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Memorandum

To: Town of Dover Town Board
From: Graham L. Trelstad, AICP 
Date: July 30, 2009
Re: Knolls of Dover DEIS Substantive Review

AKRF has reviewed the Draft Environmental Impact Statement (DEIS) submitted by Dover Knolls Development Company II, LLC, the applicant for the Knolls of Dover project. The Town Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA), accepted the DEIS as complete on April 29, 2009, and scheduled public hearings on the DEIS and associated actions on May 30, 2009 and June 3, 2009. The public comment period was held open until June 30, 2009. AKRF has also reviewed the comments received during the public comment period.

This Memorandum provides our own comments on the DEIS (where we have identified issues others have not); incorporates the Town Board's comments developed through discussion at a Town Board worksession on July 16, 2009, and a Town Board meeting on July 29, 2009; and provides suggestions as to the critical issues that need resolution through modifications to the proposed Master Development Plan (MDP) or additional analysis in a Final Environmental Impact Statement (FEIS).

EXECUTIVE SUMMARY

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

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

DESCRIPTION OF ACTION

1. As part of its review of the DEIS and Master Development Plan, the Town Board should consider how certain of the proposed open space/community facility amenities should be owned and maintained and should enter into discussions with the Applicant regarding these proposed amenities. Specifically, the discussion should include resolution of Smith Hall and the Administration Building, when these would be completed in the project phasing, and how completion of these buildings should be funded.
2. In reviewing the potential environmental impacts of the proposed project, and in light of comments from NYSDEC, Dutchess County, the Dover Planning Board, and the public, it would be appropriate for the Applicant to make certain modifications to the Master Development Plan to further avoid environmentally sensitive areas. These modifications may result in modifications or removal of the Meadow Hamlet, Pond Hamlet, Reservoir Hamlet, and Road F in the Valley Neighborhood.
3. The fen habitat on Pleasant Ridge Road (CR 21) and the wetlands that are immediately north and south of Wheeler Road should have an undisturbed biotic connection (except for proposed Road C) to allow travel of animals between the two. The several houses in this corridor should be moved or eliminated. This action would also protect the largest marble knoll on the site.
4. Additionally, in response to Metro-North Railroad's comments, the Applicant should evaluate an alternative that retains the existing Metro-North platform on the east side of the railroad tracks and the existing parking areas. Additional future parking and a second platform on the west side of the railroad tracks should be shown as reserved for a later date.
5. The Applicant should prepare a matrix comparing the proposed Design Guidelines in the Master Development Plan with the adopted Town Design Guidelines.
6. 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.
7. The Applicant should enter into discussions with various land conservancy organizations to consider placing conservation easements on certain portions of the open space as these organizations are better suited to management of open lands than a Homeowners Association.
8. With respect to phasing, the Town Board understands the need for flexibility within the build-out process to reflect changing market conditions and demand for different retail spaces and residential products. In that regard, it would be beneficial to engage in a dialogue with the Applicant to understand how the Town's needs and concerns can be reconciled with the Applicant's expectations in the form of a revised Master Development Plan and phasing schedule. It should be noted that the Town Board and residents of the Town of Dover have come to expect achievement of certain goals through the project:
 - a. Remove the blighted appearance of Route 22 that detracts from the Town's scenic beauty and community character;
 - b. Provide at least "basic" commercial offerings (i.e., grocery store, some professional services, and other retail offerings that are currently located 30 or more miles from town);
 - c. Create a community with a sense of "Dover" place where current and future residents will have opportunities to interact and enjoy activities that promote citizenship, volunteerism and community pride.
9. Additionally, the Town Board has expectations that the project will benefit the Town in the following ways:
 - a. Enhance and/or expand Town facilities to provide efficient, improved and increased Town services as well as recreational, cultural, educational and other "quality of life" opportunities for residents;

b. Address some areas of current Town services (firematic, emergency services, law enforcement, recreation) that are functioning at peak capacity and anticipate/prepare for future demand for services based on the project's needs (and other development);

c. The project will proceed within the context of protecting the unique environmental features of the site, follow the Town Code and state and regulatory requirements, and incorporate best practices for low-impact and energy-efficient site development.

10. The Town Board understands that flexibility will be necessary to anticipate and meet market demands for successful development. However, changes and modifications to the plan will be based on empirical data and discussed and agreed upon within a limited scope of variance. Specific thresholds for completing earlier phases must be identified before later phases can be started.

11. It seems awkward to include the north side of the proposed Main Street (Wheeler Road east of Route 22) in Phase 2A. It would be more appropriate to have this area constructed as part of Phase 1B so that a complete Main Street would be created initially.

LAND USE AND COMMUNITY CHARACTER, ZONING AND PUBLIC POLICY

1. AKRF feels that the conclusions of the DEIS that the proposed project is compatible with land use within the study area, and even represents an enhancement of conditions within the area as the project would revitalize the derelict site, are appropriate. AKRF also feels that the DEIS appropriately describes compatibility of the proposed project with Town Master Plan and other policy documents.

VISUAL RESOURCES

1. NYSDEC in its comment letter suggests that a 5-mile radius for the viewshed analysis is required per NYSDEC Program Policy DEP-00-2, "Assessing and Mitigating Visual Impacts." AKRF feels that the 5-mile radius included in this Program Policy is a guidance value and that the scale of the proposed structures in the proposed project and the nature of the topography within the immediate area surrounding the site would not provide for direct line-of-sight views that would extend to five miles. Thus, we do not agree that a full 5-mile radius analysis is necessary. We suggest that the applicant prepare a viewshed analysis (similar to Exhibit III.B-17) for a 5-mile radius that would indicate the scarcity of views from within the 5-mile radius. It should also be noted that the scale of proposed structures would not be clearly discernible from distances greater than 1-mile.

2. The FEIS should include an analysis of potential lighting impacts and photo-simulations of night views during the leafless season.

GEOLOGY

1. Soil mapping should be expanded to include the entire watershed boundary and not be limited to the property line as the soil groups for the entire watershed are needed to calculate the runoff rates in the stormwater analysis.

2. The discussion only briefly mentions erosion and sediment control practices to be used and does not provide sufficient detail as to the types of practices that will be used to control erosion and sediment during and after construction.

3. How will sediment basins be sized and where will they be located?

4. More detail should be provided as to who will be responsible for operation and maintenance of the erosion and sediment control system and how frequently each mitigation measure will be inspected.

5. This section identifies the Great Swamp and Deuel Hollow Critical Environmental Areas (CEAs) and gives only a brief description (several pages later) as to why the Deuel Hollow CEA is considered a CEA. Further, the chapter indicates that potential impacts to each CEA are evaluated in Section III.D, "Natural Resources," but that analysis is missing. The discussion of impacts to CEAs should be expanded to provide additional information relevant to each of the CEAs. The text should also indicate whether any of the adjacent CEAs listed on the map are within the general area and whether together they form a regionally significant resource. This evaluation should also include any of the Nature Conservancy and Oblong Land Conservancy preserves identified in Section III.F, "Community Services."
6. Cross-section diagrams should be provided to indicate how proposed grading would be accomplished in areas of steep slopes. Specifically, these cross-section diagrams should show any proposed retaining walls.
7. The Applicant should avoid the use of rock baskets (gabions) as retaining walls as they are unsightly and can degrade soon after installation.
8. The FEIS should indicate how top soil would be stored and reused on the project site or how the top soil would be reused in a beneficial manner.

NATURAL RESOURCES

1. A table summarizing total area, total disturbance, and percentage of disturbance within each habitat type would be useful.
2. Open-bottom culverts should be considered where appropriate to avoid damage to stream beds.

WATER RESOURCES AND WETLANDS

1. Wetland D (NYSDEC DP-22) is noted as being in "very good condition." However, it should be noted that a portion of this wetland or its adjacent area behind the storehouse has been filled and does not contribute to the overall quality of the wetland.

COMMUNITY SERVICES

FIRE PROTECTION

1. 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. 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.
2. 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.
3. 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.

EMERGENCY SERVICES

1. Similar conclusions with respect to emergency services can be drawn from the letter received from J.H. Ketcham.

PARKS AND RECREATION

1. 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.

LIBRARY SERVICES

1. 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.

SCHOOLS

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

TOWN SERVICES

These comments reference discussions in Section III.G, but address impacts assessed in Section III.F. The FEIS should summarize in one location the assessment of potential future costs to community services.

1. The DEIS uses an average service cost analysis for estimating potential fiscal impacts to the Town associated with the proposed project (except for the calculation of building permit fees). As many of the Town services are at or near capacity when compared to available resources, it may be more appropriate to use a marginal cost analysis to reflect actual need for new services, such as personnel. The results of the marginal cost analysis should then be compared with the projected cost of \$530,782 annually for Town services.

2. The DEIS at page III.G-38 references per capita average service costs developed by the Dutchess County Economic Development Corporation. Additional description of these costs and how they were derived should be provided.

ECONOMIC CONDITIONS

1. The DEIS should describe the likely mix of convenience and/or comparison goods retail in the planned retail projects (listed in Table III.G-32) and in the proposed project. The analysis should assess how that mix would affect the retail supply in the proposed project’s retail trade area.

In the absence of a defined retail program from the applicant, the DEIS should provide a generic retail program that would best represent the likely retail mix as a basis for the impact analysis. The applicant may use information from the ULI Dollars and Cents of Shopping Centers to make assumptions about the tenant mix for the proposed project. According to ULI, a 170,000 sf retail center would be a community shopping center, which could have a typical tenant mix of approximately 65,000 square feet of convenience goods (including an approximately 50,000 sf

supermarket), 90,000 square feet of comparison goods, and approximately 15,000 square feet combined of eating and drinking establishments and neighborhood services.¹

2. The DEIS bases its convenience goods analysis on a Convenience Goods Trade Area of up to 15 miles from the project site. We believe that this trade area is inappropriate for this analysis because it is too large.

The ULI Shopping Center Development Handbook provides general guidelines for primary trade area sizes based on the size of the proposed retail program. According to ULI, a retail program of 170,000 square feet would be a community shopping center, which typically has a trade area of up to 5 miles, substantially smaller than the 15 miles used in the DEIS convenience goods analysis.²

Furthermore, the DEIS defines the Convenience Goods Trade Area as the area including “households most likely to frequently shop at the proposed project for day-to-day consumer goods.” As described below, there are existing retail clusters at the edge of the 15-mile Convenience Goods Trade Area that currently provide a mix of convenience goods tenants that would be competitive and more convenient than the project site for day-to-day shopping by local residents. Therefore, these areas should not be included in the Convenience Goods Trade Area.

The DEIS, as indicated in Table III.G-23 and shown in Figure III.G-24, identifies a number of supermarkets and convenience goods stores located near the edges of the 15-mile Convenience Goods Trade Area. These supermarkets and convenience goods stores likely attract substantial convenience goods demand from residents in Millbrook, Amenia, and Pawling, as well as areas beyond the Convenience Goods Trade Area boundary. The competitive retail inventory at the edges of the 15 mile Convenience Goods Trade Area includes:

- Hannaford Supermarket at 162 Route 22 in Pawling is an approximately 40,000 square foot modern supermarket with a pharmacy. The store has a highly visible and accessible location with adequate parking. The shopping center also has a liquor store which adds to the attraction of the center.
- Freshtown, located at 5094 Route 22 in Amenia is a 20,000 square foot supermarket that anchors a shopping center with a parking lot in a prominent location along Route 22. The shopping center contains a variety of other tenants—including Family Dollar, Drugworld, Tractor Supply Co., Bank of Millbrook, and Label Shopper—that attract shoppers because of the opportunity they provide for multi-purpose trips.
- Marona’s Market at 32 Front Street in Millbrook is a small grocery store located in downtown Millbrook. Although the store does not carry as broad a selection of merchandise as larger supermarkets, it does carry meat, produce, and dairy products. The store is part of the broad retail fabric in downtown Millbrook that includes convenience goods stores such as specialty food stores, a pharmacy, a florist, and a wine and spirits store.

The location and composition of these supermarkets makes them more likely to attract convenience goods spending from residents in Amenia, Millbrook, and Pawling than the project site. Residents are likely to combine shopping trips for groceries with errands such as trips to the bank, pharmacy, or dry cleaner, and in most cases residents may also shop for comparison goods such as clothing or shoes on the same trip. As detailed above, the supermarkets and grocery stores in these areas are located in shopping centers that offer a variety of convenience goods, comparison goods, and neighborhood services, or in a small downtown retail cluster that includes comparison goods and other convenience goods stores. It is our opinion that many residents of Amenia, Millbrook, and Pawling will continue to do the majority of their convenience goods shopping at these stores, rather

¹ Urban Land Institute. *Dollars and Cents of Shopping Centers/The Score 2008*. Table 5-22, pg 195.

² Urban Land Institute. *Shopping Center Development Handbook*, 3rd Edition. Pg 46.

than make extended trips to the proposed project in Harlem Valley/Wingdale, because of the opportunity these stores provide for easily combining trips.

Therefore, we believe that it is inappropriate for this analysis to use a Convenience Goods Trade Area of up to 15 miles. We believe that a smaller convenience goods trade, perhaps approximately 8-miles, would be more appropriate. Although this is larger than the trade area recommended by ULI for a shopping center of 170,000 square feet, we believe an 8-mile Convenience Goods Trade Area would more accurately capture the repeat visits by households that would make up a primary trade area.

3. In the retail market analysis, the unmet expenditure potential in the Convenience and Comparison Goods Trade Areas represents the amount of additional sales needed to capture 100 percent of the trade area aggregate household expenditure potential. However, trade areas do not typically capture 100 percent of the retail expenditure potential of households living in a trade area. According to the ULI Shopping Center Development Handbook, a trade area typically captures only 70 to 80 percent of household expenditure potential.³ Therefore, a more appropriate and conservative metric for the analysis of unmet expenditure potential is 70 to 80 percent of aggregate household expenditure potential in the Primary Trade Area. This calculation should carry over to the calculation of unmet retail potential in terms of retail square footage.
4. The DEIS analysis identifies 314,600 square feet of planned retail (listed in Table III.G-32), but does not account for retail sales in these facilities in its calculations of unmet retail potential in 2019. We believe the DEIS analysis should deduct the estimated sales in the 314,600 square feet of planned retail from the predicted unmet retail potential in 2019.

The current analysis predicts 1.33 million square feet of unmet retail potential in 2019, but the unmet retail potential will change as a result of our comments above (i.e., adjusting the Convenience Goods Trade Area, accounting for sales in No-Build retail projects, and capturing less than 100 percent of trade area expenditures). The analysis of unmet retail demand should be revised to reflect sales in the planned No-Build projects, as well as adjustments to the size of the trade area and potential expenditures in that revised trade area.

5. The DEIS reports that the 2007 unmet expenditure potential for supermarkets and grocery stores is \$0 in Table III.G-28. However, if the methodology of the table is followed, the unmet expenditure potential of supermarkets and grocery stores should be -\$12,363,895, not \$0, i.e. sales are exceeding expenditure potential. The DEIS should explain why this value is reported as \$0. Of course, the unmet expenditure potential of supermarkets and grocery stores will change as a result of adjusting the Convenience Goods Trade Area and assuming that less than 100 percent of trade area's convenience goods expenditure potential will be captured within the trade area. Nonetheless, if current retail sales at supermarkets and grocery stores exceed aggregate expenditure potential, the DEIS should explain: (1) where the surplus is coming from, (2) how this condition affects demand for convenience goods within the trade area, and (3) how the proposed project would affect future demand and economic conditions in the trade area.
6. The DEIS should explain how the "Propensity to Buy a Second Home" in Table III.G-40 was calculated or what its source was.
7. The DEIS presents significant research data on demand for housing and projected absorption rates, but does not present how certain conclusions were drawn from these data and why the proposed project will experience higher sales prices and absorption rates compared to the other comparable projects identified. We do not question the validity of the data presented, merely question how assumptions regarding the performance of the proposed project were drawn from those data.

³ Urban Land Institute. *Shopping Center Development Handbook*, 3rd Edition. Pg 46.

8. As fiscal performance of the project is dependent upon mix of unit types by phase, the anticipated breakdown of unit types by phase should be provided.
9. The absorption rate should be clarified to correspond to the projected construction phasing schedule. If the construction phasing schedule indicates a 10-year build out, but absorption is expected to take 17 years, will there be a 7 year period when some units sit vacant?

CULTURAL RESOURCES

1. The DEIS Cultural Resources chapter describes several structures on adjacent properties, but provides information that appears to lead to the conclusion that the structures are either: 1) considerably altered, and therefore should not be considered as potential historic resources for the purposes of the analysis; or 2) outside of the project's area of potential effect for historic resources. If the buildings are not considered to be potential historic resources because of their alterations, this conclusion should be noted in the chapter and the chapter should explain that these structures are thus not included in the evaluation of the project's potential impacts on historic resources (and the discussion in the "Potential Impacts" section should be updated to reflect this change).
2. In Table III.H-1, the DEIS should clarify what is meant by the "G-Gone" category. Is this meant to denote those structures that were previously identified as State/National Register-eligible, but that have since been removed from the campus?
3. The description of potential mitigation measures for historic resources should be consistent between the Mitigation and Cultural Resources chapters.
4. The summary of construction impacts in the Executive Summary does not refer to the demolition of historic resources, which is a significant adverse impact of the project that occurs during the construction period.
5. The analysis of Alternatives A and F does not describe potential impacts of the project on HVPC's landscape plan and plantings. These portions of the Alternatives chapter should describe any potential impacts of the project on HVPC's landscape plan and plantings.

STORMWATER MANAGEMENT

It should be noted that the Town's review of the Storm Water Pollution Prevention Plan (SWPPP) is based upon the preliminary nature of the SWPPP itself. As the project progresses into Site Plan development, more detail will need to be provided to the SWPPP at which time the Town will conduct a more detailed review.

1. The DEIS identifies the FEMA 100-year floodplain boundary using 1984 data. It is anticipated that an updated 100-year floodplain boundary covering a larger area, including areas surrounding the existing Metro-North Railroad station, will be adopted by fall 2009. According to FEMA, the approximate calculated flood plain elevation is 421 feet, two feet higher than reported in the DEIS.
2. Based on the proposed FEMA mapping, several of the stormwater ponds are proposed within the floodplain. Ponds W7A, W8A, E1A, and E2A are all located below FEMA's 421-foot floodplain elevation; and all but W8A are below the 419-foot floodplain elevation cited in the DEIS. Thus, none of these ponds will be able to provide detention or treatment during large storm events.
3. The following stormwater ponds, as proposed, will not function properly due to flooding: W6golf1, W6A, W6B, W7A, W8A, W8B, E1A, E2A, E4A, E5A, E7A, and E8B. These ponds drain to the Swamp River or surrounding wetlands which will be flooded during large storm events, preventing the pond from discharging as designed.

4. Based on USGS mapping and the contour data provided by the applicant, the existing watershed boundaries appear accurate. The existing drainage conditions east of Route 22 should be enlarged to include the extents of the drainage boundaries.
5. The discharge point for watershed W4 should be included as a design point.
6. All 6 Route 22 crossings should be evaluated as design points.
7. The proposed area of disturbance needs to be adjusted to include the proposed grading within the golf course.
8. For redevelopment projects, the NYSDEC requires that 25% of the existing impervious area be treated by standard practices, 75% of the existing impervious area be treated by alternative practices, or a combination of the two. The proposed development doesn't appear to treat any of the existing impervious surfaces.
9. Several portions of the map denoted as E6exist, E5B, E7A, W2exist, W8exist, and E1exist contain proposed development and do not show any proposed treatment.
10. In watershed E5B, several of the portions labeled E6exist, W2exist, W7exist, and W8exist have proposed development with no proposed treatment shown. Any existing impervious areas such as watersheds E1exist, E2exist, E5exist, E6exist, and E8exist must treat a portion of the water quality volume as outlined in Chapter 9 of NYSDEC's Stormwater Design Manual.
11. The only stormwater practice shown is treatment ponds. The map should be updated to include the locations of the proposed LID practices and other SMPs proposed.
12. Detention basins W6golf1 and W8golf2 do not have the require one foot of free board between the 100-year high water elevation and the top of pond.
13. The DEIS indicates that salt-tolerant vegetation will be used in the stormwater detention basins. More detail as to the type of plants and quantity should be provided.
14. Details about methods for removal of pesticides, fertilizers, salts, and other pollutants need to be provided.
15. It should be noted that ponds W6B, W8B, W9A, E8A, and E8C exceed 10 feet in depth and may require a NYSDEC dam permit.
16. The FEIS should consider how stormwater management could be managed as a Special District as opposed to by the proposed HOA.
17. The Applicant should consider enhancing use of Low Impact Development measures (rain gardens, pervious pavement, grass swales) to minimize the amount of stormwater runoff to be managed by traditional best management practices.

TRAFFIC AND TRANSPORTATION

1. It is cited that several intersections under the Build and Build with other development traffic scenarios (e.g. New York State (NYS) Route 22 & Rural Avenue (South Leg)) should be monitored in the future to determine if a Traffic Signal would be warranted. This is not an adequate response and a Preliminary Traffic Warrant Analysis should be conducted for each intersection and the results should be presented. If a traffic signal is warranted, the study should note the cost of each signalization when implemented during the project construction.
2. A detailed figure showing proposed improvements to the intersection of Route 22 and Wheeler Road should be provided. This figure should show the existing right-of-way line, existing roadway limits, and the existing pavement line for the parking lot at the railroad station. Proposed improvements should then be overlaid on this existing conditions information. The figure should encompass areas south of

Wheeler Road where Route 22 modifications would need to be made to allow for the improvements at Wheeler Road.

3. Exhibit II-14 shows a proposed street section for Route 22 at Wheeler Road (Type 1-A). This drawing includes a raised median with no dimensions. What type of curb (mountable or traversable) is proposed, what dimension would be applied to the median, and would it be landscaped in any way?
4. The detailed figure suggested in Item 2, above, should indicate where the Type 1-A and Type 1-B sections would be provided as shown on Exhibit II-14.

AIR QUALITY

1. The DEIS states at p. III.K-3 that all air quality modeling results were below the one-hour and eight-hour standards for CO. Text and/or a table should be provided to summarize the modeling results as is done on page 12 of the technical report in the Appendix.
2. The first full paragraph on page III.K-3 references “five intersections were modeled.” We believe this is an error as the technical report only analyzes three intersections. This should be confirmed.
3. In the discussion of CO₂ emissions from transportation, there are several footnote references that appear to have been omitted due to formatting. These references containing sources of data and other modeling assumptions should be provided.
4. The discussion of CO₂ emissions would benefit from a summary table comparing emissions from different project components and with different scenarios.
5. See our comments under “Energy Consumption and Conservation” relating to how the emissions data can be placed into a context of project offsets.

NOISE

1. The DEIS should present a table that contains the noise monitoring locations, their associated land use, and what part of the noise analysis each receptor was used for (ex: mobile source, construction, building attenuation, etc.). The table should refer to the receptor sites by number.
2. The DEIS omits figures that had previously been provided showing the location of receptors for the noise analysis. Those figures should be provided and should clearly show the specific locations of receptor sites 3 through 7.
3. The analysis should include a receptor location at the residential neighborhood to the south of the proposed project.
4. The DEIS should define the criteria that will be use for determining an impact.
5. The NYSDOT noise standards contain two criteria: the NAC and the relative increase impact criteria. These two criteria should be described.
6. The DEIS discussion of the noise monitoring results should also include a discussion of the weekday AM and Saturday MD results.
7. The DEIS should discuss why the noise measurements at the Wingdale Elementary School were not performed during the proposed project’s vehicular traffic peak hours.
8. The DEIS should identify the measurement length of the L_{eq} values presented (ex: L_{eq(20-minute)}).
9. For several receptor locations, there is a large discrepancy between the measured existing noise levels and the modeled existing noise levels. This discrepancy is larger than would be normally acceptable and there is no explanation of the discrepancy.

10. The DEIS should identify which noise receptor locations exceed the NAC in the existing condition and at what time period(s).
11. The DEIS should identify which noise receptor locations exceed the NAC in the No Build condition and at what time period(s).
12. The DEIS should discuss the NYSDOT relative impact criteria for the No Build condition.
13. The DEIS should discuss the NYSDEC impact criteria for the No Build condition.
14. The discussion of the Build results is confusing. For example, it is unclear as to whether there is a significant impact at the golf course.
15. The DEIS should identify which noise receptor locations exceed the NAC in the Build condition and at what time period(s).
16. Unlike the NYSDEC criteria, the NYSDOT relative impact criteria compares the Build to the Existing condition, not the Build to the No Build condition.
17. The DEIS should not discuss the potential for mobile source impacts on future residential receptors that are part of the proposed project.
18. The DEIS should cite the reference for the FHWA recommended interior sound level of 45 dBA for residences and 50 dBA for commercial and office uses.
19. If the analysis did not indicate a mobile source impact at an existing residential receptor, then the receptor should not be included in the “interior sound level” (i.e., building attenuation) analysis discussion.
20. The DEIS incorrectly cites the FHWA sound reduction due to a building type as dBA instead of dB.
21. A table of the proposed project’s buildings, their associated uses, and required amount of attenuation needed to satisfy interior noise level criteria should be created for the DEIS.
22. The DEIS should explain why the Saturday analysis time period was used for comparative purposes in the construction noise analysis.
23. The DEIS should address the noise effects of vehicular traffic associated with construction activities.
24. The DEIS should explain whether a usage factor was part of the prediction of noise levels due to on-site construction equipment.

HAZARDOUS MATERIALS

1. In relation to the ash fill area, the Phase I Environmental Site Assessment (ESA) report states: “Groundwater analytical data collected as part of a prior site investigation identified the presence of tetrachloroethylene (PCE) and heavy metals. Although, no investigation reports were provided for review, the detected groundwater concentrations were considered insignificant enough to warrant removal of the dump from the NYS SHWS list. As no development is currently proposed for this area, no mitigation is warranted at this time.” Although the site was removed from the SHWS list, additional investigation and/or remediation may be required by NYSDEC Division of Solid Waste in accordance with NYSDEC Part 375. Although no development is currently proposed for this area, documentation of the nature and extent of groundwater and/or methane contamination may identify potential impacts for nearby development areas.
2. In relation to former underground storage tanks (USTs), the Phase I ESA report indicates that requests were made to NYSDEC and DCDOH for missing UST closure reports to confirm if releases contaminated the subsurface, and further states: “In the event that information becomes available to F&E indicating that a release was associated with a removed UST, which was not adequately

resolved, then a targeted Phase II ESA may be recommended as an addendum to its report.” In the absence of UST closure data, or if a Spill is confirmed for a closed UST, a Phase II investigation would be necessary to confirm that there is no residual contamination that would affect future development.

3. Further, the Phase I ESA states: “As 20 of the 22 documented NYSDEC spills associated with the subject property have been closed by the NYSDEC, F&E does not recommend a Phase II ESA in association with the removed USTs. However, F&E does acknowledge that residual subsurface petroleum-related impacts may be present at multiple locations throughout the site.” A Phase II would be necessary to determine if future structures would require protective measures (i.e. vapor barrier, etc.) due to the potential of residual petroleum contamination.
4. The Phase I ESA states: “Characterization and removal of soil during construction would be pursuant to a Site Management Plan and Health and Safety Plan. If necessary, vapor barriers and/or a sub-slab depressurization system would be included as part of construction activities.” The SMP should present measures for proper handling and disposal of excavated soil and fill material, and contingency plans for addressing any unknown storage tanks or contaminated soil encountered during development. As stated in the Phase I ESA, residual soil and groundwater impacts may remain present beneath the site following NYSDECs approval for spill closure. In the absence of any remediation, tank closure, soil, groundwater, or vapor sampling data, a Phase II subsurface investigation should be completed at proposed development areas where residential or occupied commercial buildings are close to AOCs with potential or existing residual contamination.
5. The DEIS should discuss the potential impacts related to the production of methane gas from the ash landfill and wetland areas, and how methane production could interact with the proposed development plans for the site.
6. The discussion about an extensive groundwater sampling program does not indicate if bedrock or overburden water is being tested. It is not sufficient to rely on bedrock water quality to determine if soil sampling would be required. The DEIS should discuss the water sampling program, including areas/wells to be tested, testing parameters, and identify any impacts to the proposed development.
7. The Applicant should investigate the validity of information raised during the public comment period regarding the potential for dumping of transformers that contain PCBs on the property.

CONSTRUCTION

1. More detail should be provided on the construction sequencing and details of construction processes to allow for a more complete impact assessment of the construction period. Given the extensive amount of demolition required for this project, a more specific analysis of potential noise and vibration, erosion and sediment control, and fugitive dust control should be provided.
2. It is unclear how construction and demolition debris from the existing buildings will be handled. Certain of this material may be considered hazardous due to the presence of asbestos and lead paint. Quantities of hazardous material that would have to be transported off-site should be provided in terms of number of truck trips. Any non-hazardous construction and demolition debris should also be quantified and the location of its ultimate use or disposal identified.
3. The Applicant has made references in the past to an on-site rock crusher to be used as part of the demolition process. No analysis of potential noise impacts from this piece of equipment, together with other reasonably anticipated pieces of construction equipment, has been provided.
4. What specific measures will be used to protect historic resources to remain against physical damages (such as vibration, damage from falling objects, subsidence, collapse, or damage from

construction machinery) when demolition or construction of other buildings would occur within 90 feet of the buildings being retained?

5. The FEIS should clearly state that all provisions of Town Code will be followed during the construction period including all requirements for notification of surrounding property owners.

INFRASTRUCTURE AND ENERGY

WATER SUPPLY

1. The DEIS states the daily water demand for the project site in gallons per day, and the maximum day demand in gallons per minute. The DEIS should define the average daily demand and maximum daily demand in gallons per day and gallons per minute.
2. The DEIS should explain why a safety factor of 1.7 times the average daily demand was used to calculate the maximum daily demand instead of 2.0 times the average daily demand.
3. The safety factor calculation is used to provide a buffer for the higher water demands of the summer months. The DEIS should explain why the safety factor was applied to the non-irrigation demand of 514,360 gallons per day, instead of 731,560 gallons per day, which is the average daily demand inclusive of irrigation requirements.
4. The DEIS should state any applicable State and Local Department of Health requirements for testing community well systems. These requirements may include, but are not limited to minimum pumping duration, simultaneous pumping of all wells in a community water system, the maximum daily demand requirement, the best well out of service requirement, and the parameters required to meet the stabilization criteria (i.e. duration and maximum allowable water level fluctuation to be considered “stable”).
5. The DEIS should describe where the discharge lines were placed for each pumping well, and how a determination was made that recharge to the aquifer was prevented.
6. Exhibit II.O-5 should include the Swamp River monitoring points utilized during the pumping test.
7. The DEIS should include or refer to an appendix containing a list of each compound and corresponding laboratory method included in the NYSDOH Subpart 5.1 parameter list. The microparticulate analysis results should be included in the summary, and a determination should be made as to whether the aquifer is under the direct influence of surface water.
8. The DEIS should indicated that additional data are needed to confirm that the toluene and tetrachloroethylene detections are not related to site contamination.
9. Table III.O-3 should also include the timeframe that each well was tested, static water level (feet below grade) in each well, pump setting (feet below grade), and stabilized water level.
10. The DEIS should include a quantitative review of the stabilization and recovery data for each well. The large scale (20 to 50 feet per tick mark) used for the “Y” axis on the hydrographs and the drawdown projection graphs for the pumping wells does not allow for accurate determination of water levels during stabilization and recovery and, it is not clear if applicable stabilization and/or recovery criteria has been met.
11. The primary pumping test appears to have produced 50 feet of drawdown in Well 10A when it was used as a monitoring well. The DEIS concluded that the level of interference should not be sufficient to cause a reduction in yield for either well if they are pumped simultaneously. The DEIS should include a discussion and projected drawdown data to back up the conclusion that interference will not affect the projected yield.

12. According to the hydrograph in the pumping test report, the first phase of the pumping test produced approximately 130 feet of drawdown in Well 11A, which was being used as a monitoring point. The pumping test in Well 11A produced 300 feet of drawdown. The DEIS should indicate whether simultaneous pumping of all the wells will reduce the safe yield for Well 11A and include data to back up the conclusion.
13. As stated in the test, the DEIS should include a reduced projected safe yield for Well 15A to protect the pump. The current projected yield of 175 gpm is for a forced stabilization at the pump intake and is not a safe rate for the current pump configuration.
14. Table III.O-2 indicates MW-13 is a bedrock well and MW-13A is an overburden sand and gravel well. This should be clarified in the text.
15. The DEIS text indicates MW-13, which is identified as an overburden gravel well, is located within the ash landfill, and is in close proximity to an NYSDEC spill area and several underground tanks. The pumping test discharge of water from the bedrock aquifer resulted in a reported 50 feet of drawdown in overburden well MW-13. The DEIS should include a discussion on the connectivity between the overburden and bedrock aquifers, and the potential to draw the documented contamination into the water supply.
16. The DEIS should include additional data (i.e. pump setting, amount of available water (in feet) above the pump, etc.) to support the conclusion that the Hough-Evans and Stra wells will not be affected by the project.
17. A dam safety plan should be provided for the existing reservoir dam.

NATURAL GAS

1. The DEIS notes that “NYSEG has indicated that natural gas may be available for the Project” (page III.O-20). While the DEIS provides a potential routing of the gas line, it is unclear if this routing would result in any environmental impacts (e.g., wetland impacts, impacts to habitat, etc.). As provision of natural gas is considered an element of the Project’s carbon footprint in Section III.K, the DEIS should include more specific consideration of potential impacts related to the natural gas connection and distribution lines throughout the site.

PROJECT PHASING

1. See our comments under “Description of Action,” above.

ALTERNATIVES

We have no comments on this section.

MITIGATION MEASURES

We have no comments on this section.

UNAVOIDABLE ADVERSE IMPACTS

We have no comments on this section.

IRREVERSIBLE IRRETRIEVABLE COMMITMENT OF RESOURCES

We have no comments on this section.

GROWTH INDUCING AND CUMULATIVE IMPACTS

We have no comments on this section.

ENERGY CONSUMPTION AND CONSERVATION

1. The DEIS should include a discussion of measures that can be taken within the context of the project (that is, in addition to the project's built-in advantages in terms of density, mixed use, and transit) to reduce energy consumption and the associated emissions, and disclose, to the extent practicable, what measures will be included in the project. Enforceable commitments to energy performance levels can be made without designing all building details, and goals can be set for all project components. Currently, the energy chapter states adherence to the State Energy Code as a minimum requirement; it is well known that the current Energy Code is a low bar and most modern construction exceeds the code, some considerably.
2. The energy chapter also includes a discussion of LEED certification and the LEED for Neighborhood Development (LEED-ND) system. A more specific discussion of how the proposed project could achieve points within the LEED-ND system should be provided. It is suggested that the LEED-ND worksheet be used as the outline for this discussion and where the project is able and not able to achieve certain criteria, it should be noted.
3. Ultimately, NYSDEC appears to be concerned with commitments to energy reduction and offsets. There should be a discussion of how each of the mitigation measures outlined in DEC's policy would or would not apply to the proposed project.
4. The project should commit to specific achievable and practicable energy design goals, regardless of potential LEED certification. This should be mentioned in the GHG section and, if possible, included in the quantification. Energy conserving construction and infrastructure should be considered in all phases of the project construction and should not be saved until the end.