

F. Community Services

1. Additional Technical Studies

The Dover Union Free School District supplied its most recent enrollment figures from August 2009, which indicate a drop to 1,562 students from 2009-2010. In addition, the Superintendent has provided correspondence indicating that the District's current and projected excess capacity will allow the District to absorb the project's new students.

The modified FEIS plan has resulted in changes to the overall program. As described in Section I, while the total number of dwelling units has remained at 1,376, the reduction in density in the perimeter of the site and its relocation to the site's core, have resulted in changes in the mix of proposed unit types. The anticipated public schoolchildren, population and estimated community service demand projections have been updated based on the revised program. The modifications made to the project since the publication of the DEIS have resulted in a decrease in the number of projected school children from 539 to 449 students. This change is primarily a result of the loss of larger, single-family units and an increase in the number of smaller, multifamily units. The cost to educate the project generated school children would be approximately \$3,129,530. This is substantially less than the \$5,648,000 in school district taxes that would be paid by the project, creating a net positive fiscal impact of approximately \$2.5 million annually for the public schools.

2. Plan Changes and Impact Summary

The modified FEIS plan would not impact Community Services any further than the original conceptual plan presented in the DEIS. In comparison to the DEIS plan, the housing program in the modified FEIS Plan would decrease the number of projected school children generated by the Project from approximately 534 to 449 students. The decrease of projected school children generated by the Project would lessen the demand on the school district and local recreational programs provided by the Town.

Most of the comments request further information or clarification on what was presented in the DEIS. The major items are summarized below.

As indicated by the Superintendent of Schools in Comment F.1, the school district expects to have capacity for the estimated 534 school children that would have been generated by the DEIS plan. The Modified FEIS Plan would decrease the demand to approximately 449 students. Considering school enrollment has decreased in previous years and is projected to continue decreasing, the Project is not expected to have a significant adverse impact on the school district.

The Applicant does not propose to reopen or improve Askins Road. This was a point of contention for several commentors. The crossing that was shown on some of the maps was a result of using the Town's GIS data for the base map, which illustrates Askins Road in its

entirety. However, the Project would continue to include a possible trail linkage to the Appalachian Trail. The proposed access point would be approximately three to four miles from the Appalachian Trail Metro North station access point, which the Applicant believes is a significant enough distance to prevent the dilution of the Appalachian Trail experience. In addition, the Town's existing Master Plan includes specific recommendations for linkage to the Appalachian Trail. The Applicant is willing to work with the Appalachian Trail Management Committee to install barriers and preclude the use of ATV's on the trail. The Applicant will also follow the existing Appalachian Trail Conservancy procedure for approval of side or access trails, which includes review and approval by the local trail club, the landowner, the Appalachian Trail Conservancy regional partnership committee and the Appalachian Trail Conservancy.

The FEIS includes a more substantial preliminary trail network than what was originally provided in the DEIS. In addition to the wide array of recreational amenities currently proposed on-site, a trail network would increase the recreational experience available on the Project Site. The trail network will be developed comprehensively during the site planning process. Some of these trails are conceived to traverse through wetland areas and provide an educational, as well as recreational, function. Those portions of the trails traveling through wetlands may require State and/or Federal permits, however trails are permissible uses and are considered presumptively compatible with wetland function and protection.

The Applicant anticipates that a homeowners association ("HOA") will be formed for each residential Hamlet and Neighborhood, as well as for the Town Center. Each of these neighborhood HOAs will be responsible for managing the common areas and/or facilities within each discrete community, including private roads, stormwater basins, and local community greens or open areas. The Applicant also anticipates the creation of a Master HOA, which will be responsible for open spaces and/or facilities common to the entire Project, such as the Recreational Trail System, and the Reservoir.

The Town of Dover Recreation Department and other non-town organizations (e.g., Little League) offer a great diversity of recreation opportunities. The numbers of participants for most of these individual programs are currently relatively small. The project would likely result in increases in participation levels for each program proportionate to the overall population increase associated with the project. The Recreation Department has noted that its primary desire is to consolidate its offerings and facilities at Boyce Park. Currently, recreation programming occurs at sites dispersed throughout the Town.

The DEIS recognizes and acknowledges that the increase in calls would place additional staffing pressure on the J.H. Ketcham Hose Company Inc. The increase would, however, be gradual as the project is phased in and units are occupied. As described elsewhere in the document, it would not be unreasonable for this project to be occupied incrementally over the course of 10 to

20 years. The potential need for career firefighters could therefore be monitored and evaluated by the Town and the Hose Company as the project gradually fills. The incremental nature of the build-out would also allow the Town and Hose Company to evaluate actual volunteer activity levels and experience with fire calls to the site and be positioned to more accurately assess the project's impact on fire services and determine at what threshold point career services would be required. In the event the Town eventually transitions to a degree of paid fire staffing, the project's \$280,000 in annual property taxes for the fire district could be utilized to offset a portion of that cost. As detailed in the Chief's Comment F.9 and as recognized as early as 1993 in the Town's Master Plan, independent of the proposed project, the Town will at some point likely face the need for a full-time EMS service and a part-time paid fire department.

The Fire Company is also concerned with interior sprinklers. All multifamily, mixed use and commercial buildings would be sprinklered in order to provide additional fire protection and minimize potential stress on the fire department.

Both the DEIS and the Modified FEIS Plan include four-story buildings (stacked townhomes in the DEIS Plan; and stacked townhomes and the 4-story apartments in the FEIS Plan). The Fire Company currently has a 75' aerial ladder truck. The Fire Company is in the process of determining the appropriate and necessary equipment to fight any potential fire in the proposed four-story buildings.

3. Comments and Responses

Schools

Comment F.1

Facility planning is always a challenge for school districts, regardless of how many experts are consulted, as it is difficult to project when new school children will arrive and what ages they will be when they get here. As such, we are regularly examining our enrollment trends and the planned housing projects in our community. Our last major facilities project was done in 1997 during a time of population growth throughout Dutchess County and the Hudson Valley region and involved years of planning that included a demographic study done in 1994. That project was undertaken to: build capacity for an expected peak of approximately 2,000 students; meet the District's educational goal for creating a Middle School wing to separate grades 6 through 8 from grades 9 through 12; construct additional common spaces that the community had long desired such as an auditorium, a new library, and new science labs; and to add and improve space at the Dover Elementary School in Dover Plains.

We maintain the current facilities have a capacity to serve 2,200 students. This number is obtained by multiplying the total number of classrooms by the assumption that each classroom could hold 20 students. To date, student population has not reached the expected peak, instead peaking at 1,872 in the 2001-2002 school year and has continued to decline since then, a trend now seen in all Dutchess County school districts and many others throughout the state. We

currently lease out extra space to the Town of Dover Recreation Department and the Dutchess County Astor Program and house the District's administrative offices in vacant classroom space at the High School. Our issue related to space is more about the age of some of our facilities rather than size as Dover Elementary is over one hundred years old.

(Craig T. Onofry, Ed.D, Superintendent of School, Dover Union Free School District, Letter, 6/24/09, Pg. 1)

Response F.1

Comment noted. As indicated by the Superintendent, the School District has sufficient capacity to accommodate the number of students projected to be generated by the DEIS plan. The modifications made to the project since the publication of the DEIS have resulted in a decrease in the number of projected school children from 534 to 449 students. In addition, the District's most recent enrollment estimates from August 2009 indicate a drop to 1,562 students for 2009-2010 (which is lower than the District's previous estimate for the year.) This would be sufficient to accommodate the approximately 449 school children estimated to be generated by the project. As detailed in the DEIS, District projections through 2012-2013 indicate further decreases in enrollment.

**Table II.F-1
FEIS Plan Public Schoolchildren Generation – Rutgers University Multipliers**

Type of Unit	Number of Units	Public Schoolchildren per Household	Estimated Number of New Pupils
Single-family Detached			
3-br	126	0.64	80.64
4-br	126	1	126
5-br	10	1.23	12.3
Single-family Attached			
2-br	317	0.17	53.89
3-br	85	0.52	44.2
4-br	68	0.86	58.48
Multifamily – Own			
1-br	137	0.15	20.55
2-br	137	0.09	12.33
Multifamily – Rent			
2-br	94	0.43	40.42
Total	1100		
Total Number of Estimated New Pupils			448.81

Source: Burchell, et al., Residential Demographic Multipliers: Estimates of the Occupants of New Housing for NYS, June 2006, Rutgers University, Center for Urban Policy Research

Note: Project includes 276 age-restricted units.

Using the per pupil program cost paid by the local property tax estimate of \$6,970, the local cost to educate the project-generated schoolchildren would be approximately \$3,129,530. This

is substantially less than the \$5,648,000 in school district taxes that would be paid by the project (approximately \$2,185,000 as a result of Phase 1 development, and \$3,463,000 as a result of Phase 2 development), creating a significant positive fiscal impact of approximately \$2.5 million annually for the public schools.

Comment F.2

Unfortunately, while most student populations state-wide have decreased, school budgets continue to rise due to double-digit increases in health care, pensions, and fuel costs along with the unending unfunded mandates at the state and federal level. The Dover Board of Education has kept its budget increases at the lowest levels in the county for the last several years, but the increases are still difficult for the community and we are not able to afford some of the extras found in other districts. The increased ratable proposed with the redevelopment project will be welcomed.

(Craig T. Onofry, Ed.D, Superintendent of School, Dover Union Free School District, Letter, 6/24/09, Pg. 2)

Response F.2

Comment noted.

Comment F.3

Our current and projected excess capacity will allow the District to absorb new students with the expectation that the redevelopment project will occur over a period of ten years. We also appreciate the new tax revenues the community will experience over that same time period as new commercial and residential development comes on line to increase the town's assessed value. Given that the Knolls of Dover redevelopment project would be constructed in two phase, it would be advisable that the Applicant monitor the generation of school-children through the completion of Phase 1. It is our understanding that Phase 1 includes the construction of 40% of the residential component of the Project in a mixture of unit types. The accuracy of the projected school children generation made by the Applicant could then be compared against the actual Phase 1 generation of school children.

(Craig T. Onofry, Ed.D, Superintendent of School, Dover Union Free School District, Letter, 6/24/09, Pg. 2)

Response F.3

Comment noted. The Applicant would be willing to coordinate with the School District to monitor the number of school children generated at the completion of Phase 1 and compare these with the earlier projections in order to help the district plan for the full build-out.

Comment F.4

Due to the possibility of overcrowding the school system, the Benjamin Companies should donate land for another school and money for a building fund. Since the Town of Dover and the Benjamin Companies have jointly applied for \$20.5 million of Stimulus money for removal of some of the buildings, I feel that setting aside land and funds to build a school, if needed in the future, is a reasonable request.

I hope the Applicant is analyzing what impact the development would have on the education system.

(Judy Baker, Letter, 6/30/09, Pg. 1; Henry Wallis Walters, Public Hearing Transcript, 6/3/09, Pg. 122)

Response F.4

The Project's potential impact on the educational system is detailed in DEIS Section III.F and Response F.1. As noted in the analysis and confirmed by the Superintendent of Schools in Comments F.1 through F.3, the District would have sufficient capacity to accommodate the new students projected to be generated by the project. The District also continues to experience a downward trend in enrollment. The District's most recent enrollment estimates from August 2009 indicate a drop to 1,562 students for 2009-2010 (which is lower than the District's previous estimate for the year.) The District's enrollment estimate memorandum is provided in the Appendix.

Comment F.5

Pg. I-12, 3rd paragraph. The per-pupil costs and revenue for the project should be clarified. It should be noted whether these figures are fixed or marginal costs.

The DEIS should provide more specific details as to how the per pupil program cost of \$6,962 was derived.

(Town of Dover Planning Board, Letter, 7/20/09, Pg. 5; Graham Trelstad, AKRF, Memorandum to Town Board, 7/30/09, Pg. 5)

Response F.5

The per-pupil costs were derived as follows and are intended to provide the closest approximation of the anticipated marginal cost to educate an additional student:

The total district budget proposed for the 2008-2009 school year is \$27,584,157. With an estimated district enrollment of 1,647 students, total expenditures per pupil are therefore approximately \$16,748. Program costs account for \$19,932,278 of the total budget, a cost per pupil of approximately \$12,102. The remainder of the budget consists of administrative and capital expenditures. The tax levy for the 2008-2009 district budget accounts for \$15,893,494, or approximately 58 percent of the budget revenues. The total cost paid by the local real estate property tax would therefore be approximately \$9,650 per pupil, and the portion of the program costs paid by the local real estate property tax would be approximately \$6,970 per pupil.

Comment F.6

The FEIS should clarify how the anticipated future enrollment of the Dover Union Free School District was determined. The anticipated future enrollment should be based on actual enrollment trends over the past ten years, and not the 1993-1994 study discussed in the text.

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

Response F.6

The figures in the DEIS are the actual enrollment figures for the preceding years as reported and provided by the Dover Union Free School District. See Comment F.1 for additional direct discussion from the District Superintendent regarding enrollment trends.

Library Services

Comment F.7

The DEIS indicates that additional demand on services and materials at the Town library will be expected. However, the DEIS indicates only that the proposed project will provide “a number of amenities, including reading rooms” without offering specific details as to how these reading rooms would be provisioned, staffed, or programmed and whether these reading rooms would be considered part of the Town’s library system. It is unclear how these reading rooms would offset future demand for Town library services.

(Graham Trelstad, AKRF, Memorandum to Town Board, 7/30/09, Pg. 5)

Response F.7

It is not envisioned that the reading rooms would be part of the Town’s library system. Typically, reading rooms are unstaffed facilities that are provisioned by members of the neighborhood. A neighborhood resident may volunteer to keep the shelves organized or this function may be accommodated by an HOA staffer. While these facilities may offset a portion of the residents’ recreational and socialization needs that may typically be satisfied by libraries, an increase in population will increase demand for library services.

There are no available industry standards that can be applied to quantify the exact increase in service demand and resulting service cost for the library. However, it can reasonably be determined that the project would generate tax revenue that is roughly proportionate to the impacts from the expected increase in visitors. The library has 5,778 registered borrowers. The project is anticipated to generate a total population of approximately 3,412, or an approximately 40% increase in the Town total of 8,565. The expected increase in borrowers would be expected to be less than 40%, due to the amenities described in the paragraph above, and due to the fact that the library also serves patrons registered at other libraries in the Mid-Hudson Library system. The Town Board currently allocates a minimum of \$225,000 to the library budget; however that amount could be modified. The project is anticipated to generate approximately \$78,000 annually in tax revenue for the library. This increase in available funding is roughly proportionate to the expected increase in visitors and therefore would be expected to be sufficient to provide for proportionate increases in staffing, materials, and operating funding. As discussed in the DEIS, the Applicant is willing to consider coordination and provision of pick-up/drop-off services at the community buildings if necessary to address space concerns. In the event that additional dedicated library facilities are eventually determined necessary by the Town, the proposed project offers a large quantity of space that could be available to be utilized as library or other municipal services annex.

Parks and Open Space

Comment F.8

The National Park Service retains certain responsibilities in relation to the Appalachian Trail, including over-all administration of the Trail and compliance required under the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). In 2003, the New York State Historic Preservation Office (SHPO) recognized the AT as eligible for the National Register of Historic Places (NRHP). The NPS has particular concerns with the proposed Dover Knolls project in that the visual impacts from the AT, particularly at Cat Rocks in Dutchess County are not fully examined in the DEIS. The visual analysis conducted and presented in the DEIS is with full leaf-on. The analysis should include the views of four seasons, or at least when tree cover is minimized during the winter and early spring. Preservation of mature trees should be ensured as well as reducing development along the far slope of the project. These measures would help protect the views from the nationally significant trail.

(Pamela Underhill, Superintendent, National Park Service – Appalachian National Scenic Trail, Letter, Pg. 1-2)

Response F.8

Cat Rock offers open views to the east looking out over Pawling. The view encompasses a panorama that includes heavily developed village area, rural development, cleared fields, and wooded areas. Portions of the Power Plant smokestack and the upper floors of the 10-story hospital building are also visible. Portions of the project site may be visible, but would reflect another landscape feature of a compact village similar to other elements in the view. It is also noted that the new structures would be lower than the existing hospital building and smokestack. As a result, it is not anticipated that the character of the view would be significantly altered. Cat Rock is also located approximately three to four miles from the Project. At this distance, the scale of the proposed structures would not be clearly discernible.

Comment F.9

The NPS is concerned about the developer's assumption that an easement or right-of-way would be granted to cross the AT. To date, this office has not received any specific information about the proposed re-opening of the existing impassible road. Please have the maps revised to eliminate any proposed crossing of the AT as a crossing would not be in keeping with the primitive nature of the trail and would cause adverse effects to cultural and natural resources.

(James P. Haggett, Chair of the Dutchess/Putnam Appalachian Trail Management Committee, Public Hearing Transcript, 6/3/09, Pg. 87; Pamela Underhill, Superintendent, National Park Service – Appalachian National Scenic Trail, Letter, Pg. 2)

Response F.9

The Project does not propose any crossing of the Appalachian Trail. Some of the Exhibits in the DEIS rely on base mapping from the Town's GIS system, which shows a portion of Askins Road penetrating into the Appalachian Trail easement area. The Project does not include any proposal for activity in relation to that road, which as noted by commentors from the

Dutchess/Putnam Appalachian Trail Management Committee, has been overgrown and abandoned.

Comment F.10

We are also concerned about the proposal and the potential for ATV access to the AT. In similar situations such as this, ATC and this office have worked closely with developers to design and install effective barriers to deter ATV access. We have design specifications available and would like to see these included in any final plans.

(James P. Haggett, Chair of the Dutchess/Putnam Appalachian Trail Management Committee, Public Hearing Transcript, 6/3/09, Pg. 86-87; Pamela Underhill, Superintendent, National Park Service – Appalachian National Scenic Trail, Letter, Pg. 2)

Response F.10

The Applicant shares the Trail Management Committee’s concern regarding illegal ATV usage and during the course of its ownership of the site has regularly patrolled and pursued ATV trespassers. The Applicant welcomes that opportunity to coordinate with the Trail Committee on the design and installation of barriers. The details of such installations would be prepared at the time of site plan review.

Comment F.11

The DEIS makes a number of statements (see pages III.A-12, III.A-24-25, III.F-7 and Exhibit II-13) about a trail that would connect the Dover Knolls community to the Appalachian National Scenic Trail that lies to the east. This is a misconception and presumptuous. The AT strives to provide an environment that gives the hiker a sense of remoteness and detachment from civilization so nature can be truly enjoyed. To this end, requests to build connecting trails are granted only after thorough environmental reviews to ensure that the Appalachian Trail experience is not compromised and that any side trails serve to enhance the experience for AT visitors. Consideration of such a request could not be entertained until after the project is complete and its population settled in.

The old Appalachian trail route, which went near the cemetery, is completely overgrown. The present footpath is much further to the east. I would suggest that the trail on the east side of Route 22 that you have laid out on the map should be made into a loop trail to circle around and connect to housing areas or to the north end of Hutchinson Road.

We made these comments at earlier meetings, but they did not seem to be incorporated into your final document.

(James P. Haggett, Chair of the Dutchess/Putnam Appalachian Trail Management Committee, Public Hearing Transcript, 6/3/09, Pg. 86; Jane Geisler, Dutchess/Putnam Appalachian Trail Committee, Public Hearing Transcript, 6/3/09, Pg. 88-89; James P. Haggett, Chair of the Dutchess/Putnam Appalachian Trail Management Committee, Letter, 6/24/09, Pg. 1)

Response F.11

The Applicant recognizes the concern that having many small side trail connections or stubs can disrupt the trail experience. However, the proposed access point would be nearly three to four miles away from the Appalachian Trail Metro-North station access point. In addition, the on-site portion of a connector trail would extend nearly a mile from the Town Center to the edge of the property (and then even further to link in with the existing footpath). As a result, it is not expected that there would be a significant dilution of the trail experience or natural context at this location. The Applicant believes that a connecting trail at the site of what will eventually grow into a hamlet or town center would be a sensible access point and reflect progressive planning practices by providing non-motorized linkages, enhancing connections to the natural world and capitalizing on transit accessibility.

The Project's trail system is also intended to advance the creation of an interconnected greenway throughout the Hudson Valley, in accordance with stated local and regional objectives from the Hudson River Greenway, the NYS Department of Transportation, metropolitan planning organizations and other agencies who are working to create a greenway network of pedestrian facilities. The Town's Master Plan also includes several specific recommendations for connecting trails:

6.10 The Town should promote a town-wide trail network connected to a larger Harlem Valley Greenway system, specifically including a loop trail linking Nellie Hill with the center of Dover Plains, a continuous trail along the Ten Mile River, and a trail from Boyce Park to the Appalachian Trail.

Open Space Policy 1.c. Develop a specific trail proposal to connect Boyce Park and the upland areas of the Harlem Valley Psychiatric Center with the Appalachian Trail.

The creation of the type of connection advocated by the various planning documents could also help further the development of a conservation-minded constituency of trail neighbors and users to help monitor and protect the resource from ATV trespassing or other unauthorized mechanized access.

The Applicant is willing to work with the Appalachian Trail Management Committee (ATMC) to install barriers and preclude the use of ATV's on the trail. The Applicant will also follow the existing Appalachian Trail Conservancy procedure for approval of side or access trails, which includes review and approval by the local trail club, the landowner, the Appalachian Trail Conservancy regional partnership committee and the Appalachian Trail Conservancy. The review will be based upon the ATMC criteria for recommending approval of new hiking trails entering the trail corridor, which include:

- 1. The trail will only enhance or improve the Appalachian Trail.*
- 2. The Appalachian Trail is preeminent over the new or designated trail.*
- 3. The trail will allow only foot traffic.*
- 4. The trail will provide significant access to the Appalachian Trail or between the Trail and significant scenic, natural, or cultural resources and/or Trail facilities.*
- 5. The Appalachian Trail will take precedence on trail signing and marking.*

6. Dual marking will be avoided on any new co aligned trail; however, other trails may be identified on A.T. signs. ATC also will work to establish this standard for existing coaligned trails.

7. A.T. managers will cooperate in developing standards for construction, design, and maintenance of trails that intersect the Appalachian Trail. ATC will encourage adoption of standards that protect resource values and prevent environmental damage in a manner consistent with resource protection on the Appalachian Trail.

The National Trails System Act also has provisions for the formal designation of a side trail, which requires action by the Secretary of the Interior. No formal side or connecting trails have been formally designated since the passage of the National Trail Systems Act. The policy does note other trails may intersect the Trail without being formally designated and that hundreds of undesignated side trails exist. The additional criteria listed in the policy for the the Appalachian Trail park manager to consider when evaluating a proposal for formal designation include:

- 1. It has undergone review according to ATC's prescribed process.**
- 2. It provides the potential for promoting greater public enjoyment of the Appalachian Trail.**
- 3. It has received the concurrence of the landowner(s).**

Comment F.12

The golf course has kept open much of the former dairy and cropland. Continuation of open land will give flexibility for the future if locally grown food or recreational space is needed.

(James P. Haggett, Chair of the Dutchess/Putnam Appalachian Trail Management Committee, Letter, 6/24/09, Pg. 1)

Response F.12

The modified FEIS plan has eliminated, among other things, the previously proposed Pond and Meadow hamlets in the southwest corner of the site. This would allow for land that is currently farmed to be maintained as open land that could be used for local agriculture or recreation space in the future.

Comment F.13

The EIS should identify and catalog all areas of open space at the site. A section should be added to the EIS which discusses any and all proposed methods to ensure that the areas of open space identified in the EIS will be protected from the possibility of future development.

(Scott Ballard, Environmental Analyst, NYSDEC, Letter, 6/30/09, Pg. 11)

Response F.13

DEIS Exhibit II-12 graphically identifies all areas of open space on the site and Table II-5 tabulates the proposed recreation facilities and open space. The Site Grading and Drainage Plans (Sheets SP-2.1 through 2.7) also indicate the proposed limit of disturbance line. This open space would be protected from the possibility of future development by a variety of means. The first layer of protection is that development of the site is regulated by the MC District and the associated comprehensive development plan that will be approved by the Town Board. The project will also include detailed, individual site plans that will be approved by the Town Board. Deviations from the approved site plans (including additional disturbances to open space) would require amendment of the site plans and an associated environmental review and determination from the Town Board.

Portions of the site's more passive, natural open space may be appropriate for transfer to a conservation organization with the capability, resources and desire to manage the open space. Another potential option would be to employ conservation easements for portions of the natural open space areas.

Comment F.14

The former track should also be restored for walkers and joggers.

I am disappointed that the walking track would be removed. If the walking track is not restored, the stone dedicated for the life of an employee who was killed on the job should be placed in a suitable location.

(Henry Wallis Walters, Public Hearing Transcript, 5/30/09, 32-33; Town of Dover Planning Board, Letter, 7/20/09, Pg. 3)

Response F.14

The track is located in a wetland area. In order to improve the quality of the wetlands surrounding the Swamp River, the track area is proposed to be used for wetland creation. The restoration would also involve creating a nature trail that could be used for recreational activity and would provide a walkable link to Boyce Park. The memorial stone will remain in a location visible to the public.

Comment F.15

More information on the proposed membership structure of the golf course should be provided. The Planning Board finds the golf course to be an important community resource, and would like its availability for public use to be consistent with the current membership structure. More specific information is needed regarding the fee structure/membership of the golf course. In addition, the anticipated future of the existing golf club (HVGCC) both as an entity and for individual members should be described.

(Town of Dover Planning Board, Letter, 7/20/09, Pg. 3)

Response F.15

The golf course would remain available to the public and privately maintained. It is the Applicant's intention for it to continue to serve as an inexpensive member course. Memberships would be available to the general public, although it is anticipated that there would be a preference for a portion of the memberships for HOA members and existing golf club members. It is envisioned that the course would also be open for play by the general public without memberships, subject to availability/capacity and a use fee. However, it is too early in the project to provide specific information about the fee structure. Membership costs and greens fees are not yet known, but will need to be calibrated to ensure that the course remains financially self-sufficient and sustainable. The Applicant is also investigating the possibility of ultimately transferring management of the course to the Harlem Valley Golf Club.

Comment F.16

The Planning Board also finds that the proposed onsite recreation is insufficient to meet the demand of the new residential population that would be generated by the proposed project. Therefore, the Planning Board recommends that the Town require recreation fees to be paid. Recreation should be paid in accordance with section 125-13 of the Town Code.

(Town of Dover Planning Board, Letter, 7/20/09, Pg. 3)

Response F.16

As detailed in the DEIS, the Project provides a wide range of recreation amenities, greens, natural and/or public access areas, and other community facilities. This includes approximately 83 acres of publicly accessible recreation amenities, over 500 acres of dedicated open space throughout the site, and a comprehensive trail network. These facilities offer both passive and active recreation opportunities. Given the variety of available recreation activities residents would likely fulfill much of their recreational needs on-site. These park areas would be more than sufficient to meet the parkland reservation requirements of §125-13 of the Town Code. The payment of recreation fees is reserved for situations where the Planning Board has made a finding that a proper case exists for requiring parks for playgrounds or other recreational purposes, but that due to size, topography or location of the subdivision, land for parks, open space playgrounds or other recreational purpose cannot be located on the site.

Comment F.17

The Planning Board finds that certain neighborhoods, such as the Meadow Hamlet and portions of the Millpond Hamlet are underserved by the proposed system of sidewalks and trails. In general, additional trails that are sensitive to the onsite natural resources should be proposed to better connect these hamlets and provide additional onsite recreation. All trails should be limited to pedestrian and bicycle traffic. All motorized vehicles, including ATVs, should be prohibited.

(Town of Dover Planning Board, Letter, 7/20/09, Pg. 3)

Response F.17

The Meadow hamlet is removed in the modified FEIS plan. In addition, the Project has expanded the on-site trail network to provide further sidewalk and trail connections

throughout the site. The Applicant is pursuing a comprehensive on-site trail network with three components: recreational loops within the property, trail linkages to routes off the property, and a possible competition venue for events in cross country running, Nordic skiing and mountain biking that would bring additional visitors into the Town Center. This extensive trail system would improve connectivity and trail accessibility throughout the site and further promote healthy living, alternatives to automobile dependence, and appreciation of the site's natural features. Motorized vehicles such as ATVs would be prohibited.

Comment F.18

The Planning Board finds the proposed trail system insufficient. In particular, additional trails should be proposed in the vicinity of the reservoir. Trail connections to Boyce Park and other existing trail systems should be proposed and expanded. The Planning Board noted that the Appalachian Trail Conservancy (ATC) typically does not allow additional trail connections or crossings. However, some members of the Planning Board were supportive of such connection, and the Town of Dover Master Plan goal of establishing open space trail connections between the Appalachian Trail, the project site, and Boyce Park. Therefore, they encourage the Applicant and the Town to continue to work with the ATC to establish such connection. New trails should be environmentally sensitive to the surroundings and should be constructed of materials appropriate for the locations.

(Town of Dover Planning Board, Letter, 7/20/09, Pg. 3)

Response F.18

See Responses F.11 and F.17.

Comment F.19

The FEIS should clarify which aspects of the proposed onsite community facilities would be open to the public. More detail on the ownership, management, and fees for these facilities should be provided.

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

Response F.19

The Project includes two small community buildings with pools (one on Wheeler Road, one on Hutchinson Avenue) that would be privately owned and maintained for the exclusive use of Project residents. The existing restored Manor House and new golf course clubhouse would be available to Project residents, golf course members, and guests. All other recreation facilities including the greens/commons, the great lawn, boat launch, trail system, Smith Hall, and the golf course would be open to the general public. With the exception of certain open spaces that could be transferred to a conservation organization with the capability, resources and desire to manage the open space and Smith Hall, which is contemplated for transfer to the Town, it is expected that the remainder of the facilities would be owned and managed by the HOA. However, it is too early in the project planning process to project potential fees for these facilities.

Comment F.20

The Applicant should discuss how the trail system is to be implemented. Consideration should be given to walking/biking trails and hiking trails that might be integrated into a larger trail system outside of the Dover Knolls property.

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

Response F.20

See Response F.17 for description of the trail concept. The trail system would be designed by Morton Trails, a Vermont firm with experience on projects across the United States and abroad. The final design specifications of the trail would be reviewed and approved during the site plan reviews for each phase of development.

Comment F.21

The DEIS includes Nature Conservancy land within the calculation of the amount of open space per 1,000 residents. This overstates the amount of open space available to residents of the Town of Dover for active recreation and does not account for the conditions of Town facilities available for active recreation. The Applicant should contact the Town Recreation Department to ascertain how additional residential population would affect existing recreational programming and facilities, including for non-Town recreational programs (e.g., Little League and youth soccer programs that use Town facilities).

(Graham Trelstad, AKRF, Memorandum to Town Board, 7/30/09, Pg. 5)

Response F.21

The Nature Conservancy lands provide opportunities for active recreation such as hiking and are valuable open space and recreational resources for the community. It is acknowledged that they are not a resource for organized, team sports (like ballfields).

The Town of Dover Recreation Department administers a wide variety of youth recreational and social programs, including basketball, cheerleading, gymnastics, swim lessons, summer camps, theater, tennis lessons, softball pitching lessons, tumbling tots, and a playgroup program. The Department also manages adult programs, including tennis lessons, co-ed softball, volleyball, basketball, a mens soccer league, pilates, kickboxing, yoga, and a seniors program. In addition, the Department runs a number of special events and trips during the year, such as holiday arts and crafts, an easter egg hunt, Halloween parade, Christmas trip, bowling trips, miniature golf trips, a trip to an amusement park, trips to Mohegan Sun and senior bus trips and picnics. Information from the Recreation Department regarding the programs offered by the Town and the approximate number of participants are included in the Appendix.

There are also several activities that utilize Town fields that are not run by the Recreation Department. This includes youth baseball and softball leagues, Dover United youth soccer, and adult men and womens' softball.

The youth baseball program is reported to include 280 participants in total and the soccer program reports 181 participants. Both of these totals are lower than the numbers from the previous year. As reported by the 2000 Census, Dover had 2,068 children between the ages of 5 and 18. The youth baseball participants represent approximately 13.5% of the total age-group, and the soccer participants represent approximately 8.7%. As described above, at full build-out the project is expected to generate a school children population of approximately 449. Assuming a proportionate rate of participation, at full build-out, the project could be expected to add 60 children to the youth baseball leagues and 39 children for youth soccer. This would represent a growth of approximately 21.5% for both. This is not anticipated to be significant, translating into approximately two soccer teams (assuming average 18-person roster for older players – it is noted that the younger kids play in smaller sided informal games) and approximately four baseball teams (assuming average 15-person roster.) Coaches for youth baseball and soccer teams typically come from the families of the participants. This is not therefore anticipated to be a significant impact. As is currently the case, parents of participants would provide a pool of potential coaches. Boyce Park currently has three soccer fields (including a high school dimension field that can be utilized as four fields for younger children), a softball field and a baseball field. The Recreation Department has also indicated that there is available space for additional fields at Boyce Park. There is an additional soccer field at Palmer Field and two additional baseball fields at the J.H. Ketcham Memorial Pool. It is also noted that, as with the schools, the recent trend indicates lower registrations. In addition, the impact from new children from the project would not be felt at once, but would increase gradually as the project develops over its currently anticipated 10-20 year period. The adult softball leagues that use Boyce Park are relatively small (approximately 70 adults in total) and include residents from outside of the Town.

As indicated above, the Recreation Department offers a great diversity of recreation opportunities. However, the numbers of participants for most individual programs are relatively small (and smaller than the numbers in the youth baseball and soccer programs.) For example, there are approximately 30 children involved in swimming lessons, 8 children in softball pitching lessons, and 10 children in tennis lessons. The most heavily subscribed Town youth programs are for basketball and cheerleading (147 and 60 children respectively.) As with the non-Town recreation, the project would likely result in proportionate increases in participation levels for each program. The Recreation Department has noted that its primary desire is to consolidate its offerings and facilities at Boyce Park. Currently, recreation programming occurs at sites dispersed throughout the Town.

Fire and Emergency Services

Comment F.22

I have had a chance to review the DEIS and evaluate the mitigation proposed by the developer. As stated in the DEIS, there is a potential for a 43 percent increase in population from this project. This has the potential to increase the call volume for the Fire Department and Emergency Medical Service by the same amount. In the fire departments previous responses, we indicated the anticipated additional call volume could put stress on the current department staffing and possibly force the change from an all volunteer fire department to a combination

volunteer/paid department. This increase in call volume could also change the emergency medical service from a paid 12 hour/day service to a paid 24 hour/day service.

(Aaron Sherer, Chief of the J.H. Ketcham Hose Company Inc., Letter, 6/15/09, Pg. 1)

Response F.22

Comment noted. The DEIS recognizes and acknowledges that the increase in calls would place additional staffing pressure on the department. The increase would, however, be gradual as the project is phased in and units are occupied (and as Town ratables are increased at the same pace). As described elsewhere in the document, it would not be unreasonable for this project to be occupied incrementally over the course of 10 to 20 years. The J.H. Ketcham Hose Company is a private volunteer fire company that provides fire and rescue services under contract with the Town. The Town's Master Plan (in 1993) noted that "it is becoming increasingly difficult to find volunteers and it is estimated that by 1994, full-time, paid professional fire and ambulance personnel will be needed to adequately cover the 6 A.M. to 6 P.M shift." The problem of daytime staffing is common to municipalities throughout the region and, as noted above, has been documented for years. The emergency services have already shifted to a 12-hour paid situation.

Comment F.23

The applicant states in the DEIS, "Without the Project, continued growth in the Town in the future would be anticipated to increase service call levels for the emergency service providers." The Fire Department agrees with this finding but must add to it. The growth of the Town of Dover independent of this project has the potential to cause similar impacts as outlined above with the addition of this project these impacts are almost inevitable. The Town Board and citizens of this town must be prepared to bear the burden of supporting a full time EMS service and/or a part-time paid fire department in the near future.

(Aaron Sherer, Chief of the J.H. Ketcham Hose Company Inc., Letter, 6/15/09, Pg. 2)

Response F.23

Comment noted.

Comment F.24

The EMS service provided by NDP from 5 am to 5 pm currently cost the Town of Dover \$120,000/year. We can assume 24 hour coverage would increase this cost to \$240,000/year.

(Aaron Sherer, Chief of the J.H. Ketcham Hose Company Inc., Letter, 6/15/09, Pg. 1)

Response F.24

Comment noted. The 2009 adopted budget includes a \$115,000 appropriation for ambulance services for 12-hour paid coverage. In the event that the Hose Company is at some point unable to adequately provide the 12-hour night-time coverage, the Town may need to revise its contract with Northern Dutchess Paramedics to provide additional coverage. It is noted that Northern Dutchess Paramedics also collect a fee for service.

Comment F.25

The additional call volume has the potential to shorten the life span of our current apparatus. Currently the vehicle replacement fund is \$120,000/year. Taking into account the additional call volume and adjusting our current replace schedule, this fund would need to be increased to a minimum of \$210,000/year.

Fuel costs for the additional call volume could increase from \$20,000 (2008 usage) to potentially \$29,000.

If the applicant's prediction of the potential for new members from the projects residential development is correct, the fire department will then need to train and outfit these members with appropriate firefighter equipment. The cost of this equipment is currently \$2,500 to \$3,000/per person.

(Aaron Sherer, Chief of the J.H. Ketcham Hose Company Inc., Letter, 6/15/09, Pg. 1)

Response F.25

Comment noted. As described in the DEIS, at full-build out the project would be anticipated to generate annual property tax revenue of approximately \$280,000 for the fire district, which could be used to offset potential costs should the increase in call volumes shorten the apparatus replacement schedule and increase fuel costs.

Comment F.26

If this development does not result in a significant increase in membership, the need for career firefighters may become necessary. Initial staffing of three firefighters, ten hours per day, seven days a week, would cost approximately \$600,000 (\$100,000/firefighter including salary, benefits, specialized gear and training). In addition to the firefighting staff, an administrative position may have to be created to oversee the career fire and EMS staffing.

(Aaron Sherer, Chief of the J.H. Ketcham Hose Company Inc., Letter, 6/15/09, Pg. 2)

Response F.26

Comment noted. As described in Response F.22, the DEIS recognizes and acknowledges that the increase in calls would place additional staffing pressure on the department. The increase would, however, be gradual as the project is phased in and units are occupied. As described elsewhere in the document, it would not be unreasonable for this project to be occupied incrementally over the course of 10 to 20 years. The need for career firefighters could therefore be monitored and evaluated by the Town and the Hose Company as the project gradually fills. The incremental nature of the build-out would also allow the Town and Hose Company to evaluate actual volunteer activity levels and experience with fire calls to the site and be positioned to more accurately assess the project's impact on fire services and determine at what threshold point career services would be required.

The project would greatly increase housing availability, particularly for young and retired households and add a significant amount of jobs. The availability of new housing opportunities and jobs may assist potential volunteers to remain in the community and

increase the amount of potential volunteering. In addition, all multifamily, mixed use and commercial buildings would be sprinklered in order to provide additional fire protection and minimize potential stress on the fire department.

In the event the Town eventually transitions to a degree of paid fire staffing, the project's \$280,000 in annual property taxes for the fire district could be utilized to offset a portion of that cost. As detailed in the Chief's Comment F.9 and as recognized as early as 1993 in the Town's Master Plan, independent of the proposed project, the Town will at some point likely face the need for a full-time EMS service and a part-time paid fire department.

Comment F.27

In addition, the current firehouses are not configured for career services. The firehouses would have to be upgraded to the standards of career departments including bunk housing, day rooms, exhaust systems and showers.

(Aaron Sherer, Chief of the J.H. Ketcham Hose Company Inc., Letter, 6/15/09, Pg. 2)

Response F.27

Comment noted.

Comment F.28

The DEIS suggests that these concerns could be mitigated by the additional tax revenue generated by the project and the potential for new members from the projects residential development. Additional tax revenue without significant increase in membership, physically capable to perform the demanding task of firefighting, will not mitigate this potential impact on the emergency services in the Town of Dover.

(Aaron Sherer, Chief of the J.H. Ketcham Hose Company Inc., Letter, 6/15/09, Pg. 2)

Response F.28

As described above, the project would greatly increase housing availability, particularly for young and retired households and add a significant amount of jobs. The availability of new housing opportunities and jobs may assist potential volunteers to remain in the community and increase the amount of potential volunteering. However, it is impossible to accurately predict the degree of increased volunteerism.

In the event that as the project (and the Town) develops over time, a determination is made to require part-time paid staffing, the project's additional tax revenue would provide an opportunity to offset a portion of this cost.

Comment F.29

The DEIS notes that additional demand for service will "place additional pressure on the Fire Department." The comment letter received from the J.H. Ketcham Hose Company indicates that the Department is anticipating the need for additional (possibly paid) personnel the cost of which would exceed the anticipated revenues to the Fire District. NDP service might also need to be expanded. This should be considered a significant adverse impact which is only partially

mitigated by tax revenues and the potential for new volunteers from the larger residential population.

(Graham Trelstad, AKRF, Memorandum to Town Board, 7/30/09, Pg. 4-5)

Response F.29

See Responses F.22 and F.26. As discussed, the fire department's difficulty with staffing has been a persistent problem and was already being documented and planned for over 15 years ago. While the project revenues would not cover the entire cost of a partial paid service, it alone is not responsible for that need either. Independent of this project, the Town Board will need to likely address the conversion to a partial paid service. As indicated in this FEIS, the project's anticipated population would be expected to increase the Town's overall population by approximately 40%. Assuming a roughly proportionate increase in call demand, it is anticipated that the project, at full build-out (in 10-20 years) could increase the number of additional annual service calls by up to 40%. The project would therefore be anticipated to be responsible for approximately 28.5% of total service calls when fully built out. The project generated revenue for the fire district would be more than sufficient to pay for the Chief's projected annual cost increase of approximately \$99,000 for the vehicle replacement fund and fuel costs to meet this additional volume. In the event that the Town eventually transitions to a partial pay service, the responsibility for and benefits resulting from this conversion would be shared among the entire town. The share of the Chief's overall \$600,000 cost projection to maintain a paid staff covered by the project's annual fire district property tax revenues would be greater than the project's proportionate share of the total annual number of calls. The project will also generate annual property tax revenue surpluses for the Town's general fund, which the Town Board could direct to (or save for) additional increases for emergency service provision.

Comment F.30

Sprinklers should be incorporated throughout the site in residential structures. For example, in the upland/reservoir neighborhood, the residences need to have sprinklers as it may take a significant amount of time for a fire truck to drive up the road from what will likely be a dead stop. Additionally, in the neighborhoods west of the railroad tracks, the residences need to have sprinklers due to the potential delay caused by a train at the station.

(Graham Trelstad, AKRF, Memorandum to Town Board, 7/30/09, Pg. 4)

Response F.30

Sprinklers will be provided in all townhome, multifamily, mixed-use and commercial structures. Sprinklers are not typically used in single-family dwellings. By virtue of the project's mix of unit types within each neighborhood, many of the structures west of the railroad track will have sprinklers. In the event that a train is at the station, fire vehicles will have alternative access to the site via Pleasant Ridge Road, ensuring no undue delays. The houses near the reservoir are single-family units and are not proposed to include sprinklers. These houses and their setting are typical of many existing homes in Dover, and are located less than one mile from the fire station. While access does require travel on an incline, these units are much more central and accessible than the majority of the residences protected by

the department (many of which are located on dirt roads, or are on roads set back further into the hills and with circuitous access from Route 22.)

Comment F.31

The Applicant should consider how the proposed HOA could work with the Town and Fire Department to encourage volunteerism to help maintain the quality of service provided by the Fire Department.

(Graham Trelstad, AKRF, Memorandum to Town Board, 7/30/09, Pg. 4)

Response F.31

The Applicant highly values the services of the volunteer staff and would be happy to help participate in promoting volunteerism. The Project also includes approximately 138 workforce housing units. These units would be targeted to provide a housing resource for local community service providers, such as firemen, and intended to help facilitate the recruitment and retention of volunteers.

Comment F.32

The majority of the Planning Board finds the evaluation of anticipated fire demand to be insufficient and does not agree with its conclusions. The Planning Board specifically questions the assumption that the proposed project will increase the number of volunteers. The FEIS should provide more data and documentation regarding how the anticipated needs were assessed.

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

Response F.32

The assessment of potential call volume increases was made based on a proportionate population ratio. As detailed above, at full build-out the Project would introduce a new residential population of approximately 3,412, increasing the Town's population by approximately 40 percent. Call demands would be expected to increase roughly proportionately. See Response F.28 for discussion regarding volunteers.

Comment F.33

The FEIS should more thoroughly analyze the impacts of the proposed action on the fire department. The applicant should work with the fire department to determine whether volunteers would be able to meet the anticipated demand or whether new paid staff, particularly during daytime hours, would be required. The FEIS should thoroughly evaluate the anticipated cost of any new staff required to meet this new demand. These costs should be based on similar paid fire departments in Dutchess County, such as Fairview and Arlington.

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

Response F.33

See Comment F.26. The J.H. Ketcham Hose Company's estimation of the potential costs to provide part-time paid staffing is approximately \$600,000. In his comment letter, the fire chief

has also presented his assessment of the need for paid staffing. See Comment and Response F.26 for a discussion of this potential.

Comment F.34

The Planning Board finds the evaluation of anticipated ambulance service demand to be insufficient. Existing ambulance service conditions and costs should be more fully described, and should be verified by the ambulance service providers. The FEIS should evaluate whether the proposed project will require the Town to go to 24 hour paid Basic Life Support ambulance services and/or upgrade to Advanced Life Support Services.

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

Response F.34

See Comment and Response F.24 for discussion of existing ambulance service costs. The anticipated impact on ambulance services would be expected to be primarily a proportionate increase in calls for service. It is not envisioned that the project would result in a change in the type of incidents requiring attention or necessitate a change in the level of care services provided. The primary issue is availability and staffing to handle calls. Northern Dutchess Paramedics currently has a contract with the Town to provide coverage during the daytime hours and offers on-call services when required during the fire department's 5pm to 5am coverage. The project will generate property tax revenue dedicated for the Fire District, which currently provides the revenue source for the contract. The project will also generate annual property tax revenue surpluses for the Town's general fund, which the Town Board could direct to (or save for) additional increases for emergency service provision.

Comment F.35

I am concerned of the impact upon the fire service. I know that HVPC had its own self contained fire and ambulance services. I am hopeful that the Benjamin Group will look at providing some sort of in-house fire service, emergency service and medical service to supply their population that they are planning on and not be a burden upon all of Dover's taxpayers and community. This is a separate entity.

(Henry Wallis Walters, Public Hearing Transcript, 6/3/09, Pg. 122-123)

Response F.35

Separate fire and emergency services are not proposed. Property owners at the Knolls of Dover will pay property taxes to the Town's fire district. In addition, the Project is not designed or intended to function as a separate, independent entity. It is envisioned to grow into a town center in, and of, the community.

Homeowners Association

Comment F.36

The DEIS refers to the common facilities and various site improvements that will form part of the Project. The vision of responsibility for the operation and maintenance of these various key

elements of the Project are only loosely defined some will be offered to the Town, some to the public benefit entities and some to an HOA.

The Applicant identifies the HOA as likely to have responsibility for: the greens and commons throughout the Project; the Great Lawn; the reservoir and trail system; Two small community buildings; non-adopted roads, associated utilities and parking area; and stormwater basins.

The varied common areas will have different management requirements, and a plan for their management must be provided to guide the Homeowner's Association (HOA) in their efforts. Some aspects of the management, of the infrastructure, for example, will require professional management. However, the HOA will need to contract with the professionals and provide direction.

(Christopher L. J. Wood, Letter, 6/22/09, Pg. 1; Christopher Wood, Chair of the Oblong Land Conservancy, Letter, 6/30/09, Pg. 5)

Response F.36

The Applicant anticipates that a homeowners association ("HOA") will be formed for each residential Hamlet and Neighborhood, as well as for the Town Center. Each of these neighborhood HOAs will be responsible for managing the common areas and/or facilities within each discrete community, including private roads, stormwater basins, and local community greens or open areas.

The Applicant also anticipates the creation of a Master HOA, which will be responsible for open spaces and/or facilities common to the entire Project, such as the Recreational Trail System, and the Reservoir. The Applicant will offer to dedicate Wheeler and Hutchinson Roads to the Town. As such, it is not anticipated that the Master HOA will be responsible for maintaining those roads.

The individual HOAs will be formed and approved prior to the issuance of a certificate of occupancy for any constructed residential unit in the respective Hamlet or Neighborhood. The Master HOA will be formed and approved prior to the issuance of a certificate of occupancy for any constructed residential unit in the Project. When real property is sold in New York State subject to membership in an HOA, the sponsor of the sale of the property must comply with State General Business Law Article 23-A (the "Martin Act"). General Business Law Section 352-e requires that the Applicant submit an Offering Statement or Prospectus for filing with the Attorney General, containing detailed information about each HOA, including management requirements and budget estimates for each HOA. Real property subject to membership in an HOA cannot be sold until the Attorney General accepts the Offering Statement or Prospectus for filing.

The Attorney General has established implementing regulations, which set forth comprehensive requirements regarding the scope and contents of Offering Plans or Prospectuses. See 13 N.Y.C.R.R. § 22.1 et seq. These regulations require, among other things, that the Offering Statement or Prospectus include a comprehensive narrative description of the common areas, facilities, buildings, and/or property to be owned or maintained by the HOA. See 13 N.Y.C.R.R. §§ 22.3(g) & 22.7.

The Offering Plan or Prospectus must also contain a budget for the first year of the HOA's operation, as well as documentation (in the form of contracts, quotations or letters from appropriate parties) to support the projected budget. 13 N.Y.C.R.R. § 22.3(g). Of relevance here, the Offering Plan must also provide, as applicable, information pertaining to potential professional service contracts, as well as budgets, that the HOA may enter into to manage the HOAs responsibilities. These may include various contracts on the part of both the individual HOAs and the Master HOA to manage their respective infrastructure and open space/recreational facilities.

Comment F.37

The scale of the Project, its diversity and that it will be developed over an extended time period place the HOA in a fundamentally different position from that of a traditional HOA whose members would have responsibility for a much smaller scale project. Dover Knolls is in the nature of a fragmented township rather than a sub-division.

In view of this the level of commitment and expertise necessary to run the Project's HOA may well far exceed the skill-set of the average homeowner and the time available on a volunteer basis. It is likely to be a full-time undertaking requiring expert input.

The responsibility for the reservoir, associated earthworks and infrastructure will require expert and detailed input on the need to understand the current physical condition of these improvements and the likely financial implications of maintaining them going forward.

The proper and efficient operation of the HOA is vital to the success of this project and is too important to be left as an after-thought to be addressed once the first homes are ready for occupation.

(Christopher L. J. Wood, Letter, 6/22/09, Pg. 2)

Response F.37

See Response F.36. The Martin Act makes no distinction for project size in its requirements. Nevertheless, as noted above, the Applicant anticipates creating discrete HOAs for each Hamlet and Neighborhood, as well as the Town Center. The Martin Act and its implementing regulations implicitly recognize that an HOA may need to either hire staff or engage in service contracts to manage the common areas, facilities, buildings, and/or property to be owned or maintained by the HOA. This is a common occurrence in HOAs of all size and scope.

Comment F.38

The project proposes to preserve significant areas as permanent open space, however it does not address what the ownership of those areas will be or how they will be maintained. The Town should not be required to accept responsibility for those areas and homeowner's associations are generally unreliable. The applicant should be required to identify a land conservancy that will take responsibility for the conservation areas and should be provided with a revenue stream to cover the costs of stewardship,

(Jeffrey Baker, Young Sommer Ward Ritzenberg Baker & Moore LLC, Letter, 6/30/09, Pg. 5)

Response F.38

The Applicant has a substantial interest in maintaining the Project's open spaces and recreational facilities since they will be a critical component of marketing the Project. The Applicant currently anticipates that the areas or facilities common to the entire Project will be managed by a Master HOA. The Master HOA will likely contract with one or more entities, as appropriate, to manage certain common facilities, such as the boat launch or the trail system. Such an entity may very well be a land trust or other non-profit entity, depending upon their capabilities, experience, and interest. The Applicant is not, however, in a position to confer management responsibility over any of the common areas or facilities at this time. A final open space management plan, including, operational and maintenance responsibilities, appropriate service vendors, and the necessary documentation, will be detailed in full prior to the issuance of the first certificate of occupancy for any constructed residence related to the Project in accordance with the approved Master Development Plan, Site Plan Approval and Offering Plan or Prospectus for the Master HOA.

The commenter's expressed concern about the reliability of HOA's does not take into account the fact that, again, the Martin Act requires that the Attorney General carefully review detailed information about each HOA, including management requirements and budget estimates. It is not reasonably foreseeable under any scenario that the Town would assume responsibility for the project's open spaces.

Comment F.39

The costs associated with operating the HOA, including all the various elements that will make up its operating and capital budgets, will need to be clearly understood and explainable to potential homeowners who will have to bear these charges on an annual basis. This will be in addition to the normal charges associated with home ownership such as real estate taxes, mortgage interest and insurance and will have an impact upon the sales prices of the units.

(Christopher L. J. Wood, Letter, 6/22/09, Pg. 2)

Response F.39

See Response F.36. One of the primary purposes of the Martin Act is to ensure that potential purchasers obtain full disclosure of all information, which might affect their decision, including, budget estimates for the HOA. In its review of the Offering Plan or Prospectus, the Attorney General will ensure that the Project sponsor provides sufficient information upon which potential purchasers will base their decision. See General Business Law Section 352-e(1)(b).

Comment F.40

Experience in New Jersey and Maryland over the last 15 years has shown that the long term maintenance of stormwater management basins and other stormwater practices by an HOA does not work. The Town Board should put in place a drainage district for the entire site where an assessment on each property would provide a dedicated funding stream to the Town for maintenance of the stormwater management practices. The Town can use the funds to either contract out the maintenance to a private firm or conduct the maintenance with Town staff.

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

Response F.40

The commenter does not indicate whether New Jersey or Maryland have legal requirements comparable to the Martin Act and its implementing regulations, which requires that the Applicant file with the Attorney General a detailed Offering Plan or Prospectus, in this case, documenting the operations, construction and maintenance of all drainage and stormwater facilities within the respective HOA unit. If the Town desires, the Applicant would discuss the creation of a more comprehensive drainage district pursuant to Article 12 of New York State Town Law; however, that would transfer management of the Project's drainage and stormwater facilities to the Town, which the Town has indicated it is not interested in.

In addition, the Applicant does not believe that creation of a Special District will result in improved monitoring and maintenance of the stormwater infrastructure. The HOA will contract with qualified professionals to manage the stormwater system in accordance with the maintenance protocols that are detailed in a Stormwater Pollution Prevention Plan conforming to the NYSDEC's technical standards.

Comment F.41

The Planning Board questions the future HOA's ability to sustain the costs of maintaining the infrastructure (stormwater management system, roads, water supply and sewer system). Therefore, the Planning Board recommends that the Town establish a special tax district to facilitate the maintenance of this infrastructure.

(Town of Dover Planning Board, Letter, 7/20/09, Pg. 8)

Response F.41

See Response F.36. The Applicant also anticipates the creation of a Water Works and Sewage Works Corporation for the purpose of supplying water and providing for the disposal of sewage associated within the Project pursuant to Articles 1, 4 and 10 of the New York State Transportation Corporations Law.

Comment F.42

The Homeowner's Association will be responsible for maintain the trails, greens, commons, the reservoir, non-dedicated roads, stormwater basins, the boat ramp and other recreational resources connected with the Swamp River. How will this large area be maintained? The Homeowners Association will likely be comprised of volunteers without any full-time staff. It may not have qualified staff. Detailed thought is required on how the Homeowners Association will function.

(Christopher Wood, Chair, Oblong Conservancy, Public Hearing Transcript, 6/3/09, Pg. 143-144)

Response F.42

See Response F.36.

Comment F.43

The Planning Board questions the feasibility of long-term private security due to anticipated cost.

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

Response F.43

See Response F.36. Police services will be provided to the Project by the New York State Police and Dutchess County Sheriff's Office. As noted in the DEIS, both agencies anticipate being able to serve the Project without significant additional staffing or equipment. Any private security retained in connection with the Project would be intended to enhance the existing public police services. The Offering Statement or Prospectus will contain budget estimates, which the Attorney General will review, including any private security that is hired or contracted.

Private security and monitoring is commonplace for projects throughout the region and has been in place at the current site for years. While it does represent an additional operating cost, there is no reason to believe that this would be prohibitive. The relatively large size of the project also allows for the cost to be spread more widely, resulting in less of a burden on individual households. The Applicant can not expressly detail the type of security that will be provided since this item will be turned over to the HOA. While the Offering Plan will contain budget estimates for patrolling security similar to that currently provided on the site (the project is not a gated community), the HOA may eventually elect to change the type or degree of services provided. In either case, the public police agencies that currently serve the project area indicated that there would be no significant impacts related to staffing or equipment.

Comment F.44

The FEIS should consider how stormwater management could be managed as a Special District as opposed to by the proposed HOA.

(Graham Trelstad, AKRF, Memorandum to Town Board, 7/30/09, Pg. 9)

Response F.44

See Response F.40.

Comment F.45

We ask the applicant to consider donating a conservation easement, also known as a conservation restriction, or donate the fee interest of the undeveloped land adjacent to the reservoir to a qualified land conservation land trust, the New York Department of Conservation or the National Park Service.

Restricted open space is the best way to provide permanent protection for the Appalachian Trail corridor and to ensure that no future development would fragment the forested lands on the easternmost portion of the property.

A qualified land conservation organization must be selected to hold the easement, monitor and enforce the terms of the easement. The easement, drafted with the approval of the developer and the Town of Dover Attorney, is filed with the county records and with New York State.

Monitoring is typically performed, in this case, in the field, on an annual basis, more often if necessary. Monitoring respects the privacy of homeowners, who are usually notified by letter prior to site visits. In many cases, it is not necessary for the inspector to walk on private property, unless violations are in evidence. The organization has the power to enforce violations, and if necessary, take legal action to cause the violation to be corrected, at the expense of the violator.

Such monitoring and enforcement responsibilities should not fall upon the Town's Enforcement Officer. That is a public expense, and it is not acceptable. The land conservation organization must be qualified to hold, monitor and enforce the easement.

(Elaine E. Labella, Director of Land Protection, Housatonic Valley Association, Public Hearing Transcript, 6/3/09, Pg. 98-99; Elaine E. Labella, Director of Land Protection, Housatonic Valley Association, Letter, 6/3/09, Pg. 8; Mark King, Director of Protection Programs, The Nature Conservancy, Letter, 6/26/09, Pg. 2; Constance DuHamel, Deuel Hollow Conservation Association, Letter, 6/30/09, Pg. 2; Christopher Wood, Chair of the Oblong Land Conservancy, Letter, 6/30/09, Pg. 4-5)

Response F.45

See Responses F.36 and F.38. Prior to the issuance of the first certificate of occupancy for any constructed residential unit related to the Project or discrete Hamlet, the Applicant will submit conservation easements and any other documentation for areas designated as permanent open or recreational space in accordance with the approved Master Development Plan, Site Plan and Offering Statement or Prospectus, including, provisions relevant to the preservation and maintenance of such open space and recreational areas, and the responsibilities of the respective Hamlet HOA or Master HOA thereof as the case may be. Such documentation will be recorded in the Office of the County Clerk, which will be subject to the Town Attorney's review and approval. See 13 N.Y.C.R.R. § 22.3(m)(5).

Comment F.46

The Dover Knolls developers indicate that a large amount of property will be conserved which is greatly appreciated. The DEIS states that a Home Owners Association will manage the open space (pages III.F-14-15). It is a mistake to leave management of forested areas to a group that may lack the expertise needed and possibly take actions based upon fleeting opinions and pressures and be detrimental in the long run. Donation to a recognized conservation organization such as the Dutchess Land Conservancy is recommended.

The particular areas of concern are labeled "Upland Forest Preserve" and "Woodland Preserve" located near the reservoir (see Exhibit III.N-1). A large portion of these areas are also designated "Reservoir Watershed Area" which should surely mandate they receive the appropriate management.

(James P. Haggett, Chair of the Dutchess/Putnam Appalachian Trail Management Committee, Letter, 6/24/09, Pg. 1; Graham Trelstad, AKRF, Memorandum to Town Board, 7/30/09, Pg. 2)

Response F.46
See Response F.45.