

APPENDIX A

**Public Record
(Written Comments)**

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



Denise M. Sheehan
Acting
Commissioner

September 13, 2005

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

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


Dear Mr. Gilchrist:

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

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

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

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

Sincerely,

Nancy M. Adams
Environmental Analyst 2
Region 4

Enclosure

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

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August 3, 2005

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

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

Dear Mr. Gilchrist:

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

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

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

Sincerely,

Nancy M. Adams
Environmental Analyst 2
Region 4

Enclosure

cc: Mark Kestner, via fax 273-7583
file

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

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

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