

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

1 TOWN BOARD

2 TOWN OF BRUNSWICK, NEW YORK

3 -----

4 HUDSON HILLS PLANNED DEVELOPMENT DISTRICT (PDD)

5 APPLICATION

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

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12 TOWN OF BRUNSWICK BOARD MEMBERS:

13 Supervisor PHILIP HERRINGTON

14 Councilwoman CAROLYN ABRAMS

15 Councilmen PATRICK POLETO

16 SAM SALVI

17 Clerk SUSAN QUEST-SHERMAN

18

19 APPEARANCES:

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

21 MARK KESTNER - Kestner Engineering

22 MARK GREGORY - Transportation Concepts

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

24 MARVIN CHUDNOFF - Capital District Properties, LLC

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

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

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

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

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

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

21 SUPERVISOR HERRINGTON: Thanks, Sue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24           This Board, as Supervisor Herrington just

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

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

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

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

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

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

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