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June 16, 2005

Via Certified Mail, Return Receipt Requested

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

Re: Brunswick Meadows
Planned Development District Application
Comments on Draft Scoping Document

Dear Supervisor Herrington:

The following are comments pursuant to 6 NYCRR 617.8(e) on the Draft Scoping Document of the proposed Brunswick Meadows Planned Development District. Brunswick Smart Growth represents the concerns of several residents of the Town of Brunswick, including property owners near the proposed project site. The section numbers referred to below correspond with those used in the Draft Scope.

2.2 Potentially Significant Adverse Impacts.

This section must also include the following potentially significant adverse impacts, in addition to those listed in the Draft Scope: Impact on traffic; impact of vegetation and wildlife; impact on land use, zoning and community character; impact on agricultural zoning; impact on soil and topography; impact on drainage; impact on ground water and water quality; air quality; noise; visual resources; growth inducing aspects, including any pending or reasonably foreseeable rezoning applications in the adjacent area; economic impact; effect on energy resources; impact/cost of increased demands on infrastructure; and cumulative impact.

3.3 Description and Current Use of the Project Site.

The maps attached to the Draft Scope are insufficient to show location of the fields and stream in the proposed project area. The proposed project site must be better delineated for public review.

3.5.1 Subdivision Configuration

What is the relationship between the applicant, JPJ Partnership, and TOPATOMA, LLC? Are any principals the same of both JPJ Partnership and TOPATOMA, LLC? Are there any current plans for the remaining acres of the 97.6 parcel? Is this proposed Planned Development District a segment of a larger project? Will the remaining portion of the parcel become landlocked? A map should be provided delineating the entire 97.6 acre parcel for which a subdivision waiver is being sought.

3.5.2 Building and Parking.

Will parking be limited to the spaces mentioned (332 off-street parking spaces) as a maximum, or will additional parking be available in the unit's driveways?

3.5.3 Site Access.

Additional information is necessary regarding the access road. Will this be a private road? Who will maintain the access road? Who is responsible for the cost of maintenance?

3.5.4 Utilities and Drainage.

The Draft Scope states that the project site will be served by underground public utilities (gas, electric, telephone, cable TV, potable public water and sanitary sewers) and claims "adequate capacity to allow connection of the project to those utilities." Based on what information are the utilities deemed "adequate"? Are these utilities currently existing at the site?

Additional information is needed regarding drainage and the proposed storm water retention ponds. What is the permeability of the proposed pond and what impact with the proposed ponds have on ground water quality?

Additional comments regarding the drainage and storm water discussed in 3.5.4 will be addressed at 4.5 and 4.5.2 below.

3.6 Purpose and Need

The Draft Scope states that the proposed project "is consistent with Rensselaer County's goal of providing for control growth throughout the county and expansion of water and sanitary sewage facilities in an orderly manner." What is the source of this statement? The Draft Scope further states that the development of condominium residences will provide an option for some of the aging population and "baby boomer" generation to remain a part of the local community. How does the applicant propose to limit sales to "the aging population and baby boomers"?

The Draft Scope discusses correspondence dated March 3, 2005 from the Rensselaer County Economic Development and Planning. Please provide a copy of said correspondence.

3.7 Required Approvals

The Draft Scope states that approval is required from the Rensselaer County Planning and Community Development Agency. What approval is the applicant seeking from said agency?

4.1.1 Zoning and Planning Compliance

The DEIS must identify what percentage of the site is zoned agricultural and what percentage is zoned residential. The Draft Scope states that the predominant land use in the surrounding area is residential in nature with mostly single-family homes. What is considered “the surrounding area” for purposes of this statement? Is the Draft Scope referring to both the Town of Brunswick and the City of Troy as the “surrounding area”? The DEIS must identify the proportion of single family homes to agricultural and other open space areas within the surrounding Town of Brunswick area. Additionally, the DEIS must address the impact on the Agricultural District.

The DEIS must address the impact of a high density development in an area which is currently primarily agricultural in nature. Such high density development is inconsistent with the existing land use in the area, and the impact on agricultural zoning and the loss of open space must be addressed.

The Draft Scope refers to the Town of Brunswick’s Comprehensive Plan. Cite what page of the Comprehensive Plan to which the Applicant is referring.

4.1.2 Compatibility with Existing Area Land Uses

Additional information is required regarding the existing land use in the surrounding area. What is the “surrounding area” referred to in the Draft Scope as being residential in nature with mostly single-family homes? Does the “surrounding area” referred to include the City of Troy? What percentage of the “surrounding area” within the Town of Brunswick is agricultural?

4.1.3 Community Character

The potential negative impact on community character must be addressed in the DEIS, specifically, the negative impact of a high density development in a predominantly agricultural and rural area. The density of the project is inappropriate for the surrounding area.

The Draft Scope states the condominiums will be constructed and marketed toward the retirement-aged homeowners and young single couples. How is this consistent with current non-discrimination laws?

Additional information is needed to fully address the impact of the project on community character. How many bedrooms will each unit have? How many baths? What will the initial offering price for each unit be? How will the costs for the common areas be paid for? What are the maintenance fees per unit? Will there be a homeowner's association?

The Draft Scope states that Brunswick Meadows ongoing maintenance will add approximately 20 jobs on a yearlong basis. What will the duties and responsibilities be for the 20 jobs? Will these be permanent full time jobs? What will the pay be for the jobs, and who will be paying for said jobs?

The Draft Scope states that there will be an increase in real estate taxes generated by the project. However, the Draft Scope fails to discuss the increased costs to the Town from the project. The DEIS must address the increased costs to the Town for the increased services (ie. Police, fire, etc.) and infrastructure.

The Draft Scope cites correspondence dated March 9, 2005 from the Lansingburgh Central School District. Please provide a copy of said correspondence.

4.2 Soils and Topography

The Draft Scope states that some areas of perched groundwater may be encountered during excavation. The DEIS must provide additional information including defining "perched ground water", stating why it is expected, and what impact it may have. Is a high water table expected? What is the depth of the water table? What is the ground water flow? The DEIS must address the impact on ground water from both the construction phase and post construction daily operations of the units.

The Draft Scope states that rock is not expected to be encountered anywhere on the site. What is the basis of this statement? If test pits were dug, how many, at what depth and what locations?

The Draft Scope states that removal of soils is not anticipated, that disturbed areas will be reclaimed and topsoil and upper subsoil stockpiles for reclamation and reuse. If soil is stockpiled on site during construction, what is the impact from stockpiling? The DEIS must address the potential impact from runoff. What measures will be used to control the runoff? What is the impact from changes in topography? Additional necessary information includes, but is not limited to, the depth of the water table and ground water flow. Also, will additional fill be necessary for the site? Will the project require trucking in additional fill? If so, information is necessary regarding how much fill will be trucked in and the impact on traffic. The DEIS must also address the issue of erosion and the impact on ground water, wetlands, and the stream. Additionally, the DEIS must address the impact on surrounding wells and septic systems.

Additional information is also needed regarding the location of the proposed project in relation to a former Troy incinerator and landfill. A Phase I and Phase II Environmental Site Assessment should be conducted to determine any potential contamination on the project site. The DEIS cannot adequately evaluate the impact on environmental conditions until the Assessments are conducted. If contaminants are discovered on the site, the DEIS must consider the impact of the project including the potential disbursement of contaminants by movement and stockpiling of subsoils, and associated runoff therefrom. The DEIS must also address the impact on groundwater quality from any such contaminants.

4.3 Vegetation and Wildlife

4.3.1 Existing Vegetative Cover and Wildlife Habitats

Additional information is needed regarding the potential impact on terrestrial and aquatic ecology. Information is needed regarding the occurrences of rare or state-listed animals or plants, significant natural communities or other significant habitats. Required new information includes but is not limited to a study by an independent biologist to confirm the presence or absence of such rare or listed animals or plants, significant natural communities or other significant habitats. Moreover, additional information is needed regarding the types of species that currently use the wetlands in the area of the project site and the types of vegetation that will be lost. The DEIS must look at both the project site and the adjacent wetlands and stream. The DEIS must address the potential negative impact on the natural community.

The DEIS must address the impact from the project's construction on the wooded area, vegetated buffer, wetlands and stream. What measures will be taken to protect the stream from runoff both during and post construction.

Additional information is necessary regarding the impact on wildlife habitats from erosion from construction activities and from runoff post-construction from the increase in impervious surfaces. The impact on wildlife habitats and the natural ecosystem from the runoff resulting from the use of pesticides/herbicides and salt from the parking areas must be addressed.

4.3.2 Wetlands and Waterways

Information is needed on the hydrologic flow into the wetlands and stream. The impact on the wetlands must be addressed, including but not limited to: whether the proposed project will raise or lower the water level in the stream; will flow from the wetlands into the stream be decreased or increased; what is the potential impact of contaminated flow from the project into the wetlands and stream (both during and post construction); what effect will the fill have on the flow of water; what protection from contamination of water flow is proposed? Moreover, additional information is needed regarding the groundwater flow and the potential impact on neighboring wells from the construction activities, changes in wetlands, changes in topography and runoff.

The DEIS must address the impact on the wetlands and stream both during the construction phase and during operation. The DEIS must discuss the impact of erosion from construction activities on the wetlands and stream, as well as the impact from runoff during operation due to the increase in impervious surfaces.

Additional information is needed regarding the location of the wetlands. It appears that the directions stated in the Draft Scope regarding site drainage is incorrect, and clarification is necessary.

The Draft Scope states that the existing wetland will be preserved “as-is” for runoff impoundment. Is the applicant implying that the wetlands will become a retention pond for storm water discharge? The DEIS must address the impact of runoff on this wetland.

The Draft Scope further states that a second USACOE wetland is located in the middle of the site. Additional information is needed regarding what is planned for this wetland? The DEIS must address the impact of the project on this wetland.

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

4.4 Traffic

The Draft Scope has few details concerning this important issue. The nature of traffic control devices that may be required is absent. Will a traffic control device be installed at the projects access point on Route 142? In addition, Draft Scope appears to ignore the potential change in usage patterns that will occur on the surrounding roadways, such as Liberty and Farrell Roads, which will become prime southerly routes from the proposed project.

Additional necessary information includes a traffic study of existing roads and traffic patterns. This traffic study should include the impact on Rt. 142 and other roads surrounding the project, such as Oakwood and North Lake Avenues, as well as Liberty and Farrell Roads. Information obtained should include the traffic volume of each area, the maximum desirable volume of traffic, the maximum capacity level, and the projected traffic generation from the project (including construction phase and post construction). The projected traffic amount should include the traffic levels from residents, employees, commercial, maintenance, and vendor vehicles.

Traffic sampling of the major roads and intersections that may be affected by the proposal should also be performed. These samplings should be continuous throughout the week (i.e., weekdays and weekends) and be of sufficient duration to characterize current hourly traffic conditions (including but not limited to the traffic throughout the

day and night on an hourly basis for light and heavy duty gasoline and diesel vehicles, weekday/weekend traffic volumes, levels of service, episodic events).

This sampling should include the intersections along Route 142:

Oakwood Avenue (Route 40), Laversee Road (Route 40), Plank Road (Cty. Rt. 128), Liberty Road (and Gypsy Lane), Miller Lane, North Lake Avenue and Hoosick Road (Route 7).

The following intersections along North Lake Road (Cty. Rt. 144):

Route 7, Frear Park Road, Liberty Road, Miller Lane, and Grange Road (Cty. Rt. 142).

The following intersections along Oakwood Avenue (Route 40):

Hoosick Street (Route 7), Frear Park Road, Farrell Road, and Route 142.

The above data should be analyzed in such a fashion that a detailed baseline of traffic flow throughout this area of Brunswick and vicinity is obtained.

Having established the baseline traffic pattern for Brunswick and vicinity, the traffic effects of a number of different potential scenarios and various combinations should be explored both separately and synergistically. In particular, the effects of other major proposed traffic generators, Brunswick Meadows, Hudson Hills Apartments and the Wal-Mart's Supercenter, must be evaluated. All these traffic impacts must be considered in light of the cumulative impact of these projects on the current rural nature of Brunswick.

4.5 Drainage

Information is needed regarding the potential disturbance on the 100 year flood plain. What is the location of the project site in relation to the 100 year flood plain? Information is needed regarding the topography and gradient of the land, the groundwater flow, and the level of the water table. Where would the proposed retention ponds be located? Where would the water/runoff from the retention ponds go if they exceed their capacity? What is the potential impact of storm water runoff on the wetlands, stream and neighboring properties? Additionally, section 4.5.2 of the Draft Scope states that "most" of the storm water run-off will be directed into the proposed ponds. Where would the remainder of the run-off go? Information is needed regarding the depth of the water table, the flow of the ground water and the permeability of the soils.

The DEIS must discuss the design storm event for the watershed modeling. Furthermore, the DEIS must provide additional detail on the water quality parameters monitored. Are these parameters part of the SPDES permit?

The potential impact from contaminants leaching from the retention ponds into the ground water and/or connected wetlands and stream must also be addressed. The

storm water retention ponds will hold the runoff from the impervious surfaces (parking areas). What is the impact of the pollutants (gasoline, oil, antifreeze, etc.) on the wetlands and stream? Will these ponds discharge directly to the wetlands and/or stream or infiltrate into the groundwater? What are the dimensions of the retention ponds?

The impact of drainage and run-off from the parking areas must be addressed. Additional information is needed, including but not limited to the specific size/dimensions of impervious areas (parking areas, roadways, etc.).

4.7 Air Quality

The DEIS must address the impact on air quality from the proposed project. In addition to the dust, carbon monoxide and other emissions associated with the construction, the DEIS must address the impact on air quality after construction from the increased motor vehicles at the site, additional emissions from furnaces, emissions from fireplaces and/or wood stoves.

4.8 Noise

The DEIS must address the impact from noise both during the construction phase and post-construction operation phase. Information is needed regarding the type and level of noise from construction. What type of noise will occur during what hours? What are the proposed mitigation efforts during the construction phase?

The DEIS must address post-construction noise, including but not limited to general resident noise; traffic noise; and noise from additional commercial traffic.

4.9 Visual Impacts

The visual impact must be considered from all areas within the sight line of the proposed project, including both daytime and night views. A visual impact assessment must be conducted, including a visual impact map identifying where the project would be visible from, within an approximate 2 mile radius. A line of sight analysis must be conducted from several viewpoints.

4.10 Potable Water Supply

The Draft Scope states that the property owners of the proposed project will petition the Brunswick Town Board to create a new water district. What is the cost to the Town of creating a new water district? What is the cost of operating and maintaining a new water district? Is the creation of a new water district necessary for the project? Will the water district serve only Brunswick Meadows?

What is the current capacity of the public water system? How will the project affect the capacity. Additional necessary information includes flow tests and pressure

tests of the public water system, and a water supply report conducted by an independent engineer.

4.11 Public Sanitary Sewer Capacity

The Draft Scope states that the property owners of the proposed project will petition the Town Board to create a new sanitary sewer district. What is the cost to the Town of creating a new sewer district? Is the creation of a new sewer district necessary for the project. Will the sewer district serve only Brunswick Meadows? What is the projected cost to the Town of operating and maintaining a new sewer district? What is the cost and reliability of a pump, motor and grinder for the sewer system? What is the expected reliability and useful life of the pump used in the pump station? How often will the pumps require inspection? What system will be used to alert the responsible persons if the pump fails? How will sewage be retained during pump failure and/or power failure? Will there be a generator for power failures? Who is responsible for maintenance and costs? Who will pay for the power for the sewer system? To what standards will the pump station be built? Why won't the project's homeowner's association bear the costs of the future operation and maintenance of the sewer system, rather than the Town?

15.0 Reasonable Alternatives

The DEIS must include as a reasonable alternative a smaller scale of the project.

As such, the Draft Scope must be revised to include the above mentioned impacts and concerns, and additional information is needed to complete the DEIS.

Very truly yours,

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