

Draft Environmental Impact Statement

Duncan Meadows Planned Development District
McChesney Avenue/McChesney Avenue Extension
Town of Brunswick
Rensselaer County
State of New York

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Rensselaer County Department of Public Works
NYS Department of Environmental Conservation
US Army Corps of Engineers

Duncan Meadows Planned Development District
DRAFT ENVIRONMENTAL IMPACT STATEMENT

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1. INTRODUCTION

This Draft Environmental Impact Statement (“DEIS”) has been prepared in support of an application for a Planned Development District for a residential development proposed for a 91.61± acre parcel of property located in the Town of Brunswick at the intersection of McChesney Avenue and McChesney Avenue Extension. This DEIS has been prepared by the Applicant and project sponsor, ECM Land Development LLC (the Applicant), and has been submitted to the Town Board of the Town of Brunswick (the “Board”) in accordance with the regulations (6 NYCRR Part 617) promulgated under the New York State Environmental Quality Review Act (“SEQRA”).

1.1 PURPOSE OF SEQRA

“The basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of the state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and, if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement.” 6 NYCRR § 617.1(c). The term “environment” under SEQRA “means the physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise resources of agricultural, archeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health.” 6 NYCRR § 617.2(l).

1.2 PURPOSE OF DEIS

The purpose of this DEIS is to provide “a means for agencies, project sponsors and the public to systematically consider significant adverse impacts, alternatives and mitigation. An EIS facilitates the weighing of social, economic and environmental

factors early in the planning and decision-making process. A draft EIS is the initial statement prepared by either the project sponsor or the lead agency and circulated for review and comment.”6 NYCRR § 617.2(n). As such this DEIS is available for review so that those interested may comment on the proposed project and the environmental issues discussed in the DEIS.

1.3 SEQRA PROCESS

The SEQRA environmental review process is coordinated with and typically combined with the review and decision-making process required for the proposed project under local, state or federal law. The Project has been declared a Type I Action with respect to SEQRA. On October 12, 2006 the Town of Brunswick Town Board declared itself SEQRA Lead Agency and issued a positive declaration of environmental significance, requiring the preparation of a Draft Environmental Impact Statement (DEIS).

In order to determine the appropriate content of the DEIS, the Town Board also passed a motion to require a “scoping document”. “Scoping” is the “process by which the lead agency identifies the potentially significant adverse impacts related to the proposed action that are to be addressed in the draft EIS including the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed and the identification of nonrelevant issues.”

A Draft Scoping Document was submitted to the Town of Brunswick Town Board, and distributed for public review, with the comment period extending from March 20, 2008 to April 9, 2008. Two (2) written comment letters were received, and are attached as an Appendix to this document. Based upon the comments received, the scoping document was revised and adopted by the Town Board as satisfactory on May 8, 2008 (See Appendix B).

With the background as summarized above, this DEIS has been prepared in accordance with the regulations of 6NYCRR §617 and pursuant to the final scope

adopted by the Town Board on May 8, 2008. The DEIS also supplements the PDD application by providing further detail and revisions to the original sketch plan based on the investigations of the site that were performed in preparing the DEIS.

This DEIS has been reviewed by the engineering and legal consultants retained by the Town to assist the Town Board in conducting the SEQRA review process and has been revised pursuant to such consultant comments. It has also been submitted to the Town Board for its review and consideration. On XXXXXXXX, 2009, the Town Board accepted this DEIS as complete and adequate for purposes of public review. Pursuant to SEQRA requirements a public hearing on this DEIS will be held. This public hearing will also serve as the public hearing for the proposed PDD Project pursuant to the Town PDD law. This combined public hearing is preceded and followed by a written public comment period for the Project and DEIS that will last for at least 30 days.

After the public comment period a Final EIS (FEIS) will be prepared by the Applicant, which will include all comments received from both the public hearing and public comment period, a summary of such comments categorized according to subject, and proposed responses to each substantive comment. It may also contain revisions and clarifications to the DEIS as needed. The FEIS will be subject to the same review and revision process by the Town consultants and Town Board as the DEIS. Once the Town Board determines that the FEIS is complete and adequately addresses all issues raised during the comment period and hearing, the FEIS will be accepted and filed.

Thereafter (a minimum of 10 days), the Board will consider and adopt a statement of written findings which as required by SEQRA “considers the relevant environmental impacts presented in an EIS, weighs and balances them with social, economic and other essential considerations, provides a rationale for the agency’s decision and certifies that the SEQRA requirements have been met.” 6 NYCRR § 617.2(p) and 617.11(d). The findings statement must also “certify that consistent with social, economic and other essential considerations from among the reasonable

alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.” 6 NYCRR § 617.11(d).

The adoption of the findings statement by the lead agency completes the SEQRA process. It is only after the completion of the SEQRA process that the Town Board may then consider whether to approve the Planned Development District proposed by the Applicant. The decision to grant approval of the PDD will amend the Town Zoning Map as a PDD for the property under consideration subject to the terms and conditions of its approval. In rendering its decision on whether to disapprove or to grant approval of the proposed PDD, the Town Board has guidelines set forth in the Zoning Law, Article IV, Section 10 to consider as follows:

1. The need for, or suitability of, the proposed land use or uses in the subject location;
2. The existing character of the neighborhood in which the use would be located;
3. The safeguards provided to minimize potential detrimental effects of the proposed use on the adjacent property.

If the Town Board approves the PDD then the Town Planning Board will conduct a site plan review of the various phases of the Project's development pursuant to the terms and conditions of the PDD approval.

2. EXECUTIVE SUMMARY

2.1 PROJECT DESCRIPTION

The proposed Project consists of the development of 91.61± acres as a mixed residential-use development. The property is located at the intersection McChesney Avenue and McChesney Avenue Extension, on the southeast and southwest quadrants of the intersection.

The project will include three separate residential components: a townhouse community of 78 units, in buildings of 2-4 units; a condominium community of 88 units, in buildings of 8 units; and a senior apartment building with 50 units; all comprising a total of 216 units (see section 3.2.3 of this document for a more detailed description of the proposed buildings).

The project will incorporate a significant portion (60%) of the parcel into permanent green and open space. Existing wetland features, agricultural open space, and some active farm fields will be encumbered permanently from development.

In support of the project, the developer will construct all required site infrastructure, including access roads; utility and drainage infrastructure, including necessary upgrades to existing facilities; and associated green and open space.

Issues which are examined within this document include: potential impacts to geologic and topographic resources, vehicular trip generation and potential traffic impacts, potential impacts from stormwater runoff, potential impacts to groundwater, potential impacts to flora and fauna, potential impacts to wetland areas, and potential impacts to community character and services, and compliance with the Town of Brunswick Comprehensive Plan.

2.2 PROJECT BENEFITS

The project will provide for continued orderly development of vacant land within the Town, on land that is adjacent to existing commercial areas and is serviced by municipal water and sewer. The project will provide opportunity for multi-family and rental housing stock in a community where availability of these housing types is limited. There will be opportunities for senior citizens and others who wish to move to smaller residential spaces to do so without leaving the community.

The project will create approximately 54.25 acres of permanent open space, within which wetland and active agricultural areas will be preserved. These areas will be maintained privately by the Homeowners Association created by the applicant.

2.3 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Primary Impacts include potential impacts to municipal water and sewerage systems, potential impacts to stormwater management and runoff, potential impacts to the transportation infrastructure, and potential impacts to community and neighborhood character. In general, these impacts have been determined to be minimal and will be mitigated as follows.

Impacts to municipal water system are to be mitigated by the installation of water distribution mains and laterals. Impacts to the existing sewer system are to be mitigated by the installation of collection mains and laterals, and the improvement of the existing sewage pump station.

Impacts to stormwater runoff are to be mitigated by the implementation of a Stormwater Management Plan. This plan includes an Erosion and Sediment Control Plan to address construction phase related Stormwater quality and quantity control; and a Post-construction Quality and Quantity Control Plan, which includes on-site

detention and infiltration facilities to mitigate post-construction runoff characteristics to pre-construction levels.

Impacts to the surrounding transportation infrastructure will be mitigated by the installation of properly designed site entrances; and the installation of appropriate non-signalized traffic control devices at all constructed site entrances.

Impacts to community services will be mitigated by an increase in municipal tax revenues and utility fees. All roadway infrastructure will be owned and maintained by the Homeowners Association.

Impacts to community character and land use will be minimized and mitigated by the elements of the site design, including clustering of residential units, preservation of open space and buffers. These principles are consistent with guidelines presented in the Town of Brunswick Comprehensive Plan.

Alternatives evaluated include development at a more intense scale, including development of the property with alternative permitted uses, and the null alternative.

3. PROJECT DESCRIPTION

The proposed Project (Action) combines a variety of residential housing options in a single development project located in the Town of Brunswick at the intersection of McChesney Avenue and McChesney Avenue Extension. The specific parcels are identified as Tax Map parcels 091.03.6.14.1 & 091.03.6.18.11. The applicant is ECM Land Development, LLC. (Applicant). The Action will require a Zone Change be granted by the Brunswick Town Board to “Planned Development” from the existing zones of R-25 and A-40.

This section generally describes the proposed Project which is the subject of this DEIS. Particular aspects and details of the Project relating to specific environmental topics are discussed in greater detail in section 4 below.

3.1 PROJECT HISTORY

The Applicant submitted a sketch plan and report of the proposed Project to the Brunswick Town Board. The Town of Brunswick Town Board (the “Lead Agency”) has initiated the SEQRA process for the review of the Action. The Town Board passed a resolution on October 12, 2006 declaring itself as the Lead Agency and issued a Positive Declaration on October 12, 2006 requiring the preparation of the DEIS for the Action.

A Draft Scoping Document was submitted to the Town of Brunswick Town Board, and distributed for public review, with the comment period extending from March 20, 2008 to April 9, 2008. Two (2) written comment letters were received, and copies of which are located in Appendix B of this document. The Town Board adopted the Final Scoping Document on May 8, 2008.

3.2 PROJECT DESCRIPTION

The Project proposes to construct 216 residential dwelling units within an integrated development on an existing vacant parcel of land in the Town of Brunswick. The residential units will be divided into a variety of one-, two-, and three-bedroom units in both apartment and condominium ownership regimes (see section 3.2.3 for a more detailed breakdown of the proposed buildings).

3.2.1 Description of Existing Site and Use

The Project Site consists of two parcels of land, totaling 100.49 ± acres, owned by the Project sponsor. The parcels are located at the intersection of McChesney Avenue and the northerly terminus of McChesney Avenue Extension. The portion of land north of MacChesney Avenue, owned by the applicant, will not be included in the lands under consideration for the Planned Development District. Neglecting this area, the parcel size under consideration for the Planned Development District is 91.61 acres. A subdivision will be requested to separate the area not under PDD consideration

A Site location map is included herein as Figure A-1.

The Site is comprised of fields currently tilled with row crops, a pond, a few pockets of wetlands, wooded areas and hedgerows. (See existing conditions map) There is a wetland mitigation area located within the project limits, created as part of an adjacent commercial development.

3.2.2 Existing Zoning

The Project Site is currently zoned R-25 and A-40 (see sketch). According to Town of Brunswick Zoning (Chapter 122 of the Code of the Town of Brunswick) Table of Use Regulations, permitted principle uses include:

R-25:

- Private dwellings
- Churches and other places of worship and religious instruction; parish houses; rectories; convents in connection with schools.
- Public schools; private schools offering general instruction.
- Public recreation buildings and grounds; not carried on for gain.
- Governmental buildings and uses, libraries, police and fire stations.

R-40:

- Same as R-25
- Farms, except hog farms
- Tourist Homes Veterinary hospitals
- Dog kennels
- Forestry and Nursery Operations

Special Uses permitted by the Board of Appeals in both zones include:

- Public Utility Buildings
- Universities, colleges, seminary convents
- Community Buildings
- Hospitals
- Orphanages

Also, according to Town of Brunswick Code, Multi-family use is permitted by Special Use Review in accordance with the Special Use provisions, and review by the Zoning Board of Appeals.

The applicant has chosen to pursue the approval process through the use of a Planned Development District, as presented in Zoning Ordinance, Article IV, Section 10. The PDD process allows the Town to consider factors including the need for the development, the need for the use in the proposed location, and the existing character of the location.

3.2.3 Description of Proposed Site Development and Use

The Applicant proposes to develop the Site into a mixed residential-use, planned development comprising 216 residential units. The residential units will be divided into a variety of one-, two-, and three-bedroom units in both apartment and condominium ownership regimes. The total number of bedrooms proposed for this development is 485.

All of the condominium/townhome owners will be members of the Homeowners Association created as part of the development. The Apartment building tenants as individuals will not be members of the Homeowners Association, but will be able to use the Open Space Areas and benefit from the Homeowners Association's Actions, including maintenance of facilities and access to open space.

The residential units will comprise of three varieties: A single building (Type A) with 50 rental units, intended for senior-citizen use; a condominium unit (Type B) (8 units per building with attached garages) totaling 88 units; and a townhouse configuration (Type C), in various unit number configurations (78 units total).

Building Type A - Apartments: A mixture of one- and two-bedroom apartments, with a size range of 750-1100 SF each, all contained within a single building with corridor and elevator access. This structure will be located overlooking the existing wetland preservation area, and will be architecturally compatible with the surrounding context. These units are intended to be marketed solely to senior-citizen residents, and will carry a minimum age requirement. Two parking spaces per unit will be provided in an adjacent parking lot.

Building Type B - Condominiums (88): These buildings will consist of 8 condominiums per building distributed among 11 buildings. Each condominium will be a single story, arranged in flat-over-flat fashion, each with direct access to attached garages. These buildings will be located on the northwest portion of the site, accessed from McChesney Avenue. These buildings will be somewhat screened visually from the existing roads by the preservation of the fields that currently exist along Town road frontage. Each unit will have one parking space provided in an attached garage, with an additional space in the exterior.

Building Type C - Meadow Townhouses (78): These units are intended to be two- and three- bedroom condominium (townhouse style) with attached garages. Each building will house between 2 and 4 units. Each unit will have two garaged parking spaces.

The layout of the site is planned to preserve over 50% of the property as open space, and will to preserve the existing corridor and viewsheds with minimum disruption. The area along McChesney Avenue, in the vicinity of remnants of the existing agricultural buildings, will remain generally undisturbed, in an effort to preserve the existing wetland and pond areas. The large drumlin area on the northwest portion of the property will remain undeveloped, and may continue as agricultural uses. There will be limited curb cuts along existing roads to preserve what remains of the area's existing agricultural character.

The Portion of the property north of McChesney Avenue (8.87 acres) is not considered as part of the application area being considered for development at this time and will remain vacant. The area is not included in the area to be dedicated as open space.

With respect to earthwork and grading, the site will be graded to accommodate the proposed structures, access roadways, utilities and stormwater management areas. Excavation will be of limited extent in the areas where bedrock may control. In these areas, efforts will be made to complete utility trenches and excavations with

mechanical means, but some limited blasting may be necessary. Should blasting be required, conditions set forth in this document will be followed.

3.2.3.1 Proposed Utilities

The Project will connect to existing Water and Sewer facilities owned by the Town of Brunswick.

Projected water and sewer usage is summarized as follows:

<u>Type of Facility</u>	<u>Units</u>	<u>Flow Rate/Unit*</u>	<u>Total (gpd)</u>
Apartments	75 Bedrooms	120 gpd	9,000 gpd
Condominiums	176 Bedrooms	120 gpd	21,120 gpd
Townhomes	234 Bedrooms	106.67 gpd	24,960 gpd

* Flow rates are taken from the source that produced the highest daily flow rate of the three sources utilized; NYS DEC Design Standards for Wastewater Treatment Works; Recommended Standards for Wastewater Facilities (a.k.a. the "Ten State Standards"), and NYSDOH "Individual Residential Wastewater Treatment Systems Design Handbook (a.k.a. "Appendix 75-A").

Average Daily Demand = 55,080 gpd

Sanitary Sewer Usage:

Average Daily Demand = 55,080 gpd

Maximum Daily Demand (using a Peaking Factor of 2.5) = 137,700 gpd

Potable Water Usage:

Average Daily Flow Rate = 55,080 gpd

Irrigation Demand (10%) = 5,508 gpd

Total Average Daily Demand = 60,588 gpd

Maximum Daily Flow Rate (using a Peaking Factor of 2.5) = 151,470 gpd

Peak Hourly Demand (using a Peaking Factor of 4 and based on an 18 hour/day) = 224.4 gpm

These rates are derived from the NYSDEC "Design Standards for Wastewater Treatment Works" and reflect a 20% reduction in flows for new construction with

water-saving devices. The other two sources studied, provided slightly lower flow rates (approximately 2,000 gpd lower). Based on the above tabulation using the higher usage figures, the average daily flow rate generated by the development is estimated to be 55,080 gallons per day (GPD) with an average flow rate of 51 GPM. Peak daily flow usage will be 137,700 GPD, with a Peak Flow Rate of 127.5 GPM.

As part of project construction, the Applicant will install all proposed water distribution lines, and complete the required connections to the existing system. Connection will be made to the existing distribution lines located within the McChesney Avenue right of way. All distribution lines will be of material meeting the Town specification and material requirements, and will be 8" in diameter.

Fire hydrants will be provided at appropriate intervals and locations to provide for fire fighting and line flushing. All distribution lines will be dedicated to the Town of Brunswick, with a permanent easement provided for access and maintenance purposes.

Each building or residential unit will be provided with a water service connection, appropriately sized for required domestic and fire-flows. Each service will be provided with a flow meter, meeting the Town requirements, for purposes of flow measurement and billing.

As part of project construction, the Applicant will install all proposed sanitary sewage collection lines, and complete the required connections to the existing system. Connection will be made to the existing collection line located within the McChesney Avenue extension right of way. All collection lines will be of material meeting the Town specification and material requirements, and will be 8" in diameter.

3.2.3.2 Proposed Stormwater Management

As part of the Project design and construction, Stormwater Management facilities will be developed to comply with applicable NYSDEC and Town regulations. A stormwater

collection system will be constructed, consisting of curb and gutter sections, catch basins and underground pipe, draining to water quality treatment areas and detention ponds. Water quality will be protected using a series of practices including extended detention, filtration, and infiltration where possible. The design of the stormwater system will ensure that pre-development drainage patterns, including peak flow rates and existing hydrologic flows, will be maintained in their current states. A detailed discussion and quantification of these runoff rates, pre- and post-development are presented in later sections of this document.

During the Construction phase, an Erosion and Sediment Control Plan will be implemented to prevent any off-site migration of sediment, dust, and polluted runoff. The project will require coverage under the NYSDEC GP 0-08-01, and a full Stormwater Pollution Prevention Plan (SWPPP) will be prepared and implemented.

3.2.3.3 Ownership/Management

A homeowners or condominium association will maintain and operate that portion of the Site on which all the proposed condominium and townhome units are located, with the 50-unit apartment building operated by a management entity. Residents of the apartments will not be members of the HOA but will be afforded all benefits of the HOA, including access to and use of the open space areas. The Homeowners Association will receive necessary approvals from the New York Department of State.

Trash collection and removal will be completed by private hauler, from both curbside pickup at the condos and dumpster for the apartments.

3.2.3.4 Easements and Restrictions

There will be utility and utility maintenance easements provided to the Town to accommodate the water and sewer systems and utility easements provided to the appropriate electric, gas, telephone and cable television companies.

The entire site will be subject to certain covenants and restrictions to facilitate the orderly use and management of the Site once it is operational. The scope of the restrictions will cover the use of common areas as well as the use and maintenance of areas that will be designated for the exclusive use of the occupants. In addition, there will be general restrictions that will be designed to protect the wetland and pond areas and to generally insure that the responsibilities and expectations for the common use of these areas are on record and known by all occupants.

3.3 PROJECT NEED/BENEFIT

There is a need for the Project in the Town of Brunswick and this area of Rensselaer County. The project will provide a variety of housing alternatives that are not currently available in the Town of Brunswick. The adjacent senior project (ROUSE) is occupied and has a 6-month waiting list, and is income-restricted. There are no townhouse or condominium communities located in the Town of Brunswick in this general area. None of the recently approved projects including the Sugar Hill expansion (market-rate rentals, no age restriction); Highland Creek (Single-family detached, large and “carriage”-style); and Carriage Hill (Single-family and independent living, market rate senior apartments), contains the specific uses proposed by the Duncan Meadows project. The recently approved Brunswick Meadows townhouse project is located some distance away, not proximate to the studied area.

The location, adjacent to the Route 7 commercial corridor, offers a logical location for higher density housing, near commercial conveniences such as markets, restaurants, and transit opportunities. The Project will provide housing choices that are needed in the region for residents seeking alternatives to single-family detached housing in subdivisions, or current existing housing stock.

In addition, based upon the socioeconomic impact analysis provided in section 4.17 below, the completed Project may generate an amount of \$435,000 annually in property taxes to local government and school districts, without imposing an undue

burden on the school district or other Town services. The Project will also provide both construction jobs and long-term jobs for management and maintenance of the Project.

The Project is consistent with, and in furtherance of, key land use policies of the Town of Brunswick and Rensselaer County. For instance, the current Town Comprehensive Plan, written in 2001, encourages the use of clustering, development of Senior Housing, Planned Development Districts, and limiting growth to the areas currently served by municipal water and sewer facilities.

3.4 APPROVALS REQUIRED

The Project will require certain reviews, approvals and permits from agencies as set forth in Table 3-2, below.

Table 3-2
Agency Approvals and Other Actions

Agency	Action
Town of Brunswick Town Board	Lead Agency for SEQRA process; approval of proposed Planned Development District per Town Code §IV-10; approval of sewer and water connections; creation of public sewer district; creation of public water district.
Town of Brunswick Planning Board	Site Plan approval, Subdivision Approval
City of Troy	Public Sewer Extension approval
NYS Office of Parks, Recreation and Historic Preservation	Review of project for any impact to historic structures or archaeological resources; seeking Letter of No Effect.
U.S. Army Corps of Engineers	No authorization required (no impacts)
Rensselaer County Department of Public Works	Permit for entrances/Utility work on County Road
Rensselaer County Department of Health	Approval of municipal water improvements.
Rensselaer County Department of Planning	239-m referral for review of proposed zoning actions within 500 feet of municipal borders or county / state roads.
NYS Dept. of Environmental Conservation	Authorization under GP 08-01 SPDES, sewer system extension

4. ENVIRONMENTAL SETTING, IMPACTS & MITIGATION MEASURES

4.1. SOILS AND TOPOGRAPHY

4.1.1. Existing Topography and Soils Types

The Site is comprised primarily of open fields with a small wooded areas sparsely located within the property. Map areas "A", "C", & "D" consist of open fields, currently tilled for corn crop. Map area "B" is meadow/pasture grass with small wooded areas interspersed. A wetland and pond area exists at the northern portion of area "B". Several smaller wetland areas are located in sections C & D.

Slopes are generally moderate to steep with elevations generally ranging from 390 to 570 feet. A Topographic Map of the Project Site is included in this DEIS as Figure A-6.

Approximately 40% of the parcel is tilled open fields, 54% is pasture with light brush and woods, about 6% is wetland area (inclusive of the Wal-Mart preservation area). The natural drainage pattern varies within the site, with runoff from the eastern portion of the project draining to the Sweet Milk Creek. Drainage from the western half of the project leads to an unnamed stream. Both watersheds lead to the Poesten Kill offsite.

Based on information from the Soil Survey of Rensselaer County, New York and as shown in *Soil Survey Map* contained in Appendix A, the Project Site is located in the Bernardston-Pittstown-Nassau grouping of upland soils, which is generally found on gently sloping and sloping, moderately well drained to excessively well-drained. These areas are characterized by shallow bedrock, exposed in many areas. There are six soil series represented in the project area and they are primarily derived from shaly, glacial till deposits. Along with the above-mentioned soils map, copies of the Map Unit Descriptions and the Erosion Hazard Map can also be found in Appendix A. The

following table summarizes the information found in the above-referenced soil survey:

Soil Type	Abbreviation	Description	Hydrologic Soil Group	Erosion Hazard	Drainage Class
Alden	AnA	Silt Loam	D	Slight	Very poorly drained
Bernardston	BeC,	Gravelly, silt loam (complex)	C	Slight	Well drained
	BeD, BeE			Moderate	Well drained
Nassau-Manlius	NaB, NaC		C	Slight	Somewhat excessively drained – Well drained
Nassau-Rock	NrC,	(complex[rock outcrop])	D	Slight	Somewhat excessively drained
	NrD			Moderate	Somewhat excessively drained
Pittstown	PtB	Gravelly, silt loam	C	Slight	Moderately well drained
Scriba	SrB	Silt loam	C	Slight	Somewhat poorly drained

The slopes present at the site are as follows:

Series Phase	Slope	Description	% of Property	% of Development
A	0 to 3 percent	nearly level	3.8	0.4
B	3 to 8 percent	gently sloping	43.5	33.3
C	8 to 15 percent	sloping	40.4	55.5
D	15 to 25 percent	moderately steep	11.0	10.3
E	25 to 35 percent	steep	1.3	0.5
F	35 to 60 percent	very steep	0	0

The following definitions of the various Drainage Classes of soils are taken from the Soil Conservation Service's (U.S. Department of Agriculture's) *Soil Survey Manual*, dated October 1993.

Somewhat excessively drained: Water is removed from the soil rapidly. Internal free water occurrence commonly is very rare or very deep. The soils are commonly coarse-textured and have high saturated hydraulic conductivity or are very shallow.

Well drained: Water is removed from the soil readily but not rapidly. Internal free water occurrence commonly is deep or very deep; annual duration is not specified. Water is available to plants throughout most of the growing season in humid regions. Wetness does

not inhibit growth of roots for significant periods during most growing seasons. The soils are mainly free of the deep to redoximorphic features that are related to wetness.

Moderately well drained: Water is removed from the soil somewhat slowly during some periods of the year. Internal free water occurrence commonly is moderately deep and transitory through permanent. The soils are wet for only a short time within the rooting depth during the growing season, but long enough that most mesophytic crops are affected. They commonly have a moderately low or lower saturated hydraulic conductivity in a layer within the upper 1 m, periodically receive high rainfall, or both.

Somewhat poorly drained: Water is removed slowly so that the soil is wet at a shallow depth for significant periods during the growing season. The occurrence of internal free water commonly is shallow to moderately deep and transitory to permanent. Wetness markedly restricts the growth of mesophytic crops, unless artificial drainage is provided. The soils commonly have one or more of the following characteristics: low to very low saturated hydraulic conductivity, a high water table, additional water from seepage, or nearly continuous rainfall.

Very poorly drained: Water is removed from the soil so slowly that free water remains at or very near the ground surface during much of the growing season. The occurrence of internal free water is very shallow and persistent or permanent. Unless the soil is artificially drained, most mesophytic crops cannot be grown. The soils are commonly level or depressed and frequently ponded. If rainfall is high or nearly continuous, slope gradients may be greater.

Excavated test pits were completed throughout the project site. The results of these excavations are shown on the grading plan. Bedrock was encountered in some of the test pits, at depths as shallow as 1 foot. Test Pit logs are located in Appendix N of this DEIS.

4.1.2. Potential Impacts

The Project has been designed to concentrate areas of development and to limit the extent of impervious surfaces. Such design techniques include housing units clustered together and the preservation of wetlands and large areas of fields throughout the site. As proposed, the Project fully built will result in the loss of approximately 14 acres of pervious surfaces, which mostly consist of fields and brush areas at the present time. The Project was also designed to keep the many significant natural features intact and, thus, will retain approximately 60.49 acres of pervious surfaces in their present condition such as fields and wetland areas (approximately 51.61 acres of this is within the protected open-space areas).

As shown in the preliminary grading plan (Figure G-1), excavation and grading activity will generally avoid the steep slope areas, and limit the depth of cut and fill. Cut and fill areas will be contained to the project site, and grading extents designed to maintain consistency with existing slopes and grades.

Although the amount of cut and fill is limited in areas where bedrock is present, blasting may be required for some deeper trenches and building foundation excavation. However, mechanical excavation methods will be utilized wherever practicable, prior to resorting to blasting.

With the loss of pervious areas or the increase in impervious areas, there is the potential for a disruption and increase of the storm water runoff volumes and patterns. In addition, there is the potential for the increased erosion of soils during construction of the Site, which could result in sediments being carried along with stormwater flows into wetland areas and/or off-site via intermittent drainage ways.

Potential impacts associated with the types of surface soils located on site include the potential for disturbed soil and dust particles migrating offsite via stormwater, wind, or construction traffic during construction-phase activities.

With typical building design and construction techniques, the Site does not present any undue difficulties for construction of the proposed Project. Building foundations will be designed in accordance with Building Code and the specific subsurface conditions present on the site.

4.1.3. Mitigation Measures

Any potential impacts associated with the increase in impervious areas from the Site development, and erosion and sedimentation from construction activities will be mitigated to the maximum extent practicable utilizing sound engineering and construction techniques so that any impacts will be eliminated or reduced to small or moderate impacts of short duration. These techniques may include:

- > Only suitable medium dense to dense on-site soils or imported structural fill will be used below foundations or as backfill for structures.

- > Comprehensive geotechnical investigations will be conducted to evaluate the subsurface conditions underlying the actual footprint of proposed buildings and structures (e.g.: roadways, parking areas, storm water ponds) prior to design so that actual conditions will be incorporated into structural design.

Any grading contemplated near property lines and adjoining uses will be completed using techniques to reduce or minimize the potential for offsite deposition of sediments. These techniques will include installation of construction fencing and silt fencing at property lines, use of earthwork benching, regular installation of mulch cover and seeding, use of rolled erosion control products and silt fencing on slopes. Vegetation and existing hedgerows will be preserved along the property lines to maintain a buffer to disturbed soil areas.

A full Erosion and Sediment Control (ESC) Plan will be developed as part of the Stormwater Pollution Prevention Plan (SWPPP), to be included in the final engineering and design documents prepared for the project. The ESC Plan will include specific measures, details, and construction sequencing to minimize to potential for off-site migration of dust and soil particles, including dust control measures such as site sweeping; and measures to protect surface water from contaminants, such as silt fencing, temporary seeding and mulching, and check dams; and will be implemented during all construction phases of the Project.

Should blasting be required to complete the project, notice must be made to the Town Building Department and the Town Engineer. The following best management practices must be complied with:

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

In addition, the applicant shall offer to all property owners within 1500 feet of proposed blast areas, or as directed by the Town Engineer and Town Building Department, the opportunity to have a pre-blast survey conducted by the applicant for all structures located within such area. This offer must be made in writing, with records of such written offer and/or pre-blast survey to be maintained by the Applicant and made available to the Town upon request. The pre-blast survey will allow the developers and the adjacent property owners to document property conditions prior to any blasting activity.

4.2. VEGETATION AND WILDLIFE

4.2.1. Existing Conditions

The Project Site does not contain significant habitats of plant or animal species. Generally, the open fields, wooded and brush areas, as well as the wetland areas documented above have typical plant and animal species typically associated with such areas classified as Early to late-Successional fields, wetlands, and active farm fields.

Successional Fields are old fields that have been allowed to revert back towards a forested condition. These field areas within the project site have been recently utilized for animal grazing, and have had minimal maintenance sufficient to minimize the amount of understory plant growth. Successional fields on this Project are generally composed of shrubs, small trees, and herbaceous plants. Trees common to these areas include white and gray birch (*Betula papyrifera* and *populifolia*), red cedar (*Juniperus virginiana*), black cherry (*Prunus serotina*), choke cherry (*Prunus virginiana*), and young oaks. Shrubs common to these areas include red stemmed (*Cornus stolonifera*) and gray (*C. racemosa*) dogwoods, sumac (*Rhus* spp.), pussy willow (*Salix discolor*), alder buckthorn (*Rhamnus frangula*), and maple leaf viburnum (*Viburnum acerifolium*). These fields often support large amounts of vines and vine-like plants including poison ivy (*Toxicodendron radicans*), virginia creeper (*Parthenocissus quinquefolia*), grape (*Vitis* spp.), raspberries (*Rubus* spp.), currant (*Ribes* spp.), greenbrier (*Smilax* spp.), morning glories (*Ipomoea* spp.), and honeysuckle (*Lonicera* spp.), and a large population of introduced species such as multiflora rose (*Rosa multiflora*), Chinese wisteria (*Wisteria sinensis*), oriental bittersweet (*Celastrus orbiculata*), garlic mustard (*Alliaria officinalis*) Japanese knotweed (*Polygonum cuspatatum*) and Japanese honeysuckle (*Lonicera japonica*). Herbaceous plants are also common in these late successional fields and include ragweed (*Ambrosia* sp.), goldenrods (*Solidago* spp.), Queen Anne's Lace (*Daucus carota*), beggar's ticks (*Bidens* spp.), asters (*Aster* spp.), sunflower (*Helianthus* spp.),

thoroughworts (*Eupatorium* spp.), thistle (*Cirsium* spp.), loosestrife (*Lythrum* spp.) and a variety of grasses.

Wetlands are comprised of areas containing appropriate vegetation, hydrology, and soil types to be categorized as Wetlands by the United States Army Corps of Engineers, and are described in greater detail elsewhere in this document.

The *Active Farm Fields* are typically tilled, planted, and harvested on a regular basis. Although the fields may provide some foraging area for wildlife, there are little or no habitat opportunities within these areas, and the open-ness may leave some species susceptible to predators. Long-term use of land as agricultural area may result in degradation of adjacent water resources and soil conditions.

Wildlife content on the Project is typical for the Hudson Valley/Capital District area of New York State. Animal species typical for this area include white-tailed deer, varieties of rabbits, moles, mice, and other rodents; raccoons, red fox, skunk, opossum, and woodchuck. Reptile and amphibians would include various species of turtle; salamanders and newts, frogs and toads, and snakes.

Initial research performed per the United States Fish and Wildlife Service (USFW) guidelines indicated that Rensselaer County presented possible habitats for two threatened or endangered species. These include the Indiana Bat (endangered) and the Shortnose Sturgeon (endangered). The Site does not contain the water habitat for the latter species. The USFW does indicate in its correspondence that the likelihood of the Indiana Bat is limited because of the distance to known hibernacula.

The Bald Eagle (delisted) was also identified by the USFW. On March 31, 2009 a biologist from Ingalls & Associates, LLP evaluated the Duncan Meadows site for the potential presence of Bald Eagle (*Haliaeetus leucocephalus*) foraging and nesting Habitat. Bald eagles typically nest on coasts, rivers, and large lakes or reservoirs. The nests are usually built in evergreens 30-60' in height, and nesting sites are re-used. They are known to forage from up to a mile from nest sites. Eagles typically

eat fish but will take small mammals when available. Despite their appearance they are actually fairly timid and prefer to nest away from human habitation and disturbance¹.

There is a small (< 1 acre) manmade pond that originates near the intersection of McChesney Avenue and McChesney Avenue extension. This pond has several large oak trees on its southeastern bank ranging from 10-15' in height. On a ridge approximately 200-300 yards southeast from the pond is a row of white pine (*Pinus strobus*) trees. These pines are 20-30' in height and show signs of heavy wind damage with broken and missing limbs. Birds observed during this site visit include red-winged blackbird (*Agelaius phoeniceus*), Canada geese (*Branta canadensis*), common merganser (*Mergus merganser*), mourning dove (*Zenaidura macroura*), song sparrow (*Melospiza melodia*), killdeer (*Charadrius vociferus*), blue jay (*Cyanocitta cristata*), American robin (*Turdus migratorius*), black-capped chickadee (*Poecile atricapilla*), and red-tailed hawk (*Buteo jamaicensis*).

It is concluded that this site does not provide sufficient bald eagle nesting habitat. While pines do exist on this site that could be of sufficient size the pond located on the property is too small to support these birds. The Hudson River is approximately 3 miles from the site and is the closest body of water large enough to provide nesting and foraging opportunities. The presence of development in and around the site is also a limiting factor. There are several residences and commercial buildings within direct vicinity to this site that would make it undesirable. While eagles could potentially forage in the pond it is not believed that they use this site for that purpose. The proposed project will have no effect on bald eagles.

A site-specific inquiry to the NYSDEC New York Natural Heritage Program database revealed no documentation any known occurrences of rare or state-listed animals, plants, significant natural communities, or other significant habitats on or in the immediate vicinity of this site. The Natural Heritage Program is a systematic,

¹ Ehrlich, P. R., Dobkin, D. S. & Wheye, D. 1988. The birder's handbook. New York: Fireside Simon & Schuster Inc. 785p.
U.S. Fish & Wildlife Service. 2007. National Bald Eagle Management Guidelines. 25p.

scientific inventory of data on rare plants and animals that are native to New York. Ecological communities are also inventoried. The data assists in the facilitation of sound conservation, planning and natural resource management. In addition, the data helps to conserve ecological communities, plants and animals that represent New York State's natural heritage.

4.2.2. Potential Impacts

Because the bulk of the proposed development is limited to areas currently being utilized for agricultural (either actively tilled fields or pasture areas), there is minimal potential for impacts to habitat and/or wildlife.

4.2.3. Mitigation Measures

Because of the limited impacts, there are no specific mitigation measures required. The preservation of open space, wetlands, and environmental corridors will enhance the opportunities for wildlife activities.

4.3. WETLANDS

4.3.1. Existing Conditions

A wetland delineation was performed within the proposed project limits. Identified wetland areas are described in the Wetland Delineation report, prepared by Copeland Environmental, and included as Appendix to the DEIS.

The nearest floodplain area to the Project Site is that along the Poesten Kill. No portion of the Project Site is located within the 100-year flood zone according to the maps published by the Federal Emergency Management Agency (FEMA) (see figure 4-3).

4.3.2. Potential Impacts:

Potential impacts to Water Resources as a result of this project may include direct discharge to Jurisdictional areas, and discharge of sediment-laden and other polluted runoff to water resources; and change of storm water volumes and flow patterns resulting from the increase of impervious areas and the eventual and long term use of the site by residents of the completed Project.

Construction activities may directly impact water bodies and wetlands by discharging fill material as part of the project's design.

There are no potential impacts relating to floodplain areas since no part of the Project site is within the 100-year flood zone.

4.3.3. Mitigation Measures

Using the USACE regulatory guidelines of "avoidance and minimization" with respect to potential impact to Jurisdictional areas, The Project has been designed to avoid wetland areas. As such, there are no impacts to the delineated wetlands proposed. The pond or wetland Area D is an important natural feature of the Site and has been incorporated into the Project design as a prominent green or open space area. The existing hydrologic pattern will be maintained to minimize the water level impacts on the pond area.

Remaining wetland areas will be owned by the condominium or homeowners association on the condominium portion of the site. These remaining areas will be covered by restrictive covenants and deed restrictions, which will regulate and minimize the allowable activities within these areas.

Accordingly, the Project design itself considerably minimizes the direct impacts to regulated wetland areas to the maximum extent practicable.

4.4. TRANSPORTATION AND TRAFFIC

4.4.1. Existing Conditions

In order to properly analyze any potential impacts to the highway related infrastructure, the applicant has reviewed the surrounding intersections and performed a Level of Service (LOS) analysis at each.

Existing intersection operational levels of service are summarized in the following table:

Intersection	Approach	Control	2008 Existing		2013 No Build	
			AM	PM	AM	PM
1	Rt7 EB T	S	A	A	A	A
	Rt7 EB R		A	A	A	A
	Rt7 WB T		A	A	A	A
	Rt7 WB L		B	B	B	B
	McChesney LR		C	C	C	C
2	Rt7 WB L	U	A	A	A	B
	McChesney LR		B	C	C	F
3	McChesney WB L	U	A	A	A	A
	McChesney EXT LR		A	B	B	B
4	Moonlawn L	U	A	A	A	A
	McChesney EXT LR		A	A	A	B
5	RT 2 EB L	U	A	A	A	A
	Moonlawn LR		A	C	B	C
6	Rt7 EB L	S	D	E	D	E
	Rt7 EB TR		D	F	D	F
	Rt7 WB L		C	E	D	E
	Rt7 WB TR		F	E	F	E
	N. Lake SB L		D	F	D	F
	N. Lake SB TR		E	E	E	E
	S. Lake NB L		D	F	E	F
	S. Lake NB T		D	E	D	E
S. Lake NB R	D	F	D	F		

Because of the several other larger projects, including Highland Creek residential development, expansion to Sugar Hill Apartments, redevelopment of the former Grand Union site, and the Hudson Hills apartments, that are contemplated for the area, these intersections have been studied extensively. For purposes of this discussion, the “existing condition” examined assumes that the adjacent proposed projects, including Hudson Hills Apartments (668 units), redevelopment of the former Grand Union (33,250 SF) site, Highland Creek subdivision, expansion to Sugar Hill apartments (60 units), and Carriage Hill development; all be built as proposed, and all generated traffic volumes would be present at the analysis year (2013) of this project.

4.4.2. Potential Impacts

Potential impacts from new development include increased traffic flow in the area of the development, which may affect the LOS at the adjacent intersections. To quantify any potential impacts, a Trip-generation model was created. Trip generation rates are based on industry-standard generation analyses for different project types. These rates are applied to the specific uses of the analyzed project to determine the total of additional trip-ends created by the project. These trip ends are applied to the existing intersections to determine the level, if any, of increased delay times through the intersections. The studied intersections are also analyzed under a “no-build” condition to provide a control level of comparison to the “build” condition.

After comparison of Levels of Service at each intersection between the “build” and “no-build” condition, it can generally be stated that impacts are minimal, especially with respect to mainline conditions.

Intersection	Approach	Control	2008 Existing		2013 No Build		2013 Build	
			AM	PM	AM	PM	AM	PM
1	Rt7 EB T	S	A	A	A	A	A	A
	Rt7 EB R		A	A	A	A	A	A
	Rt7 WB T		A	A	A	A	A	A
	Rt7 WB L		B	B	B	B	B	B
	McChesney LR		C	C	C	C	C	C
2	Rt7 WB L	U	A	A	A	B	A	B
	McChesney LR		B	C	C	F	C	F
3	McChesney WB L	U	A	A	A	A	A	A
	McChesney EXT LR		A	B	B	B	B	B
4	Moonlawn L	U	A	A	A	A	A	A
	McChesney EXT LR		A	A	A	B	A	B
5	RT 2 EB L	U	A	A	A	A	A	A
	Moonlawn LR		A	C	B	C	B	C
6	Rt7 EB L	S	D	E	D	E	D	E
	Rt7 EB TR		D	F	D	F	D	F
	Rt7 WB L		C	E	D	E	D	E
	Rt7 WB TR		F	E	F	E	F	E
	N. Lake SB L		D	F	D	F	D	F
	N. Lake SB TR		E	E	E	E	E	E
	S. Lake NB L		D	F	E	F	E	F
	S. Lake NB T		D	E	D	E	D	E
	S. Lake NB R		D	F	D	F	D	F

Proposed site entrance locations were also reviewed for Level of Service and for geometric considerations, including available intersection sight distances.

Each proposed site intersection location provides sight distances in excess of the design standard set forth by AASHTO. Available Sight Distances (LF, 35 MPH design speed) for the proposed intersections are as follows:

	Case B1	Case B2	Case F
Required	390	335	285
Int A - provided	390/510	390	365
Int B - provided	470/430	470	460
Int C - provided	540/446	540	580

4.4.3. Proposed Mitigation

As analyzed, the project all existing intersections will undergo any degradation in Levels of Service require no mitigation measures with respect to capacity, as a result of the traffic generated by this project.

With respect to the proposed site entrance intersections, all intersections along McChesney Avenue and McChesney Avenue Extension will operate at acceptable Levels-of-Service, with little or no degradation in Level of Service, and minimal increase in delay for turning movements and overall intersection performance.

All intersections proposed for site access will be constructed to appropriate design standards to accommodate the projected volume of traffic and the anticipated vehicle size and type, including proper accommodation for emergency vehicles and product delivery trucks. Proper intersection controls, including signage and pavement markings will be installed at each site intersections.

4.5. DRAINAGE

4.5.1. Existing Conditions

Analysis shows that there are thirteen (13) points in which runoff leaves the site. They are as follows:

Analysis Point	Location
1	Culvert flowing northwest under McChesney/Extension intersection; flow to stream along western portion of property
2	Surface runoff to utility corridor at northeast of property
3	Surface runoff to wetland along eastern edge of property
4	Surface runoff to adjacent property along southeastern corner of property
5	Stream runoff through wetland along southern edge of property, trib. to stream in AP1
6	Surface runoff to adjacent property along southwestern corner of property
7	Surface runoff to adjacent property along western edge of property, flow to stream in AP1
8	Surface runoff to adjacent property along western edge of property, flow to stream in AP1
9	Surface runoff to adjacent property along western edge of property, flow to stream in AP1
10	Surface runoff to adjacent property along interior of property.
11	Surface runoff to adjacent property along interior of property.
12	Surface Runoff from the portion of the site on the northerly side of McChesney Avenue that enter into the existing cross culvert and eventually into wetlands C and P. These flows will eventually go through AP 1.
13	Surface runoff from the portion of the site on the northerly side of McChesney Avenue that enter into a road-side ditch that flows along McChesney Avenue in the northeasterly direction.

Site soil conditions are as listed in Section 4.1; with general hydrologic types of "C" or "D". Cover varies from tilled field areas, to pasture/grassland areas, with some light woods area. There are some areas of wetlands (which are modeled as D soils) and ponds (which are modeled as impervious areas).

Each subcatchment area was analyzed using methodology described by TR-55. For each area the following summary of Peak Run-off rates for the required design storm events was developed:

Pre-Development Conditions				
Analysis Point	Catchment Area (acres)	1-Year Storm Peak Flow Rate (cfs)	10-Year Storm Peak Flow Rate (cfs)	100-Year Storm Peak Flow Rate (cfs)
1	29.08	18.88	73.62	128.4
2	2.95	1.72	5.32	8.69
3	11.33	20.57	51.16	77.9
4	4.98	8.78	21.37	32.29
5	18.57	10.66	41.41	72.11
6	1.85	1.19	4.9	8.66
7	3.51	2.54	9.9	17.24
8	6.03	4.33	17.5	30.76
9	7.37	4.08	15.3	26.43
10	5.80	2.1	11.93	22.49
11	2.93	2.63	8.17	13.35
12	8.62	4.15	18.1	32.36
13	0.98	0.42	1.86	3.33

4.5.2. Potential Impacts

Short-term: Construction activities may result in adverse impacts to both storm water quantity and quality, if not properly planned and managed. Activities including removal of vegetative cover, grading, excavation and stockpiling of material may contribute to pollution of water resources. These activities may result in the unintended transport and migration of sediments and solids into groundwater and adjacent water bodies and wetlands.

Long-term: The Project will replace approximately 14 acres of pervious surfaces with impervious paved areas and structures. The increased runoff rates and volumes from these paved areas and from roofs may significantly impact storm water flows, both peak rates and overall volumes, if not adequately mitigated.

4.5.3. Proposed Mitigation

Stormwater runoff, both during construction phase and post-construction phases, will be addressed through the creation of a Stormwater Pollution Prevention Plan

(SWPPP). This plan will address construction-phase disturbances with an Erosion and Sediment Control Plan, and will prescribe measures to provide long-term Water Quality Control and Water Quantity Control of Stormwater runoff. Items used will include stormwater ponds, catch-basin sumps and debris hoods, and vegetation reestablishment; and temporary installations of silt fencing, check dams, temporary seeding and mulching, and temporary sedimentation ponds.

Because the project proposes site disturbance greater than one-acre, coverage will be required under the NYSDEC General Permit 08-001. The permit requires preparation of a Stormwater Management Plan with an Erosion and Sediment Control Plan Component. The plan will be prepared by the applicant, and reviewed by the Town's Stormwater Management Officer, prior to any final site plan approvals being granted by the Town. The project location is partially within the Town's MS4 area. During construction activities, weekly compliance monitoring and documentation will be performed to ensure terms and conditions of the permit are being followed.

The existing surface water and drainage flow will be maintained as closely as possible. To minimize impacts to the existing surface water elements, and to eliminate the potential for off-site impacts, the additional flow derived from decreasing the surface permeability of road, parking and building areas will be addressed as follows:

- Surface runoff from roadway areas to be collected in a closed and/or open drainage system, and directed to constructed Stormwater Management Areas (SMAs);
- The SMA will provide Water Quality Pretreatment and Treatment, and extended-detention time, prior to release either by infiltration into the surrounding ground, or flow to existing watercourse. Each SMA will be appropriately sized to

provide proper storage for the required design storm events, in order to limit runoff from the property to pre-development rates.

To analyze the built-conditions, the subcatchment areas were redefined to incorporate the proposed roadway and building areas. Based on the profile and site grading design, four locations were selected to install SMAs. Each area will provide enough area to treat the required Water Quality Volume (WQ_v) and provide enough storage to accommodate the 100-year event.

SMAs are sized in accordance with the NYSDEC Stormwater Management Design Manual to address the following criteria:

Water Quality – Provide treatment of the Water Quality Volume (WQ_v) prior to release to existing drainage patterns. This will be accomplished by the use of permanent pools in the stormwater management areas. Each permanent pool will be sized to contain 100% of the calculated Water Quality Volume.

1-year, 10-year, and 100-year events - Extended detention practices will be employed to control these events. Each SMA is sized to accommodate the 100-year event within the area.

A preliminary Stormwater analysis was performed, examining the increase in impervious area creates as a result of the project. This analysis was performed using methodology prescribed by TR-20 and TR-55, to determine the increase in Peak Run-off rates and required volume of storage. The stormwater detention areas were designed in accordance to the NYSDEC Stormwater Design Manual.

Stormwater design calculations are included in Appendix F. The following table summarizes the projected increase in runoff due to the project:

Post-Construction Comparison									
	Storm Event								
	1-YEAR			10-YEAR			100-YEAR		
A.P.	PRE-	POST-	Δ (%)	PRE-	POST-	Δ (%)	PRE-	POST-	Δ (%)
1*	18.88	14.91	-21%	73.62	60.91	-17%	128.4	113.17	-12%
2	1.72	0.71	-59%	5.32	3.51	-34%	8.69	6.5	-25%
3*	20.57	13.92	-32%	51.16	36.13	-29%	77.9	56.05	-28%
4	8.78	1.12	-87%	21.37	3.9	-82%	32.29	6.6	-80%
5*	10.66	10.23	-4%	41.41	39.81	-4%	72.11	71.2	-1%
6	1.19	0.39	-67%	4.9	1.44	-71%	8.66	2.46	-72%
7	2.54	2.08	-18%	9.9	8.46	-15%	17.24	14.88	-14%
8	4.33	1.05	-76%	17.5	3.68	-79%	30.76	6.23	-80%
9*	4.08	2.38	-42%	15.3	13.59	-11%	26.43	23.35	-12%
10	2.1	1.16	-45%	11.93	4.43	-63%	22.49	7.71	-66%
11	2.63	1.13	-57%	8.17	5.62	-31%	13.35	10.32	-23%
12	4.15	4.15	0%	18.1	18.1	0%	32.36	32.36	0%
13	0.42	0.42	0%	1.86	1.86	0%	3.33	3.33	0%
TOTAL	95.42	63.49	-33%	317.56	222.73	-30%	532.89	380.19	-29%

Stormwater ponds are proposed prior to Analysis Points 1, 3, 5, & 9. Each pond is properly sized to provide Water Quality Volume storage in a permanent pool and provide downstream flood control for the 10- and 100-year rainfall events. Outlets from each pond are directed into existing watercourses as follows:

- Pond 1 (AP #1) outlets into constructed stabilized channel upstream of existing pond;
- Pond 3 (AP#3) outlets upgradient of an existing wetland area, which flows southeast (through lands of National Grid and Herrington) to an existing pond within the proposed Highland Creek residential

development. The pond outlet apron and channel will be sized to provide non-erosive flow velocities into the existing watercourse.

- Pond 5 (AP#5) outlets upgradient of an existing wetland area, which flows southerly (through lands of Brunswick Associates) to an existing tributary of the Sweet Milk Creek. The pond outlet apron and channel will be sized to provide non-erosive flow velocities into the existing watercourse.
- Pond 9 (AP#9) outlets upgradient of an existing wetland area, which flows southerly (through lands of Digiovanni) to an existing unnamed tributary of the Poesten Kill. This location is proposed to be used as stormwater and wetland mitigation areas for contemplated expansion of the commercial development to the north. The pond outlet apron and channel will be sized to provide non-erosive flow velocities, and will be directed to the proposed wetland creation area on the adjacent property.

Because proposed disturbance on the Project Site will exceed one acre in size, construction activities on the site are regulated by the NYSDEC (SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-08-01). A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and a Notice-of-Intent (NOI) will be filed with the NYSDEC prior to commencement of construction activity. During the construction phase, the Applicant will be required to perform site inspections to ensure that the erosion and sediment control measures are implemented and functioning properly. All permanent stormwater management features will be maintained by the HOA.

4.6. POTABLE WATER SUPPLY

4.6.1. Existing Conditions

The Town of Brunswick supplies potable water to the area. The Town system serves approximately 6500 residents and commercial customers thru approximately 2650 service connections. The Town purchases water from the City of Troy. Storage is provided by storage tanks located on Tibbitts Avenue in the City of Troy and storage within the Town is provided by a 2,000,000 gallon steel tank on NYS Route 142. The total water purchased by the Town in 2006 was 214,142,894 gallons, with a daily average demand of 625,000 gallons.

Water mains exist within the municipal right of way of McChesney Avenue and McChesney Avenue extension. These mains are 8" and 12" in diameter.

Pressure testing results have been supplied by the Town of Brunswick. This test, on the 12" main, indicates a static pressure of 109 PSI near the project site, and a residual pressure of 55 PSI at a hydrant flow of 975 Gallons per Minute (GPM).

There are proposed developments (Highland Creek, Sugar Hill apartments expansion) downstream from this project. The projected water demands from these projects has been examined by the Town, with total average flows from existing and proposed developments downstream from this project projected to be approximately 150,000 GPD (104 GPM). Flow demands from this project are to be considered cumulatively to this project.

4.6.2. Potential Impacts

As proposed, the project will require, at full buildout, an average daily amount of approximately 55,080 gallons per day (GPD), or 51 gallons per minute (GPM). This translates to a Peak Flow Rate of 224.4 gpm, and a peak daily rate of 151,470 gpd. When considered with existing and proposed downstream development, a total

demand of 210,588 gpd (146 gpm) would be present along the existing water infrastructure. According to the existing water supply quantities and available pressures, there is adequate quantity and pressure available to supply the proposed development.

Refer to the calculations provided in Appendix _ for a breakdown of the estimated flows generated by this project. For this project, three sources were studied for the projected flows for this project. Cited are the NYS DEC "Design Standards for Wastewater Treatment Works" dated 1988; "Recommended Standards for Wastewater Facilities" (a.k.a. the "Ten State Standards") - the 2004 edition; and the NYSDOH Individual Residential Wastewater Treatment Systems Design Handbook - reprinted 2008. All three of these references are utilized in New York State for various aspects of wastewater system designs. All three sources produced an Average Daily Flow Rate in the range of 53,180 to 55,080 gpd. The most conservative value was used (in this case the highest proposed daily flows) for the design flows for this project. This means that the NYS DEC "Design Standards for Wastewater Treatment Works" was the source used for these flow rates. In accordance with this document, the flow rates that were used account for the use of water saving devices and are:

- 2-Bedroom Condominium Units @ 240 gpd/unit (20% Savings on 300 gpd)
- 3-Bedroom Townhome Units @ 320 gpd/unit (20% savings on 400 gpd)
- 1-Bedroom Apartment Units @ 120 gpd/unit (20% savings on 150 gpd)
- 2-Bedroom Apartment Units @ 240 gpd (20% savings on 300 gpd)

Within the development, system head losses at the Peak Flow rate are nominal through 8" pipe, at a level of 0.054 feet (0.023 PSI) of head loss per 100 feet of pipe. Proposed maximum elevations within the development are similar to the existing elevation of adjacent users and the hydrants used for flow testing. As a result of the fire flow calculations provided Appendix G, this project will require an additional water demand of 750 GPM. When this is combined with the projected Maximum Daily Flows for the proposal, the total Water Demand will be 890.25 GPM.

Based on flow testing completed in the area, adequate system pressure and available flows are available to supply all elevations of the proposed development. The following chart compares the existing storage capacity of the Town's potable water system to the various demands and illustrates that the Town's system has sufficient storage capacities.

+/-	Item	Volume (gallons)
	Storage Capacity of the existing Town System	2,000,000
-	Average Daily Demand, Existing	625,000
-	Average Daily Demand, Adjacent Developments	150,000
-	Average Daily Demand, This Proposal	55,080
-	Proposed Fire Fighting Demand, This Proposal	106,830
	<u>Remaining Storage Volume</u>	<u>1,063,090</u>

4.6.3. Proposed Mitigation Measures

As part of project construction, the Applicant will install all proposed water distribution lines, and complete the required connections to the existing system. The distribution lines will be looped within the site, minimizing the number of "dead-end" lines. All distribution lines will be of material meeting the Town specification and material requirements, and will be 8" in diameter. Fire hydrants will be provided at appropriate intervals and locations to provide for fire fighting and line flushing. All distribution lines will be dedicated to the Town of Brunswick, with a permanent easement provided for access and maintenance purposes.

Each building and residential unit will be provided with a water service connection, appropriately sized for required domestic and fire-flows. Each service will be provided with a flow meter, meeting the Town requirements, for purposes of flow measurement and billing.

Based on current rates and projected usage, the annual amount of fees collected for water service to be approximately \$22,000 (exclusive of payments to City of Troy for water). All units will receive billings directly from the Town for water and sewer, based on meter readings collected by the Town for each meter installed.

There are no capital costs associated with the user costs, as the infrastructure is installed and paid for by the developer.

4.7. PUBLIC SANITARY SEWER CAPACITY

4.7.1. Existing Conditions

Sanitary Sewer collection is provided by The Town of Brunswick. From the project site, flow is by gravity to the existing Brunswick Sewer District #6 Pump Station, located to the north of the McChesney Avenue intersection. Flows from this pump station are conveyed via a 6" diameter force main to a 12" gravity sewer on Route 7. Sewage then flows westward along Route 7 to the City of Troy, with ultimate conveyance to the Rensselaer County Wastewater Treatment Plant through the City of Troy Hoosick Street sewer system, the Rensselaer CSD #1 interceptor main and a regulating chamber/Combined Sewer Overflow (CSO) at the foot of Hoosick Street.

The locations of the outfalls for the CSO and the RCS DTP fall within the limits of a study currently being performed by the Capital District Regional Planning Commission (CDRPC) entitled the "Albany Pool Combined Sewer Overflow Long-Term Control Plan Development". The communities included in this study include Albany, Cohoes, Green Island, Rensselaer, Troy, and Watervliet. The purpose of this study is to identify the existing conditions of the combined sanitary and storm sewer systems and their effects on the environment, specifically the Hudson River, and to establish Long Term Control Plans for the study area.

It is also documented in the Highland Creek Findings Statement that there is an infiltration & inflow (I&I) issue in the gravity sewer portion of the conveyance system

along McChesney Avenue Extension. The I&I is estimated at 50 gpm during significant rainfall events.

The Sewer District #6 pump station has been extensively analyzed in support of proposed projects in the area. It was identified, through observation and measurement, and determined to have a peak pumping capacity of 288 GPM. Peak flow rates currently are estimated to be 144 GPM. With the addition of the Highland Creek project and consideration of I & I during rainfall, the peak flow rates approach 338 GPM. The developer for the Highland Creek project has committed to upgrade the pump station to provide a pump capacity of 400 GPM.

As proposed, the Highland Creek development will require and provide a pump station and forcemain along MacChesney Avenue Extension to the existing manhole at the ROUSE development.

4.7.2. Potential Impacts

Based on water demand calculations previously presented the proposed project will generate approximately 55,080 GPD in additional sewage flow (or 224 GPM peak flow rates). This would require a peak pumping capacity of approximately 560 GPM at the pumping station, in excess of the projected 400 GPM available after upgrades provided by other developers.

Calculations have been performed to check the capacity of the existing gravity sanitary sewer system into which this development will connect. For simplicity reasons, the sewer flow rate values for the existing flows were assumed to match the existing flows identified at the pump station located in the vicinity of the McChesney Avenue and McChesney Avenue Extension. The flows used for the Highland Creek project were based on the pump station's projected flow rates. These assumptions will provide a conservative analysis based on the fact that the calculations are using the total combined flows, not the segmented flows, for each of these tributaries. As the calculations contained in Appendix H demonstrate, the proposed flows from this

project, when combined with the existing flows seen at the pump station, the projected flows from the Highland Creek project, and in some instances the known infiltration & inflow rates, do not exceed the capacities of the existing sanitary sewer system into which this project connects.

Because the proposed sewer extension ultimately connects to a regulated combined-sewer, the operator (permittee) of said combined sewer is required to implement certain best-management practices, as specified by the USEPA National Combined Sewer Overflow policy. Specific to sewer extensions, BMP #9 states:

“Combined sewer/extension, when allowed should be accomplished using separate sewers. These sanitary and storm sewer extensions shall be designed and constructed simultaneously but without interconnections. No new source of storm water shall be connected to any separate sanitary sewer in the collection system.

If separate sewers are to be extended from combined sewers, the permittee shall demonstrate the ability of the sewerage system to convey, and the treatment plant to adequately treat, the increased dry-weather flows. Upon a determination by the Regional Water Engineer an assessment shall be made by the permittee of the effects of the increased flow of sanitary sewage or industrial waste on the strength of CSOs and their frequency of occurrence including the impacts upon best usage of the receiving water.”

There may be potential issues associated with the conveyance capacity of the existing CSO regulator chambers within the City of Troy, primarily because the actual capacity of these chambers may not be able to be precisely determined. The aforementioned study to develop a Long-term compliance plan for the Hudson River CSOs will ultimately determine the actual capacity of this system.

4.7.3. Proposed Mitigation Measures

As part of the project construction, the Applicant will install, at no cost to the Town, separate gravity sanitary sewer mains and laterals throughout the site, connecting all buildings to the municipal system.

The portion of the project to the south of the ROUSE development, downgradient yet upstream of the existing gravity sewer line will connect either by forcemain connection to the gravity manhole, or by connection to the facility installed as part of the adjacent Highland Creek project (either by pumped connection to Highland Creek forcemain, or by gravity flow to pump station installed with Highland Creek).

All facilities will be constructed to the current DEC, Health Department and Town standards and specifications; and all collection lines will be dedicated to the Town of Brunswick, with a permanent easement provided for access and maintenance purposes.

The project applicant will also provide upgrades to the existing Brunswick Sewer District #6 Pump Station to accommodate the increased flow rates.

Based on the resultant of the Long-term Compliance Plan study, the applicant may be required to comply with any contributory requirements for connection to the existing combined sewer infrastructure leading to the Wastewater Treatment Plant.

4.8. CULTURAL RESOURCES

4.8.1. Existing Conditions

The property is located within an area which New York State Office of Parks, Recreation, and Historic Preservation consider “sensitive” with respect to cultural and historic resources. There are no Register listed properties located within the project limits. A Phase 1A/1B Cultural Resources Survey; including literature and record review, property review, and subsurface archeological field testing, was conducted for the subject property, by Archtech, and reviewed by NYSOPRHP. NYSOPRHP has concluded that the project will not have substantial negative impact on properties listed in the National Register of Historic Places and that additional archeological surveys are not warranted (refer to letter dated August 5, 2009, Appendix I)

4.8.2. Potential Impacts

Based on the results of the completed studies and assessments for the project, NYS OPRHP has concurred that there will be no impacts on Cultural or Historic Resources as a result of this project. (see letter dated August 5, 2009 in Appendix I)

4.8.3. Proposed Mitigation Measures

Because the NYS OPRHP has determined there are no impacts to Cultural or Historic Resources, no mitigation measures are required.

Should any historic or archaeological artifacts be encountered during the construction of this property, appropriate authorities from the NYSOPRHP will be notified and appropriate procedure will be followed.

4.9. NOISE

4.9.1. Existing Conditions

The project site is located within an area where there are no specific extreme noise generation facilities. Ambient noise in the area originates from adjacent residential and commercial development, agricultural operations, and noise generated by existing traffic on adjacent roadways and Route 7. There may be intermittent higher levels of noise generated by existing agricultural activities and equipment operation.

Adjacent multi-family residential developments do not generate significant amounts of noise.

There are no sensitive—receptors (schools, churches, hospitals, etc.) within the immediate project surrounding.

4.9.2. Potential Impacts

The proposed uses are residential in nature. Although procedurally the project requires additional levels of scrutiny and approvals, the proposed uses are so called “uses by right”, and therefore any noise considerations from the uses were considered in the designation of the zoning and allowed uses.

There are potential noise impacts related to noise generated by machinery and equipment during construction. There may be noise generated during construction should the applicant choose blasting as a method to excavate rock.

There are potential impacts to adjacent properties related to post-construction noise levels from increased traffic, residential activities, and noises generated by air handling, air conditioning, and other mechanical equipment related to residential activity.

4.9.3. Proposed Mitigation Measures

Because there may be some temporarily elevated noise levels during the construction phases of the Project, some of the NYSDEC Best Management Practices (BMPs) for Reducing Noise will be implemented to further reduce any potential for adverse impacts. These BMPs will include:

- Maintenance of appropriate mufflers on power machinery to reduce the sound frequency;
- Maintenance of natural vegetative and topographical barriers between the operations and the receptors;
- Limitation of work hours to regular daily business hours;
- Placement of stationary equipment as far away as possible from sound receptors.

4.10. VISUAL IMPACTS

4.10.1. Existing Conditions

The landscape in the immediate project area does not contain any significant or substantially scenic views, and may be characterized as cluttered with various types and intensities of development.

From the interior of project site, views in all directions include areas of significant development, both residential and commercial in nature. To the north, extensive commercial development is visible including the rear of a shopping center, automobile dealer parking lots, cell towers and other residential and commercial development. To the south, the viewshed will include a proposed residential development (Highland Creek). To the west, the project overlooks the Sugar Hill apartment complex and other residential development. The site completely surrounds the ROUSE senior development, which can be seen from several vantage points within the project.

From the adjacent roadways the view includes some existing undeveloped field areas.

Photographs and a location key are included as Appendix

4.10.2. Potential Impacts

Potential Visual Impacts include changes to viewshed from existing residential neighboring properties, buildings that are out of character aesthetically and proportionally to adjoining uses, lack of landscaping and screening of parking areas and utility components. Proposed visual interpretations are presented from several vantage points depicting the proposed visual changes.

Because of the nature of the existing visual setting, there are little or no visual impacts resulting from this development.

4.10.3. Proposed Mitigation

Because of the existing setting and the proposed structure dimensions, there is little impact to the existing viewshed. Proposed structures will be similar in size and architectural character to existing residential uses in the immediate surroundings.

Landscaping including tree planting will be proposed along the interior roads and along the exterior existing roadways. A landscape plan will be part of the site plan review phase of the development approval process if the Town Board approves the PDD.

The existing viewshed along McChesney Avenue will remain relatively unchanged, as the bulk of the development will occur to the interior of the site.

4.11. LAND USE AND ZONING

4.11.1. Existing Conditions

The 91.61-acre Project Site constitutes two deed parcels located in the Town of Brunswick (Tax ID 091.03.6.14.1 & 091.03.6.18.11). The land is currently vacant, with seasonal row crop production in place on a portion. Activity on the site has historically been agricultural.

Land uses within the immediate project vicinity include:

- ROUSE Senior Housing complex, including multiple apartments for low-income senior housing
- Sugar Hill Apartments, a residential rental community, (no age-restrictions).

- Commercial properties to the north along Route 7, including a Wal-Mart store, car dealerships, and other commercial uses.
- Single-family residential uses located along McChesney Avenue and McChesney Avenue Extension.
- Agricultural uses.

The parcels constituting the Project Site have been identified as being within Rensselaer County Agricultural District 1. Therefore, an Agricultural Data Statement is required. This Statement is required to be prepared by the project applicant and submitted to the reviewing agency (here the Town Board) which is then circulated to all known active farms within the agricultural district and located within five hundred (500) feet of the boundary of the property under consideration. This provides notification to farm owners of the proposed project in addition to the notice requirements otherwise required. The farm owners notified may then provide comments to the reviewing agency and the reviewing agency considers the possible impacts of the proposed project upon the farming operations identified on the Data Statement. A copy of the Agricultural Data Statement submitted to the Town Board is included as Appendix K to this DEIS.

The Town of Brunswick Comprehensive Plan was adopted in 2001.

The Project Site is currently zoned R-25 and A-40 (see sketch). According to Town of Brunswick Zoning (Chapter 122 of the Code of the Town of Brunswick) Table of Use Regulations, permitted principle uses include:

R-25:

- Private dwellings
- Churches and other places of worship and religious instruction; parish houses; rectories; convents in connection with schools.
- Public schools; private schools offering general instruction.

- Public recreation buildings and grounds; not carried on for gain.
- Governmental buildings and uses, libraries, police and fire stations.

R-40:

- Same as R-25
- Farms, except hog farms
- Tourist Homes Veterinary hospitals
- Dog kennels
- Forestry and Nursery Operations

Special Uses permitted by the Board of Appeals in both zones include:

- Public Utility Buildings
- Universities, colleges, seminary convents
- Community Buildings
- Hospitals
- Orphanages

Also, according to Town of Brunswick Code, Multi-family uses are permitted by Special Use Review in accordance with the Special Use provisions, and review by the Zoning Board of Appeals.

4.11.2. Potential Impacts

The Project will result in a change from a currently vacant parcel to residential uses. There will be the loss of availability of agricultural use of some of the property. The proposed uses are similar to uses allowed “as-of-right” for the zoning districts encumbering this property.

Nearby agricultural uses will not be adversely impacted by the proposed development of this parcel. Due to the low-intensity nature of the adjacent agricultural uses, there is not expected to be any impact or interference with the future use of the developed site.

The Project is being proposed as a Planned Development District pursuant to Article III §10 of the Town of Brunswick Code. The approval process for a Planned Development District including the Environmental Impact Statement review process will ensure that this Project receives the appropriate consideration with the overall zoning plan of the Town of Brunswick. As such, the Project poses no large or significant impacts to the existing zoning plan of the Town.

Potential Impacts to Land-use plans include uncontrolled growth patterns; development patterns too intense for infrastructure capacity; and development patterns incompatible to adjacent land uses. The project's residential density will provide a place for controlled, orderly growth in a location that can support the density, particularly from a traffic and utility infrastructure standpoint. The project will likely relieve development pressures in less developed areas of the Town where such density would not be supported, which would result in more sprawling type of development.

4.11.3. Mitigation Measures

The proposed project will be reviewed under the Town's Planned Development District Law (Article III §10). This law provides for the orderly development of property, considering elements as residential density, creation and maintenance of open and recreation spaces, and extension of municipal utilities.

Based on the project's adherence and general compliance with the Town of Brunswick Planned Development district approval guidelines, no additional mitigation is necessary.

In addition, the proposed land uses will result in beneficial impacts on the local mix of available residential uses and tax base.

The Project also retains the key natural features existing on the Site, particularly the large wooded area and wetland areas. Certain crop areas that are being retained may be continued to be used as agricultural areas, either to continue to produce animal feed crops, or to be utilized for the production of “boutique crops” or community-supported agricultural operations.

4.12. COMMUNITY CHARACTER AND COMPATIBILITY WITH THE COMPREHENSIVE PLAN

4.12.1. Existing Conditions

The Town of Brunswick has varied facets to its community character. At the western borders of the Town, development is more intense and residential densities exceed 3-4 dwelling units per acre, with dense commercial development located along Route 7. As one moves eastward through the Town, densities generally decrease as the availability of public sewer and water becomes limited. Once sewer and water services are no longer available, development potential is limited by the physical characteristics of the soils and geology, and the character of the land is more rural and agricultural.

The project area can be classified as transitional in nature, as the few remnants of rural character have been eclipsed by development of commercial and multi-family uses.

The Comprehensive Plan, issued in 2001, offers several suggestions and guidelines for future development in the Town. Those guidelines include:

- Residential Developments will be encouraged to use or develop public water and sewer systems.
- The Town should embrace Senior Housing, at a moderate level, within Brunswick.
- Brunswick should strive to promote conservation easements.
- Brunswick should promote land use practices that conserve woodlands and natural vegetation, and maintain proper habitats.
- Brunswick should encourage easements in order to protect and conserve valuable natural and cultural resources.
- The use of cluster development is encouraged to consolidate homes and maintain smaller land disturbance.

4.12.2. Potential Impacts

As discussed in the comprehensive plan, uncontrolled growth could result in negative results, including loss of natural resources and open space, increased burden on municipal services, loss of diverse housing opportunities, increased pressures on school systems, and increased traffic generation.

4.12.3. Mitigation Measures

By clustering the development, providing varied housing options, and by privately maintaining infrastructure, the nature of the proposed development itself is a mitigating factor against the potential negative impacts of development. The proposal is compatible with many tenets and concepts presented in the Comprehensive Plan including:

- Residential Developments will be encouraged to use or develop public water and sewer systems. The proposed development is in a location currently serviced by municipal water and sewer. The proposed density is of sufficient number to allow the economic extension of these services within the

project and allow the clustering of residential units. The otherwise extension of services outside current limits would encourage a greater sprawl pattern beyond the limits of current development.

- The Town should embrace Senior Housing, at a moderate level, within Brunswick. The project proposes a small amount of age-restricted senior housing in an apartment-based building. The condominiums and townhouses, although not age-restricted, will offer “empty-nesters” and other seniors the opportunity to move to a lower maintenance residence within the Town.
- Brunswick should strive to promote conservation easements. The project as proposed creates a substantial open space area that would be subject to conservation easement to preserve the existing environmental conditions.
- Brunswick should promote land use practices that conserve woodlands and natural vegetation, and maintain proper habitats. The project as proposed creates a substantial open space area that would be subject to conservation easement to preserve the existing environmental conditions. The open space created as part of this project is generally contiguous and accessible to adjacent stream corridors and open space created as part of adjacent residential developments.
- Brunswick should encourage easements in order to protect and conserve valuable natural and cultural resources. The project as proposed creates a substantial open space area that would be subject to conservation easement to preserve the existing environmental conditions.
- The use of cluster development is encouraged to consolidate homes and maintain smaller land disturbance. The project clusters the proposed residential units in an effort to minimize the potential disturbance and maximize the ability to preserve uninterrupted tracts of open space.

The proposed housing types (apartment and condominiums) are intended to fill perceived market demands that are not currently serviced in a community dominated by single-family detached housing. The variety of ownership options and unit size provides opportunity for a wider range of income levels. The introduction of various

residential components over time will not exceed the absorption capacity of the real-estate market.

The availability of Condominiums and apartments may afford the opportunity for “empty-nesters” to remain in the Town of Brunswick, rather than being forced to relocate to other communities. As there is currently a waiting list for occupancy at the ROUSE development, the additional Senior Apartments will relieve some of the demand for this housing type.

With respect to population growth, the project will allow the regional population growth to occur in a location that will support increased density. This will reduce the development pressure on more rural areas of the Town that, because of limited access to utilities and infrastructure, would result in more Sprawl development.

4.13. EMERGENCY SERVICES

4.13.1. Existing Conditions

Police protection within the Town of Brunswick is provided by the Rensselaer County Sheriff's Department and the New York State Police. These agencies will be notified of this project.

Fire protection is provided by the Brunswick Volunteer Fire Company #1. Additional protection via mutual aid would be provided by the Center Brunswick Volunteer Fire Company District, Eagle Mills Fire District #1, and the Mountain View Volunteer Fire Company.

Ambulance Services are provided by a private service, Mohawk Ambulance Service, which has a service contract with the Town of Brunswick.

4.13.2. Potential Impacts

Potential Impacts may include the increased demand for Police, Fire and EMS services.

4.13.3. Mitigation Measures

Potential impacts to the Fire and Emergency Services will be mitigated since the Project construction will be designed and built to current Fire Prevention and Building codes, including the installation of Sprinklers in all multi-family residential structures, as required by Code; and extension of water to all portions of the development. The size and design, and relative location of the project will allow the existing emergency services organizations to readily access and service the site.

There will be additional tax revenues generated by the project that will benefit the responding Fire Departments.

The developer will solicit the opinions of the Center Brunswick and Brunswick No. 1 Fire Departments with regard to fire hydrant specification and locations.

4.14. SCHOOL DISTRICT

4.14.1. Existing Conditions

Children attending public school in the Town of Brunswick use the Brunswick Central Schools (Brittonkill) Schools or the Troy City Schools, depending on location within the Town. Residents of this project west of McChesney Avenue Extension will attend the Troy Schools while the remainder will attend Brittonkill's Tamarac campus. The following table illustrates the breakdown of the schools affected by this project.

Public School District Information			
School District	School	Grades	Current Enrollment
<u>Brittonkill</u>	Tamarac Elementary	K - 5	566
	Tamarac Secondary	6 - 12	787
	Total District	K - 12	1,370
<u>Troy City</u> (total of 9 schools)	P.S. 18	K - 6	281
	Doyle Middle School	7 - 8	687
	Troy High School	9 - 12	1,426
	Total District	PK - 12	4,699

The Brittonkill School District has publicly stated, during the review for the adjacent Highland Creek project, that the Brittonkill campus has a student capacity of 2,215 students. The current enrollment for the Brittonkill School District is 1,370 students, well below the student capacity mentioned above. A growth projection study performed by the Capital District Regional Planning Commission is contained in a report entitled "School Enrollment Projection for the Brunswick Central School District", dated 2005-2006 School Year projects that the school population would be approximately 1600 students in 2010. This result assumed that the other projected developments within the district would be constructed in a "family-friendly" manner (CDRPC "Scenario 3"), a worst-case scenario with respect to amount of school-age children generated.

Troy schools currently have an enrollment of approximately 4700 students.

The Brittonkill Central School District budget for fiscal year 2008-2009 is \$21,283,515, with \$10,288,309 (48%) generated from property taxes. The cost per student is approximately \$15,535, with approximately \$7,510 generated per student from property taxes.

The Troy Central School District budget for fiscal year 2008-2009 is \$93,257,638 with \$29,546,570 (32%) generated from property taxes. The cost per student is approximately \$19,846, with approximately \$6,288 generated per student from property taxes.

All of the above-referenced data for the 2008-2009 enrollment, budgets, and cost per student for both school districts were taken from a document entitled: "2008-2009 School Budget Spotlight" by the Empire Center For New York State Policy. All of the enrollment data for the previous years was taken from the individual New York State District Report Cards for the Brittonkill and Troy City School Districts.

4.14.2. Potential Impacts

Student generation is expected to be less than what would be expected from a purely single-family development, as this project is multi-family in nature. Published studies (Capital District Regional Planning Commission, 1987 and others) indicate the rate of student generation for apartments and condominiums to be approximately as follows:

	Units	CDPC		Rutgers		Knox	
		Rate	#	Rate	#	Rate	#
Apartments (Senior)	50	0	0	0	0	0	0
Condos (2br)	88	.258	23	0.23	21	0.141	13
Townhouses (2 BR)	39	.258	10	0.23	9	0.141	6
Townhouses (3 BR)	39	.532	21	0.62	24	0.274	11
Single-Family (3/4 BR)	68	1.02	69	0.94	64	0.76	52

Reference: CDPC - Fiscal Impact Analysis, A Guidebook, 2nd Edition, CDPC, September 1987
 Rutgers - Center for Urban Policy Research, Residential Demographic Multipliers (New York), June 2006
 Knox - Knox County MPC, Child Population in Local Housing Units, October 2005

Based on these numbers, it may be expected that in the worst case, approximately 54 school-age children would be expected to be residents in the project, assuming

that the Senior Apartments will generate no students. Of those, it can be estimated that approximately 90% will attend public schools, with the remainder attending private or parochial schools, or home-schooled. This yields approximately 49 public school students (3.74 per school grade level). These would be further split between districts with Troy receiving approximately 23 students (from condos) and Brittonkill receiving approximately 31 (from townhouses). It can be expected that a portion of these children is likely to already be students within the district and would be simply relocating from other residences within the district. Based on a five-year project absorption rate, approximately ten new students per year (5-6 per district per year) may be introduced.

When adding the additional 31 [17 when considering the Knox data] students for the Brittonkill School District to the projected year 2010 enrollment of 1,600 students, it results in approximately 1,631 students. As previously stated, the school district has the capacity for 2,215 students, much higher than the projected 1,650 students. Therefore, the projected enrollment, including the full build out of this project and the several other PDD developments within the area will be within the current capacity of the Brittonkill School District and will not have a significant adverse impact upon the public schools.

The approximately 23 students [13 when considering the Knox data] projected to be added to the Troy School district will not will not have a significant adverse impact

By comparison, a by right single-family development with a blend of three and four-bedroom homes would generate approximately 69 school-age children, slightly more than the examined proposal.

4.14.3. Mitigation Measures

There are no identified capacity issues at either school district facility affected by this project's completion.

Additional School tax revenues generated by the residential portions of the project will offset the small additional student load created by the residential portion of the project (see the Fiscal Impacts section for a summary of potential tax revenues).

4.15. RECREATION AND OPEN SPACE

4.15.1. Existing Conditions

The Town of Brunswick operates and Town Beach Complex on North Lake Avenue; and the Town operates a public recreation complex on Route 2 providing baseball, softball, football, and soccer facilities.

There is relatively little public open space in the vicinity of the project, with the exception of the existing wetland preservation area located within the project property (although not publicly owned).

4.15.2. Potential Impacts

Increases in population may increase the demand for public recreation facilities; however, the nature of the project's population may minimize the demand for youth programs.

Construction of the project may impact availability of land for open space.

4.15.3. Mitigation Measures

The project will pay a per unit recreation fee of \$500. This fee will offset any potential increase in demand for public recreation facilities. Tax revenue generated by the project may also be used to offset any increased costs.

The design of the project proposes the creation of 52 ± acres of permanent open space. While the ownership of this open space may not be in the public domain, there will be passive recreation activity available for project residents. The existing wetland preservation area will be included within this open space and will be afforded additional buffer area.

The open space created by the implementation of this project will be somewhat connected to open space created by the proposed Highland Creek project to the southeast. A “green corridor” will exist in the north-south direction connecting this project and open space/preservation areas to the north near Route 7.

To the west, steep slope areas are preserved adjacent to the tributary to the PoestenKill. This tributary also creates a natural corridor off-site, further linking the created green spaces.

4.16. SOLID WASTE DISPOSAL

4.16.1. Existing Conditions

Trash Collection to residential properties is provided by private haulers, and the Town operates a recycling transfer facility at the Town Office complex.

4.16.2. Potential Impacts

Solid waste will be generated at a rate of approximately 4 pounds per day per person (approximately 325 tons per year, project total). Solid waste disposal is considered at a regional level and has no direct impact on Town Services.

4.16.3. Mitigation Measures

As potential impacts are minimal, there is no mitigation required beyond the regular pickup of solid waste by a contract hauler. Pickup for the condominiums will occur at curbside on a weekly basis. The apartment building will have a centralized dumpster.

4.17. ECONOMIC CONSIDERATIONS

4.17.1. Existing Conditions

The taxing jurisdictions for owners of real property in the Town of Brunswick are Rensselaer County, the Town of Brunswick and either the Brittonkill or Troy Central School Districts. The tax rates per \$1000 of assessed valuation of properties in the most recent fiscal years for each taxing jurisdiction are as follows:

Rensselaer County:	20.846538
Town of Brunswick:	
General:	3.003135
Highway:	4.518615
Fire (Center Brunswick)	6.522171
Charge Backs	2.337994
Water Supply District	1.990632
Brittonkill Central School District:	64.991583
Troy Central School District:	74.17

Thus, the total tax rate for a property in the Town combining all applicable rates of County, Town and School is 104.21 per \$1000 of assessed value (Brittonkill school) or 113.39 per \$1000 (Troy schools).

The Town of Brunswick applies a 24.30% (2008) equalization rate with respect to the "full value" for purposes of tax computations. "Full Value" is determined by the assessor's office by reviewing construction costs and comparable market analyses.

The Town of Brunswick adopted budget for 2008 fiscal year is \$4.602 million excluding fire districts and special districts. The total general fund budget is \$2.215 million. The Town highway budget is \$1.442 million.

The Brittonkill Central School District budget for fiscal year 2008-2009 is \$21,283,515, with \$10,288,309 (48%) generated from property taxes. The cost per student is approximately \$15,535, with approximately \$7,510 generated per student from property taxes.

The Troy Central School District budget for fiscal year 2008-2009 is \$93,257,638 with \$29,546,570 (32%) generated from property taxes. The cost per student is approximately \$19,846, with approximately \$6,288 generated per student from property taxes.

4.17.2. Potential Impacts

The project will result in additional tax revenues to the municipality and school district. Current regulations (section 339-y of the real property law) require condominiums to be assessed differently than single-family residences. At full buildout, the assumed market value will be approximately \$34,000,000.

For taxation purposes, condominiums are typically assessed at rate lower than market value, as assessments are based on the potential to earn rent. Typically, this yields a 40-60% reduction in assessments for condominiums. For this analysis a 50% reduction is assumed. This lower assessment is typically offset by lower cost impacts to the municipality, because of Homeowner Association maintained common space and facilities, and increased unit densities.

At current equalizations rates, the project will add approximately \$4,131,000 to the assessment value of the Town (\$1,871,000 Troy school; \$2,260,000 Brittonkill). Potential additional property tax revenues, based on current tax rates (2008), are summarized in the following table:

Entity	Tax Rate/1000 assessed value	Revenue Generated
Rensselaer County	20.846538	\$ 86,117
Brunswick (T) General	3.003135	\$ 12,522
Highway	4.518615	\$ 18,666
Fire	6.522171	\$ 26,943
Water	1.990632	\$ 8,220
Brittonkill CSD	64.991583	\$150,033
Troy CSD	74.17	\$135,175

Full buildout value (\$34,500,000 total) assumes a market value of \$175,000 each for the condominiums (88), \$200,000 each for the townhouses (78), and \$70,000 each for the apartments (50).

Additionally, there will be sales tax revenues generated from purchase of construction materials; and wages and benefits paid to contractors and workers, some of whom may reside locally. There will also be sales tax revenues generated by future residents, who will purchase goods and services from local merchants and retailers.

The increase in municipal revenue generation will outpace the additional demand for municipal services, particularly since the costs associated with the operation and maintenance of project infrastructure will be primarily borne by the private management entity created for the project, and there will be no public roadways created.

Additionally, the costs associated with public school students that the project may generate (not counting the fact that a portion may already be attending school in the subject School Districts), will be offset by increased revenue. The project revenues will generate at least \$8,135 per student (Troy) and \$5,408 [\$8,800 when considering the Knox data] (Brittonkill), compared to a district average of \$6,300 and

\$7,500 respectively, of revenue per student currently generated through property taxation.

The Town Department of Public Works may incur costs to operate and maintain any water and sewer facilities dedicated to the Town. These costs are considered to be minimal, as all infrastructures will be newly constructed, with little or no immediate maintenance requirements. The direct fees charged for water and sewer usage, will account for any maintenance operations on the water and sewer facilities, including costs associated with meter reading and billing operations.

Potential construction cost impacts to the Town DPW will be absorbed by the project. Construction related costs, including installation of facilities, connection to the existing system, and testing of the water and sewer facilities will be borne by the developer. It is also standard practice for the developer to pay for any Town incurred costs related to the inspection and documentation of the water and sewer.

The developer will pay a \$500 per unit recreation fee, in accordance with local law.

There will not be any payment in lieu of tax (PILOT) agreement nor other tax abatement proposal sought by the applicant/owner.

4.17.3. Proposed Mitigation

Fiscal Impacts are minimal and mitigated by tax revenues and fees generated by the project. No further mitigation is required.

5.0 ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED

There will be some minor impacts that cannot be avoided if the Project is implemented. These may include:

- *Conversion of undisturbed land to developed land* - Although the Project design minimizes the disturbances, there will be a small amount of land disturbed and converted to impervious and non-natural areas.
- *Consumption of natural energy resources* - There will be some irretrievable consumption of natural resources during construction of the Project, and a slight increase of consumption by Project residents of utility resources (electricity and fossil fuel) during the course of the Project's lifetime.
- *Additional Traffic Volumes* - There will be a slight increase in the traffic level of the surrounding highway infrastructure. However, existing capacities are more than adequate and there is no Projected decrease in Levels-of-Service.
- *Consumption of other resources* - There will be some consumption of resources (wood products, concrete, pipe, etc) during the construction of this product. However, these products are all readily available in the immediate marketplace.

6.0 REASONABLE ALTERNATIVES

As required by the State Environmental Quality Review Act, reasonable alternatives to the proposed action are required to be analyzed, including the “null” or no action alternative. The following alternatives were examined, with a conceptual plan and density analysis provided for each development scheme. These alternatives are summarized in the following:

6.1 NO ACTION “null” ALTERNATIVE

Under this alternative, the land will remain in its current undeveloped state, and continue in its current use. Agricultural operations would continue on the property where they currently exist, or these areas may be allowed to revert to brush and wooded areas. Portions of the property not currently farmed may be converted to active farmland or allowed to continue the transformation to forest.

Under this alternative, there is little opportunity for economic return to the owner, nor will there be any benefit to the municipality from the potential increase in tax base as a result of development or from increasing available residential housing stock and commercial space in the Town. There would be no opportunity to fulfill any housing needs of the community. There would be no opportunity for the Town to encumber additional area as protected open space.

6.2 RESIDENTIAL ALTERNATIVE UNDER EXISTING ZONING

If developed under the existing zoning (R-25 & A-40), the property may be developed with any of the following permitted uses:

Permitted Principal Uses:

R-25

- > Private Dwellings
- > Churches and other places of worship and religious instruction; parish houses; rectories; convents in connection with schools.

- > Public schools; private schools offering general instruction.
- > Public recreation buildings and grounds, not carried on for gain.
- > Governmental buildings and uses, libraries, police and fire stations.

A-40

- > Above Uses
- > Farms, except Hog Farms
- > Tourist Homes
- > Veterinary Hospitals
- > Dog Kennels
- > Forestry and Nursery operations

Special Uses permitted By Board of Appeals subject to standard prescribed in Section 13 of Zoning Law:

A-40/R-25

- > Public utility buildings for servicing the neighborhood
- > Universities, colleges, seminaries, convents.
- > Community Buildings
- > Hospitals
- > Orphanages
- > All subdivision maps filed prior to the enactment of the Zoning Ordinance.

Development of this parcel using the Permitted Principal uses may result in a variety of impacts, depending on use proposed.

For example, a basic land subdivision of single-family lots on the considered parcel would result in 56 building lots, with 7000 LF of roadway. This option would result in no preservation of substantial open space, with only a limited park area of three acres as required by Subdivision Regulations.

Single-family houses will likely result in more students attending the public schools, generated at a much greater rate than the current proposal.

Traffic would be generated at similar or higher levels as the current proposal.

A concept Single-Family lot subdivision layout is included in Appendix M for demonstration. This concept plan demonstrates the feasibility of a 56-lot proposal.

The additional roadway constructed would be owned and maintained by the Town of Brunswick, adding to the burden of public works departments.

6.3 NON-RESIDENTIAL ALTERNATIVE UNDER EXISTING ZONING

By special use permit, the following are allowed under the existing zones:

- > Public utility buildings for servicing the neighborhood
- > Universities, colleges, seminaries, convents.
- > Community Buildings
- > Hospitals
- > Orphanages

These projects, by the nature of their use, would likely involve larger buildings and parking areas; and larger land disturbances with substantial earthwork requirements. They would likely result in increased demand for municipal water and sewer service.

This style development would likely result in a substantial increase in traffic generation and impacts as the traffic patterns would be more similar to a commuter destination than a residential development.

There would likely be a substantial increase in demand for emergency services from a more institutional style of development.

7.0 IRREVERSIBLE and IRRETRIEVABLE RESOURCE COMMITMENT

The construction of the proposed residential uses, and the associated roads and infrastructure would involve the commitment of a variety of natural and manmade resources. These resources include, but are not necessarily limited to the following: vacant land, concrete, steel, timber, brick, wood, paint, and topsoil. The operation of construction equipment would also involve the consumption of fossil fuels. The completed development will require electricity, natural gas, water, and other consumables typically used in the project area.

The completed project will result in the irreversible conversion of open field and vacant land to residential uses, with vacant open space remaining.

The construction of the proposed development will require a temporary commitment of workers, which may not be immediately available for other construction activities. However, this commitment must be viewed as a positive impact to the area's construction industry.

The additional tax revenue generated by the Proposed Action would offset other long-term service commitments, including the services of police and fire departments and Town administrative personnel to service the completed development.

8.0 GROWTH INDUCING ASPECTS

Growth-inducing aspects of a project are sometimes difficult to quantify. This project is not in, and of itself, a growth-inducing project. Growth inducing activities are typically those that involve a large-scale, single-use development, such as a casino or manufacturing facility, which would require additional development to support the requirements of the facility.

8.1 Population Increase and Impacts on Housing and Support Facilities

Potential increase in population may not necessarily result in any induced growth aspects beyond this project. Growth of the Town is primarily limited to the geographic and physical constraints of the Town and its infrastructure, and available housing stock. This project will provide additional housing stock to certain market sectors, potentially alleviating the lack of availability of housing opportunities within other areas of the Town.

The additional residents that will occupy this project are not likely to create any additional demand for service that would induce further growth. The existing commercial markets within the immediate vicinity of this project will likely absorb demands of these residents.

This project will not likely generate jobs with specific skill requirements, such as high-tech manufacturing, that would require population influx from other geographic areas.

8.2 Development Potential

The project does not contemplate extending infrastructure to areas currently not served. The project is not contemplating any increases to Town utility capacity beyond what is required for this project that may induce growth in the future.

The adjacent properties are currently developed or approved to be developed. The development of this parcel, or lack thereof, does not encourage or impede the ability to develop the adjacent parcels as allowed by the current zoning.

Because any potential population increase would likely be absorbed by this project, additional demand for housing would be alleviated. The project on its own merits will absorb the potential growth-inducing aspects of additional residential development.

8.3 Economic Impacts

The project will result in increased revenues to the Town of Brunswick and Rensselaer County in the form of property and sales taxes. There are not likely to be further economic impacts as a result of growth induced by this development.

8.4 Public Schools & Recreational Resources

The project is not contemplating any significant increases to local school system or recreational resources capacity that may induce, or be able to accommodate additional growth in the future.

8.5 Police and Fire Services

The project is not contemplating any significant increases to local emergency service capacity beyond what is required by this project, that may induce, or be able to accommodate additional growth in the future.

9.0 LIST OF APPENDICES

APPENDIX A - Miscellaneous Figures

APPENDIX B - Final DEIS Scoping Document

APPENDIX C - T & E Species Inquiries

APPENDIX D - Wetland Delineation Report

APPENDIX E - Traffic Impact Study

APPENDIX F - Preliminary Stormwater Management Computations

APPENDIX G - Water Computations

APPENDIX H - Sanitary Sewer Computations

APPENDIX I - Cultural Resource Survey

APPENDIX J - Photo Simulations

APPENDIX K - Ag Data Statement

APPENDIX L - Municipal Budget Info

APPENDIX M - Alternate Plans

APPENDIX N - Test Pit Logs