

**ALT. Alternatives***Comment 1*

The DEIS lacked a true conservation alternative which avoids all sensitive and regulated areas, including important habitat areas (identified bog turtle habitat, marble knolls, vernal pools), regulated areas (freshwater wetlands, fens), open space and un-fragmented forested areas, and areas where rare plants have been identified. A comprehensive conservation alternative which incorporates, but is not limited to, all the above should be included for evaluation within the Alternatives section of the EIS. The significant natural resources issues discussed in these comments underscores this point. Alternatives presented for consideration should include detailed analysis of how the alternative avoids impacts to those natural resources noted above to the greatest practicable extent and how the alternative minimizes impacts to those resources to the greatest practicable extent after all efforts to avoid such impacts have been exhausted. Only after all efforts to avoid and minimize impacts to those resources noted above have been fully incorporated into the alternative, should mitigation for unavoidable and minimized impacts be discussed. Such a conservation alternative could include measures to lessen the overall project footprint and area of disturbance and achieve greater density of the proposed development, such as enhanced clustering, reduction in the overall number of proposed residential units and/or commercial units, reduction in the number of proposed hamlet areas, increase in the number of stories per unit, etc. One benefit from developing such a conservation alternative would be to reduce the proposal's carbon footprint: overall generation of greenhouse gases would be minimized by maximizing density and enhancing the transit oriented aspects of the project (i.e., greater walkability within the Dover Knolls site with concurrent reduction of automobile trips). The analysis of potential greenhouse gas (GHG) emissions in this conservation alternative could then reflect this reduction in emissions of GHGs caused by automobile exhaust and buildings.

(Scott Ballard, Environmental Analyst, NYSDEC, Letter, 6/30/09, Pg. 2)

*Response 1*

***A conservation alternative has been prepared and is presented as Exhibit II.ALT-1.***

***As indicated, the conservation alternative removes development from additional environmental features, including marble knolls, wetlands, steep slopes, flood plains, and buffer areas for vernal pools and bog turtle habitats. Although the Proposed Action in the DEIS was designed to minimize the effects on such areas, there would still be some unavoidable impacts to steep slopes and wetlands in the area around the golf course and at some scattered locations. These impacts are reduced in the Proposed Action plan included in the FEIS, which was revised based on comments received, including those relating to the Conservation Alternative.***

***As shown on Exhibit II.ALT-1, the Conservation Alternative eliminates all development in the eastern-most portions of the site, including the area near the reservoir, and portions of the Millpond, Glen and Crescent Hamlets. Each of these areas has some steep slope or wetland impacts. In the Town Center, it eliminates development along Wheeler Road where a drainage way would require an ACOE wetland permit.***

*In the central portion of the site, the parking lot behind the Storehouse, which is a Class 1 DEC wetland is eliminated along with all development proposed in the flood plain, based upon the recently issued FEMA flood plan maps. This affects the eastern portions of the Valley Neighborhood as well as the Town Center. The cul-de-sac just west of the Swamp River, behind the golf course pond, is also eliminated given flood and habitat considerations.*

*Further west, the Conservation Alternative eliminates development in the Pond and Meadow Hamlets, given bog turtle, vernal pool and wetland buffer areas. To the north, the roadway that runs roughly parallel to Pleasant Ridge Road is eliminated given buffer area, bog turtle and marble knoll considerations. This affects housing along the roadway and in the Knolls Hamlet.*

*In sum, the Conservation Alternative is infeasible and is inconsistent with SEQRA's requirement that conservation goals be balanced with social, economic and legitimate governmental objectives. Without potential adjustments to densities in Town Center, this alternative results in a plan with approximately 970 dwelling units and 200,000 square feet of commercial development, representing reductions of approximately 30% and 20% respectively when compared to the Proposed Action in the DEIS.*

*By reducing the amount of development and the project's footprint, DEC correctly states that site generated traffic and the carbon footprint would be reduced. However, the alternative creates an unmarketable and otherwise untenable project, including eliminating a significant part of the plan to create a downtown area with mixed uses along both sides of Main Street. It also eliminates about half of the project's single family homes, which affects the balance sought for the proposed housing program, and the return from sale of single family homes, the most upscale product being considered by the applicant. This alternative concentrates development in most of the disturbed portions of the site. However, the reduction of the total program this creates affects the ability of the Applicant to manage the large clean-up and infrastructure costs and is not a program that the Applicant could pursue.*

*Given infrastructure remediation and demolition costs of \$187,000,00, this would represent \$136,000 for each unit proposed. With an estimated \$150,000 in hard and soft costs per unit, the total unit cost would be \$286,000. A reduction in the unit count in various alternatives would not significantly lower the site remediation, demolition and infrastructure costs, making a marginally viable project impossible to build.*

*The modified Proposed Action utilizes this alternative as part of a process to devise an economically feasible plan that further minimizes impacts on the environmental features. The modified FEIS plan, Exhibit I-1, eliminates development in the floodplain and does not include filling the Class 1 wetland behind the Storehouse. The FEIS plan reduces development and expands buffer area protection in the southwestern and northern portions of the site to the west of the Swamp River, and it reduces development in the eastern portions of the site near the reservoir. This alternative plan increases density in the Town Center area, maintains the proposed mixed-use Main Street development and maintains the overall unit count and the proposed mixed use Main Street development. Although the total number of units remains 1,376, the additional multi family housing in and around the downtown area*

***replaces the single family homes, which were removed from the outlying hamlet areas. This has a negative impact on the Applicant's economics since single family homes would have a higher value than multi family apartments on a per unit basis.***

*Comment 2*

The conservation alternative should also identify enhanced land stewardship opportunities. The DEIS discusses a limited proposed program to control an invasive species, mile-a-minute vine, primarily in the forested area near the reservoir (proposed for residential development). Additional analysis and effort is appropriate. The proposed invasive species control program could be expanded to include other species, such as phragmites, especially along the Swamp River in the central portion of the site. DEC staff discussed potential expanded public fishing access in this area of the Swamp River with project representatives during a field inspection of the site. In combination, such an invasive species program which includes phragmites control, could serve the dual purpose of improving public fishing access. Other enhancements to stewardship of the site could include restoration of previously disturbed wetland and wetland adjacent areas, especially in the southern portion of the existing golf course (within regulated areas of Freshwater Wetland DP-22). As discussed with project representatives during the field inspection, this portion of the golf course are reportedly to be relocated slightly further north of its present location. The conservation alternative should specifically show that previously disturbed wetland areas in this portion of the site will be restored as wetland, and plans should reflect the revegetation of this area with native species that will remain undisturbed and unmowed.

(Scott Ballard, Environmental Analyst, NYSDEC, Letter, 6/30/09, Pg. 2)

*Response 2*

***The objective of the Conservation Alternative was to avoid all environmentally sensitive areas and regulated wetlands to the extent possible. Remaining impacts associated with this plan would be similar to the impacts from past land use on the site, and mitigation efforts would be focused on restoring previously degraded portions of the site such as the wetlands along the Swamp River immediately north and south of Wheeler Road. However, development of a detailed mitigation plan is premature at this point, as the actual development impacts have not yet been determined by the Lead Agency.***

*Comment 3*

There is a large forested area on the easternmost portion of the project site. This portion of the site is part of a much larger (unfragmented) forest which extends beyond the property's perimeter. This forested area (reportedly 1000 acres in total) includes one or more high-quality vernal pools and rock outcrops. Large forests are increasingly rare in the region, and are important to wide-ranging species and forest-interior breeding birds. Therefore, protecting this area from forest fragmentation is a necessary component of the conservation alternative. The conservation alternative should maximize preservation of this forested portion of the site in an undisturbed state. Such an alternative would preserve open space for the enjoyment of all residents of the development, and further lessen the potential for generation of GHGs associated with developing this portion of the site. The addition of walking trails in this area would further benefit this alternative.

(Scott Ballard, Environmental Analyst, NYSDEC, Letter, 6/30/09, Pg. 2-3)

*Response 3*

***The Conservative Alternative removes all development from the eastern portion of the site and as stated previously, creates a project that is not economically feasible for the Applicant. Note that the vernal pool and most of the steep sloped forested areas were not included in the DEIS development as proposed and the modified Proposed Action further minimizes environmental impacts. Significant buffers are provided to the sensitive areas. Access to the natural beauty and recreational opportunities on the site to the concentrated traditional neighborhood design are key components for a successful redevelopment project. Walking and biking trails are proposed as part of the modified Proposed Action Plan presented in this FEIS. See Exhibit 14 of the Master Development Plan.***

*Comment 4*

The conservation alternative should go a step further than the current preferred alternative and concentrate development within areas that have been previously developed with buildings, paved areas, and other infrastructure, and avoid areas which currently can be considered as open space, although previously disturbed for agricultural purposes. One such area is located at the southwestern portion of the site, and is proposed to be developed into a “hamlet”. Preserving this open field would serve multiple purposes: limit overall disturbance; limit GHG emissions and carbon footprint associated with development of an outlying area; and preserve valuable open space and potential habitat areas.

(Scott Ballard, Environmental Analyst, NYSDEC, Letter, 6/30/09, Pg. 3)

*Response 4*

***The Conservative Alternative and the Proposed Action presented in this FEIS respond to this proposal. In the Conservation Alternative there is no development shown for the southwestern area. In the modified Proposed Action plan, most of this area is shown as open space and includes a proposed walking and biking trail, along with reserved open space for a possible community garden.***

*Comment 5*

Section V does not include discussion of an alternative that reflects conserving the forest on the eastern side of the project, as discussed above and during pre-application meetings with the sponsor. In addition to potential fragmenting impacts to the large forest and associated species such as forest-interior breeding birds documented on-site (page III.D-13), the proposed "Reservoir Hamlet" is located in the center of four areas identified as “Environmental Sensitive Areas” as established by Klemens (Exhibit II-9); this area is also included within the Quaker Lake/Duell Hollow Critical Environmental Area, or CEA (see Exhibit III.C-3). From a conservation perspective, DEC recommends elimination of this area of sprawl in the southeastern portion of the site. The conservation alternative could include restoration of existing roads in this area back to natural habitat, and allowing this portion of the parcel to be left intact.

(Scott Ballard, Environmental Analyst, NYSDEC, Letter 6/30/09, Pg. 3)

*Response 5*

*The reservoir hamlet respects the buffers established by Dr. Klemens, as shown on Exhibit I-2, and is not located within the identified vernal pool, wetland, or botanically important ravine locations.*

*Only a portion of the reservoir hamlet is located in the Duell Hollow CEA. This area is a very small fraction of the total CEA area, which is estimated at 1,050 acres. The boundary of the CEA generally follows the watershed boundary of Deuel Hollow Brook, but also includes the watershed of the hospital reservoir. The designation documents indicate that the CEA was extended from Deuel Hollow to include the reservoir watershed primarily as a reservoir watershed protection measure.<sup>1</sup> The designation documents primarily detail the sensitive environmental features related to the Deuel Hollow. Although located within the named CEA, the reservoir hamlet is geographically distinct and separated from Deuel Hollow by a ridgeline. As a result, it is within a separate hydrological system that is not related to the Deuel Hollow Brook area. In addition, the areas proposed for development in the reservoir hamlet do not share the type of sensitive natural features identified in the CEA designation documents.*

*The stated rationale for controlling development in the CEA is very steep slopes (35-60%) and highly erodible soil characteristics. The development in the reservoir hamlet area is sited to avoid impacts to these identified characteristics and to utilize portions of the site that were already disturbed when the HVPC was in operation. The road serving the residential house lots follows an existing roadbed that traverses the hillside and provides access to the reservoir area. As can be seen in the aerial photograph, the residential lots themselves are within areas that were formerly used for agricultural fields and therefore do not require extensive clearing. This area has reverted to old field habitat and is vegetated by a number of invasive species, most notably mile-a-minute vine and autumn olive. Sensitive crest, ledge and/or talus, and ravine habitats have been avoided. The proposed road serving the residential lots has been shortened in the revised layout presented as the modified Proposed Action plan, and only an emergency access road will be left in the vicinity of the reservoir. The emergency access road will also follow the existing gravel roadbed, and no new disturbance is proposed in this area.*

*It is also noted that CEA designation is not a prohibition on development. As noted on the NYSDEC website, “following designation, the potential impact of any Type I or Unlisted Action on the environmental characteristics of the CEA is a relevant area of environmental concern and must be evaluated in the determination of significance prepared pursuant to Section 617.7 of SEQR.” The DEIS and FEIS have provided a detailed evaluation of various potential impacts that could affect the CEA (e.g., visuals, sedimentation, habitat disturbance).*

*Comment 6*

The “Lower Density” Alternative presented in the DEIS includes fewer residential units. However, the golf course in this scenario is expanded, and there is also a corresponding reduction in the number of units in the high-density “Valley Neighborhood” hamlet - which is

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<sup>1</sup> “He (Mr. John Hauff, Principal Stationary Engineer for the HVPC) said that the CEA designation seemed appropriate and suggested discussing the matter with Mr. David Lewis, HVPC Business Officer. Mr. Lewis, informed of the proposed CEA, agreed that it should be useful in protecting the water supply.”

one of the *smart growth* components of this “transit-oriented” proposal. This alternative should be revised to be more protective of important resources and habitats. For example, if the number of units will be reduced, perhaps the “Knolls Hamlet” can be eliminated entirely which would preserve the marble knolls in an un-fragmented state. The marble knolls area is important for species which use complexes of habitats, like the spotted turtle, as well as a number of State-listed plant species documented in the Hudsonia report of 2005.<sup>2</sup> This in turn would also more generously buffer the fen that was recognized as an “Environmental Sensitive Area” by Klemens.

(Scott Ballard, Environmental Analyst, NYSDEC, 6/30/09, Pg. 3)

*Response 6*

***The modified Proposed Action Plan presented in this FEIS responds to DEC suggestions for plan changes in the Knolls Hamlet area, with a modification and relocation of the roadway, and the relocation and reduction of units. This change maintains a 300 foot buffer from the edge of the fen wetland and reduces roadway impacts on the marble knolls.***

*Comment 7*

Current plans (Exhibit III.E-2 in the DEIS) show a proposed wetland disturbance between Wetland N and Wetland E (both part of Freshwater Wetland DP-22) which extends southward from proposed housing along Wheeler Road. DEC believes that in the Conservation Alternative this proposed disturbance should be deleted from project plans and that this area should be restored as wetland and wetland adjacent area.

(Scott Ballard, Environmental Analyst, NYSDEC, Letter, 6/30/09, Pg. 4)

*Response 7*

***Under the proposed FEIS Site Plan this wetland impact area has been eliminated. However, the existing farm trail which crosses existing State Freshwater Wetland DP-22 is to remain in use as a nature trail and potential utility crossing corridor.***

*Comment 8*

As detailed above, to the extent that the proposal described in the Draft EIS includes elements that extend beyond the previously built footprint (not including the golf course) of the previous development, and are likely to be associated with potential or likely impacts to significant environmental resources, a conservation alternative that avoids these impacts is needed to inform and help guide the SEQRA project review process. This conservation alternative might be smaller than what was originally proposed. It might be a redesign of the original with a modified layout and increased density in core previously impacted areas. This conservation alternative can be, but may not necessarily be, the only alternative considered; however, it is needed to better understand site limitations and to better consider other options and potential modifications to the original preferred alternative proposed in the DEIS. The conservation alternative can and should inform modifications and possible reductions to the draft preferred alternative based on

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<sup>2</sup> Klemens, LLC, M. W. (2005). *Habitats and Rare Plants at the Proposed “Dover Knolls” Development Site, Town of Dover, Dutchess County, New York: Existing Conditions.* Hudsonia, Ltd., Annandale, NY.

the principles of minimizing and mitigating unavoidable impacts to the maximum extent practical.

(Scott Ballard, Environmental Analyst, NYSDEC, Letter, 6/30/09, Pg. 6)

*Response 8*

***As suggested by DEC, the Conservation Alternative provided a basis for the modifications to the proposed plan, which is presented in this FEIS.***

*Comment 9*

The GHG analysis should be revised to include the Conservation Alternative. Under such a scenario, the sponsor could further reduce the carbon footprint of the development due to the preservation of greater areas of open space and forested areas. The GHG report and related sections of the EIS should also be updated as construction plans are further refined and more data becomes available, as discussed in Section 3.3 (page 10) of the report (i.e., “building locations, uses, types, and sizes, building materials, volumes, and sources are not well established”). We also strongly encourage the sponsor to incorporate renewable energy sources (solar and wind) into final project plans, wherever practical (photovoltaic cells on golf course club house, commercial facilities, water treatment plant and wastewater treatment plant, solar heated swimming pools, photovoltaic lighting for streets and parking areas, etc.).

(Scott Ballard, Environmental Analyst, NYSDEC, Letter, 6/30/09, Pg. 7)

*Response 9*

***The proposed plan has been modified to accommodate several of the suggested elements for the Conservation Alternative. The reduction in disturbance area would further reduce the project’s carbon footprint by allowing for additional preservation of plant life that would provide carbon sequestration. The Energy Consumption and Conservation section of the DEIS has also been expanded with additional green development and energy conservation concepts that will be investigated and employed as feasible.***

***As described in DEIS Chapters II and X, the project will contain a number of green building components and notes several efficient mechanical systems that the project would include (using today’s technology.) Since the project is still at the conceptual site plan level, actual building designs and construction documents have not yet been prepared that would allow for the universe of specific details regarding the building components, fixtures, materials, technologies etc. to be quantified and listed. In addition, the project will be built in a phased manner over a period of years. Green building technologies are evolving rapidly and available components may be different by the time certain buildings are constructed. Building integrated solar energy systems in their various forms (hot water heating (thermal) and electricity production (photovoltaic)), as well as building integrated wind generators will be evaluated as potential in-home conservation technology options as the project progresses.***

***In addition to the potential technologies that can be employed on specific buildings, it should be acknowledged that compact, mixed-use, and transit-oriented nature of the project would reduce the amount of vehicle miles traveled and reduce impacts from mobile sources. The project is also composed predominantly of multifamily and attached dwelling units that are***

*smaller than conventional large-lot single family homes and have reduced space heating/cooling needs and electrical demand, resulting in reduced greenhouse gas impacts related to energy generation. These concepts are supported by the recently published "Driving and the Built Environment: The Effects of Compact Development on Motorized Travel, Energy Use, and CO<sub>2</sub> Emissions," authored by the National Research Council's Transportation Research Board. The report shows that increasing population and employment densities in metropolitan areas could reduce vehicle miles traveled (VMT), energy use, and carbon dioxide emissions. These components of the project are of primary importance in curbing greenhouse gas emissions and should be recognized as significant mitigation features.*

*Comment 10*

We request that the Alternatives Analysis section of the EIS be modified to include an alternative that leaves the station parking and platform in place.

Additional future parking and a second platform on the west side of the railroad tracks should be shown as reserved for a later date.

(Linda Corcoran, Deputy Director, Business Development, Facilities and Marketing Department of Metro-North Railroad, Letter, 6/30/09, Pg. 1; Graham Trelstad, AKRF, Memorandum to the Town Board, 7/30/09, Pg. 2)

*Response 10*

*As shown on Exhibit I-3, the railroad station parking lot and platform would remain in place under the proposed plan.*

*Comment 11*

An additional alternative should be added showing a different development design that incorporates the natural resource protection concepts mentioned previously in the report as follows:

1. No development will take place within the reservoir watershed, except as necessary for the provision of potable water and maintenance and/or replacement of the dam. The reservoir and surrounding area will be used strictly for passive recreation such as hiking and fishing. No motorized vehicles or other potential pollutants will be utilized in the vicinity of this reservoir.
2. Areas with soil with severe erosion potential (SkD and HoF soils) will be limited to 5-acre lots with single family homes to reduce the potential environmental impacts from severe soil erosion.
3. No new development will occur in the 100-year floodplain as mapped in the most recent floodplain maps for the Town of Dover.
4. There will be no development in the potential habitat areas ES-1 and ES-5 to protect amphibian habitat.

(Town of Dover Planning Board, Letter, 7/20/09, Pg. 9)

*Response 11*

***The Conservative Alternative responds to item 1, 2, 3, and 4. The modified Proposed Action Plan addresses item 3, and in response to item 4, removes development from the ES-5 habitat.***

*Comment 12*

I would suggest that the DEIS include an alternative development plan that gives true consideration to protecting the property's resources and follows a pattern that falls on the heels of the former Harlem Valley Psychiatric Center – tightly clustered and truly walkable, leaving the surrounding landscape fully intact and undeveloped. This revised plan should:

1. Be consistent with the Dover Master Plan and the provisions within the MC Overlay District portion of the Zoning Law;
2. Reduce the overall density of the proposal compatible with the existing zoning and a small town like Dover;
3. Significantly reduce or eliminate altogether the number of sites to be located near the reservoir;
4. Follow recommendations to be made by Hudsonia and/or Dr. Michael Klemens on appropriately sized buffers or alternatives that will truly protect the Great Swamp, Swamp River, the 19 identified rare or threatened species sites, marble knolls, hydric soils, and other wetlands areas;
5. Protect the underlying aquifer to ensure clean drinking water for the residents of the Harlem Valley;
6. Protect the floodplains, ponds, and streams, whose impact will be seen well beyond the properties borders;
7. Preserve the statewide and important agricultural soils, for you never know when we will need these to grow safe and local food;
8. Protect the viewshed by eliminating deforestation, forest fragmentation and construction and reduce stormwater issues on slopes 15% and above and on the ridgeline;
9. Continue to ensure Greenway Principals to the greatest extent possible in siting, design and architecture compatible with the historic settlement pattern and building scale and the design of the Village of Dover Plains;
10. Propose permanent protection (such as conservation easements) for the environmentally sensitive and other important resource areas of the property.

Providing a quality development plan that truly preserves important features will give the residents of Dover the satisfaction that growth can occur while preserving community character.

(Rebecca E. C. Thornton, President, Dutchess Land Conservancy, Letter, 6/3/09 Pg. 2; Rebecca E. C. Thornton, President, Dutchess Land Conservancy, Public Hearing Transcript, 6/3/09, Pg. 156-158)

*Response 12*

***The Conservation Alternative and the modified Proposed Action Plan presented in this FEIS specifically incorporates these items to the extent practicable. The density of the proposed development is consistent with and actually less than the maximum permitted in the existing MC Overlay zone and most specifically meets the Town's goals to remove the blighted***

***appearance of the vacated state facility with a new town center centered around the train station.***

*Comment 13*

The analysis of Alternatives A and F does not describe potential impacts of the project on HVPC's landscape plan and plantings. These portions of the Alternatives chapter should describe any potential impacts of the project on HVPC landscape plan and plantings.

(Graham Trelstad, AKRF, Memorandum to the Town Board, 7/30/09, Pg. 2)

*Response 13*

***Alternative A, the No Action Alternative, would not alter the site's landscape areas; however, without development and corresponding maintenance, they would become overgrown and would deteriorate over time. Alternative F calls for the adaptive reuse of existing buildings on the east side of Route 22 to the east of the Administration and I buildings. If this alternative were feasible, it would allow for maintenance of existing open areas in this part of the site.***

*Comment 14*

The "Low Impact/Low Density Alternative" is not thoroughly addressed in the DEIS. The developer presented this alternative with only the 18-hole golf course option, but was not limited to this scenario. It should present a low impact/low density alternative with a 9-hole, as the developer has stated that works best for them. D(2) in the scope asks the developer to include a "reduction on the number of total housing units and removal of all proposed residential units from all environmentally sensitive areas and reasonable or regulatory buffers, such as the steep hillsides, marble knolls and wetlands, as well as the identified wildlife corridors lying between these identified resources with greater clustering of residential development within a ½ mile radius of the train station..."

(Constance I. DuHamel, Deuell Hollow Conservation Association, Public Hearing Transcript, 6/3/09, Pg. 160-161; Constance I. DuHamel, Deuell Hollow Conservation Association, Letter, 6/30/09, Pg. 4)

*Response 14*

***Comment noted. Please refer to the Conservative Alternative for an analysis of a plan with absolute protection of environmental features, and, consequently, fewer units. This alternative is, however, infeasible.***

*Comment 15*

The dismissal of the lower density alternative because of the alleged added cost for the 18 hole golf course is also misplaced. First, there are absolutely no supporting figures showing that such an alternative is not financially practical. Second, while the Scoping Document required consideration of an 18-hole course, it specifically was limited to that configuration and the DEIS should have considered a 9-hole course if it is demonstrably more cost-effective.

(Jeffrey Baker, Young Sommer Ward Ritzenberg Baker & Moore LLC, Letter, 6/30/09, Pg. 6)

*Response 15*

***Comment noted. The construction costs for the additional 9 holes (\$12,000,000) and the loss of 200 dwelling units are cited in the DEIS as the basis for rejecting this alternative.***

*Comment 16*

Alternative C has serious math deficiencies which should be corrected before it can be analyzed. Based on the code, and without variances/waivers, this alternative can only yield 535 units total if the assumed commercial space is 1,338,000 square feet and average of 2,500 square feet per unit are used as the basis for the unit count. If the 1,524 unit count is maintained, they will only average 877 square feet per unit. These conflicting scenarios make this alternative impossible to evaluate.

(Constance I. DuHamel, Deuell Hollow Conservation Association, Public Hearing Transcript, 6/3/09, Pg. 158-159; Constance I. DuHamel, Deuell Hollow Conservation Association, Letter, 6/30/09, Pg. 4)

*Response 16*

***As detailed in the DEIS, based on the existing MC Overlay District regulations and project acreage, the project site could accommodate approximately 1,338,000 square feet of commercial development and 1,524 residential units. However, the existing MC District regulations include formulas related to the mix of commercial and residential development. In particular, under the present Code, no more than 50% of the gross floor area of all development may consist of residential development, except that age-restricted senior housing shall be excluded from this calculation. Therefore, assuming an average 2,500 square feet per unit, this alternative could have 535 residential units with no occupancy restrictions. The remaining 989 units (to reach the 1,524 total permissible unit count) would have to be age-restricted. Age-restricted units would account for approximately 65% of the units. This alternative would be similar to the proposal for the site initially presented in 2004 (1,457 dwelling units and approximately 1.3 million square feet of commercial and institutional floor area), which was deemed inconsistent with the Town's objectives by the previous Town Board. In addition, the balance of age-restricted housing would be above the levels the market study indicates could be supported, and would preclude the establishment of a diverse community with traditional neighborhood design principles.***

***Most importantly, this zoning alternative suffers from the same defects as the Existing Underlying Zoning alternative in relation to the amount of commercial development. This alternative would significantly exceed the entire amount of potential space throughout the entire trade area that could be supported by the existing trade activity. As a result, this alternative could not be realized on the site. This is not a reasonable and feasible alternative for consideration.***

*Comment 17*

The percent reduction in population for Alternative D should be provided.

(Town of Dover Planning Board, Letter, 7/20/09, Pg. 5)

*Response 17*

***Alternative D represents a reduction of 200 units, which constitutes a loss of 14.5% of the proposed 1,376 of dwelling units.***

*Comment 18*

The Planning Board does not agree with the economic analysis for Alternative E. The rationale for dismissing Alternative E should be more thoroughly explained. It seems counter-intuitive that more commercial use would generate less tax revenue than the proposed project. The FEIS should include a thorough economic analysis of this alternative using current data. Future projections should utilize consistent dollars. This alternative could be amended to include the use of additional low-density residential properties for commercial space.

(Town of Dover Planning Board, Letter, 7/20/09, Pg. 9)

*Response 18*

***The market studies do not support the need for 378,000 square feet of commercial development. It is conceivable that a big box store of 150,000± could be attracted to the site, but such a store would likely replace the demand for a grocery store and many of the smaller Main Street shops included in the proposed plan. The economic analysis for Alternative E shows an increase in tax revenues for additional commercial development, but a loss in property tax revenues because there are approximately 100 fewer units under this scenario.***

*Comment 19*

Alternative D should be more seriously considered as a viable alternative to the proposed project.

(Town of Dover Planning Board, Letter, 7/20/09, Pg. 9)

*Response 19*

***Comment noted. Alternative D reduces the residential density by 200 units, and along with this loss in revenue, adds a \$12,000,000 for 9 holes of additional golf, which results in a project that is not economically feasible for the Applicant in light of the clean-up and infrastructure costs. In addition, the Harlem Valley Golf Association polled their members who overwhelmingly preferred a nine-hole course.***

*Comment 20*

The Alternatives section is extraordinarily conclusory and lacking of supporting analysis to support a rejection of the lower density alternatives. While there are statements that the lower density alternative will have less impacts on wetlands and steep slopes, there is no quantification of the difference.

(Jeffrey Baker, Young Sommer Ward Ritzenberg Baker & Moore LLC, Letter, 6/30/09, Pg. 6)

*Response 20*

***Examination of the alternative site plans show that the limits of disturbance are virtually the same for each of the alternatives presented in the DEIS. Alternative D has fewer units and additional costs (see Response 19 above). Other alternatives present greater levels of***

*development. In contrast, the Conservative Alternative, requested by DEC and presented in this FEIS, further reduces impacts on wetlands, steep slopes and environmental features, but results in a nearly 30% reduction in the proposed development.*

*The modified Proposed Action presented in this FEIS includes a number of plan refinements, reducing densities in certain areas, providing additional protection for environmental features and increasing density in the Town Center. This plan maintains the 1,376 units as proposed in the DEIS.*