

TO: Ryan Courtien, Supervisor
Town Board Members
Town of Dover, NY

FROM: Friends of the Great Swamp (FrOGS)

RE: Final Written Scope for Draft Environmental Impact Statement for
Dover Knolls Development Proposal, Dated March 2008

DATE: May14, 2008

Thank you for the opportunity to continue participating in the scoping process for this very significant proposal. The prospect of having a dynamic economic asset on the grounds of the former Harlem Valley Psychiatric Center (HVPC) is exciting to most, but it is also an opportunity to shape the future of the Town of Dover into an environmental and “quality of life” leader in the region. The current proposal will concentrate 30% of the Dover population into this one site and may change the demography of the Town by the residents it attracts. Thus it is important to assess the range of options on the property and to critically explore and clearly present the potential long-term, as well as short term, impacts of each alternative.

Please also consider this letter as a request by *Friends of the Great Swamp* to continue to be considered *A Party of Interest* in the proceedings as the Dover Knolls Project goes forward.

Our concerns about the project, both as individuals and as an organization, cover a wide range of topics, but our major focus is on **the impacts to the Great Swamp and its watershed ecosystems**. The Great Swamp is one of the largest wetlands in New York State and has been designated a *Critical Environmental Area* by both Dutchess and Putnam Counties. This is in recognition of its regional importance and local significance in protecting our water quality, flood prevention, wildlife and rare species support, and other aspects that affect our quality of life. It is vulnerable, however, and requires constant vigilance to protect its ecological integrity or health. The major threats today act indirectly, their impacts result from developments and other activities that occur along the wetland edge and in the uplands of the watershed. Rather than the cut, drain and fill activities of the past, today’s impacts are more insidious. They come from the nutrients, silts, pesticides, road salts, heavy metals, organic pollutants, and alien species, which drain down into the wetland from homes, businesses, roadways, gardens, and farms. Wetlands are also totally dependent on hydrology, the quantitative, spatial and temporal patterns of water inputs and outputs, both surface and subsurface. Major changes in hydrology are often indirect. Therefore, we are especially concerned that indirect impacts, as well as

direct impacts, are fully addressed in the EIS, especially for such a large project as Dover Knolls.

A more general indirect impact of Dover Knolls will result from its growth inducement effect on the Harlem Valley; we are hopeful these will be fully explored in the EIS.

Alternatives to be considered.

SEQRA requires that alternatives to the proposed project design be evaluated, including the “no build” option. Other realistic plans that could redress major community concerns should be presented and evaluated in the Scoping Document.

We request that the development team seriously evaluate:

- lower density alternatives,

We note that the number of housing units has risen from 1338 in the 2006 Proposed Action to 1378 in the 2008 Proposed Action, a trend totally in opposition to our major contention that the project already was too large. Simultaneously, the current Action reduces the retail and personal service use (i.e. commercial) space which the community seems to desire.

- reduced footprint alternatives, and

- especially “**the full environmental protection**” alternative.

This is the largest development ever proposed for Dutchess County and it is an opportunity to produce a model project that sets the environmental standards for future proposals. Dover is the place for this showcase to be developed. Such a plan would include conforming to all the recommendations of the Klemens and Kiviat reports, keeping development off the slopes, increasing set-backs from wetland and other critical habitat areas, reducing the number of housing units, clustering more of the housing units, and adopting “green architecture” for energy and water conservation in all buildings.

We recommend the following strategies be included in all alternatives and that the **Scoping Document specifically address**:

- Separation of grey water from black water with reuse of the gray water for watering the golf course and lawns;

This will reduce the water withdrawal pressures on the aquifer, reduce the nutrient load for the STP and the Great Swamp, and stand as a model for similar projects.

- Utilizing **tertiary treatment of sewage** with sufficient capacity to process the waste from homes and other buildings of Wingdale;

The high concentration of people with the high through-put systems typically found in high-end homes and offices will result in excessive nutrient loading to the Swamp River unless a tertiary treatment wastewater system is utilized. If the hamlet of Wingdale residents and businesses are

also tied into the system there would be a major benefit of improving water quality, a significant value from the Project. By removing the grey water from the routine waste stream, the excess capacity of the STP should be able to accommodate the hamlet.

- Utilizing minimal fertilization and water management practices on the golf course;
Golf courses are notorious for water use and as sources of polluted runoff due to the high levels of fertilizers and pesticides used at most facilities to maintain the quality of the playing surfaces. High run-off from these surfaces aggravates the pollution problems so detention swales are also critical. State-of-the-art management practices minimize watering and applications of chemicals while optimizing their effectiveness.
- Utilizing low tech stormwater treatment systems such as rain gardens for roof runoff, infiltration swales distributed throughout the site, curb-less crowned roads with infiltration borders, and infiltration pools so that none of the stormwater runoff is discharged into the Swamp River or wetlands;

Wetlands

Under any of the alternatives, wetlands and their controlled areas should be restored or left untouched. The EAF indicates that 12 acres of wetland would be destroyed under the current proposal; this must be avoided. Even mitigation of additional constructed wetland area is unsatisfactory since they do not function as well as established natural wetlands.

The buffers around the wetlands need to be protected and restored with native plant cover. This protects and enhances the values and functions of the wetlands including:

- filtering surface water runoff,
- retaining water and allowing infiltration when groundwater is low, and
- serving as valuable wildlife habitat and movement corridors.

For the rare, environmentally sensitive fens and vernal pools, the buffer zone should be extended as recommended by Klemens and corridors between them should be preserved. These are especially sensitive habitats and depend on the surrounding uplands for proper functioning.

Marble Knolls

These special habitats **are** the Dover Knolls which the project's name trumpets. They are sites of uncommon biota and are visual signatures of Dover; they should be protected and fostered, especially in this project which carries their name.

Water Use Impacts.

The projected daily withdrawal of 300,000 gallons of water from the aquifer raises concerns of a significant impact on the wells of surrounding homes that are tapping the same aquifer. This massive withdrawal is also expected to impact groundwater

levels, lowering stream depth and reliability, and drying wetlands deeper and more frequently. The impact will affect habitat and biota associated with the Swamp River and wetlands, both on-site and off-site, possibly including our new Slocum-Mostachetti Preserve. During drought periods the impact would be most severe. The potential impacts of these aquifer withdrawals need to be fully explored in the Scoping Document. What measures are planned to reduce water requirements by the project? Who will be monitoring ground water levels and making decisions on water use? What happens if the projections are wrong and five years after project completion the wells of neighbors go dry and the wetlands on which many species depend disappear? These concerns and other mitigations should be fully addressed in the Scoping Document.

Management of Open Space and Operation of the Site as a Whole.

We are concerned about the project management system once the development is completed and responsible for assuring proper operation, maintenance, and compliance with standards agreed to during the development phase of the project. What are the impacts of alternative forms of ownership/management? Who will own the open space and assure proper protection and maintenance of it? The prospect of a homeowners association being in charge is disconcerting.

Elimination of the wording in the March 2008 Scope specifying Conservation Easements and Deed Restrictions, such as in II.D.2.a. (p. 7) suggests there will be no legal protection of the environmental and other open space resources, but if there is any, they will discuss it in the Scope. This protection must not be optional and must not be delegated to a homeowners association or other such arrangement.

Recreation facilities impacts.

Recreation facilities at Dover Knolls will be an important part of the community, but they need to be placed where they will have minimal impact on important ecological resources. Impacts of location and operations of recreational foci need to be evaluated. They should be kept from the wetlands, marble knolls, and other sensitive ecological areas. The proposed boat launch on the Swamp River should only be considered if it is restricted to canoes and kayaks.

Minimizing road surfaces.

Road density correlates with stormwater runoff and with level of salinization of streams, both of which are serious environmental problems. As the slope of roads and building sites increase, the amount of road salting increases, as does erosion. Phosphate input into wetlands and streams correlates with stream sediment load, so reducing this pollutant can be accomplished by minimizing erosion and stormwater runoff by not building on steep slopes. The new Plan increases these pollution risks so the Scope needs to address these impacts and mitigation efforts.

Construction Impacts.

Erosion during construction and the long term effects after the full build is a major problem for wetlands and streams and needs to be addressed in the EIS. Construction on slopes exacerbates this problem and is one argument against developing the slopes. Sediments that wash into the Great Swamp are serious pollutants that degrade the wetland and reduce its functional capacity.

Monitoring Environmental Impacts

It is important that there be *adaptive management* of the site as it is developed and for at least a few years after completion. This requires monitoring of key environmental variables by an independent professional contractor that will provide ongoing feedback concerning environmental conditions so that systems under development or in operation may be modified to meet targeted goals. This must include obtaining baseline data now for water quality of Swamp River, the reservoir, and key streams, as well as other environmental parameters. A fund needs to be established to assure the monitoring work is completed independently and on a timely basis.

The following are additional comments on specific statements in the March 2008 Scope Proposal:

p.6 II D 1 d. This is an important component, although we encourage the Board to refuse to allow such incursions once the Developer has described what is planned.
p. 7 II D 2 a and (p.11) 8. To reiterate and expand on above, the **only protection for environmental resources is legal**. It is fundamentally important that environmentally sensitive areas be protected by Conservation Easements or Deed Restrictions. The Board must insist on this provision and not leave it to the convenience of the Developer.

p. 13 Part III. Impact Analysis

Why is the **information** from specific sources, as specified, only considered and not incorporated into the DEIS, along with the explanations of why the Developer has not abided by said information? In the SEQRA spirit of open disclosure, it would seem to be necessary.

p. 16 III B 5. **Site lighting** is potentially a very significant environmental issue; examination of this problem has been eliminated from the Scope on p. 16 and I am not able to find it elsewhere. Site Lighting should be restored to the list of environmental issues addressed in the Scope.

p. 18 III D 1 b (ii) Addressing construction impacts on slopes must include all areas with **slopes over 15%, and should not be limited to slopes over 25%** as stipulated in the revised Scope. Apparently the new Action Plan involves building on slopes over 15% which greatly increases associated environmental impacts and is normally not allowed.

(iv). Proposed cut and fill activities must be analyzed, not just described, as substituted in the March 2008 Scope.

c. (i). The erosion and sediment plan and other points struck in new version should be re-inserted. Public access to information is enhanced when it is incorporated into one document.

p.19 III D 2 a (v). Swamp River's very low flow rate combined with large water volume in the channel at the STP discharge area, contribute to very low turnover of the receiving water, puts exceptional pressure on the waste disposal plan for Dover Knolls. This puts added importance on a tertiary treatment facility.

2 b (i). The struck portion of this section should be re-inserted to make the information more complete and more readily available.

p. 21 3 a (ii). This struck information should be re-inserted and acknowledged as part of the Scope.

p. 22 III E 2 c. Sanitary Sewage Mitigation Measures. We are pleased to see the list of strategies to be examined in the Scope.

p.39. V. Alternatives to Proposed Action

We encourage the Board to establish an alternative plan that minimizes environmental impacts and follows the guidelines of Klemens and Kiviat as presented earlier. This would provide illuminating comparisons with the Proposed Project that may lead to meaningful compromises.

Thank you again for the opportunity to participate in this process. Dover Knolls provides an opportunity to create a showcase for environmentally sensitive development and we look forward to working with you in pursuit of such a model.

Respectfully submitted,

James Utter, PhD
Chairman
Friends of the Great Swamp