



**Environmental and Planning Consultants**

34 South Broadway  
Suite 314  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

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**To:** Town of Dover Town Board  
**From:** Graham L. Trelstad, AICP  
**Date:** April 29, 2009  
**Re:** Knolls of Dover DEIS Completeness Review

A handwritten signature in black ink, appearing to read 'Graham Trelstad'.

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AKRF has reviewed the revised Draft Environmental Impact Statement (DEIS) submitted by Dover Knolls Development Company II, LLC, the applicant for the Knolls of Dover project, on March 31, 2009 and revised chapters submitted April 23 and April 24, 2009. The full document was re-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, and in response to the Town Board and AKRF's comments as presented in our memorandum dated February 13, 2009. The Town Board reviewed this revised document for completeness during its worksession meeting on April 15, 2009. AKRF prepared a draft memorandum dated April 17, 2009, which summarized the Board's comments and further reviewed the document for completeness. Following receipt of the Town Board's comments and the draft memorandum, the Applicant submitted a series of revised chapters which AKRF has reviewed and provided comments on. The following memorandum identifies how all of the completeness comments have been addressed.

We have formatted this review memorandum to follow the original format of our February 13, 2009, memorandum to allow for direct comparison of our previous comments with the revised DEIS. Text following this section in normal type is from our original letter; text in **bold** type is our current review. Where we indicate that a "comment has been addressed satisfactorily," we are not necessarily indicating that the Town concurs with all of the analyses; we are simply indicating that the matter has been addressed with enough detail to allow for public review of the document. We may revisit certain comments that we say here are addressed satisfactorily as part of our substantive review of the DEIS. We have also provided responses to the "New Comments" identified in the draft April 17, 2009 memorandum. Responses to these "New Comments" are provided in **bold italics**.

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.

In summary, we feel that the resubmitted document adequately addresses the issues raised in our February 13, 2009, letter and subsequent April 17, 2009 draft memorandum and suggest that the Town Board issue a Notice of Completeness and schedule a public hearing for the DEIS. SEQRA requires that a notice of public hearing be published at least 14 calendar days in advance of the public hearing and that the public hearing commence no less than 15 calendar days or no more than 60 calendar days after the Town Board determines the document complete.

### GENERAL COMMENTS

1. 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).

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

### 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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been satisfactorily addressed with the addition of a table (including the number of age-targeted units) and a paragraph describing the age-targeted units.**

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).

**This comment has been addressed satisfactorily.**

### 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.

**This comment has been addressed satisfactorily. Table II-3 should be clarified to indicate which proposed community facilities are proposed to be accessible to the general public. Table II-6 should be brought forward closer to the text on workforce housing on page II-15.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily. Relevant information from page II-17 should be brought forward to the lead paragraph under “Overall Configuration” on page II-8.**

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...”).

**This comment has been addressed satisfactorily.**

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).

**A more complete description of the Design Standards including figures has been provided. Exhibits III.B-13 through III.B-16A would be more relevant to the discussion of the project description. Either a reference should be provided to those figures in the project description text, or those figures should be brought forward to this chapter.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

#### **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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

## 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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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.

**These photo-simulations have not been provided. However, we feel that this issue should not cause the Town Board to delay issuing a Notice of Completeness. Additional information on the lighting plan and potential night views can be developed as the SEQRA process continues.**

## 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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily. However, the Town will be looking for additional details on how surrounding properties will be protected from any blasting.**

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

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily. Further clarification of the amount of cut and fill and how it will be processed has been provided. However, the potential impacts of the truck traffic will need to be considered during the substantive review.**

## 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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily. The Applicant shall ensure that the original Hudsonia map is included in the DEIS Appendix.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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).

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily. The Applicant shall ensure that these reports are provided, in full, in the DEIS Appendix.**

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.

**This comment has not been addressed. However, it can be addressed during the substantive review of the DEIS. For completeness, the total acreage within the limit-of-disturbance line should be disclosed (the overall footprint of the project is not provided in the project description either), understanding that a portion of the total disturbance area would be comprised of developed areas within the former Harlem Valley Psychiatric Center campus.**

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.

**This comment has been addressed satisfactorily.**

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.

**The DEIS now states that the use of ATVs on the proposed trails and hunting would not be permitted on site. However, indirect effects from increased use of the surrounding trail network, increased pet predation, etc. has not been addressed. This information will be requested as a substantive comment.**

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

**As project responsibilities develop, the Applicant shall provide information on HOA responsibilities and restoration of wildlife corridors.**

#### **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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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).

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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”.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**The response references the 2/09 Well Supply and Aquifer Recharge Analysis report by SSEC, Inc. provided in the Appendix. AKRF has reviewed the report and has determined that it is complete with respect to the scope. AKRF will provide a detailed review of this material as part of substantive review of the DEIS.**

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.

**The response references the SPPP, but does not specifically address the effects to streams/wetlands. However, this can be addressed during the substantive review.**

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.

**The response briefly describes fertilization and selection of drought tolerant plants. This is adequate for completeness. Description of an Integrated Turf Management Program (ITMP) for the golf course or other landscaped areas can be developed in response to substantive comments. ITMPs, incorporating pest management and habitat management components, are becoming increasingly commonplace in golf course design and management.**

## 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 Sheriff's Office and Troop K.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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?

**The comment on post-construction security was addressed, albeit vaguely. It appears that need for security would be assessed post-construction; however, the first sentence under Mitigation Measures states that a private security force would be employed for both residential and commercial components of the proposed project.**

#### *FIRE PROTECTION*

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

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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.”

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

#### *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?

**This comment has been addressed satisfactorily.**

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?

**This comment has been addressed satisfactorily.**

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?

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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.

**The Applicant has generally stated that the tax revenue generated by the proposed project would exceed the cost of increased emergency services. More specific numerical comparisons**

**should be generated in consultation with the emergency service providers as part of the substantive review of the proposed project for both the Phase 1 and full build populations.**

*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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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."

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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?

**This comment has been addressed satisfactorily.**

*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.

**This comment has been addressed satisfactorily. The letter from Mr. Cornelius Hoss, Saccardi & Schiff, Inc. to the Dover union Free School District, and other community service providers has been provided in the appendices.**

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.

**This comment has been addressed satisfactorily.**

*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.

**This comment has been addressed satisfactorily.**

#### ***NEW COMMENTS***

1. **The DEIS should distinguish between revenues generated by Phase 1 and the full build-out in describing potential impacts of the project to each of the community service categories.**

*This comment has been addressed satisfactorily.*

2. **Information on revenue from permit fees generated by the project should be brought forward from pages III.G-10 and III.G-11 into the discussion about potential impacts to Town Services.**

*This comment has been addressed satisfactorily.*

3. **The DEIS text should clarify which proposed open spaces would be accessible to the general public. The text on page III.F-7 and information presented in Table F-1 should be consistent.**

*This comment has been addressed satisfactorily.*

#### **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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily by adding a statement on page III.G-1.**

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.”

**This comment has been addressed satisfactorily by adding a statement on page III.G-1.**

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

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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

**The employment for the major shopping malls listed in Table III. G-17 (now 21) has not been provided. However, this can be evaluated during the substantive review of the DEIS.**

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.

**This comment has been addressed satisfactorily.**

#### ***NEW COMMENTS***

1. On Page III.G-1, the first sentence of Section 2 is “ERA relies on an Input/Output (I/O) model to estimate multiplier effects.” Since the reader does not know that ERA wrote the original analysis, the sentence should be “ERA, who wrote the Economic and Fiscal Impacts of Dover Knolls, relies on....” Or “This analysis relies on an Input/Output (I/O model....”

*This comment has been addressed satisfactorily.*

2. Page III.G-3, based on the total construction cost and total square feet provided, the residential construction cost for Phase I does not appear to use the cost per square foot provided.

*This comment has been addressed satisfactorily.*

3. On page III. G-5, the last sentence in paragraph 1 states “The analysis assumes that hard costs (i.e. construction costs) equal \$535 million.” It is not clear where the \$535 million comes from. Table III.G.2 presents the construction cost total as \$613.8 million. Table III.G-3 presents the construction costs as \$533.6 million, and the hard costs as \$454.9 million.

*This comment has been addressed satisfactorily.*

4. Page III.G-5: It should be specified whether employment in Table III.G-3 (and throughout the chapter) are full and part time jobs or full time equivalent.

*This comment has been addressed satisfactorily.*

5. There is a discrepancy in the Phase II Direct Economic Impact Spending and Direct Employee Compensation in Table III.G-4 and in Table III.G-3. In Table III.G-3, the Phase II Direct Economic Spending is \$305,337,000 and Employee Compensation is \$113,765,000. In Table III.G-4, the Phase II Direct Economic Impact Spending is \$305,338,000 and Direct Employee Compensation is \$113,764,000.

*This comment has been addressed satisfactorily.*

6. On page III.G-6, 2nd paragraph, the text references soft jobs: 170 architecture jobs, 170 engineering jobs, 70 finance jobs, and 120 support service jobs. These total 530 soft jobs. In Table III G-3, the number of soft jobs is 540.

*This comment has been addressed satisfactorily.*

7. There is a discrepancy in direct employee compensation in Table III.G-6 and Table III.G-8. In Table III.G-6, the direct employee compensation is \$27,487,000. In Table III.G-8, the direct employee compensation is \$27,486,000.

*This comment has been addressed satisfactorily.*

8. Based on the Phase I and Phase II property tax revenues in Table III.G-9 and G-10, the Total Property Tax Revenue in Table III.G-11 should be \$9,818,000 (not \$9,819,000).

*This comment has been addressed satisfactorily.*

9. Page III.G-11. The total for sales tax revenues for ongoing operations in Table III.G-11 equals \$1,821,000 (not \$1,820,000).

*This comment has been addressed satisfactorily.*

10. **There is a discrepancy between the total one-time New York State income tax revenue in Table III.G-11 and Table III.G-14. In Table III.G-11 on page III.G-11, the total income tax revenue is \$5,508,000. In Table III.G-14, the total income tax revenue is \$5,507,000.**  
*This comment has been addressed satisfactorily.*
11. **There is a discrepancy in the income tax revenue from ongoing operations in Table III.G-15 and Table III.G-11. In Table III.G-11, the income tax revenue from ongoing operations is \$295,000. The income tax revenue from ongoing operations in Table III.G-15 is \$295,200.**  
*This comment has been addressed satisfactorily.*
12. **In Table III.G-14 on Page III.G-14, the total number of direct jobs from soft costs equal 530 (not 540).**  
*This comment has been addressed satisfactorily.*
13. **In Table III.G-15 on page III.G-14, the number of direct residential jobs add up to 39 (not 37). The total number of jobs adds up to 809 (not 807).**  
*This comment has been addressed satisfactorily.*
14. **Page III.G-14: The last row of Table III.G-15 has letters H. I. J. These should be removed.**  
*This comment has been addressed satisfactorily.*

## 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.  
**This comment has been addressed satisfactorily.**
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.  
**This comment has been addressed satisfactorily.**
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.  
**This comment has been addressed satisfactorily.**
4. Page III.H-2: 2nd paragraph should be stricken, as it is irrelevant to the discussion of Native American Period Sensitivity.  
**This comment has been addressed satisfactorily.**
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.  
**This comment has been addressed satisfactorily.**

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”).

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

#### *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.

**This comment has been addressed satisfactorily. The Mitigation chapter has been revised to note that a Memorandum of Agreement, Letter of Resolution, or similar document would be prepared for the project to stipulate how potential impacts on cultural resources will be avoided, minimized, or mitigated.**

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.

**This comment has not been addressed. However, this information can be provided as more specific information on construction is developed and should not cause the Town Board to delay issuing a Notice of Completeness.**

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.

**This comment has been addressed satisfactorily. The Cultural Resources chapter now describes several structures on adjacent properties, but provides information that appears to lead to the conclusion that the structures are either: 1) considerably altered, and therefore should not be considered as potential historic resources for the purposes of the analysis; or 2) outside of the project’s area of potential effect for historic resources. If SHPO has made any determination as to the State/National Register eligibility of these structures, this should be noted in the chapter and the correspondence should be included in the Appendix to the DEIS. If the buildings are not considered to be potential historic resources because of their alterations, this conclusion should be noted in the chapter and the chapter should explain that these structures are thus not included in the evaluation of the project’s potential impacts on historic resources (and the discussion in the “Potential Impacts” section should be updated to reflect this change). If the Appalachian Trail is no longer in the area adjacent to the project site/within the project’s area of potential effect, it should not be considered in the analysis and does not need to be described in the chapter.**

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.

**This comment has been addressed satisfactorily. However, the Cultural Resources chapter should provide a conclusion regarding whether the stone walls described are considered to be potential historic resources. If the stone walls are considered to be potential historic**

resources, the chapter should evaluate whether the project would have a significant adverse effect on these resources. If these structures are not considered to be potential historic resources, the chapter's "Potential Impacts" section does not need to evaluate potential project impacts on the walls.

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.

**This comment has been addressed satisfactorily. However, Table III.H-1 should explain what is meant by the "G-Gone" category. Is this meant to denote those structures that were previously identified as State/National Register-eligible, but that have since been removed from the campus?**

**In addition, the names/description of various HVPC buildings within the body of the chapter do not fully coincide with the names/descriptions provided in Table III.H-1. For example, I-buildings, H-buildings, and U-buildings are not noted as such in the table; the text of the chapter refers to an "Administration Building," but the table notes both a "Ross Administration Building" and a "DFY Administration Office (R)"; and the text of the chapter refers to the "Director's Residence," but the table notes a "DFY Director's Home." For clarity, the body of the chapter should describe the buildings using the numbers used in Table III.H-1 as well as names/descriptions, and the names/descriptions should be revised to be consistent between the chapter text, table, SHPO Resource Evaluation, and Phase II Historic Architectural Study. In addition, acronyms used in the table should be explained in a table note. This comment also applies to the description of various HVPC buildings in the Alternatives chapter.**

#### ***NEW COMMENTS***

1. Correspondence with SHPO regarding the agency's review of the project should be included in the Appendix to the DEIS, including any findings regarding the project's potential to have significant adverse effects on historic resources and any proposed mitigation for such effects, as well as any response to the conclusions of the Phase II Historic Architectural Study.

*This comment has been addressed satisfactorily.*

2. The Cultural Resources and Executive Summary chapters use both OPHRP and SHPO to refer to the state's preservation office. Since this project involves actions by the Army Corps of Engineers, SHPO is the term that should be used throughout the DEIS.

*This comment has been addressed satisfactorily.*

3. The DEIS should reflect the current status of consultation with SHPO regarding the project's potential effects and measures to mitigate those effects.

*This comment has been addressed satisfactorily.*

4. Since HVPC's campus is considered significant for the integrity of its landscape plan and extant plantings from its early 20th century period of significance, the Cultural Resources chapter should evaluate the project's potential effects on the landscape plan and plantings, as well as on the campus buildings.

*This comment has been addressed satisfactorily.*

5. In the “Future without the Proposed Project” section, the Cultural Resources chapter should describe whether there are any projects planned for adjacent properties that could affect the context of the historic resources on the project site.

*The chapter has not identified any off-site projects that could affect the context of the historic resources on the property.*

6. The following are suggested text edits for page III.H-11, section B:
- “Development of the Project would result in the unavoidable demolition ... for listing in the ~~historie~~ State and National Registers.”
  - “These include ... towards the periphery of the project site.”
  - “In addition, the large campus buildings ... maintaining the site’s historic presence along this roadway and preserving ...”

*This comment has been addressed satisfactorily.*

7. The Cultural Resources chapter should note that the Dover Architectural Review Board will have the opportunity to review the project, and whether this review is anticipated to result in any beneficial (or adverse) effects on historic resources.

*This comment has not been addressed, but can be considered during the substantive review of the project.*

8. Any relevant changes to the Cultural Resources chapter should be carried over to the summary of this chapter in the Executive Summary.

*This comment has been addressed satisfactorily.*

9. The Alternatives chapter should describe any potential impacts of the project on HVPC’s landscape plan and plantings—since these are identified as significant elements of the campus—and should analyze the project’s alternatives with a consideration of such potential impacts.

*This comment has not been addressed, but can be considered during the substantive review of the project.*

10. If SHPO has accepted/commented on the Adaptive Reuse Potential Memorandum, this should be noted in the Alternatives chapter and the correspondence should be provided in the Appendix to the DEIS.

*This comment has been addressed satisfactorily.*

11. The following is a suggested text edit on page V-7: “This alternative might have greater adverse impacts on historic and archaeological resources than as the proposed project.”

*This comment has been addressed satisfactorily.*

12. The following is a suggested text edit on page V-16: “This alternative would also require the same amount of demolition of existing buildings identified as potentially eligible for the State or National ~~historie~~ Registers of Historic Places.”

*This comment has been addressed satisfactorily.*

13. The following is a suggested text edit on page V-18: “~~Given their removal from the list of historic buildings by SHPO in 1996, the HVPC buildings to the east of Hutchinson Avenue are not included for potential reuse in this alternative. Since the HVPC buildings to the east of Hutchinson Avenue were not included in the list of contributing buildings on the HVPC campus (prepared by SHPO in 1996), these structures are not considered for potential reuse in this alternative.~~”

*This comment has been addressed satisfactorily.*

14. **AKRF did not receive a copy of the updated Appendix that includes the Historic Perspectives submission to SHPO dated 3/17/2009.**

*This comment has been addressed satisfactorily.*

#### **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.

**This comment has been addressed satisfactorily. Chapter III section I has been revised to include more information pertaining to the flood plains.**

- 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.

**This comment has been addressed satisfactorily. Chapter III section I has been revised to include more information pertaining to deicing, fertilizing, and pesticides.**

- 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.

**This comment has been addressed satisfactorily. The revised SWPPP report dated January 2009 provides a discussion and calculations for Total Phosphorous, TSS, Total Nitrogen, Metals, and Bacteria.**

- 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.

**This comment has been partially addressed. Chapter III section I has been revised to include a list of proposed LID practices. However, the SWPPP does not include any design or background information discussing where and how practices will be implemented.**

- An exhibit showing the location of each of the proposed stormwater BMPs should be provided.

**This comment has been addressed satisfactorily.**

- Figure III.I-4 needs to be updated with the 2007 FEMA floodplain delineation.

**This comment has not been addressed. However, this missing information should not cause the Town Board to delay issuing a Notice of Completeness.**

#### **TRAFFIC AND TRANSPORTATION**

**All of the Traffic and Transportation comments contained in AKRF’s February 13, 2009 memorandum have been addressed satisfactorily.**

#### **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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

*III.K.(D). AIR QUALITY CHAPTER, “CARBON FOOTPRINT”*

1. The chapter discusses both CO<sub>2</sub> 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 CO<sub>2</sub>e (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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

#### *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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

#### *NEW COMMENTS*

1. **The DEC guidance for greenhouse gas analysis are now published formally as a draft. These should at least be acknowledged in the document, even if the method was not used.**

*This comment has been addressed satisfactorily.*

2. **The main objective of the DEC approach is the final section which would be an analysis (quantified where possible, qualitative where not) of the potential measures to reduce GHG emissions. This would include a discussion of measures already included in the project (e.g., TOD benefits) and other potential measures which could be considered relevant. In cases where such measures are not practicable for the project, state the reasons, in cases where they may be and are still being studied for the project, say so as well. E.g., this might include alternative energy on site, higher efficiency systems, energy efficient design, preferred parking for advanced technology vehicles, etc. (there is a sample list in the DEC guidance as well).**

*This comment has been addressed satisfactorily.*

## **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.

**This comment has been addressed satisfactorily.**

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).

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

6. Mitigation measures should be described.

**This comment has been addressed satisfactorily.**

#### **HAZARDOUS MATERIALS**

##### *EXISTING CONDITIONS*

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

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

#### *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.

**This comment has been addressed satisfactorily. The site owner would be required by DEC to close any open spills on the property.**

#### *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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

## CONSTRUCTION

1. 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.

**More detail was provided on the sequencing of the construction process. However the information presented in Table III.N-3 has not been described more fully in text. This should not cause the Town Board to delay issuing a Notice of Completeness.**

2. 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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

## 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.

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

#### **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.

**This comment has been addressed satisfactorily.**

#### **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).

**This comment has been addressed satisfactorily.**

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.

**This comment has been addressed satisfactorily.**

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

**This comment has been addressed satisfactorily.**

#### **MITIGATION MEASURES**

1. 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.

**This comment has been addressed satisfactorily.**

#### **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.

**This comment has been addressed satisfactorily. More information on what specific project components would be considered Energy Star compliant would be beneficial. (This information could also be summarized on page II-24.)**