AKRF

Environmental and Planning Consultants

34 South Broadway
Suite 314
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

Memorandum

To: Town of Dover Town Board

From: Graham L. Trelstad, AICP

Date: February 13, 2009

Re: Knolls of Dover DEIS Completeness Review

AKRF has reviewed the Draft Environmental Impact Statement (DEIS) submitted by Dover Knolls Development Company II, LLC, the applicant for the Knolls of Dover project, on December 24, 2008. This document has been submitted to the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA) for a review of its completeness according to the adopted Scoping Document, dated June 25, 2008.

The purpose of this review is to determine whether the DEIS generally follows the Scoping Document and whether all relevant information is presented and analyzed in a complete and understandable format. A determination of completeness does not necessarily indicate that the Town Board concurs with all of the analyses. There may be areas of disagreement, or differences in the interpretation of technical issues, that will be addressed in the comment period on the accepted DEIS. However, the facts presented in the DEIS should be accurate and clearly described, and the methodologies should be appropriate.

It is our opinion that the DEIS is not complete with respect to the adopted scope and that the Town Board should direct the applicant to make all necessary revisions based on the comments laid out below. It should be noted that some of the comments in this memorandum were raised by the Town Board at either of two worksessions conducted on January 21, 2009, and February 3, 2009, at which time Town Board members presented specific requests with respect to information to be contained in the DEIS.

GENERAL COMMENTS

The resubmitted DEIS should use redlining to indicate additions and deletions in response to Town Board and consultant comments. Chapter (and Section for Chapter III) divider pages or tabs would be useful to assist the reader in navigating through the document. Figures should not be interspersed within the text of the chapters but grouped at the end of each chapter (or Section for Chapter III) to facilitate review of the text. Finally, the document should be carefully edited for appropriate grammar and any typographical errors or word choice. (We have prepared a separate list of typographic errors that we have identified).

Per the adopted scope, a CD containing project drawings in GIS compatible format shall be provided.

EXECUTIVE SUMMARY

1. The list of Interested and Involved Agencies should include the Dutchess Land Conservancy, the Oblong Conservancy, the Housatonic Valley Association, and the Town of Dover Zoning Board of Appeals.

2. A table, similar to Table II-1, should be included that would summarize the overall build program including proposed residential, commercial, and community facility uses. Information on the number of proposed Age-Restricted and Age-Targeted residential units should be included in this table.

3. The Executive Summary should provide a more robust text description of the Proposed Project, its phasing, and individual summaries of impact assessments that moves beyond the summary table (Table I-2). The text should be clear to differentiate between potential construction period impacts and operations period impacts (specifically with respect to traffic, air quality, and noise).

DESCRIPTION OF ACTION

1. The description of the Proposed Project should be enhanced with a series of tables summarizing the residential, commercial, community facility, and open space/amenity components of the Proposed Project and that the overall organization of the project description could be enhanced by discussing the residential, commercial, and community facilities after the description of the "Overall Configuration." Another table summarizing which of the existing buildings would be retained, for what use and how much of the use (e.g., dwelling units or square feet of commercial space) should be provided.

2. A figure should be provided that overlays the proposed conditions with existing built features on the site (the existing buildings and roads). This figure might have a key grid to assist in comparison between existing and proposed conditions on other figures within the document.

3. While the Town recognizes that specific design has not been conducted nor coordinated with Metro-North Railroad at this time, figures (more detailed plan and elevation) should be provided showing what a relocated train platform and station could look like. Given that a significant number of residential units will be located on both the east and west sides of the railroad tracks, the rationale for suggesting relocation of the railroad platform to the west side of the railroad tracks should be provided.

4. The discussion of phasing should be enhanced with a table summarizing the amount of residential (including the amount of workforce housing proposed), commercial, and community facilities by Phase 1 and Phase 2 and the percentage by phase. The figure depicting the phasing of the project should be replaced with Exhibit III.N-2 which provides greater detail and Table III-N.3 should be repeated in the project description. Anticipated construction milestones between sub-phases, if identifiable at this time, should be identified and described in the project description (e.g., construction on Phase IB will only start once…").

5. The project description should include a more complete description (supplemented with appropriate figures) of the Design Standards to be applied to this development. Images from the three-dimensional virtual tour might be appropriate to include (as would a CD containing that virtual tour, if possible).

6. Exhibit II-4 contains a variety of important information that needs to be clarified: What do the red dots signify; to which features should the Notes be attributed? A separate figure should be provided that overlays the proposed conditions with the environmentally sensitive areas identified in Figure II-4.

7. On Page II-5, 3rd paragraph: Clarify if the Sullivan Tower and H Buildings are being demolished.

8. A clear statement should be provided on the proposed disposition of Smith Hall and whether it would be provided in as-is condition or restored.

LAND USE AND COMMUNITY CHARACTER, ZONING AND PUBLIC POLICY

1. Section III.1.d provides a detailed summary of the Master Plan goals. However, it does not include the following site specific recommendations contained in the Town's Master Plan. These statements (or a

summary of the relevant statements) should also be identified in the DEIS. It is not necessary to identify specifically how the project would be consistent with each statement.

- "The desired use of the property is to address the needs of the elderly." (pg 9 – community survey responses)

- "The Dover Plains and Wingdale areas should be the focus for higher density units and housing for seniors and commuters to alleviate dependency on the automobile and reinforce the traditional center land use pattern." (pg 98)

- "The Town should encourage the traditional mixed land use pattern of apartments above commercial storefronts in the community center areas." (pg 99)

- "The Town should work with state officials and potential private developers to use the excess capacity in the Harlem Valley Psychiatric Center's water and sewer systems to encourage industrial, commercial and residential development in the Wingdale hamlet center area." (pg 100)

- "The Town should work with Metro-North Commuter Railroad to upgrade services on the Harlem Line, improve the aesthetics in the train station areas, and provide for all-day parking lots that do not conflict with short-term business parking needs." (pg 101)

- "Work with New York State to develop and implement a comprehensive strategy and plan for the disposition of the property. Considerations should include economic development, affordable housing, mix of uses, conservation and recreation uses. The Town should not allow this property to be sold off in an unplanned, piecemeal fashion." (pg 116)

- "With respect to the golf course, use state law provisions which allows the State to offer surplus lands to the municipality for one dollar upon their sale. Seek an organization, such as the Harlem Valley Golf Club, which would manage the club and allow it to remain open to the public." (pg 116)

- "Develop protection mechanism to insure that steep slopes, the reservoir and upland portions of the property are permanently protected from development." (pg116)

- "Work with Appalachian Trail Conference to establish an open space trail connection with Psychiatric Center Property and Boyce Park." (pg 116)

- "Seek to maintain current agricultural uses on farmed portions of property." (pg 117)

- "The Town should insist that the portion of the property that encompasses the Great Swamp be permanently protected." (pg 117)

- "From a land use perspective, the availability of much of the HVPC property for alternative uses is an opportunity to pull together the hamlet into a coherent whole. The institutional setting currently acts as a gap between the commercial concentrations to the north and south." (pg 123)

- "Returning a large percentage of the land to private use would also make a significant contribution to the tax base. The concentration of adaptable buildings and existing infrastructure, including water and sewer systems with excess capacities, combined with substantial tracts of adjacent developable lands and good highway and train connections to the larger metropolitan region, make Wingdale a perfect place to develop a pedestrian village atmosphere. The main purpose of any alternative use should be to secure jobs for local residents." (pg 123-124)

- "The plan recommends that the HVPC frontage along Route 22 from the Administration Building to across the railroad tracks be converted to the commercial core of the hamlet, centered around the traffic light and Train station. The Administration building with its formal setting would make an excellent public focal- point for a relocated post office, for example. The expansive lawn along the frontage could be filled with businesses organized around a common access drive and exit onto Wheeler Road. The Maintenance Building near the station offers over 110,000 square feet of space for a large food store or

retail outlet with room for expansion and parking to the rear. Even the power house could be adapted for some unique private purpose. The high quality of construction in the existing buildings would set the standard for new development in a tightly organized pedestrian commercial district to rival any in the area. Such a unique commercial center could be a regional attraction and a stopping point for weekend tourist business coming up Route 22 towards upstate New York and the Berkshires." (pg 124)

- "The large patient buildings surrounding the Administration Building could be converted with state housing assistance to a mixture of residential units serving seniors, commuters who could take advantage of the train station's easy access to White Plains, and New York City, and a certain percentage of affordable units for Dover residents. This strong residential presence in a concentrated area would create a pedestrian scale heart for Wingdale and would contribute to the viability of the adjacent commercial businesses." (pg 124)

- "The large structure on the hill (Sullivan Tower) seems particularly suitable for a nursing home or continued medical function, either public or private. Conversion of Sullivan Tower and adjacent buildings to alternative medical or institutional uses should be the highest priority as a way of providing immediate job opportunities for HVPC employees." (pg 124)

- "The property north of Wheeler Road off Hutchinson Avenue has been proposed for office and light industrial uses consistent with existing zoning." (pg 124)

- "A second area appropriate for light industrial uses is located to the north of the golf course adjacent to the sewage treatment plant. Taking advantage of the considerable excess capacity of both the existing central water and sewer systems at the HVPC is an essential factor in the development potential of the Wingdale hamlet center. The additional industrial acreage would provide a healthier mix of uses and provide local employment opportunities for residents." (pg 125)

- "The plan retains the golf course as a recreational amenity for the nearby properties and the entire Town. To the west of the course flanking Wheeler Road and extending overt to Pleasant Ridge Road (CR21), an area of hamlet density housing connected to the central utility systems is recommended. This location, surrounding the golf course and within walking distance of the train station and hamlet center would provide an attractive site for a mixture of closely spaced single family and attached housing. As part of the development package for the adjacent higher density residential uses, a protective easement is proposed for the farm complex at the western end of Wheeler Road. Hamlet density housing connected to central utilities is also contemplated along Hutchinson Avenue on the more moderate slopes north of the existing DFY facility. The combined areas designated for higher density residential uses in Wingdale could meet a major portion of the entire Town, housing needed for the next two decades, thereby reducing the pressure for suburban style sprawl in the outlying rural areas." (pg 125)

- "This long term plan for development of the HVPC property, which mixes substantial private investment with a proportion of continued institutional presence, needs to remain flexible as more detailed studies of alternative uses go forward." (pg 125)

- "The two commercial districts to the north and south of the HVPC incorporate most of the existing active businesses in the area, but the intention is to contain further linear expansion beyond the designated limits of the hamlet center." (pg 125)

- "To maximize the commercial exposure in the hamlet, traffic must be slowed to 30 miles per hour or less by transitional speed zones, entry signs, shorter setbacks, and close to the road plantings, as well as by police enforcement. Improved site planning, signs, shared access, and landscaping standards, similar to those mentioned in the Route 22 segment of the Dover Plains analysis, should also be incorporated into design guidelines for Wingdale's commercial districts." (pg 125)

2. Pages III.A-14, III.A-15, and Table III.A-3 incorrectly describe the maximum development potential of the Project Site with and without the zoning amendments that are included as part of the

proposed Project. The proposed zoning amendment included in Appendix XIII, indicates that the following sentence from §145-16.C of the Town Code would be removed:

"Total allowable development of the district or any portion thereof under review shall not exceed 50% more than would be otherwise permitted in the underlying districts, except that in the portion of the MC Overlay District which is zoned SR a density bonus of 100% shall be allowed."

The following section would be added to §145-16 as part of the proposed Project:

D. Limitations on development.

1. Overall Density of Development

(a) The maximum density of residential development shall not exceed 1.6 dwelling units per gross acre of land. The gross acres of land within the District shall be determined by calculating, without any qualifications or deductions, the total acreage within the District, including roads, parking and loading areas, land under buildings, waterbodies and other natural features.

(b) The maximum square footage of non-residential development shall not exceed a floor area ratio of 0.015, with the floor area ratio defined as the total square footage of all non-residential uses divided by the gross acres of land within the District, as defined in C.2(a.) above.

Therefore, the existing MC Overlay District density bonuses would no longer apply to any portion of the Project Site in the future with the proposed Project, and the maximum residential density of the entire site would be 1.6 dwelling unit per gross acre of land. Table III.A-3 and the preceding text should be revised to include a comparison of the development potential of the Project Site with and without the proposed zoning text amendments. The "Density w/MC Bonus" column of Table III.A-3 should be replaced with two columns: (1) Maximum Development Potential without the Proposed Amendments to the MC Overlay District, and (2) Maximum Development Potential with the Proposed Amendments to the MC Overlay District. In addition, both the text and table assumptions should clarify that it is the zoning text amendments that would preclude the MC Overlay District density bonus from applying to the Dykeman parcel and not the mapping of the MC Overlay District to the parcel. If the MC Overlay District was mapped to the Dykeman parcel as it is currently written, then the density bonus would apply.

3. All of the proposed zoning text amendments should be included within section III.A.2.b with ~~strike-though~~ indicating the deletions and <u>double-underlines</u> indicating the insertions. Each amendment should be specifically discussed and evaluated within the text.

4. Page III.A-15: The second paragraph should specify that the market studies are located in Appendix V.

5. Section III.A.2.c "Hamlet Design Guidelines" should clarify that the existing §145-16.D of the Town Code, which requires that any site plan application in the MC Overlay District apply the Dutchess County Hamlet Design Guidelines, Rural Development Guidelines, and Building Form Guidelines, would be removed as part of the proposed Project. An explanation of this text deletion should be provided.

VISUAL RESOURCES

1. The analysis of potential visual impacts should recognize that there may be different impacts in the years immediately following completion of the project when proposed street trees may not have grown to full size.

2. The photo inventory of existing uses in the study area should indicate current use to provide context.

3. As required by the adopted scope, a lighting plan and photo-simulations of night views during the leafless season shall be included in the DEIS.

GEOLOGY

1. The DEIS should include a figure showing the Proposed Project overlaid on areas of steep slopes and a table summarizing proposed disturbance to steep slopes by category (e.g., 15-25%, >25%). The discussion of potential impacts should define what a "small lift" is and provide more detail on protection measures for steep slopes.

2. The chapter should clarify where blasting might be required as well as a more complete description of the measures to be taken to prevent impacts to surrounding properties.

3. The DEIS should include a discussion of local code compliance with respect to excavation and blasting activities.

4. On page III.C-9, under "(1) Earthwork" the text describes approximately 1.05 million cubic yards of cut and 1.15 million cubic yards of fill, but then states that an "export" of "construction materials" is anticipated. This should be confirmed as the amount of fill required exceeds the amount of cut estimated.

NATURAL RESOURCES

1. Page. III.D-1: Consultants for the applicant conducted additional field work and analyses. The specific dates and person-hours onsite for these studies, and the nature and extent of the field work (wetland delineation, etc.), should be provided here.

2. Exhibits III.D-1 and III.D-2: The DEIS states that the habitat boundaries of these figures were refined by the applicant's consultants based on site inspection. The original habitat map prepared by Hudsonia (2005) should be included in the Appendix with Hudsonia's report. Also, the habitat symbols shown on Exhibits III.D-1 and III.D-2 are hard to read at the 11x17 scale – adding a more readable, large-scale insert of the habitat map is suggested to supplement these figures. The footnote of Exhibits III.D-1 and III.D-2, should make clear the source of the habitat map (whether Hudsonia, Evans Associates, or both). Lastly, please note that some of the habitat types identified by Hudsonia (ohb, clt) do not appear on these figures – this discrepancy should be explained/resolved.

3. Table III.D-1 should include a footnote listing the data source(s) of the plant species identified. The NYS status of each plant species should be included for all those that are currently listed as endangered, threatened, rare, or exploitably vulnerable.

4. Page. III.D-10: The data sources referred to for discussion of mammals and fish potentially occurring onsite should be listed. Similarly, at page III.D-13, provide full reference (footnote or endnote) for Van Holt 2006 fish survey. It is suggested that the entire fish surveying report(s) be included in the Appendix.

5. Table III.D-2 lists fish species potentially occurring on site. Including the Swamp River fish survey (Van Holt, et. al., 2006) would make clear whether this is a subset or all of those fish surveyed at the two offsite sampling locations.

6. Page. III.D-18: The threatened and endangered species section must include results of a database search request made to the NYSDEC Natural Heritage Program (NHP).

7. Table III.D-3 indicates that preferred habitat for the Timber Rattlesnake (*Crotalus horridus*) is not present onsite. This may be accurate. However, the Hudsonia report lists several habitats that exhibit talus or rock outcropping, including the "oak-heath barren" (ohb), the "crest ledge and talus" (clt), the "calcareous crest, ledge and talus" (cclt). Modify Table III.D-3 if necessary.

8. The Hudsonia report (February, 2005) should be included in full in the Appendix (several pages are missing from the pdf). This applies to the other reports included in the appendix if portions are missing. For example, the Klemens/Miller reports refer to specific marble knoll habitats (Marble Knoll #9 for example). If there is a map to which this refers, it is missing from the Klemens Report.

9. Page III.D-23: The discussion of potential impacts is brief. A table showing impact acreage/sf of all habitat types identified and mapped by Hudsonia/Evans Associates is suggested here. Such a table should specify what source was used to measure acreage of disturbance (for example, the "approximate limit of disturbance" line shown on large-scale plans). A figure overlaying the limit-of-disturbance line on the habitat map would graphically illustrate the habitat impacts of the project and would clarify which of the marble knolls (referred to at this page) would be disturbed.

10. Final Scoping Document, item D.2, indicates "where the environmental features continue beyond site boundaries into neighboring properties, indicate this graphically." It is appropriate to show an aerial photograph or similar to give context to the onsite habitats in the larger landscape of habitats in the region (showing adjacent forests, field, etc). It is also appropriate to show NYSDEC wetlands in their entirety (currently only the portion of these wetlands onsite is shown). An additional figure encompassing a larger area to show entire NYSDEC wetland boundaries (onsite and offsite) and labeling the NYSDEC wetland identification numbers is sufficient, and may be included in Chapter III.E: Water Resources and Wetlands.

11. Final Scoping Document, item D.3, the effects of "night lighting", "recreational activities", and "loss of marble knolls" are not specifically addressed in this chapter.

12. Final Scoping Document, item D.4, regarding HOA responsibilities, Swamp River access, and restoration/augmentation of wildlife corridors are not specifically addressed.

WATER RESOURCES AND WETLANDS

1. Exhibit III.E-2 is an informative figure and should remain. It would also be helpful to include another figure showing the proposed site plan with the wetland impacts in order to see which project components are causing each wetland or wetland buffer impact. Additionally, adding another column to Tables III.E-4 and III.E-5 which briefly explains the project component (building/facility/roadway) requiring each wetland impact would be helpful.

2. Page. III.E-3: The Town of Dover Code, §145-35 "Wetland and Watercourse Protection," contains several components that provide the Town with authority to protect wetlands and watercourses (see §145-35.C) regarding Town-imposed conditions and modifications. In addition, the Town has its own definition of the term "watercourse" that is independent of ACOE or NYSDEC, see Definitions §145-74. These sections of the Town Code should be referenced at this page.

3. Page. III.E-3: The section on onsite watercourses indicates that "four streams" are located on the site. However, the paragraph lists only Swamp River, Tributary five, and Tributary six. The locations of all onsite streams, and especially those classified by NYSDEC, should be labeled in a figure included in the DEIS. (See Scope of Work, item E.2).

4. Final Scoping Document, item E.2, requires a description of "inter-wetland connectivity, a description of the watershed, and discharge points of existing drainage." While flow direction and connections to adjacent wetlands are described individually in the wetland descriptions beginning at page III.E-11, a summary description of drainage and wetlands is important for the lay reader. A figure showing flow directions and wetland connectivity may be helpful here.

5. Final Scoping Document, item E.2.a, requires a description of existing salinity conditions. The proximity of wetlands to existing and proposed roadways has most influence on salinity. These are subjects best analyzed in the "impacts section".

6. Final Scoping Document, item E.2.c, description of existing flooding issues, if any. The DEIS has only touched on this and should provide more information on the condition of flooding upstream of the site, or state in the DEIS that there are no flooding issues. The project will have an impact on the flood elevation of the existing flood plain and the lower areas of the site. To the extent known, the existing conditions need to be established, including: what is the existing flood elevation; what flooding, if any occurs; where flooding occurs; and the frequency of flooding events. It should be noted that the 100-year

floodplain boundaries were recently changed by FEMA as reflected in a 2007 Letter of Map Revisions and Chapter 81 of Town Code.

7. Final Scoping Document, item E.2.e, regarding water budget and hydrologic information, has not been provided in this chapter.

8. Final Scoping Document, item E.3, indicates "identify how onsite drainage patterns will be altered" and effects of such changes to onsite wetlands. This should be discussed with reference to the Stormwater Management Plan and its components.

9. Final Scoping Document, item E.4, requires discussion of "alternate construction methods and equipment in sensitive areas" and "management techniques for golf course to minimize pesticide and chemical use and encourage water conservation." This should be included in this chapter.

COMMUNITY SERVICES

POLICE PROTECTION

1. This section should describe any changes to service levels in the future without the proposed project, pursuant to the adopted Scope. Furthermore, any additional specific information on potential increases to service demands should be confirmed with the Dutchess County Sherriff's Office and Troop K.

2. Section III.F.2.a contains a sentence stating, "(Owen – Troop K is headquartered in Salt Point)"; this appears to be a note that should be removed.

3. Section III.F.2.a should provide existing staffing levels and response times for the New York State Police Troop K station in Dover, if available.

4. Section III.F.2.c should describe components of the proposed security measures associated with the proposed project in greater detail. For example, would security guards be employed at the complex? Would there be 24/7 surveillance activities? Would homes be equipped with alarm systems?

FIRE PROTECTION

1. This section should describe any changes to service levels in the future without the proposed project, pursuant to the adopted Scope.

2. Section III.F.3.a should provide existing call volume experienced by the J.H. Ketcham Hose Company, pursuant to the adopted Scope.

3. Section III.F.3.b: Projected increases in population and call volumes should be consistent (i.e., 42 percent vs. 43 percent) since the document states these have a "roughly proportionate increase."

4. Section III.F.3.b should state the projected call volume with the proposed project, pursuant to the adopted Scope.

EMERGENCY SERVICES

1. Section III.F.4.a should provide greater detail regarding the Northern Dutchess Paramedics (NDP) local station in Dover Plains. How many staff members and emergency vehicles does this station employ? What is the response time to the project site?

2. Section III.F.4.a: Are the two ambulances operated by the fire department equipped for basic life support (BLS) or advanced life support (ALS)? Are both ambulances stored at one station, or is there one at each station?

3. Section III.F.4.a should provide greater detail regarding the future without the proposed project, as available. Do emergency services in the Town expect any hardships related to area growth, not including the proposed project?

4. Section III.F.4.a should describe the number of fire department volunteers that are certified paramedics or emergency medial technicians (EMTs).

5. Section III.F.4.b should specify anticipated costs that could potentially be incurred on emergency services as a result of the proposed project, if available.

PARKS, RECREATION AND LIBRARY

1. Section III.F.5.a should identify any critical environmental areas (CEAs) in the study area, pursuant to the adopted Scope.

2. Section III.F.5.a should discuss public access to the Swamp River from Wheeler Road Bridge, pursuant to the adopted Scope.

3. Section III.F.5.a, page III.F-6, last paragraph: The following incomplete sentence should be revised to clarify its meaning: "In general, this would not be anticipated to create a significant impact since."

4. Section III.F.5.a, page III.F-7: The DEIS states that the proposed project would increase recreation areas and open space in the Town. Recreation areas may increase, but the applicant should clarify whether the proposed project would actually increase open space in the Town because existing open space would be developed for new housing and commercial space.

5. Section III.F.5.a should clarify what amount of the 550 acres of additional open space will be publicly-accessible.

6. Section III.F.5.b should identify potential increased costs for the Dover Veterans Memorial Library as a result of the proposed project, pursuant to the adopted scope. How many additional patrons can be expected to use the library and how many additional staff and/or equipment (e.g. computers, etc.) would be needed to support increased demand of library services?

SCHOOLS

1. It appears that the School District provided the Applicant with information on school enrollment and capacity that was contained in a letter addressed to AKRF which was in response to an AKRF query to the School District regarding the potential impacts of the Town of Amenia Comprehensive Plan and Zoning Code amendments. This information is not up-to-date and does not represent specific coordination with the School District on this project.

2. Section III.F.6.b (page III.F-12) should clarify whether anticipated costs for additional bus routes are included in estimated costs to the School District of $3.7 million.

TOWN SERVICES

1. The DEIS should indicate that the Proposed Project may result in additional demands on Town services, specifically in the office of the building inspector, during the construction period. It should also be noted that additional Town services may be required on a contractual basis during construction to ensure the proper level of construction site monitoring.

ECONOMIC CONDITIONS

1. The chapter would benefit from reorganization to more clearly present the retail sales in the trade areas, the expenditure potential in the trade areas, and the unmet expenditure potential in the trade areas. For instance, Tables III.G-22 and III.G-23 present information on unmet retail expenditure potential in 2007 and 2019 before any discussion of total retail sales in the trade areas.

2. The analysis should be clear on whether or not the "other town center projects in La Grange and Union Vale" include retail and are in the primary trade area, as they are mentioned in the text but not listed in Table III.G-26.

3. The analysis should be clear on whether or not the expenditure potential of the proposed residential units is included in the estimates of new household expenditure potential. If the expenditure potential of the project's households is not included, it should be.

4. Final Scoping Document, item G.4.b: "Develop a profile of shoppers within the primary trade area." Household income levels should be added to the description of the "profile of shoppers" on page III.G-16.

5. Final Scoping Document, item G.4.c: "Develop a profile of the retail/entertainment sector within the trade area." There is a heading for this scope item in the chapter, but the discussion is focused only on the retail gap analysis results. This section would benefit from a broader discussion of the retail environment in the primary trade area, especially the lack of potentially competitive retail along Route 22.

6. Information contained in tables should be summarized by Phase 1 and Phase 2, where appropriate.

7. In Table III.G-2, the phrase "builder profit leaked" should be clarified.

8. On page III.G-2 clarify whether the $59,000 "annual compensation" is salary only or salary and fringe benefits. In general, be consistent with the use of "salary" and "compensation" if there is a difference; and, if not, use one or the other term, but not both.

9. A general description of how the IMPLAN model works should be provided. Indicate how the model accounts for older census data and whether model results can be broken down to a sub-county level and whether employment figures can be broken down to part-time and full-time numbers. Indicate which version of the IMPLAN model was used.

10. In Table III.G-6, cite specific the source of US Census data and specify "Other Dutchess" and "Other Non-Dutchess" in place of "Other."

11. Where possible, indicate the types and amount of labor required for Phase 1 and Phase 2.

12. The source of the retail sales estimate of $200 per square foot should be cited and, if possible, calibrated against available data from local comparable businesses.

13. In Table III.G-14, clarify the term "Conversions."

14. The last sentence of p. III.G-10 (beginning "Of this amount,…") should be more specific as to tax revenues to the Town and tax revenues to the school district.

15. It should be noted that the Town of Dover Library budget is set currently at $225,000 by the Library Board through a referendum vote. Thus, no additional revenue would be allocated to the library from project-generated revenues.

16. Property tax revenues should account for Enhanced STAR enrollment by age-restricted units.

17. Table III.G-16 should be updated to reflect recently amended permit fees.

18. On page III.G-22, there is a reference to Table III.G-25, but it is not clear if this is the right reference.

19. Clarify whether project commercial components are provided in Gross Leasable Area or Gross Area.

20. Can employment for the centers identified in Table III.G-17 be provided?

21. While not "major shopping malls", the shopping centers on Route 22 and Route 312 in the Town of Southeast should be identified as within a broader trade area. Note that references to the Home Depot in Brewster should be corrected to Southeast, NY and that Linens 'n Things is now closed.

CULTURAL RESOURCES

ARCHAEOLOGY

1. Due to the involvement of the United States Army Corps of Engineers for anticipated wetland permits, it should be noted that review of potential impacts to archaeological and architectural resources and consultation with the State Historic Preservation Officer (SHPO) will be processed under Section 106 of the National Historic Preservation Act.

2. Were the Phase 1A Report, Testing Plan, and Phase 1B Report submitted to OPRHP? This should be noted in the chapter, and any OPRHP correspondence should be included in an appendix. The Phase 1B should note whether the Phase 1A was ever submitted to OPRHP, and if so, whether OPRHP concurred with its findings. The Phase 1B should also note if a Testing Plan was submitted to OPRHP.

3. It is noted (page III.H-3 and page III.H-5) that the Phase 1A recommends a two-phase testing program including both shovel testing and "systematic surface collection after plowing," or other "mechanized methods." This correctly reflects the Phase 1A. However, it appears that plowing or other mechanized testing was never completed. The reason for this discrepancy does not appear to be explained in the chapter or in the Phase 1B, and should be explained in both.

4. Page III.H-2: 2nd paragraph should be stricken, as it is irrelevant to the discussion of Native American Period Sensitivity.

5. Page III.H-3, 2nd to last paragraph, 5th line: "They were typically constructed on domestic sites…" It is unclear to what "they" refers to. Based on text it appears to refer to "rubbish deposits," but it should more specifically be referring to privies, cisterns, and wells.

6. Pages III.H-7 and III.H-8: The results of the Phase 1B study are provided in the "Potential Impacts" section, but would be more appropriately placed in the "Existing Conditions" section. (Everything in Section 2a, up to III.H-8, middle of the 3rd paragraph: "Based upon the results of the field testing…" can be moved to "Existing Conditions").

HISTORIC RESOURCES

1. The mitigation chapter notes that no mitigation for historic (architectural) resources is required. This conflicts with the conclusions of the cultural resources chapter and with the initial indication from SHPO that demolition of structures will be an adverse impact requiring mitigation.

2. The construction chapter should note how the historic buildings that are being retained would be protected against physical impacts (like vibration) during demolition of other buildings within 90 feet.

3. The Final Scoping Document states that the cultural resources chapter will identify historic resources on adjacent properties as well as on the project site. The chapter only appears to identify resources on the project site. If there are no historic resources on adjacent properties, this should be noted.

4. The scope notes that "existing stone walls shall be identified and discussed with respect to their historic nature." There is only a passing reference to a wall around the original family cemetery, and that was in the archaeology section of the chapter, not the historic resources section.

5. Exhibit III.H-10 should provide a legend to indicate the status of the buildings shown in black and should provide clearer building numbers to aid in comprehension of the analysis. In addition, a table identifying all of the existing buildings by building number, building name, prior use, historic status (contributing/non-contributing; eligible/not eligible), and proposed disposition (retained; demolished) should be provided.

6. The bulleted list beginning on page III.H-4 should indicate the lettering used on Exhibit III.H-1 for each area of sensitivity.

STORMWATER MANAGEMENT

1. Final Scoping Document, item I.3, "Describe any impacts to adjacent wetlands and waterbodies including the great swamp and underlying aquifers…" With regards to this section, the following items have not been sufficiently addressed:

- The DEIS should indicate the elevation of the current flood plain, identify any existing issues, and should demonstrate how the proposed Project will affect the existing conditions. The stormwater report does address pre–post, but does not address volume issues such as the elevation of the flood plain, or if it affects any upstream properties.

- The report does not address the use of de-icing materials or fertilizers and pesticides in any detail as to how much will be used and how much removal can be expected from the stormwater treatment devices.
- The report states that the water quality will be in compliance with the state laws but does not provide an analysis of pre- versus post-construction phosphorus, biological oxygen demand, TSS and total nitrogen levels and how much will be removed from the BMP proposed.
- LID is discussed very generally but no specific use is proposed or designed such as recommended in the scope. Specific locations for porous pavement should be provided and evaluated in the study.
- An exhibit showing the location of each of the proposed stormwater BMPs should be provided.
- Figure III.I-4 needs to be updated with the 2007 FEMA floodplain delineation.

TRAFFIC AND TRANSPORTATION

GENERAL COMMENTS

1. A copy of the latest Site Plan should be provided in the TIS for information purposes. Additionally, an aerial figure displaying the site location and adjacent roadway network should also be presented.

2. The Table of Contents provides a summary of each section presented in the TIS. Dividers should be provided in the TIS appendix distinguishing each appendix.

3. An inventory of all study area intersections (i.e. parking signs, turning restriction signs, lane widths, etc.) should be included in the TIS to ensure proper values were utilized in the HCS Analysis.

4. Section B (Project Description and Location) describes the overall development proposal. A breakdown of the noted "1,376 residential units" should be provided (e.g. number of single-family homes, number of apartment units, etc.), matching the number of units displayed in the residential trip generation tables located in the appendix.

5. Section K (Traffic Impact Analysis) states that Table No. 3 summarizes the results of the analysis for the Existing, No Build, and Build traffic volumes. Table No. 3 also provides results of the Build condition with other development traffic analysis. Section K text should be revised accordingly.

6. The NYS Route 55 and Hutchinson Avenue intersection is described as a three (3) leg intersection that is STOP controlled at the westbound Hutchinson Avenue approach. Based on aerial photography, it appears that an eastbound approach is present. The physical inventory of the intersection should be verified.

7. The title for Section L (Driveway Analysis) shown in the Table of Contents does not match the title for Section L (Driveway Evaluation) displayed on page 35. The text should be modified accordingly to maintain consistency within the report.

8. Section M (Accident Data) should provide the three-year period in which accident data were obtained from NYSDOT. Additionally, Appendix "E" is cited to provide a copy of the NYSDOT Accident Summary Tables and Accident Reports, though Appendix "E" is not provided in the TIS. The contents of the various appendices should be verified to supplement TIS text properly.

9. Section M (Accident Data) states that The Knolls at Dover project is not expected to change the accident rate on the adjacent area roadways. The TIS should clarify how this assumption was determined.

10. Section N (Summary and Conclusion) states that, as indicated in the analysis, widening of NYS Route 22 to a multi-lane roadway is not necessary in the project area. This reference was not present in the report; the TIS should be revised accordingly to include this assumption, and how it was determined.

11. Section N (Summary and Conclusion) cites that NYSDOT is currently preparing a study for the need of a multi-lane roadway north of I-84, south of the project area. The TIS should be revised to include a section describing this particular roadway improvement as well as any other additional roadway

modifications proposed/approved in the adjacent study area. The section should also discuss the effect (if any) the road widening would have on the overall operations of the study network.

12. The mathematical computations shown in Tables No. 1 and No. 2 should be verified and the analysis should be revised accordingly.

13. The LOS tables provide the overall intersection LOS for each intersection that the TIS recommends to monitor for signalization. The LOS tables should be revised to include the LOS results for each movement where signalization is proposed.

14. The Wheeler Road and Site Access "A" LOS results, as shown in Table No. 4, do not correspond to the HCS printouts and should be revised accordingly.

15. The existing railroad in the study area should be labeled in the appended Figures.

16. The appended Figures 8A through 22B should be modified to include directional arrows for the turning movements at each site access, providing origin/destination clarification.

INFORMATION MISSING FROM REQUIRED SCOPE

17. Section K (Traffic Impact Analysis) provides a description of the physical conditions for each study intersection. As noted in the Final Scoping Document, the TIS should describe the physical conditions of the street network in the project study area. The TIS should be revised accordingly.

18. Section E (Year 2020 No-Build Traffic Volumes) notes that an alternate Build Condition was evaluated. As described in section J-3 of the Final Scoping Document (Traffic and Transportation – Future without the Proposed Project) the future traffic volumes shall be estimated by adding a background growth factor to the existing traffic volumes as well as incremental increases in traffic from identified No Build projects. A brief summary should be given explaining why an alternate Build condition was generated and/or the study should be revised to meet the Final Scoping Document specifications.

19. The TIS should provide a summary of parking, internal circulation, pedestrian, bike, and public transportation conditions. The parking analysis should discuss the adequacy of the parking supply in relation to municipal standards and Institute of Transportation Engineers (ITE) recommendations.

EXISTING CONDITIONS ANALYSIS

20. Section D (Year 2008 Existing Traffic Volumes) states that manual turning-movement counts, machine counts and New York State Department of Transportation (NYSDOT) traffic data were utilized to determine the Year 2008 Existing Traffic Volumes for the respective study peak periods. The manual traffic counts, machine count information, and referenced NYSDOT traffic data should be included in the TIS to support these calculations.

21. Section D (Year 2008 Existing Traffic Volumes) states that manual turning movement counts were conducted in June 2008 when school was in session. The exact dates in June 2008 should be provided.

22. The TIS should provide a brief explanation stating whether the existing traffic volumes, shown on Figures No. 2A through No. 4B, were balanced, and if not, what methodology was used to determine the volumes at each intersection.

23. The TIS notes the calculated peak hours are based on the referenced count data in Section D (Year 2008 Existing Traffic Volumes). A summary should be provided discussing if the noted peak hours are consistent with the machine counts and/or NYSDOT traffic data.

FUTURE CONDITIONS ANALYSIS

24. All proposed No Build signal and roadway improvements should be clearly identified in the study as well as the party responsible for implementation of these improvements.

25. Additional figures should be included in the report to display the arrival and departure distributions, as described in Section G (Arrival and Departure Distributions). Additionally, the "pass-by"

arrival/departure travel patterns for the proposed development should be displayed on supplementary figures.

26. Section E (Year 2020 No-Build Traffic Volumes) states that based on recent data, the background data in the area is little to none. A specific source should be provided to support this assumption. Additionally, justification should be provided for the use of a ½ percent per year growth factor.

27. Additional tables and figures should be provided displaying the trip generation for the noted No Build projects. The TIS should describe whether the calculated trips were determined using ITE trip generation rates or information presented in their corresponding traffic reports, which also should be referenced in the report.

28. Additional figures should be appended in the TIS displaying the office and retail site generated volumes separately.

29. Section J (Description of Analysis) in the TIS states that a capacity analysis was performed in accordance with the procedures described in the 2000 Highway Capacity Manual. The particular program in which the capacity analysis was computed should also be cited (e.g. Highway Capacity Software, Synchro, etc.).

30. The TIS states that under the Build and Build with other development traffic scenarios for the NYS Route 22/55 and Kitchen Corners Road (North Leg) intersection, all movements to the intersection are projected to operate at LOS A during each of the peak hours. This information does not correspond to the HCS and LOS tables and should be modified/verified.

31. The hourly trip generation rate for the retail space during the weekday evening peak hour in Table No. 1 and No. 2 should be corrected.

32. The TIS should provide justification regarding whether utilizing average ITE trip generation rates or ITE fitted equations is appropriate to calculate the trip generation for each use.

33. It is noted that in Table No. 1 and No. 2, the trip generation rates for the proposed age-restricted residential units were calculated using a fifty percent (50%) reduction of the typical residential rates. As this method is noted to be conservative when compared to ITE trip generation rates, an explanation should be provided as to why this method was utilized.

34. The signal timing for the Existing and No Build NYS Route 22 & Pleasant Ridge Road (C.R. 21) intersection analysis differs from the signal timing utilized in the Build and Build with other development traffic analysis. The TIS should provide the source for the additional signal timings.

35. The sources for the ten percent (10%) mass transit credit and twenty-five (25%) pass-by credit should be provided.

36. The generation of truck traffic should be discussed in the study and the effects the heavy vehicles would have on the adjacent roadway network and on-site circulation. Truck turning templates should be provided, if available.

37. Sight distance requirements should be examined at each project site driveway and the study should state if sufficient sight distance is available.

38. All project related impacts should be clearly identified in the study (both in the text and tables). Improvement measures should not be included in the Build conditions analysis. The impacts and mitigation measures should be provided separately from the Build condition. Note, an examination of the HCS analysis reveals that approximately nine (9) intersections appear to experience an impact due to the proposed project:

a. NYS Route 22 & Rural Avenue (South Leg)

b. NYS Route 22 & NYS Route 55

c. NYS Route 22 7 Pleasant Ridge Road (C.R. 21)

d. NYS Route 22/55 & Wheeler Road

e. NYS Route 22/55 & Furlong Road

f. NYS Route 22/55 & Hurds Corner Road/ Old Pawling Road/ Kitchen Corners Road (South Leg)

g. NYS Route 22/55 & North Quaker Hill Road (C.R. 68)

h. NYS Route 22/55 & Site Access "G"

i. NYS Route 22/55 & Site Access "H"

HIGHWAY CAPACITY SOFTWARE (HCS) COMMENTS

39. The HCS printouts display a single peak hour factor for each study intersection. The analysis should be modified to display a peak hour factor for each individual approach, corresponding to the factors calculated from the field data.

40. The HCS printouts labeled SAT3BD and 3SATBD, for the NYS Route 22 & Pleasant Ridge Road (C.R. 21) intersection, display a 2008 Build analysis year. It is assumed these sheets correspond to the 2020 Build and Build with other developments analysis and should be reviewed/corrected.

41. The HCS printouts labeled AM4NB and PM4NB, for the NYS Route 22 and NYS Route 55 intersection analysis, are missing the North/South street designations. The HCS sheets should be modified accordingly.

42. The HCS printouts for the NYS Route 22/55 and Furlong Road intersection analysis display a ten percent (10%) heavy vehicle percentage for the Existing and No Build conditions. The Build HCS printouts display a five percent (5%) heavy vehicle percentage for the westbound left-turn movement. The HCS should be revised accordingly or text should be provided explaining why separate values were utilized.

43. The Hutchinson Avenue and Johnson Hill Road HCS analysis utilizes a negative five (-5%) percent grade at the westbound approach. The TIS should cite the source of this value.

44. The HCS analysis for the NYS Route 22/55 Kitchen Corners Road (North Leg) intersection does not output a LOS/delay for the minor eastbound approach. It is understood that as the eastbound approach did not have any traffic activity, a LOS would not be calculated. In order to maintain a conservative analysis, a volume of no less than one (1) vehicle should be provide to calculate a LOS and delay.

45. It is noted a five percent (5%) heavy vehicle percentage was utilized in the analysis of the site driveways, with the exception of the Pleasant Ridge Road and Site Access "E" intersection. The HCS printouts display a ten percent (10%) heavy vehicle percentage for the Pleasant Ridge Road and Site Access "E" analysis. The HCS analysis should be revised accordingly or a brief explanation should be provided as to why ten percent (10%) was utilized.

TECHNICAL APPENDIX COMMENTS

46. The original traffic counts (manual and ATR) should be included in the Appendix, to provide a foundation for the heavy vehicle calculations utilized in the Highway Capacity Software (HCS) analysis.

47. Appendix "D" is labeled "Weekday Capacity Analysis" in the TIS. Appendix "D" contains the capacity analysis for the weekday and Saturday peak periods. Appendix "D" should be renamed accordingly to maintain consistency within the report.

48. Appendix "C" (Levels of Service Standards) only contains the Level of Service (LOS) tables referenced in the report. A brief explanation of the LOS standards should be provided in the appendix.

49. The TIS states in Section E (Year 2020 No-Build Traffic Volumes) that additional information concerning Levels of Service can be found in Appendix "C" of the study. This particular appendix is not labeled and the reference should be corrected.

PROPOSED IMPROVEMENTS COMMENTS

50. The TIS should provide a summary of any discussions held with local and/or state officials regarding the proposed signalization at the noted locations.

51. All physical improvements associated with mitigation measures (including traffic calming measures) proposed in the report should be illustrated graphically and included in the TIS for review. In addition, a summary should be provided analyzing the impact of the additional traffic signals on the adjacent roadway network and if traffic signal coordination will be necessary to permit proper progression of vehicles throughout the study area.

52. Under the Build and Build with other development traffic scenarios for the NYS Route 22/55 and Wheeler Road intersection, the TIS states the Applicant proposes separate left-turn and right-turn lanes along the northbound and southbound approaches and separate left-turn bays at the eastbound and westbound approaches to improve the overall operation of the intersection. The TIS should describe how this intersection reconfiguration would affect the adjacent railroad crossing operation and if additional land would need to be acquired.

53. The LOS tables provide the overall intersection LOS for each intersection that the TIS recommends to monitor for signalization. The LOS tables should be revised to include the LOS results for each movement where signalization is proposed.

AIR QUALITY

The description of greenhouse gas (GHG) emissions and impacts associated with climate change should be provided in a separate section entitled "Greenhouse Gas and Climate Change." The analysis of air quality should be focused on potential air quality impacts from mobile source and stationary source emissions as presented in sections 1 through 4c of the Air Quality chapter.

GHG ANALYSIS (AKA CARBON FOOTPRINT) AND ENERGY

1. The "Carbon Footprint" section and Appendix IX-b do not disclose the assumptions and factors used to calculate greenhouse gas emissions. Although the Appendix does include a printout of the input process of a model, these do not seem to correlate to the results presented and the assumptions and factors are not included. This information should be outlined in greater detail in the appendix, and a general description should be included in the chapter.

2. Since the adoption of the Scope, NYSDEC has published preliminary draft guidance for assessing the GHG emissions of its projects under SEQRA. Although still preliminary and aimed at NYSDEC projects, it is nonetheless the only official draft guidance for such analysis in New York. The DEIS should incorporate the concepts included in the NYSDEC guidance.

3. More discussion of the results and how they compare for the different scenarios would be helpful. As described below, the assumptions, factors, and components included in the analysis are not completely documented so it is not possible to examine the details, but only a 4% reduction for TOD seems small, and the single-family home scenario results in considerable added emissions.

III.K.(D). AIR QUALITY CHAPTER, "CARBON FOOTPRINT"

1. The chapter discusses both CO2 emissions and a concept of 'carbon footprint' expressed as the land area needed to sequester the carbon emitted. The first concept, greenhouse gas emissions (or sequestration), is required for disclosure, and would normally be expressed as CO2e (carbon dioxide equivalent). Presumably this is what was used here, but there is no explanation of that concept. The second concept, 'carbon footprint', is not strictly necessary, is somewhat confusing, and is a very inexact

measure as it would depend heavily on the assumptions made (e.g., how many years, what type of vegetation, what soils are included, and much more). Therefore, we suggest removing it from the chapter. It can be left in the Appendix as additional information, or removed entirely.

2. On page III.K-4, the components included in the GHG analysis are listed. Since the focus is generally on components which the 'action' can influence, inclusion of the production energy associated with 'Production' (goods consumed, e.g., food, furniture, goods sold by commercial uses) would generally not be included. This component can be included, but the results for each category should be presented separately so as to enable a meaningful comparison.

3. Although the preliminary draft guidance from NYSDEC requires a qualitative discussion of construction, and quantitative if significant, it has been our experience that GHG emissions associated with construction and construction materials is generally significant, and is relevant for comparing scenarios. A *preliminary* estimate can be prepared based on energy per square footage and estimates of the quantities of cement and steel to be used for construction. Steel and cement are called out explicitly because in addition to the energy intensive production of these materials, there are also significant fugitive GHG emissions associated with their production which can be estimated based on EPA's Inventory of U.S. Greenhouse Gas Emissions and Sinks.

4. Basic data and assumptions used for the calculation of all scenarios should be delineated and sources cited in the chapter (e.g., VMT, electricity consumption rates, fuel consumption, emission rates for each component). It is not clear what the relevance of the past scenario for Harlem Valley Psychiatric Center is.

5. Presenting result tables in the chapter would make for easier comprehension. Currently there is reference to a table, presumably in the appendix.

APPENDIX IX.B: CARBON EMISSION AND FOOTPRINT ANALYSIS

1. This section is very unclear and could benefit from extensive editing of both text and modeling information. Modeling data and assumptions should be described in detail, and modeling results should be tabulated clearly. The inputs and assumptions seem to only appear in screen dumps from a model. The program printouts are not self-explanatory and should be replaced with clearly marked tables and accompanied by text.

2. Some results in the program printout (e.g., lb/unit) do not seem to match inputs outlined in the results in Tables 1 and 2.

NOISE

GENERAL COMMENTS

The adopted scope contained two references to potential noise impact criteria methodology: the New York State Department of Transportation Environmental Procedures Manual and the New York State Department of Environmental Conservation guidance document. We realize that these two methodologies include different thresholds for determining impacts and suggest that the DEC methodology (and impact thresholds as described below) be used.

In 2000, the New York State Department of Environmental Conservation (DEC) published a guidance document titled Assessing and Mitigating Noise Impacts (October 6, 2000). This document states that increases from 0-3 dBA should have no appreciable effect on receptors, increases of 3-6 dBA may have the potential for adverse impact only in cases where the most sensitive of receptors are present, increases of more than 6 dBA may require a closer analysis of impact potential depending on existing noise levels and the character of surrounding land use and receptors, and increases of 10 dBA or more deserve consideration of avoidance and mitigation measures in most cases. It goes on to say that in terms of threshold values, the addition of any noise source, in a non-industrial setting, should not raise the ambient noise level above a maximum of 65 dBA, and ambient noise levels in industrial or commercial areas may

exceed 65 dBA with a high end of approximately 79 dBA. Projects which exceed these guidance levels should explore the feasibility of implementing mitigation.

Absent any local regulations, the DEC criteria summarized above represents a reasonable criteria for project evaluation. It provides a reasonable basis for determining what constitutes a significant increase in noise levels, and then for concluding that though there may be a significant increase in noise levels, because the magnitude of the resulting noise level is low, the total noise level is acceptable. No mitigation is therefore required, and the project would not result in a significant adverse impact.

SPECIFIC COMMENTS

The acoustical work contained in the DEIS is incomplete and does not satisfy the scope requirements. The following scope requirements must be satisfied:

1. Determine what noise descriptor will be used for the analysis.

2. Determine existing conditions. Select receptor locations and explain why the specific receptor sites were picked. Measure existing noise levels and provide information about the measurement program (i.e., was the instrument calibrated before the measurements were made). The measurements should be made during the hours when the maximum project impacts would be expected. This would probably during the weekday AM and PM peak hours, and possibly during the weekday midday and Saturday midday. Measured values should be provided in terms of the analysis descriptor, Leq(1).

3. Impact criteria and analysis methodology should be provided and explained.

4. Build conditions should show predicted future noise levels with the proposed development and the increase in noise levels (i.e., Build versus either existing or no build values). This should be provided both for the total build condition and for during construction at nearby receptor locations.

5. Impacts should be determined by comparing the result obtained in step (4) with the impact criteria described in step (3).

6. Mitigation measures should be described.

HAZARDOUS MATERIALS

EXISTING CONDITIONS

1. This section should include a summary of historical or current uses/activities that are associated with the existing conditions.

2. As stated in Section M.1.c of the Final Scoping Document, the DEIS shall include a site map showing the locations of all recognized environmental conditions (RECs) and known areas of environmental concern (AOCs) identified in the Phase I Environmental Site Assessment (ESA). The map should also show the location of RECs and AOCs relative to development areas to determine potential for impacts.

3. *Land Fills/Ash* – Paragraph #1 states: "The investigation of the ash fill area identified the presence of impacted groundwater." As indicated by paragraph #4 in this section, the investigation of HVPC Dump #2 also identified the presence of contaminated groundwater.

4. *Land Fills/Ash* – Paragraphs describing each landfill/dump area should have a header or specific language to clearly define landfill area being described.

THE FUTURE WITHOUT THE PROPOSED PROJECT

1. The Applicant, as the site owner, would be required by DEC to close spills and properly close listed and unlisted storage tanks in accordance with all applicable federal, state and local requirements.

POTENTIAL IMPACTS

1. Section III.M-9 - *Land Fills/Ash* – Paragraphs describing the potential impacts and associated development plans for each landfill/dump area should have a header or specific language to clearly define landfill area being described.

2. Section III.M-9 - *Land Fills/Ash* – Paragraph indicates no remediation or post-remedial monitoring information was provided for review, and residual quantities of fill, ash, and impacted groundwater may remain. The potential for methane should be included as a potential impact.

3. Section III.M-9 - *Land Fills/Ash* – Paragraph #1 states: "… any fill materials excavated from this area during the proposed development activities would be adequately characterized." Paragraph #2 states: "If contamination is present, the soil would be dealt with as part of a Soil Management Work Plan (SMP) and Health and Safety Plan (HASP)." It is unclear if "contamination" is referring to an observed spill, or to the fill (ash) material. Fill material, whether it contains ash or not, is a regulated material in the State of New York. In the absence of any investigation or monitoring data, the SMP should include procedures to ensure proper testing, handling, and disposal requirements for any fill material, ash, and/or contamination that is encountered during development. The SMP should include a contingency plan to address any petroleum contamination (spill reporting, delineation, remediation, etc.) documented during development.

4. Section III.M-9 - *Land Fills/Ash* – Paragraph #2 (b) indicates excavations will be backfilled with clean fill material. Any imported clean fill should contain documentation or be tested to confirm that it meets NYSDEC Part 375 Soil Cleanup Objectives (SCOs) for residential use.

5. Section III.M-9 - *Land Fills/Ash* - Paragraph #4: Clarify if this paragraph is describing the HVPC Landfill #2.

6. Section III.M-9 - *Land Fills/Ash* - Paragraph #4 states: "…the NYSDEC may require that the dump be closed in accordance with 6NYCRR Part 360 regulations." This should be a site-wide comment for all four landfill areas. In addition to landfill closure, investigation and/or remediation may be required for each landfill area in accordance with NYSDEC Part 375.

7. Section III.M-10 - *Infrastructure* – As requested by M.3.b of the Final Scoping Document, describe how construction and demolition (C&D) debris will be disposed of, and, specifically, how the existing HVPC tunnels will be back-filled.

8. Section III.M-11&12 – *Pesticides/Organic Compounds* – Paragraph #1 indicates that based on the future use of the property as residential or related purposes, a soil investigation program would be conducted to determine the presence of pesticides. Paragraph #2 indicates investigation is not currently warranted unless future use of the property is changed, specifically to residential. Clarify the future use and investigation plan with respect to pesticide contamination.

CONSTRUCTION

More detail should be provided on the construction sequencing and details of construction processes to allow for a more complete impact assessment of the construction period. Information presented in Table III.N-3 is useful and should be described more fully in text. Given the extensive amount of demolition required for this project, a more specific analysis of potential noise and vibration, dust, and should be provided.

Quantification of construction-period traffic should be provided and an assessment of whether construction traffic for Phase 2 would exceed estimates for operations (e.g., resident vehicle trips) of Phase 2 as analyzed in the traffic chapter. If interim traffic mitigation measures would be required during the combined operations of Phase 1 and construction of Phase 2, those measures should be identified.

More specific discussion of the types of mitigation measures to be employed should be included.

INFRASTRUCTURE AND ENERGY

WATER SUPPLY

1. The evaluation of the anticipated aquifer withdrawal and 72 hour pump test were not provided in the DEIS. Language beginning on the bottom of page III.O-7 should be replaced with actual test results.

2. Mitigating measure should be expanded to actual practices and in what phase or section they will be implemented so that the impact can be quantified in the DEIS.

3. The applicant should clarify whether it is intended to pump water from the Swamp River for water supply.

PROJECT PHASING

1. Similar to our comments regarding the Description of the Proposed Project, information contained in the description of construction phasing should be replicated in the phasing chapter to clearly describe the proposed phasing of the project. Anticipated unit counts and square footage of commercial space should be provided for Phase 1 and Phase 2 in tabular format.

ALTERNATIVES

1. The alternatives chapter requires additional detail and analysis. Each alternative should include a concept site plan and quantitative measures of comparison (e.g. acres of impervious surface, acres of wetland disturbance, etc).

2. The calculations for the maximum development allowable under Alternative C should be further clarified. The projected number of age-restricted units for this alternative appears inaccurate.

3. The source of the following statement should be provided: “In 2006, the Harlem Valley Golf Association polled it members, and the majority preferred that the course remain a nine-hole course.”

MITIGATION MEASURES

Mitigation is required under SEQRA wherever a significant adverse impact is anticipated as a result of the Proposed Project. Elements of the project design (such as landscaped buffers, a stormwater pollution prevention plan, and open space) should not be identified as mitigation, but should be clearly described in the impacts analysis portion of the document as a project component that avoids or minimizes impacts. Only significant adverse impacts and the proposed mitigation should be included in the mitigation section of each analysis and then summarized in this chapter.

UNAVOIDABLE ADVERSE IMPACTS

We have no comments on this section at this time.

IRREVERSIBLE IRRETRIEVABLE COMMITMENT OF RESOURCES

We have no comments on this section at this time.

GROWTH INDUCING AND CUMULATIVE IMPACTS

We have no comments on this section at this time.

ENERGY CONSUMPTION AND CONSERVATION

1. More specific information on the anticipated amount of energy to be used by the project and amount of solid waste to be generated by the project should be included in this chapter. The discussion of LEED components is more relevant to the project description; but those elements that will reduce energy consumption should be identified in this chapter and the potential energy savings should be estimated. An assessment of whether sufficient capacity exists within power lines serving the project site should be provided.