKEY: Just so the Board knows, I  
21 took this from the DEIS. This is the developer's  
22 information and the cumulative effects, I know  
23 that everybody's talked about it and it's very  
24 inadequate; traffic, congestion, everything. So

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1 I agree with everything on cumulative effect.

2 It's very, very sketchy what's in here. There's

3 no detail. It needs to be specific.

4 And the traffic, again, on their  
5 proposal -- I'm not sure if you want to help me  
6 out here -- I think you proposed one car per unit?  
7 Correct me if I'm wrong. Guys, you haven't spoke  
8 yet tonight.

9 MR. CHUDNOFF: We did speak. We did speak.

10 MR. MESKOSKEY: I'm giving you a chance.

11 MR. HOBLOCK: Because this is the first time  
12 that the public has had a chance to comment on  
13 this specifically, the public hearing's clearly  
14 going to be kept open. We're an advocate of that.  
15 We're here tonight to listen to the concerns,  
16 listen to the comments. We'll take them back.  
17 We'll work with our consultants, along with the  
18 Town, and address them the next round.

19 MR. MESKOSKEY: My purpose was I didn't want  
20 to give misinformation. But if you go to any one  
21 of your sites in Latham or anybody else's  
22 apartment site, there's two and sometimes three  
23 cars per family, because these people don't put a  
24 lot of money in a home. They put their money in

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1 vehicles. And the world is changing today as far  
2 as how people do things and they have more and

3 more vehicles, not less. You need to take a hard  
4 look at that and, again, we need detailed and  
5 specific information on apartments with a number  
6 of vehicles. You can go look over here at the  
7 Brunswick Apartments; same deal.

8 Then, I have one last thing. I have a  
9 handout. This was in the DEIS. (Handing to the  
10 Board members.)

11 You guys can have one, too. (Handing to Mr.  
12 Hoblock)

13 MR. HOBLOCK: Thank you.

14 MR. MESKOSKEY: You're welcome.

15 This is directly out of the DEIS. I'm going  
16 to read this. And this is Mr. Chudnoff. It's  
17 pretty impressive what Mr. Chudnoff has done in  
18 his career. I know the Board has read it. I'm  
19 going to read it, because the public here has not  
20 red this.

21 "Capital District Properties is an  
22 experienced, fully integrated real estate  
23 development firm that specializes in the  
24 acquisition, development, construction and

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1 management of residential communities throughout

2 New York State. CDP's principals bring with them  
3 decades of real estate development, construction,  
4 finance and management experience. Headquartered  
5 in Latham, New York, CDP was formed for the  
6 purpose of developing multi-family communities in  
7 the Central and Upstate New York regions.

8 "CDP was built on the foundation that  
9 seasoned real estate professionals working  
10 together with progressive communities can bring  
11 quality communities to quality communities."

12 And then it goes on to Mr. Chudnoff. You  
13 have a pretty impressive record as far as what  
14 you've done. I'm not going to continue to read  
15 that next paragraph. It's very impressive. I  
16 know most of the people in the room haven't read  
17 this.

18 If you turn to the next page, it also lists  
19 some of Mr. Chudnoff's different apartments that  
20 he's been involved in over the years. Am I  
21 correct in saying over the years or currently  
22 involved in?

23 MR. CHUDNOFF: Over the years and currently.

24 MR. MESKOSKEY: Okay. And it says at the

2 following is a list of selected multi-family  
3 projects Mr. Chudnoff has been intimately involved  
4 in the development of."

5 Now, there's some here from California,  
6 Pennsylvania, South Carolina, New York and  
7 Virginia. So I'm going to take your word those  
8 are pretty good ones; haven't seen those.

9 I have a question and this is on Hudson  
10 Preserve in Latham. Exactly where is Hudson  
11 Preserve in Latham? Because I can't find it.

12 MR. CHUDNOFF: Route 2. It's on Route 2.

13 MR. MESKOSKEY: Okay.

14 MR. CHUDNOFF: Kitty-corner to the K-Mart,  
15 immediately adjacent to St. Patrick's Cemetery.

16 MR. MESKOSKEY: So it's behind Lake Shore &  
17 Beverwyck, abuts or adjoins Lake Shore &  
18 Beverwyck? I was looking in Latham, that's why --

19 MR. CHUDNOFF: It doesn't abut it, but it is  
20 in that neck of the woods, about 400 acres in  
21 total.

22 MR. MESKOSKEY: I just want to read a couple  
23 of these explanations of things he's been  
24 personally involved with.

1                   "Village One Apartment community is  
2                   strategically located in the heart of the Capital  
3                   Region offering convenient access to the area's  
4                   major shopping, entertainment and business areas.  
5                   The apartment community includes 340  
6                   well-appointed units and well-manicured grounds  
7                   complete with community tennis courts and  
8                   resort-style pool."

9                   It goes on to describe Valley View, Beverwyck  
10                  and Lake Shore Apartments. Well, I went to take a  
11                  look and I ask this Town Board to go take a look,  
12                  but those apartments are not the nicest apartments  
13                  in Albany. They are in need of drastic repair.  
14                  It says on here they have resort-style pools.  
15                  They have a pool at each one of these, but it's  
16                  not resort-style. That information in here is  
17                  misleading.

18                  If somebody were to read this and didn't  
19                  know -- okay, I talked to the mailman at Village  
20                  One and their major problem down there is that  
21                  they evict people. And he told me the problem is  
22                  when they get somebody in a unit, they end up with  
23                  two and three families in the same unit and they  
24                  have to evict them. I'd like to know your

1           eviction rate in those apartments.

2           MR. CHUDNOFF: It's very difficult for me to  
3           respond to commentary which has a demeaning  
4           content and is inaccurate. You're making  
5           statements and I'm not going to respond to  
6           statements that have no evidence.

7           MR. MESKOSKEY: Can you explain to me what  
8           intimately involved means? It's in the DEIS.

9           SUPERVISOR HERRINGTON: Wait a minute. Andy.

10          MR. GILCHRIST: I know these are legitimate  
11          concerns for the public. It's not a debate or  
12          question and answer session. If there's  
13          information that anyone in the public wants  
14          additional information on, place that comment on  
15          the record and I know the applicant will respond  
16          to it. And as indicated, the public hearing will  
17          remain open. Additional information will be  
18          supplied by the applicant. You'll be able to  
19          respond to that.

20          MR. MESKOSKEY: I invite anyone, Board  
21          members, to go down to any of those apartment  
22          complexes and see the disarray. We do not want  
23          that in Brunswick. I mean, he's got a great  
24          record, but based on this, take a look at those

1 apartments.

2 (Applause.)

3 MR. MESKOSKEY: I would just like to conclude  
4 that we have a lot of information, we have  
5 attorneys, we have the DEIS, but this is about  
6 people and what this is going to boil down to is  
7 five Board members saying yea or nay on the  
8 information and we've got more information coming.  
9 I don't know if you're going to close this tonight  
10 or not, but it's supposed to be based on accurate,  
11 respectable information. The information that  
12 I've seen is not accurate and it's deceptive.  
13 Thank you.

14 (Applause.)

15 SUPERVISOR HERRINGTON: It would not be a bad  
16 idea for people to look at the Hudson Preserve,  
17 the new apartment complex out of Watervliet. Is  
18 that front entrance open, Marvin?

19 MR. CHUDNOFF: Yes.

20 SUPERVISOR HERRINGTON: The Hudson Preserve,  
21 drive in there and you'll see exactly what he's  
22 talking about here. I just thought I'd tell --

23 UNIDENTIFIED PERSON: Why would anyone want  
24 to see --

1 SUPERVISOR HERRINGTON: You turn right by the  
2 cemetery. You should go over to look at the  
3 Hudson Preserve. I mean, that's exactly what he's  
4 talking about building here so that would show  
5 you.

6 Henry.

7 UNIDENTIFIED PERSON: It's in Watervliet, not  
8 in Latham or Albany as those are indicated.

9 SUPERVISOR HERRINGTON: Wait a minute now.

10 MR. CHUDNOFF: Sir, that is inaccurate.  
11 Check with your mailman. That is inaccurate.

12 UNIDENTIFIED PERSON: Sir, I've worked for  
13 UPS for 34 years. That address is Watervliet.

14 MR. CHUDNOFF: That's an inaccurate  
15 statement. It is misleading for you to say to the  
16 general public that you want an honest and clear  
17 dialogue and you say things that are inaccurate.  
18 It is in the Town of Colonie.

19 UNIDENTIFIED PERSON: I'm glad you understand  
20 your information is misleading.

21 SUPERVISOR HERRINGTON: Come on now.

22 MR. CHUDNOFF: It's either a matter of fact  
23 or it is not, sir. It is in the Town of Colonie.

24 UNIDENTIFIED PERSON: It's in the City of

1           Watervliet.

2                   MR. CHUDNOFF:  It's in the Town of Colonie.  
3           It pays taxes to the Colonie North School  
4           District.  It pays taxes to the Town of Colonie.  
5           It has nothing to do with Watervliet.  You are  
6           again factually incorrect.  Check your facts.  
7           Give us the questions and we'll respond to them,  
8           but don't mislead the audience.

9                   SUPERVISOR HERRINGTON:  So go through  
10          Watervliet, take a left.

11                  All right.  Henry.

12                  MR. SCARTON:  My name is Henry Scarton.  I  
13          live at 14 Kestner Lane.  I'm also the director of  
14          the Rensselaer Polytechnic Institute's Laboratory  
15          for Noise and Vibration Control Research.  I have  
16          been hired as an expert witness and have helped to  
17          write such documents for other people.  I've also  
18          been hired by Concerned Citizens of East Nassau,  
19          for example, where I was the principal consultant.  
20          And you may recall that the Lane Mine was not  
21          permitted because, among other things, of the  
22          noise impacts.

23                  Now, let me comment directly on the noise  
24          study which took me a while to find.  It's on page

1           63. And I'll read what it says. It says -- and  
2 I'm not talking about construction noise, which is  
3 another section. I'm talking about steady-state  
4 noise. We have over 1,000 units operating, and  
5 let me give you a little background.

6           Many times in the fall and in the spring, my  
7 phone rings and they want to hire me to do a noise  
8 study. Why? Because the windows go open and the  
9 air conditioners go on for some people and other  
10 people like to leave their windows open, et  
11 cetera, et cetera, et cetera. You're going to  
12 have 1,000 air-conditioning units, air-handling  
13 units, running over here in an area which is  
14 basically a valley. And you're going to have  
15 temperature inversion at night.

16           What that does, in case you don't understand  
17 that, you have continuity and density and the  
18 sound bounces off the temperature inversion and  
19 concentrates the sound in this area. So the  
20 background level, and I have measured this many  
21 times under many circumstances, in the absence of  
22 tree frogs, which bring it up to about 50  
23 decibels -- normally, we're talking about 35 to 40  
24 decibels, sound pressure level, at the microphone

1 location.

2 You turn on 1,000 air-conditioning,  
3 air-handling units and you'll have a temperature  
4 inversion and I can assure you that noise level is  
5 going to come up. What is this going to be?  
6 Well, you have to sort of check it out. I can  
7 assure you it's not going to be 45 decibels. It's  
8 going to be closer to 60, 65, maybe 68, 70  
9 decibels. The calculations are fairly  
10 straightforward.

11 So the air-handling units in the summer,  
12 which is not studied at all in this and I just  
13 scanned through this document -- I have to write  
14 these, so -- I sort of help to write these so I  
15 know where to look. It's not discussed at all.

16 Secondly, lighting impact, lighting trespass.  
17 Mrs. Symanowitz is not going to hear these tree  
18 frogs chirping anymore. You're going to hear the  
19 air-handling units. You're going to have  
20 luminaires on each of these units, more than one,  
21 plus headlights of cars. That's going to add a  
22 lighting trespass issue so that you will no longer  
23 be able to see the stars out there. You'll just  
24 be able to see the glow from the lighting of this

1 complex and it's going to be huge.

2 Third: I happen to live at 14 Kestner Lane  
3 and I can tell you right now that the traffic is  
4 horrendous. You're getting the people coming  
5 right down North Lake Avenue and, now, we're going  
6 to have a thousand cars, maybe more, depending on  
7 how many coming. It's impossible. You're going  
8 to have to put a four-lane highway through Frear  
9 Park.

10 (Applause.)

11 MR. SCARTON: Finally, I personally pay  
12 \$4,000 in educational taxes -- I happen to have  
13 Troy taxes -- and over \$3,000 in property taxes  
14 totaling to \$7,000. Now, I was not happy when my  
15 taxes went up in one year \$1,000 and I think that  
16 happened to a lot of us in this room.

17 (Applause.)

18 MR. SCARTON: And, now, they're going to  
19 pay -- what did I see? -- \$1,500 taxes. And I  
20 should check those numbers. I'm to be careful  
21 here. But it's going to be the tax -- they're not  
22 going to be able to be paying taxes. And I'm  
23 sorry, we're going to be attracting an occasional  
24 drug dealer in there and other transients that are

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1 going to lower our property values. We have these  
2 beautiful homes out there. Dr. Symanowitz is one;  
3 the whole Kestner estate out there is beautiful.

4 I moved here 15 years ago. I love here.  
5 It's beautiful. We're kind of ruining the  
6 country. I have three-quarters of an acre.  
7 Everybody has large lots. We're going to put them  
8 into this?

9 Finally, I looked at that plan and I see  
10 absolutely no area for storage space for those  
11 units. Where are you going to put all the  
12 storage, all those people moving in? I mean,  
13 1,600 square feet, it's horrible. Thank you very  
14 much.

15 (Applause.)

16 SUPERVISOR HERRINGTON: Henry, I owe you an  
17 apology. You did know where to look in that book.  
18 I didn't know where to start.

19 MR. SCARTON: Page 63.

20 SUPERVISOR HERRINGTON: I started from the  
21 beginning.

22 Anybody else? Herb, come on up.

23 MR. HEADWELL: My name is Herb Headwell. I  
24 live at 196 Town Office Road. I came to this

1 community in 2001, brought my family; Stacey, my  
2 two kids are out playing outside. Over the last  
3 four and a half years, I invested myself in this  
4 community. I spent millions of dollars on Town  
5 Office Road bringing it back, bringing the horse  
6 business back that was there started by Maynard  
7 Kessler in the '70s. And the Schaffers of the  
8 Schaffer Brewing Company had many world champion  
9 horses off Misty Hills Farm.

10 As far as the storage problem, I'm going to  
11 be building storage units in Raymertown so that  
12 will solve the storage problem.

13 In any event, my biggest plea is that there's  
14 many nice people and wonderful people in this  
15 community. Pete Meskoskey, the Gidenbergs down  
16 there, Phil Herrington, his brother Ken, wonderful  
17 people. My plea to this Board is this: Please,  
18 when you make any decisions regarding anything of  
19 this magnitude, it would be very appreciative if  
20 you would just come talk to the people who vested  
21 themselves in this community. I've only done it  
22 four and a half years. But part of the reason why  
23 I picked this area was the rural nature, the  
24 country setting. I wanted my kids to be raised in

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1 a nice farm-type environment.

2 And like I said, I spent millions of dollars.  
3 My taxes are well over \$20,000 in property tax.  
4 I'm a farmer. The key thing is that the people  
5 are vested. I'm just giving you my case. I'm  
6 sure there's many, many more here who have lived  
7 here much longer than I have who feel like that  
8 and that we really want to be talked to. Come to  
9 see us and listen to what we have to say  
10 personally, because these people aren't vested.  
11 We're vested. And anything that happens, as  
12 you've seen here, is going to affect us.

13 Now, I'm Republican. I'm all about  
14 development, so on and so forth. Now, let's say  
15 this thing goes through. I'm in a very difficult  
16 position. I have 200 acres on Town Office Road.  
17 If this thing goes through, I'm going to want the  
18 next one. I'm going to want the 700 apartment  
19 building complex built on Misty Hills and I think  
20 that needs to be considered, is that I'm vested  
21 here and put all this hard work into this road and  
22 this town and this whole thing here; that, you  
23 know, if I had to cash out, I think that needs to  
24 be considered.

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1           But that's the thing. We're all hard-working  
2 people. A lot of us probably don't have time to  
3 be here. We have a lot of responsibilities and,  
4 you know, we don't get to read things, see things.

5           And another question I have is: Where are  
6 the other 48 copies of the document?

7           SUPERVISOR HERRINGTON: Where are the rest of  
8 the copies?

9           MR. HEADWELL: You said there's 50.

10          SUPERVISOR HERRINGTON: Each Planning Board  
11 got them. Zoning Board got them.

12          MR. HEADWELL: They're all distributed.  
13 Okay. That's basically all.

14          (Applause.)

15          MS. STEINBACH: My name is Connie Steinbach.  
16 I live at 5 Lindsay Drive. I've been in Brunswick  
17 for 49 years. Now you all know how old I am. I  
18 think I'd like to just say that my major concern  
19 is the fact that it is an apartment complex as  
20 opposed to single-family homes. I do think that  
21 single-family homes are much more closer to what  
22 the character of Brunswick is and what I would  
23 like it to stay and, basically, that is my  
24 concern.

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1           Now, I've never done this before so I may be  
2 asking something that's obvious to everyone else,  
3 but I assume that Mr. Kestner and the consultant  
4 that he hired is going to look after my interest.

5           So, therefore, I was wondering: Is there a  
6 report that gets produced and is it made available  
7 to everyone to read so I understand what you're  
8 analyzing when you decide what to do with this?

9           (Applause.)

10          MR. KESTNER: Yes, we will do a report on the  
11 document. Mark Gregory from Transportation  
12 Concepts will do a report on the traffic. We have  
13 had meetings so far with the state engineer. We  
14 had three individuals from the central office over  
15 along with the City of Troy, city engineer and the  
16 county highway engineer and we have discussed the  
17 traffic. We will prepare our thoughts on the  
18 information that is contained in this document  
19 that will be available for you to look at.

20          In addition to that, we are getting comments,  
21 as the Supervisor indicated at the start of the  
22 meeting, from the state agencies; namely, New York  
23 State DEC is going to assist in looking at the  
24 stormwater management sections and also the

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1 wetland section. DOT is planning on issuing a  
2 letter in regard to the traffic issues both in  
3 Brunswick and also some situations down in the  
4 City of Troy.

5 So we're going to get input from all of these  
6 various agencies in addition to our comments.  
7 We'll put them all together and we will give them  
8 back to the applicant.

9 SUPERVISOR HERRINGTON: Thanks, Mark.  
10 Anybody else?

11 MR. GORDON: I'm Rickie Gordon. I live on  
12 Moonlawn Road. My concern is -- I went to a  
13 couple of other meetings and one of the big  
14 concerns was the minimum lot per house is  
15 considerable in the Town of Brunswick and I don't  
16 understand why a mass development like this would  
17 be approved versus single-family units that could  
18 be put on decent-sized lots with a lot more  
19 controlled development. I don't think there  
20 should be an exception made for apartments. Thank  
21 you.

22 (Applause.)

23 SUPERVISOR HERRINGTON: I'm not sure. I bet  
24 the way it's zoned at the moment over here, if

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1           you're just wondering, if somebody wants to put  
2           single-family homes in that area, probably about  
3           150 homes would go in there with the current  
4           zoning roughly, just to give you an idea.

5           MR. MCLOUGHLIN: My name is Bill McLoughlin.  
6           I live at 16 Lindsay Drive. I have two concerns.  
7           One is, as you had said, the traffic. Traffic on  
8           North Lake Avenue has really greatly increased,  
9           but I'm concerned because we have a lot of runners  
10          and people who ride bikes. In fact, I think it  
11          was about five years ago, a young lady was riding  
12          her bike and she got hit by a mirror off of a  
13          truck going by. It's so tight in there and the  
14          width of the road is very narrow and the property,  
15          as you get into our area, is very close on North  
16          Lake Avenue.

17          So I think there is a problem traffic-wise  
18          and coming down through the Frear Park, a lot of  
19          people go in and don't go over to Hoosick Street,  
20          cut down to Frear Park, Oakwood Avenue and down  
21          Hoosick. They don't go 20 miles an hour. They go  
22          40 miles an hour, 50 miles an hour down through  
23          there. I don't know. The police ought to get off

24 Hoosick Street and go over to Frear Park. They'd

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1 make out much better over there.

2 My second problem is I had been to the Town  
3 Board before and we had talked about planned  
4 development districts. I certainly hope that the  
5 Town will be a lot more restrictive in a planned  
6 development district. You know, the problem that  
7 we had and we were told by the town attorney that  
8 they couldn't do anything about a planned  
9 development district if there was a problem.

10 We had, I think it was, two or three public  
11 hearings and people expressed a lot of opinions  
12 like what's going on here and then it got down to  
13 a final basis and the people were assured that  
14 certain things were going to happen and we -- you  
15 know, that really hasn't happened to a full  
16 extent.

17 The Town Board had several things that they  
18 insisted were going to be on there, but we  
19 discussed some of these. We went to some of the  
20 Town Board meetings.

21 SUPERVISOR HERRINGTON: When was that?

22 COUNCILMAN SALVI: Deed restriction.

23 SUPERVISOR HERRINGTON: Deed restriction on

24 Homeowner's Association.

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1 MR. MCLOUGHLIN: No, no. That's also planned  
2 development district.

3 COUNCILMAN SALVI: You're talking about deed  
4 restriction.

5 MR. MCLOUGHLIN: Well, there were deed  
6 restrictions but also, at the time, discussions  
7 about single-family homes and other ideas and that  
8 was not adhered to in the Town Board and the town  
9 attorney advised there was nothing he could do  
10 because it was in the district but also --

11 COUNCILMAN SALVI: Well, the attorney's not  
12 here. If I remember the case, there's some  
13 problem with deed restrictions, certain things you  
14 can do in Mark's development. Maybe you can  
15 handle that better.

16 MR. KESTNER: I think the comment was that  
17 the developer can place certain things in the deed  
18 that are in addition to the town zoning. And when  
19 there is a violation of those covenants, then it's  
20 not the Town's responsibility to enforce deed  
21 restrictions that may be more restrictive than the  
22 town zoning. If there's a zoning violation, then

23 the Town would enforce that.

24 MR. MCLOUGHLIN: I'm telling you the case of

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1 where a single-family dwelling ended up with five  
2 different people living in the place and renting  
3 rooms in the place, but what the case was, there  
4 was a public hearing and people were assured that  
5 things were going to take place. If there are  
6 minutes of that meeting, I'm sure if you go back  
7 there, you'll find there were a lot of things that  
8 people, in fact, were -- there was supposed to be  
9 a one-way street in there. That's never occurred.  
10 And it was said, "We will definitely take care of  
11 that," and it was never taken care of.

12 That's the point. I think if we have a  
13 planned development district, I think the Town  
14 Board has to insist that things take place and  
15 follow up with it, because I think we were on the  
16 basis that the Town was going to take care  
17 of -- the Town Board spoke that they were going to  
18 have these things take place and it settled the  
19 peoples' concerns, like our concerns here. And  
20 there are minutes. I believe there are minutes.

21 COUNCILMAN SALVI: I just remember the one  
22 about the deed restrictions. I don't remember the

23 other meeting. Yes.

24 MR. MCLOUGHLIN: But there were public

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1 hearings. In fact, we got into the same problem.  
2 We were going to hold it over at the town office  
3 and they held it out at the barn. That was so  
4 big, there was more people than this there. There  
5 were more people than this.

6 SUPERVISOR HERRINGTON: When was that?

7 MR. MCLOUGHLIN: That was 15 years ago, I  
8 think.

9 SUPERVISOR HERRINGTON: 15, 20 years ago.

10 MR. MCLOUGHLIN: Yes. My point is that if we  
11 have a planned development district and you people  
12 believe that there are certain things that should  
13 take place, I would hope that they would be, you  
14 know, adhered to.

15 SUPERVISOR HERRINGTON: I totally agree with  
16 you. Planned development districts, the Town  
17 Board can control the density. We can tell them  
18 what to put in there and where to put them,  
19 cluster them, so on and so forth. The Town Board  
20 has a lot of control over planned development  
21 districts and the good thing these days with

22 computers is you can look up them records pretty  
23 fast. And, now, every development that is built  
24 in the Town of Brunswick, we insist that they have

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1 a homeowner's association and mainly because, you  
2 know, you get on Route 2 there through Eagle  
3 Mills, look on the map, that little bridge there,  
4 the entranceway to that development is not taken  
5 care of. There's no homeowner's association.

6 And I can rattle off a few more, but now,  
7 there will be homeowner's associations and there  
8 will be landscaping agreements and there will be  
9 everything else. If somebody is going to build  
10 something, they gotta take care of it.

11 Anybody else? Sir.

12 MR. GRASSO: I'm still Vito Grasso and I  
13 still live on Pinewoods Avenue. I had a question  
14 that occurred. The young lady who's been here for  
15 49 years -- and, really, I wouldn't have thought  
16 49 years -- but she raised the question about  
17 Mr. Kestner's role.

18 Is it true that Mr. Kestner is supposed to be  
19 looking out for the public interest in conducting  
20 an objective review of the development proposal?  
21 Is that an accurate representation?

22 MR. KESTNER: Yes, it is.

23 MR. GRASSO: My understanding is that you are  
24 yourself a developer.

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1 MR. KESTNER: Yes.

2 MR. GRASSO: And I would question the  
3 prudence of appointing a developer to  
4 review -- I'd just like to recommend that a truly  
5 representative public body, a civic organization  
6 such as Brunswick Smart Growth, be designated to  
7 fulfill that role. I think you'd get a much more  
8 objective assessment of the development.

9 (Applause.)

10 SUPERVISOR HERRINGTON: One thing I do want  
11 to mention is quite a few of the people, Vito,  
12 that stood up here, such as Henry, said they moved  
13 to Brunswick and moved in Mr. Kestner's  
14 development and they have beautiful homes and they  
15 love it. So maybe he needs to look at everything  
16 and make them look like his development. I don't  
17 know.

18 Correct, Henry?

19 MR. SCARTON: Not across from me, he better  
20 not.

21 MR. KESTNER: I am a licensed professional  
22 engineer and I have a degree in civil engineering  
23 from RPI and a master's degree in environmental  
24 engineering from RPI. Our firm was started in

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1 1955 in the Town of Brunswick and so I've seen a  
2 lot of the projects that have been built in here,  
3 including the original Wal-Mart and the apartment  
4 complex. And I feel that we are qualified to  
5 review this, but our comments are a matter of the  
6 public record. I think if you talk to the  
7 developers, engineers, we are thorough with what  
8 we do. We do know the water, the sewer system.  
9 For this particular project, we're bringing  
10 on-board a very reputable transportation engineer.

11 So I do feel that we are properly  
12 credentialed and can handle this review. Thank  
13 you.

14 SUPERVISOR HERRINGTON: And to be perfectly  
15 frank, when I took over as Supervisor in this  
16 town, Mr. Kestner's father who's still alive and  
17 is a lovely man, he was the engineer for the Town  
18 of Brunswick. If you go in the basement, he's got  
19 every water line in the Town of Brunswick. Mr.  
20 Kestner's father's memory still -- how old is he,

21 Mark?

22 MR. KESTNER: Ninety-one.

23 SUPERVISOR HERRINGTON: But what I did do is  
24 I went to the Kestners and I said, "I know you're

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1 a developer. I know sometimes you represent  
2 developers and sometimes you represent the Town of  
3 Brunswick. You're going to make a choice. You're  
4 going to represent the Town of Brunswick or you're  
5 going to work for developers." And ever since  
6 I've been here and this Board has been here, Mr.  
7 Kestner represents the Town of Brunswick. And I'm  
8 just telling you that I don't see where he's  
9 representing developers so --.

10 Come on up, sir.

11 UNIDENTIFIED PERSON: Very quick question.  
12 Mark, what is the time line you believe for the  
13 submission of materials from DOT and DEC and other  
14 organizations that's going to help formulate your  
15 opinion?

16 MR. KESTNER: I spoke with DOT last Thursday.  
17 We had the meeting. They told me they would have  
18 their comment letter to us prior to August 13. I  
19 have the draft comments from DEC in my possession

20           tonight. I do not have the wetlands comments from  
21           DEC yet. They anticipate giving those to us prior  
22           to August 13. That was in anticipation if the  
23           Board were to decide to close the hearing, then as  
24           the attorney indicated, there's a 10-day period

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1           following the close of the hearing to submit the  
2           written comments. So I told them to be sure to  
3           get us written comments prior to the 13th, but the  
4           Board will decide later about whether they keep  
5           the hearing open or closed.

6           UNIDENTIFIED PERSON: Point of clarification.  
7           Will those become part of the public record  
8           available to the public?

9           MR. KESTNER: Yes, they will be. They'll all  
10          be furnished to the applicant.

11          UNIDENTIFIED PERSON: But we'll have access?

12          MR. KESTNER: Yes.

13          MR. RYAN: Will that be new data --

14          SUPERVISOR HERRINGTON: Wait a minute now.  
15          Come on up here. We really need your name and  
16          address if you don't mind so we have a good record  
17          here as we go along.

18          MR. RYAN: Mike Ryan, Wilrose Lane. My  
19          question is about the traffic survey. Will this

20 be new data? Is that going to be using existing  
21 data that's three, four, five years old? Are you  
22 going to actually do a traffic survey or traffic  
23 count?

24 SUPERVISOR HERRINGTON: We'll let the traffic

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1 guy answer that.

2 MR. GREGORY: The Town itself doesn't do any  
3 direct count for this project. We're reviewing  
4 the traffic study that was done in part by Crate  
5 Manning Engineering. We review the data that was  
6 done and they, as part of the process, have done  
7 recent counts. It's all in the DEIS document as  
8 information they've used.

9 MR. RYAN: But I guess my larger question is  
10 you're relying on data that you were given from  
11 the developer. What about the data from the other  
12 developers of the other projects? I think it's  
13 kind of disingenuous to just rely on data from one  
14 project when we have a number of other projects  
15 currently under proposal.

16 MR. KESTNER: Well, we have the data from the  
17 Wal-Mart traffic engineer. He is not this same  
18 engineer. You have to understand, DOT also is

19 looking at these traffic counts. All right? They  
20 independently took quite a volume of counts prior  
21 to reconstructing Route 7 and they have a supply  
22 of data that we have access to, too. So we don't  
23 just rely on what the developer's engineer says.  
24 We can check it against the DOT. And, also, the

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1 county highway department has counts on North Lake  
2 Avenue. So there's several ways we can check the  
3 data.

4 MR. RYAN: Okay. But there won't be like a  
5 new traffic count. That's -- I guess my question  
6 is: How old are those studies?

7 MR. GREGORY: The count data, I think some of  
8 it was done last year.

9 MR. RYAN: So it's fairly recent then.

10 MR. GREGORY: Yeah. And there's some  
11 history, too. You have to understand a lot of the  
12 data that's presented by DOT, whatever is public  
13 information, you can -- there's counts they do  
14 continually to monitor traffic and roads, et  
15 cetera, so there's various ways to check data  
16 that's been done.

17 I myself have been involved in many projects  
18 in the area. I'm very familiar with the

19 intersections that have been done, you know, the  
20 history, the construction that's going on. Those  
21 are all concerns that I have as a reviewer in the  
22 interest of the Town in regard to the developer as  
23 well.

24 MR. RYAN: Will other projects, though, their

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1 traffic data be included as a way to determine  
2 this project's feasibility?

3 MR. GREGORY: Yes. They have included  
4 Wal-Mart --

5 (Pause in the proceedings.)

6 MR. GREGORY: As part of the DEIS, they have  
7 included the Wal-Mart site. They've included some  
8 other area projects that are being proposed at  
9 this time. And that is part of that DEIS document  
10 regarding traffic. So it has been included as a  
11 cumulative analysis.

12 MR. RYAN: Okay. Thank you.

13 SUPERVISOR HERRINGTON: Go ahead, Donna.

14 MS. FORSTER: Okay. This is just a quick  
15 question about traffic. In the comprehensive  
16 study, you said in 1995, DOT gave Hoosick Street a  
17 "D" and, evidently, the construction that we've

18           been undergoing for the last five years is  
19           supposed to correct that. But how do we know that  
20           the new construction is even going to deal with  
21           traffic patterns as they exist without the new  
22           developments?

23                     We have a lot of people not using Hoosick  
24           Street. I don't know. My commonsense says how

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1           can you even do a traffic study on Hoosick Street  
2           at present with four years of continuous  
3           construction?

4                     (Applause.)

5                     SUPERVISOR HERRINGTON: Sir, you want to come  
6           up?

7                     MR. BLANDLY: My name is Tom Blandly. I live  
8           in Troy but on Brunswick Road. I hope you'll  
9           permit a comment from a neighbor.

10                    I think that the people of the town need to  
11           be aware that the mindset of developing is  
12           different from the mindset of people who live  
13           there. And I think that, for instance, Mr.  
14           Herrington cited the development of Wal-Mart and  
15           so forth as if it were a good thing. And I  
16           consider it, and I think everybody considers it,  
17           more sprawl and a very ugly thing replacing a very

18 nice farm and so forth.

19 So what the public needs to do is keep in  
20 mind the fact that town governments have  
21 traditionally been and thought it was okay, I  
22 mean, and it was accepted by everybody that  
23 development was good. And so you go on that basis  
24 and you're thinking one way, but if you think that

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1 you want to keep the character of the town as it  
2 is, then you have to think in another way and  
3 realize that even though Mr. Kestner is very  
4 honorable and is trying to do the job as he sees  
5 it, inevitably, the way he sees it is more towards  
6 a developer's point of view.

7 Now, developers are there not for the town,  
8 especially outsiders; they are there for their own  
9 interests and they are looking after their own  
10 interests. And so the people of Brunswick and any  
11 place where sprawl is occurring have to keep that  
12 in mind. Thanks very much.

13 (Applause.)

14 MR. O'DELL: Hi. My name is Leo O'Dell. As  
15 you know, I'm new to Brunswick. I'm new to this  
16 kind of civic gathering. As I listen to this as

17 an outsider, I hear a series of issues: Taxes,  
18 sewage, water, schools, property values, all of  
19 which seem to cause great concern to everybody in  
20 this room.

21 The assumption is we're going to get a  
22 response from this developer and others. I point  
23 out that our one response tonight from the  
24 developer has been to whether a development was in

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1 Watervliet or Cohoes or Latham; trivial  
2 responses, which leads me to raise a question.

3 Phil, I presume that the developer's going to  
4 make a series of responses to all these issues.  
5 Bearing that in mind, and bearing in mind some of  
6 the discrepancies we've heard in the analyses and  
7 demand on sewage, for example, bearing in mind  
8 that some of those reports are going to come from  
9 the DOT to people who have brought us Hoosick  
10 Street, I have a question: Given the fact that  
11 there are to be more reports, there are to be  
12 comments from this developer in particular, when  
13 will these appear and how will their appearance  
14 fit into a time line for deciding on this process?

15 Clearly, what I think we must have is a close  
16 look at any of the analyses put forth by any

17 group.

18 So what is the time line, Phil?

19 SUPERVISOR HERRINGTON: We answered that  
20 before. Andy, do it again.

21 MR. O'DELL: I must have missed it. Sorry.

22 SUPERVISOR HERRINGTON: That's okay.

23 If we close the public hearing tonight, you  
24 got 10 days. I don't think you want that.

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1 MR. GILCHRIST: To reiterate, the public  
2 hearing, it certainly sounds that it may be held  
3 open. If that's the case, the developer will be  
4 responding to certain issues that have been raised  
5 this evening. And as Mr. Kestner said, we'll be  
6 getting comments from other state agencies being  
7 copied on those as well and reviewing them as  
8 well.

9 I'll get to the time line in a moment, but I  
10 must add that I'm also a resident of Brunswick.  
11 This is the first series of projects that I have  
12 been retained by the Town Board on to review for  
13 purposes of environmental compliance and zoning  
14 compliance. I sit as the Planning Board attorney  
15 in this town and I, like you, am very interested

16 in what this town is all about. So any questions  
17 or comments about whether Mr. Kestner is bringing  
18 a developer's attitude toward his review of this,  
19 I must tell you as a resident of this community,  
20 that is not the case. I work with a series of  
21 consultants in my practice, engineering and  
22 otherwise, and I'm here to tell you on the record  
23 that Mr. Kestner's review has been nothing but  
24 thorough and I would not allow anything but a

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1 thorough technical review of these applications so  
2 that I can adequately counsel the Board on their  
3 zoning and planning decision.

4 So I give you that statement on the record.  
5 Please do not feel that the review that's being  
6 done on this application is anything less than  
7 thorough. I attest that it will be.

8 The time line on this will be -- we're  
9 waiting for responses from state agencies. They  
10 may be here. We're sure they'll be here on or  
11 before August 13. Issues that need to be  
12 responded to by the applicant, the ball will be in  
13 their court. When they prepare additional  
14 information and submit it to the Board,  
15 Mr. Kestner and I, Mr. Gregory as well, will

16 review that and make a determination as to whether  
17 those issues have been adequately responded to.

18 If they're deemed complete, just like we went  
19 through this issue of whether the DEIS was  
20 completed, and in the event the Board keeps the  
21 public hearing open, there will be another public  
22 hearing that will be noticed and kept open and  
23 there will be another meeting such as this.

24 Can I tell you exactly when that will occur?

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1 We can't, because again, it depends on when  
2 additional information might be supplied by the  
3 applicant, whether it is complete, whether it  
4 needs some supplementation. When that's done, I  
5 can't answer that.

6 All we can tell you is that it will be  
7 noticed to the community as to when another  
8 meeting like this will be held. I can tell you if  
9 certain residents didn't know about this tonight,  
10 it certainly was published in the paper and  
11 whether anyone actually looks at the legals, I  
12 can't attest to. It was at the Town Hall on the  
13 Town Board. If you don't ride by Town Hall, I can  
14 also tell you that it was posted on the Town's

15 website for about the past six weeks. It will  
16 also be noticed in a similar manner when it's  
17 reconvened. So I know this Board is trying to  
18 give every opportunity for members of the public  
19 to comment on complete information.

20 So I hope that answers the question. But as  
21 to exactly when the hearing would be reconvened,  
22 we can't tell tonight.

23 MR. KEENAN: When should the public submit  
24 their comments, waiting for them to revise the

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1 draft or can they --

2 MR. GILCHRIST: The members of the public can  
3 submit comments now, can submit comments going  
4 forward. The written comment period will not end  
5 under the SEQRA regs until 10 days after this  
6 Board closes the public hearing.

7 So in the event this Board does not close the  
8 public hearing tonight, the written comment period  
9 is now open without date. You can submit them  
10 now. You can submit additional comments when  
11 additional information is submitted. You're not  
12 foreclosed in doing so. And all the comments will  
13 be considered by the Board and the consultant.

14 SUPERVISOR HERRINGTON: Can I have your name

15           again?

16                   MR. KEENAN:   Dillon Keenan, 62 Moonlawn.

17                   COUNCILMAN POLETO:   The original DEIS study  
18           came in to us the beginning of March this year.  
19           The Town Board has reviewed those and we've had  
20           comments back and forth and it took three and a  
21           half months in order to get from what they  
22           originally gave the Town Board to what we have  
23           here tonight.

24                   We've now had this six weeks.   We're making

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1           comments ourselves to consultants to look at this  
2           and we're making comments back.   So it's not as if  
3           they just gave it to us and we're rolling over.  
4           We've been arguing back and forth on what's been  
5           in here before we said it was even ready for  
6           everybody to look at.

7                   SUPERVISOR HERRINGTON:   Anybody else?

8                   MS. HAISER:   Hi.   I'm Karen Haiser.   I live  
9           off Tamarac Road and I'm not 49, but I have been  
10          here most of my 47-plus years.   As the Board  
11          considers whether or not to have another meeting,  
12          I thought it might be useful to go through this  
13          really quick.

14           If you guys wouldn't mind raising your hand  
15           if you looked at the Environmental Impact  
16           Statement. Some hands.

17           SUPERVISOR HERRINGTON: This is a pretty  
18           thorough town here.

19           MS. HAISER: I have some thoughts as has been  
20           discussed. There have been some areas of concern  
21           here over urbanization and the fellow over in the  
22           corner made a comment about inevitably  
23           intertwining Troy and Brunswick. I kind of  
24           disagree with you on that. I think the

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1           urbanization of Troy has -- I'm sorry -- Brunswick  
2           happened in increments starting with the Monroe  
3           Muffler dealership.

4           I do have a specific question for you, by the  
5           way. It happens in increments. I think it's  
6           really not necessary for Troy and Brunswick to be  
7           intertwined. So I'd like to just start off with  
8           that. I think it's really hard in theory to draw  
9           that line but harder in practice, but I do think  
10          it's something we need to look at.

11          I'll look to you with a question that I have  
12          regarding how you identified your target market  
13          for these buildings. I'd really like some more

14 information on that. It's the who, what, when,  
15 where and, I guess, why of who you think these  
16 people will be filling these apartments in more  
17 detail than you mentioned.

18 You mentioned empty-nesters. You mentioned  
19 some transients. But it's really -- it's so out  
20 of keeping with Brunswick's character and so close  
21 to more what you'd find in an urban area, I'd like  
22 to know more about how you've come up with this,  
23 your projected use for this building when you do  
24 that, if you could, please. I don't mean to sound

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1 flip.

2 And if all the projected jobs actually came  
3 to pass over the past 20 years, very few of the  
4 housing developments in this area would be  
5 sufficient to take care of that need.

6 Be careful using RPI. It's certainly adding  
7 to the academic belt in the area and  
8 technological, but they're really not adding jobs  
9 to Troy and Rensselaer County. So I don't see  
10 that.

11 Therefore, a concern, as some people have  
12 also voiced, is where would people come from?

13           Would they come or is it a field of dreams type of  
14           concept? And I think that despite the fact that  
15           you're planning nice apartments, if people don't  
16           come, the buildings will still have to be  
17           utilized. I think back to the urbanization line.  
18           We're solving Troy's grocery shopping problem now.  
19           I don't think we need to solve Troy's low income  
20           housing problem as well.

21                         (Applause.)

22           MS. HAISER: As you mentioned, it's about  
23           money. And as Mr. Blandly mentioned, that's your  
24           job. You're here to make money. I think it will

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1           become more and more about money as the Misty  
2           Hills fellow mentioned. A door opens. People  
3           come. The privacy's gone. So it becomes more  
4           desirable to move to Canada, Iowa; I hope not, but  
5           I think it's important to really clarify the  
6           lines. You've heard talk about development  
7           districts, et cetera.

8                         And to conclude, Dr. Fleishman talked about  
9           moratoriums. Other folks have mentioned a lot of  
10          communities in the area are looking at some type  
11          of guidelines, looking at how they want to guide  
12          development in the area. I think that will help

13 everyone. I think if we're not careful, if we're  
14 left out, if we're the only ones not doing that  
15 type of planning, we could be easy pickins for  
16 more developers.

17 We heard a story just today from a friend.  
18 There was a farmer next to him. Someone came to  
19 this farmer, told him a story how he had grown up  
20 here, he missed it, he wanted to bring his family  
21 back, raise them, live his life here. The farmer  
22 sold him the property and he, the very next day,  
23 sold it to the developer for two and a half times  
24 what he had just paid for it. So song and dance.

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1 So if we aren't careful with the barn door,  
2 the horse is not only going to get out but it's  
3 going to get killed on Route 7. Thank you.

4 (Applause.)

5 SUPERVISOR HERRINGTON: Anybody that hasn't  
6 spoke that wants to say anything?

7 MR. STEIN: My name is Bill Stein. I  
8 actually live at 92 Willet in Albany. I was asked  
9 to come here by a friend and watch the meeting.  
10 And I'm sorry that I'm from Albany, but I hope you  
11 guys appreciate this. I moved here a couple years

12 ago and in my almost 30 years, I lived 20-plus  
13 years in Los Angeles. And I came here hoping and  
14 appreciating the countryside and what draws people  
15 to the Northeast and watching the fire flies that  
16 we don't have in Los Angeles and watching even the  
17 black flies that everybody hates but they're here.

18 There's the part of the Northeast that makes  
19 the Northeast and I have enjoyed every minute that  
20 I've been here since I moved here. I hope -- I  
21 wish that LA had boards like this or community  
22 services like this that actually listen to the  
23 public, that they didn't develop as much as they  
24 have.

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1 I don't know if there's -- besides palm trees  
2 and Santa Monica that you see on the TV, but the  
3 amount of trees have dissipated, the amount of  
4 bushes. There's very seldom -- there's very  
5 little greenery. And as my cheesy, sob thing to  
6 the public and to the Board from Albany, but I am  
7 a cyclist and all of our cycling buddies come out  
8 this way and enjoy the scenery and to watch  
9 another LA-type development come up to me is a  
10 heart-breaking story.

11 So as a neighboring citizen or resident, I

12 would ask the Board to just listen to these  
13 impressive stories and the impressive concerns  
14 that they have. And I hope the developers have  
15 taken this into consideration and will come up  
16 with a plan or maybe downsize 1,100 units but  
17 something. But I appreciate the concerns  
18 everybody else has and I hope the Board listens to  
19 them.

20 (Applause.)

21 SUPERVISOR HERRINGTON: Anybody else who  
22 hasn't spoke that wants to get up?

23 MR. ZIEMBA: Good evening. My name is  
24 Russell Ziemba. I live at 1813 Highland Avenue in

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1 Troy. I've lived in the area for over 30 years  
2 and I've never seen a housing development of 1,100  
3 units built before in the area. It's like the  
4 creation of another village and I think the scale  
5 of this proposal is inappropriate for the Town of  
6 Brunswick. I believe that if you're going to  
7 create 1,100 housing units, they ought to go in an  
8 urban area like Troy, my hometown. That's where  
9 they belong where there's already existing  
10 infrastructure and public transportation where

11 people can get to stores and schools and  
12 restaurants. All the things that people would  
13 drive to here, they could walk to or it would be a  
14 much shorter drive in Troy.

15 So I think that something of this scale  
16 doesn't really fit with Brunswick but is urban and  
17 ought to be in an urban area.

18 In the last 25 years, the Capital District  
19 has only grown by about five percent in population  
20 but the amount of developed area has grown by  
21 about 40 percent. So it's become less dense.  
22 It's sprawled over the countryside and that's not  
23 a very efficient use of space.

24 With the coming energy crisis, with world oil

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1 production peaking in the next few years, we're  
2 going to see gas prices doubling or tripling and  
3 it's not feasible for people to drive -- it won't  
4 be feasible for people to drive long distances.  
5 So it makes more sense to concentrate any growth  
6 in urban areas.

7 But if, for some reason, this development  
8 does go through and 1,100 housing units are built,  
9 another village ought to be created or at least a  
10 planned community that has all the elements of a

11 community, a mixed use community with stores,  
12 restaurants, a community center, sidewalks, public  
13 transportation, all the things that people need in  
14 their community so they don't have to go out to  
15 Hoosick Street two or three times every day to get  
16 the things that they need.

17 Hoosick Street is a mess as it is right now,  
18 but if you add several thousand car trips per day  
19 to Hoosick, it's going to make it a lot worse. So  
20 even though I don't live in this town and it's not  
21 going to affect me directly and I can avoid  
22 looking at it, I really think that it's not good  
23 for this community. It's not good for our county.  
24 It's not good for the environment. And we ought

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1 to build things that are sensible and this is not.

2 (Applause.)

3 MR. LONDON: I got a couple of topics that  
4 I'd like to discuss. Unfortunately, you've heard  
5 them already. So I'd like to bore you. The first  
6 one is traffic. I have a little different twist  
7 on the traffic but, nonetheless, traffic.

8 First of all, I think someone was talking  
9 about providing a DOT study, is that correct?

10 MR. GREGORY: DOT is involved.

11 MR. LONDON: So we're supposed to get some  
12 information from the DOT, some type of study, is  
13 that correct?

14 MR. GREGORY: We'll respond -- the Town, DOT  
15 will respond accordingly in a time frame that's  
16 allotted.

17 DOT has been contacted and they will respond  
18 regarding traffic in a written form which will be  
19 reviewable by the public as well as myself and  
20 others.

21 THE CLERK: Can I ask your name?

22 MR. LONDON: My name is Eric London and I  
23 live on Colehammer off of Pinewoods. Sorry.

24 Can I ask when the last traffic study was

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1 done by the DOT between North Lake and Route 142?

2 MR. GREGORY: The physical counts, you mean,  
3 the DOT conducted?

4 MR. LONDON: Yes.

5 MR. GREGORY: I don't have that information  
6 on hand, but I could find out specifically. They  
7 have counting stations which are done in intervals  
8 depending on where it is located, if it's on a  
9 county or -- excuse me -- on a state highway.

10 MR. LONDON: So we really don't know if it  
11 was done in the last five years, ten years, twenty  
12 years?

13 MR. GREGORY: It's all public information.  
14 They publish what's called the New York State DOT  
15 Traffic Volume Report, Highway Sufficiency Report.  
16 All these include stations, actual mile markers,  
17 locations, volumes, percent of trucks, the whole  
18 works in regard to traffic, if it's in location or  
19 if it's between a segment, so on top of the other  
20 counts that are done either by independent  
21 consultants or by themselves in regard to  
22 projects.

23 COUNCILMAN POLETO: I know they had counters  
24 out this spring that were counting traffic down

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1 on -- I don't think it come out 142, but they were  
2 on the lower part of Hoosick Street.

3 MR. LONDON: Okay. So not the whole area  
4 that we're discussing.

5 COUNCILMAN POLETO: I don't believe that far.

6 MS. FORSTER: The DOT information on the  
7 Internet is 2000, I believe.

8 COUNCILMAN POLETO: Yeah, but they did have

9 counters on the bridge. I know they had counters  
10 on Georgia Court and I believe another set of  
11 counters up off South Lake Avenue.

12 UNIDENTIFIED PERSON: I don't know if it was  
13 Route 2. There was a set of counters down by you.

14 MR. GREGORY: I was just going to add the  
15 most recent published traffic volume report by New  
16 York State DOT is the 2000 and 2003 traffic volume  
17 report, which includes many years prior to that as  
18 well. But that's the most recently published and  
19 it's on DOT's website and publicly available.

20 MR. LONDON: Okay. Next, I just wanted to  
21 address the traffic study conducted by the  
22 developers. According to page six of the traffic  
23 impact, this study was done in February on a  
24 Sunday, Monday and Tuesday. What does that do for

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1 us? Just something to think about.

2 You know, the traffic on Hoosick, everyone's  
3 been complaining about. I guess I don't complain  
4 so much about it anymore, because I just refuse to  
5 go over there unless I absolutely have to, maybe  
6 to go to Sycaway Bikes and get my lawn mower done.  
7 Other than that, I try to avoid it. You know, if  
8 it's too congested now, according to the report

9           that they did, and maybe my information may not be  
10           accurate -- you can correct me if I'm wrong -- but  
11           if there's going to be a 20 percent increase in  
12           population to fill all the units in this apartment  
13           complex and people already don't want to drive  
14           over there, who's going to drive over there with  
15           that additional 20 percent increase in population?

16                     Is that addressed anywhere where these people  
17           are going to come from? Maybe it's something that  
18           I missed. Hopefully, they can address that.

19                     The next issue for me is more dear to me and  
20           that's my bank account; taxes. As people have  
21           mentioned, taxes just seem to be going up and up.  
22           The cost for the improvements, the overall  
23           infrastructure, is of a big concern, I assume, for  
24           everyone. The EIS states that there would be a

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1           \$1.5 million increase in revenue at the end of the  
2           10-year construction period. Is that correct,  
3           gentlemen? Did I get that right?

4                     MR. CHUDNOFF: If there's no increase in the  
5           taxes, that's close to the number, if there's no  
6           increase in the next 10 years which is somewhat  
7           unlikely.

8 MR. LONDON: No increase in what?

9 MR. CHUDNOFF: Taxes.

10 MR. LONDON: Just in the percentage of taxes?

11 MR. CHUDNOFF: Today's rate and multiply it  
12 by the millage of any improvement.

13 MR. LONDON: Now, that's also assuming that  
14 you fill all those units that you plan in four  
15 phases?

16 MR. CHUDNOFF: No.

17 SUPERVISOR HERRINGTON: I don't want to get  
18 into question and answer.

19 MR. LONDON: I want to make sure that I have  
20 a right -- you know, they've had a lot of people  
21 talking at them, accusing them of things. I don't  
22 want to do that. So I want to be --

23 SUPERVISOR HERRINGTON: If you're asking  
24 questions, I'm okay --

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1 MR. LONDON: They can say no. They're  
2 grown-ups, I believe. They're putting millions of  
3 dollars into Hoosick Street. They can't answer  
4 yes or no for themselves?

5 SUPERVISOR HERRINGTON: I want to make sure  
6 everyone's comments here get on the record and  
7 they have to physically answer --

8 MR. LONDON: It's my understanding you're  
9 going to be continuing this anyway, so I'm sure  
10 that will happen. Thank you.

11 SUPERVISOR HERRINGTON: I don't want to get  
12 wise with you, buddy.

13 MR. LONDON: Well, actually, you have before  
14 so --

15 SUPERVISOR HERRINGTON: I have before?

16 MR. LONDON: I really don't want to go there.

17 SUPERVISOR HERRINGTON: Politics.

18 MR. LONDON: I really don't want to go there.  
19 You know, I'm really not trying to get into that  
20 with you, Phil. Is that okay?

21 SUPERVISOR HERRINGTON: Hey, listen. I don't  
22 need this either. If you got comments, please,  
23 there are gentlemen here that haven't spoken yet.

24 MR. LONDON: I haven't spoken yet and I had

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1 comments and you're interrupting me when I'm  
2 trying to ask my questions.

3 Should I not be asking my questions? Am I  
4 prohibited?

5 SUPERVISOR HERRINGTON: Come on. Come on.  
6 Come on. Will ya? It could have been your

7 attitude last time, too, but go ahead.

8 MR. LONDON: Yeah, it could have been. It  
9 also could have been yours.

10 Okay. I'm sorry, gentlemen. Before I was  
11 interrupted, I was trying to find out if that was  
12 at all four phases. You said that was incorrect.

13 MR. HOBLOCK: We're just going to let  
14 everything get put on the record just like  
15 everyone else.

16 MR. LONDON: It's my understanding there was  
17 a \$1.5 million increase in revenue. I want to  
18 know how that's going to be sufficient to take  
19 care of all the infrastructure, because I just  
20 don't see that.

21 There have been many comments today, I  
22 understand from earlier comments, that you're  
23 looking to attract empty-nesters and that's fine  
24 if they're from the area and they're local. You

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1 know, I could see that. But then my question  
2 becomes: Who's going to take over their housing?  
3 Where are these people going to come from? And  
4 that is a big issue to me with houses, that are  
5 they just gonna leave them or where are they going  
6 to attract the buyers from?

7                   And that was really my question with the  
8                   taxes as to how they're going to make up for the  
9                   revenues that will be needed. Thank you.

10                   (Applause.)

11                   MR. LONDON: I apologize to you, Phil.

12                   SUPERVISOR HERRINGTON: You don't need to  
13                   apologize to me. I'd rather be straightforward.  
14                   I don't want to get out of hand here. If you want  
15                   to come to the farm, if you want to swear at me,  
16                   if you want to wait tonight to call me names, I  
17                   don't mind. I just want to keep going through  
18                   this process.

19                   MR. MILOS: I'm Ron Milos. I'm from Blue  
20                   Heron Lane. I'm an empty-nester. I came up here  
21                   from Poughkeepsie. I did not move to Watervliet.  
22                   I did not move to Latham. I did not move to  
23                   Colonie. I came here because of the character of  
24                   the town, because of the rural environment and,

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1                   now, I'm waking up to the fact that I might be  
2                   living in a city.

3                   I think what you really have to understand is  
4                   you're touching the very fabric of the community  
5                   when you make this decision. That, above

6 everything else, I think you ought to consider.

7 Thank you.

8 (Applause.)

9 MR. MEEHAN: Hi. My name is Jamie Meehan.  
10 I've lived here for 20 years. I live at 103  
11 Carrolls Grove Road and I just want to talk to the  
12 Board a little bit, because this decision is in  
13 your hands of what's going to happen to our town.

14 And I feel that I know all you people and I  
15 know that you've given a lot of your time to the  
16 Town and I think it's a great thing. So I just  
17 want to make sure that you remember that we have  
18 to keep this town the way it is. We have to keep  
19 the rural character of this town.

20 And I know that you've mentioned in your  
21 Comprehensive Plan that was brought out a few  
22 years back that we were going to try to keep the  
23 growth on Route 7 and, granted, I'm not against  
24 growth totally, but I just think that this project

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1 with almost 1,200 units is just outrageous. I  
2 also think that there's like three or four other  
3 projects that have been earmarked in the town or  
4 that have been talked about, proposed, in the town  
5 that will increase the town's population by 30

6 percent maybe if you take into the cumulative  
7 effects of everything.

8 And I just want to tell you that I have a lot  
9 of sweat and equity into this town. I was the  
10 president of the Historical Society at one time  
11 and I can make a comment from there, that it's  
12 definitely going to change the history of the  
13 town. I've been the president of the soccer club.  
14 You're going to have to build me more soccer  
15 fields, because where are all these kids going to  
16 play that are coming here?

17 Presently, I'm a member of the Brittonkill  
18 Board of Education and I don't speak for the Board  
19 of Education because somebody would probably sue  
20 me because it's against the law, but I speak as a  
21 citizen and I know some of the numbers that were  
22 tossed around tonight -- right now, just for the  
23 one addition we did on the school, we're paying a  
24 debt service which now the state has granted us 40

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1 years to pay them back, so we can pay them back  
2 even more money, at over a million dollars a year.

3 And with the cumulative effect of all these  
4 developments and all these kids coming into our

5 school, we're definitely going to have to build a  
6 new school building and God knows how many  
7 millions of dollars just in debt service that'll  
8 cost us a year, let alone if you build a bigger  
9 school, you have to hire more teachers, more  
10 electricity, pay more to heat it, get more buses,  
11 pay for more gas. It's just such a snowball  
12 effect, just keeps going on and on, you know?

13 I want to make a couple other comments. I'm  
14 also an avid bicyclist. I know I go out at 5:30 in  
15 the morning because that's the only time I feel  
16 safe. And even in the last few years, I feel much  
17 less safe, because there's just so much more  
18 traffic on the road. And I've almost been killed  
19 a few times, but thank God, I'm still here.

20 I want to say that I agree with many of the  
21 other comments about the sewage, about how will we  
22 have the capacity? All the sewage has to go to  
23 the sewage treatment plant eventually and I don't  
24 know what kind of capacity they have down in Troy.

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1 I also want to talk a little bit about the  
2 light pollution. I know when I first moved out to  
3 Carrolls Grove Road, you can see quite a few stars  
4 and even as I looked over towards Route 7, towards

5           this way from my house, you could almost see stars  
6           to the horizon. I know now when I look out, I  
7           basically kind of see like a yellow glow of all  
8           the development on Route 7 and that disappoints  
9           me.

10           I'd also like to say that we're definitely  
11           going to need more fire protection, more police  
12           protection. Route 2, people have made comments on  
13           how that has become a busier and busier road. I  
14           know even Carrolls Grove Road, I think there used  
15           to be about three cars a day there when I moved  
16           and, now, there's many more than that. So as all  
17           these other roads get congested, it in turn makes  
18           all the side roads much more congested and it's  
19           not a good thing.

20           So I just want you to make sure that you  
21           remember that there is a cumulative effect of this  
22           development, of all the other developments, that  
23           that's definitely a big point. And I also hope  
24           and urge that you would keep the comment period

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1           open.

2           And I don't quite understand; like, if you  
3           close the comment period tonight and there were

4           only 10 days, how are these people going to answer  
5           all these questions that we have in 10 days? How  
6           are you going to get the study from 10 days from  
7           now? The DOT study isn't even due.

8           SUPERVISOR HERRINGTON: Jamie, we could close  
9           the public hearing and extend the comment period,  
10          but I don't think you people would want us to do  
11          that. I'm quite sure you'd want to read whatever  
12          the answers are going to be and come back and have  
13          another crack at this, would be my guess. I mean,  
14          in my estimation, with all these things brought  
15          up, we could close the public hearing and extend  
16          the comment but I don't believe we're going to do  
17          that. So what I'm saying is the public hearing is  
18          going to be open, continued.

19          MR. MEEHAN: Okay. I just want to say that,  
20          I mean, you look around and you see all the  
21          hundreds of people that came out here. It is a  
22          beautiful August summer night. I'm sure if you  
23          had a public hearing in January and it was five  
24          below zero, we'd have 600 people, because think of

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1           all that we're giving up tonight just coming here  
2           to help our town and help urge you people on the  
3           Town Board to listen to us and to take a very hard

4 look at this project, because I think you guys  
5 want to leave a legacy and I think your legacy for  
6 this town wants to be that you kept it rural, not  
7 that you turned it into Clifton Park. Thank you.

8 (Applause.)

9 SUPERVISOR HERRINGTON: We all know that  
10 Route 7 is a tough area. I just wish them  
11 Vermonters would find another way to go. They're  
12 tough, too, coming up through. I know the lower  
13 part of the City of Troy, Route 7 continues to be  
14 a challenge and the state's telling me the work  
15 they're doing with traffic lights is going to  
16 improve the flow. We're going to wait to see  
17 that.

18 MS. RUSSO: Hi. My name is Barbara Russo. I  
19 live on Colehammer Avenue. First of all, I'd like  
20 to thank all the townspeople for coming out here  
21 today. It's a hot night. It's uncomfortable in  
22 here, but I'm glad that so many of you came to  
23 express your concerns and I urge you to stay  
24 involved in your community and to let these folks

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1 know your concerns.

2 Secondly, I'd like to echo that gentleman's

3 request that the Town Board does keep the public  
4 comment period open on this matter. It seems like  
5 there's several pieces of information out there  
6 that have not even come to the public yet. The  
7 comments from the DOT are supposed to come on  
8 August 13th. DEC's comments on wetlands are not  
9 yet available. I think these are all important  
10 pieces of the puzzle that the public should see  
11 before the public comment period is closed.

12           Regarding the comments on the wetlands, this  
13 is one area that I haven't heard addressed yet  
14 tonight and it's an area that caught my attention  
15 in the DEIS as being very deficient. The DEIS  
16 claimed that no state-regulated wetlands will be  
17 directly or indirectly impacted by this project  
18 and, yet, it goes on to say that project-related  
19 improvements to the intersection of Betts Road and  
20 New York State Route 7 will go outside state  
21 wetlands T-106.

22           Betts Road is supposed to be widened. I  
23 think everybody in the town is familiar with the  
24 large wetlands of the area, state wetlands, where

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1 we see the migratory birds every spring and every  
2 fall. It's a beautiful vista to see.

3           By widening Betts Road, it seems there would  
4           be an impact on fresh water wetlands area as well  
5           as to the many migratory birds that use this area.

6           The DEIS fails to address any potential  
7           impact on the buffer area. There is, I believe, a  
8           buffer area from Betts Road over to the wetlands.  
9           The DEIS does nothing to address that.

10          Just one other brief point that I would like  
11          to note. A lot of people have had concerns about  
12          cumulative impacts and also the growth-inducing  
13          aspect, that this project could have somewhat of a  
14          snowball effect. You approve this project, more  
15          are going to come.

16          In the developer's own DEIS, in footnote one  
17          on page sixteen, regarding the sanitary sewers  
18          that they plan on improving, "It is understood  
19          that the construction of the sanitary pump station  
20          will also benefit future non-project-related  
21          development."

22          So they're talking about improving the  
23          sewers, adding a new sanitary sewer pump. They're  
24          looking to the future of more development in this

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1           area and that's something that it seems like the

2 townspeople are very concerned about and I would  
3 ask the Board to strongly consider in their  
4 evaluation of this project.

5 (Applause.)

6 SUPERVISOR HERRINGTON: Anybody else that  
7 hasn't spoke?

8 MR. CONWAY: Hi. I'm Mike Conway. I live on  
9 Blue Heron Lane. I built my house there six years  
10 ago. Building a house in Brunswick was an easy  
11 decision for as much as what the town is as what  
12 it isn't. I grew up here in this town. My family  
13 lives in this town. I know quite a few of the  
14 people in the town and they're great people in  
15 this town. We have a strong leadership, a good  
16 team. But the town isn't -- it's not Clifton  
17 Park. It's not Latham. It's not Watervliet,  
18 Colonie.

19 I look at your documentation and it seems  
20 that you make light of all your findings that  
21 would negatively impact us, specifically light  
22 pollution, noise pollution, impacts on the  
23 wildlife. It seems rather flippant to me that you  
24 can dismiss the displacement of the wildlife

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1 because you find it common.

2 I see a handful of species identified in your  
3 documentation. I don't see references, and maybe  
4 they are common, to Eastern Bluebirds,  
5 Ground-Hornbills, Bald Eagles, Eastern Coyotes,  
6 just to name a few of the things that I see in my  
7 backyard every day.

8 I do see the things that you are going to  
9 bring to my town: Increased demand on the  
10 infrastructure, the water, the sewer, the roads,  
11 the fire department, the police department, the  
12 school system. I don't see a value to that; do  
13 you, sir? I say you're not welcome in my town.  
14 Thank you.

15 (Applause.)

16 SUPERVISOR HERRINGTON: Anyone else?

17 Mr. Wilson, sir.

18 CHIEF WILSON: Hi. I'm Steve Wilson, fire  
19 chief of Brunswick One Fire Department, Sycaway.  
20 I just want to say I was talking to Pete earlier  
21 and he did state that the fire department was more  
22 as a backer to this; and that we had meetings with  
23 them. We did have a meeting with Town of  
24 Brunswick. We did meet and we do have concerns

1 with it.

2 As far as a backer, we just gave them a list  
3 of our concerns and also stated as far as taxes  
4 that we wouldn't say anything about as far as the  
5 taxes going up or down or whatever, but just that  
6 we did not discuss as far as taxes, how they are,  
7 that they'll go available to the town itself.

8 But as far as those, we did have a meeting  
9 and we did give him our concerns and we're  
10 supposed to go back for a second meeting on that,  
11 which we didn't have, as far as hydrant  
12 replacement, dead ends, getting our apparatus  
13 around.

14 I just want to say to the Town Board that any  
15 developments that are coming up we do appreciate  
16 you steering our way. We do get concerns a lot,  
17 sometimes they don't get heard. These places get  
18 built and it's too late. We do need your backing  
19 as far as that goes also. Thank you.

20 (Applause.)

21 SUPERVISOR HERRINGTON: Anybody else?

22 MS. MACDONALD: Hi. I'm Julia MacDonald on  
23 North Lake Avenue. I've been there 26 and a half  
24 years in a single-family home. I had some

1 comments. I came in late so I don't know what I  
2 missed.

3 I assume we've been over traffic pretty  
4 thoroughly. I heard you say you've been talking  
5 about Hoosick Street. It used to be North Lake  
6 Avenue and 142 were a well-known secret for the  
7 predominant group of people that came through  
8 here, skiers, et cetera, from Vermont. Not  
9 anymore.

10 Having lived on North Lake as long as I have,  
11 I have traffic concerns about North Lake. Every  
12 year, we wind up having to call the state police  
13 to come and sit because there's no police  
14 protection, so we use the state police and ticket  
15 speeders. They've been clocked 70 miles per hour  
16 going past my house on North Lake. I don't want  
17 more cars on North Lake.

18 If this development is completed, some of  
19 those cars are going to come down North Lake.  
20 If Hoosick Street is ever completed, maybe some  
21 people will go back to using Hoosick. I have my  
22 doubts about that.

23 That was one thing I wanted to comment on. I  
24 gather we talked about ambient light and ambient

1 noise. I can now hear Hoosick Street.

2 We talked about EMS and fire protection. How  
3 many of these people are going to volunteer? This  
4 is a volunteer outfit and you didn't say that,  
5 which I thought was very restrained. If we're  
6 going to add 2,000 residents, some of those people  
7 have got to be willing to volunteer for EMS and  
8 fire protection. It's a volunteer company, which  
9 takes me to my next piece which is: Who are these  
10 people and where are they coming from and how long  
11 are they going to be here?

12 We're talking about people, young adults who  
13 are saving for their first house. How long do  
14 they live in an apartment before they move out and  
15 what are they willing to do for their community  
16 while they're here? I think that's an important  
17 issue.

18 We have a lot of people who've lived here a  
19 long time who participate in their community. I  
20 don't know that your apartment dwellers are going  
21 to do that.

22 You've talked about empty-nesters. If  
23 Brunswick has a thousand empty-nest families that  
24 want to live in these apartments and participate

1 in their community the way they always have,  
2 great, we'll find some new people to move in. I  
3 don't think we've got them. I think we're going  
4 to have those empty-nesters moving in from other  
5 communities.

6 If they move in, let's talk about what  
7 happens to empty-nesters. And I'm one now, so I  
8 can tell you where I see my future headed. I'm  
9 going to get older, frailer. I'm going to drive  
10 worse. I'm going to not want to participate in as  
11 many activities. I'm going to need more services.  
12 I'm going to call EMS more frequently than I ever  
13 have. I've never called them, but I might at any  
14 point. And I'm going to take a lot more out of  
15 the town as I get older. And my apologies to  
16 those of you who are older than I am, but you  
17 might not disagree with me on that.

18 So I think you need to consider what the  
19 residents of this complex are going to offer to  
20 the community compared to what they're going to  
21 take away from the community.

22 So in terms of that, I would like them to  
23 address further how long they expect people to  
24 stay in their rentals, to try and give us more

1 sense of where they think those people are coming  
2 from. A thousand families is a lot of families.  
3 I'm concerned about occupancy rate.

4 What is an adequate occupancy rate to make  
5 each phase of these a go for the developer and at  
6 what point do they decide to move to the next  
7 phase? How many of the units have to be occupied  
8 in phase one for them to say, "Oh, good, let's  
9 build phase two and phase three."

10 What happens if they don't build them? What  
11 happens if it turns out not to work? Do we have  
12 empty buildings? The last thing any community  
13 needs is empty buildings.

14 Do we have buildings where they drop the rent  
15 and then we start to decrease the value of those  
16 apartments? Do we have buildings that are not  
17 maintained and then the value of the apartments  
18 goes down and then they ask for a re-valuation on  
19 their taxes and you get less tax money? What  
20 happens if these things occur? Once they're  
21 built, they're there. You're not going to make  
22 them tear them down. So that was my other  
23 thought.

24 Oh, and this is a question actually for the

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1 Town Board to address, but you don't have to do it  
2 right now. I'm interested in what the  
3 relationship is between revenue in the town and  
4 population increase. I understand that when you  
5 add businesses, you collect more taxes. That's a  
6 good thing, assuming we like the businesses. But  
7 when you add housing compared to the services that  
8 you have to spend money, I'm interested in what  
9 that relationship is financially.

10 And my final comment has to do with wildlife  
11 and all of that stuff. As I said, I've been there  
12 26 years. I have seen two new critters in the  
13 last couple years in my yard and they tell me  
14 something about what's going on in Brunswick. The  
15 first one I have is pigeons. I never had pigeons  
16 until two years ago. Pigeons clearly think I now  
17 live in the city. Okay?

18 The other one is I have deer. Now, we've  
19 always had the odd deer. We've never had as many  
20 as five deer at one time in the backyard. And for  
21 those of you who live anywhere near me, if you  
22 drive around, you will notice everyone's got the  
23 same problem. We've got so much habitat pressure  
24 that the deer are now moving into peoples'

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1           backyards and you can drive around on North Lake  
2           Avenue and up in North 40 and up in that  
3           development and you will see all the cedars and  
4           Arborbitae are neatly sheared to the height of a  
5           deer's head. That's only going to get worse. And  
6           all that landscaping is at risk.

7                     So I'm somewhere between the city with my  
8           pigeons and the country with my deer. I'd rather  
9           be in the country. Thank you.

10                    (Applause.)

11                   MS. HAISER: I know it's getting late, but I  
12           couldn't let this slip by. I'm Terry Haiser.  
13           I've been living on Muriel Drive for 37 years and  
14           we really do enjoy Brunswick and there's no way  
15           I'm telling you how old I am.

16                    I'm a senior citizen. I'm an empty-nester.  
17           And, perhaps, my husband and I are the kind of  
18           people you're thinking of moving into your  
19           apartments for seniors now. We have a  
20           four-bedroom house that is too big for us right  
21           now. It's filled with junk we don't need.  
22           However, I would look for some place that's a  
23           little more arthritis-friendly, not as many steps.

24                    But there is no way I would trade the view

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1 from my kitchen window, even though I see the  
2 rotten rabbits eating my lilies -- I see the  
3 occasional deer, loads of squirrels -- for a view  
4 from the terrace or patio that's going to overlook  
5 someone else's patio or looks out on a parking  
6 lot. And there's no way I could live in a  
7 claustrophobic environment with over 1,100  
8 apartments. So this empty-nester would not be  
9 interested in your apartments.

10 (Applause.)

11 SUPERVISOR HERRINGTON: Anybody else?

12 MR. DONNELLY: I have one quick question.  
13 Bill Donnelly. I live up on Farm to Market Road.  
14 I'm just wondering if the Town can post the  
15 minutes of the meeting on their website so that  
16 everybody in the town can have access to what's  
17 going on.

18 SUPERVISOR HERRINGTON: Yes. The minutes are  
19 there.

20 MR. DONNELLY: So everything that's being  
21 recorded tonight will be posted?

22 SUPERVISOR HERRINGTON: Oh, not what she's  
23 doing. I don't know.

24 THE CLERK: Mine will but mine is not -- this

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1 is verbatim.

2 MR. DONNELLY: Do the minutes include all the  
3 comments?

4 THE CLERK: Try to. Try to.

5 MR. GILCHRIST: The reason we have the  
6 stenographer here is to make sure that everything  
7 that's said tonight is recorded. So we'll have a  
8 paper copy once the transcript is made and I'll  
9 inquire of our stenographer. Is an electronic  
10 version available?

11 THE COURT REPORTER: Yes.

12 MR. GILCHRIST: An electronic version is  
13 available, so I would presume there's adequate  
14 space on our town website and those can be placed  
15 electronically as well.

16 SUPERVISOR HERRINGTON: Okay. Anybody else?

17 (No affirmative response.)

18 SUPERVISOR HERRINGTON: I want to compliment  
19 everybody. Like I said, you guys did your  
20 homework. We got some great questions that will  
21 be answered and, you know, I just want to mention  
22 to you that we don't get paid a lot to be up here  
23 but every one of us is up here because we love the  
24 town. I believe every one of us has been born in

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1 the town, raised in the town. But anyway, what  
2 I'm saying is we take this job pretty serious and,  
3 you know, there was a north-south connector road a  
4 few years ago -- bear with me, because it's  
5 important -- that wanted to connect over by the  
6 Wal-Mart over to Route 2 and that would have, in  
7 our opinion, opened up commercial on Route 2. We  
8 voted that down. The developer was not very  
9 happy.

10 The 12 acres that they're playing soccer with  
11 now, as you know -- maybe you don't know -- that  
12 was zoned commercial out by Tamarac High School,  
13 commercial property, approved for self-storage  
14 units and a go cart track. We went to the  
15 developer, talked him into letting the Town buy  
16 that and now it's our soccer facility.

17 Just a few months ago, Route 2 and Route 278,  
18 that chunk of land there, was for sale -- is for  
19 sale and they came to the Town Board and wanted to  
20 put apartments in there. Of course, there was no  
21 sewer out there, but we turned that down and, now,  
22 they're talking about single-family houses.

23 What I'm saying is we got a little bit of a  
24 track record here. The tough part is, as you

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1 know, Charlie here, he owns the land; Ken Duncan  
2 who used to be farming who I've known my whole  
3 life had a big Sycaway creamery farm, he owns a  
4 lot of that land. Farmers are getting old. I  
5 still got a few years, my brother and myself. We  
6 still enjoy it. But farmers are old and that's a  
7 challenge.

8 I'm mumbling here and she's typing so I gotta  
9 be careful. We love the town. We don't want to  
10 wreck the town. But there is an issue with  
11 farmers getting older. There is some land. A lot  
12 of us are getting tired. David is here. David, I  
13 think, gets a little tired, too, sometimes. We're  
14 going to keep going as long as we can and the  
15 challenge I'm hearing is whatever happens to this  
16 land, what you're telling me is you want it to be  
17 something of a quality, something very nice.

18 I mean, I'll go on record -- I'm in trouble;  
19 my attorney's not here. I mean, I think all of us  
20 have a concern with the density, number one.  
21 That's a concern. What I am going to do is ask  
22 you to drive up Route 2, turn into Hudson  
23 Preserve, take a look at what they are and then  
24 when we continue this, at least you've seen the

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1 project.

2 But Carolyn Abrams is going to kill me,  
3 because I went to her a few years ago and she  
4 enjoys walking, jogging and staying out of the  
5 limelight and I think I said, you know, "Come on,  
6 get on Town Board."

7 So what I'm saying is we aren't professional  
8 politicians here. We love the town as much as you  
9 do and, you know, this is difficult.

10 You know, in closing, I went up with Mark  
11 Kestner and Andy Gilchrist and we walked that  
12 site. Now, there's corn on a lot of it. I might  
13 add, with all due respect to Mark and myself, Andy  
14 was about a hundred yards ahead of us because he  
15 jogs. We wanted to see what was up there. That's  
16 the type of thing we do, whether you believe me or  
17 not. I'm not running for office. I got another  
18 couple years there. This isn't an election  
19 speech.

20 We're challenged. We've gotta look at  
21 everything and, you know, we want to do what's  
22 right. I don't know what that is. You know, and  
23 quickly, a challenge for the school, I mean, that  
24 drives me -- we raised taxes once in fourteen

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1 years on the Town Board. One reason we did that  
2 was they just raised our bond rating from a B bond  
3 to an A-rated bond with Mooney's. And when we  
4 built that town office, that made thousands of  
5 thousands of dollars difference in our bond.

6 Correct?

7 The school's always a challenge. It seems  
8 like the school goes up five percent, six percent,  
9 seven percent whether we have development, no  
10 development. That's a pet peeve of mine. I get  
11 in trouble. My wife just retired, a school  
12 teacher. I want to put a challenge out there for  
13 schools. I understand more people come to  
14 schools, but I mean, we try not to raise.  
15 Brunswick's a beautiful place and I don't want to  
16 be the guy to wreck it, I tell you.

17 I've heard a lot of comments here tonight.  
18 There's a lot of questions. I think the Board  
19 will agree with me that we need to keep this open.

20 Andy, do you want to just wrap it up? We're  
21 going to keep this open and accept comments.

22 COUNCILMAN POLETO: I'll make a motion that  
23 we leave the public hearing open.

24 COUNCILWOMAN ABRAMS: I'll second.

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1           SUPERVISOR HERRINGTON: Let's do a roll call  
2 on that.

3           MS. HEADWELL: Can I get one thing in? I'm  
4 sorry to wait til the last minute. I'm Stacey  
5 Headwell. I live at 196 Town Office Road. I want  
6 to go on record to make sure everybody knows I  
7 don't want it. You know, just like the farmers  
8 here, if you sell out now, you move in all these  
9 people who know nothing about farming, you know?

10          SUPERVISOR HERRINGTON: Tell me about it.

11          MR. HEADWELL: There are alternatives. There  
12 are ways, like equestrian centers, things that fit  
13 in with the character of this area. It can be  
14 done. You can create all kinds of revenue. You  
15 can help your situation and do wonderful things  
16 with Brunswick.

17          SUPERVISOR HERRINGTON: That's important.  
18 Repeat that.

19          MR. HEADWELL: As we've been talking tonight,  
20 Brunswick is very historical. I mean, there's  
21 Joseph McKinley born in Poestenkill. There are  
22 works in peoples' houses in this area where  
23 they're, in fact, the way it was in 1800. I mean,  
24 there are things that can be done to attract

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1 tourism, a possibility for an equestrian center.  
2 I mean, the horse industry is huge in this  
3 country. We have 40 horses right here. Probably  
4 most people don't even know it, but things like  
5 that can be supported and it could help the  
6 farming issue.

7 I understand Phil's concern, because I'm kind  
8 of doing what he's -- I may be the youngest farmer  
9 around. I can see myself in 10 years having his  
10 problem, you know, if my field of dreams don't  
11 work, but there are alternatives to this kind of  
12 thing. And I think that a medium like this can  
13 really start some organized effort, thought and  
14 bring people together to do those kinds of things,  
15 because it's huge.

16 I mean Jerry Linski -- I don't know if you  
17 know him. He's a vet who knows Senator Bruno.  
18 Senator Bruno is a horse person. I mean, there's  
19 things -- if you want to preserve this, I think we  
20 have to offer alternatives, because there's guys  
21 like Phil and all the farmers who have put in  
22 their sweat equity and have made huge sacrifices.  
23 And as probably any historian knows here, the

24 first people here were the farmers. So I think we

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1 have to give some deference to the farmers, you  
2 know, for what they do every day. I mean, Ken  
3 lost his finger a little while ago. You know,  
4 things happen and they sacrifice.

5 I think that, you know, we have to come up  
6 with different options to kind of, you know,  
7 create development here to fit with what we're  
8 trying to do, which brings me to one more question  
9 and that is I would really like to know what  
10 attracted you to this particular spot and why. I  
11 mean, why? What is it about this spot? Is it  
12 just because you own the land or is it  
13 demographics or is it traffic studies or what's  
14 the magic formula for this spot? I'm just  
15 curious.

16 MR. CHUDNOFF: Probably the same things that  
17 turn you on. And the intent and plan, and we have  
18 proven it before, is not to kill the goose that  
19 laid the golden egg. One thing I would like  
20 people to relate to, that owners of real  
21 estate -- there are two kinds of developers.  
22 There's probably more but most developers will go  
23 in, buy a farm, build single-family homes and

24 they're gone. They're gone. We don't do that.

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1 We own property for 30, 40, 50 years. Some are  
2 old. Some are new. All right?

3 I have a vested interest in the long-term  
4 success. I'm not going to live another 40 years,  
5 but I have a vested interest and the young people  
6 in our company have a vested interest in our  
7 company. But the same things that turn you  
8 on -- I have a farm. I have friends of mine,  
9 neighbors, who have horse farms down in Earlton  
10 and Coxsackie, New York. So I have similar  
11 feelings.

12 But at some point in time, to respond to your  
13 question, this area is growing. There is an  
14 opportunity for children to not have to leave this  
15 area and go somewhere else to make a living. It's  
16 difficult. Phil is a farmer. I know plenty of  
17 dairy farmers out there. They get \$14, \$15 a  
18 hundred ways to milk today. When I was a kid on  
19 my grandfather's farm in Lancaster, Pennsylvania,  
20 he got \$10.

21 So in the intervening 40 years, it went up 40  
22 percent. And diesel fuel was eight cents a

23 gallon. Today, it's \$3 a gallon. I'm not exactly  
24 an ogre from outer space. There is an area that

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1 is growing that should grow sensibly. People  
2 should be sensitive to the land. People should be  
3 sensitive to the needs of the community. I think  
4 what happened this evening is great. I think  
5 there are comments and a lot of the comments are  
6 extraordinarily valid and obviously have not been  
7 answered enough.

8 I invite everyone to do as that gentleman,  
9 read this document. There are copies of it in the  
10 town. Read the document. If something is not  
11 clear, pose the question and we'll clarify it.  
12 We're not going to kill the goose that lays the  
13 golden egg. I don't know if that answers your  
14 question or not.

15 MR. HEADWELL: I mean, what's the reason? I  
16 mean, is it -- why this particular spot?

17 MR. CHUDNOFF: Because it's a beautiful area  
18 and it's the Capital District. It's an area that  
19 grows. It's an area that has a vitality. It's  
20 got a vitality.

21 SUPERVISOR HERRINGTON: We're going to wrap  
22 this thing up.

23 MR. SCARTON: Point of order. You have a  
24 motion on the floor.

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1 SUPERVISOR HERRINGTON: Yes. Motion on the  
2 floor to continue the hearing. Do we have a  
3 second?

4 COUNCILWOMAN ABRAMS: Second.

5 SUPERVISOR HERRINGTON: All right.

6 (WHEREUPON, at 9:21 o'clock, p.m., the public  
7 hearing was adjourned.)

8 \* \* \* \* \*

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C E R T I F I C A T I O N

I, THERESA L. KLOS, Shorthand Reporter and Notary  
Public within and for the State of New York, do hereby  
CERTIFY that the foregoing record taken by me at the  
time and place noted in the heading hereof is a true and  
accurate transcript of same, to the best of my ability  
and belief.

-----

THERESA L. KLOS

Dated: August 22, 2005.

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23

24

**APPENDIX C**

**Public Record**

**(Transcript of January 17, 2006  
Public Hearing)**

1 TOWN BOARD  
 2 TOWN OF BRUNSWICK, NEW YORK  
 3 -----  
 4 HUDSON HILLS PLANNED DEVELOPMENT DISTRICT (PDD)  
 5 APPLICATION  
 6 -----  
 7 STENOGRAPHIC MINUTES OF PUBLIC HEARING conducted  
 8 in the above-entitled matter on the 17th day of January,  
 9 2006, at the Brunswick Central School District Auditorium,  
 10 Troy, New York, commencing at 6:30 p.m.  
 11  
 12 TOWN OF BRUNSWICK BOARD MEMBERS:  
 13 Supervisor PHILIP HERRINGTON  
 14 Councilwoman CAROLYN ABRAMS  
 15 Councilmen CARL CLEMENTE  
 16 PATRICK POLETO  
 17 SAM SALVI  
 18 Clerk SUSAN QUEST-SHERMAN  
 19 APPEARANCES:  
 20 ANDREW W. GILCHRIST, ESQ. - Town Board Legal Advisor  
 21 MARK KESTNER - Kestner Engineering  
 22 MARK GREGORY - Transportation Concepts  
 23 WILLIAM HOBLOCK, ESQ. - Capital District Properties, LLC  
 24 MARVIN CHUDNOFF - Capital District Properties, LLC

1 P R O C E E D I N G S  
 2 (WHEREUPON, everyone stood for the Pledge of  
 3 Allegiance.)  
 4 SUPERVISOR HERRINGTON: I'd like to turn it  
 5 over to Attorney Gilchrist to tell us the plan and  
 6 procedure for tonight's hearing.  
 7 MR. GILCHRIST: Good evening. Tonight is the  
 8 continuation of the public hearing on the proposed  
 9 Hudson Hills Planned Development District. As  
 10 originally proposed, this constituted an 1,116-unit  
 11 apartment complex located off Best Road off Route 7.  
 12 The public hearing was opened in August and  
 13 public comment was received on the PDD application  
 14 as well as the Draft Environmental Impact Statement  
 15 that had been deemed complete by the Planning Board  
 16 and adequate for public review and inspection.  
 17 Based on the comments received during the  
 18 initial public hearing and written comments received  
 19 thereafter, the applicant has submitted to the Town  
 20 a revised proposal for the apartment complex  
 21 reducing the proposed number of units to 668.  
 22 I'd like the record to reflect that in the  
 23 underlying DEIS accepted as complete, and  
 24 specifically in the alternative section of that

1 document, there were a revised number of units that  
2 were analyzed. The Board did require a series of  
3 alternative number of units and alternative designs  
4 be analyzed in the underlying DEIS. So there was  
5 information regarding potential impacts from a  
6 reduced number of lots in the underlying DEIS.

7 Nonetheless, the Board wanted the applicant to  
8 submit additional information concerning its current  
9 proposed layout to the apartments, if there had been  
10 any changes on the proposed layout of the building  
11 and if there are any other changes that the revised  
12 proposal rendered from the underlying DEIS. That  
13 additional information was submitted by the  
14 applicant in December and has been on file at the  
15 Town Hall with a copy at the community library for  
16 review.

17 Upon receipt of the initial information, the  
18 Board scheduled this evening's public hearing to  
19 continue the public hearing on this process. The  
20 public hearing is addressed to receive comments both  
21 on the PDD application as well as the SEQRA hearing  
22 on the Draft EIS. Notice of tonight's meeting was  
23 not only published in The Record -- and we'll have  
24 the Town Clerk read that notice into the record once

1 I'm done -- but it was posted at Town Hall. It was  
2 sent to the property owners within 500 feet of the  
3 project notifying them of the revised layout as well  
4 as the continuation of the public hearing this  
5 evening.

6 Notice of the public hearing was also sent to  
7 all the Board members and town and department heads  
8 as well as all the other involved public agencies,  
9 and that includes at the county, state and federal  
10 level, that there had been a revision to the  
11 proposed project and that the continuation of the  
12 public hearing would be this evening.

13 As with the other projects in town, there is  
14 always the opportunity to submit written comment on  
15 the project. Tonight's public hearing continues  
16 from the earlier August. If you have comments that  
17 have already been submitted on the record, that  
18 record is still open, the comments are on and are  
19 noted and the applicant will need to respond to  
20 those comments.

21 So the purpose of tonight's meeting is not to  
22 repeat comments you may have earlier made either  
23 orally at the public hearing or in writing. There  
24 is a revised layout which may raise some new issues.

1 So by all means, this is not to prohibit or inhibit  
2 anyone from coming up and providing comment on the  
3 record on the current proposal as submitted by the  
4 applicant.

5 The comments received tonight will all go to  
6 the applicant for response. We're also having a  
7 stenographic transcript made of the public hearing  
8 tonight. As with the other projects, these will be  
9 available at Town Hall and we have made them  
10 available on the Town's web site in their entirety.

11 As a side note, the Town Board has also  
12 requested from each applicant an electronic copy of  
13 the DEIS. So the complete DEIS, including the  
14 appendices, can be available for review  
15 electronically on the Town's web site. That request  
16 went to each applicant recently.

17 As soon as those are received by the Town, they  
18 will be put on the Town web site. The Town's making  
19 every effort to get this information out to the Town  
20 so that you have a meaningful opportunity to  
21 comment.

22 Once I'm done and the notice is read into the  
23 record, the applicant will make a presentation of  
24 the current proposal and then the Board will open up

1 the hearing for the receipt of public comment, and  
2 you'll have the opportunity to present that comment.

3 SUPERVISOR HERRINGTON: Thank you, Andy. At  
4 this time, I'd like to call on the Town Clerk to  
5 read the notice of public hearing.

6 THE CLERK: "Notice is hereby given, that a  
7 public hearing will be held by the Town Board of the  
8 Town of Brunswick on Tuesday, January 17, 2006 at  
9 6:30 p.m. at the Brunswick Central School District  
10 Auditorium, 3992 NY2, Troy, New York pursuant to  
11 Section 10 of the Brunswick Zoning Code and also  
12 pursuant to the State Environmental Quality Review  
13 Act, SEQRA and its implementing regulations at  
14 6 NYCRR Part 617, to allow public comment on the  
15 application submitted by Capital District  
16 Properties, LLC for the proposed Hudson Hills  
17 apartment complex located on 216 acres bounded by  
18 Route 7 to the south, North Lake Avenue to the north  
19 and Lord Avenue to the west.

20 "The property is currently zoned agricultural,  
21 A-40. The application has been submitted pursuant  
22 to Section 10 of the Zoning Code of the Town of  
23 Brunswick for a Planned Development District, PDD.

24 "A Draft Environmental Impact Statement, DEIS,

1 has been prepared by Capital District Properties,  
2 LLC for this action pursuant to SEQRA. The Town  
3 Board of the Town of Brunswick, as SEQRA Lead  
4 Agency, has accepted the DEIS as adequate for public  
5 review, and a Notice of Completion has been filed.

6 "The applicant has revised its application to  
7 reduce the number of proposed apartment units from  
8 1,116 to 668 total units.

9 "The public hearing will allow comment on the  
10 PDD application, including the revised proposal, and  
11 the DEIS. Copies of the PDD application, revision  
12 to the proposed layout, and DEIS are available for  
13 public inspection during regular business hours at  
14 the following location: Town of Brunswick Town  
15 Office, 336 Town Office Road, Troy, New York, 12180.

16 "In addition, a copy of the DEIS is also  
17 available for public inspection during regular  
18 business hours at the Brunswick Community Library,  
19 605 Brunswick Road, Eagle Mills, New York, 12180.

20 "All interested persons will be heard at the  
21 public hearing."

22 That's dated December 28, 2005, Brunswick,  
23 New York, the Town of Brunswick Town Board, by  
24 Philip H. Herrington, Supervisor. Newspaper: Troy

1 Record, January 1st, 2006.

2 SUPERVISOR HERRINGTON: Thank you, Susan.

3 I would like to call on the applicant and ask  
4 them to make their presentation, please, and revised  
5 plan.

6 MR. HOBLOCK: Thank you, Supervisor Herrington.  
7 If you can't hear me, please tell me. My name is  
8 Bill Hoblock. I am with Capital District  
9 Properties. Here with us tonight is Brian Edwards  
10 from O'Brien & Gear, our engineering firm; Tom  
11 Johnson from Creighton Manning, our traffic  
12 engineers, and Nick Rineri who's our architect.

13 We began this public hearing last August. In  
14 August, at the Community Center, we gave you a brief  
15 overview of our original proposal as well as our  
16 Draft Environmental Impact Statement. We listened  
17 to your comments and concerns that evening. Based  
18 on those comments and concerns, we have drastically  
19 modified our original proposal.

20 By modification, I mean a reduction and a  
21 constriction of the entire plan. Before I get into  
22 the modified plan -- and we're going to present it  
23 on the screen tonight so, hopefully, everyone can  
24 see it and get a true feel for where we started and

1 where we have come tonight -- I want to give a quick  
2 synopsis of Hudson Hills for the benefit of the  
3 people who were not here in August, and August was  
4 also almost half a year away.

5 Beginning with where the property is, here's  
6 the project. This is Hoosick Road. Here's North  
7 Lake. I hope you can see the boundary lines right  
8 here. There is Best Road right there. So you can  
9 see that it's 215 acres in total bounded by Hoosick  
10 and North Lake basically at the end of Best Road.

11 Hudson Hills will be a luxury multi-family  
12 community. By that, I mean we build to a standard  
13 and a quality that exceeds anything that's in this  
14 marketplace today. To give an example of that, I'd  
15 like to show you an elevation of our building, a  
16 residential building.

17 This is it right there, which is unlike any  
18 type of typical apartment building that this area  
19 has or is seeing. That building will contain  
20 anywhere from 12 to 16 residential units. It will  
21 be a premium building as far as the exteriors, the  
22 siding, the windows, the trim. The roofs will be  
23 30-year architectural shingles. Every residence  
24 will have a private patio, a private balcony. Most

1 residential units will have an attached garage.

2 As you can see, there are garages here, garages  
3 here, also garages on the side. So when you come  
4 home, you pull your car into your garage and you  
5 walk right into your home, something that's an  
6 amenity that is truly lacking in the area.

7 When you get inside, the interiors will be very  
8 well-appointed. We will have one bedrooms, two  
9 bedrooms and two-bedroom dens. The interiors will  
10 have cathedral ceilings, 14-foot high ceilings on  
11 the second floor, wood floors in the kitchen,  
12 spacious open floor plans that range up to over  
13 1,400 square feet, walk-in closets, washer and dryer  
14 hook-ups in each and every residence, wireless  
15 Internet capability. Basically, what we are doing  
16 is building a condominium quality product but in a  
17 rental environment.

18 Apart from the residential buildings, we'll  
19 also have a top-notch clubhouse in the community,  
20 and there's a simulation of it. We'll show you the  
21 real thing in a bit. The exteriors are shake and  
22 fieldstone siding. The inside will have a great  
23 meeting room with true wood floors, exposed beams.  
24 It will have a state-of-the-art fitness center and a

1 pool.

2 Now, let's get to where we were and where we  
3 are. Our original proposal -- and this is it. It's  
4 a little bit light, but we also have down here the  
5 original proposal and there's the modified plan that  
6 I'll get to in a moment.

7 Our original plan had a total of 1,116  
8 residential units. It was on all 215 acres that I  
9 previously showed on the aerial. It consisted of  
10 four phases. The first three phases were all in  
11 excess of 300 residences a piece with the final and  
12 fourth phase being 128 units. We had two access  
13 points in our original plan.

14 Here's Hoosick once again right off the top;  
15 here's North Lake; our primary entrance being Best  
16 coming up right here. We had a secondary access  
17 right here that went out directly to North Lake  
18 Avenue. That was the original plan.

19 Based on the comments and concerns that we  
20 heard, not only at the public hearing verbally in  
21 August but also the written comments that were  
22 received not only from members of the public but  
23 some state, federal and local agencies, we have  
24 modified the plan.

1 Our modified plan is shown right here. Again,  
2 let me orient you. Here's Hoosick. Here's Best.  
3 Here's our primary access. Here's North Lake.  
4 Still on 215 acres. What our modified plan does is  
5 basically eliminate phases three and four in our  
6 original plan.

7 The modified plan is 60 percent of the original  
8 plan, yet still on all 215 acres. The modified plan  
9 is still phased, yet less phases and smaller phases.

10 In our modified plan, the first phase is 248  
11 residences. The second is 228. And our third and  
12 final phase is 192. There is no fourth phase.

13 From a building standpoint, that's 18  
14 residential buildings in phase one, 15 in the  
15 second, and 12 in the third, for a total of 668  
16 residential units upon full buildout.

17 You can see another change. We have completely  
18 eliminated the access to North Lake Avenue. This  
19 leaves from here up to North Lake Avenue over 1,400  
20 feet of untouched land. You come down a little bit.  
21 We've lost a tremendous amount of residential units  
22 here, which gives us from here to the property line  
23 right there over a thousand feet of buffer. And  
24 that buffer, as you can see, extends around the

1 entire perimeter and also on the interior portion of  
2 the land.

3 The emergency access only will be a locked gate  
4 or some similar type setup that the fire department  
5 will approve; has remained over here strictly for  
6 emergency services purposes. That will not be a way  
7 in and out.

8 We have also, based on the comments and  
9 concerns heard in August, eliminated the Adirondack  
10 fire tower completely. And as Attorney Gilchrist  
11 has stated, our DEIS studied various alternatives to  
12 our original plan; with this plan, 668 units,  
13 basically dropping phases three and four of the  
14 original, is studied specifically with one  
15 entranceway. Therefore, the potential significant  
16 adverse impacts of this modified plan are discussed  
17 in the original DEIS.

18 We also submitted dated December 23rd further  
19 specific information on this modified plan. And as  
20 Attorney Gilchrist had said, that was also posted at  
21 Town Hall and some web sites. The modified plan, as  
22 you see, leaves a tremendous amount of the site  
23 untouched and green.

24 We'll have tree-lined streets throughout.

1 We'll have courtyards between buildings. We'll have  
2 walking trails through all of the green space and  
3 untouched natural areas to create a true sense of  
4 place where someone is proud to call home and truly  
5 wants to live.

6 Let's get to the comments and the concerns that  
7 were raised at the August public hearing and how  
8 the modified revised plan addresses those. With  
9 respect to density, as I said, the modified plan is  
10 60 percent of the original plan. Reducing the total  
11 units from 1,116 to 668, that drops the overall  
12 density at full buildout from five units per acre  
13 down to three.

14 The second concern that we heard in August was  
15 maintaining the rural character of Brunswick. The  
16 related concerns and issues that were raised were  
17 maintaining open space, vegetation and wildlife.  
18 When phase one is built -- this is phase one,  
19 basically, right there in the middle. Phase two  
20 is over here and phase three is on the outskirts.

21 When phase one is built, just phase one on 215  
22 acres, 95 percent of the site will remain green, the  
23 vast majority of that remaining completely untouched  
24 and in its natural state. When phase two is added,

1 still 90 percent of the site remains green. And  
2 upon full buildout, phase three, 84 percent of this  
3 site remains green and, again, as you can see,  
4 virtually untouched and in its natural state.

5 So at full buildout, of the 215 acres, 180 will  
6 be green; again, the vast majority never touched,  
7 left the way they are today.

8 The original DEIS contained a visual assessment  
9 based on the original plan. We have revised that  
10 based on our modified plan. This is an aerial of  
11 the site. Here's Hoosick. Here's North Lake.  
12 During the scoping session and the public hearings  
13 that accompanied that session back in the spring and  
14 the summer of last year, there were four vantage  
15 points that we were asked to look at this  
16 development from; the first one being down on Best  
17 and Hoosick, the second one going up Hoosick to  
18 where Best forks into Wilrose, the third being the  
19 now eliminated access point, North Lake, and the  
20 fourth being the Town Beach.

21 The first vantage point -- there are two photos  
22 for each vantage point here. There is a photo of  
23 how the site looks today and then there is a  
24 photograph of the buildings simulated in, if you can

1 see them at all.

2 In the DEIS, there is a report that accompanies  
3 the photographic simulations that depicts exactly  
4 how this was done and in accordance with what  
5 standards. Here's vantage point one, Best and  
6 Hoosick. If you go to what this will look like upon  
7 full buildout, keep your eye up here, all that's  
8 going to be added. You're going to see a building  
9 over there. Given the vegetation and the terrain  
10 topography, that's what you're going to see.

11 Moving up Best Road, here is how it stands  
12 today. This is today's viewpoint. Going to  
13 simulating it in, there's what you'll see. This is  
14 the closest vantage point to this entire  
15 development.

16 The third viewpoint is from the now eliminated  
17 North Lake Avenue. That is standing right on North  
18 Lake Avenue looking in, going to what it will look  
19 like. It doesn't change, because if you remember  
20 the plan, eliminating the access to North Lake  
21 pulled everything in 1,400 feet. Now, everything's  
22 up and over that hill into the valley.

23 The fourth vantage point, which was from the  
24 Town Beach which is a good distance away, that's

1 before, and simulating it in. Again, nothing  
2 changes because we pulled everything in to leave a  
3 buffer around the entire site.

4 So as you'll see, given the topography and the  
5 land in relation to the placement of the buildings  
6 as well as the large buffer area around the entire  
7 site, Hudson Hills upon completion will not have a  
8 significant adverse visual impact on the surrounding  
9 area.

10 The third issue from the public hearing is  
11 population growth as a result of the proposed  
12 development. The modified plan dropping 40 percent  
13 of the original plan will reduce the population  
14 growth accordingly.

15 Also, this is one of the purposes for phasing.  
16 Phasing these developments and not building all at  
17 once obviously has a correlating control over  
18 population growth. The phases are also, as I  
19 mentioned before, smaller than the original plan.  
20 So you will never have the immediacy of an impact as  
21 the original plan would have had.

22 Furthermore, these residences are one, two and  
23 two bedroom dens. There are no three bedrooms.  
24 There are no three, four, five bedrooms such as a

1 typical single-family house. That in and of itself  
2 controls population growth that is accompanied with  
3 some other forms of residential development.

4 The next issue from the public hearing is the  
5 impact on the surrounding properties with respect to  
6 noise, light and property values. There are  
7 detailed studies of each of these items in the  
8 initial DEIS. As a residential community, unlike a  
9 commercial venture, Hudson Hills will not generate a  
10 significant amount of noise or light. And, again, I  
11 refer you to those studies in the DEIS. The large  
12 buffer that we have now on the modified plan also  
13 will mute those concerns.

14 With respect to impact on surrounding property  
15 values, there's a very good study in the DEIS that  
16 talks about Hudson Hills not having a negative  
17 impact on surrounding property values given the  
18 quality of the proposed development, having it be a  
19 luxury multi-family community with amenities desired  
20 in the area as well as the large buffer and open and  
21 green space around the development also brings that  
22 down.

23 The next issue is traffic. There's an  
24 extensive traffic study in the DEIS. That was

1 performed again by Creighton Manning, Tom Johnson,  
2 in conjunction with New York State DOT as well as  
3 the Town. And as Attorney Gilchrist had stated, the  
4 traffic impact study in the original DEIS had our  
5 modified plan as one of the specific alternatives  
6 that we discussed.

7 The modified plan cuts traffic by 40 percent  
8 from the original given the drop in numbers. The  
9 more specific traffic-related issue we heard in  
10 August was the amount of traffic out on to North  
11 Lake Avenue. Eliminating the North Lake Avenue  
12 access completely has addressed that issue.

13 The next issue raised in August is the impact  
14 on infrastructure, water, sewer, electric, et  
15 cetera. The DEIS showed the capacity with some  
16 upgrades for the original 1,116 residential units.  
17 Certainly, there's capacity for 60 percent of that,  
18 just correlating the two together.

19 Our submission of December 23rd also gives  
20 detailed numbers regarding the impact on  
21 infrastructure from the original plan to the  
22 modified plan. Any costs associated with upgrades  
23 of the infrastructure that are associated with  
24 Hudson Hills will be borne by us. That is in the

1 original DEIS. That has never changed and will  
2 never change.

3 One thing we are doing is we are looping the  
4 water system which acts as a benefit to the Town and  
5 improving the current infrastructure, and that is  
6 obviously again a cost borne by us.

7 Emergency services was raised as an issue in  
8 August. We met with the fire departments last  
9 spring and last summer to get their comments,  
10 address their concerns. They have a copy of the  
11 modified plan and we'll continue to work with them  
12 to make sure that any and all of their concerns are  
13 addressed in the final development.

14 The issue of what type of taxes will be  
15 generated by Hudson Hills and the corresponding  
16 costs was an issue that was raised in August. An  
17 analysis is laid out in the original DEIS in our  
18 further submission regarding this, but briefly,  
19 Hudson Hills in today's numbers will generate  
20 approximately \$1,300 per residential unit in tax  
21 revenue. This grows to over \$200,000 a unit at full  
22 buildout over the 10-plus period of years that this  
23 is projected to have full build. That totals at  
24 full build \$1.3 million a year in tax revenue.

1 Specifically, with respect to schools, based on  
2 today's number of taxes generated versus the cost of  
3 educating a child, it basically comes out to be a  
4 wash or potentially even a benefit to the Town.

5 That's a segway into the next concern that we  
6 heard in August, which is the impact on the school  
7 districts. The DEIS contained an assessment of the  
8 original plan and the impact it will have on the  
9 schools. The assessment in the DEIS is based on  
10 figures and formulas that are set forth by the  
11 Capital District Regional Planning Commission that  
12 are statewide figures and are used as a standard in  
13 this area and throughout.

14 The December 23rd submission takes the impact  
15 from the original plan and brings it down to our  
16 modified plan. The modified plan will not have a  
17 significant adverse impact on the school districts.  
18 Traditional multi-family development historically  
19 generates few school children. Hudson Hills will  
20 generate even less than a traditional multi-family  
21 community given who we are building for and the type  
22 of housing product that we are, in fact, building  
23 based on the very recent study of the Brunswick  
24 School District by the Capital District Regional

1 Planning Commission. I will not get into this issue  
2 any further tonight and I'll let that independent  
3 study stand on its own in conjunction with the  
4 numbers that are laid out in our submission.

5 The next issue that was raised in August is the  
6 need for the proposed Hudson Hills community. What  
7 will it be like and who will live there?

8 Who will live there? There are two segments of  
9 who will live here: Who we're building this for,  
10 where the need is and what we're trying to do. The  
11 first segment to be -- well, actually, both of the  
12 fastest growing segments of the population both  
13 nationally and locally. The first segment is aging  
14 baby boomers. It's renters by choice known as empty  
15 nesters. They no longer desire a single-family home  
16 for a myriad of reasons that I think everyone is  
17 very familiar with, and these individuals demand  
18 quality and amenities in the residence both inside  
19 and out.

20 The second segment is the young professionals.  
21 This is the generation behind the baby boomers.  
22 They live fast-paced, busy lives, but they also  
23 desire quality living space with top-of-the-line  
24 amenities, yet aren't ready for a single-family home

1 ownership yet.

2 Both of these segments of the population are  
3 the two fastest growing segments nationally. When  
4 you break it down locally, I think we all know the  
5 need for empty nester housing, but the young  
6 professional is also -- there's a true need for that  
7 in this area today.

8 There's a rapidly increasing local segment of  
9 the population of young professionals based on the  
10 technology initiatives that are taking hold in this  
11 area as a result of things such as Inter-gen-al  
12 Semi-tech that is forming its new home in the  
13 University of Albany and similar technology-related  
14 initiatives that the State has been putting forward  
15 for five years and such people as Brunswick's own  
16 Senator Bruno is spearheading which is causing  
17 growth and growth in this population where good jobs  
18 are coming to the area, well-paying jobs.

19 For example, the announcement last week where  
20 there's another \$400 million and another nanotech  
21 institute being formed in SUNY Albany. There's a  
22 need and that need will grow. That's who we're  
23 targeting. That's who we're building for and that's  
24 where the need is.

1 What will it be like? I described it earlier  
2 as far as what it will be like. You saw the  
3 elevation. The easier thing to do is to show you  
4 what has been built. The latest job is called  
5 Hudson Preserve, which is in the Town of Colonie,  
6 and Hudson Hills is going to take Hudson Preserve  
7 even another step with the attached garages and the  
8 similar amenities that there's a desire for and  
9 still not there.

10 Going to the Hudson Preserve very quickly,  
11 there's the entranceway. You have a 1,400-foot  
12 entranceway through the woods to get to the  
13 development itself. You get to the clubhouse.  
14 There's the clubhouse. And that should look very  
15 similar to the simulation of the clubhouse that I  
16 showed you for Hudson Hills, because that's what we  
17 built. We build what we say we are going to build.

18 Going to what's inside the clubhouse -- as I  
19 mentioned before, these are actual photos of the  
20 clubhouse in the Hudson Preserve, the same one  
21 that's going to be built here in Hudson Hills.

22 As you can see, you have exposed beams in the  
23 great room, true wood floors, a place for members of  
24 the community to gather, meet to talk, with a coffee

1 bar. You have windows leading out to the pool, and  
2 it's a truly beautiful building. The exterior of  
3 the residential buildings, you can see these do not  
4 have the attached garages I talked about, but you  
5 have private entranceways to each residential unit.

6 You have oversized windows to let the light in.  
7 You have accent rooms. You have interesting roof  
8 lines.

9 Going to the interior of the residential  
10 building -- there's one more before I get to that.  
11 Lighting, courtyards, private entranceways. There,  
12 you can kind of catch somewhat of the roof line  
13 we're trying to create. Here's the interior wood  
14 floors in the kitchen, oak cabinets, breakfast bars  
15 with stools to sit at. Looking out from the  
16 kitchen, you can see here's cathedral ceilings,  
17 14-foot ceilings.

18 What we're trying to do here is -- see, stand  
19 in the kitchen looking out -- we're trying to create  
20 a home that has large fenestration; it's a place  
21 where if I want to downsize and I don't want to buy  
22 another home, I don't care what the other home is, I  
23 can pick up and I can move into a 1,400, 1,500  
24 square foot apartment maintenance-free, yet as

1 quality as you can get. That's exactly what we're  
2 trying to do.

3 Before I get to the modified plan analysis by  
4 phase, the last issue that was raised based on the  
5 original plan is the compliance with the Town  
6 Comprehensive Plan. The Comprehensive Plan calls  
7 for -- among other things but more specifically to  
8 the proposed Hudson Hills, it calls for promoting  
9 quality multi-family communities where the utilities  
10 can support it, such as along Route 7.

11 The Comprehensive Plan also calls for  
12 specifically encouraging development along the Route  
13 7 Corridor. As you can see by the modified plan,  
14 we've removed the residential units that are close  
15 to North Lake to try to pull everything in along the  
16 Route 7 Corridor.

17 The Comprehensive Plan specifically calls for  
18 using such development tools as PDDs. That's what  
19 we're here for tonight. We are creating a Planned  
20 Development District.

21 And, lastly, the Comprehensive Plan calls for  
22 promoting natural buffers between proposed  
23 developments and existing developments. And it  
24 would be very difficult to go any further on a

1 modified plan than to have 85 percent green and,  
2 when you back it down by phase, 90 and 95 percent  
3 green to create the buffer that the Comprehensive  
4 Plan is calling for.

5 Looking at the modified plan analysis by phase,  
6 what we did here, we hit the big issue -- apart from  
7 what I talked about, we hit the big issues that have  
8 been raised, number of residences, density, green  
9 space, impact on schools and traffic before and then  
10 we weight it out by phase, phase one, two and three.

11 Before I run through these numbers, the school  
12 numbers and the traffic numbers, the school numbers  
13 that I mentioned are based on Capital District  
14 Regional Planning Commission established figures.  
15 The traffic numbers are also based on established  
16 figures, the Traffic Engineers Institute. I hope I  
17 said that right, Tom.

18 With Hudson Hills being geared towards empty  
19 nesters and young professionals with respect to  
20 schools, those are two demographics that generally  
21 do not have children; and if they do, they certainly  
22 are not in public schools. It's generally an  
23 infant, if that. So those school figures will be  
24 even lower based on who we're building for.

1 Same with traffic. Those a.m./p.m. hours are  
2 based on your standard commuter. The aging baby  
3 boomers not working traditional hours decreases  
4 those numbers, but I didn't decrease those. I'm  
5 showing you just the established number.

6 Number of residences, phase one, 248. Density  
7 on a 215-acre site is one unit per acre. That's  
8 green space I talked about, 95 percent green; 48  
9 school children. Traffic, I have a.m. peak at 125  
10 and p.m. peak at 154.

11 Phase two, 228 units; the density we did  
12 cumulatively rises to only two unit acre; still a  
13 90 percent green, 45 students. The traffic goes to  
14 115 in the a.m. and 143 trips in the peak p.m.

15 Phase three, the final phase, 192 total units,  
16 total of three unit acre on full buildout, still  
17 84 percent green, 38 students into the school  
18 districts, 98 trips a.m., 123 p.m. That is the  
19 impacts by phase.

20 The last thing I'd like to discuss is I want to  
21 compare the modified plan with two other plans and  
22 the impacts of those plans. I want to compare the  
23 modified plan with our original plan as well as a  
24 plan we could build, because apartments are a

1 permitted use on this parcel as a special use. If  
2 we went that route, which we have not done, we would  
3 not have to go before the Town Board. We would go  
4 directly to the ZBA.

5 The Comprehensive Plan tells everyone the  
6 preferred method of development is through a PDD.  
7 That way, the Town Board has more control of the  
8 final development and the public has more control  
9 and input. So instead of bypassing the PDD and  
10 going the permitted use as a special use, we've  
11 chosen to be here. But I still want to show you  
12 what could be built in that scenario and how much  
13 less our proposed development is.

14 There, it is, modified, original and permitted  
15 plan as a special use. What I'm going to do is just  
16 hit a couple of categories that I have with respect  
17 to our modified plan. Number one: Total  
18 residences. The green is the modified plan. The  
19 red is our original plan. The blue is the permitted  
20 use by special use permit to build apartments.

21 Phase one, we're down here, 248. Phase one of  
22 the other two is 324. When you get into phase two,  
23 we rise up to 475, yet the other two are at 668. We  
24 remain below. Our modified plan at phase three

1 rises to 668 and stops. Our original plan as well  
2 as what could be done as a permitted use as a  
3 special use sits at a little bit less than a  
4 thousand and those two jump into phase four. We  
5 stop. We don't go into phase four. There's our  
6 original 1,116. And the total number of units that  
7 could be built on this site as a permitted use as a  
8 special use is 1,040.

9 The next impact we looked at is density; again,  
10 modified, original and permitted by special use.  
11 This is full build. Our modified plan is the lowest  
12 at 3.1. Our original is at 5.24 and the permitted  
13 by special is not that far off of our modified, a  
14 little bit under five at 4.84 apartment unit per  
15 acre.

16 The next impact is green space; again, modified  
17 versus original versus going a different route and  
18 building as a permitted use by a special use permit.  
19 Here we are at full buildout, 84 percent. Our  
20 original is down to 76 total. And the permitted use  
21 that could be built is much closer down here than it  
22 is to our modified plan at 78 percent green space.

23 Next, we have our full traffic impact. Again,  
24 this is full buildout. I already went through the

1 numbers by phase. Modified, original, permitted by  
2 special use. The blue is the a.m. peak. The red is  
3 the p.m. peak. Here, the modified jumps up to the  
4 original and what we could build as a permitted use  
5 by special use. You would have full buildout and  
6 a.m. peak of 513 trips and p.m. is a little bit  
7 under 600.

8 Again, in comparison to what we're proposing  
9 today, it's not quite double but it looks like about  
10 40 percent.

11 The next slide shows our final school -- we  
12 went over these numbers. Again, I'll refer everyone  
13 to the recent Capital District Regional Planning  
14 Commission independent study on the status of the  
15 school district today and the impact it would have  
16 if every proposed PDD was built to full buildout,  
17 including the Hudson Hills. So our development was  
18 specifically taken into account in that study.

19 Here's our modified plan. Here we are at 131.  
20 Here's our original at 218. By special use, you're  
21 still over 200 students into the district.

22 Thank you very much. I appreciate your time  
23 tonight.

24 SUPERVISOR HERRINGTON: Thank you, Bill. One

1 thing the Board has done is we talked to a lot of  
2 the people -- I look around and I see a lot of  
3 people that talked to me that live on North Lake.  
4 We got the message. Concerned about North Lake.  
5 Concerned about the traffic.

6 What we've asked the developer to do to lessen  
7 the impact when we adjourn tonight, whenever that  
8 is -- you know, one disadvantage of this large room  
9 is the people way in the back. You should come up  
10 afterwards and take a look at this layout. That's  
11 what we're here for. We want your input.

12 But you know, we asked this developer to move  
13 everything away from North Lake, take the access  
14 road off of North Lake so the traffic would be less  
15 likely to be there. I think Mr. Chudnoff was not a  
16 happy camper when I suggested that it would be very  
17 easy to drop that piece number three which goes to  
18 North Lake and concentrate on the other two pieces.

19 I feel that North Lake -- if Mark Kestner were  
20 to talk about putting the road there, the first  
21 thing that has to be done there the way it was laid  
22 out before, you have to get the bulldozers in for  
23 sight distance, totally scar that land. If you look  
24 up through there, it is pretty, the trees, the

1 hills.

2 One thing I personally -- and I'm speaking  
3 personally -- like about Planned Development  
4 Districts is we can make the developers move things  
5 in, compact it and preserve land the way it is now.  
6 It does not financially cost us anything. We can  
7 put in a strong conservation easement -- and I'm not  
8 just talking this project, but I'm talking with  
9 PDDs -- so they can't go back in and change it and  
10 put houses.

11 Now, the choice is also to get back -- this is  
12 North Lake. You can go in there and put  
13 single-family houses and maybe that's what you  
14 people want; I don't know -- we're here to  
15 listen -- and put a road out there. That's a  
16 choice, but we're trying to figure out how we can  
17 keep the impacts down, how we can keep some of these  
18 rolling hills, because the developers come, they put  
19 an application in and we legally have to accept it.

20 We haven't voted on anything. I got people mad  
21 at me, calling me names. That's okay. That's  
22 politics. For some reason, I enjoy politics. But  
23 we haven't voted on anything yet. So what I'm  
24 saying is what we're trying to accomplish is we're

1 trying to preserve this and trying to keep the  
2 landscape and we need your input.

3 One thing I'm not sure of, and the Town  
4 Attorney is not with us tonight and I'm probably  
5 speaking out of place -- we got Andy here -- but  
6 when the applicant's talking about permitted use by  
7 special use permit, I don't understand that. I  
8 thought the special use permits you had to prove  
9 hardships.

10 Andy, do you know anything about special use or  
11 use permit? I may be putting you on the spot here.  
12 When people say they can do things with special use,  
13 I'm not a hundred percent sure that is true. But  
14 that's why we have lawyers here. That's why people  
15 tell me not to say anything, but I say it anyway.

16 What do we mean permitted use under special  
17 use?

18 MR. GILCHRIST: What the applicant is talking  
19 about is under the current Brunswick Zoning Code,  
20 in one of the amendments to that Code -- you must  
21 look not just in the Articles of the Code itself but  
22 at the end of the Code book. There were several  
23 amendments to that Code passed over the years.  
24 There is a provision in our Town Code that does

1 allow multi-family housing apartments as a permitted  
2 use in any zone in this town, in any zoning district  
3 in this town, but subject to special use permit  
4 review not by the Town Board but by the Zoning Board  
5 of Appeals.

6 And there is a calculation that's used to come  
7 up with the number of units. The ZBA would have  
8 some discretion on reviewing that, but there is a  
9 provision in our Code that we all should be aware of  
10 that would allow this application to have proceeded  
11 under a special use permit application in front of  
12 the ZBA.

13 SUPERVISOR HERRINGTON: Would it be a hardship,  
14 Andy? You have to think about rate of return on the  
15 land.

16 MR. GILCHRIST: No, it's not, because a  
17 hardship standard -- generally, when you're in front  
18 of a ZBA, what you're generally there for is a  
19 variance, either a use or area variance. And with  
20 those types of applications, a property owner must  
21 show a hardship that "I'm not able to get a  
22 reasonable economic return" or "I have undue  
23 difficulty complying with the Code provisions for  
24 the district in which that property lies."

1 So with a standard variance application, you do  
2 have a hardship standard. A special use permit is  
3 different. A special use permit application is  
4 those types of land uses that are permitted under  
5 the Code. You don't need a variance, but the Code  
6 says, "We want to take a special look at those."

7 It's not a standard site plan or subdivision  
8 layout. There may be some things associated with  
9 that use that we want to be careful with. And so  
10 it's called, as the name suggests, a special review,  
11 a special use permit that the Town identifies as  
12 needing some extra attention.

13 They can be conditioned. The ZBA would have  
14 the power to impose conditions. It would, likewise,  
15 be subject to the same SEQRA review we're going  
16 through on the PDD, but it's a separate review. You  
17 do not have as much flexibility in reviewing that as  
18 a special use as you do with a Planned Development  
19 District.

20 One of the benefits of the PDD as a planning  
21 tool is it does allow more flexibility in design and  
22 also appearance, layout, density. So as a planning  
23 tool, a PDD can be viewed as superior to a special  
24 use permit review. But it is in our Zoning Code.

1 There's a provision there that would allow this type  
2 of multi-family housing in any district in the town  
3 but subject to a special use permit review by the  
4 ZBA.

5 SUPERVISOR HERRINGTON: Thank you, sir. I just  
6 want to make sure I understood that, too. All  
7 right. I think at this point in time, we can open  
8 this to the public for comment. I need to have you  
9 come up in front, state your name and your address,  
10 please, for the Town Clerk. And as I mentioned,  
11 we're here to get information. We're here to hear  
12 your concerns. We're here, you know, whether we're  
13 going in the right direction on this or whether you  
14 don't want anything at all. We're here to listen.  
15 That's what we're here for.

16 Would anybody like to come up and get started?  
17 The mike is open.

18 MR. FIVEL: My name is Norman Fivel. I  
19 live on Wilrose Lane. One of the things I didn't  
20 hear discussed by Mr. Hoblock is what happens to  
21 Route 7 and Best Road? We had an original proposal  
22 for 1,116 units with two access points, one being  
23 Best Road, Route 7; the other North Lake Avenue.

24 Now, we have 668 units, which is some 60

1 percent of the original project, and one of those  
2 two access points has been eliminated and that's  
3 great, but now, the only access point is from Route  
4 7 to Best Road. All the traffic will be using Route  
5 7.

6 I understand there will be a traffic light  
7 that's proposed at the bottom of Best Road on to  
8 Route 7. That's all we need is more traffic lights  
9 on Route 7 to further congest traffic.

10 My understanding also is that the developer is  
11 proposing that there will be one automobile per  
12 unit. One automobile per unit. And the reason they  
13 give is that this is going to be marketed to empty  
14 nesters. Well, I'm an empty nester. My wife and I  
15 both have cars. People across the street from me  
16 are empty nesters and they both have cars.

17 One of the problems with the empty nester  
18 concept is as much as you might want to market to  
19 empty nesters, there is no legal way to limit the  
20 sale of any of these units to empty nesters. It  
21 cannot be done legally. If a family with children  
22 wants to rent one of these units, not only will a  
23 developer welcome them but they have to.

24 We need to see some authority for this one

1 automobile per unit concept, because Route 7 is a  
2 nightmare now and to add this number of cars in a  
3 realistic sense is going to further exacerbate the  
4 nightmare.

5 The developer needs to do a realistic traffic  
6 study with realistic numbers in terms of how many  
7 cars per unit are likely to be using this  
8 development.

9 There is another issue. The developer  
10 originally proposed 1,116 units. There was a  
11 hearing on August 3rd. Most of the comments, if not  
12 all, were anti that development. At the December  
13 Town Board meeting, a representative of the  
14 developer came before the Board and said they had  
15 modified the proposal. They were reducing the  
16 number of units to 668.

17 To my knowledge, that is the first public  
18 announcement of the reduction in the number of  
19 units. But then there is a Draft Environmental  
20 Impact Statement for another development which is  
21 the Highland Creek project, which has a traffic  
22 study dated September 22nd, 2005. That traffic  
23 study contains an analysis of traffic impact with  
24 the projection of 668 units in the Hudson Hills

1 project.

2 Somehow, the Highland Creek developer knew some  
3 three or four months before the rest of us that this  
4 project was going to be reduced to 668 units. It  
5 raises two disturbing issues at least in my mind.

6 One is: What was the original intent of the  
7 developer for Hudson Hills? Was it really 1,116 or  
8 was it really 668? Was this just a ploy to put out  
9 the outrageous number of units and then look like  
10 you're settling and compromising by reducing it to  
11 668?

12 (Applause.)

13 MR. FIVEL: This is like a reverse bait and  
14 switch routine. They are trying to manipulate the  
15 residents of this Town and this Board. They want to  
16 appear to appease us country bumkins by aiming high  
17 and then reducing it to what they originally  
18 intended, and I think that's a fair assumption.

19 The second issue, which is also disturbing, is:  
20 How did the developer in the Highland Creek project  
21 know the number of units had been reduced at least  
22 three, if not more, months before the rest of us?

23 Maybe there is an answer. Maybe there's an  
24 explanation. I'd like to hear it. Thank you.

1 SUPERVISOR HERRINGTON: Thank you, Norm.  
2 (Applause.)  
3 SUPERVISOR HERRINGTON: Norm's a country bumkin  
4 that happens to be an attorney. That's a good  
5 combination.  
6 Bill, I'm jumping in here, but when you came to  
7 make the presentation to the Board, there was a  
8 lesser number on this project. Do you want to grab  
9 that mike?  
10 MR. HOBLOCK: Both developments have the same  
11 traffic engineer. Creighton Manning is the  
12 preeminent traffic engineering firm in the area and  
13 most developers use them or a select few. It takes  
14 a long time to go from this to this. It wasn't  
15 something we did overnight.  
16 So we worked with all our independent  
17 consultants, our engineers, our architects and our  
18 traffic engineers, to work over a six-month period  
19 to slowly reduce and modify this development to  
20 where we are today.  
21 So it's actually a simple explanation. It's  
22 the same traffic engineer on both jobs.  
23 SUPERVISOR HERRINGTON: You were at the Town  
24 Board two months ago?

1 MR. HOBLOCK: We were there in December. I  
2 don't think we were there in November.  
3 SUPERVISOR HERRINGTON: The December meeting.  
4 MR. HOBLOCK: Yeah.  
5 SUPERVISOR HERRINGTON: And at that point, you  
6 made a presentation about a lesser number.  
7 MR. HOBLOCK: Correct. But that's the answer.  
8 SUPERVISOR HERRINGTON: Okay. Next.  
9 Anybody else?  
10 MS. FORSTER: I'm Donna Forster. I live on  
11 McChesney Avenue Extension. Andy, with your pardon,  
12 I'm a pack rat so I bring the zoning ordinance.  
13 Under special use permits, there are very detailed  
14 criteria, three of which I have highlighted once  
15 before. It says it should be shown that it's  
16 necessary for the public health or general interest  
17 or welfare. That's C, number one.  
18 Number four is the neighborhood character and  
19 surrounding property values are reasonably  
20 safeguarded. That's C, number four.  
21 Number five is that it not cause undue traffic  
22 congestion or create a traffic hazard.  
23 And there's about 10 all together. So I mean,  
24 there are public criteria that are a little bit more

1 explicit, certainly more explicit than when you read  
2 the PDD section. That's all I have to say on that.

3 A couple things that I want to talk about. We  
4 have been talking about the schools. I was the one  
5 at the first hearing that discussed the schools.  
6 Obviously, there's been the student enrollment  
7 survey that's been in the paper a lot. It's 27  
8 pages. For those of you who haven't seen it, it's  
9 very readable and it presents three scenarios.

10 Unfortunately, in the papers, they seem to only  
11 cover the first, so I want to give you some  
12 information. Current enrollment in Brittonkill  
13 right now is 1,383. The first scenario that got  
14 quoted shows that in 2010, if none of these PDDs  
15 were voted through or they didn't happen, for  
16 whatever reason, school enrollment based on live  
17 births would go down to 1,357. So a dramatic  
18 decrease, really, is less than 30 that they talk  
19 about; 1,383 now, 1,357 without considering any new  
20 development.

21 They did a second scenario crediting the  
22 presence of empty nesters and with all the PDDs  
23 considered, it went to 1,502. Now, they didn't try  
24 to predict about any other developments such as the

1 land that was sold by Duncan, because he's not on  
2 the books. They dealt with real figures.

3 The third scenario said empty nesters don't  
4 materialize, PDDs do go through, but more families  
5 buy and it gets up to 1,596.

6 Now, I'm not going to try to interpret those  
7 figures. We know the State Department of Education  
8 came out with an analysis of the square footage for  
9 Tamarac that is 2,200. That was before they  
10 consider capital building, but still, it would be a  
11 direct impact. That's 200 more with other  
12 developments coming.

13 And they list that they didn't consider  
14 families moving into current housing. You know, say  
15 a retired neighbor moves to North Carolina and four  
16 children move in. They couldn't count those. They  
17 admit that in counting live births in Brunswick,  
18 it's hard because of our zip code; it blends with  
19 Troy -- the census has a problem -- and other future  
20 developments.

21 Now, I don't want to try to interpret that, but  
22 I want to ask the Board: Has the meeting been set,  
23 the public meeting, that will include the Board and  
24 Brittonkill Board of Education? Because that's what

1 I think we all need to go to get information about  
2 how this will really impact us.  
3 SUPERVISOR HERRINGTON: Last Thursday,  
4 I -- I've been talking to the president of the  
5 school board. We both want to get together. I  
6 asked my secretary last Thursday to set the meeting  
7 up. I said call on Monday, but I didn't realize  
8 Monday was a holiday. So I talked to her today and  
9 she did not make that phone call yet, but it will be  
10 set up in the real near future. It will be done.  
11 When I talked to Debbie, she suggested Thursday  
12 night. I think the school board meets like every  
13 Thursday night. So we wanted to do a Thursday  
14 night. It will be an open forum  
15 MS. FORSTER: Right. How will we know about  
16 it? How will we be informed?  
17 SUPERVISOR HERRINGTON: We will put it on our  
18 web site. I don't think there's much that you don't  
19 know. What I'm saying is I can get you that. I'll  
20 make a phone call. I'll call you personally, Becky  
21 or somebody.  
22 MS. FORSTER: I think, obviously, there will  
23 be some impact in terms of budget, more people,  
24 class size, quality. I mean, there's a lot of

1 issues and I have some questions and I think people  
2 would like to know firsthand more than just me.  
3 SUPERVISOR HERRINGTON: Yes.  
4 COUNCILMAN SALVI: We'll put it on the school  
5 web site and the Town web site.  
6 SUPERVISOR HERRINGTON: Yes. I mean, we can  
7 put it in the paper, whatever. We had a  
8 presentation and I was sorry that you weren't at the  
9 Town Board meeting, because you've been to the ones  
10 before. I was praying. I said I hope you're here  
11 or Becky or somebody, because that gentleman came to  
12 district, made a presentation and, boy, that would  
13 have been the ideal time to corner that guy. We  
14 kept trying to come up with questions. But we'll  
15 try to get that dialogue open.  
16 MS. FORSTER: I think there's a lot of general  
17 public interest in that meeting, not just myself.  
18 SUPERVISOR HERRINGTON: I'm not saying that.  
19 I'm interested. I don't want to build a new school.  
20 MS. FORSTER: We went to school here. We  
21 don't want to --  
22 SUPERVISOR HERRINGTON: Yes, I understand that.  
23 MS. FORSTER: The second thing that I wanted  
24 to go through is I wanted to start with -- again, as

1 a resident here, traffic just hits me hard. Route 7  
2 is still very limited. I don't think many people in  
3 the town feel like there's any real improvement;  
4 some, a little. But at peak hours, it's unusable.  
5 You avoid it. We certainly don't shop as much right  
6 now and, of course, we've all talked at the last  
7 meeting that the spillover traffic is terrible.

8 It got very bad at the beginning of the  
9 construction and it really hasn't improved or  
10 changed since the construction completed.

11 And you talk, Phil -- I took something out of  
12 the paper -- that "We, on the Board, take our town  
13 and our jobs very seriously. What we will do, as we  
14 have done in the past, is to look into every aspect  
15 of each project and assess its full impact on the  
16 future of Brunswick."

17 Now, I feel in many ways you're saying what so  
18 many citizens have been saying. We need cumulative  
19 planning. Many of us would like to see the Board  
20 with this many projects on board really to -- quite  
21 honestly, in the November meeting, you announced  
22 there would be \$75,000 for a zoning expert to come  
23 in and re-draw the zoning map after these projects  
24 are approved or denied.

1 Why wouldn't you want \$75,000 to really come up  
2 with real numbers for us in the Town for traffic,  
3 for costs for infrastructure for the effects on  
4 neighborhoods?

5 I think most of us know that when we talk about  
6 the traffic, it's impacting our neighborhood. It's  
7 not impacting only our driving but our ability to  
8 walk within reasonable areas. I used to walk to the  
9 library all the time. Now, I have to think twice  
10 about it. And many others think twice about it or  
11 don't do it, because they don't feel secure.

12 I feel we need a planner to come in and get  
13 ahead of any problems. Once it's done, we can't  
14 reverse it. And those of us who are committed here  
15 really don't want to see us lose our town.

16 Also, consider the planning with tax  
17 assessments. How much is it going to cost the Town  
18 to maintain new roads, sewers, water districts,  
19 stormwater management, et cetera?

20 Now, during election, one of the platforms was  
21 that town government is very stable, taxes, et  
22 cetera, and I don't think people quarreled with  
23 that. But, now, we're hearing, "Well, we need  
24 growth, we need more taxes."

1 I'm asking you if it's not broken, don't fix  
2 it. We have a stable environment. Too many  
3 corporations and other groups have gotten caught up  
4 in growing so fast that they lose their stability  
5 and they lose their integrity. And for a  
6 corporation, it often means going into bankruptcy or  
7 impacting citizens of the town.

8 So that's what I'd like to say. Thank you.  
9 (Applause.)

10 SUPERVISOR HERRINGTON: I don't want to drift  
11 very far. I mean, we're here tonight to get input  
12 on this project. I know there's a whole policy  
13 issue and, you know, Town Board meetings would be a  
14 great place to ask a lot of those questions. I did  
15 receive a letter, as you probably know, from Becky  
16 asking to explain who's going to review this, what  
17 about a planner and I will respond to that in  
18 writing. I just received it.

19 Andy, am I wrong here? I mean, I don't want to  
20 drift a little bit here, but do we want to --

21 MS. FORSTER: Could I say one thing, though?  
22 These projects were -- we're asking about the  
23 impacts, financial impact, the traffic impact, the  
24 impact on the schools. So I myself feel they're

1 directly related to these projects and --

2 SUPERVISOR HERRINGTON: I just want to make  
3 sure that that's what we're doing here. I want to  
4 make sure. You got questions and issues. There's  
5 more lawyers in this room and I just want to make  
6 sure we're doing this right. That's the problem.  
7 Thank you.

8 MR. MESKOSKEY: I'm Pete Meskoskey,  
9 M-E-S-K-O-S-K-E-Y, 168 Town Office Road. I have a  
10 question for the Board. I actually have a question  
11 for everyone.

12 Who is the person that is the traffic person  
13 here? Nice to meet you. I would love to sit down  
14 and probably a group of people would love to sit  
15 down and talk to you.

16 Has the Board noticed that every developer  
17 that's in here, every traffic study, we question why  
18 don't they see what we see every day when we drive?  
19 I know they got numbers and I know they have  
20 systems.

21 Does everybody in here see traffic problems in  
22 Brunswick? Raise your hand.

23 (Applause.)

24 MR. MESKOSKEY: The Board: Are there traffic

1 problems in Brunswick? Okay. I know you know.  
2 Okay. You don't have to say.  
3 SUPERVISOR HERRINGTON: Wait a minute now.  
4 COUNCILMAN SALVI: We're not here to --  
5 MR. MESKOSKEY: I understand that. I'm trying  
6 to make a point.  
7 COUNCILMAN SALVI: Pete, we're not here to  
8 vote. We're here to listen. You know, we've been  
9 through this before. We can't vote on this project  
10 before the time comes.  
11 MR. MESKOSKEY: I'm not asking that you vote on  
12 the project. All I'm saying is have you noticed  
13 that every developer that comes in here, every  
14 traffic study, that they don't see what we see every  
15 day when we drive down the road? And that's my  
16 point, my only point.  
17 The other thing, Andy, this is the same DEIS  
18 that came in in August; correct?  
19 MR. GILCHRIST: That's correct.  
20 MR. MESKOSKEY: The reason that we don't have  
21 the new DEIS is they're all Prago. It's already  
22 in there, the reduced numbers. Correct?  
23 MR. GILCHRIST: If we're going to use Prago  
24 analogies, I gotta respond to that. In the DEIS

1 document, the original 1,116 units were analyzed.  
2 There's a section in that document and the SEQRA  
3 regulations require an applicant to look at  
4 reasonable alternatives, identify and analyze each  
5 of the issues. It has done so for the original  
6 proposal under the alternatives.  
7 In this DEIS, there is an analysis of a reduced  
8 number of units, yes. It is 668 and it did look at  
9 traffic issues and density issues and open space  
10 issues.  
11 So when you say it's in there, it is in there,  
12 but it's analyzed as an alternative to the  
13 originally proposed project.  
14 MR. MESKOSKEY: Okay. Thank you. That  
15 explains it. I want the Board to notice that while  
16 the presentation's a very good presentation, all the  
17 issues in the original DEIS have not been answered  
18 yet. Everything magically appears to be very good  
19 as in all the PDDs when we talk to these people. So  
20 I want you to take a look at that. Take a hard,  
21 strong look at that. I ask you to hold this public  
22 hearing open and, once again, we need to study the  
23 cumulative effect of all these projects. Thank you.  
24 (Applause.)

1 SUPERVISOR HERRINGTON: Norm, I'm sitting up  
2 here and it does bother me when you first came  
3 up -- I know I shouldn't comment, but that was a  
4 pretty good shot at me tonight about this Highland  
5 Creek and Capital District, the number three months  
6 ago. Trust me, Highland Creek, I haven't even seen  
7 the -- my brother's handling that. I have two  
8 attorneys, one here. The Town is scared to death  
9 with me involved. I get up and leave. I didn't  
10 have a clue if it was in the paper and it was clear  
11 for me -- and the lawyer told me not to say  
12 anything, but I did. I told that gentleman, "You're  
13 not getting 1,200 apartments. You're not getting  
14 that."

15 So what happened was, you know, the numbers  
16 came down. I did not know of a 668 -- did you say  
17 three months ago? -- and what I just heard now,  
18 which I did not know they got the same traffic  
19 consultant. But I don't want people here to think  
20 that -- are you trying to say that I'm trying to  
21 jockey these two things, Norm?

22 SUPERVISOR HERRINGTON: It's just driving me  
23 crazy, to be honest. It means a lot to me.

24 MR. FIVEL: I don't know where you got that

1 from, Phil, because I pointed my comments at the  
2 developer.

3 SUPERVISOR HERRINGTON: Okay.

4 MR. FIVEL: My understanding is that you're  
5 not the developer.

6 SUPERVISOR HERRINGTON: That's what I'd like to  
7 get on the record, because it's not Phil and Ken  
8 Herrington's project. I'm not the developer. I  
9 appreciate that.

10 You're wondering where it came from. We got  
11 that answer, the same traffic people.

12 One thing -- I'm wandering here, but trust me,  
13 my dad brought us up to be honest. Farmers are  
14 honest. So that just means a lot to me. So if  
15 there's any question, I appreciate that, but I  
16 didn't know this number. I just want to set that  
17 record straight.

18 MR. O'HERN: My name is Rick O'Hern. I live  
19 on Dunham Road, Grafton. I pay Brunswick school  
20 taxes. Until about six months ago, I owned a house  
21 on Keyes Lane, which is just up from Best Road and  
22 right at the site of the first couple meetings.

23 I bought that house from my sister about four  
24 years ago and I rented it out and I recently sold it

1 because of the traffic problems on Route 7. I felt  
2 as though it was becoming an undesirable area.

3 I've got a bit of a personal -- we talk a lot  
4 about traffic problems. A lot of it's hypothetical,  
5 what if's. I've got a personal situation there.  
6 It's a little difficult. I may stumble through it,  
7 but this is real; this happened.

8 My sister who I bought the house from married  
9 my best friend, grew up on Keyes Lane and they have  
10 three small kids. And in October of 1989, he was  
11 cutting a tree in the backyard and the top of the  
12 tree fell down and landed on him. They called an  
13 ambulance. It was October 9th. It was leaf season.  
14 The traffic was backed up from Sycaway well past  
15 Capital Tractor. They were bumper to bumper.

16 The ambulance was in emergency mode with lights  
17 on and sirens flashing. And many times, the driver  
18 afterwards stated, he was at a complete stop. The  
19 cars could not pull to the side because they were so  
20 close. They couldn't make access. He died in the  
21 yard before the ambulance came.

22 He may have died whether the ambulance got  
23 there quickly or not, but the fact is there was a  
24 traffic problem in 1989 and traffic has grown. The

1 Route 7 project really hasn't helped. The growth  
2 has made the traffic worse. And that's a real  
3 situation. Things like that happen. It doesn't  
4 happen often. We speak a lot in hypotheticals, the  
5 what if's when we do the traffic studies.

6 Now, I also know because -- my wife called me  
7 at the time when I worked at Clemente Concrete in  
8 Troy and my wife called me. She said, "Scott's got  
9 a tree on him. He's in the yard. He's in bad  
10 shape. He needs help." I live in the woods. I cut  
11 a lot of wood.

12 I went out there myself in emergency mode  
13 thinking I was going to help him. I encountered the  
14 same thing. People couldn't move out of my way. I  
15 was on the shoulder. I was between cars on the  
16 yellow line. I even went as far as one point to  
17 cross both lanes running on the shoulder on the left  
18 side thinking I'm going to save his life. It took  
19 me -- what should have been 15 minutes took me 40  
20 minutes to get there. So we do have a real traffic  
21 problem and I wanted to put that on the record.

22 And I know this is getting off the subject of  
23 the traffic, but I did send an e-mail to Phil; I  
24 hope you read it. I'm just drawing a correlation

1 here. I work for Clemente Concrete and I see  
2 there's Carl Clemente on the Board. I asked Phil  
3 because there was no link that I could contact -- I  
4 don't know whether Clemente himself is on the web  
5 site. I wanted to send him an e-mail.

6 I was just curious if Mr. Clemente is  
7 affiliated at all with Clemente Concrete, Bonding  
8 Concrete, or any mining or construction company. I  
9 don't know. Can you answer that?

10 COUNCILMAN CLEMENTE: The only one I'm  
11 affiliated with is Bonding Concrete. It's  
12 not owned by any of the companies you work for.

13 MR. O'HERN: I know it's not owned by any of  
14 the companies. No doubt, these five projects or  
15 whatever's on the board, between concrete and  
16 aggregates, there's a million dollars worth of  
17 business there. Okay? I was just wondering how you  
18 can fairly vote supporting the people when you've  
19 got the possibility of making hundreds of thousands  
20 of dollars. And I know all the business won't go to  
21 Bonding Concrete --

22 COUNCILMAN CLEMENTE: I hope you know that,  
23 because we're the only family-owned business left in  
24 the area, kind of like the Herrington farms. They

1 bought up all the companies but ourselves, because  
2 my brothers and myself wouldn't --

3 MR. O'HERN: I know.

4 COUNCILMAN CLEMENTE: Well, it's another  
5 personal shot just like the last guy, if that's the  
6 best you can do. I've never worked with this man.  
7 I was on the Board when Walmart came here. I never  
8 heard a thing from Walmart. The only thing this job  
9 has ever done to me is probably hurt me in my  
10 business.

11 I do this. I love to do this. I've never  
12 taken a cent of pay. I've donated parks; you know,  
13 name it, I've done it in this town. For you to come  
14 out of Grafton with a cheap shot like that, go on  
15 back to Grafton.

16 MR. O'HERN: It's not a cheap shot.

17 COUNCILMAN CLEMENTE: It is a cheap shot. I do  
18 take it personal.

19 MR. O'HERN: I asked how you could fairly --

20 COUNCILMAN CLEMENTE: I can. I'm an  
21 intelligent person.

22 MR. O'HERN: -- when there's a possibility of  
23 making a lot of money.

24 SUPERVISOR HERRINGTON: We are getting a

1 little -- you made your point. It's on the record.  
2 MR. O'HERN: Did you get my e-mail?  
3 COUNCILMAN CLEMENTE: You can e-mail  
4 BondingConcrete.com any time you want.  
5 MR. O'HERN: I directed that e-mail to Phil. I  
6 did not get a response. I would not have brought it  
7 up. There's no doubt money's to be made on concrete  
8 and aggregates.  
9 COUNCILMAN CLEMENTE: Hopefully, you'll keep  
10 having a job. You're driving for a concrete  
11 company.  
12 SUPERVISOR HERRINGTON: I read the paper that  
13 my salary at this job is \$23,000 --  
14 MR. O'HERN: Wait. Now, we're talking cheap  
15 shots.  
16 SUPERVISOR HERRINGTON: Okay. Come on.  
17 MR. O'HERN: Now, he's saying whether I have a  
18 job or not.  
19 SUPERVISOR HERRINGTON: We're here to talk  
20 about -- this is the problem. I do get a lot of  
21 e-mails. I get a lot of letters -- listen to me,  
22 please -- from a lot of senior citizens that said,  
23 "I come to these --" I'll show them to you "-- I  
24 come to these public hearings. I want to say

1 something, however, there's a lot of lawyers,  
2 there's a lot of professors and a lot of animosity.  
3 I want to get up and say something, but they laugh,  
4 they clap."  
5 You're not doing yourself justice, people. You  
6 want to keep an open mind. These people were afraid  
7 to get up and say something. That's not what this  
8 is about. That's true. I'll show you those  
9 e-mails. Don't laugh and clap. You're smart.  
10 Brunswick needs to work together, but you're getting  
11 the wrong image. People are afraid to get up and  
12 talk.  
13 MR. CHUDNOFF: My name is Marvin Chudnoff. I  
14 promised myself I would remain mute during this  
15 since, in fact, this is an opportunity for the  
16 townspeople to submit their questions and we will  
17 respond to the townspeople's questions. But there's  
18 some degeneration going on here and I don't want to  
19 sit idly by as we see it.  
20 You know, life has got a lot of pushes and  
21 pulls and sometimes you're damned if you do and  
22 you're damned if you don't as a developer, which is  
23 akin to Atilla the Hun to a lot of people.  
24 I will tell you I've been in this community for

1 40 years. I am a member of this community. I have  
 2 a farm 25 miles south of here. I love this entire  
 3 area. I'm not such a sectionalist that I just love  
 4 Brunswick. I love the entire Capital District. I  
 5 love the Adirondack mountains. I love the Catskill  
 6 mountains.

7 I'm a member of the community. I buy milk and  
 8 I wouldn't be a bit surprised if some of it comes  
 9 from Herrington's farms. I never met Carl Clemente  
 10 in my life. I'm one of the largest developers in  
 11 not only this area but in the State of New York. I  
 12 never met him in my life. I said hello to him today  
 13 for the first time just to be polite.

14 To the best of my knowledge, I don't think I  
 15 ever bought any concrete from you. I tell you I  
 16 never will buy concrete from him or anybody else  
 17 who's not the cheapest and the best supplier,  
 18 because I'm a businessman.

19 But if I'm a member of this community, as you  
 20 are a member, guess what? I'm going to buy paper  
 21 supplies from you. I'm going to buy oil from you.  
 22 I'm going to buy tuners from you. I'm going to do  
 23 business with the people in this community.

24 Don't attack your own people. If you don't

1 like what we want to do, if you don't think it  
 2 stands on its own merits, God bless you, challenge  
 3 us. We'll respond. But don't take pieces from each  
 4 one of yourselves. That's it. Thank you.

5 (Applause.)

6 SUPERVISOR HERRINGTON: One thing we have  
 7 done -- I was concerned about the ambulance  
 8 response. I knew Scott. We've had times when  
 9 an ambulance response to this school took 20 minutes  
 10 because they're in Albany. And, you know, we have  
 11 got ambulances in the Town of Brunswick. One of the  
 12 proudest things that I and the Town Board have done  
 13 is stationed on the hill right up here on  
 14 278 -- there was an incident here last year. We got  
 15 a call from the superintendent -- two-minute  
 16 response time from there down.

17 An ambulance out in the country is a problem.  
 18 I know Route 7 is a concern. It's been worked on  
 19 and I understand that. Ambulances scare me, but I  
 20 think we're in better shape right now. I understand  
 21 what you're saying. I feel good about the  
 22 ambulances.

23 Sorry, Becky.

24 MS. KAISER: Rebecca Kaiser, 398 Monday lawn

1 Road. I heard my name mentioned like four or five  
2 times tonight and I didn't even get up here yet, but  
3 that's who Phil was talking about when he said  
4 Becky. That was me, Rebecca Kaiser.  
5 Anyway, this is a very strange meeting, I  
6 think, a bit different than any of the others we  
7 ever had. One thing I want to clarify is Brunswick  
8 Smart Growth, like, everybody you see in here is not  
9 a member of Brunswick Smart Growth. I know some of  
10 the people in here and, you know, they are members.  
11 There are many, many people here I don't know, that  
12 I've never seen before. So just assuming when  
13 someone comes up to say anything at all that they're  
14 a member of Brunswick Smart Growth, that's not the  
15 way it is.  
16 SUPERVISOR HERRINGTON: I knew two or three of  
17 the gentlemen were, Norm and Peter and Donna.  
18 They're all members. So I'm sorry. Everyone that I  
19 saw I thought --  
20 MS. KAISER: I have a suggestion, not that it's  
21 my place to make a suggestion, but the same things  
22 seem to be loose right now. My understanding about  
23 what this meeting is for is to receive comments from  
24 the public. And I'm not criticizing you, Phil. I'm

1 saying if you look past through the transcripts like  
2 when Mr. Poletto, Pat, was chairing the meeting for  
3 Highland Creek, I swear to God if Pat said more than  
4 "next" between people, it was a lot. "Next. Who's  
5 next? Anybody?"  
6 And so if you do it that way, then people don't  
7 get into this awful negative adversarial thing.  
8 SUPERVISOR HERRINGTON: I didn't mean to fire  
9 up Mr. Goyer, if that's what you --  
10 MS. KAISER: I'm not. I'm just saying, you  
11 know --  
12 SUPERVISOR HERRINGTON: Okay. Thank you.  
13 COUNCILMAN SALVI: Becky, because there's been  
14 so much misinformation over the past six months, at  
15 some point, the Board feels as though they have to  
16 respond.  
17 MS. KAISER: Okay.  
18 COUNCILMAN SALVI: And that's when "next"  
19 doesn't work anymore. Meeting after meeting, this  
20 thing is unraveling. We get the same wrong  
21 comments. And if people who are here for the first  
22 time think, "Gee, one of the comments that was made  
23 over and over if just 200 more kids come in, we  
24 gotta build a new school, we've got a school board.

1 member saying that," it's clearly not true.

2 But for people who sat in that audience, "Oh,  
3 my God, 200 more kids, and there's going to be a  
4 \$40 million project," which was clearly not true.  
5 And the person who said it knew it wasn't true.

6 So at some point in time, you have to say, you  
7 know, let's get the information straight and I think  
8 that's what's happened here tonight from my  
9 perspective. The people here for the first time  
10 need to know this.

11 And I'm neutral on these, believe it or not. I  
12 think the information should be correct. I don't  
13 think the information should be wrong.

14 MS. KAISER: I agree 100 percent.

15 COUNCILMAN SALVI: I don't think you do.

16 MS. KAISER: Why am I --

17 SUPERVISOR HERRINGTON: Okay. Your point's  
18 running tighter. That's the way I am. I talk. I  
19 just talk. Everybody knows me. I'm born and raised  
20 here and I talk. That's what I do.

21 Let's get back to the meeting and your point,  
22 Becky.

23 MS. KAISER: That came directly from Theresa  
24 Snyder.

1 COUNCILMAN SALVI: We have the report from --

2 MS. FORSTER: Just one comment. That comment  
3 was in the Highland Creek DEIS. It was the exact  
4 same comment she said to me that 1,600 was maximum  
5 capacity. Look in the Highland Creek DEIS.

6 COUNCILMAN SALVI: After that meeting,  
7 Councilwoman Abrams and I had a meeting with some  
8 people in the school. We broached that subject of  
9 building a school. They said absolutely not. Then,  
10 they said they'd let us know that the -- the present  
11 kindergarten class is 79. It's going to go down  
12 from over this to a low of 72, declining enrollment.

13 The estimated numbers are 2,215. Those aren't  
14 new numbers. Those numbers were projected way  
15 back -- was it 2000? Those numbers were projected  
16 back in 2000.

17 MS. FORSTER: Well --

18 SUPERVISOR HERRINGTON: Let's get back.

19 MS. FORSTER: Can I just say that what I said  
20 I ran through Theresa Snyder. She said it was okay.  
21 I was not making up numbers. I talked to her and  
22 she repeated those numbers in the Highland Creek  
23 DEIS. That's all I can say.

24 SUPERVISOR HERRINGTON: Becky, go ahead. Do

1 you have a point here?

2 MS. KAISER: Yeah, just a short one. I guess  
3 maybe this is dialogue.

4 SUPERVISOR HERRINGTON: Dialogue is good.  
5 That's what I do.

6 MS. KAISER: I'll read my paragraph, just what  
7 I wanted to say. Although it's been slimmed down  
8 and modified, I still don't think this project is  
9 appropriate for Brunswick. Its benefits to the Town  
10 will be slight. There's been no evidence presented  
11 to show that a substantial market exists for empty  
12 nesters, which I think the new phrase is aging baby  
13 boomers, especially when two other proposed PDD  
14 projects are targeting the same group.

15 And let's not be so naive as to think this  
16 smaller proposal is some kind of goodwill compromise  
17 on Mr. Chudnoff's part. It's just an alternative  
18 that fits within a certain profit margin. We have  
19 no obligation to Mr. Chudnoff. What we do have an  
20 obligation to is to protect the character of our  
21 town. Brunswick has an established rate of growth  
22 which is conservative and sustainable and I think  
23 development should be planned for Brunswick that  
24 doesn't stray too far from that. Thank you. That's

1 all I want to say.

2 SUPERVISOR HERRINGTON: Thank you.

3 (Applause.)

4 COUNCILMAN POLETO: Next.

5 SUPERVISOR HERRINGTON: Next.

6 MS. HAYNES: My name is Susan Haynes at 11  
7 Westlane Road and I, too, am very concerned about  
8 cumulative impact. If one just takes a look at the  
9 development that's scheduled for near Oakwood Avenue  
10 and then this development and then Highland Creek,  
11 they're all not that very far from one another and I  
12 am not convinced that we're really borrowing an  
13 incredible amount of congestion for our area. And  
14 the temptation for people to start cutting through  
15 on roads -- I really still have trouble in my mind  
16 imagining that if Route 7 is totally congested that  
17 people are going to not look for cut-throughs and  
18 they get down to say Burdett Avenue and it's very  
19 easy to cut up through Freer Park at that point or  
20 North Lake and go the back way.

21 And I really just don't see how -- just because  
22 we don't have an access on to North Lake, I don't  
23 really see that that means that there won't be  
24 people still using that Liberty Road, whatever they

1 can do, to shorten that commute time, because it's  
2 not necessarily the mileage. It's time spent in the  
3 car. And if I have 45 minutes on -- and it's taken  
4 me -- and I only live two miles from Price Chopper.  
5 It's taken me over a half hour at times to get to  
6 Price Chopper and I want to bang my head for even  
7 thinking of going.

8 Sometimes just going around the back way is a  
9 whole lot shorter. And I really think that we have  
10 to take a look at the cumulative impact of all these  
11 projects instead of naively assuming that we can  
12 look at them individually, because they're not going  
13 to affect us individually. They're going to affect  
14 us totally.

15 SUPERVISOR HERRINGTON: Thank you, Susan.  
16 (Applause.)

17 MR. TKACIK: My name is Jim Tkacik,  
18 T-K-A-C-I-K, 387 Brunswick Road, next to Welch's  
19 farm. I don't have any axes to grind. I'm somewhat  
20 embarrassed and ashamed. I've never been to a Town  
21 Board meeting before. The ones for Carriage Hill,  
22 for example, I looked into this by reading these  
23 type of documents, first and last meeting and then  
24 this, and I don't know; I'm almost insulted by this

1 because who is the -- they're contrary to what we  
2 see.

3 If you look at these documents, there's no  
4 relationship between the reality that we see every  
5 day -- for example, the traffic. I know traffic  
6 predictions and long-term traffic volume  
7 predictions, it's very imprecise. It's a large  
8 amount of variability. It's sort of like the  
9 weather.

10 Now, can you imagine if some of these engineers  
11 were here last week and they were supposed to sort  
12 of ascertain and sum up what the weather's like in  
13 Troy or Brunswick in January? What would they say?  
14 "Oh, it's 57 degrees every day. It's warm. You go  
15 around in T-shirts." They'd write up the report six  
16 inches thick. "They got daily barometric pressure;  
17 nice place" except, well, maybe they should have  
18 checked with somebody who lives here to see what  
19 it's really like.

20 "Does this make sense? Look at this. Does  
21 this make sense?" Obviously, it doesn't. And when  
22 something doesn't make sense like that and it runs  
23 contrary to your observations and your daily  
24 perceptions, then there's something wrong with it.

1           And who was the man who talked about the  
2 traffic before? I'm with this man; I would like to  
3 sit down with the traffic engineers and just see  
4 what they mean by some of these things, because I'm  
5 not a traffic engineer. I read some of these  
6 statements they make and they don't make any sense  
7 to me.

8           Maybe this is some technicality that I need to  
9 learn about the jargon and the like, but there's  
10 some underlying features here. For example, the  
11 growth of traffic volume on Route 7 is projected at  
12 one percent a year. Think back 10 years ago to now.  
13 Did it grow by 10 percent in the last 10 years?

14           Well, according to in here, the growth  
15 decreased by 3.7 percent in the last 10 years. Who  
16 believes that?

17           SUPERVISOR HERRINGTON: What Becky is telling  
18 me I'm --

19           MR. TKACIK: My point is --

20           SUPERVISOR HERRINGTON: The point is the  
21 traffic --

22           MR. TKACIK: My point is these studies.

23           SUPERVISOR HERRINGTON: -- don't meet the  
24 numbers.

1           MR. TKACIK: These studies are flawed.

2           SUPERVISOR HERRINGTON: Okay.

3           MR. TKACIK: They're flawed. For example, if  
4 you look at the one point -- just one specific  
5 point, the intersection of Lake Avenue and Route 7.  
6 Right now, in the westbound traffic in the morning,  
7 there's a delay at the light of 12.6 seconds per  
8 car. So I mean, you have to wait there 12.6  
9 seconds, 12.6, not 12, not 13. Okay?

10           And in the p.m. eastbound, going up the hill at  
11 rush hour this is, you have to wait there 20  
12 seconds. Don't laugh. It's true. It's in the  
13 paper.

14           Now, who's been at this intersection and  
15 waited -- I've waited five and six and seven minutes  
16 at that intersection. This is contrary to what you  
17 can see. And anything that people -- they do the  
18 pulling in of the data; you have a model. If you  
19 don't verify your model checking it against reality  
20 and then you project it even further, that's  
21 just -- it's the old saying garbage in and garbage  
22 out. It just doesn't make sense. I think we need  
23 realistic traffic data. Okay?

24           I'd like to see it. I'd like to sit with the

1 people on the Town or on the Planning Board or the  
2 Town Board and I'd be willing to sit and analyze.  
3 I've read through much of these reports. I'd be  
4 willing to do that. Other people in this audience,  
5 I'm sure, would do it.

6 SUPERVISOR HERRINGTON: What happens is the  
7 developer hands in these reports. As you mentioned,  
8 they are thick. We're not experts on everything.

9 MR. TKACIK: I'm not either.

10 SUPERVISOR HERRINGTON: No, no. So what we do  
11 is we hire our consultants at their expense to study  
12 it. That's correct, right, Andy? We're looking at  
13 these numbers.

14 MR. GILCHRIST: Yes.

15 SUPERVISOR HERRINGTON: If there's information  
16 in there we don't feel is correct, it will be  
17 pointed out.

18 MR. KESTNER: Mark Kestner, Kestner  
19 Engineering. Our firm was retained to review the  
20 technical aspects of the DEIS. As part of that, we  
21 did hire Mark Gregory as the Town's traffic engineer  
22 from Transportation Concepts and he will and has  
23 reviewed the numbers that are prepared by the  
24 traffic consultant for the applicant. And I'm sure

1 if you'd like to sit down at some point, we could do  
2 that with the residents and Mr. Gregory and we could  
3 go over, you know, the issue.

4 I have discussed with Mr. Gregory the issue of  
5 the timing of the traffic lights on Route 7, because  
6 I did go to the hearings when DOT proposed the road  
7 and it was through the efforts of the Planning Board  
8 and the Town Board that we actually got more lanes  
9 at North Lake Avenue and South Lake. We were told,  
10 you know, everything would be fine. We were told  
11 that if these lights are coordinated, things would  
12 be fine.

13 Now, as I sit here tonight, I don't know if  
14 that coordination of those lights has been  
15 accomplished. It appears to me in driving 7 that  
16 there's a problem with the light at Price Chopper,  
17 because there's times where you come up North Lake  
18 and the cars are bumper to bumper all the way up  
19 there.

20 I asked Mr. Gregory to contact DOT and see if,  
21 in fact, those lights have been left properly timed.  
22 So we are looking into those issues. We do see on  
23 the ground -- our office is located in Brunswick.  
24 We do know the problems. I have lived here for over

1 40 years myself. So we do know the on-ground  
2 problems. We will look into them and we will get  
3 back and write up our comments on the Draft Impact  
4 Statement. Thank you.

5 SUPERVISOR HERRINGTON: Thank you, Mark.

6 MR. TKACIK: I'd like to know what input this  
7 gentleman or the traffic people -- when do they make  
8 a recommendation, for example, of a review of this  
9 information from the DEIS? When do they communicate  
10 that to the Board or to the Planning Board? I'm  
11 ignorant of the process; I really am.

12 SUPERVISOR HERRINGTON: Andy, do you want to  
13 comment or --

14 MR. GILCHRIST: I will respond to that. I'm  
15 going to reiterate for the record this is a public  
16 hearing to receive comments on this PDD application  
17 and the SEQRA document. Things have gotten a bit  
18 far afield and if people like that dialogue, there  
19 will be dialogue to come. I may be the guy who has  
20 advised this Board to withhold your comments until  
21 the applicant has come in with their information,  
22 it's been assessed by the technical consultants for  
23 the Board make sure the applicant has a chance to  
24 respond to the comments received and then start

1 analyzing it from the Board or at least discussing  
2 that or their opinions.

3 My concern -- and from a legal perspective, I'm  
4 very concerned about any Board prejudging any of  
5 these applicants or applications until the record  
6 has been created. There's a legal standard that any  
7 decision by this Board must be based on evidence in  
8 the record, not prejudgment, not bias, not economic  
9 issues about what any individual Board member may do  
10 for a living but based on an analysis of the  
11 evidence presented in the record.

12 You have raised a question about the traffic  
13 assessment in the DEIS. We went through this and  
14 I'll do it again right here. When a Board, as Lead  
15 Agency, accepts a DEIS as complete, that is not  
16 tantamount to saying that this Board agrees with  
17 everything that is stated in that document.  
18 Accepting a DEIS as complete means that it's  
19 adequate for public review, inspection and comment.

20 That comes from members of the public such as  
21 yourself raising questions about the adequacy and  
22 correctness of the data that's been presented.  
23 That's why the Board has retained technical  
24 consultants to review that as well.

1 Mr. Gregory has reviewed traffic analyses  
2 presented in the EIS's. Preliminary comments have  
3 already been supplied to the applicants. In part,  
4 we've already started getting revisions to these  
5 projects based upon Mr. Gregory's assessment. So  
6 that has been made and that process will continue as  
7 these projects are reviewed.

8 This is not an end game. Closing a public  
9 hearing and moving on to the next step of the  
10 process doesn't mean it's at an end. It means this  
11 Board, as Lead Agency, continues its job of  
12 reviewing any additional data submitted by the  
13 applicant until such time that this Board is  
14 satisfied it's got the correct information in front  
15 of it on which to base a determination.

16 I, as the lawyer retained by the Town Board to  
17 lead them through the process, have advised them to  
18 make sure that this record is complete. All these  
19 comments that are being received tonight that were  
20 received back in August must be responded to in full  
21 by the applicant to ultimately be reviewed by the  
22 Board and its technical consultants for correctness,  
23 for adequacy, for completeness. So this is a  
24 process that doesn't end tonight. It continues.

1 So as to the question about when will the  
2 technical consultants review this, that's already  
3 ongoing.

4 SUPERVISOR HERRINGTON: Anything else besides  
5 traffic?

6 MR. TKACIK: No. That's it. My final point is  
7 if their assessment of the existing situations  
8 aren't right, then none of the projections are going  
9 to be right. And that's my point there. I think  
10 unless you have a very good grasp of the situation  
11 now, you can't predict what's going to happen in the  
12 future. And if you try to do that, that's a flawed  
13 method and it just doesn't work.

14 SUPERVISOR HERRINGTON: Thank you, sir.  
15 (Applause.)

16 SUPERVISOR HERRINGTON: One thing we're hearing  
17 tonight is traffic. We did hear that. So has  
18 anybody got anything besides traffic?

19 Judy.

20 MS. ARMSTRONG: I'm Judy Armstrong and I live  
21 at 172 North Lake Avenue. I speak for no one but  
22 myself and as a resident in my house on North Lake  
23 Avenue since 1970, having raised three children  
24 there and having seen the changes that have happened

1 in the Town of Brunswick, not all of which are  
2 terrible. Many of them are necessary. And I know  
3 that we're here to talk about this project and on  
4 the face value, this project has been cut back.

5 And I guess what I want to say is that they  
6 have done the work that they have been designed to  
7 do to make their project come alive. They scaled it  
8 down. But what you have got to do is to realize  
9 that just the information about this project tonight  
10 doesn't solve everything in my thought process. I  
11 do have to think about the cumulative effect of all  
12 of the projects.

13 That traffic jam does not begin at Sycaway.  
14 That starts down at the river. If people have tried  
15 to come up Route 7 on a Friday afternoon in the  
16 summer when people are trying to get to places in  
17 Vermont or trying to get there in the winter to ski,  
18 that traffic is bogged all the way down practically  
19 to the river, but it really starts to get bad at  
20 about Burdett Avenue.

21 Freer Park bears very little resemblance  
22 anymore to a park, because that's one of the getaway  
23 places and people think that they can go 35 miles an  
24 hour up through that park. I know. I've been

1 there. That's not included in any of these traffic  
2 reports. They're just dealing with bare bones  
3 numbers. I'm dealing with noises and sound and  
4 traffic.

5 My road, North Lake Avenue, is a getaway road  
6 and it started when the development began on Route 7  
7 with the big Price Chopper and with the Walmart.  
8 There's that ghost of a Grand Union that's sitting  
9 there rotting away on that site and when the Walmart  
10 comes in, as they want to, and leaves the building  
11 they're in and builds this other thing that's going  
12 to be in close proximity to this development, maybe  
13 you're not going to have loud noises and lights but  
14 that Walmart is.

15 Right now, in the quiet summer night in my  
16 house on 172 North Lake Avenue, I can hear the hum  
17 of all of those air conditioners and those things  
18 that have to keep those buildings alive. And I can  
19 see the light that's out there and, you know,  
20 looking up at the stars isn't the same as it was.

21 So I'm understanding that business happens,  
22 that towns grow and you're doing your job. You're  
23 giving us what we asked for the last time. You're  
24 answering all of those questions that we put forth.

1 But you have a bigger job and you really have to  
2 help us keep this town the way it was when we  
3 decided to come here and live. And we don't want to  
4 have a Wolf Road and we don't want to have a Route  
5 9. We want to have just as it is now, to drive five  
6 minutes from our homes and see those fields and  
7 those hills.

8 So this looks better and those photographs  
9 showing how it's not going to show up in the view of  
10 everybody in Brunswick, it looks good and thanks for  
11 doing that, but you better keep looking at the big  
12 picture. That's all.

13 SUPERVISOR HERRINGTON: Thank you, Judy.  
14 (Applause.)

15 MR. BAILEY: Denny Bailey down on Lord Avenue.  
16 I got a little problem. I own 11 percent of the  
17 property bordering this. I also own about nine and  
18 a half percent of the brook. Who do I contact to  
19 find out what they're going to do for a flood  
20 program? Because they're going to ruin the  
21 integrity of my brook and they're going to ruin my  
22 house.

23 SUPERVISOR HERRINGTON: What you're doing is  
24 putting it on the record. It'll have to be

1 addressed. People have to look at it. So you're  
2 doing the right thing.

3 MR. BAILEY: I go up in my back field and I  
4 find all these flags. They're not survey flags.  
5 One says wetlands. It's my property. It's not  
6 nobody else's to walk on unless they notify me. So  
7 who do I see to find out what's going on here?  
8 Because there's a topographical map; my house is  
9 the lowest thing and my next-door neighbor's.

10 SUPERVISOR HERRINGTON: Mark, do you want to  
11 comment on that?

12 MR. KESTNER: It is the applicant's obligation  
13 to flag the wetlands. He normally would do --

14 MR. BAILEY: On my property?

15 MR. KESTNER: No. He would do it on his  
16 property.

17 MR. BAILEY: No. It's my property is where  
18 it's flagged. My property goes out into that  
19 cornfield. That brook is 90 percent on my property.

20 MR. KESTNER: All right. Why don't you two  
21 meet out in the field?

22 MR. HOBLOCK: Absolutely.

23 MR. KESTNER: We as a town are not --

24 MR. BAILEY: Who do I find out where they're

1 going to push this water that's going to flood my  
2 property?  
3 MR. KESTNER: There is a stormwater plan in the  
4 book that we could go over.  
5 MR. BAILEY: Where do I find out where it's  
6 gonna be? I want to know where it's gonna be. My  
7 mother passed away a month ago, so I have no time  
8 for this kind of stuff.  
9 SUPERVISOR HERRINGTON: Mark, you probably got  
10 maps and stuff?  
11 MR. KESTNER: We have the maps to go over what  
12 we intend to do.  
13 MR. BAILEY: Who do I go see? Do I go up to  
14 the Town?  
15 MR. KESTNER: Yeah, you could go up to the  
16 Town. I could meet you out at the Town and go over  
17 that.  
18 MR. BAILEY: You want to give me a card?  
19 MR. KESTNER: We'll have somebody from the  
20 developer there, too.  
21 MR. BAILEY: All right.  
22 SUPERVISOR HERRINGTON: We can do that.  
23 MR. BAILEY: The last is I think it's kind of  
24 ludicrous that they would say people are gonna live

1 in these apartments and drive to Albany. It's gonna  
2 take them an hour to get to the bridge. That's it.  
3 SUPERVISOR HERRINGTON: Thank you, sir.  
4 (Applause.)  
5 SUPERVISOR HERRINGTON: Anybody else?  
6 MS. WALSH: Martha Walsh. I live at 148  
7 Brunswick Road on the corner of Glen Kill. And  
8 since they've been digging up Hoosick Road for the  
9 last 50 years, whatever it is, it's like  
10 Indianapolis Speedway down Route 7 or down Route 2.  
11 It's supposed to be 40 miles an hour in the area I  
12 live in, but all the trucks have figured out to cut  
13 across 278 and then they go out Hoosick Road. And  
14 they also figured out how to come up Congress Street  
15 and go out Hoosick Road.  
16 I find it hard to believe with 668 units that  
17 there won't be two cars to each unit. I notice we  
18 have a one-car garage and a driveway. Are we  
19 supposed to believe these yuppies and these  
20 high-scale people have one car per family? And if  
21 they go to work, they're going to car-pool? And 338  
22 cars are going out. Over half don't have jobs? But  
23 then coming in at night, we have 420 coming in.  
24 When do the other 112 go out so they can come back

1 in for rush hour?

2 We're not doing this correctly at all. I think  
3 it's ridiculous. I still think we need plans for  
4 the Town of Brunswick, period. And if you have a  
5 gate for the fire trucks to come in, how are the  
6 school buses going to get in to take these 110  
7 children? Every unit only has one child? After  
8 that, they're not allowed any?

9 How are they going to get the buses in if the  
10 fire trucks can't get in? Are the school buses  
11 going to come through the gates, too? Has anybody  
12 thought about that?

13 SUPERVISOR HERRINGTON: If they haven't thought  
14 about it, they will now.

15 (Applause.)

16 MR. KEENAN: Good evening. I'm Mike Keenan, 43  
17 Madonna Lake Road. I live in Grafton, but I am in  
18 the Brittonkill School District. Whenever I gotta  
19 go home, I gotta go through Brunswick. So I think  
20 those of us outside of Brunswick should have some  
21 say in this.

22 As a matter of fact, I would suggest that what  
23 we need is not only to look at the cumulative effect  
24 of what's going on in Brunswick but probably

1 something on a larger regional scale, because I  
2 think we kid ourselves when we think town lines, you  
3 know, define the entire effects of things. But a  
4 couple of comments.

5 First of all, I want to thank whoever -- or I  
6 guess the entire Town Board for the announcement  
7 earlier that soon the DEIS's and that will be posted  
8 on the web site of the Town. I think that's great.

9 I read the appendices. I'm hoping the  
10 appendices will be included. I don't know if you  
11 thought that far, but I think it would be helpful.

12 I have a number of things. I'm going to talk  
13 about traffic, too. And as I understand it, there  
14 will not be a revised traffic study put out. I  
15 guess there will be one for the final EIS but not  
16 for the draft.

17 What I saw earlier, if my numbers are correct,  
18 in the morning peak, we can expect 338 cars; in the  
19 afternoon, 420, using the consultant's assumptions.  
20 I believe that I may be off by a number or two. And  
21 as I understand it, the phase one and two of this  
22 project here is the equivalent of the entire four  
23 phases of the old project in that since all the  
24 traffic is now going to go on Route 7, the original

1 proposal where the assumption was 70 percent was  
2 going to be on 7, the numbers seem to look about the  
3 same.

4 I get 390 looking at the final buildout of the  
5 DEIS compared to 338 in the morning and 467 compared  
6 to the 420. I guess what I'm being told tonight is  
7 I have to use those numbers to comment now on the  
8 Draft EIS, because an updated traffic report will  
9 not be provided before the close of public comments.

10 I'll just comment quickly. Looking at that,  
11 that's about 90 percent to what the traffic was  
12 going to be on 7 anyway and I went through the last  
13 couple years that when 7's bad, you take North Lake  
14 Avenue. And just assume by putting the same amount  
15 of traffic on Route 7, North Lake Avenue is going to  
16 suffer anyway. So although there's no direct  
17 traffic on North Lake Avenue, there's going to still  
18 be problems.

19 One thing I've noticed looking through the  
20 traffic studies and looking at DOT's numbers, as far  
21 as I can determine, the last time this segment of  
22 Route 7, which goes from the Troy town line to Route  
23 142 Center Brunswick, has been sampled by DOT is  
24 1999. The adjoining two roads next to it into Troy,

1 going down 15th Street and then from 142 going to  
2 the other route on 7, the last time they were  
3 sampled by DOT was 2001.

4 What DOT does is their objective is to every  
5 three years do a sampling study of all these major  
6 roads that they're responsible for by sampling for  
7 an entire week, every hour of the day. So what we  
8 have right here now is a major roadway right in the  
9 center of all of us that has not been sampled by DOT  
10 for seven years.

11 The reason for that is -- my belief at least is  
12 that that's because they couldn't sample because of  
13 the construction that was going on. The  
14 construction's over. I would suggest it's time to  
15 sample Route 7. Go out; have DOT do their standard  
16 sampling. Let's get some updated numbers. Because  
17 if you go back and look at the last time all of  
18 these roads were sampled by DOT, I believe it was  
19 '98, the volume on Route 7 was much higher than what  
20 they got the last time they sampled. It's an  
21 outlier.

22 Right now, if you look at DOT, the volume that  
23 they think on 7 going along by the Walmart and all  
24 that is much lower than their previous sampling. I

1 really think it would behoove all of us to do a good  
2 traffic study out here 24 hours a day for at least a  
3 week and let's find out what the traffic is, because  
4 my understanding is when you do a reconstruction and  
5 you open it up, you get traffic back again that you  
6 wouldn't have had.

7 So I think no fault to the consultants in that  
8 any numbers we get from DOT are somewhat outdated  
9 and it's because of the construction project. So I  
10 really think getting together a public hearing and  
11 some decision-making on what to do with traffic  
12 sampling would be really great for all of us.

13 I want to make a comment on the school, because  
14 since I am a member of the Brittonkill School  
15 District here, I've been in this auditorium for my  
16 children and a couple of fears I have -- I remember  
17 a time in Brunswick at the Brittonkill School  
18 District where we couldn't pass a budget for the  
19 life of us. Sports and everything, we were doing  
20 fund-raising for that. If you bring in all these  
21 empty nesters who have no relationship to the town,  
22 I think you may find out that they're just going to  
23 vote no against the school budgets.

24 So even though they're in the town, you may not

1 get what you think you're going to get. So I think  
2 we should really look at that as well, because I  
3 personally think -- and the housing market now,  
4 whoever said it, I don't think coming from a tech  
5 park over at SUNY they're going to move way up here.  
6 I think what we're going to find is we're either  
7 going to have people come in who have children and,  
8 therefore, the school goes up or people who just  
9 come here and have no relationship to our town and I  
10 don't think that's what we want either. Thank you.

11 (Applause.)

12 SUPERVISOR HERRINGTON: I think we all know  
13 that Route 7 -- I think you're saying it. Even if  
14 we stop everything, if we could just stop everything  
15 in Brunswick, no more, period, that Route 7 just  
16 keeps building and building. And they're building  
17 ski resorts and I don't know what they're doing, so  
18 that Route 7 is a challenge even if we stop  
19 everything. I mean, I see it.

20 Reverend.

21 MR. HAYNES: Hi. I'm Ted Haynes. I live at 11  
22 Westlane Road in Troy or, actually, in Brunswick  
23 with my wife Susan. And I have to admit that I'm  
24 kind of overwhelmed. I don't know if anybody else

1 here is or not. I notice that some of our  
2 neighboring towns have imposed a moratorium so that  
3 they'll have time to think through all the  
4 implications of the developments that are going on  
5 in other communities. And I don't know about you,  
6 but it seems like we're just being pressured to make  
7 some very significant decisions about a whole lot of  
8 different things at one time.

9 Our meetings are like two weeks apart, three  
10 weeks apart. We're going to hear this one. We're  
11 going to hear that one. And while I know it may  
12 seem like procrastination -- and there's no better  
13 procrastinator in the world than me; I bought a  
14 book on procrastination about 25 years ago and I  
15 still intend to read it -- it seems to me we need to  
16 give ourselves some breathing room, some time to  
17 really think this thing through and look at it very  
18 carefully. And if anybody else feels overwhelmed  
19 like I do, I'd appreciate hearing from you and I'd  
20 appreciate the Board addressing that issue.

21 Do you feel a bit overwhelmed with so much  
22 coming at you at one time? And what can we do as a  
23 supportive community and help the Board? How can we  
24 help you get the breathing room you may need? What

1 can we do here as a community to pull together  
2 instead of fall apart; come up with plans and goals  
3 that we'll all pretty much agree on? Because right  
4 now, I don't sense there's a lot of agreement in the  
5 room. I sense there's an awful lot of feeling  
6 threatened both on the part of the Board -- and if  
7 I've done anything to contribute to that, I  
8 apologize sincerely.

9 But I do think we're all feeling a little  
10 overwhelmed and threatened by so much going on at  
11 one time. I don't know what to do about that, but  
12 I'd like to put it on the record.

13 SUPERVISOR HERRINGTON: Thank you, sir.

14 (Applause.)

15 SUPERVISOR HERRINGTON: Anybody else at this  
16 point? We've heard, as I mentioned, a lot on  
17 traffic.

18 MR. FLEISHMAN: Bernard Fleishman. I live on  
19 Colehammer Avenue. I won't speak about traffic. A  
20 lot has been said already and I'm hoping in a day or  
21 couple of days that there will be an article in the  
22 paper by myself about the traffic situation.

23 But I think Reverend Haynes reflects a feeling  
24 that I encountered when I was carrying some of the

1 petitions that Brunswick Smart Growth had  
2 distributed.

3 Many people along the way just had this sense  
4 of being pressured, having projects thrown at us one  
5 after another and, in a sense, not knowing quite how  
6 to react and how to handle it. And I think the  
7 Board should take serious cognisance of this. In  
8 giving us a sense of pressure and hurriedness, we  
9 feel that the future of the town is kind of slipping  
10 out of the hands of the residents and we'd like to  
11 have that future returned to the hands of the  
12 residents.

13 I think we need time to consider how these  
14 pieces fit together. In particular, a study of  
15 overall traffic patterns is probably necessary. Who  
16 knows? Maybe you need another road. Maybe you need  
17 a monorail that was suggested some years ago. But  
18 the point is that it's time to think very openly  
19 about how to address the present needs of the town,  
20 the traffic but also, if we're talking about having  
21 new projects, thinking about where would these  
22 projects properly be placed and where should they be  
23 placed so that the open spaces, which we came out  
24 here to enjoy, we can continue to enjoy and our

1 children can continue to enjoy -- not mine, because  
2 they happen not to live in Brunswick, but a lot of  
3 people here have children still in Brunswick.

4 But we'd like to know what we want the town to  
5 look like in 20 or 30 years and plan for that  
6 carefully now. It shouldn't be under the pressure  
7 of this proposed development, that proposed  
8 development, that proposed development, each one  
9 succeeding the other and then trying to fix up the  
10 difficulties that have ensued from the preceding  
11 one.

12 So, again, we urge that you sit back and,  
13 perhaps, delay these proceedings and have an overall  
14 process of inviting consultation, inviting input  
15 from the citizens of the town so that we can all  
16 compare notes and work together for a town that will  
17 be a model for the area. Thank you.

18 (Applause.)

19 MS. RUSSO: Barbara Russo, Colehammer Avenue.  
20 Pursuant to the environmental regulations which  
21 govern the SEQRA process, Section 617.987, a  
22 supplemental Draft EIS should be required for  
23 significant, adverse and environmental impacts which  
24 are inadequately addressed in the EIS that derive

1 changes in the proposed project. The draft EIS  
2 which is currently under review inadequately  
3 addresses the impact on the wetlands and pond area  
4 as a state fresh area wetland TN106. All of the  
5 traffic in the revised plan with the reduced amounts  
6 of units will be directed to Best Road based on the  
7 proposal, which results in an increased demand on  
8 the areas of the wetlands and ponds.

9 Best Road needs to be widened based on this new  
10 proposal to accommodate the huge increase in traffic  
11 volume; thus, encroaching on the wetlands area and  
12 the TN106. A traffic light will now need to be  
13 installed at the intersection of Best Road and Route  
14 7. Cars will sit idle on Best Road for a longer  
15 period of time emitting more pollutants into  
16 wetlands.

17 At 668 units, with an average of two cars per  
18 unit, that means 1,336 cars entering Route 7 and  
19 Best Road. I think two cars per unit is a more  
20 reasonable estimate for upscale units which are  
21 appealing to the so called empty nesters and the  
22 urban professionals, especially since according to  
23 the Automobile Association, they estimate over three  
24 cars per household.

1 I'd like to also note that a letter from  
2 Department of Environmental Conservation Nancy Adams  
3 to Andy Gilchrist dated May 10, 2005 notes the  
4 cumulative impacts of the multiple projects.  
5 "Multiple developments occurring in an area  
6 containing wetlands, the concern becomes whether  
7 multiple projects would result in larger impacts for  
8 runoff, potential erosion, habitat displacement, et  
9 cetera, to a higher degree than if one project were  
10 proposed leaving a much more open space around the  
11 remaining wetlands. When multiple projects occur in  
12 close proximity to the wetlands, it is important to  
13 take a hard look at the overall picture and ensure  
14 that the wetlands will not be adversely impacted  
15 unnecessarily or potential impacts could be  
16 mitigated to the maximum extent correctable."

17 "I understand the scope has already been  
18 accepted for Hudson Hills and that the DEIS is  
19 currently being prepared. If it is possible, I  
20 believe some discussion of the full picture relative  
21 to the potential wetlands habitat impacts would be  
22 beneficial and a review process for both projects."

23 The new proposal on the table with the reduced  
24 amount of units just refers to the existing DEIS

1 saying we already addressed the impacts on the  
2 environment. Well, the original DEIS merely states  
3 that there is no significant impacts and the  
4 alternative proposal, which talks about the reduced  
5 number of units, merely says it will be less  
6 impacts.

7 Well, obviously, they're saying there's going  
8 to be no significant impact; cutting the units will  
9 be less than no significant impact. They didn't do  
10 the right study to begin with; therefore, the DEIS  
11 is insufficient. They should go back and do a  
12 supplemental DEIS based on this new number of units  
13 and the impact it's going to have on the  
14 environment.

15 The record should not be closed tonight and the  
16 applicant should be required to produce a  
17 supplemental DEIS to address these issues. The  
18 significance of closing the record tonight -- I  
19 understand the record needs to be closed at some  
20 point for the applicant to address all of the public  
21 comments, but once the record is closed, the clock  
22 starts running. The time for public comments ends.  
23 The public can't adequately comment on this project  
24 until the applicant adequately addresses the

1 significant impacts which are going to affect the  
2 environment.

3 I'd also like to point out that the applicant  
4 contradicts itself in some of its statements by  
5 saying that the empty nesters will not contribute to  
6 peak traffic hours; yet, at the same time, the  
7 applicant states it's going to appeal to the young  
8 urban professionals. Well, correct me if I'm wrong,  
9 but I think urban professionals are still commuting  
10 during peak hours.

11 Finally, I'd like to point out it's  
12 presumptuous of the applicant to assume the project  
13 would be approved as a special use permit. Even if  
14 it was put under special use permit, it would still  
15 be subject to the SEQRA process and they would be  
16 obligated to show that the benefits of the project  
17 would outweigh the negative impacts. It would still  
18 have to go through the same process. Thank you.

19 SUPERVISOR HERRINGTON: Thank you.

20 (Applause.)

21 MR. SCHMIDT: I actually have a few comments  
22 actually regarding the project.

23 SUPERVISOR HERRINGTON: Your name, Ray.

24 MR. SCHMIDT: My name is Ray Schmidt, 81

1 Liberty Road in Brunswick. On Hudson Hills, page  
2 nine, it states that the development is for empty  
3 nesters, yuppies, young emerging families; i.e., no  
4 children, and this was the same rhetoric as the  
5 last project we were discussing.

6 I think the real burden of this being truly the  
7 case is for the developer to actually prove that  
8 these developments are actually going to produce no  
9 children. I mean, the burden's on the developer to  
10 prove that.

11 I think it's an insult to my intelligence to  
12 constantly read we're going to have empty nesters,  
13 yuppies and young emerging families -- I guess  
14 that's YEFs -- and no children. The burden really  
15 is on the developer to prove this.

16 And the question is: How can childless  
17 occupants be guaranteed in perpetuity? I just don't  
18 see it.

19 On the modified DEIS, on page two, there's 21  
20 two-bedrooms, 36 one-bedrooms and there's a proposed  
21 48 public school children. What about if they're  
22 wrong? What about if the 21 two-bedrooms have two  
23 children a piece and the 36 one-bedrooms have one  
24 child a piece? 450 children is likely if that's the

1 scenario and that's certainly going to have a  
2 dramatic effect on the town. All right. I'll stop  
3 there on that issue.

4 The people have been constantly talking about  
5 traffic and I'll speak for 10 seconds on that and  
6 I'll stop. Yes, it's a serious issue and the  
7 congestion on secondary roads -- the secondary roads  
8 between 142 now and Route 7 are essentially  
9 cut-throughs. The traffic has already got increased  
10 capacity.

11 They've written to the state troopers regarding  
12 speeding, dump trucks constantly going through  
13 there; nothing done about it. It just isn't the  
14 amount of traffic. It's reckless traffic; people  
15 flying through there. I don't even ride my bicycle  
16 on the roads anymore. I go up to Saratoga County to  
17 ride. I'm afraid to ride my bicycle in Brunswick,  
18 because I'm afraid I'm going to get killed. That is  
19 my two issues.

20 My other issue is directed to Mr. Herrington  
21 who I think is a great guy; that he just said damned  
22 if he does, damned if he doesn't. I think he may  
23 wish to consider recusing himself from this project.  
24 If he votes for these things, he's going to be

1 accused of complicity by certain people. If he  
2 votes against it, he's going to be accused of  
3 duplicity by other people. It's something maybe  
4 Mr. Herrington should consider. I also want to say  
5 that I voted for you, so it's not -- you know, I  
6 really like the guy.

7 All right. Finally, all these projects need to  
8 be considered in its totality. We need an  
9 assessment of what's happening with all these  
10 projects. We just can't look at them separately,  
11 because together, they're going to have a dramatic  
12 impact on the town. So I think I emphasized that  
13 last time. I'd like to emphasize it again. We just  
14 can't look at one project by itself. The totality  
15 effect needs to be examined. All right. Thanks for  
16 your time. Thanks to the Board.

17 SUPERVISOR HERRINGTON: Thank you.

18 (Applause.)

19 SUPERVISOR HERRINGTON: Anybody else? Henry.

20 DR. SCARTON: My name is Dr. Henry Scarton. I  
21 am the director of the Laboratory for Noise and  
22 Vibration Control Research at RPI. These comments  
23 are made as an individual, however. I've lived at  
24 14 Kestner Lane in Troy for 15 years. I've lived in

1 the area 35 years. Some of my children have been  
2 born here. My grandchildren have been born here. I  
3 love this town. It's a beautiful town.

4 And I think, Mr. Herrington, we're most  
5 fortunate that you accept this \$23,000 salary.  
6 We're really lucky that you're sitting there,  
7 frankly. You're a good guy. I voted for you, too.

8 SUPERVISOR HERRINGTON: I appreciate that.

9 DR. SCARTON: We don't always agree, but that's  
10 okay. So I'd like to comment on two things. First  
11 of all, as an expert in noise assessment, someone  
12 who writes and assists writing of DEIS's as a hired  
13 gun, occasionally, and I'm not -- I'm just doing  
14 this for free, pro bono. I'm not getting any money.  
15 I live here. I look at the reduction in the number  
16 of units from 1,116 to 668. I notice looking at the  
17 drawing -- I went to the library today and Xeroxed  
18 it. I notice that these units are going to be in  
19 the valley and I observe that when the sun sets, you  
20 get temperature eversions.

21 What happens is that you will get a  
22 stratification of the air. The sound comes up. It  
23 bounces off the change in density and the sound is  
24 bounced right back down. Now, I realize that we do

1 not have what we call acoustically compact sources,  
2 but if you did have acoustically compact sources  
3 meaning all the air-handling units, which is not  
4 addressed at all in this topic except I saw  
5 something about air vents, which is not an  
6 air-handling unit, but I'm assuming -- maybe I'm  
7 wrong. They don't say anything. Let's assume we  
8 have 668 air-handling units and you had acoustically  
9 compact sources. The magic number I teach in my  
10 class -- first class is on Thursday, RPI -- it will  
11 be  $10 \log N$ . Number is number of sources. That's  
12 about 28 db over whatever the level is produced by  
13 one unit. Of course, they're not going to be  
14 acoustically compact, spread out, but however,  
15 they're in a valley.

16 The good news is they have separated by cutting  
17 down the number of units from the property line. My  
18 good friend, Dave Bailey, who owns 11 percent of  
19 this land, he's not going to be a happy camper.  
20 That noise is going to make it into his property,  
21 let alone the flood water that he's talking about.

22 But, certainly, for the people living there,  
23 it's going to be more urban than rural, because the  
24 noise is going to be trapped in those valleys. In

1 addition, if the lighting is not properly designed,  
2 you'll have light trespass. I sat for four years as  
3 the chair of the Lighting Committee at RPI and I  
4 studied that a little bit.

5 The point, I guess, I wanted to make is when  
6 you look at -- I think it's page nine of this  
7 revised document, and I did go today and read  
8 through the revised document. It says no  
9 significant impact on noise. The only noise they  
10 talk about is the noise from construction noise.  
11 And I made -- you know, I made a big point of this  
12 the last time. This document is dated the 23rd of  
13 December. They had a chance to respond to my  
14 comment. They didn't take that opportunity. And I  
15 was rather strong the last time. I talked about the  
16 1,116 sources.

17 The fact is I really wonder did they even hire  
18 an acoustical consultant? I'm not asking to do this  
19 consulting, but they better hire somebody competent  
20 and come up with a realistic number. Right now, I  
21 see nothing. So how can they say no significant  
22 impact if, in fact, they didn't do the calculation?  
23 So nobody's going to be bothered by that. So that's  
24 the one comment.

1 As an individual and as a mechanical engineer  
2 with a Ph.D., an expert in fluid mechanics, we have  
3 a condition on Route 7 -- I'm sorry to talk about  
4 traffic -- that I would call choked flow. That  
5 means that we are approaching what is called a sonic  
6 condition.

7 Now, it's not the speed of sound but the speed  
8 of the traffic going down Route 7. Typically, on a  
9 Friday afternoon -- and I drive from RPI right over  
10 to my house every day -- I see the cars backing up.  
11 Mrs. Armstrong said down to the river; well,  
12 certainly, almost to Burdett Avenue. It's just  
13 bumper to bumper all the way up to the Price Chopper  
14 and maybe we could change the timing of the light  
15 a little bit, Mark, but I mean, it's choked flow.

16 Realistically speaking, we can't have any of  
17 these projects here, none of them, until Senator  
18 Bruno -- maybe we can get him to get us two more  
19 lanes of road over there if you want it. I don't  
20 know if you want it, but that's the only way.

21 Right now, we have a sidewalk easement. Let's  
22 push the sidewalks off. Let's put in two more  
23 lanes. Let's spend another \$20 million, which is  
24 what it's going to cost. Let's do it right. We

1 can't do a bloody thing until we fix the roads. You  
2 just can't. It's not gonna work. It's choked flow.  
3 That's it.

4 (Applause.)

5 DR. SCARTON: Traffic cannot flow. Super  
6 Walmart -- are you kidding me? Super Walmart,  
7 they're not going to make any money. What happened  
8 to Office Max? Bobby had to rent the store out to  
9 another store because they couldn't get in because  
10 of the construction. That's just the tip of the  
11 iceberg. Super Walmart will not make it over there,  
12 because the cars can't get to it.

13 And I pay \$7,000 in taxes, \$4,000 school taxes  
14 to the City of Troy. It took forever to raise them  
15 until the current administration went out and, all  
16 of a sudden, oh, my God, we got a problem; raise  
17 them a thousand dollars in one year. We can afford  
18 a reasonable amount of money for this Board to hire  
19 with my tax dollars without having any constraints  
20 from builders to do a proper planning study. It  
21 can't be that expensive. As part of the planning, I  
22 know Mark is doing it right now with his traffic,  
23 but the planning, all of these things, let's just  
24 look at the whole plan. If we don't get a road in

1 there, forget it. It's not going to work. Thank  
2 you very much.

3 (Applause.)

4 MR. CONWAY: How you doing, Mr. Chudnoff?

5 MR. CHUDNOFF: I don't know your name. I'm  
6 sorry.

7 MR. CONWAY: My name is Mike Conway. I live  
8 on Blue Heron Lane. I see you've reduced the size  
9 of your project considerably and I appreciate that;  
10 I really do.

11 My property overlooks your proposed site. As I  
12 stated last time, one of my major concerns is the  
13 impact of your proposed project on the wildlife in  
14 Brunswick and particularly -- I never considered  
15 myself a bird watcher, but I'm actually very  
16 impressed with the diversity of wildlife that I see  
17 in my backyard and the changing diversity on almost  
18 a month-to-month basis.

19 I have wildlife books to be able to research  
20 these birds. I'm seeing great horned owls, piley  
21 woodpeckers, northern flicker. I must have at least  
22 in my backyard last week, and never seen that,  
23 turkeys; at least six come up there. Of course, all  
24 the deer are back there. Occasionally, I get a

1 big -- I'm assuming it's a snapping turtle, about  
2 three feet in diameter, crossing the wetlands and  
3 Town Beach over next door.

4 So what I'm curious about here is I see you  
5 reduced the size of the project, scaled back and  
6 moved back in the property. The original projection  
7 had something like 58 acres of woodland that was  
8 going to be cleared for the original 1,100 units.

9 How much woodland is being cleared with this  
10 projection?

11 MR. CHUDNOFF: If we do the math, then that  
12 should be about -- I think there's 150 acres that  
13 are undisturbed out of the 215.

14 MR. HOBLOCK: Full buildout.

15 MR. CHUDNOFF: Including roads, access,  
16 everything.

17 MR. HOBLOCK: Phase one is 95 percent green.  
18 So five percent of 213.

19 MR. CHUDNOFF: Is 12.

20 MR. HOBLOCK: So phase one, you're going to  
21 disturb 12. Part of that 12 will be claimed as new  
22 green grass, shrubbery, et cetera. So you don't  
23 lose all 12. If you go to phase two, you have 90  
24 percent. So you double that 24. The same then if

1 you go to phase three, 84.  
2 Does that answer your question?  
3 MR. CONWAY: No. I'm not really good with  
4 percentages. I know 58 acres, it's --  
5 MR. CHUDNOFF: I don't remember 58 acres. It  
6 will be about 35 acres of the 215 acres that will be  
7 disturbed. About 35 acres.  
8 MR. CONWAY: But that includes open land and  
9 wetlands.  
10 MR. CHUDNOFF: When you say that includes open  
11 land, in total --  
12 MR. CONWAY: The land --  
13 MR. CHUDNOFF: In total, people will walk on 35  
14 acres. Some people dig a hole, push some dirt, but  
15 about 35 acres.  
16 MR. CONWAY: That's significantly less than  
17 what it was. With regards to the land, you might  
18 consider fields. Right now, looking at this, I see  
19 some aerial photos of it and I'm assuming there's  
20 going to be some open fields left in the green  
21 space. Right?  
22 MR. CHUDNOFF: The green space, in fact, is  
23 going to be untouched. In fact, it will be a  
24 different -- it will be a perfect home for piley.

1 The green space that's going to be untouched  
2 happens to have the favorite food of the piley  
3 woodpecker, which happens to be -- it's up towards  
4 the North Lake Avenue piece. You have red pine,  
5 white pine. As they die, that's when the piley  
6 woodpecker comes in, makes a rectangular hole. Now,  
7 turkeys are a different problem.  
8 UNIDENTIFIED PERSON: We can't hear back here.  
9 MR. CONWAY: Now, with respect to the open  
10 field, are you going to leave those hallow? Are  
11 you going to cut them? Are they going to regenerate  
12 forest land?  
13 MR. CHUDNOFF: What's going to happen is the 35  
14 acres, as it pertains to the 35 acres we were just  
15 talking about, those 35 acres will be built  
16 upon -- imagine if you were to build your own home.  
17 You build your home, then you re-landscape. So what  
18 happens is if you take a look at some of the  
19 photographs that were shown earlier, when you build  
20 the building, unfortunately, building is a  
21 destructive process. Before you can make it  
22 reconstructive like building a house, you have to --  
23 MR. CONWAY: It would be landscaped, right?  
24 MR. CHUDNOFF: Yeah. Then, it becomes

1 re-landscaped. What we try to do -- and we have a  
2 reasonable level of success. I suggest and I  
3 welcome anyone to take a look at whatever we've  
4 done. What we try to do is re-plant indigenous  
5 species so that you keep harmony within what  
6 surrounds it as well as you keep the same fauna as  
7 well as the flora in the area.

8 As an example, in Hudson Preserve, we just  
9 built a berm, an earthen berm, which is irregular  
10 and about 800 feet long, about 60 feet wide. It's a  
11 series of undulations and we just finished it today,  
12 about 900 varying spruce, pine.

13 And if I remember -- and if you looked at it  
14 now, even though we just did it and when the grass  
15 comes in, you'll see it has a look. Now, it does  
16 not look like an unspoiled forest. That would be a  
17 disingenuous thing to say, but it looks pretty good.  
18 I mean, people tell me it looks pretty good and it  
19 isolates the area.

20 MR. CONWAY: So, eventually, that will be  
21 allowed to grow in?

22 MR. CHUDNOFF: Absolutely.

23 MR. CONWAY: Thank you. With respect to the  
24 light pollution, I haven't had a chance to see any

1 of the rework for your streetscapes or I understand  
2 you haven't refiled the DEIS. The light is a big  
3 concern for the area. Have you given any  
4 consideration to eliminating streetlighting or  
5 reducing household lighting? My own street has no  
6 streetlighting.

7 MR. CHUDNOFF: What we do -- again, there is a  
8 tip zone here. There are people that feel  
9 comfortable with some level of lighting. We try to  
10 keep it down to three or five candle power. All of  
11 our lighting is down lighting. While we have street  
12 lighting that looks like old English street lamps,  
13 they're about 14 feet high. They're capped on the  
14 top, so nothing is allowed to escape up into the  
15 air.

16 You will have some refraction; there's no  
17 question about it, but the lion's share of the light  
18 is bounced down to the ground and we have  
19 photoelectric -- to Henry's statement earlier, we  
20 have photoelectric analyses made of the light spill  
21 of every single fixture that goes there. And if you  
22 want at your leisure, if you contact Paul, you're  
23 more than welcome to see what these plans look like.

24 You'll see at the fixture, at the streetlight,

1 there may be 6 cp and then as you walk out 80 feet,  
2 it goes down to 2 cp. But there are a large segment  
3 of people that do want some form of illumination at  
4 night. There are some who want none. We try to  
5 have a happy balance between the two.

6 MR. CONWAY: All right. I understand your  
7 position. I would go with none.

8 MR. CHUDNOFF: You have children walking around  
9 in the public area on the streets of Brunswick. I  
10 think when you have school children walking around,  
11 you're going to want to have some level of light. I  
12 think women walking around feel more comfortable  
13 with light. It depends. It's an individual thing.

14 MR. CONWAY: Thank you. With respect to the  
15 tax projections per unit, I'm having a little bit of  
16 difficulty getting my arms around this. My house is  
17 probably close to the quality of construction.

18 I have a three- or four-bedroom house. You  
19 know, if I do this calculation, two bedrooms,  
20 \$1,500-something, not a hundred dollars basically a  
21 year in combined taxes. Is that correct?

22 MR. CHUDNOFF: I don't think I understand.

23 MR. CONWAY: If I was to take -- combine two  
24 of your units, come up with a four-bedroom house,

1 the tax bases for that --

2 MR. CHUDNOFF: How many square feet is your  
3 house? 2,600?

4 MR. CONWAY: 3,500.

5 MR. CHUDNOFF: Oh, 3,500. So that would be  
6 equivalent about --

7 MR. CONWAY: I'm paying about \$9,000 in taxes  
8 a year.

9 MR. CHUDNOFF: It would be equivalent of three,  
10 three and a half apartments. The one-bedroom  
11 apartments are about 850 feet. The largest  
12 apartments are close to 1,600 feet. Those are the  
13 two-bedroom, the grand lux apartments.

14 MR. CONWAY: Two 1,500 square feet  
15 apartments --

16 MR. CHUDNOFF: 3,200 square feet.

17 MR. CONWAY: -- you'd be paying about \$2,700.

18 MR. CHUDNOFF: No. You'd pay about -- 3,200  
19 square feet, probably pay about \$5,000 a year.  
20 Taxes really relate to a per square foot rate in  
21 multi-family dwellings versus single-family  
22 dwellings. So they come out to about a dollar  
23 quarter to a dollar fifty square feet, inclusive of  
24 the school and town tax.

1 MR. CONWAY: Can you confirm with the tax  
2 assessor?

3 MR. CHUDNOFF: We confirm with every tax  
4 assessor, State of New York, every multiple-family  
5 dwelling which occupies less of a footprint than a  
6 typical house would by a long shot, but every  
7 multiple-family dwelling is assessed on its value as  
8 an economic entity as well as reproductive cost.  
9 Homes are not assessed on economic value. They're  
10 assessed on like and comparable sales as well as  
11 reproductive cost. So it's a little bit different.

12 But the rule of thumb, a typical apartment in  
13 this district, this area, will run anywhere from a  
14 dollar a foot to \$2.20 a foot. I can tell you  
15 Rensselaer is \$2.20. I can tell you that parts of  
16 Saratoga County, further north of Saratoga Springs  
17 itself, is closer to a dollar. I mean, there's a  
18 lot of variables that go with that.

19 MR. CONWAY: As a taxpayer, it didn't feel  
20 equitable, assuming comparison in quality of  
21 construction of house amenities and such. That's  
22 why I was asking further clarification.

23 MR. CHUDNOFF: Again, there are rules of thumb  
24 and you're welcome to read this or any of the other

1 reports that are out there which are not prepared by  
2 us but are prepared by third-party experts.

3 Typically, multi-family dwellings impose less  
4 of a service burden than do single-family dwellings.  
5 The burden of retail establishments is different  
6 from the burden of office establishments. They all  
7 have different impacts on the municipalities.

8 MR. CONWAY: Thank you. That's all.

9 SUPERVISOR HERRINGTON: Blue Heron is a  
10 beautiful development. How many years ago did you  
11 move there?

12 MR. CONWAY: I grew up in the town, Phil. I  
13 moved back there six years ago.

14 SUPERVISOR HERRINGTON: I can't think of the  
15 lady's name down at the bottom, but she had the same  
16 concerns that you have. When it was proposed, she  
17 was afraid the wildlife would go away and birds  
18 which, you know, I want somehow to keep this open  
19 space or have larger lots or something. I lost  
20 neighbors to Blue Heron. Billy Dates moved down  
21 there. I think it got to him.

22 But what I'm saying is that's a class -- you  
23 know, we did not allow streetlights. So I had the  
24 same concerns.

1 MR. CONWAY: It's a redevelopment. On  
2 average, I think we're seeing somewhere about four  
3 acres per --  
4 SUPERVISOR HERRINGTON: That's what I'm saying.  
5 MR. CONWAY: I've got about an eight-acre  
6 lot. My house is as far as the lawn, probably about  
7 a third of an acre.  
8 SUPERVISOR HERRINGTON: We tried to assure that  
9 lady just because they're bigger lots, she did not  
10 believe -- she said, "The birds are gonna disappear;  
11 the wildlife's gonna disappear. I don't want houses  
12 behind me."  
13 I'm just saying larger lots make it good. Blue  
14 Heron is a nice place to live.  
15 MR. CONWAY: It's worked out very nice. I  
16 appreciate the fact that there's no streetlighting.  
17 My neighbors have the courtesy to turn lights off  
18 when they don't have --  
19 SUPERVISOR HERRINGTON: It is very nice  
20 MR. CONWAY: It's sustainable and nice land  
21 development within the town. I really think it's  
22 kept the character of the town. You'd be  
23 hard-pressed to see my house from the one vantage  
24 point over on --

1 SUPERVISOR HERRINGTON: Right on top of the  
2 hill, right?  
3 MR. CONWAY: Yep.  
4 SUPERVISOR HERRINGTON: Anybody else?  
5 MR. JOYCE: William Joyce, III, 13 Wyman  
6 Lane. If I appear to be a little disorganized, I  
7 apologize. My notes are a little jumbled. I've  
8 lived in the town for 38 years, the same age that I  
9 am now. And I have some concerns, some of which are  
10 individual, some of which are more community  
11 related. I'll try to go through them. It may be  
12 reiterating what many of you have already said.  
13 The first thing is I'm an adjacent property  
14 owner to this project. I do note the change. About  
15 600 feet of the west portion of our property borders  
16 your development. I have concerns relative to  
17 wildlife, relative to the wetlands, relative to  
18 adjacent wetlands.  
19 I have a long history. I know this property  
20 quite well and have a lot of appreciation for it.  
21 I've spent a lifetime there. Also, I'm an industry  
22 professional and I also understand the process that  
23 you're going through and the process that's going to  
24 happen if this is approved, and I'd like to get into

1 the reality of some of the things.  
2 We've got a traffic problem, and you know what?  
3 I don't know if we've got all our facts together.  
4 And I'm hoping that with the coordination of our  
5 Town Board and their consultant that it doesn't turn  
6 into a committee situation. I hope it's  
7 well-coordinated. If there's anything I can do to  
8 help that I know I can, I'll be willing to do that.  
9 I know committee. I understand the complexity of  
10 it. I also understand the permanent changes that  
11 are about to occur in this town that none of us are  
12 going to be able to change after they're done,  
13 including the problems that may be created by your  
14 development.  
15 I want to make it very clear. It's a very real  
16 situation that is upon us. What happens at this  
17 juncture at this time with the people that sit in  
18 this room and the people that sit on that Board is  
19 going to change the face of this town forever. And  
20 I'm sure that everybody realizes that, but I felt it  
21 necessary to reiterate that.  
22 It seems to me we need some real assessment. I  
23 know we have very intelligent people from all walks  
24 of life involved, pro and con, but I do see some

1 confusion. I do see some questions unanswered.  
2 Facts are facts. Let's get our facts straight.  
3 If this is approved, who's going to enforce the  
4 dust, debris, earth movement? You're talking about  
5 moving a million cubic yards, more or less. I've  
6 seen some of the numbers. I may be incorrect.  
7 That's a massive project as far as the earth moving  
8 phase of the job is concerned.  
9 Have we considered the additional traffic, dump  
10 trucks importing material that you don't have  
11 on-site, material that doesn't come from cut and  
12 fill? Have you considered all the other variables  
13 that are going to arise that a lot of us don't see  
14 that aren't privy to the construction industry and  
15 the development industry and so forth and so on?  
16 We've talked about lighting. We've talked  
17 about the response to comments. I'm assuming that  
18 this transcript that's being created here is going  
19 to be taken apart piece by piece and it's going to  
20 be responded to and somebody's going to check that  
21 it's going to be responded to. I have a concern  
22 about that.  
23 I'm a very thorough person when it comes to  
24 things like that. I would assume that would be

1 prudent in a situation like this given the  
2 circumstance.

3 I've also got a concern about the exploitation  
4 of our property, adjoining properties, anybody that  
5 feels they don't need a public audience. We own 20  
6 acres of that wetlands that adjoins Route 7. It now  
7 has sheetpiling, now has water which was a stagnant  
8 swamp if many of you remember many years ago, and is  
9 not what it was today and a lot of that stems from  
10 wildlife. Now, it's being exploited. There's a  
11 sign up that says "Wildlife Viewing Area."

12 They don't realize it's private property. I've  
13 got people throwing fish hooks in there and doing  
14 things that were never done there. That was left  
15 alone. There might have been garbage thrown over  
16 the railing, but that was it. Now, there's public  
17 access to it. It's not public. It's private  
18 property. It's owned by myself and Fivel, if I'm  
19 not mistaken, has a corner of it. There is an  
20 exploitation thing that also has to do with your  
21 project relative to adjacent property.

22 Once that site is an active site, there's going  
23 to be people all over that place. Who's going to  
24 enforce where they go and what they do? Who's going

1 to enforce what the end user's going to do when they  
2 want to go out and enjoy the area you propose for  
3 them? Are they going to abide by rules? Am I going  
4 to have a trespassing problem? These are nuisance  
5 problems that need to be considered and are probably  
6 on everyone's minds.

7 We know why you're here. You have a  
8 motivation. You bought a piece of property.  
9 Unfortunately, agriculture is no longer a really  
10 profitable thing. I find it sad. I find it sad  
11 that the property we have here, which is very unique  
12 to this area -- I don't see a lot of property like  
13 it in this country. I go all over this  
14 country. I find it sad but, hey, you've got a right  
15 to put it on the table and try to push it through.

16 But I do believe your motivation is money, and  
17 don't take this personal. I'm not taking a shot at  
18 you. I state what I believe is true. I know I've  
19 worked for big developers in New York. I understand  
20 where you're coming from.

21 With all that said, I hope I've made some  
22 sense. I do believe that sufficient time should be  
23 made to consider everything that is about to happen,  
24 be it these five projects, be it one project alone.

1 And I think it's incumbent upon everyone in this  
2 room to do what they can to help and come to a  
3 solution that everyone is going to agree to. And if  
4 it does take some extra time, I hope that you will  
5 allow or recognize that, being that what you're  
6 going to build here is going to change where a lot  
7 of us have lived for our entire lives.

8 And I will state in 1992, my mother was ran  
9 over by a car on McChesney Avenue. It happens,  
10 okay? And I've worked in the industry for a long  
11 time. I've seen many things I wish I didn't see. I  
12 don't want to see that happen to anybody relative to  
13 something that wasn't properly thought out,  
14 something that wasn't properly planned, something  
15 that was pushed through.

16 I just hope that you realize what you're doing  
17 here and the effect it's going to have and our side  
18 of possibly needing more time to coordinate, more  
19 time to respond to what you're putting on the table,  
20 and you as well taking the time to make sure these  
21 comments are responded to in detail. Thank you.

22 SUPERVISOR HERRINGTON: Thank you.  
23 (Applause.)

24 MR. LANE: I'm going to be short and sweet.

1 My name is Mark Lane, 322 North Lake Avenue. I'm  
2 glad to hear about eliminating the exit on to North  
3 Lake. That's enough of a traffic jam there as it  
4 is, a raceway.

5 I don't really know where your project is going  
6 to come out, how close it comes to where I live, but  
7 I would prefer to see single-family homes in that  
8 area. I thought that that was stated in the last  
9 meeting that we had on this. I thought you would  
10 have come back with it. I think it would have a  
11 better chance of passing.

12 Everybody's made a lot of valid points tonight,  
13 so I'm not going to rehash any of that, but I think  
14 single-family homes are much more suitable for that  
15 piece of property. That's all. Thank you.

16 SUPERVISOR HERRINGTON: Thank you, sir.  
17 (Applause.)

18 SUPERVISOR HERRINGTON: Anybody else?  
19 Henry.

20 DR. SCARTON: Just a correction. Henry  
21 Scarton. I talked about air-handling units. I was  
22 mistaken. I meant condenser coils outside the  
23 house, not air-handling units; condenser coils.  
24 Sorry about that.

1 SUPERVISOR HERRINGTON: Thank you, sir.

2 MR. LUNDY: Eric Lundy, Colehammer Avenue. It  
3 appears to me that in all these public hearings,  
4 many of the people from the town have expressed an  
5 interest in having all these projects considered  
6 cumulatively and so far, I haven't heard or seen  
7 anything that shows that that's what's happening or  
8 being considered.

9 Now, it may be that it's being considered and  
10 it just hasn't been released yet. That, I don't  
11 know. But I would ask that it be considered that  
12 way. I would ask that the public hearing be held  
13 open and all the public hearings from all the  
14 projects be held open until such time that they can  
15 be posed together so the Board could handle the  
16 Final EIS cumulatively.

17 In addition, there's a gentleman that was in  
18 the back -- I don't know if he's still here -- who  
19 at the last public hearing, not for this project but  
20 I believe it was Herrington Hills --

21 SUPERVISOR HERRINGTON: Marini Hills..

22 MR. LUNDY: Marini Hills. He made a suggestion  
23 that instead of the mass housing project, that the  
24 Board consider other uses for the property. And he

1 came up with the idea of putting in hobby farms.  
2 Well, that sounds like a great idea. That keeps  
3 with the character of the town. That's what a lot  
4 of these people who are here really would like.  
5 That's one of the big reasons they're here. And if  
6 you put in hobby farms -- you know, I don't know how  
7 many -- you know, 15-acre farms and market them to  
8 people down from the City and you have Saratoga  
9 right here, well, wouldn't that help property  
10 values? Wouldn't that have less impact on traffic?  
11 Wouldn't that still give you the tax revenues that  
12 the Town apparently is seeking?

13 So, hopefully, these are issues that could be  
14 addressed when the Board does finally review this.  
15 Thank you.

16 SUPERVISOR HERRINGTON: Thank you.

17 (Applause.)

18 SUPERVISOR HERRINGTON: Anybody have anything  
19 new to say given the hour? Come on up.

20 MR. COLANGELO: My name is Vito Colangelo. I  
21 live at 377 Brunswick Road. I would like to make  
22 the following comment. I think that the Board has  
23 to consider all the projects together since the  
24 Board is aware at this time that all these projects

1 are ongoing.

2 Further, I think that the data is invalid. I'm  
3 now speaking to the traffic people, to any of the  
4 other people that are involved in the infrastructure  
5 development. It's invalid if you know that there  
6 are other projects ongoing not to consider those.  
7 Technically, you can't do it.

8 If I were building a system and I'm concerned  
9 about fluid flow, I couldn't consider each unit  
10 independent of the other units that are gonna be  
11 tied in. You simply can't do it. The numbers won't  
12 work. The numbers won't allow it. From an  
13 engineering standpoint, it's invalid and you know  
14 it's invalid.

15 It's all well and good to say we're going to  
16 look at this project and we're going to look at the  
17 impact of this project alone on traffic or any other  
18 aspects of it, but technically, it shouldn't be  
19 done. And the Board shouldn't permit it to be done  
20 since the Board is now aware of it. And, now, I'm  
21 speaking, I guess, to the attorney. It shouldn't be  
22 permitted. Thank you.

23 SUPERVISOR HERRINGTON: Thank you.  
24 (Applause.)

1 MR. BELL: Having come in late, I will now  
2 attempt a summary. My name is Leo Bell. I live at  
3 11 LedgeWood Drive, fairly new to the area. As I  
4 say, I was late.

5 I was just curious: Has anybody in this body  
6 tonight spoken in favor of this project? Anybody?  
7 Anybody other than the people with an immediate  
8 financial investment in this? One. That pretty  
9 much approximates the information I have.

10 I've talked to probably 120 or 130 people about  
11 these proposed developments. By eleven to one, they  
12 said, "Brunswick's going to grow; we know that. We  
13 don't want Brunswick to grow into Latham." We want  
14 as the last speaker suggested, some plan, some  
15 thought, some care. We cannot have an ad hoc  
16 proposal such as this.

17 I'm not terribly concerned about 50 acres, 30  
18 acres, piley woodpecker or whatever. What I  
19 am concerned about is the lack of a systematic plan  
20 approach to this. As long as we don't have that,  
21 the very reason we moved to Brunswick, the very  
22 reason we live in Brunswick disappears.

23 We just got to, Phil, we've got to have a plan,  
24 not this ad hoc kind of arrangement. My sense of

1 the group is they don't believe we should do it. I  
2 know the people I talked to don't believe we should  
3 do it. So I have to ask you all to please think  
4 very carefully; let's have a plan first.

5 SUPERVISOR HERRINGTON: Thank you.

6 (Applause.)

7 SUPERVISOR HERRINGTON: Anybody else? I'm not  
8 trying to cut you off here. Anybody have anything  
9 new?

10 MR. CHAUFFEY: My name is Joseph Chauffey,  
11 Jr., Fork Street, Brunswick. I've lived in  
12 Brunswick for over 40 years and I'm against this  
13 proposal. It's not appropriate for the town.  
14 It's overloading the present infrastructure. And  
15 for the idea that Route 7 should be enlarged or  
16 widened, you're talking at least \$50 million to go  
17 from River Street up to Best Road to add two more  
18 lanes. \$50 million. And that's gotta come from  
19 somewhere's. It's not coming from the people that  
20 are there or the people coming in.

21 Most of the figures -- I haven't read their  
22 paperwork. Most of the figures I believe are for  
23 them as best they can arrange it without really  
24 spilling the beans. The cheapest thing, of course,

1 is rural but everybody at this meeting is  
2 complaining about no planning and cumulative  
3 effects. And the only way to fight that or arrest  
4 that is to limit the number of these housing  
5 developments per square mile. Draw a line  
6 of -- draw the town up into districts, five square  
7 miles -- say one housing development per five square  
8 miles.

9 Now, under that plan, what we have is the  
10 Sycaway area, we're at the limit. So this thing  
11 would be tossed out. Most of the property in the  
12 Sycaway area, there's a problem. Very familiar  
13 with the Duncan family. There's a question about  
14 this property. But that's all I have to say.

15 There has to be some -- everybody wants to  
16 limit -- they don't want to lose what we have. They  
17 want to limit the cumulative effect. It's a  
18 repeated thing. The only way to do that is put a  
19 limit on the number of large developments per the  
20 area and have so much zoning for housing, turn to  
21 spacing and houses per square mile. You have to  
22 address the whole development as like one house and  
23 say one development per ten square miles or five  
24 square miles. That's all I have to say. Thank you.

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(Applause.)

SUPERVISOR HERRINGTON: Thank you. Andy, I wasn't at the last meeting. They said Mr. Poletto did a fine job. Somebody said you got up and summarized, made a statement. Is that true? I'm just trying to do everything proper here.

MR. GILCHRIST: First off, you should assure there are no additional public comments that anyone wants to make.

SUPERVISOR HERRINGTON: Are there any?

MR. GILCHRIST: Seeing or hearing none, yes, where we are in the process now is, again, the meeting or the reason for the special hearing was to accept comments from the public, from citizens within the town, adjoining municipalities and also other public agencies.

One thing that I think does get overlooked is the extensive coordination that this Board is undertaking with other public agencies on this, both at the municipal and the county, state and federal level. When notices go out regarding these projects, regarding public hearings, they go out not simply in the newspaper, on the web site and posted at Town Hall. And they don't go out just to the

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neighbors within 500 feet. They do go out to every agency that has to pass on some aspect of this project and the directed noticed when public hearings are occurring and when written comment periods will be at an end to ensure they have an opportunity to comment as well.

We've heard a lot about Route 7. Be aware that DOT has been involved in this review. Mark Gregory is consulting with them. We've had several meetings at DOT to address that. The comments -- I won't characterize them, but they have been limited coming from DOT. We're taking on the burden of looking at these issues about Route 7 traffic problems as well. So there is an extended effort at coordinating not just within the town but within all the public agencies that have to pass or approve or permit some aspect of these projects.

In the process of receiving these comments, the applicant needs to address them, needs to answer adequately and fully answer all the comments and questions that have been raised. Clearly, one of them that has been repeated throughout not only this public hearing but others are cumulative impacts.

This is something that this applicant as well

1 as the other applicants in the town will have to  
2 address and it's an issue that this Board will have  
3 to consider.

4 In order to move the process forward to get the  
5 additional information from the applicant, there is  
6 the need to close a public hearing. If you keep a  
7 public hearing open, there is no movement in the  
8 process and there is no legal requirement to turn to  
9 an applicant and say, "I want that information."

10 Under the SEQRA process, closing the public  
11 hearing then moves to the next step which is, yes,  
12 the transcript is being made, all the written  
13 comments are received, the applicant must analyze  
14 them in detail, list out all the comments received  
15 and fully and adequately respond to them in order  
16 for this Board to consider the adequacy of the  
17 project, the propriety of the project and whether or  
18 not to approve it, modify it or disapprove it. So  
19 we need to have that information from the applicant  
20 in order for this Board to then complete its job and  
21 to allow the Town's consultants to review that  
22 information.

23 So, procedurally, we're at the point where  
24 through the first public hearing and continuation

1 tonight, that has afforded members of the public to  
2 provide their comments. Now, it's up to the  
3 applicant to respond to these comments. And,  
4 procedurally, we're at the step where the Board  
5 should consider closing the public hearing.

6 UNIDENTIFIED PERSON: Mr. Herrington, I think a  
7 comment is in order. All the comments that Mr.  
8 Gilchrist has made -- and he knows the process, but  
9 the process he's engaging in is one that  
10 overwhelmingly the people here say is not a proper  
11 process, the process of considering one project  
12 individually. And those are the kinds of things  
13 that Mr. Gilchrist has commented on. That process  
14 is not an effective one for yielding a viable town.

15 What we need is a process in which there is  
16 input to a Master Plan for the Town. That has been  
17 said again and again and I urge the Board to listen  
18 to this public comment.

19 MR. BAILEY: I want to address here the concern  
20 that I have over my well and my neighbor's well, the  
21 water.

22 SUPERVISOR HERRINGTON: Get closer to the mike.

23 MR. BAILEY: It's not just the water runoff.  
24 The salt, the pesticides that are going to be used

1 all come down that hill towards my property. So I'm  
2 probably going to lose my well. I want that  
3 addressed for the site. That's all.

4 SUPERVISOR HERRINGTON: Have we closed the  
5 public hearing? That's what the Board chooses to  
6 do. Is there a written comment period to put input  
7 in?

8 MR. GILCHRIST: Again, SEQRA regs -- I'll  
9 respond to the comment about the process not being  
10 appropriate. We must follow the legal process on  
11 this application. A master planning process, which  
12 you made reference to, is not the process we're  
13 going through tonight. The process we're going  
14 through is a PDD application being subject to SEQRA  
15 review. And my counsel is making sure that this  
16 project is done in compliance with the SEQRA  
17 regulations.

18 A master planning and comprehensive planning  
19 effort is not what the Board is currently engaged  
20 in, just so that the record reflects that. The  
21 SEQRA regulations do say when a public hearing is  
22 closed, a written comment period must be established  
23 for a minimum of 10 days after the close of the  
24 public hearing. It's up to the discretion of the

1 Board, but you must have written comments after for  
2 at least a 10-day period.

3 SUPERVISOR HERRINGTON: Well, I'll make a  
4 motion that we close the public hearing and we keep  
5 the written comment period open for 20 days or --

6 COUNCILMAN SALVI: Fifteen working days.

7 SUPERVISOR HERRINGTON: Fifteen working days.

8 COUNCILMAN POLETO: I'll second that motion.

9 SUPERVISOR HERRINGTON: We have a motion and a  
10 second. All in favor.

11 UNIDENTIFIED PERSON: You've got more people  
12 that want to speak.

13 MR. GILCHRIST: The Board can listen until it  
14 acts on the motion.

15 MR. SCHMIDT: Ray Schmidt, 81 Liberty. I'm a  
16 little bit concerned about the timing. I'm just a  
17 wee bit concerned about timing. The weather was  
18 kind of sticky out tonight. There may be other  
19 people that want to show up but were afraid to show  
20 up because of the ice storm. I think the Board  
21 should take that into consideration. Also, 15  
22 working days is kind of tough for us. You know, we  
23 got jobs. I'm sure you do also. It took me five  
24 hours just on Saturday to write my response to the

1 previous development. I just got around to it on  
2 Saturday. So I would appreciate 20 working days or  
3 approximately four weeks. I think that would be  
4 reasonable for everybody to get on board and  
5 comment.  
6 SUPERVISOR HERRINGTON: Normally -- I mean, in  
7 the past where I've been involved, you had a public  
8 hearing, you listen and you close it. Then, there's  
9 a written comment period. What this Board has done  
10 is had a public hearing, comments, kept it open, had  
11 another public hearing. I don't believe the roads  
12 are bad tonight.  
13 UNIDENTIFIED PERSON: Yes, they were.  
14 SUPERVISOR HERRINGTON: Now, we've got written  
15 comment. I'm quite sure if I kept it open for  
16 another one, you wouldn't be happy then either.  
17 What I'm hearing then, Ray, is you'd like to have  
18 the comment period --  
19 MR. SCHMIDT: I think if you give 20 days,  
20 approximately four weeks, that would be reasonable.  
21 SUPERVISOR HERRINGTON: All right. So you're  
22 saying 20 --  
23 MR. SCHMIDT: Approximately 20 business days or  
24 approximately four weeks from now, approximately a

1 month, you know, that ballpark figure.  
2 COUNCILMAN SALVI: Twenty working days.  
3 SUPERVISOR HERRINGTON: I'll amend my motion.  
4 I'll make a motion to amend that comment period  
5 be for 20 working days. All in favor. The motion's  
6 been made and seconded. All in favor.  
7 (Affirmative responses.)  
8 MS. RUSSO: Barbara Russo, Colehammer Avenue.  
9 With all due respect to Mr. Gilchrist, under the  
10 SEQRA regulations, the Town Board does have the  
11 authority to keep the record open and to require a  
12 supplemental Draft EIS when it finds that the Draft  
13 EIS on the table is not sufficient.  
14 I believe that the residents of this town have  
15 made sufficient and adequate comments to show the  
16 inadequacy of the Draft EIS. They have not  
17 addressed several impacts and merely makes a  
18 statement that there was no significant adverse  
19 impacts in several respects.  
20 I put it on the Town Board. I believe it is  
21 your duty to hold this record open in order to  
22 require a supplemental Draft EIS so that the  
23 applicant can sufficiently address all of the Town's  
24 concerns and that then allows the residents to

1 adequately comment on the Draft EIS.  
2 The public tonight didn't really have the  
3 opportunity to comment on hard and true facts and  
4 data, because most of it just said no significant  
5 impacts.  
6 SUPERVISOR HERRINGTON: Thank you.  
7 (Applause.)  
8 MR. GILCHRIST: Just to let the record reflect,  
9 when you take a look at the SEQRA regs, the issue of  
10 a supplemental Draft EIS is if there's been a  
11 significant modification to the proposal or if that  
12 modification had not yet been addressed in the  
13 earlier DEIS.  
14 I understand people have issues with the  
15 content, the data, the adequacy and the correctness  
16 of the data presented. The vehicle for addressing  
17 that is the Final EIS. There has been a  
18 modification, but when reviewing the underlying  
19 DEIS, one of the alternatives presented was the 668  
20 units. They did come forward with a revised layout  
21 and that's why the visual assessment, the school  
22 district assessment -- because of the various school  
23 district property boundaries on the property, the  
24 revised cuts and fills, that information was

1 provided and supplemented in December.  
2 This Board has the discretion to say that that  
3 underlying DEIS, even though there's been  
4 disagreement with the content of it or the  
5 conclusions drawn by it, that it was complete. And  
6 there's been a modification and additional  
7 information on that modification was submitted.  
8 The vehicle for having all of these comments  
9 addressed now is the Final EIS.  
10 SUPERVISOR HERRINGTON: Thank you. Thank you,  
11 everyone.  
12 COUNCILMAN POLETO: I'll make a motion to  
13 close.  
14 COUNCILMAN POLETO: I'll second.  
15 SUPERVISOR HERRINGTON: All in favor.  
16 (Affirmative responses.)  
17 (WHEREUPON, at 9:47 o'clock, p.m., the public  
18 hearing was closed.)

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I, THERESA L. KLOS, Shorthand Reporter and Notary Public within and for the State of New York, do hereby CERTIFY that the foregoing record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

-----  
THERESA L. KLOS

Dated: February 5, 2006.

**Traffic-Related Comments and  
Responses**



17 COMPUTER DRIVE WEST ❖ ALBANY, NY 12205  
PHONE 518-446-0396 ❖ FAX 518-446-0397

# Memo

**To:** Bill Hoblock, Capital District Properties  
**From:** Tom Johnson/Alanna Moran  
**CC:**  
**Date:** May 26, 2006  
**Re:** Response to comments  
**Project:** Hudson Hills Residential Project; Project No. 04-142d.

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Discussed below are CME's responses to public comments received on this project:

**Introductory Note:** The Traffic Impact Study referenced herein is included in the DEIS as Appendix G. Included with the Traffic Impact Study as Appendix G is an Alternative Analysis that specifically analyzes, among other alternatives to the Original Plan of 1,116 total units with two access points, the Modified Plan of 668 total units with one access, Betts Road. In addition, section 3.5 of the DEIS is a detailed discussion of the traffic issues related to the Project including the existing road network, traffic patterns and volumes, sight distances, accident data, potential impacts and mitigation.

## General Traffic

1. *Comment:* The trip generation, distribution, and assignment of site traffic is reasonable. (August 17, 2005 letter from Mark Kennedy, Acting Regional Traffic Engineer, NYS Department of Transportation, p.1)

*Response:* Comment noted.

2. *Comment:* The main transportation issues expressed at the January 17, 2006 public hearing were: cumulative impacts, trip generation/density, development alternatives (i.e. hobby farms), cut-through/ neighborhood traffic issues, pedestrian issues, emergency vehicle access/response and construction traffic. (January 25, 2006 Mark Gregory, Transportation Concepts, LLP, p.1)

*Response:* Comment noted.

3. *Comment:* Discussions concerning 'spill-over' traffic are covered as a result of scoping and subsequent analyses results. (January 25, 2006 letter from Mark Gregory, Transportation Concepts, LLP, p.2)

*Response:* Comment noted.

4. *Comment:* 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. (January 25, 2006 letter from Mark Gregory, Transportation Concepts, LLP, p.1)

*Response:* Comment noted.

5. *Comment:* Pedestrian issues are best addressed by providing access to the extent possible to persons with disabilities. The increased density actually aids in securing more pedestrian accommodations, whereas rural pedestrian access is restricted due to the lack of warrants for pedestrian accommodations. (January 25, 2006 letter from Mark Gregory, Transportation Concepts, LLP, p.2)

*Response:* Comment noted.

#### **Traffic Patterns and Volumes (Route 7 & Betts Road)**

6. *Comment:* The proposed project would result in traffic that would be too great for the local infrastructure. The impact of this project will result in traffic delays and a higher risk of accidents. The increase in traffic will make it even harder for emergency vehicles to reach the scene of an accident. Is this project worth placing an additional 700 to 1,000 vehicles onto an already stressed Route 7? How will the Town cope with increase traffic on Hoosick Road? (Comments made at the August 3, 2005 by Donna Forster, McChesney Avenue, p.39, ln1-2; Susan Symanowitz, 416 North Lake Avenue, p.46, ln.1-12; Henry Scranton, 14 Kestner Lane, p.64, ln.2-9. Also see comments made at the January 17, 2006 public hearing by Rick O'Hern, Durham Road, Grafton, p.54, ln.18-p.56, ln.21; Joseph Chauffey Jr., Fork Street, p.129, ln.13-14. Also see August 5, 2005 email from Edward Golden, p.1; August 5, 2005 letter from Marcia and George Handleman, 6 Clinton Place, Troy, p.1; August 17, 2005 letter from Judith Breselor, Rensselaer County Department of Engineering and Highways, p.3; February 13, 2006 letter from Donna Forster, p.1; February 14, 2006 letter from Martha E. Walsh, 148 Brunswick Road, p.1-2; February 14, 2006 letter from Timothy Bollinger, 446 McChesney Avenue Extension, p.1; and April 6, 2005 letter from Rev. Dr. Charles W. Haynes & Susan B. Hoff-Haynes, 11 Westlane Road, p.1)

*Response:* The Traffic Impact Study shows that the Project, as modified and reduced in size from 1,116 units to 668 units, will have minimal traffic impacts at most intersections with improvements recommended at others. Thus the Project will not result in significant unmitigated increases in delays or degradation in levels of service based on industry standards and NYSDOT accepted analysis procedures. The Traffic Impact Study demonstrates that the road network is capable of handling the traffic volumes generated by the Project. Delays for emergency vehicles resulting from traffic generated by the Project are consequently not anticipated. The traffic volume projection for full build-out of the Modified Plan is 334 trips for the AM peak hour and 403trips for the PM peak hour, the critical hours for traffic analysis, not 700 – 1,000 vehicles as stated in the comment.

7. *Comment:* The modified proposal, which eliminates the North Lake Avenue access, will result in greater traffic on Betts Road, won't it? The one entrance to a large apartment community, with 1200 and 1400 cars, will only further compound the congestion problem on Route 7. (Comments made at the January 17, 2006 public hearing by Norman Fivel, Wilrose Lane, p.37, ln.19 – p.38, ln.9. Also see February 13, 2006 letter from Donna Forster, p.2; February 13, 2006 letter from Residents of Betts Road and Wilrose Lane, p.2)

*Response:* Eliminating the access to North Lake Avenue will result in higher traffic volumes on Betts Road and at the Route 7/Betts Road intersection however, the estimate of 1,200 and 1,400 cars presented in the comment is incorrect. As discussed in the Traffic Impact Study, the traffic volume projection for full build-out of the Project under the Modified Plan is 334 trips for the AM peak hour and 403 trips for the PM peak hour, the critical hours for traffic analysis. As discussed in section 2.3.6 of the DEIS, Betts Road will be improved. It is also recommended to install a traffic signal at the intersection of Route 7 and Betts Road after phase II and before completion of phase III, but not until such time that traffic volumes satisfy one or more signal warrants.

8. *Comment:* Is there enough mitigation to help traffic at the Route 7/Betts Road intersection? (Comment made at the January 17, 2006 public hearing by Norman Fivel, Wilrose Lane, p.38, ln.6-9)

*Response:* Yes. See the response to Comment 7.

9. *Comment:* The proposed traffic light at the Betts Road and Route 7 intersection will cause further traffic congestion. (Comment made at the January 17, 2006 public hearing by Norman Fivel, Wilrose Lane, p.38, ln.6-9)

*Response:* While traffic on Route 7 would now be subject to stop conditions at the proposed signalized intersection, delays to Route 7 will be minimal with levels of service at A and B as shown in Chapter IV of the Traffic Impact Study, which are considered to be excellent and very good operating conditions.

10. *Comment:* 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 1400 more cars from the apartments. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.6)

*Response:* See the response to Comment 7.

11. *Comment:* 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. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.17)

*Response:* Comment noted. As analyzed in the Traffic Impact Study, the Project, as modified and reduced in size from 1,116 units to 668 units, will have minimal traffic impacts at most intersections with improvements recommended at others. The Project will not result

in significant unmitigated increases in delays or degradation in levels of service based on industry standards and NYSDOT accepted analysis procedures. The Traffic Impact Study demonstrates that the road network is capable of handling the traffic volumes generated by the Project. Proposed construction in the City of Troy is unrelated to the Project.

12. *Comment:* There are already too many housing developments. In the Sycaway - Center Brunswick – Eagle Mills area there is nine housing developments. All this housing, plus Wal-Mart, etc. has increased the local portion of Route 7 auto traffic and has let to road congestion during peak hours. (January 22, 2006 letter from Joseph Cioffi Jr., 23 Norfolk Street. p.1)

*Response:* Comment noted. See the response to Comment 11.

13. *Comment:* The transportation infrastructure needed for large developments does not exist. Route 7 has served as a rural secondary state road from Troy to Vermont for many decades and has been successful. It's not a road exclusively for Brunswick, thus Brunswick has no right to take the road capacity all for itself. (January 22, 2006 letter from Joseph Cioffi Jr., 23 Norfolk Street. p.1)

*Response:* Comment noted. See the response to Comment 11. Also, Route 7 is not a rural secondary state road. Route 7 is classified as an Urban Principal Arterial whose function is to carry large traffic volumes within and through urban areas. It also serves major areas of activity and carries a high proportion of the area's traffic.

14. *Comment:* Several roads into the PDD would be much more conducive to integrating the PDD with Brunswick. (February 3, 2006 letter from Louis Hutter, p.3, comment 5)

*Response:* The access road to North Lake Avenue has been removed from the Project plan at the request of the public. All site traffic will be adequately accommodated from the proposed access. It should be noted that the emergency access to Lord Avenue remains as part of the Project.

15. *Comment:* A traffic signal is needed at the intersection of Route 7/Betts Road, will the developer either purchase or work with NYSDOT for the proposed traffic signal and the recommended stop sign on the approach to the North Lake Avenue? (August 17, 2005 letter from Judith Breselor, Rensselaer County Department of Engineering and Highways, p.2. Also see comment made at the January 17, 2006 by Barbara Russo, Colehammer Avenue, p.95, ln.12-14)

*Response:* Should a traffic signal be required as a result of a development project, the purchase and installation of the signal would be the responsibility of the developer. The access road to North Lake Avenue has been eliminated from the Project.

16. *Comment:* 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? Who is responsible for monitoring the Betts Road/Route 7 intersection for potential improvements? (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.3, 25)

*Response:* As analyzed and discussed in the Traffic Impact Study, Phases I and II of the Project can be built without highway improvements or traffic signal installation to facilitate

traffic flow to and from the site. After Phase II, the intersection of Route 7 and Betts should be monitored by the Applicant at its cost to determine if a signal is to be installed. A traffic signal warranted by the Project would be at the cost of the Applicant. Following the implementation of any improvements, the costs, as now undetermined, associated with maintenance rests with the applicable governmental authority (i.e. New York State, Town of Brunswick, etc.).

17. *Comment:* 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 to the NYS Department of Transportation for review. A sketch showing where the intersection sight distance was measured from for Betts Road looking east must be submitted. (August 17, 2005 letter from Mark Kennedy, Acting Regional Traffic Engineer, NYS Department of Transportation, p.2)

*Response:* The levels of service F and E cited in the comment do not occur until the final phase of the Modified Plan, not the earlier phases, as shown in Chapter IV of the Traffic Impact Study. Improvements to Betts Road at Route 7 and Route 7 at Fifteenth Street are not required for earlier phases. Therefore, sketches depicting these improvements are premature at this time.

The intersection sight distances presented in the Traffic Impact Study were taken from a point 14.5 feet from the edge of the pavement in accordance with AASHTO guidelines. The intersection sight distances at the location of the stop bar, located 20 feet from the edge of pavement, is restricted as noted in the comment. A vehicle would first stop at the stop bar and then proceed to the point at 14.5 feet from the edge of pavement and would have sufficient sight distance looking east. A sketch of the measuring points is attached.

- 17a. *Comment:* The compounding effects of development throughout Brunswick and vicinity should not be ignored. Brunswick Smart Growth 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 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 at various intersections. Brunswick Smart Growth recommends the following intersections be part of the study:

- Route 7 and 8<sup>th</sup> Street, Oakwood Avenue, 15<sup>th</sup> Street, Burdett Avenue, North Lake Avenue, Otsego Avenue, Coolidge Avenue, Lord Avenue, Price Chopper Plaza/Mohawk Avenue, McChesney avenue (western end), Grange Road (Co. Rte. 142), Town Office Road (Co. Rte. 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 (Co. Rte. 1333), Brick Church Road (Rt. 278), Farm to Market Road and Blue Factory Hill Road;
- McChesney Avenue Extension (Co. Rte 134) and McChesney Avenue, Town Office Road (Co. Rte. 135), and Moonlawn Road (Co. Rte. 133);
- Brick Church Road (Rt. 278) and Route 7, Moonlawn Road (Co. Rte. 133); Tamarac Road (Co. Rte. 129) and Route 2;
- North Lake Avenue (Co. Rte. 144); and Route 7, Frear Park Road, Liberty Road, Miller Lane, and Grange Road (Co. Rte. 142);

- Route 142 and Oakwood Avenue (Rt. 40), Leversee Road (Rt. 40), Plank Road (Co. Rte. 128), Liberty Road, Miller Lane, North Lake Avenue and Hoosick Road (Route 7);
- Oakwood Avenue (Rt. 40) and Hoosick Street (Route 7), Frear Park Road, Farrell Road, and Route 142;
- Garfield Road (Co. Rte. 137) and Spring Avenue Extension (Rt. 355); and
- Creek Road (Co. Rte. 139) and Spring Avenue Extension (Co. Rte. 130).

(February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.18-19)

*Response:* A comprehensive town-wide traffic study is not required to be undertaken by the Applicant under the State Environmental Quality Review Act to determine the potential traffic related impacts of the Project. The parameters of the Traffic Impact Study were defined in consultation with the Town and NYSDOT, and study was performed in accordance with best and accepted traffic engineering standards. The result is a thorough study addressing the traffic impacts of the Project. Furthermore, the Traffic Impact Study did include other development in the Project's extensive study area as presented in Chapter III of the Traffic Impact Study.

18. *Comment:* The poor level of service expected at peak hours on the Betts Road approach to NYS Route 7 for Phase II should not be considered acceptable. The southbound approach of Betts Road has a level of service (LOS) which is unacceptable and should be mitigated by the construction of separate southbound left and right turn lanes when it is widened by the developer in Phase I. (August 17, 2005 letter from Mark Kennedy, Acting Regional Traffic Engineer, NYS Department of Transportation, p.1. Also see February 13, 2006 letter from Residents of Betts Road and Wilrose Lane, p.1)

*Response:* As shown in the Traffic Impact Study, the level of service cited in the comment does not occur until the final phase of the Modified Plan, not the earlier phases. Therefore, any mitigation measures (turn lane, traffic signal, etc.) are not required until that time.

In addition, at full build-out of the Modified Plan (668 total units), the intersection of Route 7/Betts Road will satisfy the Peak Hour Warrant for installation of a traffic signal for both the AM and PM peak hours. Even if separate turn lanes were installed in place of the signal, the Betts Road approach would operate at levels of service E and F. It is recommended to install a traffic signal at this intersection at that time.

19. *Comment:* Betts Road is not wide enough to accommodate the increase in traffic. What are the proposed specifications of the new road, including pedestrian accommodations? Are turning lanes proposed for Betts Road, based on the modified plan with Betts Road as the only point of access? (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.7, 24. Also see comment made at January 17, 2006 public hearing by Barbara Russo, Colehammer Avenue, p.95, ln.9-12)

*Response:* See the response to Comments 7. Betts Road currently provides one lane of travel in each direction which is sufficient to accommodate the Project. However, as discussed in section 2.3.6 of the DEIS, Betts Road will be improved at the Applicant's cost. Widening of Betts Road at the intersection of Betts Road and Route 7 is not required as presented in Chapter IV of the Traffic Impact Study. The specifications regarding improvements to Betts Road will be done during the final design phase of the improvements.

20. *Comment:* The plan to have the Betts Road/Rte 7 intersection "monitored at the completion of Phase II for future installation of a traffic signal" does not adequately alleviate the adverse impact. (February 13, 2006 letter from Residents of Betts Road and Wilrose Lane, p.2)

*Response:* Monitoring an intersection's operations and traffic volumes for the installation of a traffic signal is an acceptable traffic engineering mitigation measure. Monitoring provides the answers and solutions for alleviating adverse impacts, if any.

21. *Comment:* A completely new highway is needed to bypass Hoosick Street (similar to the Bennington Bypass). (January 19, 2006 letter from Edward Boughton, 551 McChesney Ave. Ext., p.1)

*Response:* Comment noted. No further response is warranted.

22. *Comment:* The Town of Brunswick needs two additional travel lanes in the approximately 3.5 mile section of Route 7, Hoosick Street, east of Lake. (January 27, 2006 e-mail from Dr. Henry A. Scarton, p.1)

*Response:* Comment noted. No further response is warranted.

### **Traffic Patterns and Volumes (Secondary Roadways)**

23. *Comment:* Will there be increased traffic on North Lake Avenue as a result of the left turning lane on Fifteen Street? (Comment made at January 17, 2006 public hearing by Susan Haynes, 11 Westlane Road, p.68, ln.13-p.69, ln.14)

*Response:* North Lake Avenue and Fifteenth Street are almost one mile apart. Traffic increases on North Lake Avenue are therefore not anticipated. Moreover, traffic increases on North Lake Avenue in general as a result of the Project will be minimal since the access road to North Lake Avenue has been removed from the Project plan.

24. *Comment:* What will be the impact of vehicle traffic using side streets and secondary roads to avoid the traffic on Route 7, even though the North Lake Avenue entrance has been eliminated in the modified proposal? North Lake Avenue and the other secondary roads are already congested and dangerous. (Comment made at the January 17, 2006 public hearing by Susan Haynes, Westlane Road, p.68, ln.15-p.69, ln.14; Judy Armstrong, 172 North Lake Avenue, p.80, ln. 5-14; Mike Keenan, 43 Madonna Lake Road, p.87, ln.10-18; Ray Schmidt, 81 Liberty Road, p.100, ln.4-19; Mark Lane, 322 North Lake Avenue, p.124, ln.3-4. Also see August 2, 2005 letter by Judith Armstrong, 172 North Lake Avenue, p.1-2; February 14, 2006 letter from Kathy Betzinger and Phil Nicholas, 1 Valley View Drive, p.2; February 14, 2006 letter from Jack and Marianne Derrick, p.1; February 14, 2006 letter from Raymond Schmidt, 81 Liberty Road, p.1; December 31, 2004 letter from Donald and Susan Symanowicz, 416 N. Lake Ave. p.1-2.; January 19, 2006 letter from Edward Boughton, 551 McChesney Ave. Ext., p.1)

*Response:* The traffic volume increases on side streets and secondary roads from the Project will be minimal, on the order of 25 to 40 vehicles per hour in the peak hour as shown in Chapter III of the Traffic Impact Study. NYSDOT guidance indicates that adding less than 100 vph to an approach will have minimal traffic impacts; therefore, the Project will have only minimal traffic impacts on side streets and secondary roads.

25. *Comment:* Allowing a large residential development to use North Lake as an ingress/egress would be extremely irresponsible. North Lake was never planned to handle heavy traffic. (January 5, 2005 letter from Gerald J. and Susan Dollar, 314 N. Lake Ave., p.1)

*Response:* The access road to North Lake Avenue has been removed from the Project plan.

26. *Comment:* The County will require that the Developer provide a specific proposal for the construction of a safe intersection at the North Lake Avenue intersection prior to approving final plans. (August 17, 2005 letter from Judith Breselor, Rensselaer County Department of Engineering and Highways, p.2)

*Response:* The access road to North Lake Avenue has been removed from the Project plan.

27. *Comment:* How will the Town cope with increased traffic on North and South Lake Avenues, Liberty Road, Route 142, Route 278, and Route 2? (April 6, 2005 letter from Rev. Dr. Charles W. Haynes & Susan B. Hoff-Haynes, 11 Westlane Road, p.1)

*Response:* See the response to Comments 24 and 25.

28. *Comment:* At full occupancy, there will be at least 1,500 more cars in the area. A connector road between Route 7 and North Lake Avenue will not benefit residents of North Lake Avenue, but instead increase the amount of traffic that will try to bypass Hoosick Street by cutting through North Lake Avenue. (December 31, 2004 letter from Donald and Susan Symanowicz, 416 N. Lake Ave. p.1)

*Response:* The estimate of 1,500 cars presented in the comment is incorrect. As discussed in the Traffic Impact Study, the traffic volume projection for full build-out of the Project under the Modified Plan is 334 trips for the AM peak hour and 403 trips for the PM peak hour, the critical hours for traffic analysis. The access road to North Lake Avenue has been removed from the Project plan thereby eliminating a connector road between Route 7 and North Lake Avenue.

### **Trip Generation Projections and Traffic Impact Study Methodology**

29. *Comment:* The pertinent land use code (LUC) tables from the Institute of Transportation Engineers publication *Trip Generation* and should be attached to the FEIS. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p. 23)

*Response:* The applicable LUC tables are attached.

30. *Comment:* The trip generation projections utilized a method used for urban areas. Hudson Hills is proposed in a suburban/rural area, which has limited public transportation, and therefore the projected number of private automobile trips will be greater. (August 17, 2005 letter from Judith Breselor, Rensselaer County Department of Engineering and Highways, p.1-2)

*Response:* Trip generation estimates presented in Chapter III of the Traffic Impact Study are based on industry standards using the Institute of Transportation Engineer's handbook, *Trip Generation*. Data contained in this handbook is based on studies from a variety of environment settings, including urban, suburban, and rural areas. The trip generation as presented is accurate for this Project. Also, it should be noted that the trip generation calculations for the Project have been accepted by NYSDOT.

31. *Comment:* The traffic forecasts assume one automobile per unit because empty nesters will be living in the apartments, but empty nesters have two cars. Wouldn't two cars per unit be a more reasonable assumption? Most families have two cars now. The Automobile Association estimates that there are three cars per household. Won't there be twice as much traffic congestion? The traffic impact study and proposed mitigation must be redone

using a realistic projection of number of vehicles per unit. (Comments made at the January 17, 2006 public hearing by Norman Fivel, Wilrose Lane, p.38, ln.10-p.39, ln.8; Barbara Russo, Colehammer Avenue, p.95, ln.17-24; Martha Walsh, 148 Brunswick Road, p.84, 16-23. Also see February 14, 2006 letter from Jack and Marianne Derrick, p.1; February 13, 2006 letter from Residents of Betts Road and Wilrose Lane, p.2; February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p. 22)

*Response:* See the responses to Comment 1 and 30.

32. *Comment:* Does the modified proposal still project 338 cars during morning peak and 420 cars in afternoon peak? Why do the traffic projections show that 112 more cars will come into the apartments during peak evening hours than go out during peak morning hours? Is all that traffic projected to be using only Route 7? (Comment made at the January 17, 2006 public hearing by Martha Walsh, 148 Brunswick Road, p.84, ln. 24 – p. 85, ln. 2; Mike Keenan, Madonna Lake Road, Grafton p.86, ln. 5 – p.87, ln.9)

*Response:* At full build-out of the Modified Plan (668 units), the Project will generate 334 trips in the AM peak hour and 403 trips in the PM peak hour. There are more trips generated in the PM peak hour than the AM peak hour as studies have shown that more trips are made during the PM peak due to more trip options available at that time (i.e., trips to/from retail uses). All traffic will access Route 7 from Betts Road as the access road to North Lake Avenue has been removed from the Project plan.

33. *Comment:* Did the traffic study show worst-case scenario? Was the traffic study performed when the town beach was open or during fall foliage season? Does it take into account the increase in traffic that will result from other proposed projects in the area (e.g. Wal-Mart)? Does it utilize recent traffic count data? The traffic projections are flawed because the assessment of existing traffic conditions are not correct and because the DOT sampling data is old and from before the Route 7 reconstruction. (Comment made at the August 3, 2006 public hearing by Tony Kestner, 16 Woodhill Lane, p.23, ln.14-17; Vito Grasso, Pinewoods Avenue, p.31, ln.12-20; Norman Fivel, Wilrose Lane, p.35, ln.18 – p.36, ln.19; Mike Ryan, Wilrose Lane, p.80, ln.18-p.83, ln.12. Also see comments made at the January 17, 2006 public hearing by Jim Tkacik, 387 Brunswick Road, p.70, ln.3 – p.78, ln.13; Mike Keenan, 43 Madonna Lake Road, Grafton, p.87, ln.19-p.89, ln.12; and February 14, 2006 letter from Kathy Betzinger and Phil Nicholas, 1 Valley View Drive, p. 2)

*Response:* As noted in NYSDOT's comments received on the Project, the trip generation, distribution, and assignment of site traffic is reasonable. In addition, the traffic study analyzed the AM and PM peak hours, those times of the day most impacted by the project (i.e. "worst-case scenario). A worst-case scenario was further analyzed because the Traffic Impact Study assumes that the Project would be occupied by "average" tenants, most of which will commute to work each day during the peak hours. However, if the Project is occupied by a significant number of empty-nesters, as anticipated, then the Traffic Impact Study presents a worst-case scenario because typically empty-nesters do not commute to work each day during the peak hours. The figures in the Traffic Impact Study were not altered to account for this specific type of expected resident and anticipated decrease in traffic impact.

The traffic volumes were adjusted to account for seasonal variations in traffic flows using NYSDOT adjustment factors. The study does include traffic volumes from other projects in the area, and the study does use recent traffic count data collected by the Applicant's engineers.

34. *Comment:* 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. It is questionable not only because the construction phase restricted roadway capacity and thus may have affected vehicle columns, but also because roadway traffic almost always increased 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 that "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 basis 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 Annual Average Daily Traffic (AADT) 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 (Co. Rte, 134) and Route 142 has a forecasted volume of 16,990 vehicles per day, while the estimate for the adjoining segment to the west (15<sup>th</sup> Street to Troy City line) is 25,394. The destinations in Brunswick of this difference, which approximately 8,500 vehicles a day, should be accounted for. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.16)

*Response:* At the time the traffic data was collected for this study, there was no construction activity going on that restricted the flow of traffic and they are an accurate representation of traffic flows at the study intersections. It is noted that the traffic volumes contained in NYSDOT's Traffic Volume Report are not used for intersection capacity analyses. Intersection counts collected by the Applicant's engineers in 2005 that are described in Chapter II of the Traffic Impact Study are used in the analysis and they account for traffic flow patterns in Brunswick.

35. *Comment:* The Local Highway Traffic Volume Report for Rensselaer County, currently posted on NYSDOT's website, lists the Annual Average Daily Traffic 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. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.17)

*Response:* Comment noted. The study area was defined in consultation with the Town and NYSDOT. The traffic impacts associated with the Project have been adequately addressed in the Traffic Impact Study.

36. *Comment:* The intersection 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 (Co. Rte. 135) and Brick Church Road (Rt. 278) not included? This is particular perplexing in that the Route 7 intersection with McChesney Avenue (eastern end) was sampled in February 2005 by CME as part of the Highland Creek

DEIS. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.19)

*Response:* The study area was defined in consultation with the Town of Brunswick and NYSDOT. Traffic counts are not required to be collected concurrently. When there are an extensive number of intersections to count, as for this Project, it is typical that the intersections are counted over several days. The industry standard for studying impacts of residential developments includes the weekday morning and afternoon peak hours. These time periods coincide with typical commuter hours and represent the time period when travel in and out of the residential neighborhood will be the highest as will traffic on the adjacent roadway network.

Ten separate intersections were studied and analyzed in the Traffic Impact Study. The determination of what intersections were to be studied (i.e. potential for significant impact) was made after following industry standards and NYSDOT guidelines, including the 100 trip threshold. The greatest potential for increased traffic volumes generally occurs closest to the site. The intersections noted in the comment are located to the east of the project site where traffic volume increases from the Project will be minimal and there will be no impacts to those intersections.

37. *Comment:* Regarding the traffic impact study, 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? (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.19)

*Response:* Traffic volumes at all locations, including Route 7 in the vicinity of Betts Road, were seasonally adjusted.

38. *Comment:* With regard to the Highland Creek project, trip generation and assignment for the carriage homes was not accurate. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p. 20-21)

*Response:* The Comment does not pertain to this Project.

39. *Comment:* What is the basis for the trip distributions and assignments in the traffic study? Analyses should be performed whereby all traffic from the project goes in one direction. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p. 22-23)

*Response:* Trip distributions and assignments are based on existing travel patterns in the area in conjunction with the location of employment centers. The scenario of all traffic to/from the project traveling in only one direction is illogical and unrealistic. Consequently, an analysis of this scenario is not required.

40. *Comment:* Analyses based on ten and twenty year estimated years of completion for the project should be performed. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p. 23)

*Response:* Estimated years of completion of construction must be realistic in order for the projections and analyses in the Traffic Impact Study to be accurate and realistic. Realistic estimated years of construction were used in the Traffic Impact Study.

41. *Comment:* 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 are no assurances that such a low growth rate is reflective of 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 experience by Brunswick residents along Route 7 is quite unsatisfactory due to high traffic levels and low traffic speeds. These conditions have continued unabated even after 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 more recent sampling year:

- 6.6% on the Route 2 segment between Rt. 351 Jct. & Grafton State Park;
- 1.2% on 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 determine and used. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.19)

*Response:* The application of the background growth rate of 1% per year is appropriate. Comments received from NYSDOT and the Town of Brunswick Traffic Engineer did not refute the growth rate used in the Traffic Impact Study.

42. *Comment:* 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 2,000 vehicles over this same period (33% 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 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. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.17)

*Response:* The statement that the comment is "one possible interpretation" is noted. See also the response to Comments 17a and 41.

43. *Comment:* What does it mean in the traffic study that an intersection will operate "adequately" and the level of service is "acceptable". (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p. 20-21)

*Response:* In describing the intersection operating conditions and levels of service in the Traffic Impact Study, the terms "adequately" and "acceptable" as used to indicate those

locations where traffic impacts from the Project are minimal and no improvements are needed.

44. *Comment:* Regarding the traffic study, 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 of 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 in 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, 7<sup>th</sup> Edition for the Peak Weekday Hour of Adjacent Street Traffic yields:

108 vehicle trips in AM (33.25 SF (1000) x 3.25 vehicles/SF (1000)) and  
347 vehicle trips in PM (33.25 SF (1000) x 10.45 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? ? (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.20)

*Response:* It is standard and accepted traffic engineering procedure to include traffic volumes from other developments for the No-Build condition, as was done in the Traffic Impact Study. Trips associated with the proposed residential development and the redevelopment of the Grand Union building were estimated using ITE *Trip Generation*. The trip estimates were adjusted for pass-by trips where appropriate and distributed to the study area network. Trips associated with the residential development were distributed based upon the regional distribution used for the Project. Trips associated with the redeveloped Grand Union building were distributed based upon the traffic volumes collected at the Wal-Mart driveway during the PM peak hour showing relatively balanced arrivals and departures from the east and west on Route 7. Distributions at additional study area intersections were developed based upon the existing travel patterns in the area.

### **Hoosick Street Phase II Corridor Plan**

45. *Comment:* Is there designated funding for the proposed improvement of the Fifteenth Street Intersection, and what will be the impact on traffic if the City of Troy is unable to develop this concept due to lack of funding? (August 17, 2005 letter from Judith Breselor, Rensselaer County Department of Engineering and Highways, p.2)

*Response:* There is no funding at the present time for implementation of the left turn lanes on Hoosick Street as recommended in the city’s Hoosick Street Phase II Corridor Plan.

However, the city is looking to pursue the project and funding as part of its revitalization plan for the corridor.

It is noted that the Project has been reduced in size from 1,116 units to 668 units, and, therefore, the traffic impacts in the corridor of the Project at build-out are significantly reduced. This reduced number of units corresponds to the completion of phases I and II of the Applicant's Original Plan, as contained in the Traffic Impact Study. The phases of the Modified Plan are as follows: Phase I at 248 units; phase II at 228 additional units; and phase III at an additional 192 units for a total build-out of 668 units. Phases I and II of the Modified Plan will add less than a total of 100 vehicles per hour (vph) on an approach at the city intersections. NYSDOT guidance indicates that adding less than 100 vph to an approach will have minimal traffic impacts; therefore, this Project will have only minimal traffic impacts on Hoosick Street.

At 668 units (Phase III), the intersection of Route 7/15<sup>th</sup> Street will see a minimal increase in delay for the westbound approach in the AM peak hour. During the PM peak hour, the overall level of service will drop from D to E due to an increase in delay on the eastbound approach of Route 7. It was noted in Chapter IV of the Traffic Impact Study that the addition of the left turn lanes on Route 7 from the Hoosick Street Phase II Corridor Plan will improve the levels of service. In lieu of these improvements, the addition of a right turn lane on the eastbound approach will improve the level of service to D conditions. However, the amount of traffic added to this approach from the Project is less than 9% of the approach volume, and this approach will experience congestion even without the Project. Therefore, if the proposed improvement of the Fifteenth Street intersection has not occurred by the completion of Phase III, the applicant is willing to contribute, at that time, to the funding of an improvement at this intersection, but is not responsible for funding an entire improvement due to the minimal traffic increases from the Project.

46. *Comment:* Phases III and IV should not be built until the Hoosick Street improvements in Troy are in place. At this time, there is no funding for the Hoosick Street improvements and the plans cited are expected to be carried out in the long term. (July 7, 2005 letter from Robert L. Pasinella, Director, Rensselaer County Dept. of Economic Development and Planning, p.1)

*Response:* Phases III and IV of the Original Plan have been removed in their entirety, thereby resulting in the Modified Plan.

47. *Comment:* The developer will be responsible for mitigating the impacts to the Route 7 approach to Fifteenth Street if the improvements are not implemented by the City of Troy. The Traffic Impact Study must be revised to this effect and the SEQRA findings must also reflect this. (August 17, 2005 letter from Mark Kennedy, Acting Regional Traffic Engineer, NYS Department of Transportation, p.2)

*Response:* Comment noted. See the response to Comment 45.

- 47a *Comment:* Is it not true that the Hoosick Street Phase II Corridor Plan will increase traffic volumes in Brunswick? (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.3)

*Response:* It is possible that the Hoosick Street Phase II Corridor Plan will increase traffic volumes in Brunswick; however, that endeavor is unrelated to the Project.

48. *Comment:* 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 maintenance of any such improvements, and who is responsible for such maintenance costs? What time schedule is anticipated for this mitigation? (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.3)

*Response:* See the response to Comment 45.

### **Emergency Traffic**

49. *Comment:* Is the developer prepared to develop Belair Lane for emergency use, and if so, at which construction phase will it be completed? (August 17, 2005 letter from Judith Breselor, Rensselaer County Department of Engineering and Highways, p.2)

*Response:* No improvements to Belair Lane are proposed as part of the Project plan.

50. *Comment:* Will only one access road entering onto Route 7, which potentially may be shared with Wal-Mart impact response times by ambulance, fire trucks and police? One access road is inadequate. (February 13, 2006 letter from Donna Forster, p.2; Also see February 3, 2006 letter from Louis Hutter, p.1, comment 1)

*Response:* An emergency access is provided to Belair/Lord Avenue.

51. *Comment:* A locked access road is inadequate for secondary emergency access because the unused road will not be plowed and the road and gate will not receive the necessary maintenance. (February 3, 2006 letter from Louis Hutter, p.2, comment 5)

*Response:* The emergency access will be properly maintained by the Applicant.

52. *Comment:* If the North Lake connection is not built, how will the response time of emergency services be affected, especially when traffic is heavy on Hoosick Road? (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.30)

*Response:* The access road to North Lake Avenue has been removed from the Project plan. The Traffic Impact Study has demonstrated that there will be minimal increases in delays to the intersections in the Hoosick Road corridor as a result of the Project; therefore, emergency response times will not be adversely impacted.

53. *Comment:* 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? (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.30)

*Response:* Emergency services will have access via a code or key, depending on the specific type of emergency gate utilized.

54. *Comment:* What will be the emergency response time on Hoosick Street and Betts Road due to the combined traffic from Hudson Hills, Highland Creek and the Wal-Mart Supercenter? (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.30)

*Response:* The Traffic Impact Study has demonstrated that there will be minimal impact on the level of service (including delay time) to the existing proximate road network as a result of the Project; therefore emergency response time will not be adversely impacted. The Applicant is not the sponsor of the other unrelated project and need not include other unapproved or yet to be proposed projects in its analysis in order to avoid over-estimating potential impacts. However, the Traffic Impact Study contains a Sensitivity Cumulative Analysis involving potential cumulative impacts of the Project and the Wal-Mart facility proposed adjacent to the Project.

55. *Comment:* 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 hour? 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? (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p.30)

*Response:* The Traffic Impact Study has demonstrated that there will be minimal increases in delay to the intersections in the Hoosick Road corridor and the surrounding road network as a result of the Project; therefore emergency response times will not be adversely impacted. A further response is not required.

56. *Comment:* 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 recommended and there are several options that are available to ensure that 'cut-through' traffic is restricted. (January 25, 2006 letter from Mark Gregory, Transportation Concepts, LLP, p.2)

*Response:* The secondary access to North Lake Avenue has been eliminated due to public opposition. However, a secondary emergency access on Belair/Lord Avenue remains.

### **Construction Traffic**

57. *Comment:* Has the impact of the traffic resulting from construction vehicles been considered? (Comment made at the January 17, 2006 public hearing by William Joyce, III, 13 Wyman Lane, p.120, ln.3-15)

*Response:* Yes. The entrance to the Project, Betts Road, is located on NYS Route 7, an Urban Principal Arterial whose function is to carry large traffic volumes. Construction vehicles will access the site to/from this road. Access via this main corridor will decrease the potential impact of construction traffic on secondary roads. In addition, the access road to North Lake Avenue has been removed from the Project plan, further reducing the impact of construction vehicles on secondary local roads. Furthermore, all permits related to construction traffic will be obtained through NYSDOT.

58. *Comment:* What will be the impact of construction vehicles be on secondary roads? (February 14, 2006 letter from Raymond Schmidt, 81 Liberty Road, p.1)

*Response:* See the response to Comment 57.

59. *Comment:* Construction related comments are best handled as site approval conditions, which would stipulate what is required from the applicant. Significant construction traffic would otherwise be permitted by way of a permit through NYSDOT, which could include peak period restrictions. (January 25, 2006 letter from Mark Gregory, Transportation Concepts, LLP, p.2)

*Response:* Comment noted.

60. *Comment:* How will construction traffic be handled on Betts Road. (February 14, 2006 letter from Rebecca J. Kaiser, President, Brunswick Smart Growth, p. 24)

*Response:* See Comment 59 from the Town Traffic Engineer Mark Gregory of Transportation Concepts, LLP.

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MARSHALL'S  
AUTOBODY REPAIR

STONE WALL  
SIDEWALK

RESTRICTED  
SIGHT DISTANCE  
SUFFICIENT  
SIGHT DISTANCE

BETTS RD

20'

14.5'

STOP

BMW  
MOTORCYCLE  
DEALERSHIP

NY RT 7

SIDEWALK



SIGHT DISTANCE

HUDSON HILLS  
TOWN OF BRUNSWICK, NEW YORK  
RENSSELAER COUNTY



PROJECT: 04-142d

DATE: 5/06

FIGURE: 1

E:\projects\04-142d\03\fig01.dwg 10/31/06

# Apartment (220)

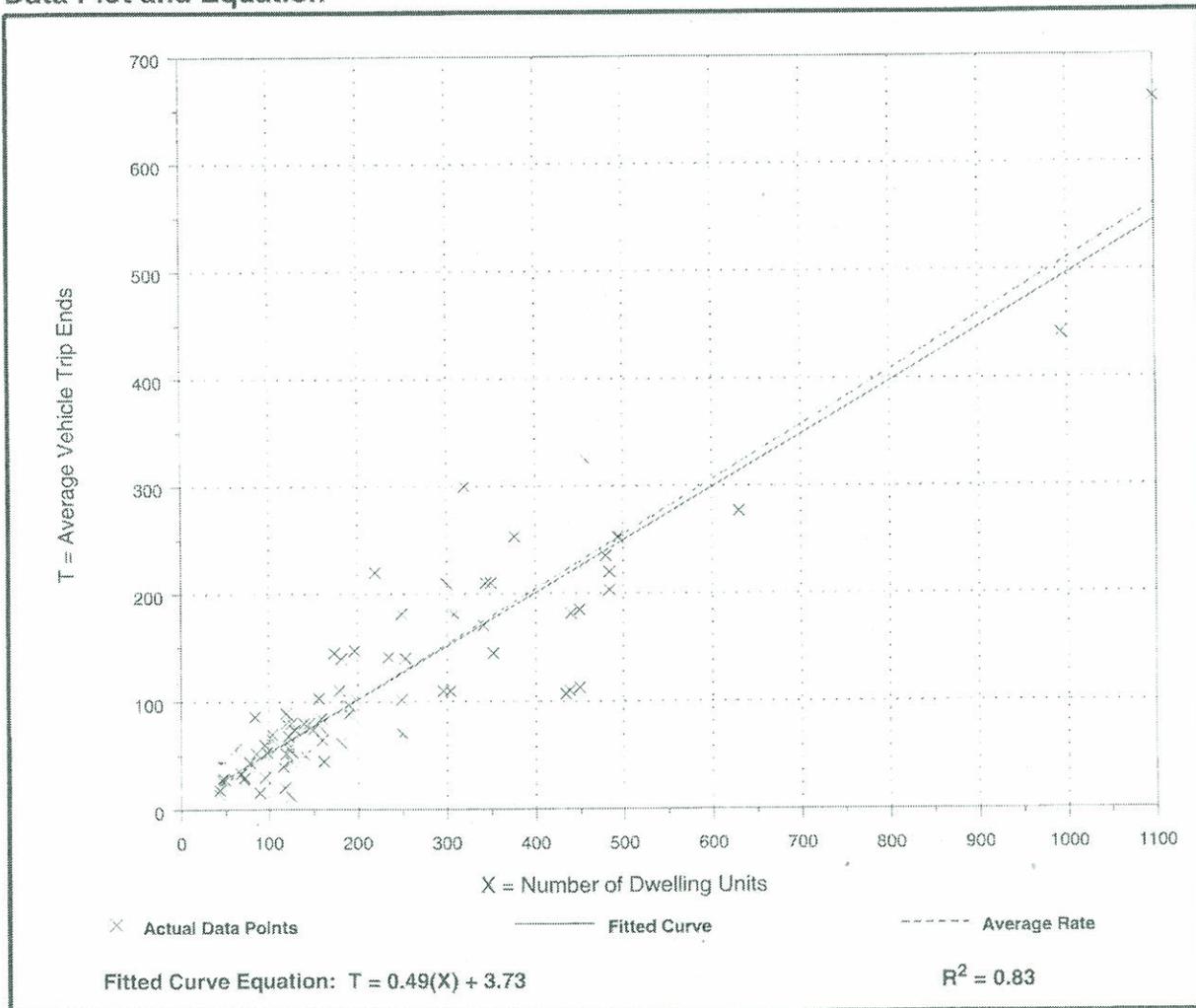
Average Vehicle Trip Ends vs: Dwelling Units  
 On a: Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 7 and 9 a.m.

Number of Studies: 78  
 Avg. Number of Dwelling Units: 235  
 Directional Distribution: 20% entering, 80% exiting

## Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.10 - 1.02	0.73

## Data Plot and Equation



# Apartment (220)

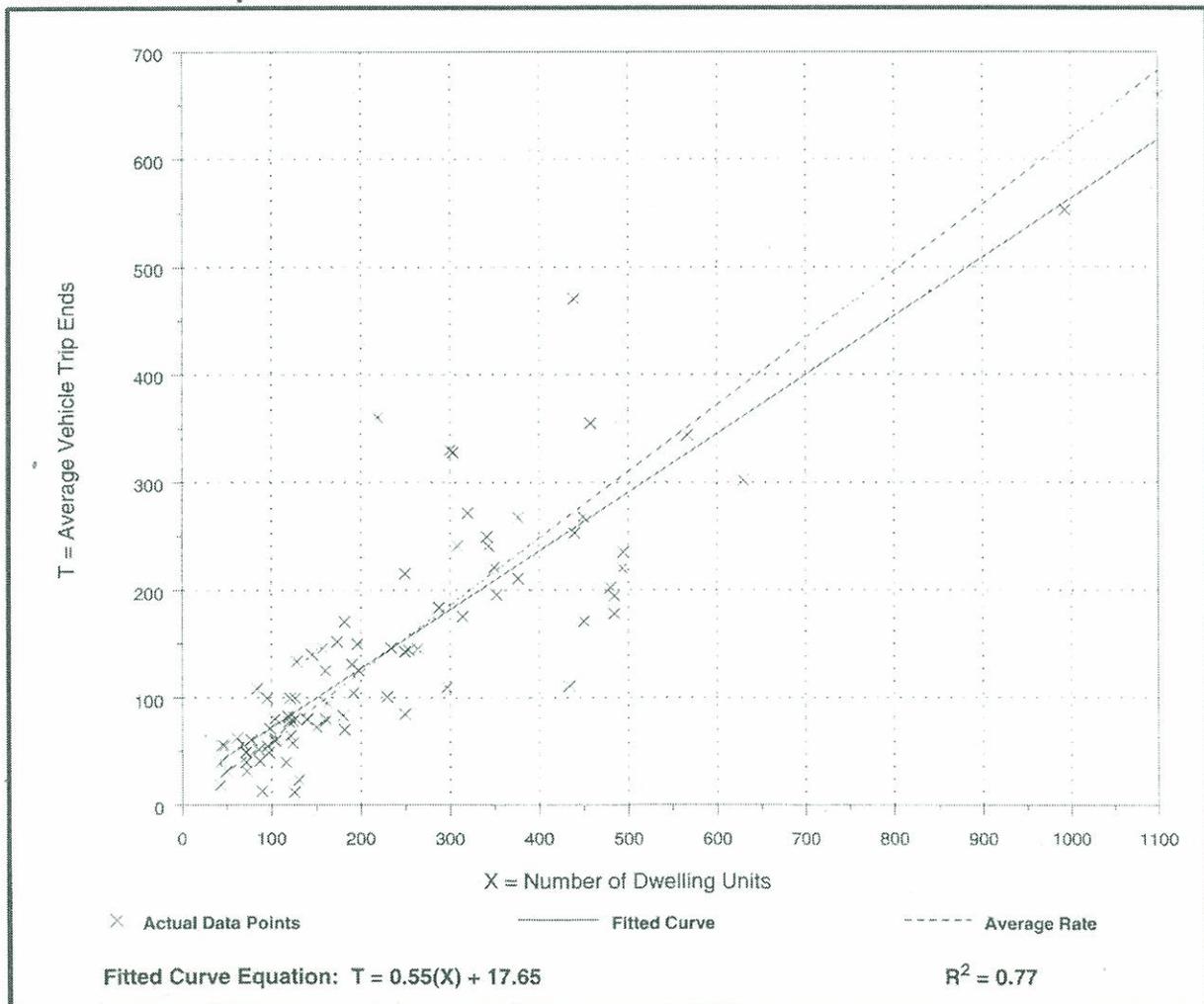
**Average Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

Number of Studies: 90  
 Avg. Number of Dwelling Units: 233  
 Directional Distribution: 65% entering, 35% exiting

### Trip Generation per Dwelling Unit

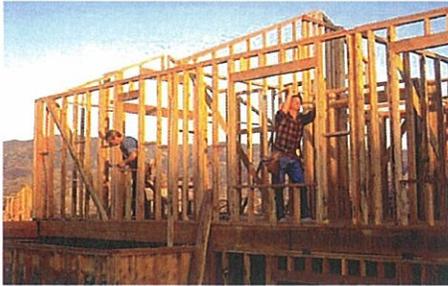
Average Rate	Range of Rates	Standard Deviation
0.62	0.10 - 1.64	0.82

### Data Plot and Equation



**Information Regarding the Modified  
Hudson Hills Planned Development  
District, Brunswick, New York**

Information Regarding  
The Modified  
**Hudson Hills Planned Development District**  
Brunswick, New York



**CP** CAPITAL  
DISTRICT  
PROPERTIES, LLC  
A REAL ESTATE DEVELOPMENT COMPANY



(518) 786-7100

**HUDSON HILLS  
PLANNED DEVELOPMENT DISTRICT**

**INFORMATION REGARDING THE  
MODIFIED PROPOSED PLAN**

**BRUNSWICK, NEW YORK**

**December 23, 2005**

**Submitted By:**

**CAPITAL DISTRICT PROPERTIES, LLC**

26 CENTURY HILL DRIVE

SUITE 201

Latham, NY 12110

Tel. (518) 786-7100

Fax (518) 786-1012

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## **Table of Exhibits**

- Exhibit 1 – Modified Site Plan Concept
- Exhibit 2 – Modified Site Plan
- Exhibit 3 – Cut & Fill Analysis Letter Report

# HUDSON HILLS PDD

BRUNSWICK, NEW YORK

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## I. Modified Site Plan

Attached as Exhibits “1” and “2” is the modified site plan depicting full build-out of 668 residential units, reduced from 1,116. The new modified plan contains 60% of the residences proposed in the original plan. The modified plan has basically eliminated phases III and IV of the original plan. The modified plan is a significant reduction and constriction of the original plan. Density upon completion, has fallen from five units per acre to three units per acre. Moreover, even at full build-out, the modified plan calls for leaving 84% of the site green. This translates to approximately 180 of 215 acres left green. The North Lake Avenue access has been eliminated in its entirety. In addition, based on comments at the public hearing, the Adirondack Fire Tower has been eliminated.

The modified plan is proposed in three distinct phases. The phases are smaller than the phases proposed under the original plan. Boundaries of the three phases are depicted on the attached site plans. Phase I consists of 248 units, phase II 228 units and phase III 192 units.

The reduced unit count of 668 (i.e. the total number of units in phases I and II of the original plan) is specifically analyzed in the alternatives section (section 5) of the Draft Environmental Impact Statement.

## II. Traffic

The Traffic Impact study prepared by Creighton Manning Engineering contained in the Draft Environmental Impact Statement as Appendix G includes an analysis of the modified plan (i.e. 668 units with a single access point on Route 7 via Betts Road).

## III. Public Schools

The following is an analysis of the potential impact of the modified plan on the two pertinent public school districts, Brunswick Central School District (Brittonkill) and Lansingburgh Central School District. The analysis was based on the following building types:

- 16-plex containing 14 two bedroom units and 2 one bedroom units
- 12-plex containing 10 two bedroom units and 2 one bedroom units

Per the *Fiscal Impact Analysis Guidebook (2<sup>nd</sup> Edition)* published by the Capital District Regional Planning Commission (CCDRPC), garden apartments produce the following school age children:

- One bedroom units produce 0.023 children per unit
- Two bedroom units produce 0.248 children per unit

The CCDRPC study further indicates that approximately 93.16% of the children in one bedroom apartments attend public schools and 90.60% in two bedroom apartments. Using these reduction factors, it can be concluded that:

- One bedroom units produce 0.021 children in public schools per unit
- Two bedroom units produce 0.224 children in public schools per unit

# HUDSON HILLS PDD

## BRUNSWICK, NEW YORK

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This data was used to estimate the number of school-age children attending public schools from the proposed multi-family residential development:

### Phase I

- Eight 16-plexes and ten 12-plexes
- 212 two bedroom units
- 36 one bedroom units
- Public school children from 2 bedroom units = 47
- Public school children from 1 bedroom units = 1
- Total public school children = 48
- 100% of the school children to Brittonkill, 0% of the school children to Lansingburgh

### Phase II

- Twelve 16-plexes and three 12-plexes
- 198 two bedroom units
- 30 one bedroom units
- Public school children from 2 bedroom units = 44
- Public school children from 1 bedroom units = 1
- Total public school children = 45
- 80% of the school children (i.e. 36 children) to Brittonkill, 20% (i.e. 9 children) to Lansingburgh

### Phase III

- Twelve 16-plexes and no 12-plexes
- 168 two bedroom units
- 24 one bedroom units
- Public school children from 2 bedroom units = 37
- Public school children from 1 bedroom units = 1
- Total public school children = 38
- 67% of the children (i.e. 26 children) to Brittonkill, 33% (i.e. 12 children) to Lansingburgh

### Full Build-Out

- Public school children from 2 bedroom units = 128
- Public school children from 1 bedroom units = 3
- Total public school children = 131
- 84% of the school children (i.e. 110 children) to Brittonkill, 16% (i.e. 21 children) of the school children to the Lansingburgh School District

Student enrollment in the Lansingburgh School District is approximately 2,500 and approximately 1,400 in Brittonkill. The approximate percentage increase to each district is as follows, Phase I: 3% to Brittonkill and 0% to Lansingburgh, Phase II: less than 3% to Brittonkill and ½ of 1% to Lansingburgh, Phase III: 2% to Brittonkill and ½ of 1% to Lansingburgh, Full Build-Out: 8% to Brittonkill and 1% to Lansingburgh.

# HUDSON HILLS PDD

## BRUNSWICK, NEW YORK

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Mitigating factors that reduce the impact include:

- The development is geared toward the two specific demographic groups of empty nesters and young professionals, both groups generally having no or very few school aged children
- New, upscale multi-family developments generate less school children than existing multi-family developments of lesser quality
- Students will be distributed among two districts and up to eight schools
- Not all students entering the districts will start within the same grade. Students will be distributed among several age groups and grades
- The build-out consisting of three phases over approximately ten +/- years decreases the public school impact
- The proposed development does not contain any three + bedroom units
- Parents of students graduating from the district may not have additional school age children, but may continue to live in the residential development
- Project-generated school tax revenue will provide additional capital for educational resources

Based on the above analysis and mitigating factors, the proposed Hudson Hills development is not anticipated to result in a significant adverse impact to area schools.

### **IV. Municipal Revenues**

As discussed in the Draft Environmental Impact Statement, the proposed development, if constructed today, would generate approximately \$1,354.44 per unit in additional annual property and school tax revenue. Using a conservative annual escalator of 5%, the annual revenue would increase over the next decade to approximately \$2,031 per unit. Accordingly, at full build-out under the modified plan, Hudson Hills would generate approximately \$1.3 million dollars in annual tax revenue.

### **V. Earthwork Volumes – Cut & Fill**

Conceptual earthwork estimates were provided in the original Draft Environmental Impact Statement. The earthwork analysis accounted for the full-build condition to include the planned buildings, associated parking and the proposed road layout. It was noted that the estimated numbers were subject to change as the site plan details progressed through the natural course of design. Further, the basis for calculating earthwork volumes was described indicating the elements of the proposed development contributing to the excavation and/or fill that would result.

Consistent with the evaluation of ‘Alternative Scales’ included in the Draft Environmental Impact Statment, the volume of earthwork cut and fill was analyzed and reported in a manner that allowed an alternatives analysis. Road sections, parking areas and buildings requiring excavation or fill placement were specifically analyzed. Accordingly, a revised earthwork estimate is derived by analyzing the reduced number of units, or buildings along with associated parking, and the eliminated length of proposed roadway.

# HUDSON HILLS PDD

## BRUNSWICK, NEW YORK

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Tables 1.1 – 1.3 below list the earthwork numbers estimated for work involving the original plan.

Table 1.1 – *Original proposed roads*

Length (ft)	Cut ( yd <sup>3</sup> )	Fill ( yd <sup>3</sup> )	Overall Net ( yd <sup>3</sup> )
21,100	236,200	60,100	176,100

Table 1.2 – *Original conceptual building layout*

No. of Buildings	Overall Cut ( yd <sup>3</sup> )	Overall Fill ( yd <sup>3</sup> )	Overall Net ( yd <sup>3</sup> )
77	80,400	423,300	342,900 fill demand

Table 1.3 – *Overall sitework – estimated earthwork numbers*

Overall Cut ( yd <sup>3</sup> )	Overall Fill ( yd <sup>3</sup> )	Overall Net ( yd <sup>3</sup> )
316,600	483,400	166,800 fill demand

The site plan has been revised and modified to reflect the reduction of units from the original number of 1,116 to the reduced number of 668 units. The resultant number of buildings on the modified site layout is 45. Similarly, eliminating road access to North Lake Avenue and minimizing the building layout has caused the amount of planned roadway to be significantly reduced. The proposed roads have been reduced by 30% to a total length of approximately 14,900 feet.

Tables 2.1 – 2.3 below list the earthwork numbers estimated for work involving the modified plan.

Table 2.1 – *Proposed roads under modified plan*

Length (ft)	Cut ( yd <sup>3</sup> )	Fill ( yd <sup>3</sup> )	Overall Net ( yd <sup>3</sup> )
14,900	166,795	42,440	124,355

Table 2.2 – *Modified conceptual building layout*

No. of Buildings	Overall Cut ( yd <sup>3</sup> )	Overall Fill ( yd <sup>3</sup> )	Overall Net ( yd <sup>3</sup> )
45	48,220	188,480	140,260 fill demand

Table 2.3 – *Overall sitework under modified plan – estimated earthwork numbers*

Overall Cut ( yd <sup>3</sup> )	Overall Fill ( yd <sup>3</sup> )	Overall Net ( yd <sup>3</sup> )
215,015	230,920	15,905 fill demand

The site plan is generally balanced, in that volumes cut nearly meet the volumes of fill required. As details of the plan progress, the refined plans will seek to balance the site completely and minimize soil disturbance to full degree possible. For a further discussion on the cut and fill

# HUDSON HILLS PDD

BRUNSWICK, NEW YORK

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analysis, see the letter report from Bette & Cring Construction Group dated December 7, 2005 and attached hereto as Exhibit "3".

## VI. Water Service

While the total number of units has been reduced from 1,116 to 668, the water consumption rate will be as originally identified in the Draft Environmental Impact Statement - 93 gallons per day per bedroom.

The water demand required under the original plan, at full build-out of all units, was 193,250 gpd (avg. daily flow). This requirement will be reduced significantly given the major reduction in units and consequently bedrooms, the standard factor by which utility demands are assessed. The anticipated average daily flow demand for the full 668 unit build-out projects to be 115,878 gallons per day.

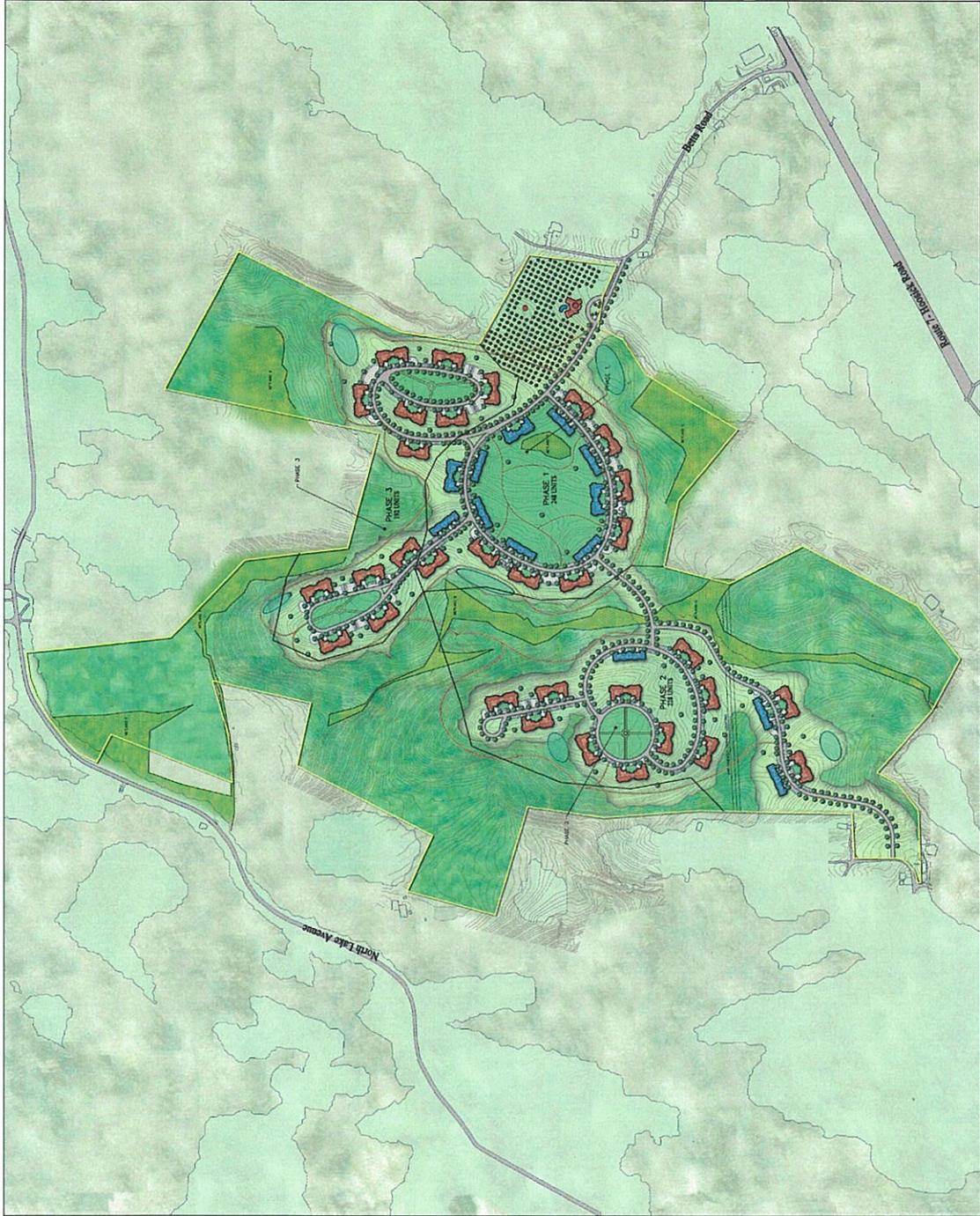
## VII. Sewer Service

As presented in the Draft Environmental Impact Statement, peak flows to occur in the sanitary sewer system were calculated based upon The New York State Department of Environmental Conservation (NYSDEC) publication *Design Standards for Wastewater Treatment Facilities (1988)* identified as follows:

<u>Phase</u>	<u>Peak Flow</u>
I	200 gpm ( gallons per minute)
I +II	414 gpm
I + II + III	613 gpm
I – IV combined	693 gpm

The reduction in the overall unit count from the original number of 1,116 to 668 will result in a corresponding reduction in projected peak sanitary flows. The condition forecast in the DEIS presented a maximum condition. Similar to the overall impact being less with a reduced number of units, the projected peak flows are less in each phase than originally forecast since the total units in each phase now proposed is less than the original plan.

<u>Phase under modified plan</u>	<u>Peak Flow</u>
I	153 gpm ( gallons per minute)
I +II	285 gpm
I + II + III	405 gpm



# Hudson Hills Multi-Family Residential Development

Site Plan Concept  
Brunswick, NY

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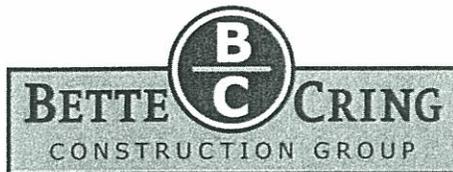
WETLANDS - 19.4 acres

3- Hill	36 units
32- Downhill	572 units
10- Uphill	120 units
=668 total units	



12.06.05





December 7, 2005

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

Re: Hudson Hills Proposed Development

Dear Andrew:

On behalf of Capital District Properties, LLC, this letter provides information in response to your recent request concerning subject property.

Modifications to the Hudson Hills proposed development were submitted in an October 28, 2005 transmittal to Andrew Gilchrist. The site plan was revised to include 668 units; a reduction from the 1,116 originally submitted. In support of the changes to the plan, impacts were evaluated and summarized in a narrative.

The earthwork involved with the revised plan, decreased from originally estimated amounts. Both the original amounts and the volumes estimated based on the revised plan were included in the October 28 submittal in tabular format. To respond to question as to the manner in which revised estimate for earthwork was calculated, the bullets below are offered:

- Estimated cut & fill numbers had been generated in the initial submittal (DEIS) to account for the two principal site plan elements that contribute to the excavation and/or placement of soils. The two elements were buildings and roads.
- The earthwork involved with the newly proposed roads was estimated by measuring the length of roadway under both the original and revised plans. The roads cited on the new plan were placed on the site in a similar fashion to original layout; the intent of both layouts has been to minimize soil disturbance and cite the roads to follow existing contour as much as possible.

- It was determined that approximately 30% of the original road length would be eliminated. Accordingly, the cut & fill associated with the revised roads was extrapolated to be 70% of the volumes previously calculated.
- Buildings identified on the revised drawing indicate if the building is either uphill, downhill or situated on flat land. Buildings situated into an incline would be considered uphill and require an amount of excavation commensurate with the standard building footprint. The reverse is true for the downhill variety building and no fill was planned for the flat condition.
- Similar to methodology used to initially determine earthwork volume in the DEIS, a volume of soil, derived from the dimensions of the building and typical parking surrounding the structure, were allotted to the respective building type. Accordingly, soil volumes placed as fill to provide for the 32 downhill buildings were calculated; conversely, soil volumes estimated to be excavated for the 10 uphill and 3 level buildings were computed.
- The table include in the October 28, 2005 transmittal reported the estimated quantities resulting from the analysis above. It is expected that continued progress on engineering detail associated with the plans and the stated attention to working with existing topography and minimizing cut and fill, will allow for the site to be balanced.

Sincerely,



Peter Bette  
Member

cc: Mark Kestner

**Presentation from January 17, 2006  
Public Hearing (including Visual  
Assessment)**

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January 17, 2006 - Public Hearing  
Power Point Presentation

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