

II. COMMENTS AND RESPONSES

ES. Executive Summary

Comment 1

The list of Interested and Involved Agencies should be corrected to include the Town of Dover Planning Board and the Metropolitan Transportation Authority (MTA) Metro-North Railroad (MNR). The Planning Board retains review and approval authority for Town Code Chapter 65 Erosion & Sediment Control permits and Town Code Chapter 125 Subdivision approval until such a time as the Town Board amends the Zoning Code as currently proposed by the Applicant. MTA MNR retains control over all physical infrastructure improvements at the Harlem Valley-Wingdale station area including the platform and platform structures as well as interests in easements with the property owner for certain parking lots surrounding the station. It should be noted that both the Planning Board and MTA MNR have been consulted throughout the SEQRA process as if they were Involved Agencies and have received copies of all SEQRA material received by other Involved Agencies.

(Graham Trelstad, AICP, Senior Vice President, AKRF, Inc., Letter to the Town Board, 7/30/09, Pg. 1)

Response 1

Comments noted. The list of Involved Agencies has been revised in the FEIS to include the MTA Metro-North Railroad and the Town Planning Board.

Comment 2

We request that the FEIS reflects Metro-North Railroad's interest and involvement.

(Linda Corcoran, Deputy Director, Business Development, Facilities & Marketing Department of Metro North Railroad, Letter, 6/30/09, Pg. 2)

Response 2

Comment noted. The Involved Agency list has been revised to include Metro-North.

Comment 3

What is the level of coordination with Metro-North?

(John Casson, Public Hearing Transcript, 5/30/09, Pg. 112)

Response 3

The Applicant has met with Metro-North representatives several times since the state property was sold and transferred to private ownership. Since 2008, when the work on the DEIS began, those meetings have included the Town Supervisor and the Town Planner.

Comment 4

The Town of Dover Planning Board should be listed as an Involved Agency.

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

Response 4

Comment noted. The Involved Agency list has been revised to include the Town Planning Board.

Comment 5

Because the State of Connecticut has specific water quality concerns associated with the proposed project, we would appreciate it if the Connecticut Department of Environmental Protection could be placed on the “Interested and Involved Agencies” list, described in the DEIS.

(Paul E. Stacey, Director, Planning and Standards Division, Bureau of Water Protection and Land Reuse of the CTDEP, Letter, 6/30/09, Pg. 4)

Response 5

Connecticut DEP has been added to the list of Interested Agencies in this FEIS.

Comment 6

The Planning Board favors the Architectural Review Board retaining review of the proposed project, and that the ARB’s role in the process be consistent with their current role with regards to other projects in the Town.

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

Response 6

The Planning Board’s comment has been noted.

Comment 7

The Town of Dover Planning Board should retain subdivision and Erosion and Sediment Control Permit (Chapter 65) approval. Site plan approval should be returned to the Planning Board. It should also be noted in these tables which approval authorities are existing and which are proposed.

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

Response 7

Comment noted. Please refer to Chapter I, Table I-7 of this FEIS. Given the Project’s size and complexity, the Town Board determined that the approval entails numerous policy decisions that should be made by the Town’s duly elected representatives. The Planning Board’s review and comments on the Master Development Plan, proposed zoning changes, EIS and Site Plan submissions will be valuable to the Town Board in its review of the Project.

Comment 8

On April 9, 2009, DEC Dam Safety staff inspected the dam at the site reservoir and issued a letter to the sponsor which indicated that “any repair or construction related to the dam may require permits from the Department.” Therefore, Table I-4 in the EIS must be revised to reflect

recent discussions regarding required repairs to the dam located on site which may need a Dam Safety permit from DEC.

(Scott Ballard, Environmental Analyst, NYSDEC, Letter, 6/30/09, Pg. 12)

Response 8

Comment noted. Please refer to Chapter I, Table I-7 of this FEIS, which has been updated to reflect this potential permitting requirement.

Comment 9

The FEIS should make an explicit statement that the proposed project will comply with all sections of Town Code.

(Graham Trelstad, AKRF, Letter to the Town Board, 7/30/09, Pg. 1)

Response 9

The proposed development will comply with all sections of the Town Code. This can be restated in the Environmental Findings Statement.

Comment 10

The summary of construction impacts in the Executive Summary does not refer to the demolition of historic resources, which is a significant adverse impact of the project that occurs during the construction period.

(Graham Trelstad, AKRF, Letter to the Town Board, 7/30/09, Pg. 8)

Response 10

Comment noted. The introduction to this FEIS addresses this item.