



June 30, 2009

Honorable Ryan Courtien  
Supervisor of the Town of Dover  
Town Board Members  
126 East Duncan Hill Road  
Dover Plains, NY 12522

Dear Supervisor Courtien:

On behalf of the Deuel Hollow Conservation Association (DHCA,) I am pleased to submit these comments on the DEIS for the Dover Knolls proposal to redevelop the site of the former Harlem Valley Psychiatric Center. We realize that you have many concerns and impacts to balance while you work your way through this very complex document and project. While the DHCA's concerns are primarily environmental, we want this project to be an economic and cultural success. Many of the Harlem Valley's best resources are natural ones and draw people to our area. We believe that the Great Swamp and the Duell Hollow CEAs, along with the Pawling Nature Reserve and Appalachian Trail will continue to bring visitors and permanent residents to Dover to enjoy all that these unique habitats and preserved lands offer, and that Dover Knolls' success will depend in large part on maintaining the natural beauty in which it is sited. You are in a position to ensure these CEAs will continue to be protected by shaping this development to hew to a low impact/low density transit-oriented plan. We encourage the Town Board and the Benjamin Companies to continue to work closely with County Planning and take advantage of the best this public-private partnership has to offer.

Our concerns are presented as follows:

**Water**

The Reservoir falls within the Duell Hollow Critical Environmental Area. Any degradation of the reservoir would negatively affect and disturb the subsurface waters of the Deull Hollow CEA as the Reservoir lands are at the peak of the Duell Hollow Watershed area. Upgrades to and activities around the reservoir (road and housing construction) will have to include plans to protect the forested uplands of the Duell Hollow CEA and

watershed. As stated in the DEIS, the developer does not contemplate using the reservoir; other analysts disagree and claim the project, as proposed, will require surface water. The applicant must detail stormwater and erosion plans during the upgrade. At a minimum, detailed plans must be submitted to address the containment of the reservoir in the event the dam fails.

### **Stormwater Management**

Restricting building to slopes below a 15% grade helps mitigate erosion and wetlands damage from increased stormwater runoff. Generally accepted practices hold to 15%. The DHCA requests that the Town Board limit building to slopes at or below 15%.

### **S.145-16. Mixed-Use Institutional Conversion Overlay District (MC.)**

We ask that the Town Board deny the developer's request that items a) thru g) – variances of up to 10% on serious impacts such as the number of school children, impervious surfaces, effluent and housing – “shall not require supplemental review under SEQRA and shall be granted without a hearing.” This is overreaching. We have heard in the Public Comment session that the project as proposed does not support the number of housing units based on groundwater sources alone.

Allowing the developer to add 130 homes outside of SEQRA and Town or Planning Board approval is unconscionable. 130 homes is more than the number in second largest subdivision in the Town of Dover and the Town would have no control over location or mix. We find it astonishing the developer would put forth this outrageous notion, much less propose it. Accepting it would in could result in an environmental disaster for the Duell Hollow CEA and the Town, and illustrates as plain as day that the developer's interests are not necessarily aligned with the Town's. It is up to the current Town Board to make it clear that it represents the current and future residents of Dover by throwing out this overreaching request.

### **Environmental**

Any disturbance of the areas of the Mile-A-Minute Vine, which were up on the hill and near the reservoir, could result in a spread of an ecologically invasive species, both into the forested areas of the CEA and downslope to the Great Swamp

The Open Space conservation easement must be managed by an objective third party “trustee” such as DLC, OLC, TNC, etc. This property is of such a sensitive nature and of such importance to the surrounding neighbors and towns which share the aquifer and its forested uplands that it cannot be managed by the Homeowner's Association whose interests may not necessarily be aligned with its neighbors, especially those who rely on the groundwater for their drinking water.

### **Air Quality**

The DEIS suggests monitoring particulate matter from a sampling station in Newburgh, but winds blow from west to east as often (unless there is an inversion in which case the particulates will stay in the valley.) In fact during the "Stop the Cement Plant" campaign, concerns about emissions were voiced as far away as Maine, to the northeast. More monitoring stations must be set up to test the air during asbestos removal to the north and east of the site, after the developer submits data on the prevailing wind patterns.

Dr John Edsall, Columbia Presbyterian pulmonologist (retired) once observed, "When the World Trade Center was built, asbestos was found in the air as far north as Boston."

### **Hazardous Waste**

Ideally no C&D should be buried on site and the Town Board should require this to be so stated in the EIS. There is asbestos and lead paint in the buildings slated for renovation or demolition. It is better to err on the safe side and cart it all off-site than risk polluting our groundwater, a protected resource, by burying or reusing the C&D debris. If the Town Board does not require this, as a back up and at a minimum, a cost-benefit analysis of the alternative, **safely containing** any C&D must be presented and reviewed by the Town Board, the DEC, the NYS DOH and the DCDOH before beginning any on-site burial.

Monitoring the removal or burial of C&D cannot be left to the Town Code Enforcer or the developer, or any related party to the developer. It is too big a job for the town and the liability is enormous; it is too serious and costly a threat to leave the monitoring to an interested party.

### **Planning**

A true transit-oriented development is better for the Town and the environment, and better protects the Duell Hollow CEA and watershed.

Transit-oriented design better preserves wildlife corridors, conforms to the Greenway Compact planning concepts presented to Supervisor Courtien and referenced during the Public Comment session, takes better advantage of existing site and limits further wetlands degradation/stormwater management fallout from hillside, steep slope construction and roads.

The hamlet must be vibrant enough to encourage commercial and retail businesses to thrive and support a walkable community. The hamlet's success will obviate the need for building around the reservoir and risking degradation of the uplands forest. To this end, phase 1a should include the northeast section now proposed for Phase 1b in order to increase the residential density and number of retail shops across from supermarket. No apartments should be permitted on first floor in commercial/retail neighborhood as this design would decrease the amount of commercial/retail space, detracting from a true shopping-oriented village.

Greater density around the train station helps pay for the open space and watershed protection as it would result in a higher probability of generating a positive tax benefit for the town: greater % of multifamily and townhouses contribute to a fiscally positive housing mix; encouraging 3-4 story buildings to accommodate elevators might ensure a more heterogeneous demographic mix, appealing more to singles, younger couples, families without children and older people on fixed income, in other words a demographic mix both the developer and we agree would have a positive fiscal outcome to the Town.

### **Alternatives**

#### **Alternative D:**

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

#### **Alternative C:**

This alternative has serious math deficiencies which should be corrected before it can be analyzed. Based on the code, and without variances/waivers, this alternative can only yield 535 units total if the assumed commercial space is 1,338m sf and average of 2500 sf/unit are used as the basis for the unit count. If the 1524 unit count is maintained, they will only average 877 s.f./unit. These conflicting scenarios make this alternative impossible to evaluate.

### **Visual Impact**

The DEIS is lacking in visual impacts, most particularly the viewsheds required to show the site in winter, with the trees (those that are left) without foliage. The views the DEIS does show “from a distance” are bird’s eye views and not line of sight views. The Town Board must be able to assess the permanent and considerable changes to the valley that this project will leave in its wake.

Sincerely yours,



Constance I. DuHamel

Deuel Hollow Conservation Association