

Draft Generic Environmental Impact Statement

Town of Brunswick, Rensselaer County, New York
Amendments to Chapter 160 Zoning Law & Zoning Map

Prepared by:



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Name of Action:	Town of Brunswick Chapter 160 Zoning Law & Zoning Map Amendments
SEQRA Classification:	Type I Action
Location of Proposed Action:	Town of Brunswick, New York
Lead Agency:	Town of Brunswick Town Board
Lead Agency Contact:	Philip H. Herrington, Supervisor
DGEIS Accepted as Complete:	September 8, 2016
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Revised DGEIS Public Hearing:	TBD
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EXECUTIVE SUMMARY

The Town of Brunswick will be amending its Zoning regulations and will be adopting a local law entitled, “Town of Brunswick Zoning Law.” As these amendments affect more than ten (10) acres, an environmental impact assessment was determined appropriate per 6 NYCRR Part 617 of the New York State Environmental Quality Review Act (SEQR). The subject Generic Environmental Impact Statement (GEIS) assesses the anticipated impacts of this broad-based action so that adverse impacts can be avoided or mitigated to the extent practicable. It does not substitute for site-specific environmental reviews which will be required as individual projects and activities are proposed.

While the GEIS addresses the potentially significant adverse impacts associated with all the proposed amendments to the Zoning regulations, the following amendments were determined to potentially have a greater adverse impact and were therefore evaluated with greater regard to such impacts and any necessary mitigation:

- Downzoning Residential Districts (Decreasing Density)
- Upzoning Residential Districts (Increasing Density)
- Expanded B-15 Commercial Area
- Expanded Business Light
- Reduced Agricultural Lands
- Traffic Impacts to Route 7
- Infrastructure (Water/Sewer)
- Economic & Fiscal Impacts/Benefits

Chapters 2.0 through 5.0, explore the anticipated impacts on Community Character, Land Use, Transportation, Water and Sewer Infrastructure, and the Fiscal Health of the Town. Chapter 6.0 evaluates the No Action Alternative and Chapter 7.0 investigates Other Impacts, concluding that the subject action is preferable to the No Action Alternative and will have minimal adverse impacts on the Town of Brunswick.

1.0 PROJECT DESCRIPTION

1.1 Proposed Action

The proposed action is the amendment of the Town of Brunswick’s Zoning Ordinance and adoption of a local law entitled, “Town of Brunswick Zoning Law” (collectively referred to herein as “zoning amendments” or the “proposed action”). It encompasses the following revisions, all to be consistent with the adopted 2013 Comprehensive Plan:

- Modifying the official Zoning Map, including the creation of five new zoning districts and two overlay districts;
- Article 1 – Updating general provision to clarify policy and procedures;
- Article 2 – Refining and improving definitions and uses throughout the Zoning Law;
- Article 3 – Updating the district descriptions to match the Zoning Map;
- Article 4 – Updating the Use Regulations to reflect the desired uses for each district;
- Article 5 – Updating the Area and Bulk Regulations for each district;
- Article 6 – Updating best practices and regulations for specific uses;
- Article 7 – Updating site plan review;
- Article 8 – Revising Special Use Permits and procedures;
- Article 9 – Incorporated the Town’s Personal Wireless Telecommunication Service Facilities Law into the Zoning Law;
- Article 10 – Signs were updated to reflect current practices;
- Article 11 – Stormwater was added as a reference to existing Town laws;
- Article 12 – Planned Development Districts was revised to provide detailed procedures;
- Article 13 – Nonconformity was addressed for buildings, uses, and lots;
- Article 14 – Administration was updated to be consistent with current state policies;
- Article 15 – Enforcement was updated to be consistent with current state policies;
- Article 16 – Minor revisions to Amendments were provided for consistency with the law; and
- Article 17 – Appeals and Variances was updated to be consistent with current state policies.

1.2 Relationship to the 2013 Comprehensive Plan

The revised Zoning Law and Zoning Map are intended to further the goals and objectives of the Town of Brunswick’s 2013 Comprehensive Plan. The Comprehensive Plan is focused on preserving and strengthening what gives the Town its character and desirability, namely, its historic and cultural resources, recreational opportunities, farm lands, and natural resources. To this end, the plan calls for protecting sensitive environmental areas and agricultural lands, while accommodating growth by developing a mix of quality housing to serve households with a range of incomes, a transportation network to accommodate all modes, an adequate water and

sewer infrastructure, and supporting agri-business and other business development in appropriate areas of town.

The Comprehensive Plan's key recommendations are:

- **Land Use:** Brunswick will encourage enhancement of site development standards, promotion of cluster development, conservation of natural resources and use of buffer areas. These policies will work to regulate commercial growth, improve the community's appearance and balance property rights with health, safety and welfare.
- **Environment:** Brunswick should formulate environmental policies, guided by existing county, state and federal regulations, to conserve and protect natural resources. Brunswick will encourage activities to ensure that proper use and conservation of natural resources in the Town are maintained.
- **Economic Development:** Brunswick will encourage development in locations where the integration of residences, business and commerce protects the natural environment and preserves the historical flavor of the Town.
- **Transportation:** Brunswick will continue its partnership with the New York State Department of Transportation. It will seek solutions to current vehicular traffic problems and encourage the use of service roads for new development.
- **Community Issues:** Brunswick will continue to support the development of Senior Housing. Brunswick will continue to encourage and become an active proponent for the growth of community volunteer services.
- **Recreation:** Brunswick should strive to enhance recreational availability, encouraging trails and pathways, support arts and entertainment, support the Library and Historical Society. The Town should invest in its future by evaluating current conditions, mapping for future expansions and promoting its recreational resources. The Town should augment tax dollars to aid in recreation funding through grants and donations.
- **Agriculture:** Brunswick should strive to promote conservation easements and support the Right-to-Farm laws within the Town. Even though there are fewer active farms in the Town than in the past, the Town recognizes that existing active farms are generally larger and require additional lands to remain productive and viable. Preservation of agricultural land is essential for those farms that continue to operate in the Town.
- **Zoning Law and Map Text Amendments:** The proposed amendments to Chapter 160 of the Zoning Law of the Town of Brunswick reflect the goals and objectives of the Town's 2013 Comprehensive Plan. These amendments balance preserving agricultural land, which gives the community its character, against the need for economic development, by identifying areas for limited growth. The amendments modernize the existing code, provide new standards for commercial and multi-family building design, landscaping and buffering, and signage and lighting. The amendments also "clean up" the zoning law, i.e. by rolling some standalone zoning districts into others and redefining zoning district boundaries, thereby clarifying the law and improving development predictability. These changes are expected to make the law more understandable to residents, Town staff, the Planning Board, and Zoning Board of Appeals, and streamline the permitting and Site Plan review.

1.3 Purpose of the Generic Environmental Impact Statement (GEIS)

The Town of Brunswick initiated this Draft Generic Environmental Impact Statement (GEIS) to evaluate the potential adverse impacts of the proposed action on land use, community character, transportation, infrastructure, and the economy and propose appropriate mitigation measures. Specifically, the GEIS will address the potential significant adverse impacts associated with the following:

- Downzoning Residential Districts (Decreasing Density)
- Upzoning Residential Districts (Increasing Density)
- Expanded B-15 Commercial Area
- Expanded Business Light
- Reduced Agricultural Lands
- Traffic Impacts to Route 7
- Infrastructure (Water/Sewer)
- Economic & Fiscal Impacts/Benefits

The GEIS is being conducted in compliance with 6 NYCRR Part 617 of the New York State Environmental Review Act (SEQR). The Town of Brunswick Town Board is the “Lead Agency” for this environmental review. Adoption of the Zoning Amendments is classified as a Type I Action in SEQR regulations because it affects greater than ten (10) acres. A generic environmental impact statement assesses the impacts of a broad-based action. It does not replace the need for site-specific EISs in connection with future development proposals.

1.4 Summary of Zoning Amendments

The Town of Brunswick Zoning Law amendments are summarized below.

Article 1: General Provisions

This section was added to clarify the purpose, authority, jurisdiction, severability, supersession of inconsistent laws, interpretation, conflict with other laws, effect of existing violations, periodic review required, and effective date of the Zoning Law.

Article 2: Terminology and Definitions

This section was updated and expanded to ensure that all definitions reflect the uses and/or terms included throughout the Zoning Law, to reflect current standards and practices, and to eliminate inconsistencies, conflicts between uses, terminology, and definitions among all applicable land use laws.

Article 3: Establishment of Districts

This section was updated to reflect the vision of the Comprehensive Plan. The zoning amendments define the intent or purpose of each zoning district to provide clarity to the Town when making an interpretation and determining the appropriateness of future uses. The official Zoning Map was amended to follow parcel lines

and/or other readily definable boundaries such as roads or streams, where possible. The following five new zoning districts were added:

- Agricultural Overlay (AO) District
- Hamlet District (H)
- Business Light (B-L) District
- Business Light Overlay (B-LO) District
- Industrial Light (IND-L) District

Two references were eliminated because they were poorly defined in the law:

- Schools and Cemeteries (S-C) and
- Open Space Institute (OSI) lands

The Industrial (IND) district was separated into two separate districts with distinct land use purposes, Industrial Light (IND-L) and Industrial Heavy (IND-H).

Two new districts, Business Light (B-L) and Business Light Overlay (B-LO), were added to areas along NYS Routes 7 and 278.

A new Hamlet district was created and applied to two areas in town.

An Agricultural Overlay (AO) District was created for those lands that are in the county Agriculture District which are actively farmed or are important to local farms to further their agricultural operations, but do not otherwise meet the standards for the A-40 Agricultural District.

Existing district boundaries were amended and allowable uses and/or densities adjusted to reflect known environmental constraints, and the availability of public services such as public water and sewer.

Article 4: Use Regulations

This section provides a district schedule of use regulations, identifies general performance standards as well as water supply and sewage disposal requirements.

Article 5: Area and Bulk Regulations

This section provides a schedule of area and bulk regulations, speaks to existing lots of records, discusses height exceptions and corner lots, architectural features permitted in required yards, transition requirements between zoning districts, and lots on two districts.

Article 6: Supplementary Regulations

This section was updated to ensure that new development is aesthetically pleasing and complements the surrounding neighborhoods.

New design requirements were added for: accessory structures; adult uses; agriculture; bed and breakfast establishments; driveways; dumps; excavation as part of site preparation; home occupations; landscaping standards; lighting; mobile homes; off-street parking and loading standards; recreational vehicles not in recreational vehicle parks; required screening for nonresidential uses; roadside stands; solar collection systems; stormwater management; swimming pools; telecommunications facilities and towers; and wind energy conversion.

This Local Law also supersedes and replaces Chapter 55 (Building Construction), Chapter 97 (Mobile Homes), and Chapter 125 (Signs) of the Code of the Town of Brunswick, Brunswick Local Law #1 of 1999 (Telecommunications Service Facilities), and the Town of Brunswick Site Plan Review Act

Article 7: Site Plan Review

This section outlines provisions and procedures and the scope of the Planning Board's review.

Article 8: Special Use Permits

This section was updated to clarify and strengthen review standards and procedures to ensure they reflect the goals of the Comprehensive Plan and are consistent with NYS statutory and environmental law requirements, i.e., NYS Town Law §274-b, General Municipal Law §239-m and §239-nn, NYS Town Law §283-a. The Special Use Permit design requirements for new construction were strengthened and the terminology updated. The proposed zoning amendments authorize the Planning Board to review and approve, approve with modifications, or disapprove special use permits pursuant to the law.

Article 9: Personal Wireless Telecommunication Service Facilities

This section details the standards and requirements for these types of facilities.

Article 10: Signs

This section details the standards and requirements relating to signage within the Town. This section outlines requirements for signage and processes related to obtaining permits and approvals.

Article 11: Stormwater

This section references development activities need to be consistent with the Town's stormwater management plan and local laws.

Article 12: Planned Development Districts

This section was updated to better define the intent, objectives, application and approval procedures, general requirements, and expiration of approval for planned development districts (PDDs).

Article 13: Nonconforming Buildings, Lots and Uses

This section was updated to reflect current standards and practices and the intent of the Comprehensive Plan.

Article 14: Administration

This section was updated for consistency with NYS Town Law §267, §267-a, §267-b, §274-b, the State Environmental Quality Review Act, General Municipal Law §239-m and §239-nn (County Planning Agency and Neighboring Municipality Notice and Referral Requirements) and NYS Town Law §283-a (Coordination with Agricultural Districts Program).

Article 15: Enforcement

This section was updated to reflect a change in Town Code pursuant to the enforcement of zoning laws related to offenses. Criminal sanctions are authorized per New York State Town Law § 268, whereas the New York State Town Law provides for imprisonment as a sanction of up to and not exceeding a period of more than six months; the amended code outlined in this article, Article 15, states 15 days imprisonment shall be the maximum imposed.

Article 16: Amendments

This section outlines the process of amending Zoning Laws and the Zoning Map pursuant to New York State Town Law §265. Minimal changes were outlined in this Article excepting the alteration of section numbers pursuant to proposed code updates.

Article 17: Appeals and Variances

This section outlines the variance process which shall provide relief from zoning code requirements and authorizes the Zoning Board of Appeals, to grant and hear these appeals. This is in accordance with §267-b of New York State Town Law. In particular, the proposed amendments incorporate the two separate statutory tests for the issuance of use and area variances to ensure the Zoning Board of Appeals weighs the benefit to the applicant against the detriment to the health, safety and welfare of the neighborhood or community if a variance is granted.

2.0. COMMUNITY CHARACTER, LAND USE & ZONING

2.1 Existing Conditions

Community Character

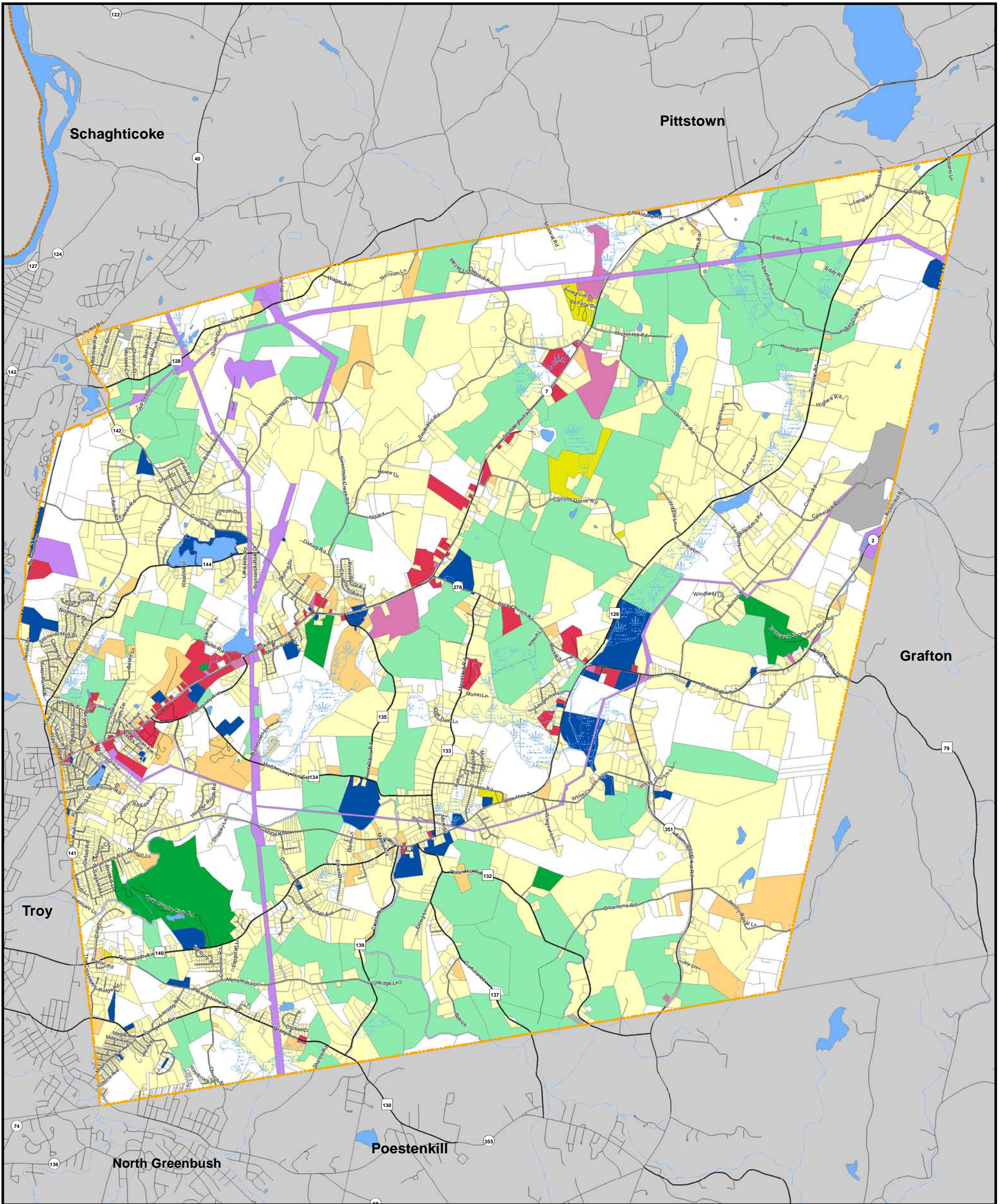
The Town of Brunswick offers a predominantly rural lifestyle close to an abundance of recreation and cultural amenities. The Town's western border with the City of Troy has traditionally included a more urban landscape and higher density than the Town of Brunswick. Typical of a developing town, the majority of land can be categorized as either single-family or rural residential, vacant, or agricultural. Commercial development has been the most visible form of growth in the community, occurring in large part on the major roadways. This commercial growth has created the need for comprehensive planning and associated zoning revisions.

Land Use

Development in the Town of Brunswick is constrained by natural features such as surface water, floodplains, wetlands or steep slopes. An evaluation of the type, distribution and intensity of land uses in the Town yields a useful picture of prevailing patterns and identifies issues and potential opportunities.

According to the 2011 Real Property Assessment data, the Town contains 5,229 tax parcels comprising approximately 27,389 acres, or about 43 square miles. These figures are taxable parcels only and do not include land area covered by roads and rivers and hydrologic features. Map 1: Existing Land Use Map shows these parcels.

Table 1 divides Town properties into the eleven (11) property classifications and provides the number of parcels, acreage and land area per category. Land classified as vacant may be used for agricultural purposes such as hayfields or grazing. The information in this table refers to the actual use of the land as observed which may not be consistent with its zoning. For example, a property may be zoned commercial while the actual land use is residential or vacant. All other land use categories represent a combined 5% of the existing land use within the Town.



Existing Land Use

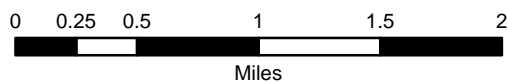
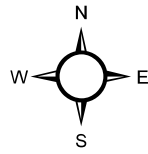
Town of Brunswick Rensselaer County, New York

Legend

- County Boundary
- Town Boundary
- Rivers and Streams
- Water Bodies
- Tax Parcel Boundaries
- NYSDEC Wetlands
- Local Roads
- State Highway
- County Highway

Land Use Classification

- | | |
|---------------|--------------------|
| Agricultural | Mixed Use |
| Single-Family | Recreation |
| Multi-Family | Community Services |
| Mobile Homes | Industrial |
| Vacant Land | Public Utilities |
| Commercial | |



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Draft Generic Environmental Impact Statement
Town of Brunswick Chapter 160 Zoning Law & Zoning Map Amendments

Table 1: Town of Brunswick Property Classifications

Property Class	Number of Parcels	Acres	Percent of Total Land Area (acres)
Single-family	3,898	11,315	41.31%
Vacant Land	867	7,447	27.19%
Agricultural *	83	5,896	21.53%
Multi-family	190	781	2.85%
Recreation	8	541	1.98%
Commercial	95	361	1.32%
Community Services	47	351	1.28%
Mixed Use	19	210	0.77%
Industrial	6	195	0.71%
Public Utilities	9	172	0.63%
Mobile Homes	7	121	0.44%
Total	5,229	27,389	100%

*Source: 2011 Real Property Tax Database. Accuracy and completeness is not guaranteed. * The actual amount of land that is actively farmed in some way is currently estimated to be closer to 10,000 acres. This estimate is based on adding together those parcels that are currently classified as agricultural by Real Property, land that is leased for agriculture, and other lands that show agricultural activity on aerial imagery, but are not necessarily classified as an agricultural use.*

The following are land use classifications, not necessarily allowed “land uses” under the zoning:

- **Agricultural:** Property used as a part of an operating farm that does not have living accommodations and is used for the production of crops, nursery stock, and/or livestock.
- Properties assessed as Agriculture cover the third largest land area in the Town making up 21% of the total land area, or approximately 5,900 acres. Per the 2011 Real Property Tax Database, this is likely closer to 10,000 acres, or around 37%.
- **Commercial:** Property used for hotels, restaurants, automobile services, storage, retail stores, banks, offices, funeral homes, etc.
- **Community Services:** Property used for schools, libraries, places of worship, cultural facilities, welfare services, hospitals, clinics, government, police, armed forces, correctional facilities, shelters, cemeteries, etc.
- **Industrial:** Property used for the production and fabrication of durable and non-durable goods, mining, quarrying, etc.
- **Mixed Use:** Property that is used for more than one purpose, such as a multiple floored structure with retail services on the first floor and offices and/or apartments on the upper floors.
- **Mobile Homes:** Property used for one (1) individual mobile home or an area where mobile homes are owner occupied, but land and facilities are leased or rented, typically referred to as a mobile home park.
- **Multi-Family:** For the purposes of this analysis, property used for two-family, three-family, and apartments.
- Properties assessed as Multi-family in the Town make up about 2.8% of the total area of the Town, or approximately 780 acres.
- **Public Utilities:** Property used for electric or gas power generation or transmission, public drinking water and water treatment facilities, communications, train, plane, and bus terminals, canals, waste disposal, sewer treatment, etc.
- **Recreation:** Property used for parks, theaters, racetracks, bowling centers, health spas, beaches, campgrounds, etc.

- Properties assessed as Recreational in the Town make up about 2%, or approximately 540 acres.
- Single-Family: Property used for one-family, year round residences.
- As indicated in Table 1. and illustrated in Map 1: Town of Brunswick Existing Land Use Map, the largest land area within the Town is covered by properties assessed as Single-family/Rural Residential making up approximately 41% of the total land area, or about 11,300 acres.
- Vacant Land: Property that is not in use, in temporary use, or is lacking any permanent improvements.
- The second largest land use category in the Town is Vacant Land, making up 27% of the total area, or approximately 7,500 acres. This high land vacancy rate could be partially attributed to land that is not developable due to natural constraints such as surface water, floodplains, wetlands or steep slopes. It is likely much of this land makes up the discrepancy between what is known to be farmland and what is actually taxed as farmland.

Zoning

The zoning ordinance for the Town was originally adopted in 1958 and was last comprehensively revised in 1964. The Town currently has one (1) agricultural zoning district, four (4) residential districts, one (1) commercial district, one (1) planned development district, and three (3) districts related to open space. The Town's zoning is predominantly agricultural. Most residential uses are concentrated in the southwestern corner of the Town with other developments centered around major transportation corridors. See Map 2: Town of Brunswick Current Zoning Map.

The Planned Development District is zoning district that has the Town Board's discretionary approval upon substantial evidence that the proposed use will be consistent with the Comprehensive Plan and the character of the surrounding area. The Planned Development District regulations were updated to provide a formalized process for creating such districts, and specific zoning and development rules to be evaluated with each proposal.

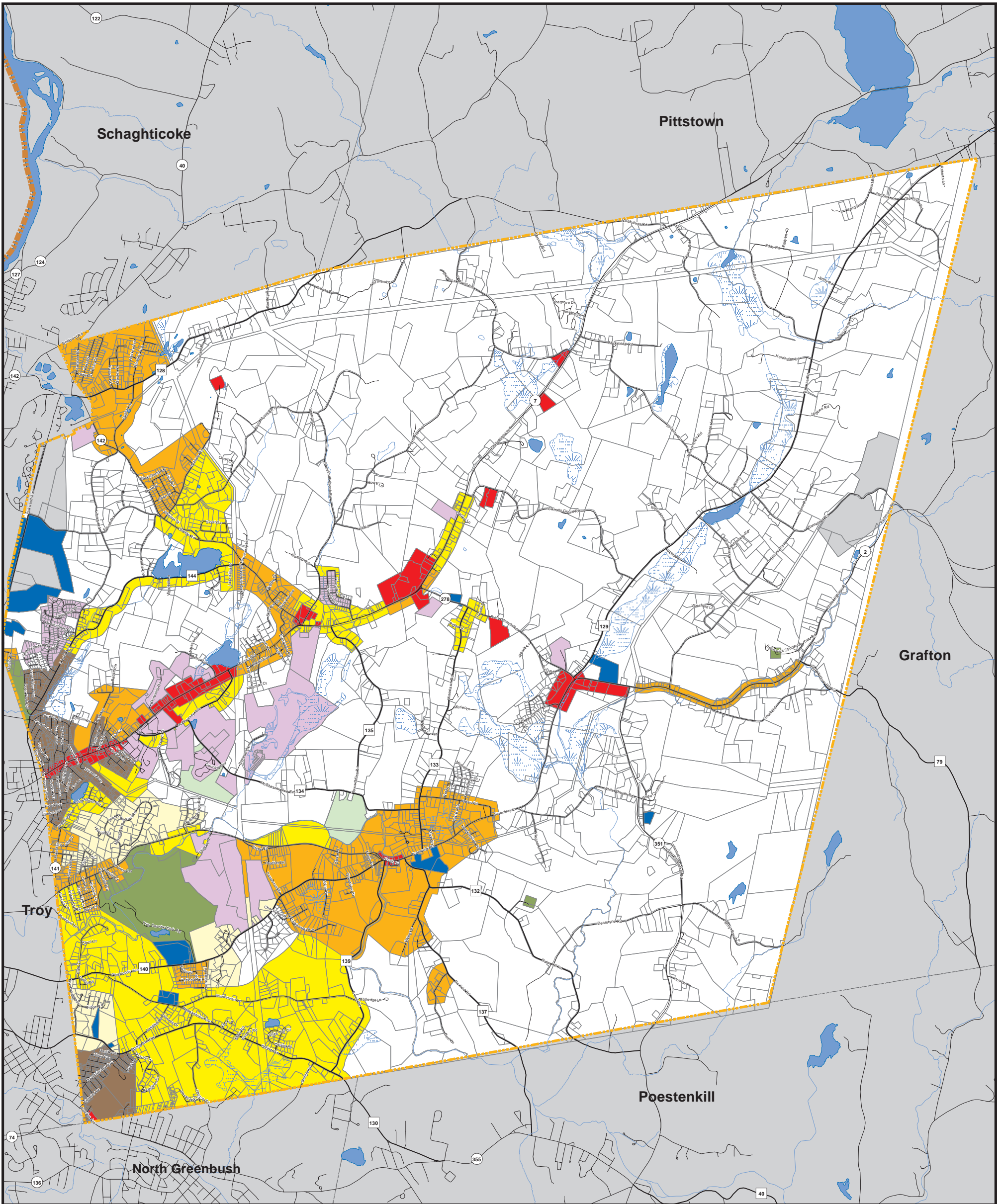
2.2 Potential Adverse Impacts of Proposed Action

Map 3: Future Land Use Map shows the proposed land use recommendations from the adopted 2013 Comprehensive Plan. Map 4: Town of Brunswick Proposed 2016 Zoning Map shows the boundaries of all proposed districts and is consistent with the proposed adopted land use map. Most of the proposed zoning changes are expected to have minimal impact as they are intended to accommodate current conditions. Table 2: Proposed Zoning District Changes and Potential Impacts, lists the proposed zoning district changes and summarizes their potential impacts.

Table 2: Proposed Zoning District Changes

Proposed Zoning Districts	Description
A-40 (modified boundaries)	Agricultural uses were better defined. Agricultural properties along Routes 7 and 278 were allowed to increase the opportunity for B-LO development. Some agricultural land was transitioned to R-40 as recommended in the Comprehensive Plan.
B-L, Business Light (new)	This is a transitional zone from Heavy Commercial to Agricultural/B-LO.
B-LO, Business Light Overlay (new)	The B-LO District overlays light business on an agricultural zone to providing opportunity for low-intensity commercial development. The addition of this overlay is in response to the agriculture community's desire for expanded economic development opportunities. The overlay allows for commercial uses to comfortably co-exist with agricultural ones.
B-6, Commercial (deleted)	The B-6 district was not in the Code or on the Zoning Map. For this reason, it was deleted.
B-15, Commercial (modified)	The B-15 District allows for traditional commercial development. This district was expanded to allow for additional commercial development.
H, Hamlet (new)	This is a new district covering land that was previously residential or agricultural. The Hamlet District encourages mixed-use development that balances residential with compatible, low-impact uses.
IND-L, Industrial Light (new)	The proposed IND-L District has more defined allowable uses including adult uses. This is the only place in Town where such uses are allowed based on the criteria established for location.
IND-H, Industrial Heavy (renamed)	This district is the site of an existing quarry. Its boundaries have been modified to correspond to the quarry's boundaries.
PDD, Planned Development District (existing)	The PDD District was modified to include a formal process for development.
REC, Recreational (modified)	This district was modified to incorporate more existing recreational uses and thus provide greater predictability.
S-C, Schools and Cemeteries, and OS, Open Space (deleted)	These districts were rolled into other zones.

Unlike the zoning amendments listed above, the designation of two new Hamlet (H) Districts, a new Business Light (B-L) District, and Business Light Overlay (B-LO) District change affect a large number of parcels. The anticipated potential impacts are examined specific to each area and mitigation measures discussed where appropriate. Two maps are included for each impact area, a general representation of the zone change with parcels, and a constraints map showing the natural resources in the proposed zone.



Zoning Map

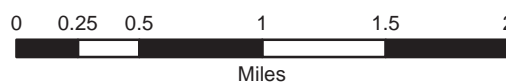
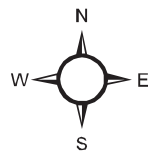
Town of Brunswick Rensselaer County, New York

Legend

-  County Boundary
-  Town Boundary
-  Rivers and Streams
-  Water Bodies
-  NYSDEC Wetlands
-  Local Roads
-  State Highway
-  County Highway

Zoning Districts Zoning_6_2012

- ZONE**
-  A-40
 -  B-15
 -  IND
 -  OSI
 -  PDD
 -  R-15
 -  R-25
 -  R-40
 - R-9
 - REC
 - S-C



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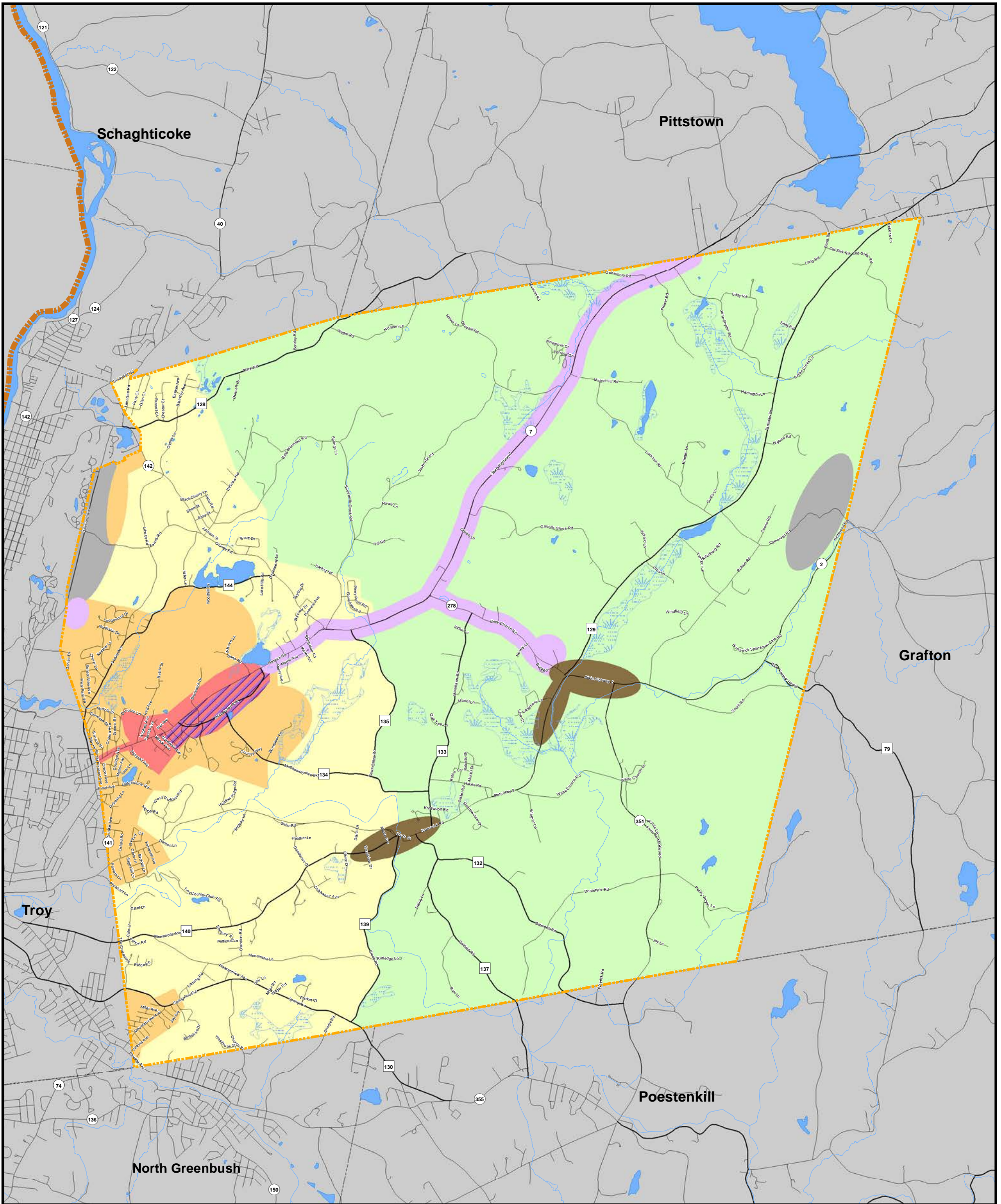
Date: 2-3-14

Data Source: Rensselaer County GIS Department and NYS GIS Clearinghouse.

Notes: Map is for illustrative purposes only. Accuracy or completeness is not guaranteed.



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Conceptual Future Land Use Plan

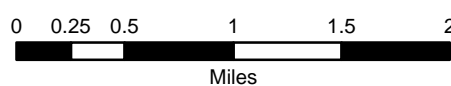
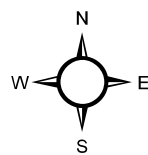
Town of Brunswick Rensselaer County, New York

Legend

- County Boundary
- Town Boundary
- Rivers and Streams
- Water Bodies
- NYSDEC Wetlands
- Local Roads
- State Highway
- County Highway

Future Land Use

- Town Center Design Guidelines
- General Commercial
- Light Commercial
- Hamlet Mixed-Use
- Industrial/Light Industrial
- High Density Residential
- Moderate Density Residential/Agricultural
- Low Density Residential/Agricultural















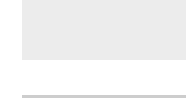


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Date: 7-31-13
Data Source: Rensselaer County GIS Department and NYS GIS Clearinghouse.
Notes: Map is for illustrative purposes only. Accuracy or completeness is not guaranteed.

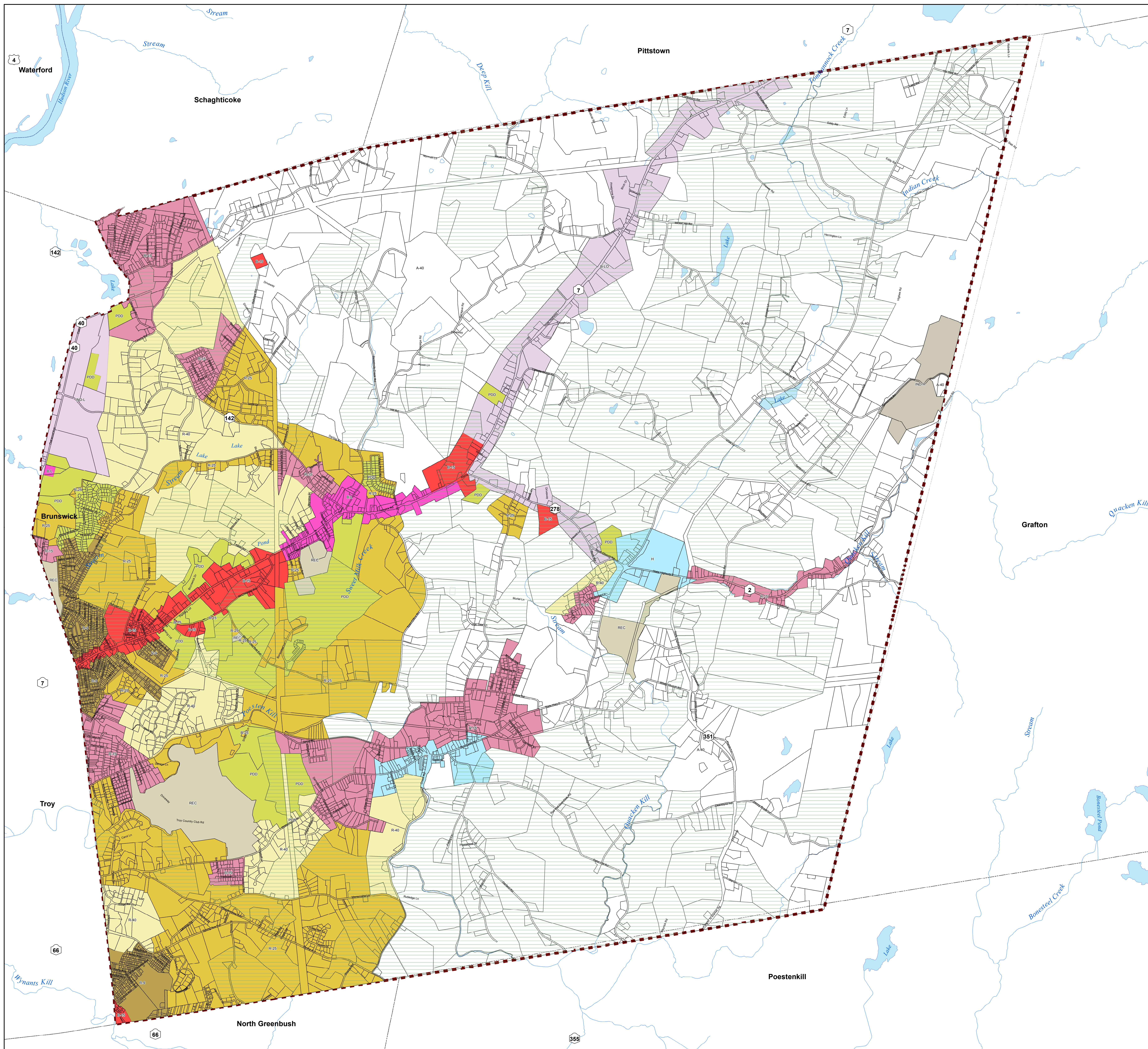


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Zoning Map 2017 Town of Brunswick Rensselaer County

Legend

-  Parcels
- Zoning Districts 2014**
-  A-40, Agricultural
-  AO, Agriculture Overlay
-  R-40, Residential
-  R-25, Residential
-  R-15, Residential
-  R-9, Residential
-  B-L, Business Light
-  B-LO, Business Light Overlay
-  B-15, Commercial
-  H, Hamlet
-  IND-L, Industrial Light
-  IND-H, Industrial Heavy
-  PDD, Planned Dev. District
-  REC, Recreational



2.2.1 Rezoning to Hamlet District (H)

The Hamlet District is intended to be a mix of residential development with limited commercial activity. Commercial uses proposed encourage small businesses, restaurants, and professional offices. New development is almost always in the form of infill or redevelopment, in style and at a scale consistent with existing buildings.

The two areas in town proposed for hamlet zone designation are Cropseyville in the eastern portion of the Town, which is already zoned for commercial and includes Brittonkill Central Schools and Eagle Mills in the western portion of the Town, which is significantly larger and predominately residential. Both proposed Hamlet zones have public water but no sewer which limits development to smaller lots, in keeping with the hamlet character.

Cropseyville Hamlet Zoning District

The proposed Cropseyville Hamlet zoning district is made up of parcels currently zoned Commercial (B-15) District, Schools and Cemeteries (S-C) District including Brittonkill CSD, Residential (R-15) and Agricultural (A-40). Land adjacent to the hamlet is rezoned from B-15 to R-40 to reflect their existing use as residential parcels. The hamlet designation was extended to additional parcels previously zoned A-40 to allow for greater economic opportunity as identified in the Comprehensive Plan. The following map and table reflect these changes. In addition, the table details the new zoning designations by parcel number and the changes in allowable uses.

Figure 1: Proposed Cropseyville Hamlet shown on Existing Zoning

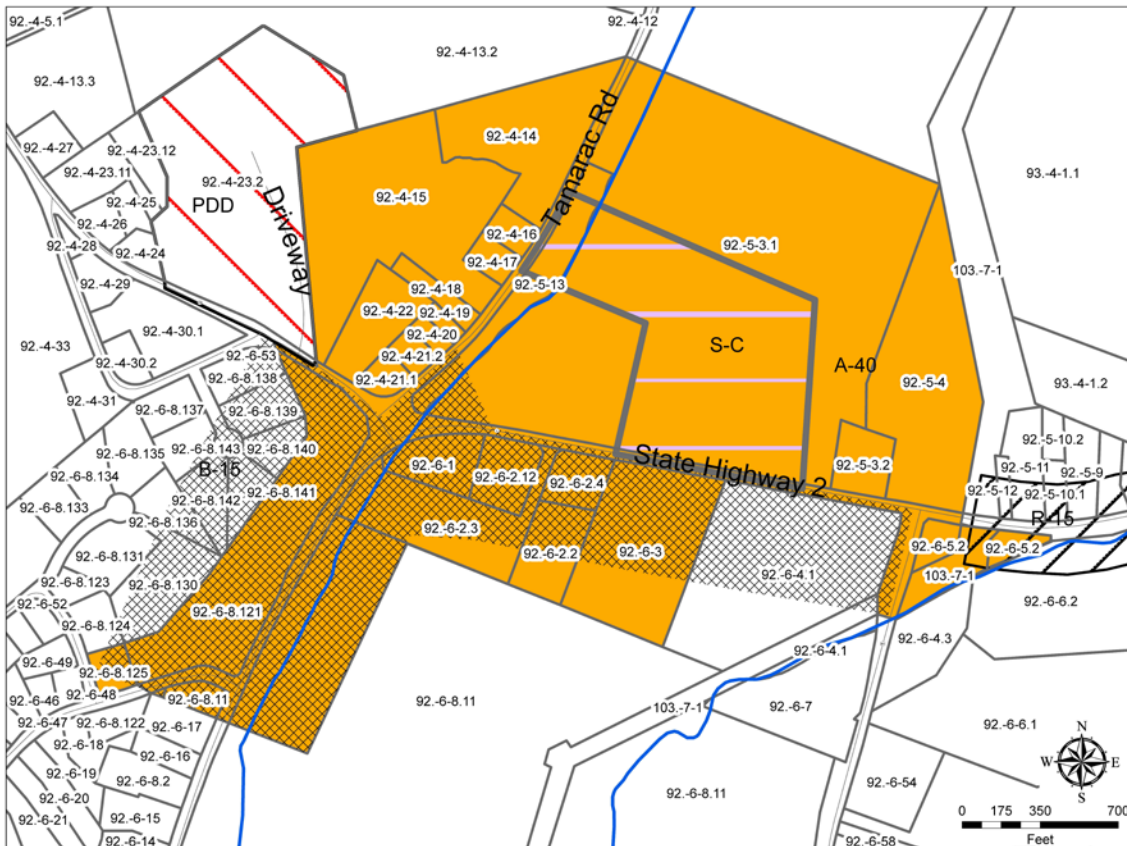


Table 3: Schedule of Use Changes for the Hamlet of Cropseyville to R-40 Zoning District

Parcel Numbers	Changes in Use	
	Current Zoning	Proposed Zoning
92.-6-8.141 92.-6-8.140 92.-6-8.139 92.-6-8.138 92.-6-8.142 92.-6-8.130 92.-6-4.1 (town park) 103.-7-1	<p><u>Existing B-15 Allowed:</u></p> <ul style="list-style-type: none"> • Private dwellings • Churches and Schools • Public recreation buildings • Government buildings • Typical accessory uses • Retail Stores and Shops • Personal Service Shops • Banks and professional offices • Restaurants • Undertaking • Public Utility • Veterinary Hospital • Automobile Sales and Service • Equipment Sales and Service • Wholesale • Theaters • Public assembly • Planned Shopping Centers of 4 or more stores <p><u>Existing B-15 Special Permit:</u></p> <ul style="list-style-type: none"> • Multiple Family • Two Family Dwellings • Public utility buildings • Universities • Community buildings, Hospitals • Orphanages • Drive-In Theatres • Private Clubs • Designed shopping center 	<p><u>Proposed R-40 Allowed:</u></p> <ul style="list-style-type: none"> • Single Family • Government Building and Facilities <p><u>Proposed R-40 Special Permit</u></p> <ul style="list-style-type: none"> • Accessory Apartment • Animals on Non-Farm • Bed and Breakfast • Cemetery • Club, Civic & Social/Fraternal • Community Building • Day Care (Child and Adult) • Dwelling Multi-Family • Dwelling Two-Family • Home Occupation • Personal Wireless Tele. Tower • Public Utility • Religious Use • School • Solar Energy Structures – Freestanding • Wind Energy Conversion - Small

Table 4: Schedule of Use Changes for the Hamlet of Cropseyville to Hamlet (H) Zoning District

Parcel Numbers	Changes in Use	
	Current Zoning	Proposed Zoning
92.-6-8.125 92.-6-8.121 92.-6-8.11 92.-6-8.11 92.-6-2.3 92.-6-2.4 92.-6-2.2 92.-6-2.12 92.-6-3 92.-6-1 92.-5-3.1 92.-4-14 92.-4-16 92.-4-17 92.-4-15 92.-4-18 92.-4-19 92.-4-20 92.-4-21.2 92.-4-21.1 92.-4-22 92.-5-3.2 92.-5-4 92.-6-5.2 103.-7-1 92.-5-13 92.-5-6-5.2	<p><u>Existing A-40 Allowed:</u></p> <ul style="list-style-type: none"> • Single Family Dwellings • Schools • Public Recreation • Government • Farms • Tourist Homes • Veterinary Hospital • Dog Kennels • Forestry and Nursery • Farms • Tourist Homes • Veterinary Hospital • Dog Kennels • Forestry and Nursery Operations <p><u>Existing A-40 Special Permit:</u></p> <ul style="list-style-type: none"> • Multiple Family • Two Family <p><u>Existing R-15 Allowed:</u></p> <ul style="list-style-type: none"> • Single Family Dwellings • Churches • Schools • Public Recreation <p><u>Existing R-15 Special Permit:</u></p> <ul style="list-style-type: none"> • Multiple Family • Two Family 	<p><u>Proposed Hamlet Allowed:</u></p> <ul style="list-style-type: none"> • Single Family Dwelling • Community Building • Club, Community Building • Government. Building • Mixed Use Structure • Public Utility • Professional Office • Religious Use • Restaurant • Retail Store (neighborhood) • School <p><u>Proposed Hamlet Special Permit:</u></p> <ul style="list-style-type: none"> • Accessory Apartment • Bakery • Bank • Bar, Tavern • Bed and Breakfast • Cemetery • Day Care • Mixed Use Structure • Multiple Family Dwelling • Two Family Dwelling • Home Occupation • Personal Wireless Telecommunications – Minor • Public Utility • Retail Store Convenience • Theater • Wind Energy Conversion – Small

Non-Conforming Uses

The transition to a hamlet is fitting for most of the existing uses. Pre-existing non-conforming uses shall be permitted to continue to operate and shall comply with Article 13 of the Zoning Law. Any modifications to the use shall be required in accordance with Article 13 of the Zoning Law. Said structures relating to nonconforming use shall not be enlarged, reduced or moved. Alterations maintenance and repair work is allowable only in order to maintain said structure in a safe condition. Changes in use are not permitted which are considered substantially different. After one year of discontinuance of use, uses within the structure must conform to Town Code.

Cropseyville Hamlet Constraints, Impacts and Mitigation

Unnamed Stream

An unnamed, classified C(t) stream flows through the hamlet area roughly parallel to Tamarac Road. Though not large, the presence of the stream and the associated flood plain will influence how development may occur in the hamlet. This is especially true along Route 2 in the south and Tamarac Road to the north. The constraint will likely promote an open development pattern allowing the open spaces surrounding the hamlet to be seen. This is consistent with the definition of a hamlet.

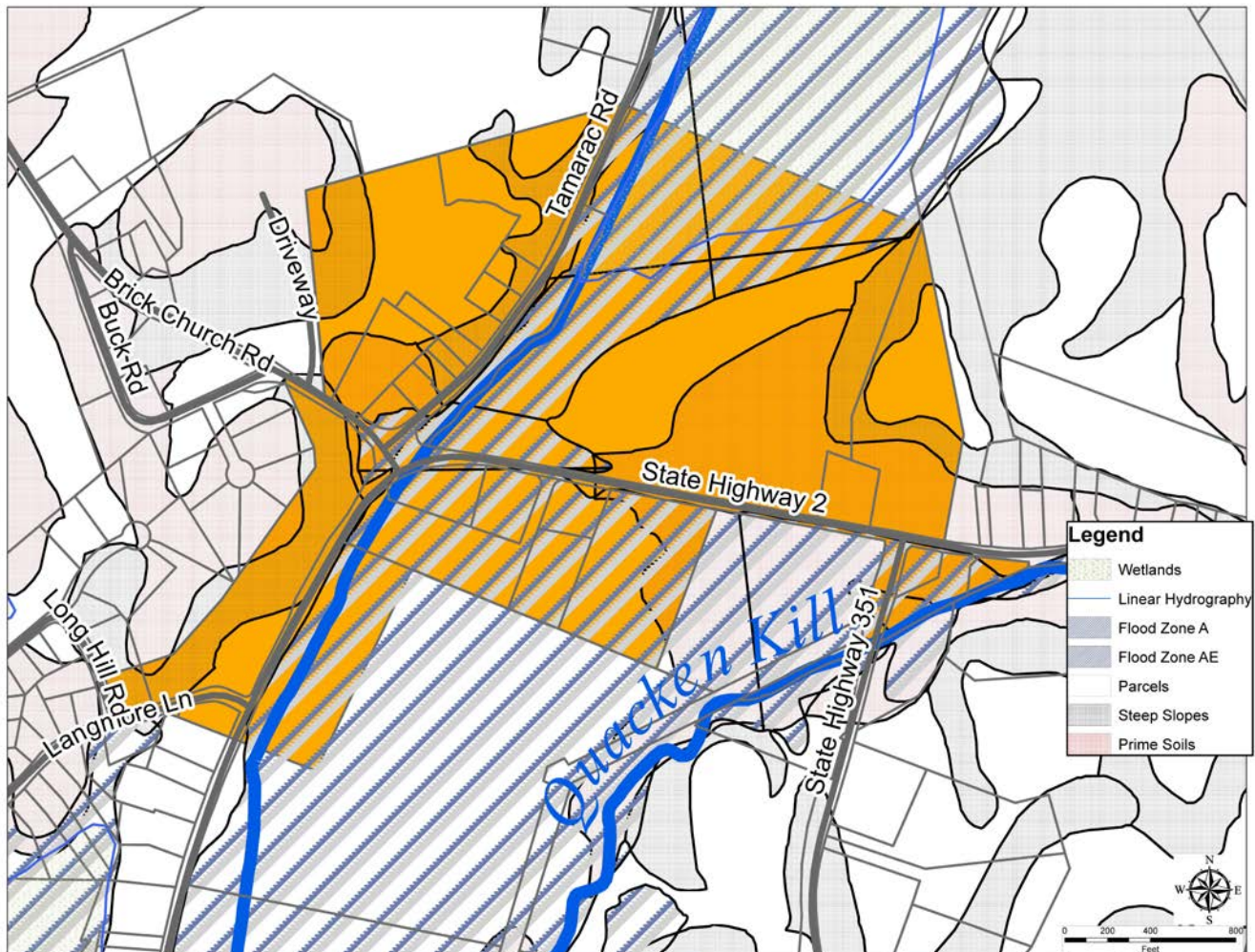
Wetlands

There is one wetland in the proposed Cropseyville Hamlet zone just north of the school and associated with the unnamed stream along Tamarac Road. This is a New York State designated wetland and therefore includes a 100 feet wide buffer area. All projects within or near the mapped buffer need to consult with the NYS Department of Environmental Conservation (DEC) for potential permits during future site specific development.

Lot Size

The lots and undeveloped areas are not particularly large in the proposed Cropseyville Hamlet Zone. Without public sewer service this will be a significant constraint for new development as a septic system, and in most cases a stormwater control structure, will need to be located on the same lot. The location of public water will assist in concentrating development on the lot, as wellhead separation from septic will not be necessary.

Figure 2: Cropseyville Hamlet Constraints, Impacts and Mitigation



Transportation

The Cropseyville hamlet area accommodates travel primarily by automobile. As the hamlet zone develops further, pedestrians and bicycles will need to be safely accommodated to capture its fullest potential as a center of activity. The potential for any type of further development will be severely limited and unsafe without proper bike and pedestrian infrastructure. Connecting these areas with facilities beyond a two-lane highway is needed.

Eagle Mills Hamlet Zoning District

The zoning amendments propose a new Hamlet (H) District for the Eagle Mills area in the eastern portion of the Town. The Eagle Mills hamlet is largely made up of parcels currently designated Residential (R-15), Business (B-15), and Schools and Cemeteries (S-C), encompassing the Eagle Mills cemetery. The schedule of changes below details the new zoning designation by parcel number and the changes in allowed uses. The map shows the proposed Hamlet (H) District as a solid color with the current zoning in a crosshatch pattern.

Figure 3: Proposed Eagle Mills Hamlet

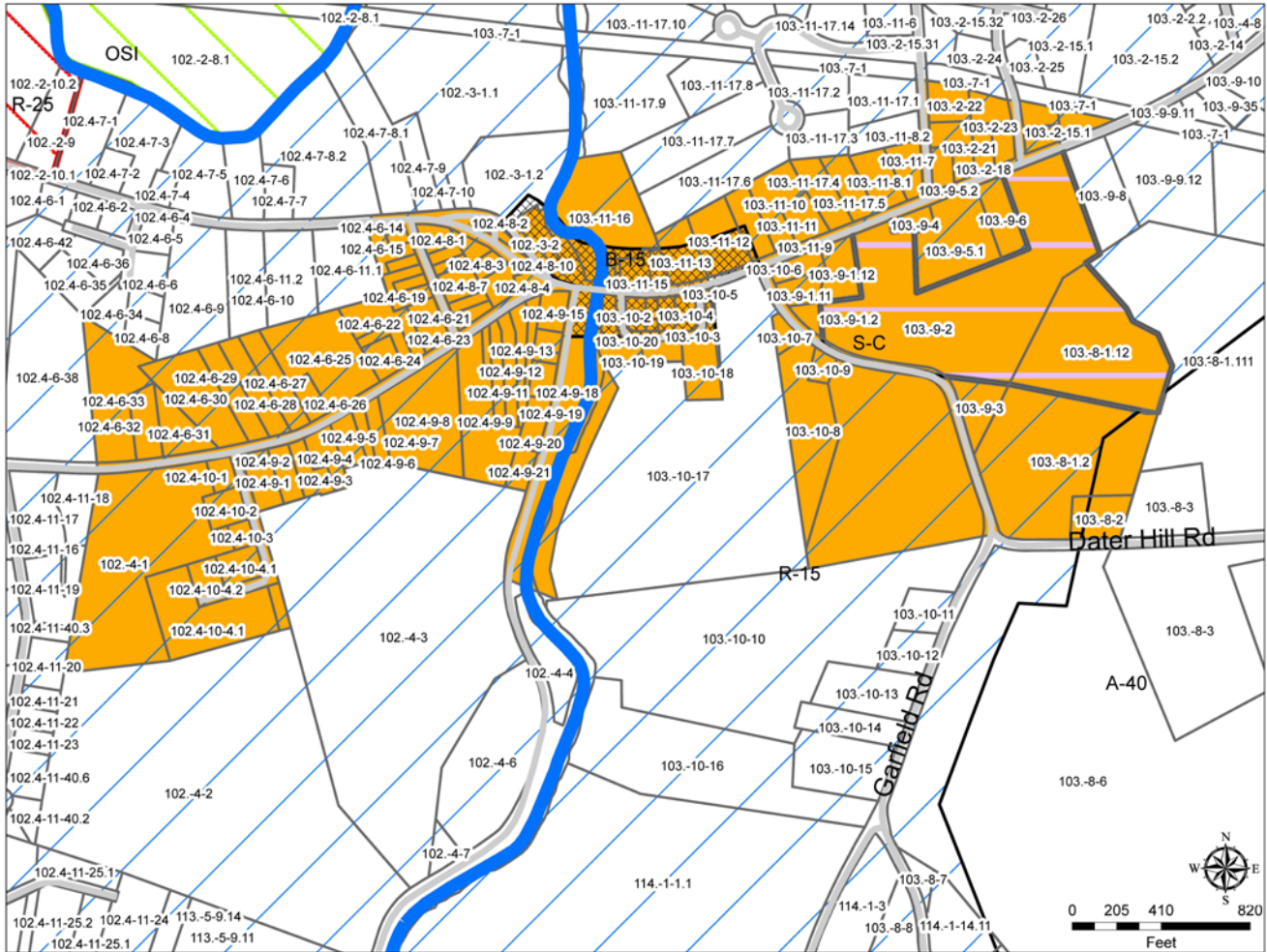


Table 5: Schedule of Use Changes for the Hamlet of Eagle Mills to Hamlet (H) Zoning District

Parcel Numbers				Changes in Use	
				Current Zoning	Proposed Zoning
102.-3-2	103.-10-5	<p>Existing B-15 Allowed:</p> <ul style="list-style-type: none"> • Private dwellings • Churches and the like • Schools • Public recreation buildings • Government buildings • Typical accessory uses • And • Retail Stores and Shops • Personal Service Shops, barber, etc. • Banks, professional offices, etc. • Restaurants • Undertaking • Public Utility • Veterinary Hospital <p>Existing B-15 Special Permit:</p> <ul style="list-style-type: none"> • Automobile Sales and Service, Equipment Sales and Service • Wholesale, Theaters and public assembly • Planned Shopping Centers of 4 or more stores • Multiple Family • Two Family Dwellings • Public utility buildings • Universities • Community buildings • Hospitals • Orphanage • Drive-In Theatres • Private Clubs • Designed shopping center 		<p>Proposed Hamlet Allowed:</p> <ul style="list-style-type: none"> • Single Family Dwelling • Community Building • Club, Community Building • Government. Building • Mixed Use Structure • Public Utility • Professional Office • Religious Use • Restaurant • Retail Store (neighborhood) • School <p>Proposed Hamlet Special Permit:</p> <ul style="list-style-type: none"> • Accessory Apartment • Bakery • Bank • Bar, Tavern • Bed and Breakfast • Cemetery • Day Care • Mixed Use Structure • Multiple Family Dwelling • Two Family Dwelling • Home Occupation • Personal Wireless Telecommunications – Minor • Public Utility • Retail Store Convenience • Theater • Wind Energy Conversion – Small 	
103.-11-16	103.-10-4				
103.-11-15	103.-10-3				
103.-11-14.1	103.-10-2				
103.-11-13	103.-10-1				
103.-11-12	103.-10-20				
103.-11-11					
102.4-6-33	102.4-6-14				
102.4-6-32	102.4-6-13	102.4-6-16	102.4-9-21		
102.4-6-31	102.4-7-8.1	102.4-6-18	102.4-9-19		
102.4-6-30	102.4-8-1	102.4-6-19	102.4-9-13		
102.4-6-28	102.4-8-9	102.4-6-17	102.4-9-12		
102.4-6-29	102.4-8-7	102.4-6-20	102.4-9-11		
102.4-6-25	102.4-8-6	102.4-6-21	102.4-9-9		
102.4-6-27	102.4-8-5	102.4-9-15	102.4-9-10		
102.4-6-26	102.4-8-8	102.4-9-14	102.4-9-8		
102.4-6-24	102.4-8-4	102.4-9-16	102.4-9-7		
102.4-6-22	102.4-8-2	102.4-9-17	102.4-9-6		
102.4-6-23	102.4-8-3	102.4-9-18	102.4-9-5		
103.-8-2		<p>Existing A-40 Allowed:</p> <ul style="list-style-type: none"> • Dwellings • Churches • Schools • Public Recreation • Government • Farms • Tourist Homes • Veterinary Hospital • Dog Kennels • Forestry and Nursery Operations <p>By Special Permit:</p> <ul style="list-style-type: none"> • Multiple Family • Two Family 			
103.-8-1.2					

Non-Conforming Uses

The transition to a hamlet is fitting for the existing uses in the Hamlet Zone. Pre-existing non-conforming uses shall be permitted to continue to operate and shall comply with Article 13 of the Zoning Law. Any modifications to the use shall be required in accordance with Article 13 of the Zoning Law. Said structures relating to nonconforming use shall not be enlarged, reduced or moved. Alterations maintenance and repair work is allowable only in order to maintain said structure in a safe condition. Changes in use are not permitted which are considered substantially different. After one year of discontinuance of use, uses within the structure must conform to Town Code.

Eagle Mills Hamlet Constraints, Impacts and Mitigation

Poesten Kill

The Poesten Kill, classified C(t), flows through the center of the hamlet area. A significant stream and protected water body, the channel is fairly incised in the hamlet area with a bedrock bed and does not have an extensive floodplain. It is not anticipated to be a significant constraint to development in the hamlet.

Wetland Areas

There are no mapped wetland areas in the Hamlet (H) District. There are small wetland areas in the riparian zone of the Poesten Kill.

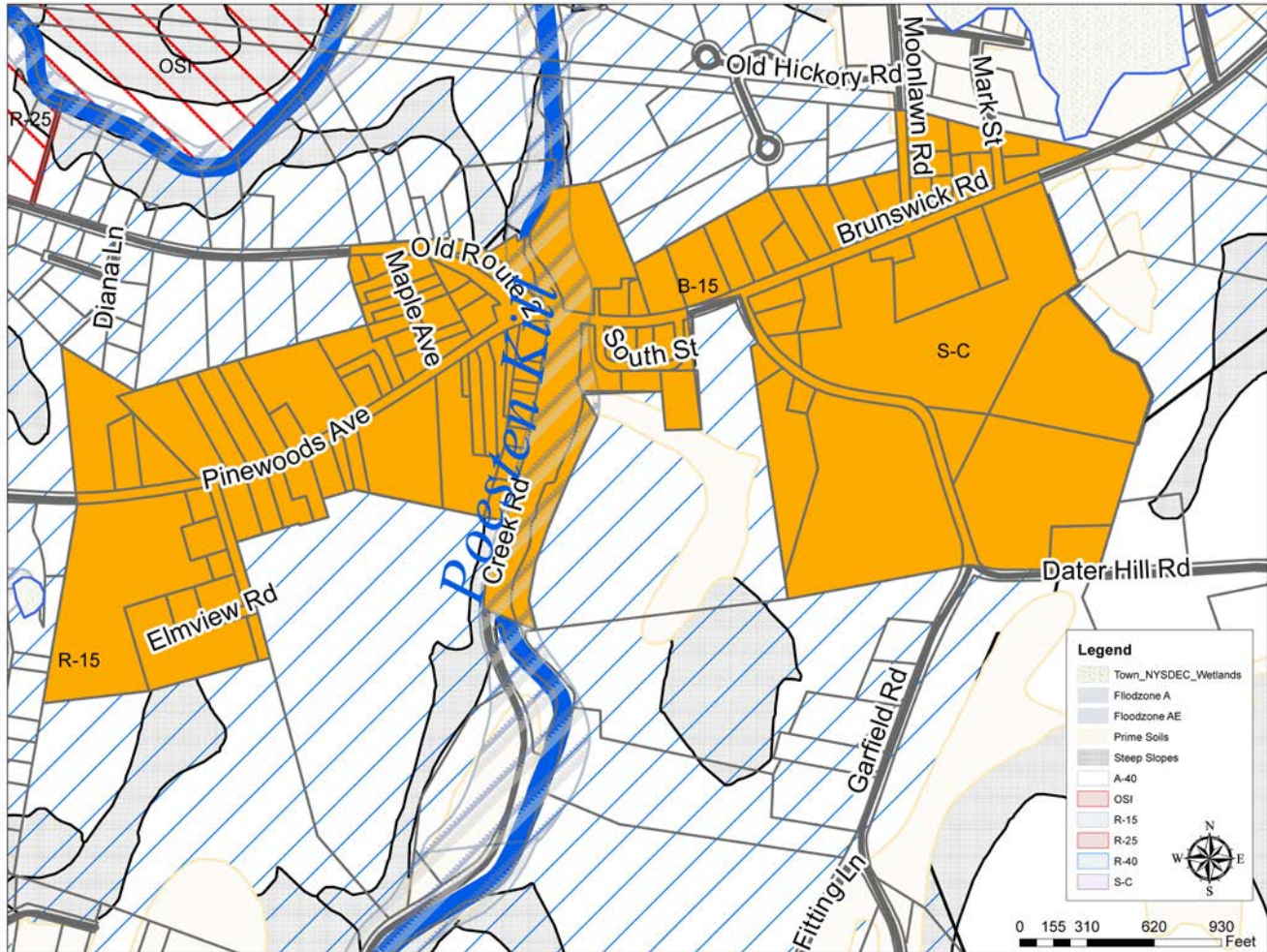
Flood Zones

There are very limited flood zones along either side of the Poesten Kill. The area generally increases in elevation rapidly from the stream. These steep slopes near the stream will need to be treated carefully and preferably avoided.

Lot Sizes

There are several large undeveloped lots in the proposed Hamlet (H) District. The lot sizes proposed for the H District are in keeping with current land use patterns for smaller commercial and smaller residential uses. The type and intensity of residential development will be largely decided by the balance of building footprint and septic requirements. Similarly, lot size may be a concern for some commercial businesses that rely on a septic system. While Cropeseyville was previously zoned for B-15, commercial uses in the hamlet of Eagle Mills will be a change. Such change may have a potential adverse impact on the surrounding character if the size and scale are not maintained. The real challenge for development on these larger parcels will be keeping designs consistent with the desired character of the hamlet.

Figure 4: Eagle Mills Hamlet Constraints, Impacts and Mitigation



Transportation

The Eagle Mills hamlet area is designed to accommodate both automobiles and pedestrian travel via sidewalks along Route 2 in most of the Hamlet zone. There are no special provisions for the rural bus. The sidewalk network is not complete, but has been constructed recently and so meets accommodation requirements.

This transportation pattern is more than expected for a small rural hamlet, especially considering the current limited development patterns. Pedestrians and bicyclists will need to be safely accommodated, especially as the hamlet develops, to realize its fullest potential as a hamlet and center of activity. The potential for any further development will be severely limited and unsafe without proper pedestrian and bicycle infrastructure.

Community Character

In Eagle Mills, the rolling topography and the Poesten Kill create a defined sense of place that has a beginning and an end. For many hamlet areas along state routes, this sense of beginning and ending is often diluted by incremental development along the roadway. In this case the presence of the Poesten Kill, the cemetery, older buildings and other features create a distinct sense of place.

The compact roadways that make up the limited internal lanes of the hamlet also contribute to its unique character. Narrow and winding, these compact roadways calm traffic.

There are several older structures in use and in varying condition. The architecture and design is not reproducible, and care of these structures should be encouraged. These buildings create a unique sense of character, and a long history of settlement. New structures should, to the extent practicable, mimic or copy the same characteristics as the older structures in the hamlet as described in the mitigation section below.

Mitigation

Hamlet Design Guidelines should be developed as a way to mitigate against any negative impacts of this zoning districts. They are intended to guide building, site and streetscape design so as to preserve the desired character and accessibility of the hamlet by multiple modes. Design guidelines would address the alteration of existing structures, additions and new construction. At the same time, they would address site issues such as setbacks, the location and amount of off-street parking permitted, and any accommodations for pedestrians and bicyclists. Finally, the guidelines could help shape the streetscape design relative to the width of sidewalks, the establishment of any on-street parking and the accommodation of bicyclists.

2.2.2 Rezoning to B-L, Business Light District (BL)

There are two areas of the Town proposed to be rezoned to Business Light (B-L). One, the Oakwood Avenue Business Light Zoning District, is a small area on the western edge of Town that will accommodate existing commercial development. Another will be the Business Light Zoning District, which runs through the center of Town along State Route 7.

Oakwood Avenue Business Light (BL) District

The proposed Oakwood Avenue Business Light (BL) District affects two small parcels. This rezoning is intended to correct a permitted use and subdivision that was granted as part of a PDD application.

Route 7 Business Light Zoning District

The Business Light (BL) District is made up of parcels along Route 7 and some on side streets. These parcels are predominately zoned and developed as residential housing on roughly 1/3 to 1/2 acre lots. The primary difference between the existing B-15 and proposed B-L zoning is that the former allows large retail stores. The B-L zone does not allow large retail stores but does allow single-family homes and other uses not allowed in the new Business B-15 district (see table below). This means that the new Business Light zone will allow single-family homes, but not Large Retail Commercial. The schedule of changes and map below provides the details of the new zoning designation by parcel number, and the effective changes in use.

Figure 5: Proposed Business Light (B-L) Zoning District

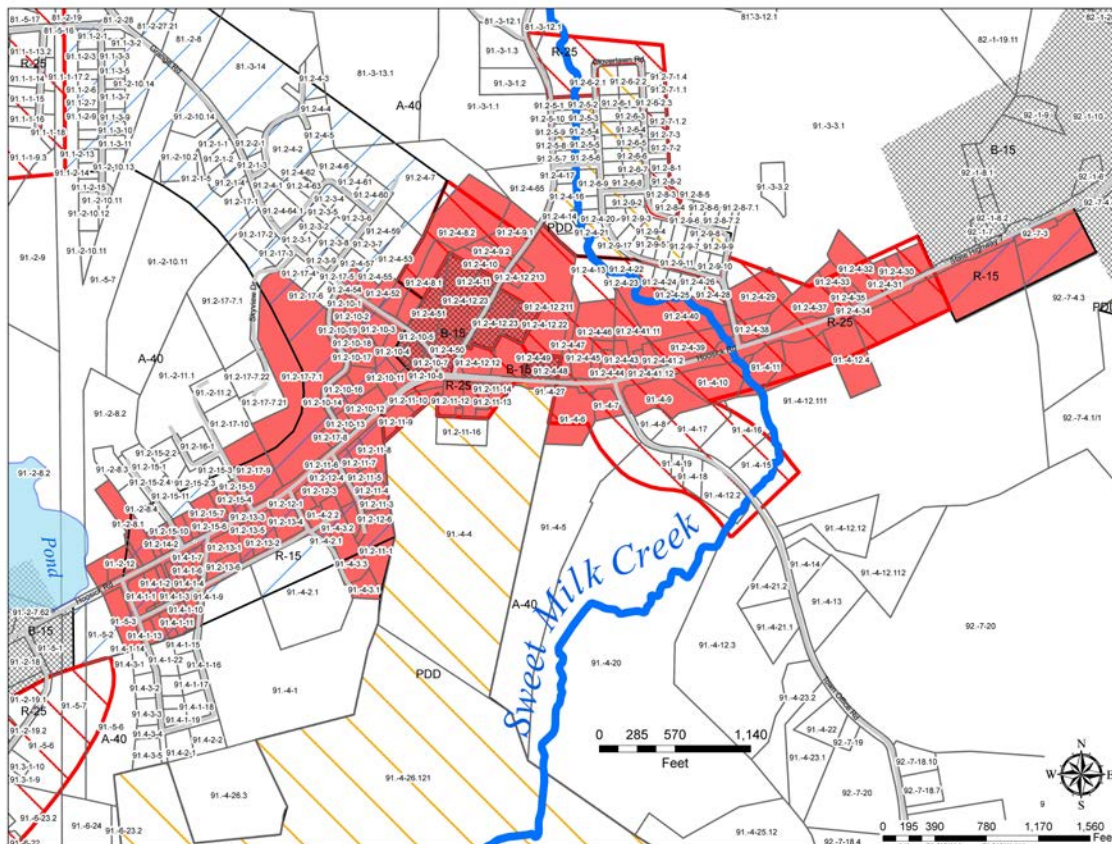


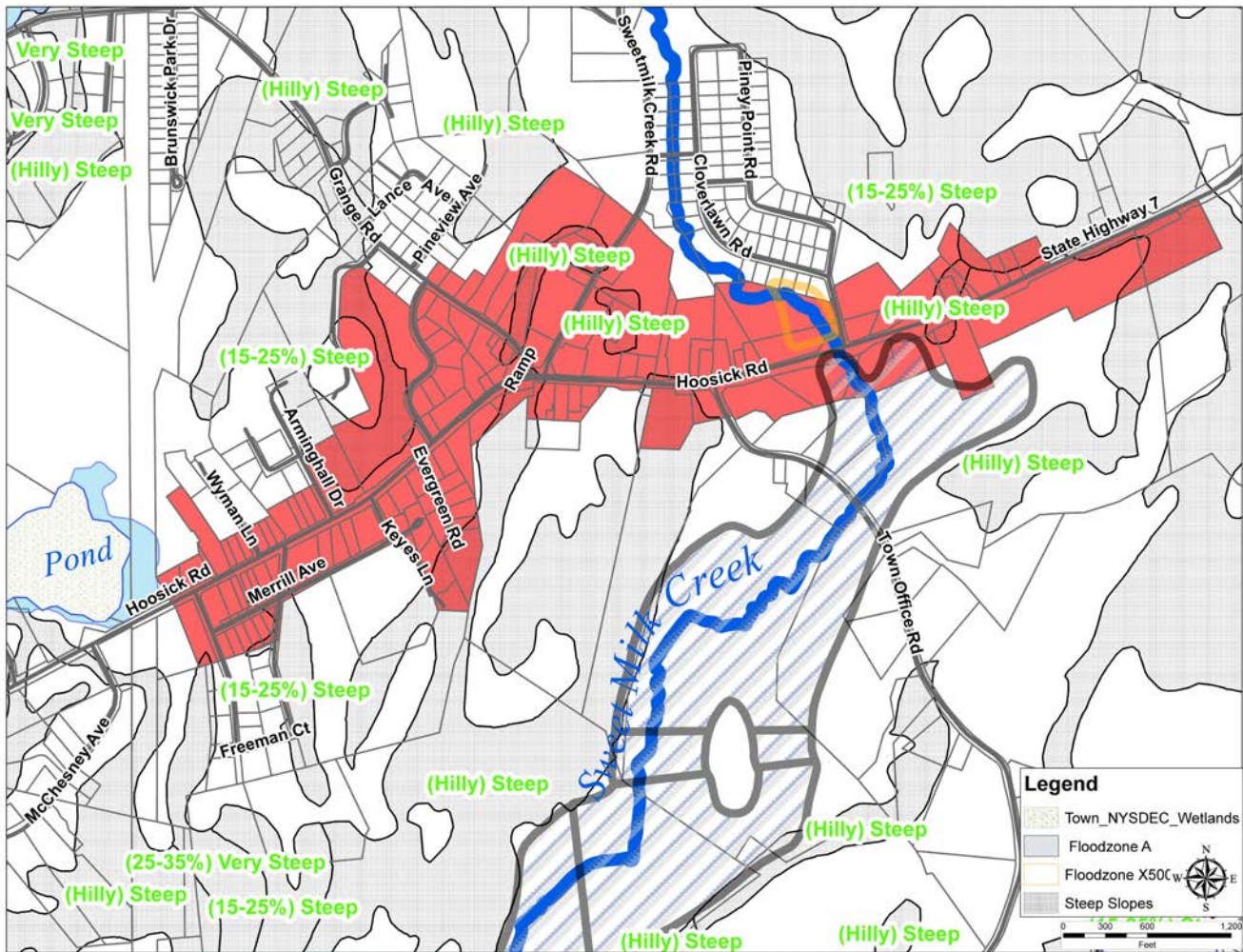
Table 6: Schedule of Use Changes for Route 7 Business Light (B-L) District

Current Parcels					Changes in Use		
B-15	R-15, R-25, and A-40				Current R-15 and R-25 Zoning	Current B-15 Zoning	Proposed B-L Zoning
91.2-10-9 91.2-10-4 91.2-10-5 91.2-10-7 91.2-10-8 91.2-4-50 91.2-4-51 91.2-4-11 91.2-4-12.23 91.2-4-12.22 91.2-4-49 91.2-4-48	91.-5-3 91.-5-7 91.-2-12 91.4-1-1 91.4-1-13 91.4-1-14 91.4-1-11 91.4-1-12 91.4-1-9 91.4-1-10 91.4-1-3 91.4-1-2 91.4-1-6 91.4-1-5 91.4-1-4 91.4-1-7 91.-2-8.1 91.-2-8.2 91.2-14-2 91.2-14-1 91.2-14-3 91.2-15-9 91.2-15-10 91.2-15-7 91.2-15-5 91.2-15-6 91.2-15-4 91.2-13-6 91.2-13-1	91.2-13-2 91.2-13-3 91.2-13-5 91.2-13-4 91.2-12-3 91.2-12-1 91.2-12-4 91.2-12-5 91.2-12-6 91.-4-3.2 91.-4-2.1 91.-4-3.4 91.-4-2.2 91.-4-3.3 91.-4-3.1 91.2-11-1 91.2-11-3 91.2-11-4 91.2-11-5 91.2-11-7 91.2-11-6 91.2-17-9 91.2-17-7.1 91.2-11-8 91.2-11-9 91.2-11-10 91.2-11-12 91.2-11-13 91.2-4-40	91.2-11-14 91.-4-4 91.2-11-15 91.2-4-12.211 91.2-4-12.12 91.2-10-9 91.2-10-10 91.2-10-11 91.2-10-12 91.2-10-13 91.2-10-14 91.2-10-15 91.2-10-16 91.2-10-17 91.2-10-18 91.2-10-19 91.2-10-1 91.2-10-2 91.2-10-3 91.2-10-5 91.2-4-8.2 91.2-4-8.1 91.-4-6 91.-4-7 91.-4-10 91.2-4-39 91.2-4-40	91.2-4-41.2 91.2-4-41.12 91.2-4-41.11 91.2-4-43 91.2-4-44 91.2-4-45 91.2-4-46 91.2-4-47 91.2-4-12.211 91.2-4-9.1 91.2-4-8.2 91.2-4-9.2 91.2-4-10 91.-4-11 91.-4-12.111 91.2-4-32 91.2-4-33 91.2-4-35 91.2-4-37 91.2-4-29 91.2-4-38 91.-4-12.4	<p>Existing R-15, R-25 Allowed:</p> <ul style="list-style-type: none"> • Dwellings • Schools • Public Recreation • Government • Farms • Tourist Homes • Veterinary Hospital • Dog Kennels • Forestry and Nursery • Farms • Tourist Homes • Veterinary Hospital • Dog Kennels • Forestry and Nursery Operations <p>Existing R-15, R-25 Special Permit:</p> <ul style="list-style-type: none"> • Multiple Family • Two Family <p>Existing A-40 Allowed:</p> <ul style="list-style-type: none"> • Dwellings • Churches • Schools • Public Recreation • Government • Farms • Tourist Homes • Veterinary Hospital • Dog Kennels • Forestry and Nursery Operations <p>Existing A-40 Special Permit:</p> <ul style="list-style-type: none"> • Multiple Family • Two Family 	<p>Existing B-15 Allowed:</p> <ul style="list-style-type: none"> • Private dwellings • Churches • Schools • Public recreation buildings • Government buildings • Typical accessory uses. • And • Retail Stores and Shops, • Personal Service Shops, barber etc. • Banks, professional offices etc. • Restaurants • Undertaking • Public Utility • Veterinary Hospital • Automobile Sales and Service, Equipment Sales and Service • Wholesale, Theaters and public assembly • Planned Shopping Centers of 4 or more stores • <p>Existing Special Permit: Multiple Family, and Two Family Dwellings, Public utility buildings, Universities, Community buildings, Hospitals, Orphanages. And Drive-In Theatres, Private Clubs, Designed shopping center</p>	<p>Proposed B-L:</p> <ul style="list-style-type: none"> • Bakery • Bank • Club, Community Building • Government Building • Professional Office • Religious Use • Retail Store (neighborhood) • School <p>Proposed B-L Special Permit:</p> <ul style="list-style-type: none"> • Bar, Tavern • Bed and Breakfast • Car Wash • Day Care and Center • Equipment Facility Sales and Service • Funeral Home • Garage Commercial • Home Occupation • Hospital • Hotel • Mixed Use Structure • Motor Vehicle Repair Shop • Motor Vehicle Sales • Motor Vehicle Service Station • Personal Wireless Telecommunications Tower • Planned Shopping Center • Public Utility • Recreational Facility • Restaurant • Retail Store Convenience • Self Storage Facility • Theater • Urgent Care • Veterinary Office • Wind Energy Conversion – Small

The table above shows a relatively significant change in allowable uses especially regarding the R-15, R-25 and A-40 to B-L districts. Inclusion of so many parcels is deemed necessary to balance economic growth in the Town while adding protections for residential districts. This will also enable the consolidation of lots by developers to create viable parcels should commercial development be desired. The steeper slopes in this area will require more space to accommodate development. The A-40 zoned lots are not large areas and physically follow the zone designation pattern.

These changes will allow for a gradual shift in character from a rural residential corridor to a rural commercial or mixed-use corridor. This will contrast the B-15 zoning in that it will allow for more local businesses that can benefit from the larger commercial zone to the east, but without the high upfront land costs that those types of retail businesses typically require. Residential uses are allowed to continue in this district as nonconforming uses but the revised district accommodates future economic growth as identified in the Comprehensive Plan.

Figure 6: Business Light (B-L) Constraints, Impacts and Mitigation



Business Light (B-L) District Constraints and Impacts

Converting the residential districts, A-40, R-15, and R-25, to Business Light (B-L) District may create project-specific and area-wide impacts. Generally, transportation, stormwater, noise, lighting, aesthetics and character are the most obvious concerns and can be mitigated to a large degree. Individual resources such as waterbodies or scenic vistas can be uniquely protected. The changes in overall character and appearance are much more difficult to mitigate. Also the degree to which aesthetics and character can be reasonably mitigated is reliant upon the market demand for those businesses which may desire to locate in this zone. In other words, the degree to which a business will accommodate façade or site improvements beyond their standard approach directly depends upon the desire of the business to build in a particular location. Most franchises have strict development guidelines, and even standard site plans. There is often no desire to alter these in more rural areas because the market potential is low. Local businesses often lack the resources, both budget and engineering, to accommodate anything more than the bare minimum requirements. The impacts of this change are identified below, including character impacts and possible mitigation approaches.

Sweet Milk Creek

Sweet Milk Creek flows through the proposed B-L zone. A significant tributary to the Poesten Kill, the stream and the associated floodplain will influence how development may occur in the zone near the stream. Fortunately, much of the land immediately adjacent to the stream is municipally owned and not likely to see a great deal of development. The parcels to the east of the creek could be developed or redeveloped and the mitigation measures below should be followed to protect this resource.

Slope

The Town of Brunswick has a rolling topography. Although this creates a pleasing landscape, it also creates challenges for development. A single house on a large lot is challenge enough, and mixed-uses and commercial development or multiple houses introduce not only building challenges but drainage, stability, and safety challenges. Slope also accelerates and sometimes exacerbates impacts on neighboring properties and downstream stormwater facilities. The slopes in this area may, to a certain degree, limit the scale of development as the cost of accommodating buffers, parking and building footprint will increase with site challenges. The B-L constraint map shows 2-3 areas that have average slopes between 15-25%. This range is the point where erosion is accelerated and difficult to manage during and after construction. The mitigation section below discusses ways to manage for these types of slopes.

Lot Size and Septic

The lots and undeveloped areas are not particularly large. Without sewer service this will likely be the most significant constraint for new development as a septic system will need to be located on the lot, as well as stormwater control structures depending on the type and intensity of development.

Transportation

The proposed Business Light area is designed to only accommodate one mode of travel, the automobile reflective of current development patterns. However, as the district develops as a rural commercial district and significant commuter corridor, pedestrians and bicycles will also need to be accommodated safely. Currently, the wide shoulder may be sufficient for active bicycling. However, as more commercial activity develops, the safety and functionality of the transportation system for pedestrians, bicyclists and motorists will have to be reexamined.

Character

The current character of this area is rural highway with a mix of uses. The commercial activity is largely part locally owned or oriented. The residential parcels along the road are made up of predominantly older homes, some of which have been repurposed as professional offices or other businesses. The lots are for the most part green, with either larger lawns, mature trees or a mix of both. This character can easily be continued in the proposed zone with the mitigation .

2.2.3 Business District Expansion (B-15)

Proposed zone change from R-15, R-25 and A-40 to B-15 Business. The proposed B-15 Business Zoning District along Route 7 covers an area that is predominantly a commercial corridor, with residential development on its side streets. The B-15 zone allows for mostly commercial development including large retail as proposed in the zoning amendments. The area has been divided into three sections. The map and the Schedule of Changes in Use below provide the details of the new zoning designation by parcel number.

Figure 7: Business District (B-15) Expansion

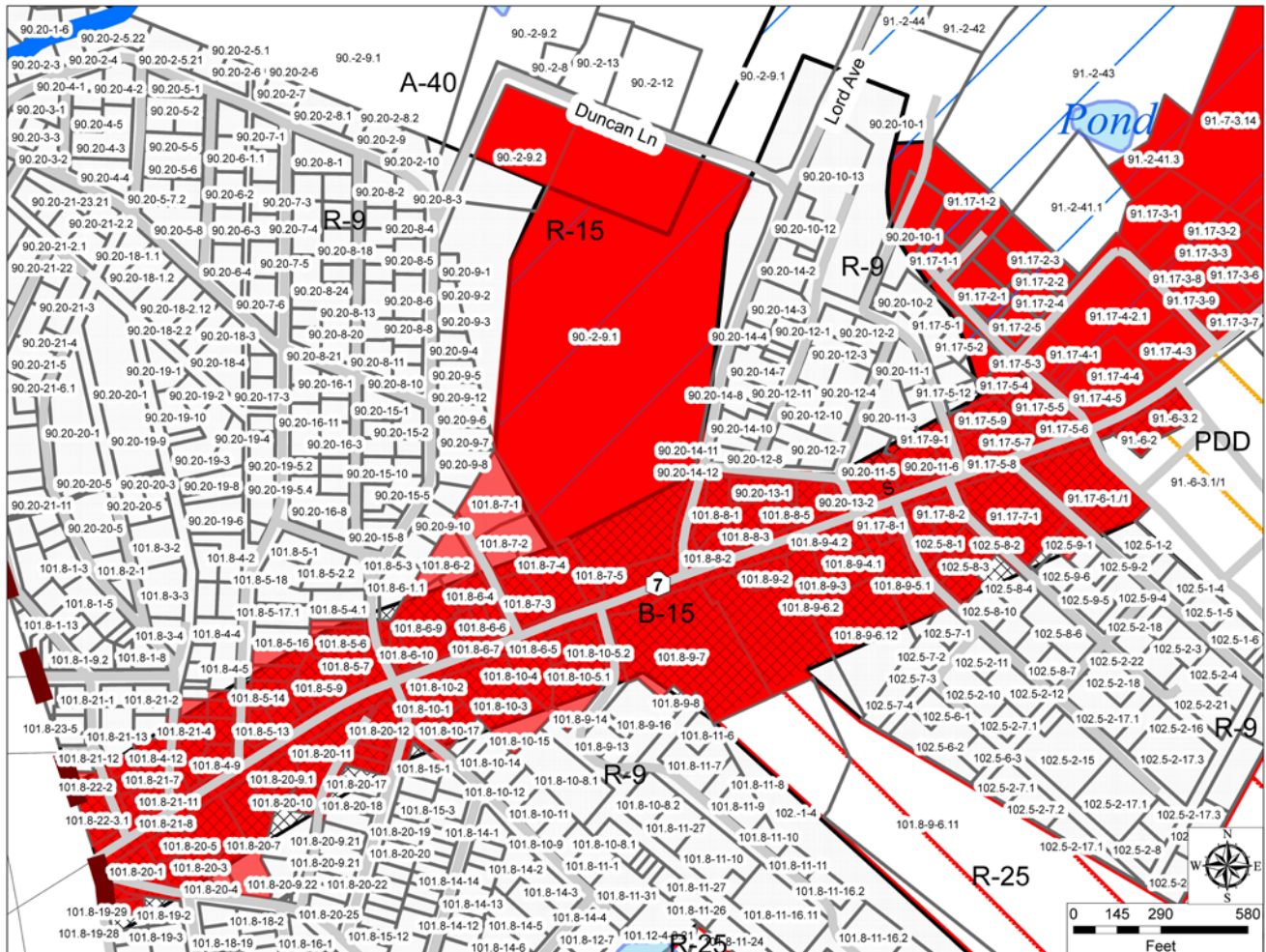


Table 7: Schedule of Use Changes for Route 7 Business (B-15) District

Current Parcels R-15 and R-25, A40		Current Uses		Changes in Uses
		Current R-9, R-15, R-25 Zoning	Current B-15 Zoning	Proposed B-15 Zoning
90.-2-9.1 R-15	91.-7-3.11	<u>Current R-15, R-25 By Right:</u> <ul style="list-style-type: none"> • Dwellings • Schools • Public Recreation • Government • Farms • Tourist Homes • Veterinary Hospital • Dog Kennels • Forestry and Nursery • Farms • Tourist Homes • Veterinary Hospital • Dog Kennels • Forestry and Nursery operations <u>By Special Permit:</u> <ul style="list-style-type: none"> • Multiple Family • Two Family 	<u>Current B-15 By Right:</u> <ul style="list-style-type: none"> • Private dwellings • Churches • Schools • Public recreation buildings • Government buildings • Typical accessory uses • And • Retail Stores and Shops • Personal Service Shops, barber etc. • Banks, professional offices etc. • Restaurants • Undertaking • Public Utility • Veterinary Hospital • Automobile Sales and Service • Equipment Sales and Service • Wholesale • Theaters and public assembly • Planned Shopping Centers of 4 or more stores <u>By Special Permit:</u> <ul style="list-style-type: none"> • Multiple Family, • Two Family Dwellings, • Public utility buildings, • Universities, Community buildings, • Hospitals, • Orphanages. • Drive-In Theatres, • Private Clubs, • Designed shopping center 	<u>Proposed B-15 By Right:</u> <ul style="list-style-type: none"> • Bakery • Bank • Bar, Tavern • Car Wash • Equipment Facility Sales and Service • Government. Building • Mixed Use Structure • Motor Vehicle Repair Shop • Motor Vehicle Sales • Motor Vehicle Service Station • Planned Shopping Center • Business/Professional Office Recreational Facility • Retail Store (neighborhood) • School • Theater • Urgent Care • Veterinary Office • Wholesale Business <u>By Special Permit:</u> <ul style="list-style-type: none"> • Day Care and Center • Funeral Home • Garage Commercial • Hospital • Hotel • Mixed Use Structure • Personal Wireless Telecommunications Tower • Public Utility • Restaurant • Retail Store, Convenience • Retail Store, Large • Wind Energy Conversion – Small
90.-2-9.2	91.-7-1			
91.17-5-3	91.-6-7.1			
91.17-5-4	91.-7-2			
91.17-5-2	91.-6-9			
91.17-2-5	91.-6-10			
91.17-2-4	91.-6-11			
91.17-2-3	102.-1-3.11			
91.17-2-2	102.-1-3.12			
91.17-2-1	102.-1-3.13			
91.17-1-1	91.-6-13			
90.20-10-1	91.-2-27.3			
91.17-1-2	91.-7-8.1			
91.17-4-5	91.-6-18.111			
91.17-4-4	91.-6-18.112			
91.17-4-3	91.-6-18.2			
91.17-4-2.1	91.3-1-5			
91.17-4-1	91.3-1-4			
91.17-4-6	91.3-1-8			
91.-2-41.3	91.-2-19.2			
91.17-3-1	91.3-1-7			
91.17-3-2	91.-2-19.1			
91.17-3-3	91.-6-19			
91.17-3-9	91.-6-20			
91.17-3-7	91.-6-22			
91.17-3-8	91.-6-21			
91.17-3-5	91.-6-23.2			
91.17-3-6	91.3-1-10			
91.-2-40	91.3-1-9			
91.17-3-4	91.-5-6			
91.-7-3.14	91.-5-7			
91.-2-39	91.-5-2			
91.-2-36				
91.-2-37				
91.-2-34.1				

Business (B-15) District Constraints and Impacts

Proposed zone change from R-15, R-25 and A-40 to B-15 Business. The proposed B-15 Business Zoning District along Route 7 covers an area that is predominantly a commercial corridor, with residential development on its side streets. The B15 zone allows for mostly commercial development including large retail as proposed in the zoning amendments. The area has been divided into three sections. The map and the Schedule of Changes in Use below provide the details of the new zoning designation by parcel number.

While the majority of the existing B-15 District remains, there are several parcels that will be converted from R-15, R-25 and A-40 to B-15. This may create project-specific and area-wide impacts. Generally, transportation, stormwater, noise, lighting, aesthetics and character are the most obvious concerns and can be mitigated to a large degree. Individual resources such as waterbodies or scenic vistas can be uniquely protected. The changes in overall character and appearance are much more difficult to mitigate. Also the degree to which aesthetics and character can be reasonably mitigated is reliant upon the market demand for those businesses which may desire to locate in this zone. The expansion of the B-15 District is desirable due to the numerous small lots on and surrounding Route 7. With the expansion, future business may be able to assemble lots allowing mitigation and improvement to the local character and transportation network. Residential uses are allowed to continue in this district as nonconforming uses but the revised district accommodates future economic growth as identified in the Comprehensive Plan.

Lot Size and Septic

Many of the lots being converted are small residential lots that can be assembled for a larger commercial use. These lots are generally all connected to Town water and sewer. By assembling the smaller lots into larger lots, future businesses will be able to provide adequate stormwater controls depending on the type and intensity of future development.

Transportation

The proposed B-15 District is designed to accommodate the automobile and is reflective of current development patterns. However, as the district develops this corridor should continue to incorporate other modes of transportation such as pedestrians, bicycles and bus transit stops to alleviate congestions and accommodate local needs. As more commercial activity develops, the safety and functionality of the transportation system for pedestrians, bicyclists and motorists will have to be reexamined.

Character

The current character of this area is commercial. Residential parcels along the road and side streets are currently being sought after for conversion and assemblage for commercial activity. As previously mentioned, aesthetics and character will be mitigated based upon a review of future businesses developing in this zone. The expansion of the B-15 District is desirable due to accommodate growth and the numerous small lots on and surrounding Route 7 will enable developers to provide adequate screening and buffering to reduce further encroachment of businesses into the residential areas of the Town.

In particularly affected by this identified growth, is the need to rezone the residential areas of Hughes Avenue, Derrick Avenue, and Smith Terrace. While these residential areas consist of small lots, they provide an economic opportunity to the B-15 where lot sizes along Route 7 are constrained and growth is limited.

The eastern portion of McChesney Avenue has several larger lots that are proposed to be converted to B-15. These lots were identified in the Comprehensive Plan for economic growth. In addition, McChesney provides an alternative transportation access route from Route 7 to alleviate some of the congestion.

2.2.4 Rezoning to Business Light Overlay (B-LO)

The Business Light Overlay (B-LO) District is made up of parcels along Route 7 north of its intersection with Route 278 and a portion of Route 278. These parcels are predominately zoned agricultural and residential with the majority currently and historically developed as residential housing lots of varying acreage with some agricultural usage. The primary difference between the existing and proposed zoning is that the overlay will allow opportunity and flexibility for a mix of commercial and economic development as outlined in the comprehensive plan, while still preserving underlying zoning. The B-LO encourages a similar scale retail to that of the Business Light (B-L) District, however the B-LO District continues to permit single-family homes and agricultural uses as part of the underlying zoning, and other uses that are consistent and complimentary to the location (see table below). The new B-LO District creates a higher developable potential for lands along the major thoroughfare within the Town. The schedule of changes and map provides the details of the new overlay designation by parcel number, and the effective changes in use.

Business Light (B-LO) District Constraints and Impacts

Expanding the flexibility of the predominantly agricultural and residential properties as part of the Business Light Overlay (B-LO) District may create project-specific and area-wide impacts. Similar to the B-L District, transportation, stormwater, noise, lighting, aesthetics and character are the most obvious concerns and can be mitigated to a large degree. Individual resources such as waterbodies or scenic vistas can be uniquely protected. The changes in overall character and appearance are much more difficult to mitigate and will require a site by site review of both individual and cumulative impacts as a result of each new development. The impacts of this change are identified below, including character impacts and possible mitigation approaches.

Lot Size and Septic

The B-LO District follows parcel boundaries where practical, but many of the lots were extremely large and the overlay divides these properties. There is no public water or public sewer in the area. Without public sewer service this will likely be the most significant constraint for new development as a septic system will need to be located on the lot, as well as stormwater control structures depending on the type and intensity of development.

Transportation

The proposed B-LO District is designed to only accommodate one mode of travel, the automobile reflective of current development patterns. However, as the district develops as a rural commercial district and significant commuter corridor, pedestrians and bicycles will also need to be accommodated safely. Currently, the wide shoulder may be sufficient for active bicycling. However, as more commercial activity develops, the safety and functionality of the transportation system for pedestrians, bicyclists and motorists will have to be reexamined.

Character

The current character of this area is rural highway, primarily agricultural and residential, with a limited mix of commercial uses. The commercial activity is largely part locally owned or oriented. The residential parcels along the road are made up of predominantly older homes, some of which have been repurposed as professional offices or other businesses. The lots are for the most part green, with either larger lawns, mature trees or a mix of both. This character can easily be continued in the proposed zone with the mitigation measures identified herein.

Figure 8: Proposed Business Light Overlay (B-LO)

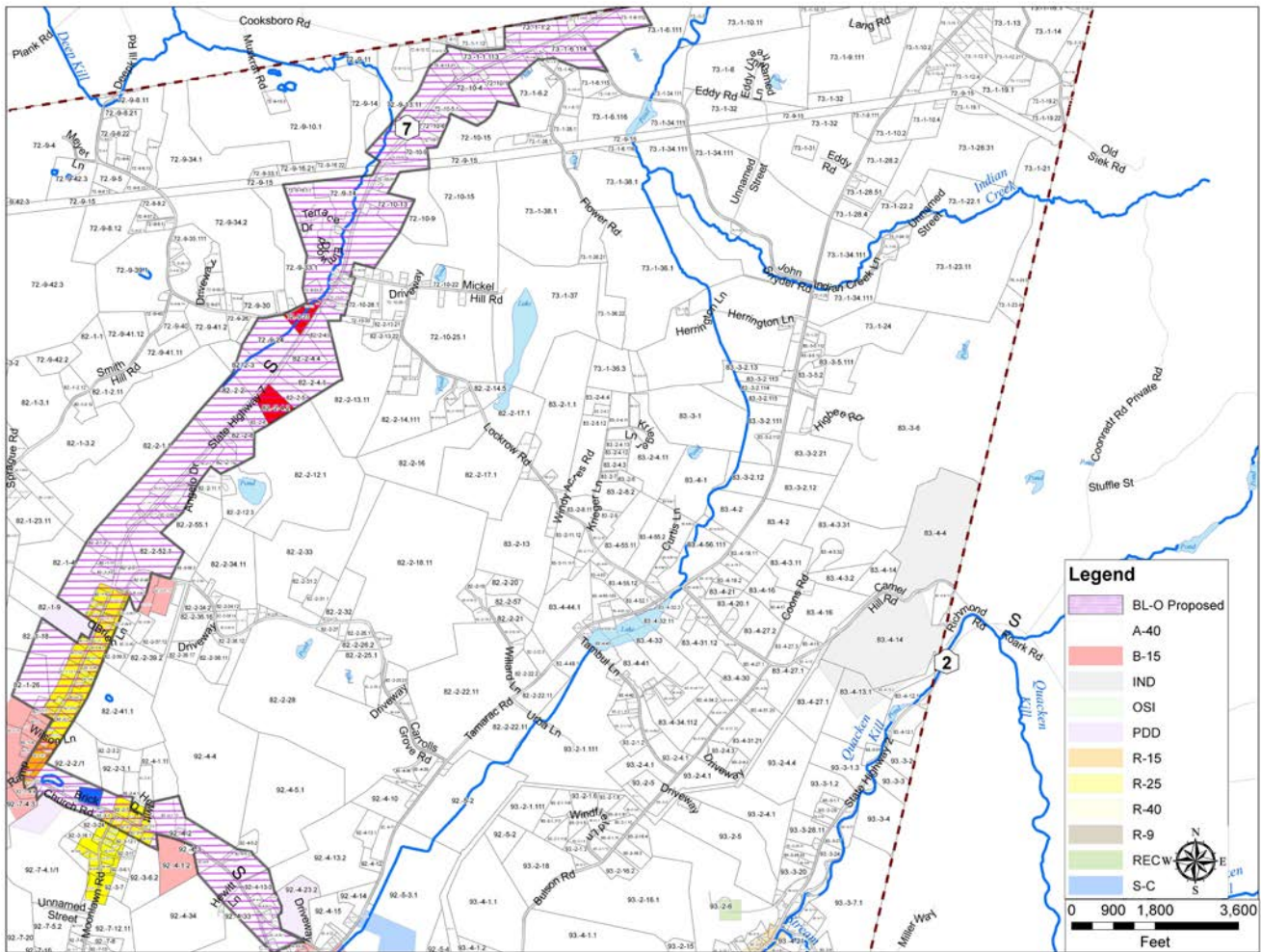


Table 8 Schedule of Use Changes for Business Light Overlay (B-LO) Zoning District

Current Parcels					Current Uses		Changes in Use	
B-15	R-15, R-25, A-40, and S-C				Current B-15 Zoning	Current R-15, R-25, A-40 and S-C Zoning		Proposed B-LO Zoning
72.-9-22.2 72.-9-22.1 72.-9-23 82.-2-4.2	92.-2-11 92.-2-10.2 92.-2-10.1 92.-2-9 92.-7-4.5 82.-1-5 82.-1-0 82.-2-50.111 82.-1-7 82.-1-8.12 82.-1-8.2 82.-1-8.11 82.-2-50.112 82.-2-50.12 82.-2-49 82.-2-39.6 82.-2-39.5 82.-2-39.1 82.-2-40 82.-2-48.1 82.-1-10 82.-2-48.2 82.-2-47 82.-1-13.2 82.-2-46 82.-2-45 82.-1-13.1 82.-2-44 82.-2-43 82.-1-18 82.-2-41.2 82.-2-41.1 82.-1-14 82.-2-42 82.-1-15 82.-1-17 92.-2-1 92.-2-13 92.-2-12 92.-3-1	92.-2-7 92.-3-2 92.-2-6 92.-3-2 92.-3-3 92.-3-4 92.-2-4.3 92.-3-5 92.-2-5 73.-1-6.112 73.-1-6.111 73.-1-5 73.-1-4 73.-1-3 73.-1-2.1 73.-1-2.2 73.-1-6.114 73.-1-1.2 73.-1-43 73.-1-40 73.-1-1.3 73.-1-6.2 73.-1-1.2 73.-1-1.113 73.-1-1.114 72.-9-13.22 72.-9-13.21 72.-10-1 72.-10-2 72.-10-3 72.-10-4 72.-9-13.11 72.-10-5.1 72.-10-5.2 72.-10-6 72.-10-7 72.-10-9 72.-10-10 72.-10-11 72.-9-15	72.-10-12 72.-9-14 72.-10-14 72.-10-13 72.-9- 16.1/1 72.-9-17 72.-10-15 72.-9-33.1 72.-9-18 72.-9-19 72.-9-20 72.-9-33.3 72.-10-32 72.-10- 31.12 72.-10- 31.11 72.-10-29 72.-10-30 82.-2-13.11 82.-2-4.3 72.-9-24 82.-2-4.4 82.-2-5 82.-2-3 82.-2-6 82.-2-2 82.-2-8 82.-2-9.2 82.-2-1.1 82.-2-10 82.-2-11.22 82.-2-11.23 82.-2-1.3 82.-2- 11.211 82.-2-55.1 82.-2-55.3 82.-2-55.2 82.-2-53 82.-2-55.1 82.-2-52.1	82.-2-51 82.-1-11 82.-1-12 82.-1-4 82.-2-38 82.-2-39.4 82.-2-39.1 82.-1-18 82.-1-26 92.-7-4.2 92.-2-2./1 92.-2-8 92.-7-4.1/1 92.-2-3.1 92.-2-4.1 92.-3-6.2 92.-4-1.12 92.-4-2 92.-4-4 92.-4-5.2 92.-4-5.3 92.-4-5.1 92.-4-34 92.-4-33 92.-4-13.3 92.-4-13.2 92.-4-27 92.-4-23.11 92.-4-23.12 92.-4-26 92.-4-25 92.-4-28 92.-4-29 92.-4-30.1 92.-4-30.2 92.-2-2./1	<p>Existing B-15 Allowed:</p> <ul style="list-style-type: none"> Private dwellings Churches Schools Public recreation buildings Government buildings Typical accessory uses. And Retail Stores and Shops, Personal Service Shops, barber etc. Banks, professional offices etc. Restaurants Undertaking Public Utility Veterinary Hospital Automobile Sales and Service, Equipment Sales and Service Wholesale, Theaters and public assembly Planned Shopping Centers of 4 or more stores <p>Existing Special Permit:</p> <ul style="list-style-type: none"> Multiple Family, and Two Family Dwellings, Public utility buildings, Universities, Community buildings, Hospitals, Orphanages. And Drive-In Theatres, Private Clubs, Designed shopping center 	<p>Existing R-15, R-25 Allowed:</p> <ul style="list-style-type: none"> Dwellings Schools Public Recreation Government Farms Tourist Homes Veterinary Hospital Dog Kennels Forestry and Nursery Operations <p>Existing R-15, R-25 Special Permit:</p> <ul style="list-style-type: none"> Multiple Family Two Family <p>Existing A-40 Allowed:</p> <ul style="list-style-type: none"> Dwellings Churches Schools Public Recreation Government Farms Tourist Homes Veterinary Hospital Dog Kennels Forestry and Nursery Operations <p>Existing A-40 Special Permit:</p> <ul style="list-style-type: none"> Multiple Family Two Family <p>Existing S-C Allowed:</p> <ul style="list-style-type: none"> Schools Cemeteries 	<p>Proposed B-LO:</p> <ul style="list-style-type: none"> Agricultural Tourism Commercial Equine Operation Commercial Horse Boarding Operation Compost, Mulch or Other Biomass Crops Equine Uses Farm Market Farm Operation* Dwelling, Single-Family Governmental Building & Facilities Club, Civic & Social/Fraternal School, Public or Private Religious Use Community Building Bakery Bank, Financial Institution Greenhouse, Commercial Kennel Veterinary Office and Clinic <p>Proposed B-LO Permitted Accessory Uses:</p> <ul style="list-style-type: none"> Accessory Structure, Use (Customary) Agribusiness Accessory Roadside Stand Timber Operation, Agricultural Keeping of Farm Animals on Non-Farm Operations Garage, Private Greenhouse, Accessory Open Space Recreation Use Carport Solar Collector System - Small Scale (Flush & Rooftop Mounted) <p>Proposed B-LO Special Permit:</p> <ul style="list-style-type: none"> Accessory Apartment Dwelling, Multifamily Dwelling, Two-Family Home Occupation Mixed-Use Structure 	<ul style="list-style-type: none"> Mobile Home Park Public Utility Cemetery Recreational Facility Bar, Tavern Bed and Breakfast (B&B) Campground, Day Camp Car Wash Day Care and Center (Child and Adult) Drive-Through Services Equipment Facility, Sales & Service Funeral Home, Mortuary Garage Commercial Hospital Hotel Mixed Use Structure Motor Vehicle Repair Shop Motor Vehicle Sales Motor Vehicle Service Station Office, Business/Professional Outdoor Storage and Sales Personal Wireless Telecommunications Tower Planned Shopping Center Restaurant, Food & Beverage Service - Off Premise Restaurant, Food & Beverage Service - On Premise Retail Establishment, Convenience Retail Establishment, Large Product Retail Establishment, Neighborhood Self-Storage Facility Theater, Outdoor Drive-in Urgent Care Facility Wholesale Business Solar Collector System - Small Scale (Freestanding & Ground Mounted) Solar Collector System – Commercial Wind Energy Conversion System- Utility Wind Energy Conversion - Small

2.3 Adult Uses & Secondary Impacts

2.3.1 Existing Conditions

The Town of Brunswick does not regulate adult uses in its existing zoning ordinance.

2.3.2 Potential Impacts

A number of municipal studies have found that adult uses produce negative secondary effects. The most common ones cited pertain to urban blight/neighborhood deterioration, lowered property values, reduced retail shopping, and crime, ranging from public indecency to prostitution and drug trafficking. The findings of a number of these studies are summarized below.

1. The Town of Port Chester, NY finds that adult entertainment businesses are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.¹
2. The New York State Department of State, Office of General Counsel, in a legal memorandum discussing the municipal regulation of adult uses states:

Some studies have identified such adverse secondary effects as urban blight, decreased retail shopping activity and reduced property values.²

It further cites the 1993 New York City Division of City Planning's "Adult Entertainment Study" as finding that:

...in the areas where they are concentrated, the presence of adult businesses tends to produce negative secondary effects such as increased crime, decreased property values, and reduced shopping and commercial activities.³

3. In "Everything You Always Wanted to Know About Regulating Sex Businesses," authors Eric Damian Kelly and Connie Cooper affirm that sexually-oriented uses do have negative secondary impacts. They go on to say that:

¹ McCleary, Richard. "Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report to the Village Attorney," Port Chester, New York, May 31, 2008.

² Legal Memorandum LU03, NYS Department of State, Office of General Counsel, Municipal Regulation of Adult Uses, <http://www.dos.ny.gov/cnsl/lu03.htm>

³ Ibid.

Studies completed in Kansas City, Missouri, Rochester, New York, New York City and other communities substantiate the fact that sexually-oriented uses can create secondary impacts such as the lowering of property values, and if not properly regulated, provide opportunities for minors to be exposed to adult materials and performances.⁴

4. John R. Nolon, in his Well-Grounded: Using Local Land Use Authority to Achieve Smart Growth, lists the following secondary effects of adult uses: increased sex-related crimes, drug dealing, and petty street crime, reduction in property values, long-term economic decay, adverse effects on surrounding businesses, and the perception of urban decay.⁵
5. A 1994 report on the secondary effects of concentrating adult uses in Times Square cited other studies' findings as follows:

In 1977, Los Angeles found a link between the concentration of adult entertainment establishments and increased crime.

In 1978 and 1980, respectively, St Paul and Minneapolis found statistically significant correlations between the location of adult businesses and neighborhood deterioration. Further, they found significantly higher crime rates in an area with two such businesses than in an area with one. Additionally, they found significantly lower property values in an area with three such businesses than in an area with one.

Further, a St Paul neighborhood with a particularly heavy concentration of adult entertainment establishments found many signs of deterioration and social distress, a relationship between concentrations of certain types of adult entertainment and street prostitution, especially, as well as other crimes, and perceptions of the neighborhood as unsafe and undesirable. Lastly, they noted that efforts to attract employees and customers were frustrated by the presence of these uses.

In 1983 Indianapolis looked at the issue from a national level, surveying American Institute of Real Estate Appraisers. 80 percent of respondents indicated that adult bookstores would have a negative impact on residential property values within one block. 72 percent of respondents expected a detrimental effect on commercial property values within same one-block radius.

Finally, in 1979 Phoenix found arrests for sexual crimes and locations of adult businesses to be directly related.⁶

⁴ Kelly, Eric Damian and Connie Cooper, "Everything You Always Wanted to Know About Regulating Sex Businesses," American Planning Association, Planning Advisory Service, Report Number 495/496, p. 156.

⁵ Nolon, John R. Well-Grounded: Using Local Land Use Authority to Achieve Smart Growth, Environmental Law Institute and John R. Nolon, July 2001, p. 371.

⁶ Report on the Secondary Effects of the Concentration of Adult Use Establishments in the Times Square Area, Times Square BID, April 1994.

6. A California Law Review article cited the 1976 *Young v. American Mini Theaters* case where the Supreme Court upheld a zoning ordinance restricting location of “adult uses,” businesses offering sexually-oriented merchandise and services. The article stated that:

In the opinion of urban planners and real estate experts who supported the ordinances, the location of several such businesses in the same neighborhood tends to attract an undesirable quantity and quality of transients, adversely affects property values, causes an increase in crime, especially prostitution, and encourages residents and businesses to move elsewhere.⁷

7. The 1986 case of *City of Renton v. Playtime Theaters* stated that the secondary effects often associated with a concentration of adult-oriented businesses included prostitution, crime, and lowered property values.⁸
8. Finally, in 1999, the Town of Scotia, NY added “Adult Entertainment Uses” to its supplemental regulations which speaks to the secondary effects (highlighted) of such uses:

Findings and legislative intent.

It is recognized that there are some uses, which, because of their very nature, have serious objectionable operational characteristics under certain circumstances, which produce a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that adverse effects will not contribute to the *blighting or downgrading of the surrounding neighborhood*....The purpose of these regulations is to prevent or lessen the secondary effects of adult entertainment uses, and not to inhibit freedom of speech.

The unrestrained proliferation and inappropriate location of such businesses is inconsistent with existing development and future plans for the Village of Scotia in that they often result in influences on the community which *increase the crime rate and undermine the economic and social welfare of the community*. The deleterious effects of these businesses *change the economic and social character of the existing community and adversely affect existing businesses and community and family life*.⁹

⁷ Smith, Kimberly K. “Zoning Adult Entertainment: A Reassessment of Renton,” California Law Review, Volume 79, Issue 1, Article 3, January 1991.

⁸ Regulation of Sexually-Oriented Businesses and the “Secondary Effects” and “O’Brien” Tests, <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/secondaryeffects.html>

⁹ Supplemental Regulations: §250-58.1 Adult Entertainment Uses, Village of Scotia, NY, Added 12-8-1999.

2.3.3 Mitigation

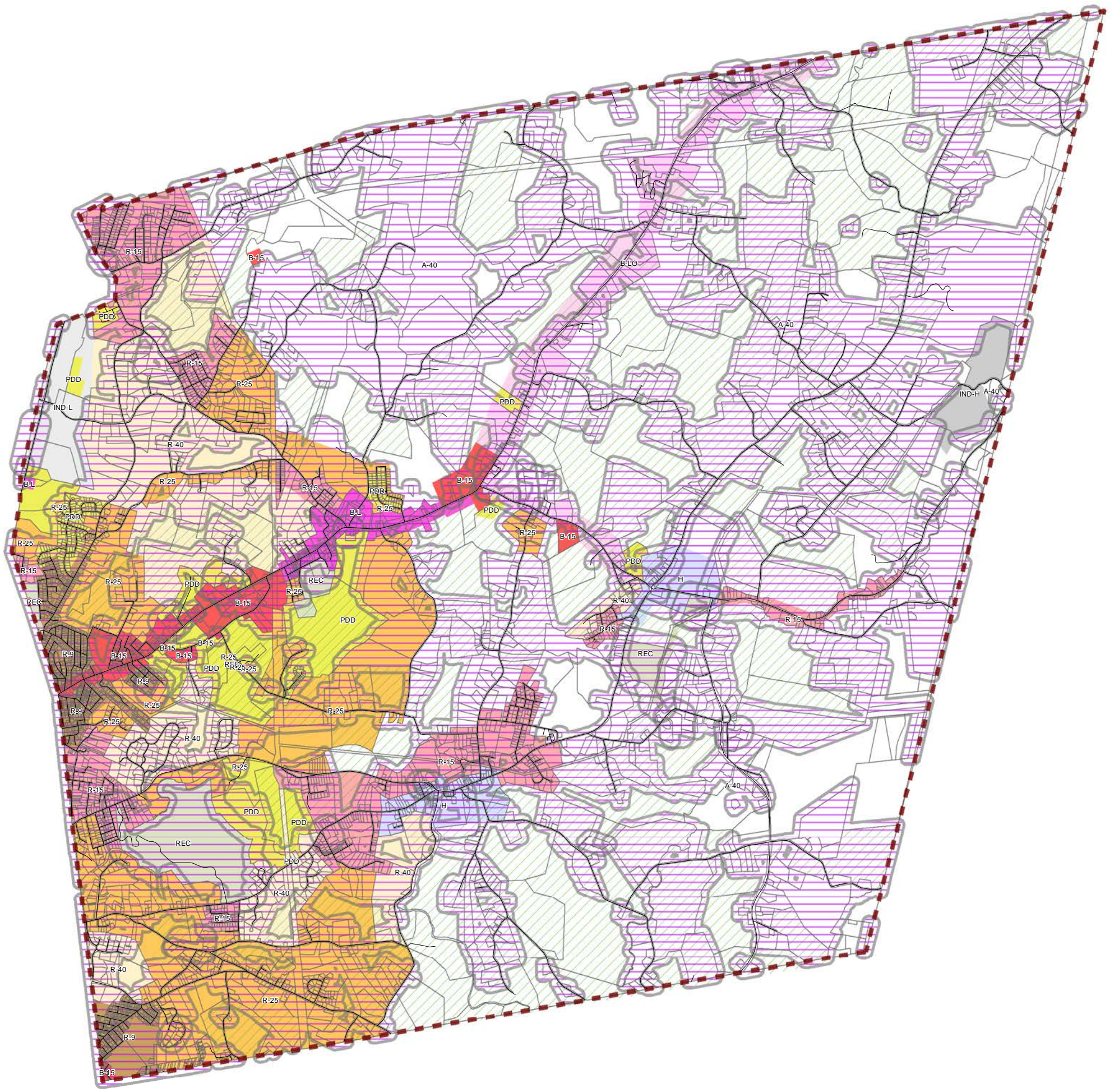
According to the Department of State, Office of General Counsel, Courts will strike down regulations that seek to exclude all adult uses through an outright ban. Adult uses may be restricted (even substantially) through zoning but not entirely prohibited.¹⁰

With that in mind, the Town proposes to regulate adult uses through its Zoning Law to mitigate for secondary impacts by: 1) allowing adult uses only by special permit rather than allowed outright, making them subject to additional scrutiny by the Planning Board, and 2) setting reasonable restrictions on location, appropriate to the affected use, as follows:

- (1) An adult use may not be operated within five hundred (500) feet of:
 - (a) A church, synagogue or regular place of worship;
 - (b) A public or private elementary or secondary school or licensed child day care center;
 - (c) A public park; or
 - (d) A nursery school.
- (2) An adult use may not be operated within two hundred fifty (250) feet of a residence.
- (3) An adult use may not be operated within five hundred (500) feet of another adult use or on the same lot or parcel of land.
- (4) An adult use may not be operated in the same building, structure or portion thereof containing another adult use.

The Map 5: Adult Use Site Suitability, shows that once these restrictions are applied, there are suitable sites for adult uses, demonstrating that that Town has not, in effect, banned such uses. Further, these sites are limited to two zoning districts: Industrial Light (IND-L) and Industrial Heavy (IND-H). As the IND-H zoning district is primarily used as an active quarry, it would not be appropriate for adult uses. This leaves the IND-L zoning district. As the Town has one such district, adult uses will be limited to one geographic area, helping to contain their impact.

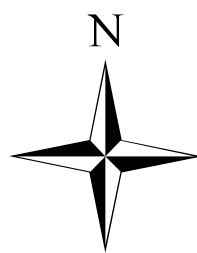
¹⁰ Legal Memorandum LU03, NYS Department of State, Office of General Counsel, Municipal Regulation of Adult Uses, <http://www.dos.ny.gov/cnsl/lu03.htm>



Adult Use Site Suitability

Town of Brunswick Rensselaer County, New York

- Legend**
- Town Boundary
 - Street Brunswick
 - Brunswick Parcels
 - A-40, Agricultural
 - R-40, Residential
 - R-25, Residential
 - R-15, Residential
 - R-9, Residential
 - B-L, Business Light
 - B-LO, Business Light Overlay
 - B-15, Commercial
 - H, Hamlet
 - IND-L, Industrial Light
 - IND-H, Industrial Heavy
 - PDD, Planned Dev. District
 - REC, Recreational
 - Adult Use Buffer



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Project #: 2015014
Date: 4-18-16
Data Source: Rensselaer County GIS Department and NYS GIS Clearinghouse.
Notes: Produced for planning purposes only. Accuracy or completeness is not guaranteed.

3.0 TRANSPORTATION SYSTEM

3.1 Existing Conditions

Route 7 and Route 2 are east-west urban arterials and primary routes to/through the Town of Brunswick. The segment of Route 7 from the Troy city line to Rose Lane is a three-lane roadway with one lane in each direction and a center two-way left-turn lane. East of Rose Lane Route 7 has one lane in each direction. Turn lanes are provided at signalized intersections. The posted speed varies from 35 mph in the western end to 40-45 mph in the middle and 55 mph east of Route 278. Signalized intersections at cross streets include:

- Roosevelt Avenue/Brunswick Plaza (716 Hoosick Rd.)
- McChesney Avenue
- Brunswick Drive/Brunswick Square (760 Hoosick Rd.)
- Route 142
- Route 278

Route 2 in the Town is a two-lane roadway. The posted speed varies from 40 and 55 mph in the western end to 40 mph in the hamlet of Eagle Mills and 45 mph in the eastern end. The only signalized intersection is at Route 278.

Traffic volume data compiled from the NYSDOT Traffic Data Viewer provides weekday volumes for Routes 7 and 2. The traffic count data were adjusted as necessary to establish a 2016 current condition. The current weekday PM peak volumes are shown on Map 6. It is noted that weekday AM peak volumes are lower than the weekday PM and Saturday peak volumes are generally the same as the weekday PM peak.

Sidewalks are provided on one or both sides from the Troy limits to Route 142. No sidewalks are provided east of Route 142. Crosswalks and pedestrian indications/pushbuttons are provided at the signalized intersections except at Route 278. Crosswalks across Route 7 are also provided near eight unsignalized intersections. No sidewalks are provided along Route 2. Separate bicycle facilities/lanes are not provided on Route 7 or Route 2.

Public transit in the Capital District metropolitan area is provided by the Capital District Transportation Authority (CDTA). Regular fixed-route service, Route 87, provides service to the western segment of Route 7. Regular fixed-route service is not available on Route 2.

3.2 Potential Adverse Impacts

To assess the future impacts of the proposed zoning changes, a planning level analysis was conducted to determine how much additional volume could be added to Route 7 and Route 2 to reach the roadway's capacity. The additional amount of traffic can then be related various types and sizes of allowable land uses. Map 7 shows estimated future volumes on Routes 7 and 2 for a 10-year planning horizon to year 2026. The traffic volumes on Route 7 were increased from 2016 levels by a growth factor of 1% per year while the volumes on Route 2 were increased by a factor of 0.5% per year. The growth factors account only for anticipated general growth outside the corridors. This allows a determination of how much additional traffic growth within the corridors can be accommodated to reach roadway capacity.

For the planning level assessment, roadway capacity on Route 7 and Route 2 were compared to suggested capacities published by the Capital District Transportation Committee (CDTC). CDTC publishes approximate mid-block capacity thresholds for urban arterial, collector, expressway, and local roads in the Capital District. Thresholds applicable for this assessment are listed in the table below.

Table 9: Roadway Segment Capacity

Functional Classification	Roadway	Capacity
Single lane surface arterial or collector roadway	Route 7 east of Route 142 and Route 2	1,300 vph in each direction
Single lane surface arterial or collector roadway with a flush median	Route 7 west of Route 142	1,625 vph in each direction

Based on the estimated 2026 segment volumes, the available capacities are shown on Figure 10. As an example, Route 7 west of Route 142 could accommodate an additional 675 vehicle trips in the peak eastbound direction during the weekday PM peak hour. The western segment of Route 2 could accommodate an additional 975 vehicle trips in the peak eastbound direction.

Estimating the traffic generated by future development to reach the capacity thresholds can be done through the use of the manual Trip Generation, 9th Edition published by the Institute of Transportation Engineers (ITE). The thresholds can be calculated through any combination of allowable land uses and sizes. The table below lists sample land uses and average trips rates from Trip Generation that would typically be allowed under the proposed zoning.

Table 10 Traffic Generation

Code	Description	Unit of Measure	Average Trip Rate Per Unit		
			AM	PM	SAT
210	Single Family Detached	DU	0.75	1.00	0.93
220	Apartment	DU	0.51	0.62	0.52
230	Condominium/Townhouse	DU	0.44	0.52	0.47
240	Mobile Home Park	DU	0.44	0.59	0.54
310	Hotel	Rooms	0.53	0.60	0.72
320	Motel	Rooms	0.45	0.47	NA
492	Health/Fitness Club	1,000 SF	1.41	3.53	2.78
710	General Office	1,000 SF	1.56	1.49	0.43
720	Medical-Dental Office	1,000 SF	2.39	3.57	3.63
810	Tractor Supply Store	1,000 SF	NA	1.40	3.17
816	Hardware/Paint Store	1,000 SF	1.08	4.84	11.18

817	Nursery (Garden Center)	1,000 SF	2.43	6.94	20.06
826	Specialty Retail Center	1,000 SF	NA	2.71	NA
850	Supermarket	1,000 SF	3.40	9.48	10.65
853	Convenience Market w/ Pumps	1,000 SF	40.92	50.92	45.94
881	Pharmacy w/ Drive-thru	1,000 SF	3.45	9.91	8.2
912	Drive-in Bank	1,000 SF	12.08	24.30	26.31
932	High-Turnover (Sit-down) Rest.	1,000 SF	10.81	9.85	14.07
934	Fast-food w/ Drive-thru	1,000 SF	45.42	32.65	59.00
936	Coffee/Donut w/ Drive-thru	1,000 SF	108.38	40.75	65.96
941	Quick Lubrication Vehicle Shop	Bays	3.00	5.19	7.00

3.3 Mitigation Measures

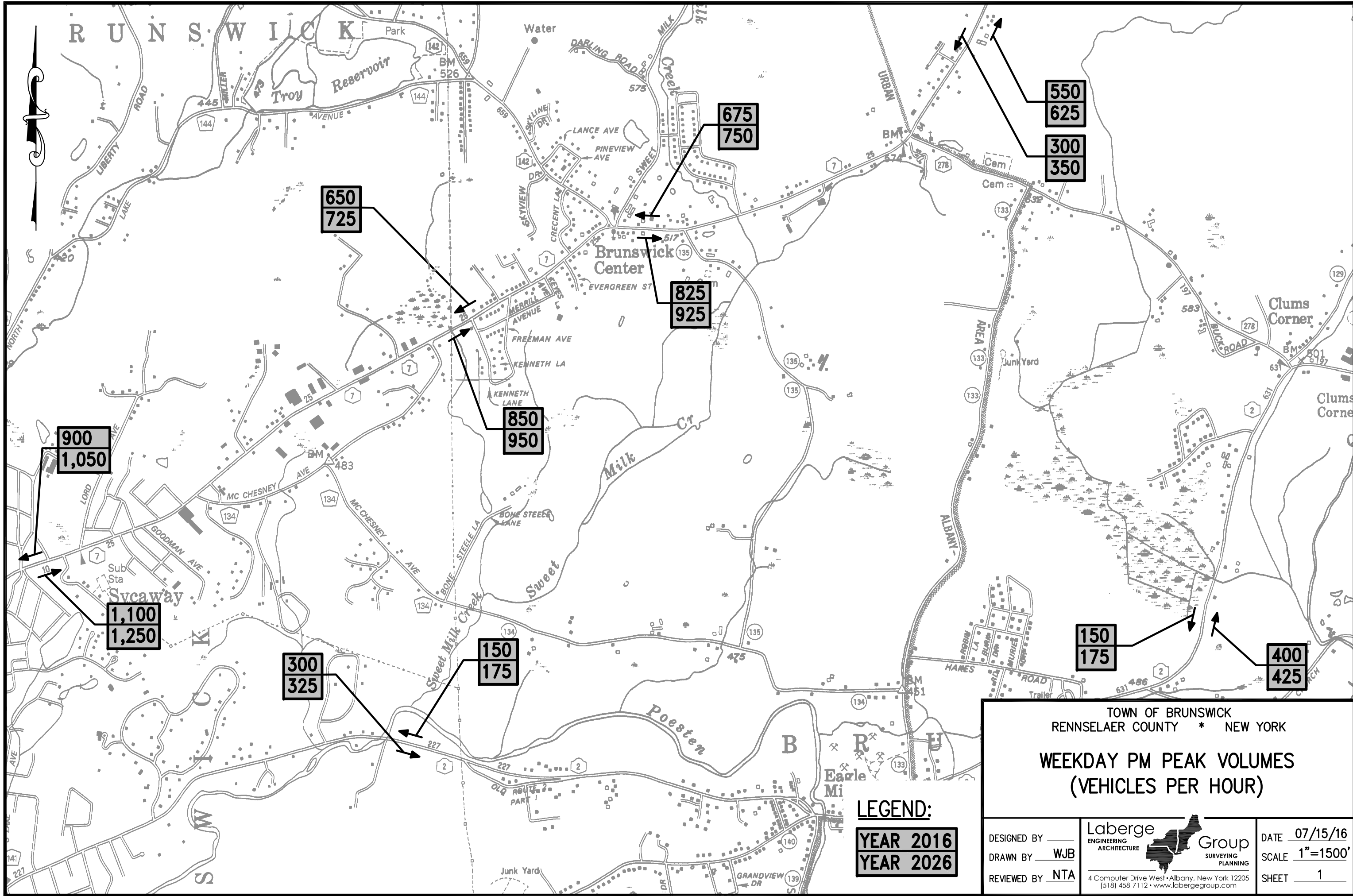
This assessment presents an estimate of how much additional traffic could be added to Route 7 and Route 2 to reach capacity. Therefore, staying within those thresholds would likely not require widening of the roadway to accommodate growth under the proposed zoning. Spot improvements may be needed, however, at intersections such as turning lanes or adding new signals that would be determined on a case-by-case basis as proposed projects come before the Town for review and approval.

The major issue regarding Route 7, and to a lesser extent Route 2, is that the highway is a major east –west connector and that most of the traffic is not generated by uses in the Town. The Town has no control over that factor and never will. Traffic generation outside of the Town in the corridor is simply uncontrollable by the Town alone. At the same time, Route 7 presents the best location for a commercial corridor as proposed in the zoning update due to the amount of traffic and relative ease of access.

Since both Route 7 and Route 2 are under the direct control of the Department of Transportation(DOT), close coordination between the Town and the DOT is essential to make sure that as projects are presented to the Town the DOT is brought in early in the process to work with the Town in identifying some of the spot improvements identified above. By incorporating this coordination effort into the project review process, the Town will be in a position to better understand constraints that may need to be placed on a particular project. It will also benefit the project sponsor in that they will have an early indication of what the Town and DOT will require for site access and control.


Also, it is recommended that Access Management and Travel Demand Management tools and techniques be implemented for new projects wherever possible to reduce reaching the mainline capacity thresholds. Examples include shared driveways by adjacent land owners; parallel service roads to Route 7 and Route 2 for access between sites without having to use the mainline; pedestrian, bicycle, and transit accommodations to reduce the need for vehicle trips; and flexible work hours.

Finally, since the worst area of the Route 7 corridor is from Sycaway to Brunswick Drive, it is recommend that the Town petition the DOT to perform an evaluation of this section of the Route 7 corridor with the purpose of identifying improvements and strategies to ease the congestion that occurs during peak hours.



TOWN OF BRUNSWICK
RENNSELAER COUNTY * NEW YORK

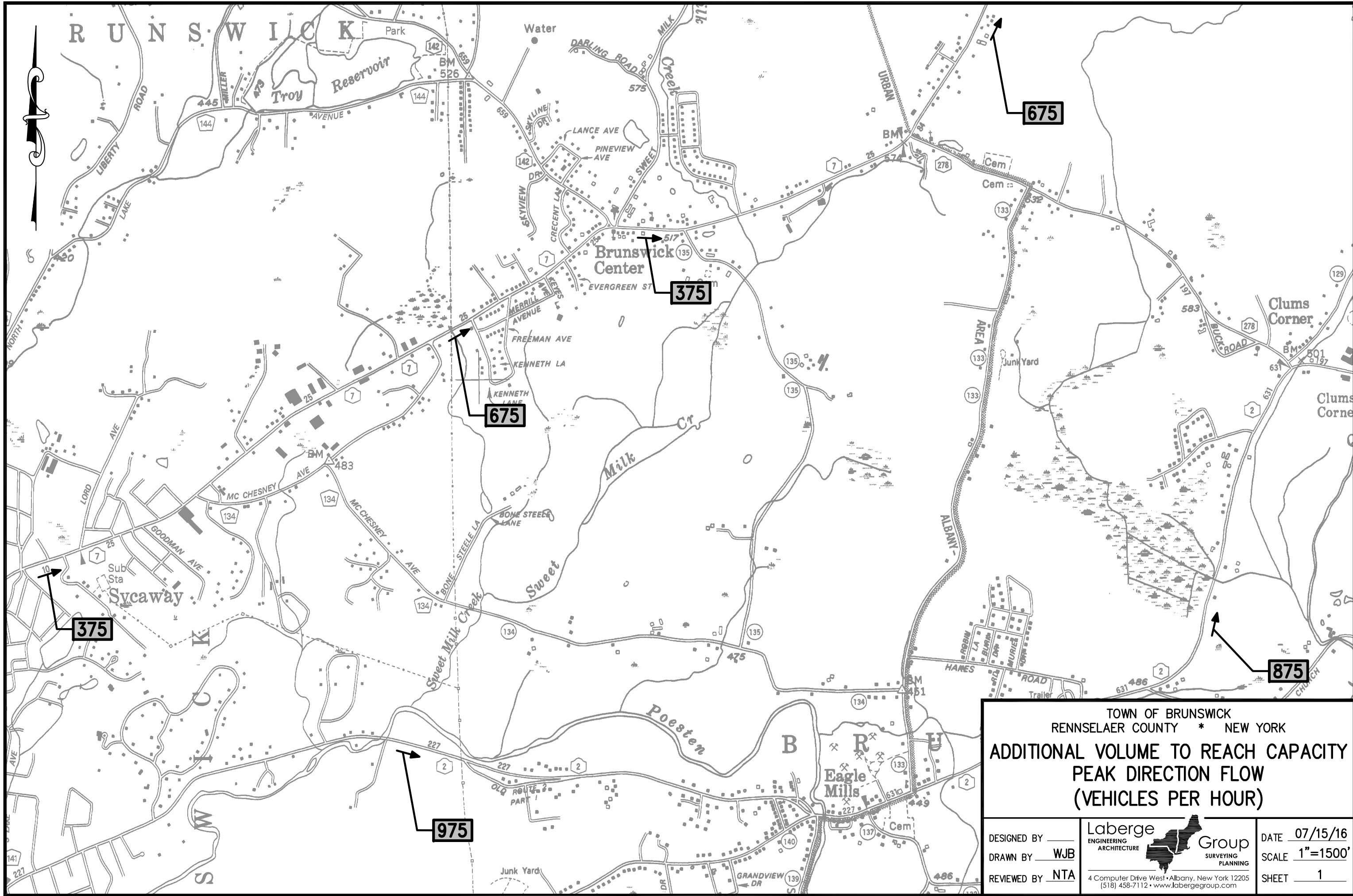
**WEEKDAY PM PEAK VOLUMES
(VEHICLES PER HOUR)**


DESIGNED BY _____	 <p>Laberge ENGINEERING ARCHITECTURE Group SURVEYING PLANNING</p>	DATE <u>07/15/16</u>
DRAWN BY <u>WJB</u>		SCALE <u>1"=1500'</u>
REVIEWED BY <u>NTA</u>		SHEET <u>1</u>

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LEGEND:
YEAR 2016
YEAR 2026

Laberge Group - J:\2015014\Cadd\Dwg\Additional Volume To Reach Capacity.dwg [11x17] July 18, 2016 - 2:21pm WJB



TOWN OF BRUNSWICK RENNELAER COUNTY * NEW YORK		
ADDITIONAL VOLUME TO REACH CAPACITY PEAK DIRECTION FLOW (VEHICLES PER HOUR)		
DESIGNED BY _____	 Laberge Group ENGINEERING ARCHITECTURE SURVEYING PLANNING	DATE <u>07/15/16</u>
DRAWN BY <u>WJB</u>		SCALE <u>1"=1500'</u>
REVIEWED BY <u>NTA</u>		SHEET <u>1</u>
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4.0 WATER & SEWER INFRASTRUCTURE

4.1 Water Infrastructure

Water infrastructure in the Town of Brunswick is a combination of both public water systems and individual water supplies. As presented on the map entitled “Public Water and Sewer District, Town of Brunswick, Rensselaer County, New York” the more densely developed areas are served by public water and the more rural areas are typically served by individual onsite water wells.

The Town water district is supplied by the City of Troy through a long term service agreement. Water storage is provided by a single 2,000,000 (1,000,000 effective usable volume) gallon water storage tank located On State route 142. Water use in the Town water district ranges from 600,000 gallons per day in the summer to almost 1,000,000 gallons per day in the summer months.

The backbone of the distribution system is a 100 year old water main that was originally used as the City of Troy water transmission main. This was turned over to the Town when it was no longer needed by the City. The main is comprised mostly of 16-inch cast iron pipe with some newer sections of 12-inch pipe. A 12 –inch ductile iron water main also extends from the City of Troy boundary on the west to Brick Church Road to the east and then from there to the old 16-inch main in NYS Route 2 at Clums Corners. This 12-inch main provides water to the existing commercial areas along NYS Route 7 as well as to the adjoining residential development in the corridor.

Many of the older residential neighborhoods are served through 6 and 4-inch mains. Many of these neighborhoods border the City of Troy, including the Sycaway area, Albia area and some of the North Lake Road area. Older hamlet areas adjacent to the 16-inch main such as Eagle Mills and Clums Corners also have these smaller main sizes.

As indicated, the Town obtains its water from the City of Troy through a water supply agreement. While there is a 300,000 gallon per day minimum purchase requirement, there is no maximum thereby providing significant capacity for growth within the Town.

4.2 Sanitary Sewer Infrastructure

As with water, sanitary sewer infrastructure in the Town of Brunswick is a combination of both public collection systems and individual onsite septic systems. As presented on the map entitled “Public Water and Sewer District, Town of Brunswick, Rensselaer County, New York” the more densely developed areas are served by public sewer. These areas include the North Forty and Sycaway neighborhoods as well as the Route 7 commercial corridor from Troy to the easterly intersection of McChesney Avenue and Route 7.

Wastewater transmission to the County trunk line requires wastewater to travel through the City of Troy sewer collection system. The City has placed limitations on how much flow they can accept and has been requiring significant mitigation to help the City separate their combined sewers as required by the State. This has created significant limitations upon the ability to extend public sewer to other areas of the Town. This restriction is an impediment to economic growth within the Town commercial corridors as well as for larger housing development.

5.0 FISCAL IMPACTS

Fiscal impact refers simply to the ability of development to pay for itself. Development in any significant amount increases demands upon the community. Housing brings families which in turn, creates the need for parks, schools, etc. Commercial development often requires added transportation, water, and sewer capacity. All communities that experience growth struggle with the balance of providing the necessary community resources and infrastructure without incurring exorbitant costs. Because the increase in commercial development is a welcome source of funds for a variety of community initiatives, the impacts to character or even congestion are often accepted as a cost of doing business.

One way to balance the fiscal benefits of development on the town’s budget with the impacts to character and infrastructure is to measure the fiscal impact of different types of development and the resulting revenue. A widely adopted means of measurement is the revenue-per-acre analysis which calculates the amount of tax revenue generated per acre. Studies that use a tax revenue per acre approach find that multiple-use sites outperform single-use sites in every instance. The more dense and integrated the development pattern and the less area devoted to surface parking, the higher the fiscal return, as illustrated in Figure 9. This higher return means that the developments pay for themselves in a matter of years rather than decades.

Our recommendations for creating the highest return on development for both the town and the developer are:

- Require some type of mixed-use development.
- Reduce or eliminate requirements for off-street parking.
- Incentivize redevelopment/preferred development.
- Encourage infill development on existing commercial sites.

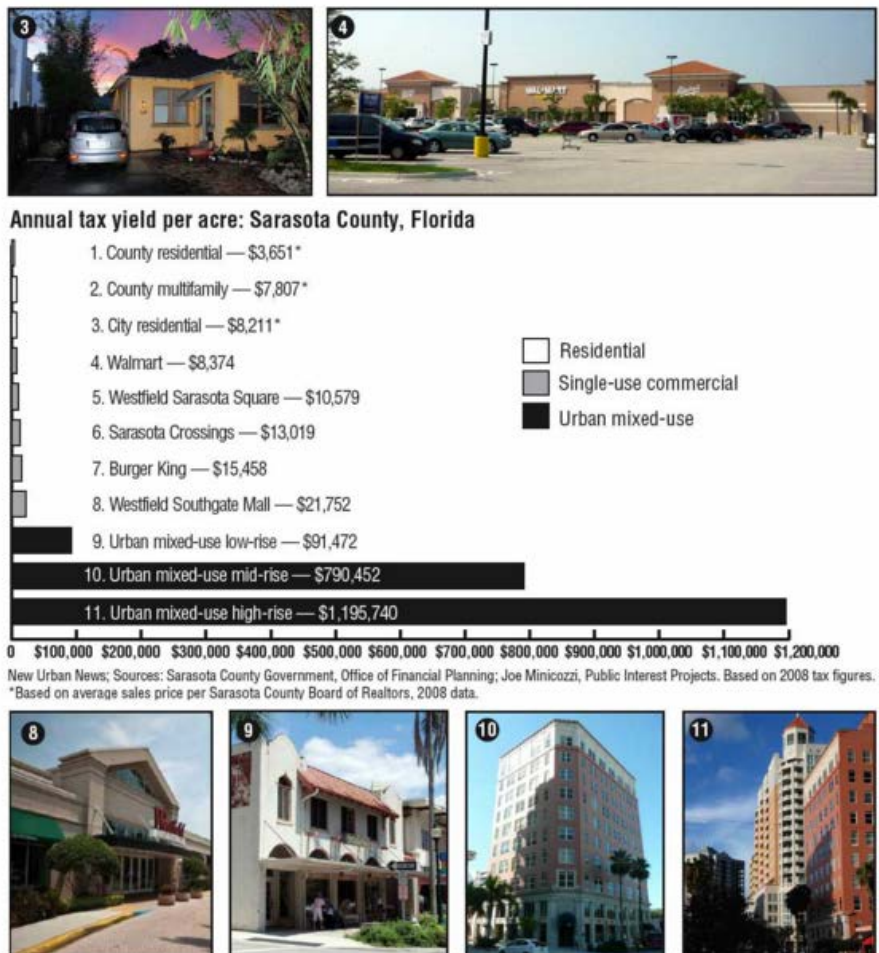


Figure 9: Annual Tax Yield Per Acre

6.0 ANALYSIS OF ALTERNATIVES

6.1 No Action Alternative

Not adopting the zoning amendments, while an alternative that the Town could consider, is not the preferred alternative. The Town has devoted a significant amount of time and energy to develop the proposed Zoning Law and Map amendments that reflect the needs and desires of all residents, while providing economic sustainability for the foreseeable future. The proposed zoning amendments represent the results of an extensive public involvement process that occurred during the development of the Comprehensive Plan. To the greatest extent possible, the zoning amendments as proposed provide a balance of resident needs and desires. Substantial alterations to the proposed zoning amendments at this time may upset the balance that has been achieved.

The No Action Alternative would not further the Town's land use goals and policies and would prevent the Town from achieving its full vision for the future. While existing federal, state and local regulations could be sufficient to protect natural and cultural resources, the benefit of the zoning amendments is that they provide regulatory guidance as to the manner in which the Town can grow, while still enhancing community character and protecting the Town's valuable resources. The proposed Zoning Law and Map amendments support the community vision expressed in the proposed Comprehensive Plan and provide the specific tools to achieve it. The absence of amended zoning regulations would place the Town in a position of reacting to development proposals rather than guiding them.

7.0 OTHER IMPACTS

7.1 Growth-Inducing Impacts

Implementation of the Zoning Law and Map Amendments may attract new residential and commercial redevelopment of vacant and underutilized sites in areas of the Town zoned for such uses. In fact, many areas of the Town, including residential areas, have been downzoned to less intense uses, resulting in an overall decrease in potential residential build-out and impact compared to present zoning. The greatest concentration of future potential development is expected to occur along designated commercial corridors, most notably, Route 7 in the B-15 Zoning District. Future development of Route 7 will be coordinated proactively with NYSDOT to minimize the growth inducing impacts and implement mitigation both on site specific projects and generically throughout the corridor to minimize such potential impacts.

7.2 Unavoidable Adverse Impacts

No unavoidable adverse impacts have been identified in association with the proposed Zoning Law and Map amendments. The Zoning Law is a guidance document and has no direct unavoidable environmental impacts. All proposed future projects, including site plans and special use permits, shall require adherence to NYS NYCRR SEQR regulations. All future projects will be evaluated on a site-by-site basis to determine potential adverse impacts and mitigation measures.

7.3 Irreversible & Irretrievable Commitment Of Resources

The Zoning Law and Map Amendments focus on reinvestment in appropriate areas within the existing built environment with some controlled new development intended to improve the economy and housing choices for residents. The amendments further protect the Town's agricultural and natural resources by rezoning some areas of the Town from a residential zoning designation to open space and recreation. It does not rezone any open space or recreation land for development purposes.