

1 TOWN BOARD
 2 TOWN OF BRUNSWICK, NEW YORK
 3 -----
 4 HUDSON HILLS PLANNED DEVELOPMENT DISTRICT (PDD)
 5 APPLICATION
 6 -----

7 STENOGRAPHIC MINUTES OF PUBLIC HEARING conducted
 8 in the above-entitled matter on the 17th day of January,
 9 2006, at the Brunswick Central School District Auditorium,
 10 Troy, New York, commencing at 6:30 p.m.

11
 12 TOWN OF BRUNSWICK BOARD MEMBERS:
 13 Supervisor PHILIP HERRINGTON
 14 Councilwoman CAROLYN ABRAMS
 15 Councilmen CARL CLEMENTE
 16 PATRICK POLETO
 17 SAM SALVI
 18 Clerk SUSAN QUEST-SHERMAN

19 APPEARANCES:
 20 ANDREW W. GILCHRIST, ESQ. - Town Board Legal Advisor
 21 MARK KESTNER - Kestner Engineering
 22 MARK GREGORY - Transportation Concepts
 23 WILLIAM HOBLOCK, ESQ. - Capital District Properties, LLC
 24 MARVIN CHUDNOFF - Capital District Properties, LLC

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 "A Draft Environmental Impact Statement, DEIS,

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

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

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

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

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

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

1 Record, January 1st, 2006.

2 SUPERVISOR HERRINGTON: Thank you, Susan.

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

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

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

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

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

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

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

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

1 residential units will have an attached garage.

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

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

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

1 pool.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 We'll have tree-lined streets throughout.

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

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

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

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

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

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

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

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

1 see them at all.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ownership yet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 SUPERVISOR HERRINGTON: Thank you, Bill. One

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

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

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

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

1 hills.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 We need to see some authority for this one

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

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

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

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

1 project.

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

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

12 (Applause.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 I think we all need to go to get information about
2 how this will really impact us.

3 SUPERVISOR HERRINGTON: Last Thursday,
4 I -- I've been talking to the president of the
5 school board. We both want to get together. I
6 asked my secretary last Thursday to set the meeting
7 up. I said call on Monday, but I didn't realize
8 Monday was a holiday. So I talked to her today and
9 she did not make that phone call yet, but it will be
10 set up in the real near future. It will be done.

11 When I talked to Debbie, she suggested Thursday
12 night. I think the school board meets like every
13 Thursday night. So we wanted to do a Thursday
14 night. It will be an open forum

15 MS. FORSTER: Right. How will we know about
16 it? How will we be informed?

17 SUPERVISOR HERRINGTON: We will put it on our
18 web site. I don't think there's much that you don't
19 know. What I'm saying is I can get you that. I'll
20 make a phone call. I'll call you personally, Becky
21 or somebody.

22 MS. FORSTER: I think, obviously, there will
23 be some impact in terms of budget, more people,
24 class size, quality. I mean, there's a lot of

1 issues and I have some questions and I think people
2 would like to know firsthand more than just me.

3 SUPERVISOR HERRINGTON: Yes.

4 COUNCILMAN SALVI: We'll put it on the school
5 web site and the Town web site.

6 SUPERVISOR HERRINGTON: Yes. I mean, we can
7 put it in the paper, whatever. We had a
8 presentation and I was sorry that you weren't at the
9 Town Board meeting, because you've been to the ones
10 before. I was praying. I said I hope you're here
11 or Becky or somebody, because that gentleman came to
12 district, made a presentation and, boy, that would
13 have been the ideal time to corner that guy. We
14 kept trying to come up with questions. But we'll
15 try to get that dialogue open.

16 MS. FORSTER: I think there's a lot of general
17 public interest in that meeting, not just myself.

18 SUPERVISOR HERRINGTON: I'm not saying that.
19 I'm interested. I don't want to build a new school.

20 MS. FORSTER: We went to school here. We
21 don't want to --

22 SUPERVISOR HERRINGTON: Yes, I understand that.

23 MS. FORSTER: The second thing that I wanted
24 to go through is I wanted to start with -- again, as

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

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

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

17 Now, I feel in many ways you're saying what so
18 many citizens have been saying. We need cumulative
19 planning. Many of us would like to see the Board
20 with this many projects on board really to -- quite
21 honestly, in the November meeting, you announced
22 there would be \$75,000 for a zoning expert to come
23 in and re-draw the zoning map after these projects
24 are approved or denied.

1 Why wouldn't you want \$75,000 to really come up
2 with real numbers for us in the Town for traffic,
3 for costs for infrastructure for the effects on
4 neighborhoods?

5 I think most of us know that when we talk about
6 the traffic, it's impacting our neighborhood. It's
7 not impacting only our driving but our ability to
8 walk within reasonable areas. I used to walk to the
9 library all the time. Now, I have to think twice
10 about it. And many others think twice about it or
11 don't do it, because they don't feel secure.

12 I feel we need a planner to come in and get
13 ahead of any problems. Once it's done, we can't
14 reverse it. And those of us who are committed here
15 really don't want to see us lose our town.

16 Also, consider the planning with tax
17 assessments. How much is it going to cost the Town
18 to maintain new roads, sewers, water districts,
19 stormwater management, et cetera?

20 Now, during election, one of the platforms was
21 that town government is very stable, taxes, et
22 cetera, and I don't think people quarreled with
23 that. But, now, we're hearing, "Well, we need
24 growth, we need more taxes."

1 I'm asking you if it's not broken, don't fix
2 it. We have a stable environment. Too many
3 corporations and other groups have gotten caught up
4 in growing so fast that they lose their stability
5 and they lose their integrity. And for a
6 corporation, it often means going into bankruptcy or
7 impacting citizens of the town.

8 So that's what I'd like to say. Thank you.
9 (Applause.)

10 SUPERVISOR HERRINGTON: I don't want to drift
11 very far. I mean, we're here tonight to get input
12 on this project. I know there's a whole policy
13 issue and, you know, Town Board meetings would be a
14 great place to ask a lot of those questions. I did
15 receive a letter, as you probably know, from Becky
16 asking to explain who's going to review this, what
17 about a planner and I will respond to that in
18 writing. I just received it.

19 Andy, am I wrong here? I mean, I don't want to
20 drift a little bit here, but do we want to --

21 MS. FORSTER: Could I say one thing, though?
22 These projects were -- we're asking about the
23 impacts, financial impact, the traffic impact, the
24 impact on the schools. So I myself feel they're

1 directly related to these projects and --

2 SUPERVISOR HERRINGTON: I just want to make
3 sure that that's what we're doing here. I want to
4 make sure. You got questions and issues. There's
5 more lawyers in this room and I just want to make
6 sure we're doing this right. That's the problem.
7 Thank you.

8 MR. MESKOSKEY: I'm Pete Meskoskey,
9 M-E-S-K-O-S-K-E-Y, 168 Town Office Road. I have a
10 question for the Board. I actually have a question
11 for everyone.

12 Who is the person that is the traffic person
13 here? Nice to meet you. I would love to sit down
14 and probably a group of people would love to sit
15 down and talk to you.

16 Has the Board noticed that every developer
17 that's in here, every traffic study, we question why
18 don't they see what we see every day when we drive?
19 I know they got numbers and I know they have
20 systems.

21 Does everybody in here see traffic problems in
22 Brunswick? Raise your hand.

23 (Applause.)

24 MR. MESKOSKEY: The Board: Are there traffic

1 problems in Brunswick? Okay. I know you know.
2 Okay. You don't have to say.
3 SUPERVISOR HERRINGTON: Wait a minute now.
4 COUNCILMAN SALVI: We're not here to --
5 MR. MESKOSKEY: I understand that. I'm trying
6 to make a point.
7 COUNCILMAN SALVI: Pete, we're not here to
8 vote. We're here to listen. You know, we've been
9 through this before. We can't vote on this project
10 before the time comes.
11 MR. MESKOSKEY: I'm not asking that you vote on
12 the project. All I'm saying is have you noticed
13 that every developer that comes in here, every
14 traffic study, that they don't see what we see every
15 day when we drive down the road? And that's my
16 point, my only point.
17 The other thing, Andy, this is the same DEIS
18 that came in in August; correct?
19 MR. GILCHRIST: That's correct.
20 MR. MESKOSKEY: The reason that we don't have
21 the new DEIS is they're all Prago. It's already
22 in there, the reduced numbers. Correct?
23 MR. GILCHRIST: If we're going to use Prago
24 analogies, I gotta respond to that. In the DEIS

1 document, the original 1,116 units were analyzed.
2 There's a section in that document and the SEQRA
3 regulations require an applicant to look at
4 reasonable alternatives, identify and analyze each
5 of the issues. It has done so for the original
6 proposal under the alternatives.
7 In this DEIS, there is an analysis of a reduced
8 number of units, yes. It is 668 and it did look at
9 traffic issues and density issues and open space
10 issues.
11 So when you say it's in there, it is in there,
12 but it's analyzed as an alternative to the
13 originally proposed project.
14 MR. MESKOSKEY: Okay. Thank you. That
15 explains it. I want the Board to notice that while
16 the presentation's a very good presentation, all the
17 issues in the original DEIS have not been answered
18 yet. Everything magically appears to be very good
19 as in all the PDDs when we talk to these people. So
20 I want you to take a look at that. Take a hard,
21 strong look at that. I ask you to hold this public
22 hearing open and, once again, we need to study the
23 cumulative effect of all these projects. Thank you.
24 (Applause.)

1 SUPERVISOR HERRINGTON: Norm, I'm sitting up
2 here and it does bother me when you first came
3 up -- I know I shouldn't comment, but that was a
4 pretty good shot at me tonight about this Highland
5 Creek and Capital District, the number three months
6 ago. Trust me, Highland Creek, I haven't even seen
7 the -- my brother's handling that. I have two
8 attorneys, one here. The Town is scared to death
9 with me involved. I get up and leave. I didn't
10 have a clue if it was in the paper and it was clear
11 for me -- and the lawyer told me not to say
12 anything, but I did. I told that gentleman, "You're
13 not getting 1,200 apartments. You're not getting
14 that."

15 So what happened was, you know, the numbers
16 came down. I did not know of a 668 -- did you say
17 three months ago? -- and what I just heard now,
18 which I did not know they got the same traffic
19 consultant. But I don't want people here to think
20 that -- are you trying to say that I'm trying to
21 jockey these two things, Norm?

22 SUPERVISOR HERRINGTON: It's just driving me
23 crazy, to be honest. It means a lot to me.

24 MR. FIVEL: I don't know where you got that

1 from, Phil, because I pointed my comments at the
2 developer.

3 SUPERVISOR HERRINGTON: Okay.

4 MR. FIVEL: My understanding is that you're
5 not the developer.

6 SUPERVISOR HERRINGTON: That's what I'd like to
7 get on the record, because it's not Phil and Ken
8 Herrington's project. I'm not the developer. I
9 appreciate that.

10 You're wondering where it came from. We got
11 that answer, the same traffic people.

12 One thing -- I'm wandering here, but trust me,
13 my dad brought us up to be honest. Farmers are
14 honest. So that just means a lot to me. So if
15 there's any question, I appreciate that, but I
16 didn't know this number. I just want to set that
17 record straight.

18 MR. O'HERN: My name is Rick O'Hern. I live
19 on Dunham Road, Grafton. I pay Brunswick school
20 taxes. Until about six months ago, I owned a house
21 on Keyes Lane, which is just up from Best Road and
22 right at the site of the first couple meetings.

23 I bought that house from my sister about four
24 years ago and I rented it out and I recently sold it

1 because of the traffic problems on Route 7. I felt
2 as though it was becoming an undesirable area.

3 I've got a bit of a personal -- we talk a lot
4 about traffic problems. A lot of it's hypothetical,
5 what if's. I've got a personal situation there.
6 It's a little difficult. I may stumble through it,
7 but this is real; this happened.

8 My sister who I bought the house from married
9 my best friend, grew up on Keyes Lane and they have
10 three small kids. And in October of 1989, he was
11 cutting a tree in the backyard and the top of the
12 tree fell down and landed on him. They called an
13 ambulance. It was October 9th. It was leaf season.
14 The traffic was backed up from Sycaway well past
15 Capital Tractor. They were bumper to bumper.

16 The ambulance was in emergency mode with lights
17 on and sirens flashing. And many times, the driver
18 afterwards stated, he was at a complete stop. The
19 cars could not pull to the side because they were so
20 close. They couldn't make access. He died in the
21 yard before the ambulance came.

22 He may have died whether the ambulance got
23 there quickly or not, but the fact is there was a
24 traffic problem in 1989 and traffic has grown. The

1 Route 7 project really hasn't helped. The growth
2 has made the traffic worse. And that's a real
3 situation. Things like that happen. It doesn't
4 happen often. We speak a lot in hypotheticals, the
5 what if's when we do the traffic studies.

6 Now, I also know because -- my wife called me
7 at the time when I worked at Clemente Concrete in
8 Troy and my wife called me. She said, "Scott's got
9 a tree on him. He's in the yard. He's in bad
10 shape. He needs help." I live in the woods. I cut
11 a lot of wood.

12 I went out there myself in emergency mode
13 thinking I was going to help him. I encountered the
14 same thing. People couldn't move out of my way. I
15 was on the shoulder. I was between cars on the
16 yellow line. I even went as far as one point to
17 cross both lanes running on the shoulder on the left
18 side thinking I'm going to save his life. It took
19 me -- what should have been 15 minutes took me 40
20 minutes to get there. So we do have a real traffic
21 problem and I wanted to put that on the record.

22 And I know this is getting off the subject of
23 the traffic, but I did send an e-mail to Phil; I
24 hope you read it. I'm just drawing a correlation

1 here. I work for Clemente Concrete and I see
2 there's Carl Clemente on the Board. I asked Phil
3 because there was no link that I could contact -- I
4 don't know whether Clemente himself is on the web
5 site. I wanted to send him an e-mail.

6 I was just curious if Mr. Clemente is
7 affiliated at all with Clemente Concrete, Bonding
8 Concrete, or any mining or construction company. I
9 don't know. Can you answer that?

10 COUNCILMAN CLEMENTE: The only one I'm
11 affiliated with is Bonding Concrete. It's
12 not owned by any of the companies you work for.

13 MR. O'HERN: I know it's not owned by any of
14 the companies. No doubt, these five projects or
15 whatever's on the board, between concrete and
16 aggregates, there's a million dollars worth of
17 business there. Okay? I was just wondering how you
18 can fairly vote supporting the people when you've
19 got the possibility of making hundreds of thousands
20 of dollars. And I know all the business won't go to
21 Bonding Concrete --

22 COUNCILMAN CLEMENTE: I hope you know that,
23 because we're the only family-owned business left in
24 the area, kind of like the Herrington farms. They

1 bought up all the companies but ourselves, because
2 my brothers and myself wouldn't --

3 MR. O'HERN: I know.

4 COUNCILMAN CLEMENTE: Well, it's another
5 personal shot just like the last guy, if that's the
6 best you can do. I've never worked with this man.
7 I was on the Board when Walmart came here. I never
8 heard a thing from Walmart. The only thing this job
9 has ever done to me is probably hurt me in my
10 business.

11 I do this. I love to do this. I've never
12 taken a cent of pay. I've donated parks; you know,
13 name it, I've done it in this town. For you to come
14 out of Grafton with a cheap shot like that, go on
15 back to Grafton.

16 MR. O'HERN: It's not a cheap shot.

17 COUNCILMAN CLEMENTE: It is a cheap shot. I do
18 take it personal.

19 MR. O'HERN: I asked how you could fairly --

20 COUNCILMAN CLEMENTE: I can. I'm an
21 intelligent person.

22 MR. O'HERN: -- when there's a possibility of
23 making a lot of money.

24 SUPERVISOR HERRINGTON: We are getting a

1 little -- you made your point. It's on the record.
2 MR. O'HERN: Did you get my e-mail?
3 COUNCILMAN CLEMENTE: You can e-mail
4 BondingConcrete.com any time you want.
5 MR. O'HERN: I directed that e-mail to Phil. I
6 did not get a response. I would not have brought it
7 up. There's no doubt money's to be made on concrete
8 and aggregates.
9 COUNCILMAN CLEMENTE: Hopefully, you'll keep
10 having a job. You're driving for a concrete
11 company.
12 SUPERVISOR HERRINGTON: I read the paper that
13 my salary at this job is \$23,000 --
14 MR. O'HERN: Wait. Now, we're talking cheap
15 shots.
16 SUPERVISOR HERRINGTON: Okay. Come on.
17 MR. O'HERN: Now, he's saying whether I have a
18 job or not.
19 SUPERVISOR HERRINGTON: We're here to talk
20 about -- this is the problem. I do get a lot of
21 e-mails. I get a lot of letters -- listen to me,
22 please -- from a lot of senior citizens that said,
23 "I come to these --" I'll show them to you "-- I
24 come to these public hearings. I want to say

1 something, however, there's a lot of lawyers,
2 there's a lot of professors and a lot of animosity.
3 I want to get up and say something, but they laugh,
4 they clap."
5 You're not doing yourself justice, people. You
6 want to keep an open mind. These people were afraid
7 to get up and say something. That's not what this
8 is about. That's true. I'll show you those
9 e-mails. Don't laugh and clap. You're smart.
10 Brunswick needs to work together, but you're getting
11 the wrong image. People are afraid to get up and
12 talk.
13 MR. CHUDNOFF: My name is Marvin Chudnoff. I
14 promised myself I would remain mute during this
15 since, in fact, this is an opportunity for the
16 townspeople to submit their questions and we will
17 respond to the townspeople's questions. But there's
18 some degeneration going on here and I don't want to
19 sit idly by as we see it.
20 You know, life has got a lot of pushes and
21 pulls and sometimes you're damned if you do and
22 you're damned if you don't as a developer, which is
23 akin to Atilla the Hun to a lot of people.
24 I will tell you I've been in this community for

1 40 years. I am a member of this community. I have
2 a farm 25 miles south of here. I love this entire
3 area. I'm not such a sectionalist that I just love
4 Brunswick. I love the entire Capital District. I
5 love the Adirondack mountains. I love the Catskill
6 mountains.

7 I'm a member of the community. I buy milk and
8 I wouldn't be a bit surprised if some of it comes
9 from Herrington's farms. I never met Carl Clemente
10 in my life. I'm one of the largest developers in
11 not only this area but in the State of New York. I
12 never met him in my life. I said hello to him today
13 for the first time just to be polite.

14 To the best of my knowledge, I don't think I
15 ever bought any concrete from you. I tell you I
16 never will buy concrete from him or anybody else
17 who's not the cheapest and the best supplier,
18 because I'm a businessman.

19 But if I'm a member of this community, as you
20 are a member, guess what? I'm going to buy paper
21 supplies from you. I'm going to buy oil from you.
22 I'm going to buy tuners from you. I'm going to do
23 business with the people in this community.

24 Don't attack your own people. If you don't

1 like what we want to do, if you don't think it
2 stands on its own merits, God bless you, challenge
3 us. We'll respond. But don't take pieces from each
4 one of yourselves. That's it. Thank you.

5 (Applause.)

6 SUPERVISOR HERRINGTON: One thing we have
7 done -- I was concerned about the ambulance
8 response. I knew Scott. We've had times when
9 an ambulance response to this school took 20 minutes
10 because they're in Albany. And, you know, we have
11 got ambulances in the Town of Brunswick. One of the
12 proudest things that I and the Town Board have done
13 is stationed on the hill right up here on
14 278 -- there was an incident here last year. We got
15 a call from the superintendent -- two-minute
16 response time from there down.

17 An ambulance out in the country is a problem.
18 I know Route 7 is a concern. It's been worked on
19 and I understand that. Ambulances scare me, but I
20 think we're in better shape right now. I understand
21 what you're saying. I feel good about the
22 ambulances.

23 Sorry, Becky.

24 MS. KAISER: Rebecca Kaiser, 398 Monday lawn

1 Road. I heard my name mentioned like four or five
2 times tonight and I didn't even get up here yet, but
3 that's who Phil was talking about when he said
4 Becky. That was me, Rebecca Kaiser.

5 Anyway, this is a very strange meeting, I
6 think, a bit different than any of the others we
7 ever had. One thing I want to clarify is Brunswick
8 Smart Growth, like, everybody you see in here is not
9 a member of Brunswick Smart Growth. I know some of
10 the people in here and, you know, they are members.
11 There are many, many people here I don't know, that
12 I've never seen before. So just assuming when
13 someone comes up to say anything at all that they're
14 a member of Brunswick Smart Growth, that's not the
15 way it is.

16 SUPERVISOR HERRINGTON: I knew two or three of
17 the gentlemen were, Norm and Peter and Donna.
18 They're all members. So I'm sorry. Everyone that I
19 saw I thought --

20 MS. KAISER: I have a suggestion, not that it's
21 my place to make a suggestion, but the same things
22 seem to be loose right now. My understanding about
23 what this meeting is for is to receive comments from
24 the public. And I'm not criticizing you, Phil. I'm

1 saying if you look past through the transcripts like
2 when Mr. Poleto, Pat, was chairing the meeting for
3 Highland Creek, I swear to God if Pat said more than
4 "next" between people, it was a lot. "Next. Who's
5 next? Anybody?"

6 And so if you do it that way, then people don't
7 get into this awful negative adversarial thing.

8 SUPERVISOR HERRINGTON: I didn't mean to fire
9 up Mr. Goyer, if that's what you --

10 MS. KAISER: I'm not. I'm just saying, you
11 know --

12 SUPERVISOR HERRINGTON: Okay. Thank you.

13 COUNCILMAN SALVI: Becky, because there's been
14 so much misinformation over the past six months, at
15 some point, the Board feels as though they have to
16 respond.

17 MS. KAISER: Okay.

18 COUNCILMAN SALVI: And that's when "next"
19 doesn't work anymore. Meeting after meeting, this
20 thing is unraveling. We get the same wrong
21 comments. And if people who are here for the first
22 time think, "Gee, one of the comments that was made
23 over and over if just 200 more kids come in, we
24 gotta build a new school, we've got a school board

1 member saying that," it's clearly not true.
2 But for people who sat in that audience, "Oh,
3 my God, 200 more kids, and there's going to be a
4 \$40 million project," which was clearly not true.
5 And the person who said it knew it wasn't true.
6 So at some point in time, you have to say, you
7 know, let's get the information straight and I think
8 that's what's happened here tonight from my
9 perspective. The people here for the first time
10 need to know this.
11 And I'm neutral on these, believe it or not. I
12 think the information should be correct. I don't
13 think the information should be wrong.
14 MS. KAISER: I agree 100 percent.
15 COUNCILMAN SALVI: I don't think you do.
16 MS. KAISER: Why am I --
17 SUPERVISOR HERRINGTON: Okay. Your point's
18 running tighter. That's the way I am. I talk. I
19 just talk. Everybody knows me. I'm born and raised
20 here and I talk. That's what I do.
21 Let's get back to the meeting and your point,
22 Becky.
23 MS. KAISER: That came directly from Theresa
24 Snyder.

1 COUNCILMAN SALVI: We have the report from --
2 MS. FORSTER: Just one comment. That comment
3 was in the Highland Creek DEIS. It was the exact
4 same comment she said to me that 1,600 was maximum
5 capacity. Look in the Highland Creek DEIS.
6 COUNCILMAN SALVI: After that meeting,
7 Councilwoman Abrams and I had a meeting with some
8 people in the school. We broached that subject of
9 building a school. They said absolutely not. Then,
10 they said they'd let us know that the -- the present
11 kindergarten class is 79. It's going to go down
12 from over this to a low of 72, declining enrollment.
13 The estimated numbers are 2,215. Those aren't
14 new numbers. Those numbers were projected way
15 back -- was it 2000? Those numbers were projected
16 back in 2000.
17 MS. FORSTER: Well --
18 SUPERVISOR HERRINGTON: Let's get back.
19 MS. FORSTER: Can I just say that what I said
20 I ran through Theresa Snyder. She said it was okay.
21 I was not making up numbers. I talked to her and
22 she repeated those numbers in the Highland Creek
23 DEIS. That's all I can say.
24 SUPERVISOR HERRINGTON: Becky, go ahead. Do

1 you have a point here?

2 MS. KAISER: Yeah, just a short one. I guess
3 maybe this is dialogue.

4 SUPERVISOR HERRINGTON: Dialogue is good.
5 That's what I do.

6 MS. KAISER: I'll read my paragraph, just what
7 I wanted to say. Although it's been slimmed down
8 and modified, I still don't think this project is
9 appropriate for Brunswick. Its benefits to the Town
10 will be slight. There's been no evidence presented
11 to show that a substantial market exists for empty
12 nesters, which I think the new phrase is aging baby
13 boomers, especially when two other proposed PDD
14 projects are targeting the same group.

15 And let's not be so naive as to think this
16 smaller proposal is some kind of goodwill compromise
17 on Mr. Chudnoff's part. It's just an alternative
18 that fits within a certain profit margin. We have
19 no obligation to Mr. Chudnoff. What we do have an
20 obligation to is to protect the character of our
21 town. Brunswick has an established rate of growth
22 which is conservative and sustainable and I think
23 development should be planned for Brunswick that
24 doesn't stray too far from that. Thank you. That's

1 all I want to say.

2 SUPERVISOR HERRINGTON: Thank you.
3 (Applause.)

4 COUNCILMAN POLETO: Next.

5 SUPERVISOR HERRINGTON: Next.

6 MS. HAYNES: My name is Susan Haynes at 11
7 Westlane Road and I, too, am very concerned about
8 cumulative impact. If one just takes a look at the
9 development that's scheduled for near Oakwood Avenue
10 and then this development and then Highland Creek,
11 they're all not that very far from one another and I
12 am not convinced that we're really borrowing an
13 incredible amount of congestion for our area. And
14 the temptation for people to start cutting through
15 on roads -- I really still have trouble in my mind
16 imagining that if Route 7 is totally congested that
17 people are going to not look for cut-throughs and
18 they get down to say Burdett Avenue and it's very
19 easy to cut up through Freer Park at that point or
20 North Lake and go the back way.

21 And I really just don't see how -- just because
22 we don't have an access on to North Lake, I don't
23 really see that that means that there won't be
24 people still using that Liberty Road, whatever they

1 can do, to shorten that commute time, because it's
2 not necessarily the mileage. It's time spent in the
3 car. And if I have 45 minutes on -- and it's taken
4 me -- and I only live two miles from Price Chopper.
5 It's taken me over a half hour at times to get to
6 Price Chopper and I want to bang my head for even
7 thinking of going.

8 Sometimes just going around the back way is a
9 whole lot shorter. And I really think that we have
10 to take a look at the cumulative impact of all these
11 projects instead of naively assuming that we can
12 look at them individually, because they're not going
13 to affect us individually. They're going to affect
14 us totally.

15 SUPERVISOR HERRINGTON: Thank you, Susan.

16 (Applause.)

17 MR. TKACIK: My name is Jim Tkacik,
18 T-K-A-C-I-K, 387 Brunswick Road, next to Welch's
19 farm. I don't have any axes to grind. I'm somewhat
20 embarrassed and ashamed. I've never been to a Town
21 Board meeting before. The ones for Carriage Hill,
22 for example, I looked into this by reading these
23 type of documents, first and last meeting and then
24 this, and I don't know; I'm almost insulted by this

1 because who is the -- they're contrary to what we
2 see.

3 If you look at these documents, there's no
4 relationship between the reality that we see every
5 day -- for example, the traffic. I know traffic
6 predictions and long-term traffic volume
7 predictions, it's very imprecise. It's a large
8 amount of variability. It's sort of like the
9 weather.

10 Now, can you imagine if some of these engineers
11 were here last week and they were supposed to sort
12 of ascertain and sum up what the weather's like in
13 Troy or Brunswick in January? What would they say?
14 "Oh, it's 57 degrees every day. It's warm. You go
15 around in T-shirts." They'd write up the report six
16 inches thick. "They got daily barometric pressure;
17 nice place" except, well, maybe they should have
18 checked with somebody who lives here to see what
19 it's really like.

20 "Does this make sense? Look at this. Does
21 this make sense?" Obviously, it doesn't. And when
22 something doesn't make sense like that and it runs
23 contrary to your observations and your daily
24 perceptions, then there's something wrong with it.

1 And who was the man who talked about the
2 traffic before? I'm with this man; I would like to
3 sit down with the traffic engineers and just see
4 what they mean by some of these things, because I'm
5 not a traffic engineer. I read some of these
6 statements they make and they don't make any sense
7 to me.
8 Maybe this is some technicality that I need to
9 learn about the jargon and the like, but there's
10 some underlying features here. For example, the
11 growth of traffic volume on Route 7 is projected at
12 one percent a year. Think back 10 years ago to now.
13 Did it grow by 10 percent in the last 10 years?
14 Well, according to in here, the growth
15 decreased by 3.7 percent in the last 10 years. Who
16 believes that?
17 SUPERVISOR HERRINGTON: What Becky is telling
18 me I'm --
19 MR. TKACIK: My point is --
20 SUPERVISOR HERRINGTON: The point is the
21 traffic --
22 MR. TKACIK: My point is these studies.
23 SUPERVISOR HERRINGTON: -- don't meet the
24 numbers.

1 MR. TKACIK: These studies are flawed.
2 SUPERVISOR HERRINGTON: Okay.
3 MR. TKACIK: They're flawed. For example, if
4 you look at the one point -- just one specific
5 point, the intersection of Lake Avenue and Route 7.
6 Right now, in the westbound traffic in the morning,
7 there's a delay at the light of 12.6 seconds per
8 car. So I mean, you have to wait there 12.6
9 seconds, 12.6, not 12, not 13. Okay?
10 And in the p.m. eastbound, going up the hill at
11 rush hour this is, you have to wait there 20
12 seconds. Don't laugh. It's true. It's in the
13 paper.
14 Now, who's been at this intersection and
15 waited -- I've waited five and six and seven minutes
16 at that intersection. This is contrary to what you
17 can see. And anything that people -- they do the
18 pulling in of the data; you have a model. If you
19 don't verify your model checking it against reality
20 and then you project it even further, that's
21 just -- it's the old saying garbage in and garbage
22 out. It just doesn't make sense. I think we need
23 realistic traffic data. Okay?
24 I'd like to see it. I'd like to sit with the

1 people on the Town or on the Planning Board or the
2 Town Board and I'd be willing to sit and analyze.
3 I've read through much of these reports. I'd be
4 willing to do that. Other people in this audience,
5 I'm sure, would do it.

6 SUPERVISOR HERRINGTON: What happens is the
7 developer hands in these reports. As you mentioned,
8 they are thick. We're not experts on everything.

9 MR. TKACIK: I'm not either.

10 SUPERVISOR HERRINGTON: No, no. So what we do
11 is we hire our consultants at their expense to study
12 it. That's correct, right, Andy? We're looking at
13 these numbers.

14 MR. GILCHRIST: Yes.

15 SUPERVISOR HERRINGTON: If there's information
16 in there we don't feel is correct, it will be
17 pointed out.

18 MR. KESTNER: Mark Kestner, Kestner
19 Engineering. Our firm was retained to review the
20 technical aspects of the DEIS. As part of that, we
21 did hire Mark Gregory as the Town's traffic engineer
22 from Transportation Concepts and he will and has
23 reviewed the numbers that are prepared by the
24 traffic consultant for the applicant. And I'm sure

1 if you'd like to sit down at some point, we could do
2 that with the residents and Mr. Gregory and we could
3 go over, you know, the issue.

4 I have discussed with Mr. Gregory the issue of
5 the timing of the traffic lights on Route 7, because
6 I did go to the hearings when DOT proposed the road
7 and it was through the efforts of the Planning Board
8 and the Town Board that we actually got more lanes
9 at North Lake Avenue and South Lake. We were told,
10 you know, everything would be fine. We were told
11 that if these lights are coordinated, things would
12 be fine.

13 Now, as I sit here tonight, I don't know if
14 that coordination of those lights has been
15 accomplished. It appears to me in driving 7 that
16 there's a problem with the light at Price Chopper,
17 because there's times where you come up North Lake
18 and the cars are bumper to bumper all the way up
19 there.

20 I asked Mr. Gregory to contact DOT and see if,
21 in fact, those lights have been left properly timed.
22 So we are looking into those issues. We do see on
23 the ground -- our office is located in Brunswick.
24 We do know the problems. I have lived here for over

1 40 years myself. So we do know the on-ground
2 problems. We will look into them and we will get
3 back and write up our comments on the Draft Impact
4 Statement. Thank you.

5 SUPERVISOR HERRINGTON: Thank you, Mark.

6 MR. TKACIK: I'd like to know what input this
7 gentleman or the traffic people -- when do they make
8 a recommendation, for example, of a review of this
9 information from the DEIS? When do they communicate
10 that to the Board or to the Planning Board? I'm
11 ignorant of the process; I really am.

12 SUPERVISOR HERRINGTON: Andy, do you want to
13 comment or --

14 MR. GILCHRIST: I will respond to that. I'm
15 going to reiterate for the record this is a public
16 hearing to receive comments on this PDD application
17 and the SEQRA document. Things have gotten a bit
18 far afield and if people like that dialogue, there
19 will be dialogue to come. I may be the guy who has
20 advised this Board to withhold your comments until
21 the applicant has come in with their information,
22 it's been assessed by the technical consultants for
23 the Board make sure the applicant has a chance to
24 respond to the comments received and then start

1 analyzing it from the Board or at least discussing
2 that or their opinions.

3 My concern -- and from a legal perspective, I'm
4 very concerned about any Board prejudging any of
5 these applicants or applications until the record
6 has been created. There's a legal standard that any
7 decision by this Board must be based on evidence in
8 the record, not prejudgment, not bias, not economic
9 issues about what any individual Board member may do
10 for a living but based on an analysis of the
11 evidence presented in the record.

12 You have raised a question about the traffic
13 assessment in the DEIS. We went through this and
14 I'll do it again right here. When a Board, as Lead
15 Agency, accepts a DEIS as complete, that is not
16 tantamount to saying that this Board agrees with
17 everything that is stated in that document.
18 Accepting a DEIS as complete means that it's
19 adequate for public review, inspection and comment.

20 That comes from members of the public such as
21 yourself raising questions about the adequacy and
22 correctness of the data that's been presented.
23 That's why the Board has retained technical
24 consultants to review that as well.

1 Mr. Gregory has reviewed traffic analyses
2 presented in the EIS's. Preliminary comments have
3 already been supplied to the applicants. In part,
4 we've already started getting revisions to these
5 projects based upon Mr. Gregory's assessment. So
6 that has been made and that process will continue as
7 these projects are reviewed.

8 This is not an end game. Closing a public
9 hearing and moving on to the next step of the
10 process doesn't mean it's at an end. It means this
11 Board, as Lead Agency, continues its job of
12 reviewing any additional data submitted by the
13 applicant until such time that this Board is
14 satisfied it's got the correct information in front
15 of it on which to base a determination.

16 I, as the lawyer retained by the Town Board to
17 lead them through the process, have advised them to
18 make sure that this record is complete. All these
19 comments that are being received tonight that were
20 received back in August must be responded to in full
21 by the applicant to ultimately be reviewed by the
22 Board and its technical consultants for correctness,
23 for adequacy, for completeness. So this is a
24 process that doesn't end tonight. It continues.

1 So as to the question about when will the
2 technical consultants review this, that's already
3 ongoing.

4 SUPERVISOR HERRINGTON: Anything else besides
5 traffic?

6 MR. TKACIK: No. That's it. My final point is
7 if their assessment of the existing situations
8 aren't right, then none of the projections are going
9 to be right. And that's my point there. I think
10 unless you have a very good grasp of the situation
11 now, you can't predict what's going to happen in the
12 future. And if you try to do that, that's a flawed
13 method and it just doesn't work.

14 SUPERVISOR HERRINGTON: Thank you, sir.

15 (Applause.)

16 SUPERVISOR HERRINGTON: One thing we're hearing
17 tonight is traffic. We did hear that. So has
18 anybody got anything besides traffic?

19 Judy.

20 MS. ARMSTRONG: I'm Judy Armstrong and I live
21 at 172 North Lake Avenue. I speak for no one but
22 myself and as a resident in my house on North Lake
23 Avenue since 1970, having raised three children
24 there and having seen the changes that have happened

1 in the Town of Brunswick, not all of which are
2 terrible. Many of them are necessary. And I know
3 that we're here to talk about this project and on
4 the face value, this project has been cut back.

5 And I guess what I want to say is that they
6 have done the work that they have been designed to
7 do to make their project come alive. They scaled it
8 down. But what you have got to do is to realize
9 that just the information about this project tonight
10 doesn't solve everything in my thought process. I
11 do have to think about the cumulative effect of all
12 of the projects.

13 That traffic jam does not begin at Sycaway.
14 That starts down at the river. If people have tried
15 to come up Route 7 on a Friday afternoon in the
16 summer when people are trying to get to places in
17 Vermont or trying to get there in the winter to ski,
18 that traffic is bogged all the way down practically
19 to the river, but it really starts to get bad at
20 about Burdett Avenue.

21 Freer Park bears very little resemblance
22 anymore to a park, because that's one of the getaway
23 places and people think that they can go 35 miles an
24 hour up through that park. I know. I've been

1 there. That's not included in any of these traffic
2 reports. They're just dealing with bare bones
3 numbers. I'm dealing with noises and sound and
4 traffic.

5 My road, North Lake Avenue, is a getaway road
6 and it started when the development began on Route 7
7 with the big Price Chopper and with the Walmart.
8 There's that ghost of a Grand Union that's sitting
9 there rotting away on that site and when the Walmart
10 comes in, as they want to, and leaves the building
11 they're in and builds this other thing that's going
12 to be in close proximity to this development, maybe
13 you're not going to have loud noises and lights but
14 that Walmart is.

15 Right now, in the quiet summer night in my
16 house on 172 North Lake Avenue, I can hear the hum
17 of all of those air conditioners and those things
18 that have to keep those buildings alive. And I can
19 see the light that's out there and, you know,
20 looking up at the stars isn't the same as it was.

21 So I'm understanding that business happens,
22 that towns grow and you're doing your job. You're
23 giving us what we asked for the last time. You're
24 answering all of those questions that we put forth.

1 But you have a bigger job and you really have to
2 help us keep this town the way it was when we
3 decided to come here and live. And we don't want to
4 have a Wolf Road and we don't want to have a Route
5 9. We want to have just as it is now, to drive five
6 minutes from our homes and see those fields and
7 those hills.

8 So this looks better and those photographs
9 showing how it's not going to show up in the view of
10 everybody in Brunswick, it looks good and thanks for
11 doing that, but you better keep looking at the big
12 picture. That's all.

13 SUPERVISOR HERRINGTON: Thank you, Judy.

14 (Applause.)

15 MR. BAILEY: Denny Bailey down on Lord Avenue.
16 I got a little problem. I own 11 percent of the
17 property bordering this. I also own about nine and
18 a half percent of the brook. Who do I contact to
19 find out what they're going to do for a flood
20 program? Because they're going to ruin the
21 integrity of my brook and they're going to ruin my
22 house.

23 SUPERVISOR HERRINGTON: What you're doing is
24 putting it on the record. It'll have to be

1 addressed. People have to look at it. So you're
2 doing the right thing.

3 MR. BAILEY: I go up in my back field and I
4 find all these flags. They're not survey flags.
5 One says wetlands. It's my property. It's not
6 nobody else's to walk on unless they notify me. So
7 who do I see to find out what's going on here?
8 Because there's a topographical map; my house is
9 the lowest thing and my next-door neighbor's.

10 SUPERVISOR HERRINGTON: Mark, do you want to
11 comment on that?

12 MR. KESTNER: It is the applicant's obligation
13 to flag the wetlands. He normally would do --

14 MR. BAILEY: On my property?

15 MR. KESTNER: No. He would do it on his
16 property.

17 MR. BAILEY: No. It's my property is where
18 it's flagged. My property goes out into that
19 cornfield. That brook is 90 percent on my property.

20 MR. KESTNER: All right. Why don't you two
21 meet out in the field?

22 MR. HOBLOCK: Absolutely.

23 MR. KESTNER: We as a town are not --

24 MR. BAILEY: Who do I find out where they're

1 going to push this water that's going to flood my
2 property?
3 MR. KESTNER: There is a stormwater plan in the
4 book that we could go over.
5 MR. BAILEY: Where do I find out where it's
6 gonna be? I want to know where it's gonna be. My
7 mother passed away a month ago, so I have no time
8 for this kind of stuff.
9 SUPERVISOR HERRINGTON: Mark, you probably got
10 maps and stuff?
11 MR. KESTNER: We have the maps to go over what
12 we intend to do.
13 MR. BAILEY: Who do I go see? Do I go up to
14 the Town?
15 MR. KESTNER: Yeah, you could go up to the
16 Town. I could meet you out at the Town and go over
17 that.
18 MR. BAILEY: You want to give me a card?
19 MR. KESTNER: We'll have somebody from the
20 developer there, too.
21 MR. BAILEY: All right.
22 SUPERVISOR HERRINGTON: We can do that.
23 MR. BAILEY: The last is I think it's kind of
24 ludicrous that they would say people are gonna live

1 in these apartments and drive to Albany. It's gonna
2 take them an hour to get to the bridge. That's it.
3 SUPERVISOR HERRINGTON: Thank you, sir.
4 (Applause.)
5 SUPERVISOR HERRINGTON: Anybody else?
6 MS. WALSH: Martha Walsh. I live at 148
7 Brunswick Road on the corner of Glen Kill. And
8 since they've been digging up Hoosick Road for the
9 last 50 years, whatever it is, it's like
10 Indianapolis Speedway down Route 7 or down Route 2.
11 It's supposed to be 40 miles an hour in the area I
12 live in, but all the trucks have figured out to cut
13 across 278 and then they go out Hoosick Road. And
14 they also figured out how to come up Congress Street
15 and go out Hoosick Road.
16 I find it hard to believe with 668 units that
17 there won't be two cars to each unit. I notice we
18 have a one-car garage and a driveway. Are we
19 supposed to believe these yuppies and these
20 high-scale people have one car per family? And if
21 they go to work, they're going to car-pool? And 338
22 cars are going out. Over half don't have jobs? But
23 then coming in at night, we have 420 coming in.
24 When do the other 112 go out so they can come back

1 in for rush hour?

2 We're not doing this correctly at all. I think
3 it's ridiculous. I still think we need plans for
4 the Town of Brunswick, period. And if you have a
5 gate for the fire trucks to come in, how are the
6 school buses going to get in to take these 110
7 children? Every unit only has one child? After
8 that, they're not allowed any?
9 How are they going to get the buses in if the
10 fire trucks can't get in? Are the school buses
11 going to come through the gates, too? Has anybody
12 thought about that?

13 SUPERVISOR HERRINGTON: If they haven't thought
14 about it, they will now.

15 (Applause.)

16 MR. KEENAN: Good evening. I'm Mike Keenan, 43
17 Madonna Lake Road. I live in Grafton, but I am in
18 the Brittonkill School District. Whenever I gotta
19 go home, I gotta go through Brunswick. So I think
20 those of us outside of Brunswick should have some
21 say in this.

22 As a matter of fact, I would suggest that what
23 we need is not only to look at the cumulative effect
24 of what's going on in Brunswick but probably

1 something on a larger regional scale, because I
2 think we kid ourselves when we think town lines, you
3 know, define the entire effects of things. But a
4 couple of comments.

5 First of all, I want to thank whoever -- or I
6 guess the entire Town Board for the announcement
7 earlier that soon the DEIS's and that will be posted
8 on the web site of the Town. I think that's great.

9 I read the appendices. I'm hoping the
10 appendices will be included. I don't know if you
11 thought that far, but I think it would be helpful.

12 I have a number of things. I'm going to talk
13 about traffic, too. And as I understand it, there
14 will not be a revised traffic study put out. I
15 guess there will be one for the final EIS but not
16 for the draft.

17 What I saw earlier, if my numbers are correct,
18 in the morning peak, we can expect 338 cars; in the
19 afternoon, 420, using the consultant's assumptions.
20 I believe that I may be off by a number or two. And
21 as I understand it, the phase one and two of this
22 project here is the equivalent of the entire four
23 phases of the old project in that since all the
24 traffic is now going to go on Route 7, the original

1 proposal where the assumption was 70 percent was
2 going to be on 7, the numbers seem to look about the
3 same.

4 I get 390 looking at the final buildout of the
5 DEIS compared to 338 in the morning and 467 compared
6 to the 420. I guess what I'm being told tonight is
7 I have to use those numbers to comment now on the
8 Draft EIS, because an updated traffic report will
9 not be provided before the close of public comments.

10 I'll just comment quickly. Looking at that,
11 that's about 90 percent to what the traffic was
12 going to be on 7 anyway and I went through the last
13 couple years that when 7's bad, you take North Lake
14 Avenue. And just assume by putting the same amount
15 of traffic on Route 7, North Lake Avenue is going to
16 suffer anyway. So although there's no direct
17 traffic on North Lake Avenue, there's going to still
18 be problems.

19 One thing I've noticed looking through the
20 traffic studies and looking at DOT's numbers, as far
21 as I can determine, the last time this segment of
22 Route 7, which goes from the Troy town line to Route
23 142 Center Brunswick, has been sampled by DOT is
24 1999. The adjoining two roads next to it into Troy,

1 going down 15th Street and then from 142 going to
2 the other route on 7, the last time they were
3 sampled by DOT was 2001.

4 What DOT does is their objective is to every
5 three years do a sampling study of all these major
6 roads that they're responsible for by sampling for
7 an entire week, every hour of the day. So what we
8 have right here now is a major roadway right in the
9 center of all of us that has not been sampled by DOT
10 for seven years.

11 The reason for that is -- my belief at least is
12 that that's because they couldn't sample because of
13 the construction that was going on. The
14 construction's over. I would suggest it's time to
15 sample Route 7. Go out; have DOT do their standard
16 sampling. Let's get some updated numbers. Because
17 if you go back and look at the last time all of
18 these roads were sampled by DOT, I believe it was
19 '98, the volume on Route 7 was much higher than what
20 they got the last time they sampled. It's an
21 outlier.

22 Right now, if you look at DOT, the volume that
23 they think on 7 going along by the Walmart and all
24 that is much lower than their previous sampling. I

1 really think it would behoove all of us to do a good
2 traffic study out here 24 hours a day for at least a
3 week and let's find out what the traffic is, because
4 my understanding is when you do a reconstruction and
5 you open it up, you get traffic back again that you
6 wouldn't have had.

7 So I think no fault to the consultants in that
8 any numbers we get from DOT are somewhat outdated
9 and it's because of the construction project. So I
10 really think getting together a public hearing and
11 some decision-making on what to do with traffic
12 sampling would be really great for all of us.

13 I want to make a comment on the school, because
14 since I am a member of the Brittonkill School
15 District here, I've been in this auditorium for my
16 children and a couple of fears I have -- I remember
17 a time in Brunswick at the Brittonkill School
18 District where we couldn't pass a budget for the
19 life of us. Sports and everything, we were doing
20 fund-raising for that. If you bring in all these
21 empty nesters who have no relationship to the town,
22 I think you may find out that they're just going to
23 vote no against the school budgets.

24 So even though they're in the town, you may not

1 get what you think you're going to get. So I think
2 we should really look at that as well, because I
3 personally think -- and the housing market now,
4 whoever said it, I don't think coming from a tech
5 park over at SUNY they're going to move way up here.
6 I think what we're going to find is we're either
7 going to have people come in who have children and,
8 therefore, the school goes up or people who just
9 come here and have no relationship to our town and I
10 don't think that's what we want either. Thank you.

11 (Applause.)

12 SUPERVISOR HERRINGTON: I think we all know
13 that Route 7 -- I think you're saying it. Even if
14 we stop everything, if we could just stop everything
15 in Brunswick, no more, period, that Route 7 just
16 keeps building and building. And they're building
17 ski resorts and I don't know what they're doing, so
18 that Route 7 is a challenge even if we stop
19 everything. I mean, I see it.

20 Reverend.

21 MR. HAYNES: Hi. I'm Ted Haynes. I live at 11
22 Westlane Road in Troy or, actually, in Brunswick
23 with my wife Susan. And I have to admit that I'm
24 kind of overwhelmed. I don't know if anybody else

1 here is or not. I notice that some of our
2 neighboring towns have imposed a moratorium so that
3 they'll have time to think through all the
4 implications of the developments that are going on
5 in other communities. And I don't know about you,
6 but it seems like we're just being pressured to make
7 some very significant decisions about a whole lot of
8 different things at one time.

9 Our meetings are like two weeks apart, three
10 weeks apart. We're going to hear this one. We're
11 going to hear that one. And while I know it may
12 seem like procrastination -- and there's no better
13 procrastinator in the world than me; I bought a
14 book on procrastination about 25 years ago and I
15 still intend to read it -- it seems to me we need to
16 give ourselves some breathing room, some time to
17 really think this thing through and look at it very
18 carefully. And if anybody else feels overwhelmed
19 like I do, I'd appreciate hearing from you and I'd
20 appreciate the Board addressing that issue.

21 Do you feel a bit overwhelmed with so much
22 coming at you at one time? And what can we do as a
23 supportive community and help the Board? How can we
24 help you get the breathing room you may need? What

1 can we do here as a community to pull together
2 instead of fall apart; come up with plans and goals
3 that we'll all pretty much agree on? Because right
4 now, I don't sense there's a lot of agreement in the
5 room. I sense there's an awful lot of feeling
6 threatened both on the part of the Board -- and if
7 I've done anything to contribute to that, I
8 apologize sincerely.

9 But I do think we're all feeling a little
10 overwhelmed and threatened by so much going on at
11 one time. I don't know what to do about that, but
12 I'd like to put it on the record.

13 SUPERVISOR HERRINGTON: Thank you, sir.

14 (Applause.)

15 SUPERVISOR HERRINGTON: Anybody else at this
16 point? We've heard, as I mentioned, a lot on
17 traffic.

18 MR. FLEISHMAN: Bernard Fleishman. I live on
19 Colehammer Avenue. I won't speak about traffic. A
20 lot has been said already and I'm hoping in a day or
21 couple of days that there will be an article in the
22 paper by myself about the traffic situation.

23 But I think Reverend Haynes reflects a feeling
24 that I encountered when I was carrying some of the

1 petitions that Brunswick Smart Growth had
2 distributed.

3 Many people along the way just had this sense
4 of being pressured, having projects thrown at us one
5 after another and, in a sense, not knowing quite how
6 to react and how to handle it. And I think the
7 Board should take serious cognisance of this. In
8 giving us a sense of pressure and hurriedness, we
9 feel that the future of the town is kind of slipping
10 out of the hands of the residents and we'd like to
11 have that future returned to the hands of the
12 residents.

13 I think we need time to consider how these
14 pieces fit together. In particular, a study of
15 overall traffic patterns is probably necessary. Who
16 knows? Maybe you need another road. Maybe you need
17 a monorail that was suggested some years ago. But
18 the point is that it's time to think very openly
19 about how to address the present needs of the town,
20 the traffic but also, if we're talking about having
21 new projects, thinking about where would these
22 projects properly be placed and where should they be
23 placed so that the open spaces, which we came out
24 here to enjoy, we can continue to enjoy and our

1 children can continue to enjoy -- not mine, because
2 they happen not to live in Brunswick, but a lot of
3 people here have children still in Brunswick.

4 But we'd like to know what we want the town to
5 look like in 20 or 30 years and plan for that
6 carefully now. It shouldn't be under the pressure
7 of this proposed development, that proposed
8 development, that proposed development, each one
9 succeeding the other and then trying to fix up the
10 difficulties that have ensued from the preceding
11 one.

12 So, again, we urge that you sit back and,
13 perhaps, delay these proceedings and have an overall
14 process of inviting consultation, inviting input
15 from the citizens of the town so that we can all
16 compare notes and work together for a town that will
17 be a model for the area. Thank you.

18 (Applause.)

19 MS. RUSSO: Barbara Russo, Colehammer Avenue.
20 Pursuant to the environmental regulations which
21 govern the SEQRA process, Section 617.987, a
22 supplemental Draft EIS should be required for
23 significant, adverse and environmental impacts which
24 are inadequately addressed in the EIS that derive

1 changes in the proposed project. The draft EIS
2 which is currently under review inadequately
3 addresses the impact on the wetlands and pond area
4 as a state fresh area wetland TN106. All of the
5 traffic in the revised plan with the reduced amounts
6 of units will be directed to Best Road based on the
7 proposal, which results in an increased demand on
8 the areas of the wetlands and ponds.

9 Best Road needs to be widened based on this new
10 proposal to accommodate the huge increase in traffic
11 volume; thus, encroaching on the wetlands area and
12 the TN106. A traffic light will now need to be
13 installed at the intersection of Best Road and Route
14 7. Cars will sit idle on Best Road for a longer
15 period of time emitting more pollutants into
16 wetlands.

17 At 668 units, with an average of two cars per
18 unit, that means 1,336 cars entering Route 7 and
19 Best Road. I think two cars per unit is a more
20 reasonable estimate for upscale units which are
21 appealing to the so called empty nesters and the
22 urban professionals, especially since according to
23 the Automobile Association, they estimate over three
24 cars per household.

1 I'd like to also note that a letter from
2 Department of Environmental Conservation Nancy Adams
3 to Andy Gilchrist dated May 10, 2005 notes the
4 cumulative impacts of the multiple projects.
5 "Multiple developments occurring in an area
6 containing wetlands, the concern becomes whether
7 multiple projects would result in larger impacts for
8 runoff, potential erosion, habitat displacement, et
9 cetera, to a higher degree than if one project were
10 proposed leaving a much more open space around the
11 remaining wetlands. When multiple projects occur in
12 close proximity to the wetlands, it is important to
13 take a hard look at the overall picture and ensure
14 that the wetlands will not be adversely impacted
15 unnecessarily or potential impacts could be
16 mitigated to the maximum extent correctable."

17 "I understand the scope has already been
18 accepted for Hudson Hills and that the DEIS is
19 currently being prepared. If it is possible, I
20 believe some discussion of the full picture relative
21 to the potential wetlands habitat impacts would be
22 beneficial and a review process for both projects."

23 The new proposal on the table with the reduced
24 amount of units just refers to the existing DEIS

1 saying we already addressed the impacts on the
2 environment. Well, the original DEIS merely states
3 that there is no significant impacts and the
4 alternative proposal, which talks about the reduced
5 number of units, merely says it will be less
6 impacts.

7 Well, obviously, they're saying there's going
8 to be no significant impact; cutting the units will
9 be less than no significant impact. They didn't do
10 the right study to begin with; therefore, the DEIS
11 is insufficient. They should go back and do a
12 supplemental DEIS based on this new number of units
13 and the impact it's going to have on the
14 environment.

15 The record should not be closed tonight and the
16 applicant should be required to produce a
17 supplemental DEIS to address these issues. The
18 significance of closing the record tonight -- I
19 understand the record needs to be closed at some
20 point for the applicant to address all of the public
21 comments, but once the record is closed, the clock
22 starts running. The time for public comments ends.
23 The public can't adequately comment on this project
24 until the applicant adequately addresses the

1 significant impacts which are going to affect the
2 environment.

3 I'd also like to point out that the applicant
4 contradicts itself in some of its statements by
5 saying that the empty nesters will not contribute to
6 peak traffic hours; yet, at the same time, the
7 applicant states it's going to appeal to the young
8 urban professionals. Well, correct me if I'm wrong,
9 but I think urban professionals are still commuting
10 during peak hours.

11 Finally, I'd like to point out it's
12 presumptuous of the applicant to assume the project
13 would be approved as a special use permit. Even if
14 it was put under special use permit, it would still
15 be subject to the SEQRA process and they would be
16 obligated to show that the benefits of the project
17 would outweigh the negative impacts. It would still
18 have to go through the same process. Thank you.

19 SUPERVISOR HERRINGTON: Thank you.

20 (Applause.)

21 MR. SCHMIDT: I actually have a few comments
22 actually regarding the project.

23 SUPERVISOR HERRINGTON: Your name, Ray.

24 MR. SCHMIDT: My name is Ray Schmidt, 81

1 Liberty Road in Brunswick. On Hudson Hills, page
2 nine, it states that the development is for empty
3 nesters, yuppies, young emerging families; i.e., no
4 children, and this was the same rhetoric as the
5 last project we were discussing.

6 I think the real burden of this being truly the
7 case is for the developer to actually prove that
8 these developments are actually going to produce no
9 children. I mean, the burden's on the developer to
10 prove that.

11 I think it's an insult to my intelligence to
12 constantly read we're going to have empty nesters,
13 yuppies and young emerging families -- I guess
14 that's YEFs -- and no children. The burden really
15 is on the developer to prove this.

16 And the question is: How can childless
17 occupants be guaranteed in perpetuity? I just don't
18 see it.

19 On the modified DEIS, on page two, there's 21
20 two-bedrooms, 36 one-bedrooms and there's a proposed
21 48 public school children. What about if they're
22 wrong? What about if the 21 two-bedrooms have two
23 children a piece and the 36 one-bedrooms have one
24 child a piece? 450 children is likely if that's the

1 scenario and that's certainly going to have a
2 dramatic effect on the town. All right. I'll stop
3 there on that issue.

4 The people have been constantly talking about
5 traffic and I'll speak for 10 seconds on that and
6 I'll stop. Yes, it's a serious issue and the
7 congestion on secondary roads -- the secondary roads
8 between 142 now and Route 7 are essentially
9 cut-throughs. The traffic has already got increased
10 capacity.

11 They've written to the state troopers regarding
12 speeding, dump trucks constantly going through
13 there; nothing done about it. It just isn't the
14 amount of traffic. It's reckless traffic; people
15 flying through there. I don't even ride my bicycle
16 on the roads anymore. I go up to Saratoga County to
17 ride. I'm afraid to ride my bicycle in Brunswick,
18 because I'm afraid I'm going to get killed. That is
19 my two issues.

20 My other issue is directed to Mr. Herrington
21 who I think is a great guy; that he just said damned
22 if he does, damned if he doesn't. I think he may
23 wish to consider recusing himself from this project.
24 If he votes for these things, he's going to be

1 accused of complicity by certain people. If he
2 votes against it, he's going to be accused of
3 duplicity by other people. It's something maybe
4 Mr. Herrington should consider. I also want to say
5 that I voted for you, so it's not -- you know, I
6 really like the guy.

7 All right. Finally, all these projects need to
8 be considered in its totality. We need an
9 assessment of what's happening with all these
10 projects. We just can't look at them separately,
11 because together, they're going to have a dramatic
12 impact on the town. So I think I emphasized that
13 last time. I'd like to emphasize it again. We just
14 can't look at one project by itself. The totality
15 effect needs to be examined. All right. Thanks for
16 your time. Thanks to the Board.

17 SUPERVISOR HERRINGTON: Thank you.

18 (Applause.)

19 SUPERVISOR HERRINGTON: Anybody else? Henry.

20 DR. SCARTON: My name is Dr. Henry Scarton. I
21 am the director of the Laboratory for Noise and
22 Vibration Control Research at RPI. These comments
23 are made as an individual, however. I've lived at
24 14 Kestner Lane in Troy for 15 years. I've lived in

1 the area 35 years. Some of my children have been
2 born here. My grandchildren have been born here. I
3 love this town. It's a beautiful town.

4 And I think, Mr. Herrington, we're most
5 fortunate that you accept this \$23,000 salary.
6 We're really lucky that you're sitting there,
7 frankly. You're a good guy. I voted for you, too.

8 SUPERVISOR HERRINGTON: I appreciate that.

9 DR. SCARTON: We don't always agree, but that's
10 okay. So I'd like to comment on two things. First
11 of all, as an expert in noise assessment, someone
12 who writes and assists writing of DEIS's as a hired
13 gun, occasionally, and I'm not -- I'm just doing
14 this for free, pro bono. I'm not getting any money.
15 I live here. I look at the reduction in the number
16 of units from 1,116 to 668. I notice looking at the
17 drawing -- I went to the library today and Xeroxed
18 it. I notice that these units are going to be in
19 the valley and I observe that when the sun sets, you
20 get temperature eversions.

21 What happens is that you will get a
22 stratification of the air. The sound comes up. It
23 bounces off the change in density and the sound is
24 bounced right back down. Now, I realize that we do

1 not have what we call acoustically compact sources,
2 but if you did have acoustically compact sources
3 meaning all the air-handling units, which is not
4 addressed at all in this topic except I saw
5 something about air vents, which is not an
6 air-handling unit, but I'm assuming -- maybe I'm
7 wrong. They don't say anything. Let's assume we
8 have 668 air-handling units and you had acoustically
9 compact sources. The magic number I teach in my
10 class -- first class is on Thursday, RPI -- it will
11 be $10 \log N$. Number is number of sources. That's
12 about 28 db over whatever the level is produced by
13 one unit. Of course, they're not going to be
14 acoustically compact, spread out, but however,
15 they're in a valley.

16 The good news is they have separated by cutting
17 down the number of units from the property line. My
18 good friend, Dave Bailey, who owns 11 percent of
19 this land, he's not going to be a happy camper.
20 That noise is going to make it into his property,
21 let alone the flood water that he's talking about.

22 But, certainly, for the people living there,
23 it's going to be more urban than rural, because the
24 noise is going to be trapped in those valleys. In

1 addition, if the lighting is not properly designed,
2 you'll have light trespass. I sat for four years as
3 the chair of the Lighting Committee at RPI and I
4 studied that a little bit.

5 The point, I guess, I wanted to make is when
6 you look at -- I think it's page nine of this
7 revised document, and I did go today and read
8 through the revised document. It says no
9 significant impact on noise. The only noise they
10 talk about is the noise from construction noise.
11 And I made -- you know, I made a big point of this
12 the last time. This document is dated the 23rd of
13 December. They had a chance to respond to my
14 comment. They didn't take that opportunity. And I
15 was rather strong the last time. I talked about the
16 1,116 sources.

17 The fact is I really wonder did they even hire
18 an acoustical consultant? I'm not asking to do this
19 consulting, but they better hire somebody competent
20 and come up with a realistic number. Right now, I
21 see nothing. So how can they say no significant
22 impact if, in fact, they didn't do the calculation?
23 So nobody's going to be bothered by that. So that's
24 the one comment.

1 As an individual and as a mechanical engineer
2 with a Ph.D., an expert in fluid mechanics, we have
3 a condition on Route 7 -- I'm sorry to talk about
4 traffic -- that I would call choked flow. That
5 means that we are approaching what is called a sonic
6 condition.

7 Now, it's not the speed of sound but the speed
8 of the traffic going down Route 7. Typically, on a
9 Friday afternoon -- and I drive from RPI right over
10 to my house every day -- I see the cars backing up.
11 Mrs. Armstrong said down to the river; well,
12 certainly, almost to Burdett Avenue. It's just
13 bumper to bumper all the way up to the Price Chopper
14 and maybe we could change the timing of the light
15 a little bit, Mark, but I mean, it's choked flow.

16 Realistically speaking, we can't have any of
17 these projects here, none of them, until Senator
18 Bruno -- maybe we can get him to get us two more
19 lanes of road over there if you want it. I don't
20 know if you want it, but that's the only way.

21 Right now, we have a sidewalk easement. Let's
22 push the sidewalks off. Let's put in two more
23 lanes. Let's spend another \$20 million, which is
24 what it's going to cost. Let's do it right. We

1 can't do a bloody thing until we fix the roads. You
2 just can't. It's not gonna work. It's choked flow.
3 That's it.

4 (Applause.)

5 DR. SCARTON: Traffic cannot flow. Super
6 Walmart -- are you kidding me? Super Walmart,
7 they're not going to make any money. What happened
8 to Office Max? Bobby had to rent the store out to
9 another store because they couldn't get in because
10 of the construction. That's just the tip of the
11 iceberg. Super Walmart will not make it over there,
12 because the cars can't get to it.

13 And I pay \$7,000 in taxes, \$4,000 school taxes
14 to the City of Troy. It took forever to raise them
15 until the current administration went out and, all
16 of a sudden, oh, my God, we got a problem; raise
17 them a thousand dollars in one year. We can afford
18 a reasonable amount of money for this Board to hire
19 from builders to do a proper planning study. It
20 can't be that expensive. As part of the planning, I
21 know Mark is doing it right now with his traffic,
22 but the planning, all of these things, let's just
23 look at the whole plan. If we don't get a road in
24

1 there, forget it. It's not going to work. Thank
2 you very much.

3 (Applause.)

4 MR. CONWAY: How you doing, Mr. Chudnoff?

5 MR. CHUDNOFF: I don't know your name. I'm
6 sorry.

7 MR. CONWAY: My name is Mike Conway. I live
8 on Blue Heron Lane. I see you've reduced the size
9 of your project considerably and I appreciate that;
10 I really do.

11 My property overlooks your proposed site. As I
12 stated last time, one of my major concerns is the
13 impact of your proposed project on the wildlife in
14 Brunswick and particularly -- I never considered
15 myself a bird watcher, but I'm actually very
16 impressed with the diversity of wildlife that I see
17 in my backyard and the changing diversity on almost
18 a month-to-month basis.

19 I have wildlife books to be able to research
20 these birds. I'm seeing great horned owls, piley
21 woodpeckers, northern flicker. I must have at least
22 in my backyard last week, and never seen that,
23 turkeys; at least six come up there. Of course, all
24 the deer are back there. Occasionally, I get a

1 big -- I'm assuming it's a snapping turtle, about
2 three feet in diameter, crossing the wetlands and
3 Town Beach over next door.

4 So what I'm curious about here is I see you
5 reduced the size of the project, scaled back and
6 moved back in the property. The original projection
7 had something like 58 acres of woodland that was
8 going to be cleared for the original 1,100 units.

9 How much woodland is being cleared with this
10 projection?

11 MR. CHUDNOFF: If we do the math, then that
12 should be about -- I think there's 150 acres that
13 are undisturbed out of the 215.

14 MR. HOBLOCK: Full buildout.

15 MR. CHUDNOFF: Including roads, access,
16 everything.

17 MR. HOBLOCK: Phase one is 95 percent green.
18 So five percent of 213.

19 MR. CHUDNOFF: Is 12.

20 MR. HOBLOCK: So phase one, you're going to
21 disturb 12. Part of that 12 will be claimed as new
22 green grass, shrubbery, et cetera. So you don't
23 lose all 12. If you go to phase two, you have 90
24 percent. So you double that 24. The same then if

1 you go to phase three, 84.
2 Does that answer your question?
3 MR. CONWAY: No. I'm not really good with
4 percentages. I know 58 acres, it's --
5 MR. CHUDNOFF: I don't remember 58 acres. It
6 will be about 35 acres of the 215 acres that will be
7 disturbed. About 35 acres.
8 MR. CONWAY: But that includes open land and
9 wetlands.
10 MR. CHUDNOFF: When you say that includes open
11 land, in total --
12 MR. CONWAY: The land --
13 MR. CHUDNOFF: In total, people will walk on 35
14 acres. Some people dig a hole, push some dirt, but
15 about 35 acres.
16 MR. CONWAY: That's significantly less than
17 what it was. With regards to the land, you might
18 consider fields. Right now, looking at this, I see
19 some aerial photos of it and I'm assuming there's
20 going to be some open fields left in the green
21 space. Right?
22 MR. CHUDNOFF: The green space, in fact, is
23 going to be untouched. In fact, it will be a
24 different -- it will be a perfect home for piley.

1 The green space that's going to be untouched
2 happens to have the favorite food of the piley
3 woodpecker, which happens to be -- it's up towards
4 the North Lake Avenue piece. You have red pine,
5 white pine. As they die, that's when the piley
6 woodpecker comes in, makes a rectangular hole. Now,
7 turkeys are a different problem.
8 UNIDENTIFIED PERSON: We can't hear back here.
9 MR. CONWAY: Now, with respect to the open
10 field, are you going to leave those hallow? Are
11 you going to cut them? Are they going to regenerate
12 forest land?
13 MR. CHUDNOFF: What's going to happen is the 35
14 acres, as it pertains to the 35 acres we were just
15 talking about, those 35 acres will be built
16 upon -- imagine if you were to build your own home.
17 You build your home, then you re-landscape. So what
18 happens is if you take a look at some of the
19 photographs that were shown earlier, when you build
20 the building, unfortunately, building is a
21 destructive process. Before you can make it
22 reconstructive like building a house, you have to --
23 MR. CONWAY: It would be landscaped, right?
24 MR. CHUDNOFF: Yeah. Then, it becomes

1 re-landscaped. What we try to do -- and we have a
2 reasonable level of success. I suggest and I
3 welcome anyone to take a look at whatever we've
4 done. What we try to do is re-plant indigenous
5 species so that you keep harmony within what
6 surrounds it as well as you keep the same fauna as
7 well as the flora in the area.

8 As an example, in Hudson Preserve, we just
9 built a berm, an earthen berm, which is irregular
10 and about 800 feet long, about 60 feet wide. It's a
11 series of undulations and we just finished it today,
12 about 900 varying spruce, pine.

13 And if I remember -- and if you looked at it
14 now, even though we just did it and when the grass
15 comes in, you'll see it has a look. Now, it does
16 not look like an unspoiled forest. That would be a
17 disingenuous thing to say, but it looks pretty good.
18 I mean, people tell me it looks pretty good and it
19 isolates the area.

20 MR. CONWAY: So, eventually, that will be
21 allowed to grow in?

22 MR. CHUDNOFF: Absolutely.

23 MR. CONWAY: Thank you. With respect to the
24 light pollution, I haven't had a chance to see any

1 of the rework for your streetscapes or I understand
2 you haven't refiled the DEIS. The light is a big
3 concern for the area. Have you given any
4 consideration to eliminating streetlighting or
5 reducing household lighting? My own street has no
6 streetlighting.

7 MR. CHUDNOFF: What we do -- again, there is a
8 tip zone here. There are people that feel
9 comfortable with some level of lighting. We try to
10 keep it down to three or five candle power. All of
11 our lighting is down lighting. While we have street
12 lighting that looks like old English street lamps,
13 they're about 14 feet high. They're capped on the
14 top, so nothing is allowed to escape up into the
15 air.

16 You will have some refraction; there's no
17 question about it, but the lion's share of the light
18 is bounced down to the ground and we have
19 photoelectric -- to Henry's statement earlier, we
20 have photoelectric analyses made of the light spill
21 of every single fixture that goes there. And if you
22 want at your leisure, if you contact Paul, you're
23 more than welcome to see what these plans look like.

24 You'll see at the fixture, at the streetlight,

1 there may be 6 cp and then as you walk out 80 feet,
 2 it goes down to 2 cp. But there are a large segment
 3 of people that do want some form of illumination at
 4 night. There are some who want none. We try to
 5 have a happy balance between the two.

6 MR. CONWAY: All right. I understand your
 7 position. I would go with none.

8 MR. CHUDNOFF: You have children walking around
 9 in the public area on the streets of Brunswick. I
 10 think when you have school children walking around,
 11 you're going to want to have some level of light. I
 12 think women walking around feel more comfortable
 13 with light. It depends. It's an individual thing.

14 MR. CONWAY: Thank you. With respect to the
 15 tax projections per unit, I'm having a little bit of
 16 difficulty getting my arms around this. My house is
 17 probably close to the quality of construction.

18 I have a three- or four-bedroom house. You
 19 know, if I do this calculation, two bedrooms,
 20 \$1,500-something, not a hundred dollars basically a
 21 year in combined taxes. Is that correct?

22 MR. CHUDNOFF: I don't think I understand.

23 MR. CONWAY: If I was to take -- combine two
 24 of your units, come up with a four-bedroom house,

1 the tax bases for that --

2 MR. CHUDNOFF: How many square feet is your
 3 house? 2,600?

4 MR. CONWAY: 3,500.

5 MR. CHUDNOFF: Oh, 3,500. So that would be
 6 equivalent about --

7 MR. CONWAY: I'm paying about \$9,000 in taxes
 8 a year.

9 MR. CHUDNOFF: It would be equivalent of three,
 10 three and a half apartments. The one-bedroom
 11 apartments are about 850 feet. The largest
 12 apartments are close to 1,600 feet. Those are the
 13 two-bedroom, the grand lux apartments.

14 MR. CONWAY: Two 1,500 square feet
 15 apartments --

16 MR. CHUDNOFF: 3,200 square feet.

17 MR. CONWAY: -- you'd be paying about \$2,700.

18 MR. CHUDNOFF: No. You'd pay about -- 3,200
 19 square feet, probably pay about \$5,000 a year.
 20 Taxes really relate to a per square foot rate in
 21 multi-family dwellings versus single-family
 22 dwellings. So they come out to about a dollar
 23 quarter to a dollar fifty square feet, inclusive of
 24 the school and town tax.

1 MR. CONWAY: Can you confirm with the tax
2 assessor?

3 MR. CHUDNOFF: We confirm with every tax
4 assessor, State of New York, every multiple-family
5 dwelling which occupies less of a footprint than a
6 typical house would by a long shot, but every
7 multiple-family dwelling is assessed on its value as
8 an economic entity as well as reproductive cost.
9 Homes are not assessed on economic value. They're
10 assessed on like and comparable sales as well as
11 reproductive cost. So it's a little bit different.

12 But the rule of thumb, a typical apartment in
13 this district, this area, will run anywhere from a
14 dollar a foot to \$2.20 a foot. I can tell you
15 Rensselaer is \$2.20. I can tell you that parts of
16 Saratoga County, further north of Saratoga Springs
17 itself, is closer to a dollar. I mean, there's a
18 lot of variables that go with that.

19 MR. CONWAY: As a taxpayer, it didn't feel
20 equitable, assuming comparison in quality of
21 construction of house amenities and such. That's
22 why I was asking further clarification.

23 MR. CHUDNOFF: Again, there are rules of thumb
24 and you're welcome to read this or any of the other

1 reports that are out there which are not prepared by
2 us but are prepared by third-party experts.

3 Typically, multi-family dwellings impose less
4 of a service burden than do single-family dwellings.
5 The burden of retail establishments is different
6 from the burden of office establishments. They all
7 have different impacts on the municipalities.

8 MR. CONWAY: Thank you. That's all.

9 SUPERVISOR HERRINGTON: Blue Heron is a
10 beautiful development. How many years ago did you
11 move there?

12 MR. CONWAY: I grew up in the town, Phil. I
13 moved back there six years ago.

14 SUPERVISOR HERRINGTON: I can't think of the
15 lady's name down at the bottom, but she had the same
16 concerns that you have. When it was proposed, she
17 was afraid the wildlife would go away and birds
18 which, you know, I want somehow to keep this open
19 space or have larger lots or something. I lost
20 neighbors to Blue Heron. Billy Dates moved down
21 there. I think it got to him.

22 But what I'm saying is that's a class -- you
23 know, we did not allow streetlights. So I had the
24 same concerns.

1 MR. CONWAY: It's a redevelopment. On
2 average, I think we're seeing somewhere about four
3 acres per --
4 SUPERVISOR HERRINGTON: That's what I'm saying.
5 MR. CONWAY: I've got about an eight-acre
6 lot. My house is as far as the lawn, probably about
7 a third of an acre.
8 SUPERVISOR HERRINGTON: We tried to assure that
9 lady just because they're bigger lots, she did not
10 believe -- she said, "The birds are gonna disappear;
11 the wildlife's gonna disappear. I don't want houses
12 behind me."
13 I'm just saying larger lots make it good. Blue
14 Heron is a nice place to live.
15 MR. CONWAY: It's worked out very nice. I
16 appreciate the fact that there's no streetlighting.
17 My neighbors have the courtesy to turn lights off
18 when they don't have --
19 SUPERVISOR HERRINGTON: It is very nice
20 MR. CONWAY: It's sustainable and nice land
21 development within the town. I really think it's
22 kept the character of the town. You'd be
23 hard-pressed to see my house from the one vantage
24 point over on --

1 SUPERVISOR HERRINGTON: Right on top of the
2 hill, right?
3 MR. CONWAY: Yep.
4 SUPERVISOR HERRINGTON: Anybody else?
5 MR. JOYCE: William Joyce, III, 13 Wyman
6 Lane. If I appear to be a little disorganized, I
7 apologize. My notes are a little jumbled. I've
8 lived in the town for 38 years, the same age that I
9 am now. And I have some concerns, some of which are
10 individual, some of which are more community
11 related. I'll try to go through them. It may be
12 reiterating what many of you have already said.
13 The first thing is I'm an adjacent property
14 owner to this project. I do note the change. About
15 600 feet of the west portion of our property borders
16 your development. I have concerns relative to
17 wildlife, relative to the wetlands, relative to
18 adjacent wetlands.
19 I have a long history. I know this property
20 quite well and have a lot of appreciation for it.
21 I've spent a lifetime there. Also, I'm an industry
22 professional and I also understand the process that
23 you're going through and the process that's going to
24 happen if this is approved, and I'd like to get into

1 the reality of some of the things.
2 We've got a traffic problem, and you know what?
3 I don't know if we've got all our facts together.
4 And I'm hoping that with the coordination of our
5 Town Board and their consultant that it doesn't turn
6 into a committee situation. I hope it's
7 well-coordinated. If there's anything I can do to
8 help that I know I can, I'll be willing to do that.
9 I know committee. I understand the complexity of
10 it. I also understand the permanent changes that
11 are about to occur in this town that none of us are
12 going to be able to change after they're done,
13 including the problems that may be created by your
14 development.
15 I want to make it very clear. It's a very real
16 situation that is upon us. What happens at this
17 juncture at this time with the people that sit in
18 this room and the people that sit on that Board is
19 going to change the face of this town forever. And
20 I'm sure that everybody realizes that, but I felt it
21 necessary to reiterate that.
22 It seems to me we need some real assessment. I
23 know we have very intelligent people from all walks
24 of life involved, pro and con, but I do see some

1 confusion. I do see some questions unanswered.
2 Facts are facts. Let's get our facts straight.
3 If this is approved, who's going to enforce the
4 dust, debris, earth movement? You're talking about
5 moving a million cubic yards, more or less. I've
6 seen some of the numbers. I may be incorrect.
7 That's a massive project as far as the earth moving
8 phase of the job is concerned.
9 Have we considered the additional traffic, dump
10 trucks importing material that you don't have
11 on-site, material that doesn't come from cut and
12 fill? Have you considered all the other variables
13 that are going to arise that a lot of us don't see
14 that aren't privy to the construction industry and
15 the development industry and so forth and so on?
16 We've talked about lighting. We've talked
17 about the response to comments. I'm assuming that
18 this transcript that's being created here is going
19 to be taken apart piece by piece and it's going to
20 be responded to and somebody's going to check that
21 it's going to be responded to. I have a concern
22 about that.
23 I'm a very thorough person when it comes to
24 things like that. I would assume that would be

1 prudent in a situation like this given the
2 circumstance.

3 I've also got a concern about the exploitation
4 of our property, adjoining properties, anybody that
5 feels they don't need a public audience. We own 20
6 acres of that wetlands that adjoins Route 7. It now
7 has sheetpiling, now has water which was a stagnant
8 swamp if many of you remember many years ago, and is
9 not what it was today and a lot of that stems from
10 wildlife. Now, it's being exploited. There's a
11 sign up that says "Wildlife Viewing Area."

12 They don't realize it's private property. I've
13 got people throwing fish hooks in there and doing
14 things that were never done there. That was left
15 alone. There might have been garbage thrown over
16 the railing, but that was it. Now, there's public
17 access to it. It's not public. It's private
18 property. It's owned by myself and Fivel, if I'm
19 not mistaken, has a corner of it. There is an
20 exploitation thing that also has to do with your
21 project relative to adjacent property.

22 Once that site is an active site, there's going
23 to be people all over that place. Who's going to
24 enforce where they go and what they do? Who's going

1 to enforce what the end user's going to do when they
2 want to go out and enjoy the area you propose for
3 them? Are they going to abide by rules? Am I going
4 to have a trespassing problem? These are nuisance
5 problems that need to be considered and are probably
6 on everyone's minds.

7 We know why you're here. You have a
8 motivation. You bought a piece of property.
9 Unfortunately, agriculture is no longer a really
10 profitable thing. I find it sad. I find it sad
11 that the property we have here, which is very unique
12 to this area -- I don't see a lot of property like
13 it in this country. I go all over this
14 country. I find it sad but, hey, you've got a right
15 to put it on the table and try to push it through.

16 But I do believe your motivation is money, and
17 don't take this personal. I'm not taking a shot at
18 you. I state what I believe is true. I know I've
19 worked for big developers in New York. I understand
20 where you're coming from.

21 With all that said, I hope I've made some
22 sense. I do believe that sufficient time should be
23 made to consider everything that is about to happen,
24 be it these five projects, be it one project alone.

1 And I think it's incumbent upon everyone in this
2 room to do what they can to help and come to a
3 solution that everyone is going to agree to. And if
4 it does take some extra time, I hope that you will
5 allow or recognize that, being that what you're
6 going to build here is going to change where a lot
7 of us have lived for our entire lives.

8 And I will state in 1992, my mother was ran
9 over by a car on McChesney Avenue. It happens,
10 okay? And I've worked in the industry for a long
11 time. I've seen many things I wish I didn't see. I
12 don't want to see that happen to anybody relative to
13 something that wasn't properly thought out,
14 something that wasn't properly planned, something
15 that was pushed through.

16 I just hope that you realize what you're doing
17 here and the effect it's going to have and our side
18 of possibly needing more time to coordinate, more
19 time to respond to what you're putting on the table,
20 and you as well taking the time to make sure these
21 comments are responded to in detail. Thank you.

22 SUPERVISOR HERRINGTON: Thank you.

23 (Applause.)

24 MR. LANE: I'm going to be short and sweet.

1 My name is Mark Lane, 322 North Lake Avenue. I'm
2 glad to hear about eliminating the exit on to North
3 Lake. That's enough of a traffic jam there as it
4 is, a raceway.

5 I don't really know where your project is going
6 to come out, how close it comes to where I live, but
7 I would prefer to see single-family homes in that
8 area. I thought that that was stated in the last
9 meeting that we had on this. I thought you would
10 have come back with it. I think it would have a
11 better chance of passing.

12 Everybody's made a lot of valid points tonight,
13 so I'm not going to rehash any of that, but I think
14 single-family homes are much more suitable for that
15 piece of property. That's all. Thank you.

16 SUPERVISOR HERRINGTON: Thank you, sir.

17 (Applause.)

18 SUPERVISOR HERRINGTON: Anybody else?

19 Henry.

20 DR. SCARTON: Just a correction. Henry
21 Scarton. I talked about air-handling units. I was
22 mistaken. I meant condenser coils outside the
23 house, not air-handling units; condenser coils.
24 Sorry about that.

1 SUPERVISOR HERRINGTON: Thank you, sir.
2 MR. LUNDY: Eric Lundy, Colehammer Avenue. It
3 appears to me that in all these public hearings,
4 many of the people from the town have expressed an
5 interest in having all these projects considered
6 cumulatively and so far, I haven't heard or seen
7 anything that shows that that's what's happening or
8 being considered.

9 Now, it may be that it's being considered and
10 it just hasn't been released yet. That, I don't
11 know. But I would ask that it be considered that
12 way. I would ask that the public hearing be held
13 open and all the public hearings from all the
14 projects be held open until such time that they can
15 be posed together so the Board could handle the
16 Final EIS cumulatively.

17 In addition, there's a gentleman that was in
18 the back -- I don't know if he's still here -- who
19 at the last public hearing, not for this project but
20 I believe it was Herrington Hills --

21 SUPERVISOR HERRINGTON: Marini Hills.

22 MR. LUNDY: Marini Hills. He made a suggestion
23 that instead of the mass housing project, that the
24 Board consider other uses for the property. And he

1 came up with the idea of putting in hobby farms.
2 Well, that sounds like a great idea. That keeps
3 with the character of the town. That's what a lot
4 of these people who are here really would like.
5 That's one of the big reasons they're here. And if
6 you put in hobby farms -- you know, I don't know how
7 many -- you know, 15-acre farms and market them to
8 people down from the City and you have Saratoga
9 right here, well, wouldn't that help property
10 values? Wouldn't that have less impact on traffic?
11 Wouldn't that still give you the tax revenues that
12 the Town apparently is seeking?

13 So, hopefully, these are issues that could be
14 addressed when the Board does finally review this.
15 Thank you.

16 SUPERVISOR HERRINGTON: Thank you.

17 (Applause.)

18 SUPERVISOR HERRINGTON: Anybody have anything
19 new to say given the hour? Come on up.

20 MR. COLANGELO: My name is Vito Colangelo. I
21 live at 377 Brunswick Road. I would like to make
22 the following comment. I think that the Board has
23 to consider all the projects together since the
24 Board is aware at this time that all these projects

1 are ongoing.

2 Further, I think that the data is invalid. I'm
3 now speaking to the traffic people, to any of the
4 other people that are involved in the infrastructure
5 development. It's invalid if you know that there
6 are other projects ongoing not to consider those.
7 Technically, you can't do it.

8 If I were building a system and I'm concerned
9 about fluid flow, I couldn't consider each unit
10 independent of the other units that are gonna be
11 tied in. You simply can't do it. The numbers won't
12 work. The numbers won't allow it. From an
13 engineering standpoint, it's invalid and you know
14 it's invalid.

15 It's all well and good to say we're going to
16 look at this project and we're going to look at the
17 impact of this project alone on traffic or any other
18 aspects of it, but technically, it shouldn't be
19 done. And the Board shouldn't permit it to be done
20 since the Board is now aware of it. And, now, I'm
21 speaking, I guess, to the attorney. It shouldn't be
22 permitted. Thank you.

23 SUPERVISOR HERRINGTON: Thank you.
24 (Applause.)

1 MR. BELL: Having come in late, I will now
2 attempt a summary. My name is Leo Bell. I live at
3 11 Ledgewood Drive, fairly new to the area. As I
4 say, I was late.

5 I was just curious: Has anybody in this body
6 tonight spoken in favor of this project? Anybody?
7 Anybody other than the people with an immediate
8 financial investment in this? One. That pretty
9 much approximates the information I have.

10 I've talked to probably 120 or 130 people about
11 these proposed developments. By eleven to one, they
12 said, "Brunswick's going to grow; we know that. We
13 don't want Brunswick to grow into Latham." We want
14 as the last speaker suggested, some plan, some
15 thought, some care. We cannot have an ad hoc
16 proposal such as this.

17 I'm not terribly concerned about 50 acres, 30
18 acres, piley woodpecker or whatever. What I
19 am concerned about is the lack of a systematic plan
20 approach to this. As long as we don't have that,
21 the very reason we moved to Brunswick, the very
22 reason we live in Brunswick disappears.

23 We just got to, Phil, we've got to have a plan,
24 not this ad hoc kind of arrangement. My sense of

1 the group is they don't believe we should do it. I
2 know the people I talked to don't believe we should
3 do it. So I have to ask you all to please think
4 very carefully; let's have a plan first.

5 SUPERVISOR HERRINGTON: Thank you.

6 (Applause.)

7 SUPERVISOR HERRINGTON: Anybody else? I'm not
8 trying to cut you off here. Anybody have anything
9 new?

10 MR. CHAUFFEY: My name is Joseph Chauffey,
11 Jr., Fork Street, Brunswick. I've lived in
12 Brunswick for over 40 years and I'm against this
13 proposal. It's not appropriate for the town.
14 It's overloading the present infrastructure. And
15 for the idea that Route 7 should be enlarged or
16 widened, you're talking at least \$50 million to go
17 from River Street up to Best Road to add two more
18 lanes. \$50 million. And that's gotta come from
19 somewhere's. It's not coming from the people that
20 are there or the people coming in.

21 Most of the figures -- I haven't read their
22 paperwork. Most of the figures I believe are for
23 them as best they can arrange it without really
24 spilling the beans. The cheapest thing, of course,

1 is rural but everybody at this meeting is
2 complaining about no planning and cumulative
3 effects. And the only way to fight that or arrest
4 that is to limit the number of these housing
5 developments per square mile. Draw a line
6 of -- draw the town up into districts, five square
7 miles -- say one housing development per five square
8 miles.

9 Now, under that plan, what we have is the
10 Sycaway area, we're at the limit. So this thing
11 would be tossed out. Most of the property in the
12 Sycaway area, there's a problem. Very familiar
13 with the Duncan family. There's a question about
14 this property. But that's all I have to say.

15 There has to be some -- everybody wants to
16 limit -- they don't want to lose what we have. They
17 want to limit the cumulative effect. It's a
18 repeated thing. The only way to do that is put a
19 limit on the number of large developments per the
20 area and have so much zoning for housing, turn to
21 spacing and houses per square mile. You have to
22 address the whole development as like one house and
23 say one development per ten square miles or five
24 square miles. That's all I have to say. Thank you.

1 (Applause.)

2 SUPERVISOR HERRINGTON: Thank you. Andy, I
3 wasn't at the last meeting. They said Mr. Poletto
4 did a fine job. Somebody said you got up and
5 summarized, made a statement. Is that true? I'm
6 just trying to do everything proper here.

7 MR. GILCHRIST: First off, you should assure
8 there are no additional public comments that anyone
9 wants to make.

10 SUPERVISOR HERRINGTON: Are there any?

11 MR. GILCHRIST: Seeing or hearing none, yes,
12 where we are in the process now is, again, the
13 meeting or the reason for the special hearing was to
14 accept comments from the public, from citizens
15 within the town, adjoining municipalities and also
16 other public agencies.

17 One thing that I think does get overlooked is
18 the extensive coordination that this Board is
19 undertaking with other public agencies on this, both
20 at the municipal and the county, state and federal
21 level. When notices go out regarding these
22 projects, regarding public hearings, they go out not
23 simply in the newspaper, on the web site and posted
24 at Town Hall. And they don't go out just to the

1 neighbors within 500 feet. They do go out to every
2 agency that has to pass on some aspect of this
3 project and the directed noticed when public
4 hearings are occurring and when written comment
5 periods will be at an end to ensure they have an
6 opportunity to comment as well.

7 We've heard a lot about Route 7. Be aware that
8 DOT has been involved in this review. Mark Gregory
9 is consulting with them. We've had several meetings
10 at DOT to address that. The comments -- I won't
11 characterize them, but they have been limited coming
12 from DOT. We're taking on the burden of looking at
13 these issues about Route 7 traffic problems as well.
14 So there is an extended effort at coordinating not
15 just within the town but within all the public
16 agencies that have to pass or approve or permit some
17 aspect of these projects.

18 In the process of receiving these comments, the
19 applicant needs to address them, needs to answer
20 adequately and fully answer all the comments and
21 questions that have been raised. Clearly, one of
22 them that has been repeated throughout not only this
23 public hearing but others are cumulative impacts.

24 This is something that this applicant as well

1 as the other applicants in the town will have to
2 address and it's an issue that this Board will have
3 to consider.

4 In order to move the process forward to get the
5 additional information from the applicant, there is
6 the need to close a public hearing. If you keep a
7 public hearing open, there is no movement in the
8 process and there is no legal requirement to turn to
9 an applicant and say, "I want that information."

10 Under the SEQRA process, closing the public
11 hearing then moves to the next step which is, yes,
12 the transcript is being made, all the written
13 comments are received, the applicant must analyze
14 them in detail, list out all the comments received
15 and fully and adequately respond to them in order
16 for this Board to consider the adequacy of the
17 project, the propriety of the project and whether or
18 not to approve it, modify it or disapprove it. So
19 we need to have that information from the applicant
20 in order for this Board to then complete its job and
21 to allow the Town's consultants to review that
22 information.

23 So, procedurally, we're at the point where
24 through the first public hearing and continuation

1 tonight, that has afforded members of the public to
2 provide their comments. Now, it's up to the
3 applicant to respond to these comments. And,
4 procedurally, we're at the step where the Board
5 should consider closing the public hearing.

6 UNIDENTIFIED PERSON: Mr. Herrington, I think a
7 comment is in order. All the comments that Mr.
8 Gilchrist has made -- and he knows the process, but
9 the process he's engaging in is one that
10 overwhelmingly the people here say is not a proper
11 process, the process of considering one project
12 individually. And those are the kinds of things
13 that Mr. Gilchrist has commented on. That process
14 is not an effective one for yielding a viable town.

15 What we need is a process in which there is
16 input to a Master Plan for the Town. That has been
17 said again and again and I urge the Board to listen
18 to this public comment.

19 MR. BAILEY: I want to address here the concern
20 that I have over my well and my neighbor's well, the
21 water.

22 SUPERVISOR HERRINGTON: Get closer to the mike.

23 MR. BAILEY: It's not just the water runoff.
24 The salt, the pesticides that are going to be used

1 all come down that hill towards my property. So I'm
2 probably going to lose my well. I want that
3 addressed for the site. That's all.

4 SUPERVISOR HERRINGTON: Have we closed the
5 public hearing? That's what the Board chooses to
6 do. Is there a written comment period to put input
7 in?

8 MR. GILCHRIST: Again, SEQRA regs -- I'll
9 respond to the comment about the process not being
10 appropriate. We must follow the legal process on
11 this application. A master planning process, which
12 you made reference to, is not the process we're
13 going through tonight. The process we're going
14 through is a PDD application being subject to SEQRA
15 review. And my counsel is making sure that this
16 project is done in compliance with the SEQRA
17 regulations.

18 A master planning and comprehensive planning
19 effort is not what the Board is currently engaged
20 in, just so that the record reflects that. The
21 SEQRA regulations do say when a public hearing is
22 closed, a written comment period must be established
23 for a minimum of 10 days after the close of the
24 public hearing. It's up to the discretion of the

1 Board, but you must have written comments after for
2 at least a 10-day period.

3 SUPERVISOR HERRINGTON: Well, I'll make a
4 motion that we close the public hearing and we keep
5 the written comment period open for 20 days or --

6 COUNCILMAN SALVI: Fifteen working days.

7 SUPERVISOR HERRINGTON: Fifteen working days.

8 COUNCILMAN POLETO: I'll second that motion.

9 SUPERVISOR HERRINGTON: We have a motion and a
10 second. All in favor.

11 UNIDENTIFIED PERSON: You've got more people
12 that want to speak.

13 MR. GILCHRIST: The Board can listen until it
14 acts on the motion.

15 MR. SCHMIDT: Ray Schmidt, 81 Liberty. I'm a
16 little bit concerned about the timing. I'm just a
17 wee bit concerned about timing. The weather was
18 kind of sticky out tonight. There may be other
19 people that want to show up but were afraid to show
20 up because of the ice storm. I think the Board
21 should take that into consideration. Also, 15
22 working days is kind of tough for us. You know, we
23 got jobs. I'm sure you do also. It took me five
24 hours just on Saturday to write my response to the

1 previous development. I just got around to it on
 2 Saturday. So I would appreciate 20 working days or
 3 approximately four weeks. I think that would be
 4 reasonable for everybody to get on board and
 5 comment.

6 SUPERVISOR HERRINGTON: Normally -- I mean, in
 7 the past where I've been involved, you had a public
 8 hearing, you listen and you close it. Then, there's
 9 a written comment period. What this Board has done
 10 is had a public hearing, comments, kept it open, had
 11 another public hearing. I don't believe the roads
 12 are bad tonight.

13 UNIDENTIFIED PERSON: Yes, they were.

14 SUPERVISOR HERRINGTON: Now, we've got written
 15 comment. I'm quite sure if I kept it open for
 16 another one, you wouldn't be happy then either.
 17 What I'm hearing then, Ray, is you'd like to have
 18 the comment period --

19 MR. SCHMIDT: I think if you give 20 days,
 20 approximately four weeks, that would be reasonable.

21 SUPERVISOR HERRINGTON: All right. So you're
 22 saying 20 --

23 MR. SCHMIDT: Approximately 20 business days or
 24 approximately four weeks from now, approximately a

1 month, you know, that ballpark figure.

2 COUNCILMAN SALVI: Twenty working days.

3 SUPERVISOR HERRINGTON: I'll amend my motion.

4 I'll make a motion to amend that comment period
 5 be for 20 working days. All in favor. The motion's
 6 been made and seconded. All in favor.

7 (Affirmative responses.)

8 MS. RUSSO: Barbara Russo, Colehammer Avenue.
 9 With all due respect to Mr. Gilchrist, under the
 10 SEQRA regulations, the Town Board does have the
 11 authority to keep the record open and to require a
 12 supplemental Draft EIS when it finds that the Draft
 13 EIS on the table is not sufficient.

14 I believe that the residents of this town have
 15 made sufficient and adequate comments to show the
 16 inadequacy of the Draft EIS. They have not
 17 addressed several impacts and merely makes a
 18 statement that there was no significant adverse
 19 impacts in several respects.

20 I put it on the Town Board. I believe it is
 21 your duty to hold this record open in order to
 22 require a supplemental Draft EIS so that the
 23 applicant can sufficiently address all of the Town's
 24 concerns and that then allows the residents to

1 adequately comment on the Draft EIS.

2 The public tonight didn't really have the
3 opportunity to comment on hard and true facts and
4 data, because most of it just said no significant
5 impacts.

6 SUPERVISOR HERRINGTON: Thank you.

7 (Applause.)

8 MR. GILCHRIST: Just to let the record reflect,
9 when you take a look at the SEQRA regs, the issue of
10 a supplemental Draft EIS is if there's been a
11 significant modification to the proposal or if that
12 modification had not yet been addressed in the
13 earlier DEIS.

14 I understand people have issues with the
15 content, the data, the adequacy and the correctness
16 of the data presented. The vehicle for addressing
17 that is the Final EIS. There has been a
18 modification, but when reviewing the underlying
19 DEIS, one of the alternatives presented was the 668
20 units. They did come forward with a revised layout
21 and that's why the visual assessment, the school
22 district assessment -- because of the various school
23 district property boundaries on the property, the
24 revised cuts and fills, that information was

1 provided and supplemented in December.

2 This Board has the discretion to say that that
3 underlying DEIS, even though there's been
4 disagreement with the content of it or the
5 conclusions drawn by it, that it was complete. And
6 there's been a modification and additional
7 information on that modification was submitted.

8 The vehicle for having all of these comments
9 addressed now is the Final EIS.

10 SUPERVISOR HERRINGTON: Thank you. Thank you,
11 everyone.

12 COUNCILMAN POLETO: I'll make a motion to
13 close.

14 COUNCILMAN POLETO: I'll second.

15 SUPERVISOR HERRINGTON: All in favor.

16 (Affirmative responses.)

17 (WHEREUPON, at 9:47 o'clock, p.m., the public
18 hearing was closed.)

19 * * * * *

20
21
22
23
24

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

THERESA L. KLOS

Dated: February 5, 2006.