

FINAL ENVIRONMENTAL IMPACT STATEMENT

FOR THE

175-LOT CLUSTER SUBDIVISION APPLICATION

FOR THE

SUMMIT WOODS SUBDIVISION

Town of East Fishkill, Dutchess County, New York

Date Submitted: September 20, 2004
July 1, 2005
August 18, 2005
August 29, 2005

Final Environmental Impact Statement

For The 175-Lot Cluster Subdivision For the Summit Woods Subdivision

**NYS Route 52
Town of East Fishkill, New York**

Lead Agency:

Town of East Fishkill Planning Board
330 Route 376
Hopewell Junction, New York 12533
Contact: Mrs. Pat Twomey, Planning Board Clerk

Applicant/Project Sponsor:

ABD Fishkill, LLC
Mr. Daniel Gueron
1995 Broadway
New York, NY 10023

FEIS Prepared by:

M.A. Day Engineering, P.C.
3 Van Wyck Lane – Suite 2
Wappingers Falls, NY 12590
Contact: Mark A. Day, PE
(845) 223-3202

Date of Acceptance of DEIS:

November 18, 2003

Date of Public Hearing:

February 17, 2004

Close of Comment Period on DEIS:

March 2, 2004

Final EIS Issued and Notice of Completion filed on: _____, 2004

Submitted:

July 1, 2005

Address Comments to:

Town of East Fishkill Planning Board
330 Route 376
Hopewell Junction, New York 12533
(845) 221-2428

Project Consultants

Ecological Solutions, LLC
1248 Southford Road
Southbury, CT 06488
(203) 264-8691
Contact: Michael Nowicki
Natural Resources Report

M.A. Day Engineering
3 Van Wyck Lane – Suite 2
Wappingers Falls, New York 12590
Site Engineer

John Meyer Consulting
120 Bedford Road
Armonk, New York 10524
Traffic Impact Study

Involved and Interested Agencies

Town of East Fishkill Planning Board

Dutchess County Department of Health

New York State Department of Health

New York State Department of Environmental Conservation

New York State Department of Transportation

New York State Public Service Commission

Town of East Fishkill Architectural Review Board

Town of East Fishkill Conservation Advisory Council

Town of East Fishkill Fire Advisory Board

US Army Corps of Engineers

Table of Contents

I.	Introduction and Project Summary	1
A.	State Environmental Quality Review	1
B.	Proposed Action	2
C.	Involved Agencies and Required Approvals/Permits.....	4
II.	Comments and Responses	5
A.	Zoning and Surrounding Land Use	5
B.	Soils and Topography.....	10
C.	Surface Water Resources	10
D.	Ground Water Resources	12
E.	Wetlands.....	33
F.	Terrestrial and Aquatic Ecology.....	37
G.	Vehicular Traffic and Roadways.....	38
H.	Socioeconomic	74
I.	Community Services	75
J.	Utilities	78
K.	Visual Resources	92
L.	Air Resources	93
M.	Miscellaneous Topics.....	94
III.	Public Hearing and Comments	
A.	Transcript of the February 17, 2004 Public Hearing	
B.	Minutes from the May 18, 2004 Public Hearing	
C.	Letters and Written Comments Received on the DEIS	
D.	May 18, 2004, Resolution That Proposed Final Environmental Impact Statement is not Adequate.	

- Letter #1 From Nickita Negersmith, Dated February 23, 2004
34 Collarbark Road, Hopewell Junction, New York
- Letter #2 Katie Galloway, Not Dated
19 Collarbark Road, Hopewell Junction, New York
- Letter #3 Steven Hartofilis, February 28, 2004
3 Fox Hollow Lane, Hopewell Junction, New York
- Letter #4 Alfred & Erika Kaye, February 29, 2004
67 White Pond Road, Stormville, New York
- Letter #5 Frank Finuoli, March 1, 2004
25 Primrose Lane, Hopewell Junction, New York
- Letter #6 Harold Harden, Jr. and Harold Harden, Sr, March 2, 2004
15 Collarbark Road, Hopewell Junction, New York
- Letter #7 Quentin Ross, Ph.D., February 17, 2004
3210 Route 52, Stormville, New York
- Letter #8 Claudia A. Mahon, January 29, 2004
23 Gung-Ho Road, Stormville, New York
- Letter #9 Ralph Ferrusi, March 29, 2004
34 Kim Lane, Stormville, New York
- Letter #10 Harlan Sexton, AICP, June 21, 2004
Planning Consultant to the Town of East Fishkill Planning Board
- Letter #11 Peter Hobday, May 17, 2004
Engineering Consultant to the Town of East Fishkill Planning Board
- Letter #12 Glenn Boucher, PE, July 2, 2004
New York State Department of Transportation
- Letter #13 Lindsay Carille, January 8, 2004
Dutchess County Department of Planning
- Letter #14 Harlan Sexton, AICP, November 3, 2004
Planning Consultant to the Town of East Fishkill Planning Board
- Letter #15 Peter Hobday, January 13, 2005
Engineering Consultant to the Town of East Fishkill Planning Board

IV. Additional Information

- 72-hour Pump Test, July, 2004
by Leggette Brashears & Graham
- Prevailing Wind Direction for Dutchess County
Information Collected by NOAA
- Revised Figure 3.7.2-14 from the Traffic Impact Study.

V. Appendices

- Subdivision Plans – Back cover of document cover
- NYSDOT Entrance Plans
- Water Treatment Plans
- Sanitary Sewage Treatment Plans
- Proposed Wetland Crossing Details
- Stormwater Management Plan – Revised June 15, 2005

I. Introduction and Project Summary

A. State Environmental Quality Review

This Final Environmental Impact Statement (“FEIS”) has been prepared for the Town of East Fishkill Planning Board (the “Planning Board”) in compliance with Article 8 of the New York State Environmental Conservation Law, and its implementing regulations (6 NYCRR Part 617) (collectively “SEQRA”). The Planning Board has been designated as lead agency pursuant to the provisions of SEQRA. Pursuant to the requirements of Part 617, the Draft Environmental Impact Statement (“DEIS”) for the Project is incorporated herein by reference.

The applications for subdivision and site plan approval were made to the Planning Board in December of 2001. The Planning Board determined the Project to be a Type I action pursuant to SEQRA, declared its intent to act as Lead Agency, decided to coordinate environmental review of the Project and notified all involved and interested agencies of its intent. The Planning Board subsequently adopted a Positive Declaration requiring the preparation of a DEIS and initiated public scoping for the DEIS. The East Fishkill Planning Board issued a Positive Declaration on February 19, 2002, and accepted a Draft Scoping Checklist from the Project Sponsor on March 26, 2002. Comments on the draft scope were accepted through April 26, 2002. After consideration of all comments, the Planning Board issued a final scope on May 8, 2002.

The DEIS was accepted as complete by the Planning Board on November 18, 2003. A combined Public Hearing on the DEIS and the Project, together with Site and Subdivision Plan, was held on February 17, 2004. The portion of the Public Hearing pertaining to the DEIS was closed on February 17, 2004. The written comment period, required by SEQRA, closed on March 2, 2004.

Copies of all written comments received during the public comment period (including those received at the February 17, 2004, and May 18, 2004, Public Hearings) are contained in FEIS Section III. Section III also contains the transcript of the minutes of the oral comments presented at the February 17, 2004, and the May 18, 2004, Public Hearings. This FEIS contains the lead agency responses to all substantive comments received on the DEIS. To avoid excessive duplication, the responses are organized by category and will be followed by individual responses to written and oral comments received.

All procedures and lead agency determinations that would have occurred in the Planning Board’s consideration of a Type I Action have occurred in the Planning Board’s consideration of the Summit Woods project. Pursuant to SEQRA, (6 NYCRR Part 617.9(a)(5)(ii)(‘a’)), this FEIS is filed with the lead agency. Thereafter, the Planning Board, as lead agency, is required to file a written findings statement and decision, based on the entire SEQRA proceedings, not earlier than 10 days after the filing of the FEIS. 6 NYCRR Part 617.11(a).

B. Proposed Action

The Applicant, Mr. Daniel Gueron, of ABD Fishkill LLC, intends to develop a property consisting of 329.84 (+/-) acres for the creation of a 175-lot single-family residential development. The project consists of 6 separate parcels, located on State Route 52 near the intersection of Route 52 and Primrose Lane, Southern Drive, Stormville Road and Collarbark Road. The Applicant intends to develop 100% of the site, disturbing approximately 39% of the property and leaving the remaining land (steep slopes and wetlands) as open space. The Applicant is proposing to provide 201.42 acres of open space on the property inclusive of the newly mapped wetland area as depicted by the NYSDEC in May of 2005.

The proposed lots range in size between 13,062 square feet and 5.47 acres. A preliminary subdivision plat is included in the plan set included in the appendices of this document.

It is the intent of the Applicant to preserve the open space in perpetuity. The Applicant proposes a cluster subdivision. In accordance with Article IX of the Subdivision Regulations of the Town of East Fishkill, at least 30% of the gross acreage of the subdivision shall be composed of land which is preserved as open space. This project will provide approximately 61% of its total area to open space. The open space land is to be permanently preserved as open space from future development or future use as part of a yard of any individual lot. In order to effectuate the preservation of open space, the land designated as open space will be owned by a homeowners association (HOA) with a conservation easement. The Applicant will offer a conservation easement to a qualified, not-for-profit corporation eligible to hold a conservation easement. If no such not-for-profit corporation is available to accept the easement, the Applicant will offer the easement to the Town of East Fishkill. The conservation easement will require the open space land to be permanently designated for use only as open space and will not be allowed to be used for future development or future use as part of a yard of any individual lot.

The Applicant anticipates that construction will begin in 2005 and full build out will be completed in 2009.

The Applicant intends to cluster the development in accordance with the Town of East Fishkill Zoning Ordinance¹. The Summit Woods development plan was designed so that the number of dwelling units does not exceed the number that would be permitted if the land were subdivided according to the conventional zoning regulations for the R-1 and R-2 zoning districts that govern the property. In order to determine the maximum number of lots that could be constructed based on a cluster design, the Applicant was required to submit a conventional subdivision sketch layout for the property. The Planning Board agreed with the plan showing 175 lots as the maximum number of lots on the property. The revised conventional lot layout can be found in the Appendices of this document.

Local Law “B” which was enacted as part of the newly adopted *November 2002 Master Plan* provides for reduction of lot areas containing environmentally sensitive lands. In

¹ Town of East Fishkill Zoning Ordinance dated November 14, 2002 – Chapter 194.

consideration of these new requirements, an analysis has been prepared in section 2.2 of the DEIS demonstrating compliance to this newly adopted law.

In May of 2005, the NYSDEC updated the wetland flagging on the site to include an additional 6.98 acres of land on the northwest side of the project. This reduced the total amount of buildable area on the site by approximately 3.5 acres. This document includes the revised “conventional lot” (278 plan) layout prepared for this project based on the newly mapped wetland. As a result, the proposed lot-count remains at 175. The cluster plan has been revised to reflect the newly mapped wetland. This document includes the revised cluster layout as part of the appendices of this document. The revised plan will require two wetland crossings as part of this new layout. Also, the project has been revised to remove all proposed stormwater basins from the 100’ adjacent area of the mapped wetlands. The 6.98 acres of newly mapped wetland along with its 100’ adjacent area will be permanently preserved as open space as part of this proposal. Therefore, the total amount of open space shall be approximately 201 acres for the Summit Woods project.

Access to the parcel will be from two points on State Route 52, one point across from Primrose Lane (also known as Strawberry Hill) and one point to the south on Route 52 at the base of Stormville Mountain Road. Circulation through the subdivision shall be made via an internal roadway system that will be offered to the Town of East Fishkill for eventual dedication. The proposed subdivision contains 6 internal roads and 3 cul-de-sacs, totaling approximately 14,735 linear feet of roadway. The Applicant does not wish to utilize private roads. The water and sewage facilities will be accessed from a new service road through a parcel owned by the Applicant on Collarbark road and an existing farm lane on the project site.

The Town of East Fishkill Police Department, Dutchess County Sheriff’s Department, and the New York State Police provide security to the residents of the Town of East Fishkill including the proposed residents in the Summit Woods residential subdivision. According to the District Fire Chief², the East Fishkill Fire Department provides fire protection for the project area. School age children residing in the development attending public schools will attend Gayhead Elementary School, Van Wyck Junior High, and John Jay High School. Private water and sewer corporations will service the subdivision.

² See correspondence from the East Fishkill Fire District dated April 29, 2002 from Steven Conti in Appendix C - Correspondence.

C. Involved Agencies and Required Approvals/Permits

The following table lists the agencies involved in the review, approval and/or permitting process for the Summit Woods project:

Table 1.1
Required Reviews and Approvals

Permitting Agency	Approvals/Review Required
Town of East Fishkill Town Board	<ul style="list-style-type: none"> • Water and Sewer Transportation Corporations. • Establishment of Sewer Rates
Town of East Fishkill Planning Board	<ul style="list-style-type: none"> • Subdivision Approval • Site Plan Approval for Water and Sewage Facilities • Floodplain Development Permit • Approval of the water and sewage treatment building designs
Dutchess County Department of Health	<ul style="list-style-type: none"> • Water and Sewage Approvals
New York State Department of Health	<ul style="list-style-type: none"> • Approval of Water Supply
New York State Dept. of Transportation	<ul style="list-style-type: none"> • Entrance permit for proposed entrances on NYS Route 52
NYS Public Service Commission	<ul style="list-style-type: none"> • Approval of the Water Rates for the Water Transportation Corporation
Town of East Fishkill Conservation Advisory Council	<ul style="list-style-type: none"> • Review of project
Dutchess County Department of Planning and Development	<ul style="list-style-type: none"> • Review of the project
US Army Corps of Engineers	<ul style="list-style-type: none"> • Review of the project

II. Comments and Responses

A. Zoning and Surrounding Land Use

Comment A1:

Commentor States: Page 42 of Volume I has a theoretical lot count of 40 lots on 40.04 acres in the R-2 zone. The applicant may have miscalculated the lot count, which would appear to be 20 lots on 40.04 acres for the R-2 zone. It is also not clear, given the information provided, if the applicant had deducted the area of land necessary to provide roads, drainage facilities, and other infrastructure to serve the subdivision, as necessary when determining the conventional lot count, per Zoning Code Section 194-14.1.B (1)(b). Comment made by Lindsay Carille of the Dutchess County Department of Planning in a letter dated January 8th, 2004.

Response A1:

The following is the calculation shown on page 42 of the DEIS:

R-1 Zoning:

Total area in R-1 Zone:	257.65 acres
Area of Floodway:	0.0 acres
Area of Floodplain:	0.0 acres (Part of Wetland)
Area of Steep Slopes:	9.28 acres
Water Bodies:	0.24 acres
Wetlands:	70.20 acres
Balance of Land	177.93 acres
 Theoretical Lot Count:	 177 lots

R-2 Zoning:

Total area in R-2 Zone:	67.57 acres
Area of Floodway:	0.0 acres
Area of Floodplain:	0.0 acres (Part of Wetland)
Area of Steep Slopes:	25.47 acres
Water Bodies:	0.0 acres
Wetlands:	2.06 acres
Balance of Land	40.04 acres
 Theoretical Lot Count:	 40 lots

Using this methodology, the theoretical lot count can be estimated at 217 lots.

The Commentor is correct. The correct number of lots should be 20 in the R-2 zone. This would reduce the total number of theoretical lots to 197, not the 217, as indicated on page 42 of the DEIS.

The Commentor also is questioning the calculation of the number of lots in this section of the DEIS since no land was removed for proposed roadways, drainage, etc. The calculation on Page 42 of the DEIS states that 177.93 acres of developable area is available in the R-1 zone and 40.04 acres of land would be available in the R-2 zone for development. Assuming 10% land reduction for the necessary infrastructure (this number has been a generally accepted value for developments of this type), the number would be further reduced to approximately 160 acres and 36 acres in the R-1 zone and R-2 zone, respectively. This would then equate to 160 lots in the R-1 zone and 18 lots in the R-2 zone. Therefore, using this number the correct number of theoretical lots would be 178.

In May of 2005, the NYSDEC updated the wetland flagging on the site to include an additional 6.98 acres of land on the northwest side of the project. Therefore, the area of buildable area shall be reduced by approximately 3.5 acres.

Furthermore, the Applicant has acquired a 4.62-acre parcel of property on the west side of the project that fronts on Collarbark Road. This lot was not used as part of the calculation in the DEIS. The revised calculations are as follows:

R-1 Zoning:	Total area in R-1 Zone:	257.65 acres
	Area of Floodway:	0.0 acres
	Area of Floodplain:	0.0 acres (Part of Wetland)
	Area of Steep Slopes:	4.64 acres (50% of 9.28 acres)
	Water Bodies:	0.24 acres
	Wetlands:	38.59 acres (50% of 77.18)
	Balance of Land	214.18 acres
	- 10% of land for infrastructure	21.42 acres
	Balance of Buildable Land	192.76 acres
	Theoretical Lot Count:	192 lots
R-2 Zoning:	Total area in R-2 Zone:	72.19 acres
	Area of Floodway:	0.0 acres
	Area of Floodplain:	0.0 acres (Part of Wetland)
	Area of Steep Slopes:	12.74 acres (50% of 25.47 acres)
	Water Bodies:	0.0 acres
	Wetlands:	1.03 acres (50% of 2.06 acres)
	Balance of Land	58.42 acres
	- 10% of land for Infrastructure	5.84 acres
	Balance of Buildable Land	52.58 acres
	Theoretical Lot Count:	52 lots

Using this methodology, the theoretical lot count can be estimated at 244 lots.

As a corollary to these calculations, the Applicant also prepared a conventional lot layout (278 plan) for the project to demonstrate compliance of the proposed lots. The conventional lot layout yielded a lot count of 175 lots. Therefore, this is the number of lots being proposed under the Summit Woods Subdivision application.

The original Conventional Lot Layout which was used to determine the 175 lot count was included in the DEIS as figure 2.2.2-1. A revised conventional lot layout was prepared for the project based on the newly mapped wetlands. This plan is included in the Appendices of this document. This figure outlines the compliance for the proposed 175 lots.

Comment A2:

Commentor States: For the benefit of the public, can I just ask you to explain the cluster subdivision here as it relates to the size of the as opposed to a normal layout? Comment made by Ms. Drummond at the February 17, 2004, Public Hearing (transcript page 30, line 17)

Response A2:

The idea of the cluster subdivision concept is to allow a developer to develop a parcel with smaller lots of the same number allowed under the current zoning requirements. The idea is to create smaller lots with large protected open spaces.

The Town of East Fishkill Planning Board determines the appropriate number of lots through information provided by the Applicant in the DEIS.

The Summit Woods project is proposing to develop a 325-acre parcel of property into 175 residential lots. The project will involve the development of 39% of the site while maintaining 61% as open space.

It is the intent of the Applicant to preserve the open space in perpetuity. The Applicant proposes a cluster subdivision. In accordance with Article IX of the Subdivision Regulations of the Town of East Fishkill, at least 30% of the gross acreage of the subdivision shall be composed of land which is preserved as open space. This project will provide approximately 61% of its total area to open space. The open space land is to be permanently preserved as open space from future development or future use as part of a yard of any individual lot.

In order to effectuate the preservation of open space, the land designated as open space will be owned by a homeowners association (HOA) with a conservation easement. The Applicant will offer a conservation easement to a qualified, not-for-profit corporation eligible to hold a conservation easement. If no such not-for-profit corporation is available to accept the easement, the Applicant will offer the easement to the Town of East Fishkill. The conservation easement will require the open space land to be permanently designated for use only as open space and

will not be allowed to be used for future development or future use as part of a yard of any individual lot.

Comment A3:

Commentor States: You propose a lot count and we determine it. Comment made by Ms. Drummond at the February 17, 2004, Public Hearing (transcript page 31, line 6)

Response A3:

The Town of East Fishkill Planning Board determines the appropriate number of lots through information provided by the Applicant in the DEIS.

Comment A4:

Commentor States: Do you want to explain that cluster doesn't mean they are getting more units than they are allowed, they are just clustering the house to provide open space. But they are not getting a lot count that exceeds what they would be permitted under existing zoning. Comment made by Mr. Staudohar at the February 17, 2004, Public Hearing (transcript page 32, line 4)

Response A4:

As mentioned in the response to Comment A2, the idea of the cluster subdivision concept is to allow a developer to develop a parcel with smaller lots of the same number allowed under the current zoning requirements. The idea is to create smaller lots with large protected open spaces.

The Town of East Fishkill Planning Board determines the appropriate number of lots through information provided by the Applicant in the DEIS.

The number of lots cannot exceed the number of lots that could be developed on the property using conventional lot layout concepts.

When determining the amount of developable area, the applicant must subtract the environmentally sensitive lands as outlined in section 194-14 of the Town Code and the lands necessary for the construction of the necessary infrastructure.

Comment A5:

Commentor States: Did you get this letter from Dutchess County Department of Planning? Comment made by Ms. Drummond at the February 17, 2004, Public Hearing (transcript page 33, line 13)

Response A5:

The Commentor is referring to the letter written by Lindsay Carille dated January 8th, 2004.

This letter is included in section III of this document. Responses to the letter are provided herein.

Comment A6:

Commentor Asks: And about the count numbers in R-2 zone. If you don't remember it, please address this. Comment made by Mr. Koch at the February 17, 2004, Public Hearing. (Transcript page 33, line 22)

Response A6:

The letter that the Commentor refers to is included in section III of this document. Responses to the letter are provided herein.

The count numbers have been addressed in the response for Comment A1.

Comment A7:

Commentor States: I live off of Primrose Lane of 52. I just want to have a better understanding. It was stated earlier, but I'm not sure I understood. If you were to go and develop this land with one acre limits per house, you would still be able to put 175 homes in there with all the wetlands. Comment made by Ms. Philips at the February 17, 2004, Public Hearing. (Transcript page 73, line 9)

Response A7:

A conventional lot layout was prepared that indicates that the Summit Woods project site can support 175 lots. This was determined in the DEIS using a conventional lot layout (see Figure 2.2.2-1 in the DEIS). The environmentally sensitive lands including wetlands were not used as part of the required developable area of the proposed lots.

Comment A8:

Commentor Asks: To the left of there there is a lot of virgin land and stuff. What would prevent building to the left? Comment made by Mr. Harden at the February 17, 2004, Public Hearing (transcript page 76, line 20).

Response A8:

The Commentor is referring to the Lands of Tucker. This property, at the time of this writing, is under contract for sale to the Sharbell Development Co. from Robbinsville, New Jersey. Sharbell is proposing to develop the site into a mix-use development with 273 housing units. This application is currently before the Town Board for consideration of a CRD zoning amendment to provide for a senior housing component. The project will connect to the water supply system and the sanitary sewer collection and treatment system for the Summit Woods project. Expansion of the sanitary sewage treatment plant and the water supply facilities for the Summit Woods project will be the responsibility of developers of the Tucker parcel. A main road is proposed through the Tucker parcel from NYS Route 52 near the intersection with NYS Route 216 that will connect to the roadway system of the Summit Woods project at a point on the Stony Brook Lane. A right-of-way will be conveyed as part of the Summit Woods application to the Town of East Fishkill. This right-of-way will be the point where the roadway and the utilities will pass between the two project sites.

It should be noted that the proposed Sharbell Development would create very large buffers between adjacent properties. Approximately 75% of the site will remain as open space.

Comment A9:

Commentor states: Is that the property you just gave to the state? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 77, line 2)

Response A9:

The Applicant is not proposing to give any land to the State.

B. Soils and Topography

There were no comments concerning Soils and Topography

C. Surface Water Resources

Comment C1:

Commentor States: I am concerned that the discharge of water from Summit Woods will increase water held by the existing surrounding wetlands and expand the wetlands. This would decrease the amount of “usable” land for existing owners and decrease the property value. The

existing wetlands are currently a haven for copperhead snakes. We currently encounter approximately 50 copperhead snakes a year on our property. We are concerned that this population of snakes will increase causing a health and safety risk to the residences surrounding Summit Woods. Comment by Katie Galloway in a letter dated February 26, 2004.

Response C1:

The Stormwater Management Plan (Appendix E of the DEIS) concludes that the development of this project will not increase the post-development peak rate of runoff to greater than the pre-development peak rates of runoff. This study was prepared in order to comply with the EPA Phase II Stormwater Management Guidelines adopted in October of 2001.

In May of 2005, the NYSDEC revised the freshwater mapping on the project to include an additional 6.98 acres of wetlands on the project site. This wetland along with the 100' adjacent area required that the project be revisited. The roadways were relocated and the lots were reconfigured to minimize disturbance to the newly mapped wetlands. A revised drainage analysis was prepared for the project and is included in the appendices of this document.

With respect to the volume of stormwater; it was determined that the theoretical increase in the volume of the stormwater would be as follow for the 2, 10, 25 and 100-year storm frequencies:

<i>2-year storm</i>	<i>10-year storm</i>	<i>25-year storm</i>	<i>100-year storm</i>
<i>186,684 ft³</i>	<i>259,488 ft³</i>	<i>296,730 ft³</i>	<i>351,260 ft³</i>

The size of the wetland adjacent to the Commentor's property is known as HJ-49. This wetland is approximately 559 acres in size as measured by the NYSDEC Freshwater Wetland Map for the Hopewell Junction and Poughquag quadrangles.

Therefore, this equates to an increase in depth of the wetland of less than 1/32 of an inch for the 2, 10, 25 and 100-year storm event. This will result in an immeasurable increase in the size of the wetland.

Comment C2:

Commentor States: My other concern is regarding the discharge into Van Ander Kill Creek. Will this potentially disturb wildlife? Still another concern is the amount of standing water and potential of West Nile virus and other diseases these holding ponds can emit? Comment by Frank Finuoli in a letter dated March 1, 2004.

Response C2:

With respect to the discharge to the Van Anden Kill; the revised Stormwater Management Plan (included in the Appendix of this document) has been prepared in accordance with the EPA Phase II stormwater regulations of October of 2001. There shall be no increase in the peak rate of runoff from the project site. The Project Sponsor is not proposing the use of wet stormwater

basins to control stormwater runoff. Therefore the Applicant is not proposing to create additional standing water.

Comment C3:

Commentor States: If you look up here, I guess it's around 95, 94, 93, you are going to have a very large retention pond here that basically abuts one house, cuts the whole backyard of another one. Comment by Mr. Koch at the Public Hearing on February 17, 2004. (transcript page 24, line 21).

Response C3:

The stormwater basins proposed as part of the DEIS were conservative in size and were downsized in their final design in order to provide a larger buffer area between the proposed houses and the high-water level anticipated during a 100-year storm event.

A minimum side yard setback of 20' and a minimum rear yard setback of 30' between the proposed stormwater basins and the proposed houses have been provided. See the revised plans in the Appendices of this document.

These basins were revisited as part of the revisions made to this project in May of 2005. The basins were relocated out of the buffer of the wetlands and away from proposed homes.

Comment C4:

Commentor States: You have a few retention ponds that just takes up the whole backyard of some of these houses. It runs right up to the house. In fact, 93 and 94, I don't know how that --- Comment by Mr. Koch at the Public Hearing on February 17, 2004. (transcript page 30, line 6).

Response C4:

See the response to comment C3.

D. Ground Water Resources

Comment D1:

Commentor States: With the addition of 175 homes, how will this impact our water and current well conditions to the residences of Collarbarck Road? We have already been seeing signs of local development, from contamination in our water, the amount of minerals found in our wells and to

the depletion of gallons per minutes being pumped. Comment by Nickita Negersmith in a letter dated February 23, 2004.

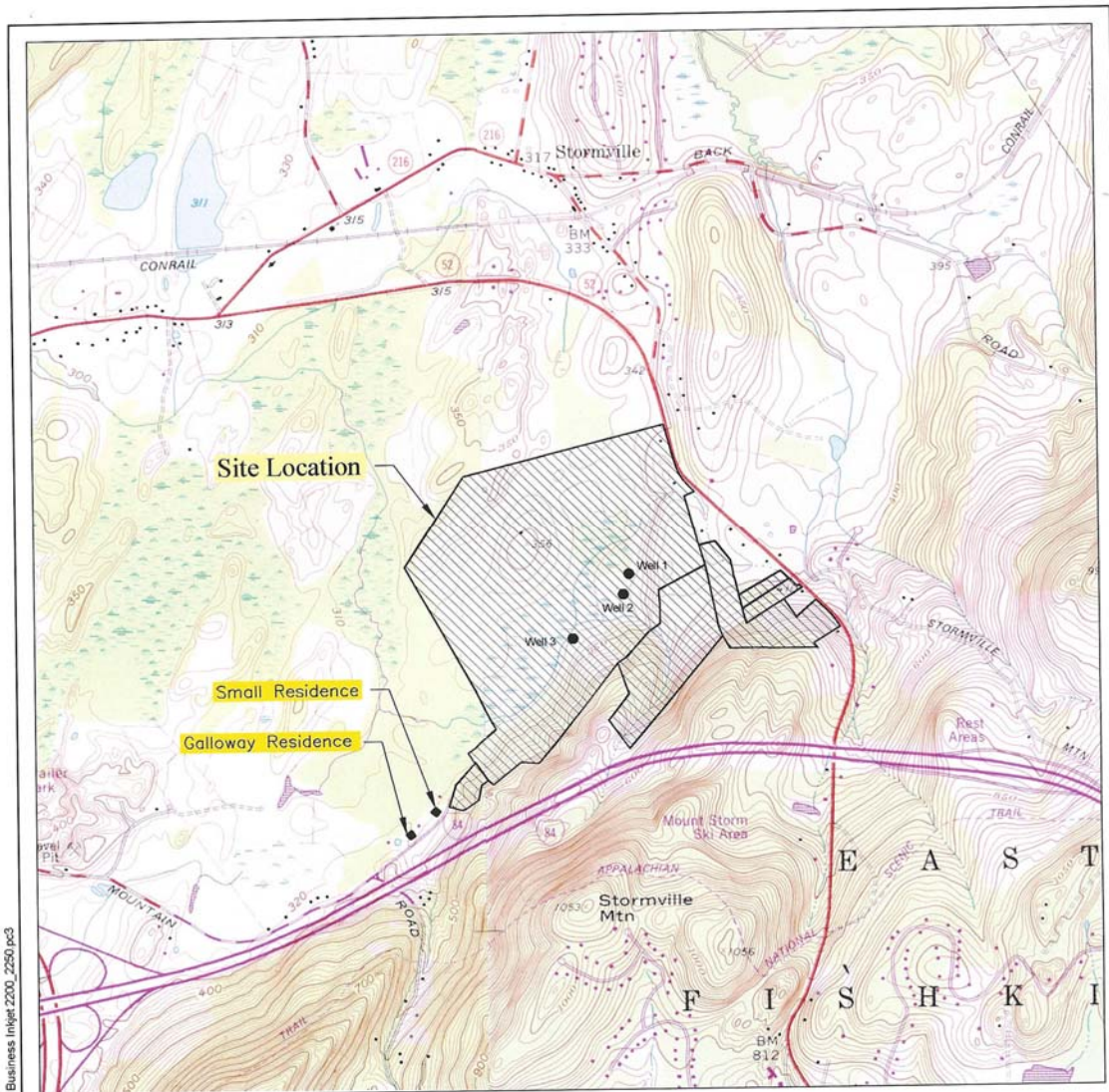
Response D1:

As part of the DEIS, a Hydrogeological Study was performed by the office of Leggette, Brashears and Graham. The anticipated impacts were discussed in this study. One of the conclusions of the study states that wells #1 and #3 were pump tested for 72 hours in November 2002 to demonstrate adequate capacity for the Summit Woods project without adverse impacts to neighboring wells. The wells were pumped slightly above the average daily demand required for the site.

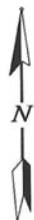
This report is included as Appendix “D” of the DEIS.

In July of 2004, additional well testing was conducted to determine if there would be any influence on the wells to the west of the proposed Summit Woods project site. For this pump test Well #3 on the Summit Woods project site was pumped for 72 hours at a rate of 100 gallons per minute. Two off-site wells were monitored. The Small well and the Galloway Well were both monitored during the pump test. The report concludes that well #3 was pumped at a rate of 100 gallons per minute without adverse impacts on either of the two wells monitored.

See the following page for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.



SOURCE: USGS TOPOGRAPHIC QUADRANGLES POUGHQUAG, NEW YORK (PHOTOREVISED 1981) AND HOPEWELL JUNCTION, NEW YORK (PHOTOREVISED 1981).



QUADRANGLE LOCATION

0 2000
SCALE IN FEET

ABD FISHKILL L.L.C. SUMMIT WOODS EAST FISHKILL, NEW YORK

SITE LOCATION MAP SHOWING MONITORING LOCATIONS

DATE	REVISED	PREPARED BY:
		LEGGETTE, BRASHEARS & GRAHAM, INC.
		Professional Ground-Water and Environmental Engineering Services
		126 Monroe Turnpike
		Trumbull, CT 06611
		(203) 452-3100
DRAWN:	MRV	CHECKED: TPC
		DATE: 7/23/04
		FIGURE: 1



No comment can be made for the Commentor's claim of impacts from "local development" or to the "depletion" of their water supply. The Hydrogeological Study identified a considerable amount of water supply available in the proximity of the Summit Woods project site. The chemical testing of the wells after the November 2002 pump test did not indicate excessive mineral contamination.

Comment D2:

Commentor States: My home is situated above the proposed STP site, how will my well be affected? How will the implementation of this development help an existing water problem? Comment by Nickita Negersmith in a letter dated February 23, 2004.

Response D2:

The effluent from the sewage treatment plant (STP) will be discharged to the Van Anden Kill pursuant to the requirements of the NYSDEC draft SPDES permit issued by Mr. Tom Rudolph of the NYSDEC.

The effluent from the sewage treatment plant should not adversely affect any wells since wells draw from an underground aquifer. The treatment plant will discharge to the Van Anden Kill having no impact on the underground aquifer.

With respect to the "existing water problem", there is no evidence that one exists. The results of the hydrogeological study do not indicate that there is a water shortage in the area.

Comment D3:

Commentor States: I am concerned that the amount of water that will be pumped to supply the development, Summit Woods will impact the water table and adversely affect the water supply of nearby residences. Comment by Katie Galloway in a letter dated February 26, 2004.

Response D3:

The results of the November 2002 and the July 2004 hydrogeological studies indicate that the proposed development will not adversely affect the water supply of the nearby residences.

These conclusions were drawn after pump testing the wells for a 72-hour period.

See the previous page of this document for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.

Comment D4:

Commentor States: Given the large size of this development, the drain of the areas water supply will be significant in serving the needs of these homes. We are already experiencing increased problems with water quality due to on – going construction in surrounding areas over the past years. Comment by Steven Hartofilis in a letter dated February 28, 2004.

Response D4:

There is no evidence or description offered for the “increased problems” as stated by the Commentor.

The November 2002 and July 2004 hydrogeological studies addresses the potential impacts to the water table that could be attributed to the development of the Summit Woods project.

These studies indicates that the there were six existing residential wells along NYS Route 52 and in the Fox Hollow and Collarbark Road area which were monitored during the pump tests. There was no significant drawdown measured (other than domestic use) measured in the wells during the pump test.

See page 13 of this document for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.

The water quality test results list no adverse results from any of the tests taken with the exception of Radium 226 and Radium 228. These will be re-sampled as part of the NYSDOH approval. Treatment will be proposed as necessary.

Comment D5:

Commentor States: The effects on the groundwater/wetlands because of this potential development. I live across the street on an elevated plain. If this development is drawing out roughly 100,000 gallons of water per day, how will this situation tax the surrounding private wells, which are located on a higher elevation? Comment by Frank Finuoli in a letter dated March 1, 2004.

Response D5:

It is believed that due to the insignificant drawdown measured in the eight monitoring wells, along NYS Route 52 and in the Collarbark Road area, during the 72-hour pump test, there will be no adverse impact on any of the neighboring wells.

Comment D6:

Commentor States: Statement given by Summit presenter at meeting that a 100,000 gallons of water a day will have no draw down affect on our wells is totally false. Note; Trap Rock on the Hudson no doubt would have more information on our ground water supply than anyone. Why should our water that belongs to everyone, be used as a profitable commodity for a few? Will it affect water quality values? What type of chlorine will be used?? Comment by Harold E. Haden Jr. and Harold E. Haden Sr. in a letter dated March 2, 2004.

Response D6:

The Commentor offers no evidence disproving the claims made in the Hydrogeological Study included in the DEIS. There is no evidence that the removing 100,000 gallons a day will affect ground water quality in the vicinity of the project site.

The reference to “Trap Rock on the Hudson” is confusing. No correlation can be drawn to the groundwater conditions at the Summit Woods project site and the groundwater conditions at the Trap Rock site on the Hudson River.

Groundwater, as the Commentor stated, belongs to everyone. The Applicant will be required to obtain a Water Supply permit from the NYSDEC which will allow him to remove approximately 100,000 gallons of water per day from the aquifer. It will be his (or the owner of the Water Transportation Corporation) responsibility to treat, store and distribute the water in accordance with all applicable Federal, State and local codes. The Applicant will charge a rate for this service as established by the NYS Public Service Commission.

The chlorine used in the proposed water supply will more than likely be granular or liquid sodium hypochlorite.

Comment D7:

Commentor States: Page 36 of Volume I states, “There shall be permanent lawn sprinklers allowed in the proposed Summit Woods project.” This is inconsistent with the statement on Page 62 that states, “There shall not be permanent lawn sprinklers allowed in the proposed Summit Woods project.”

Response D7:

The Commentor is correct. There is a typo on page 36 of the DEIS. It is the intent of the Applicant to prohibit lawn sprinklers in the Summit Woods project.

Comment D8:

Commentor States: What will the daily draw be? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (Transcript page 22, line 4).

Response D8:

The project will require an average daily demand of approximately 91,000 gallons per day or 63 gallons per minute.

This value is based on 175 homes at 520 gallons per day. This assumes 4 bedroom homes in the project site.

The average daily flow of 520 gallons per day is required by the Dutchess County Health Department for 4 bedroom homes. This number is conservative based on actual water meter readings for similar projects of this size and type.

Comment D9:

Commentor States: This is all going to the treatment plant, so none of this [water] will be going back into that? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 22, line 10).

Response D9:

A large majority of the water drawn from the wells to serve the domestic water supply will be discharged directly to the sewage treatment plant. The effluent from the treatment plant will discharge into the NYSDEC freshwater wetland HJ-49 via the Van Anden Kill. This wetland, as does most other wetlands, serves to recharge the aquifer.

Unlike a regional treatment plant that may be located miles away from a project site, the proposed sewage treatment plant is located on the project site. The water drawn from the aquifer underlying the site will more than likely be recharged back into the same aquifer.

Comment D10:

Commentor States: 85 percent won't go back into the ground? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 22, line 16).

Response D10:

See the response for Comment D9.

Comment D11:

Commentor States: The daily demand for the site is 90,000 gallons a day. Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 22, line 20).

Response D11:

The project will require an average daily demand of approximately 91,000 gallons per day or 63 gallons per minute.

This value is based on 175 homes at 520 gallons per day. This assumes 4 bedroom homes in the project site.

The average daily flow of 520 gallons per day is required by the Dutchess County Health Department for 4 bedroom homes. This number is conservative based on actual water meter readings for similar projects of this size and type.

Comment D12:

Commentor States: Did you test the water for chemicals yet? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 23, line 13).

Response D12:

All the tests required by the Dutchess County Department of Health and the New York State Department of Health were run.

All tests were acceptable with the exception of radium 226 and 228. These parameters will be retested before the final water system design is submitted to the Dutchess County Health Department and the New York State Department of Health.

Any treatment required at that time will be submitted as part of the design of the final water treatment facility design.

Comment D13:

Commentor Asks: What about radon? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 23, line 20).

Response D13:

At the time of the public hearing, there was no promulgation with the EPA with respect to radon testing. Since that time, the EPA has issued standards. As part of the NYSDOH approval for the water supply system, both wells will be retested in accordance with all applicable requirements in affect at the time of the testing.

Any treatment that would be required in order to meet NYS drinking water standards will be proposed, reviewed and approved by the NYSDOH as part of the treatment plant approval for this project.

Water softening will more than likely be utilized in the event that radon is detected in the wells.

Comment D14:

Commentor states: Where is it [the water storage tank] going? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 24, line 6 - 12)

Response D14:

The proposed water storage tank will be located on the south side of the property adjacent to proposed lot 143 and the Kaye property located on NYS Route 52. This location was selected due to the elevation of the site and the constructability of the site. It is believed to be the only site on the project where a 220,000-gallon storage tank could be easily constructed at an elevation above 470'.

The current proposal involves the construction of the service road for the tank using a portion of an existing farm lane which fronts on NYS Route 52. This will reduce the amount of disturbance to the site in order to install the tank.

A curved service road will be used in order to minimize the visual impacts from the tank and to allow a road grade of approximately 15%.

The elevation of the site allowed the tank to be of a lower profile while maintaining adequate pressure in the proposed water mains. The tank will be approximately 28' in height and hidden by the surrounding trees. Other locations at lower elevations would require a taller tank.

This site allows for the construction of a relatively short access road with manageable slopes.

See the response for Comment K1 for a visual analysis of the proposed tank site.

Comment D15:

Commentor states: How do you get to it? ? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 24, line 16)

Response D15:

There is an existing farm lane immediately to the north of the Kaye property that will be used to provide access to the tank from NYS Route 52. It is felt that the use of the existing farm lane will minimize the amount of disturbance to the site. Very little clearing will be required to make the farm lane passable by construction vehicles and service trucks. Service vehicles will use the roadway approximately once a week since there is no daily maintenance required for the proposed water storage tank.

Comment D16:

Commentor States: Access, maintenance. Comment made by Mr. Staudohar at the February 17, 2004, Public Hearing. (transcript page 24, line 20)

Response D16:

The Applicant is proposing to utilize an existing farm lane from NYS Route 52 to access the proposed tank site.

Comment D17:

Commentor States: Fire flow and the water mains for the whole site? ? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 25, line 4)

Response D17:

As outlined in the DEIS the tank has been sized to provide fire volume for the entire Summit Woods project site over and above the average daily flow requirements. The water mains have been sized to provide fire flow for the entire Summit Woods site.

Comment D18:

Commentor Asks: Is it right behind the house? Comment made by Mr. Paraskeva at the February 17, 2004, Public Hearing. (transcript page 25, line 10)

Response D18:

The tank is located approximately 350' behind the Kaye residence on NYS Route 52. There are substantial trees in the area of the tank that are approximately 47 feet tall which will buffer the view of the tank from the Kaye residence.

See the response for Comment K1 for a visual analysis of the tank site.

Comment D19:

Commentor States: The proposed road shows a straight cut. Are you going to try and wind it a little so that we don't have a full site? Comment made by Mr. Koch at the February 17, 2004, Public Hearing. (transcript page 25, line 21).

Response D19:

The access roadway was revised to "wind" the access roadway up the hill to limit the direct view of the tank from the north.

See the sketch in Section IV herein depicting the proposed access roadway to the proposed water storage tank

The trees that will surround the proposed tank are approximately 47' tall. Therefore, it is assumed that the tank shall be relatively hidden from view.

Also, see the response for Comment K1 which address the visual impacts of the proposed tank.

Comment D20:

Commentor States: I would presume that line was the proposed road, that thin line? Comment made by Mr. Koch at the February 17, 2004, Public Hearing. (transcript page 26, line 3)

Response D20:

The Commentor is referring to a line on the plan depicting the proposed water line to the tank.

Comment D21:

Commentor States: Why don't you put it [the proposed water storage tank] back where you have the wells? Comment made by Mr. Staudohar at the February 17, 2004, Public Hearing. (transcript page 26, line 8).

Response D21:

The Commentor is asking if the proposed water storage tank could be moved closer to the wells. The elevation to the south of the wells is not sufficient to provide gravity flow to the proposed homes. The elevation at the location where the tank is being proposed is 476. This will allow adequate pressure to the second floor fixtures on the highest lot. The highest elevation to the south of the wells is approximately 418.

The proposed location of the water tank will provide the least amount of disturbance while providing an adequate means of access for construction and long-term maintenance.

Comment D22:

Commentor States: It's higher over there, isn't it? Comment made by Mr. Staudohar at the February 17, 2004, Public Hearing. (transcript page 26, line 13).

Response D22:

The highest elevation to the south of the wells is approximately 418. The elevation at the proposed water storage tank is 476.

Comment D23:

Commentor States: You have to get to the wells? Comment made by Mr. Staudohar at the February 17, 2004, Public Hearing. (transcript page 26, line 20)

Response D23:

There is an existing farm lane on the south side of the property that can be used for access to the wells. The existing farm lane is approximately 10' wide. Few improvements will need to be made to the existing road to allow access for larger vehicles. The roadway will have to be cleared, grubbed and regraded in some areas to allow larger vehicles to pass.

Comment D24:

Commentor States: Isn't there an access road coming off Collarbark Road? Comment made by Mr. Koch at the February 17, 2004, Public Hearing. (transcript page 27, line 6)

Response D24:

There is an existing farm lane on the Summit Woods property that gains access to the site from Fox Hollow Lane. There has been considerable opposition from the neighbors on Fox Hollow Lane to using Fox Hollow Lane for access to the Summit Woods site. Therefore, the Applicant is proposing a separate entrance through the 4.6-acre parcel which fronts on Collarbark Road to gain access to the proposed water and sewage facilities.

Comment D25:

Commentor States: Can you explain the off – site impact? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (transcript page 40, line 6.)

Response D25:

As part of the DEIS, a Hydrogeological Study was performed by the office of Leggette, Brashears and Graham. The anticipated impacts were discussed in this study. One of the conclusions of the study states that wells #1 and #3 were pump tested for 72 hours in November 2002 to demonstrate adequate capacity for the Summit Woods project without adverse impacts to neighboring wells. The wells were pumped slightly above the average daily demand required for the site.

This report is included as Appendix “D” of the DEIS.

In July of 2004, additional well testing was conducted to determine if there would be any influence on the wells to the west of the proposed Summit Woods project site. For this pump test Well #3 on the Summit Woods project site was pumped for 72 hours at a rate of 100 gallons per minute. Two off-site wells were monitored. The Small well and the Galloway Well were both monitored during the pump test. The report concludes that well #3 was pumped at a rate of 100 gallons per minute without adverse impacts on either of the two wells monitored.

See page 13 of this document for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.

Comment D26:

Commentor States: The homes on Fox Hollow and Collarbark? Comment made by Mr. Hartofilis at the February 17, 2004, Public Hearing. (transcript page 40, line 18)

Response D26:

The Commentor is asking the Hydrogeologist, Mr. Cusak, for clarification as to distance between the Summit Woods wells and the existing homes on Fox Hollow and Collarbark Road.

It appears that the houses on Fox Hollow Lane are the closest to well #3. The closest house is approximately 2100 feet away from well #3.

As part of the resolution made by the Town of East Fishkill Planning Board as part of the May 18, 2004, meeting, a second 72-hour pump test was conducted by Leggette, Brashears and Graham. The second pump test was conducted in July 2004 on well #3. The Small and Galloway wells were monitored during the 72-hour pump test. The results of the test indicate that well #3 has no adverse impact on the two monitoring wells.

See the page 13 of this document for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.

Comment D27:

Commentor States: Okay. Maybe you can answer my question. I have had problems recently with water, just heavy minerals over the past maybe six, eight months. I had a few people come in and just try to explain to me what is going on. Their viewpoint is because of all the construction that's going on in the area, it's affecting the water that we are using. So my thought was I have to get some kind of treatment system for my water, if the fact of what he is saying has some validity is going to exacerbate the problem. Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (transcript page 40, line 23.)

Response D27:

The Commentor has offered no evidence that construction in the area has affected the water that they are using. No comment can be made as to how construction in the area could affect the mineral content of the Commentor's well.

A Hydrogeological Study was conducted in November 2002 and again in July 2004 in accordance with accepted protocol for this type of project. The conclusions of the report state that there shall be no adverse impacts on the neighboring wells.

See the page 13 of this document for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.

Comment D28:

Commentor States: I have the same problem as Mr. Hartofilis, I am a little concerned with the water. Because right now my well is not getting enough water. It has decreased over the years. I have had someone come in also and they said it was due to the developing area. I am only getting five gallons of water. And I had double that before. And every time it seems more developing in the area, it seems to be decreasing my gallons of water. So when I hear something like this, I get a little concerned. If my well ends of being affected---Comment by Ms. Small at the Public Hearing on February 17, 2004. (transcript page 48, line 13).

Response D28:

The Summit Woods project cannot be held accountable for existing conditions in the neighboring wells. A Hydrogeological Study of the Summit Woods project site was conducted in accordance with accepted practices in November of 2002 and again in July 2004. The conclusions of the two studies indicate that the development of the Summit Woods project site will not adversely affect the neighboring wells.

Ms. Small's well was one of the wells monitored during the July 2004 72-hour pump test. It was concluded from the pump test that the Galloway well and the Small well would not be adversely affected by the Summit Woods development. There was no significant influence on either one of the wells monitored during the July 2004 pump test.

See page 13 of this document for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.

Any adverse impacts which may be experienced by the neighbors will have to be mitigated by the developer. This is a standard Special Condition which is placed on every Water Supply Application approved by the NYSDEC and the NYSDOH. In most cases, mitigation may include connecting any homes affected by the proposed development to the central water supply system. These homes will be required to become part of the water district and pay fees in accordance with tariff issued by the NYS Public Service Commission.

Comment D29:

Commentor States: Are you going to guarantee that my water isn't going to decrease? Comment by Ms. Small at the Public Hearing on February 17, 2004. (transcript page 49, line 6).

Response D29:

No one can guarantee a water supply.

Ms. Small's well was one of the wells monitored during the July 2004 72-hour pump test. It was concluded from the pump test that the Galloway well and the Small well would not be adversely affected by the Summit Woods development. There was no significant influence on either one of the wells monitored during the July 2004 pump test.

Any adverse impacts which may be experienced by the neighbors will have to be mitigated by the developer. This is a standard Special Condition which is placed on every Water Supply Application approved by the NYSDEC and the NYSDOH. In most cases, mitigation may include connecting any homes affected by the proposed development to the central water supply system. These homes will be required to become part of the water district and pay fees in accordance with tariff issued by the NYS Public Service Commission.

Comment D30:

Commentor States: Because I am telling you, 16 years I have been there, and every year the water seems to get more contaminated with minerals, et cetera. We have had a lot of problems. My gallon is going, is decreasing. I mean it's, you know, like some kind of --- I just don't want, you know-----I mean I'm sure there is flaws in every system here, but I kind of want to be guaranteed that my water isn't going to be affected because it has already been affected without 170 something proposed lots going in. I mean that's a massive amount of---- Comment by Ms. Small at the Public Hearing on February 17, 2004. (transcript page 49, line 21).

Response D30:

No one can guarantee a water supply.

Ms. Small's well was one of the wells monitored during the July 2004 72-hour pump test. It was concluded from the pump test that the Galloway well and the Small well would not be adversely affected by the Summit Woods development. There was no significant influence on either one of the wells monitored during the July 2004 pump test.

Any adverse impacts which may be experienced by the neighbors will have to be mitigated by the developer. This is a standard Special Condition which is placed on every Water Supply Application approved by the NYSDEC and the NYSDOH. In most cases, mitigation may include connecting any homes affected by the proposed development to the central water supply system. These homes will be required to become part of the water district and pay fees in accordance with tariff issued by the NYS Public Service Commission.

Comment D31:

Commentor Asks: Can you demonstrate somehow where the off-site wells were done that were monitored so that these folks get some assurance that a well was somewhere in this area that was monitored during your test? Comment by Mrs. Drummond at the Public Hearing on February 17, 2004. (Transcript page 51, line 4).

Response D31:

As part of the Hydrogeological Study, the Project sponsor drilled three wells. Wells #1 and #2 are approximately 1,580' west of NYS Route 52. Well #3 is 2,560' west of NYS Route 52.

As outlined in the Hydrogeological Study (Appendix "D" of the DEIS), there were six wells located on residential lots on NYS Route 52 that were monitored during the 72-hour pump test. There was no significant drawdown measured in these wells as part of the 72-hour pump testing.

While pump testing well #3, wells #1 and #2 were monitored. These wells were chosen since they were closer to well #3 than any wells on Collarbarck Road or Fox Hollow. There was no drawdown measured in the existing wells #1 and #2 during the 72-hour pump test of well #3.

Well #1 is located approximately 1,110 feet from well #3. Well #2 is approximately 940' away from well #3. The nearest well on Fox Hollow is greater than 1,560 feet away from well #3. Therefore, it stands to reason that if two wells, approximately 1,000 feet away from the well being tested, experience no impact from a 72-hour pump test, a well over 1,500 feet away will not be affected as well.

The Hydrogeological study was conducted using standard protocol determined by the NYSDEC for projects of this type and size. The standard distance between monitoring wells and wells under test is 1,500'.

In response to item #2 of the resolution passed on May 18, 2004, the Hydrogeologist, Mr. Tom Cusak, conducted a second 72-hour pump test on well #3 on the Summit Woods project site. The second test was conducted to determine if there would be any impacts on the existing wells near the Fox Hollow and Collarbark Road area.

The Small well and the Galloway well were chosen as monitoring wells to be tested during the 72-hour pump test. The conclusions of the July 24, 2004, pump test indicate that there shall be no adverse impacts on the neighboring wells caused by the development of the Summit Woods project.

See page 13 of this document for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.

Comment D32:

Commentor States: When you say along 52, west, east? Comment made by Mr. Koch at the February 17, 2004, Public Hearing. (transcript page 51, line 16)

Response D32:

The Commentor is requesting clarification of where the monitoring wells for the November 2002 pump test were. There were six off-site wells that were used for monitoring wells during the November 2002 72-hour pump test. These wells are located at the following addresses:

- *6 Old State Road*
- *19 Primrose Lane*
- *12 Primrose Lane*
- *3210 NYS Route 52*
- *3230 NYS Route 52*
- *3238 NYS Route 52*

Refer to figure 5 of the Hydrogeology Report in the Appendix "D" of the DEIS.

Comment D33:

Commentor States: We are way over here. You are talking over there. I am over to the west. And then you have to think of water aquifers and all of that. Then you have wetlands right behind my house. So there is a lot of impact there. You would think that with all the wetlands and all the water I have got, I would not be decreasing in water. It's going somewhere. Your studies are to the east. I need a little bit more assurance. Comment by Ms. Small at the Public Hearing on February 17, 2004. (Transcript page 51, line 18).

Response D33:

In response to item #2 of the resolution passed on May 18, 2004, by the Town of East Fishkill Planning Board, the Hydrogeologist, Mr. Tom Cusak, conducted a second 72-hour pump test on well #3 on the Summit Woods project site. The second test was conducted to determine if there would be any impacts on the existing wells near the Fox Hollow and Collarbark Road area.

The Small well and the Galloway well were chosen as monitoring wells to be tested during the 72-hour pump test. The conclusions of the July 24, 2004, pump test indicate that there shall be no adverse impacts on the neighboring wells caused by the development of the Summit Woods project.

See page 13 of this document for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.

Comment D34:

Commentor States: That's a comment that we are accepting here. If your study was done to the closest homes 2000 feet away but no homes were done in this direction, that may be something we need to look at. Comment made by Ms. Drummond at the February 17, 2004, Public Hearing. (transcript page 52, line 5)

Response D34:

The Commentor is stating that additional studies may be required to address any concerns about potential impacts to the wells near Fox Hollow and Collarbark Road.

In response to this comment and item #2 of the resolution passed on May 18, 2004, by the Town of East Fishkill Planning Board, the Hydrogeologist, Mr. Tom Cusak, conducted a second 72-hour pump test on well #3 on the Summit Woods project site. The second test was conducted to determine if there would be any impacts on the existing wells near the Fox Hollow and Collarbark Road area.

The Small well and the Galloway well were chosen as monitoring wells to be tested during the 72-hour pump test. The conclusions of the July 24, 2004, pump test indicate that there shall be no adverse impacts on the neighboring wells caused by the development of the Summit Woods project.

See page 13 of this document for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.

Comment D35:

Commentor states: The gentleman said he pulled some test on wells. Can you tell us what formation those wells are down and the depth of them, please? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 54, line 8).

Response D35:

The following is an excerpt from Appendix "D" in the DEIS:

Well #1

Well #1 was drilled and constructed with 50 feet of 6-inch diameter casing installed into competent rock and grouted in place for a watertight seal. The well was completed as a 6-inch diameter bore hole into bedrock. Significant water bearing zones were encountered from 250 feet to 425 feet. The well was reported to yield greater than 100 gallons per minute at the completed depth of 425 feet.

Well #2

Well #2 was drilled and constructed with 70 feet of 6-inch diameter casing installed into competent rock and grouted in place for a watertight seal. The well was completed as a 6-inch diameter borehole in bedrock. Water bearing zones were encountered from 71 to 401 feet. The well was reported to yield about 30 gpm at the completed depth of 500 feet.

Well #3

Well #3 was drilled and constructed with 62 feet of 6-inch diameter casing installed into competent rock and grouted in place for a watertight seal. The well was completed as a 6-inch diameter borehole in bedrock. Significant water-bearing zones were encountered from 116 feet to 140 feet. The well was reported to yield greater than 100 gallons per minute at the completed depth of 400 feet.

Comment D36:

Commentor States: When you pulled your test, approximately how long did you pull your test? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 55, line 17).

Response D36:

The well tests were pumped for 72 hours for both the November 2002 and the July 2004 pump tests.

Comment D37:

Commentor States: What was the draw down depth? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 55, line 22).

Response D37:

The drawdown for each well was measured as follows:

Well #1 – Total drawdown at the end of the test was 48.4 feet.

Well #2 – Not tested.

Well #3 – Total drawdown at the end of the test was 36.4 feet.

More detailed information about the well testing can be found in Appendix “D” of the DEIS.

Comment D38:

Commentor States: So approximately for this development, approximately how many thousand gallons a day do you say they are going to use? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 56, line 3).

Response D38:

The project will require an average daily demand of approximately 91,000 gallons per day or 63 gallons per minute.

This value is based on 175 homes at 520 gallons per day. This assumes 4 bedroom homes in the project site.

The average daily flow of 520 gallons per day is required by the Dutchess County Health Department for 4 bedroom homes. This number is conservative based on actual water meter readings for similar projects of this size and type.

Comment D39:

Commentor States: Approximately 90. And when they do their lawns and things. You say you are drawing approximately 100 gallons an hour, but you are not allowing for and breakage. Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 56, line 9).

Response D39:

The Applicant is prohibiting the use of permanent lawn sprinklers in the Summit Woods project by use of deed restrictions.

The system has been designed to deliver 91,000 gallons per day or 520 gallons per day per proposed lot. No allowance was given for “breakage”.

Comment D40:

Commentor States: How much would be going to the wastewater plant out of these homes? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 56, line 18).

Response D40:

Approximately 90% of the water supplied to the homes will continue on to the sewage treatment plant.

Comment D41:

Resolution Item #2: Well Monitoring: The Applicant should provide well monitoring results along Fox Hollow and Collarbark Road by a monitoring well at the location Approved by the Town Engineer.

Response D41:

In response to item #2 of the Resolution passed on May 18, 2004, by the Town of East Fishkill Planning Board, the Hydrogeologist, Mr. Tom Cusak, conducted a second 72-hour pump test on well #3 on the Summit Woods project site. The second test was conducted to determine if there would be any impacts on the existing wells near the Fox Hollow and Collarbark Road area.

The Small well and the Galloway well were chosen as monitoring wells to be tested during the 72-hour pump test. The conclusions of the July 24, 2004, pump test indicate that there shall be no adverse impacts on the neighboring wells caused by the development of the Summit Woods project.

See page 13 of this document for an excerpt from the LBG report identifying the wells on the Summit Woods project site and the wells monitored as part of the July 2004 well testing. The figure depicts the relationship between the wells on the Summit Woods site and the Galloway and Small wells.

E. Wetlands

Comment E1:

Commentor States: My second comment concerns the evaluation of wetland impacts. In section 3.5 DEIS, only one wetland is identified as existing on Summit Woods property and that's New York State HJ-49. The New York State Department of Environmental Conservation maps and regulates all wetlands that are 12.4 acres or greater in area. The U.S. Army Corps of Engineers, on the other hand, protects all wetlands under Section 404 of the Clean Water Act, irrespective of size. According to the conditions under the Nationwide Permit Number 39, which is cited in paragraph 1 on page 143 of the DEIS, the aggregate total loss of wetlands cannot exceed one – half acre for residential subdivisions and includes any loss of wetlands associated with the development of individual lots. However, wetlands less than 12.4 acres in size have not been delineated on the Summit Woods property and there is at least one because figures of 3.6.1.1 indicates that there is a swamp, wooded or shrubby, on the Summit Woods property near the southern border of my property. Furthermore, this wetland may be impacted by the construction of retention basin number four and subdivision lots 162 through 165. Comment by Mr. Ross at the Public Hearing on February 17, 2004. (Transcript page 61, line 13). Same Comment made in a letter by Mr. Ross dated February 10, 2004.

Response E1:

The site was revisited in June of 2004 by the Biologist. The area to the south of the Ross property was not identified as a federal wetland. During the original wetland delineation, the NYSDEC did not take jurisdiction of this area.

There is a small drainage ditch on the north side of Mr. Ross's property which receives drainage from NYS Route 52. This area was identified by the project Biologist as Federal Wetland as shown on the revised subdivision plans. The area is considered an isolated Federal Wetland and will not be disturbed as part of the Summit Woods development. Therefore, no permit is required.

Comment E2:

Commentor States: My second comment is all wetlands less than 12.4 acres in size on the Summit Woods property must be delineated and the aggregate total loss of wetlands must be determined as required by Nationwide Permit Number 39 and the district engineer must be notified as required under Nationwide Permit General Condition Number 13. Comment by Mr.

Ross at the Public Hearing on February 17, 2004. (Transcript page 62, line 18). Comment also made by Mr. Ross in a letter dated February 10, 2004.

Response E2:

The Applicant will notify the District Engineer in accordance with General Condition 13, if any of the following criteria are met:

- (1) The discharge causes the loss of greater than 1/10 –acre of non-tidal waters of the US, excluding non-tidal wetlands adjacent to tidal waters; or*
- (2) The discharge causes the loss of any open waters, including perennial or intermittent streams, below the ordinary high water mark; or*
- (3) The discharge causes the loss of greater than 200 linear feet of intermittent Streambed. In such case, to be authorized the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;*

For discharges causing the loss of 1/10 – acre or less of waters of the US, the permittee must submit a report, within 30 days of completion of the work, to the District Engineer that contains the following information:

- (1) The name, address, and telephone number of the permittee;*
- (2) The location of the work;*
- (3) A description of the work;*
- (4) The type and acreage of the loss of waters of the US (e.g., 1/12 – acre of emergent wetlands); and*
- (5) The type and acreage of any compensatory mitigation used to offset the loss of waters on the US (e.g., 1/12 – acre of emergent wetlands created on-site).*

Comment E3:

Commentor States: My third comment concerns the 100-foot buffer around the New York State DEC wetland HJ-49 and the smaller wetlands on the Summit Woods Property. The drawing titled Cluster Subdivision indicates that the subdivision lot will include portions of the 100-foot buffer around the wetland. Other subdivision lots will include portions of the smaller wetlands on the Summit Woods property. In the DEIS, there is no description of the activities that are restricted within the 100 foot buffer or the small wetlands. The FEIS prepared by the Town of East Fishkill Planning Board must clearly state the restrictions on activities within the hundred foot buffer around the New York State DEC wetland HJ-49 and the smaller wetlands on the Summit Woods property and specify the conditions of sale that ensure that the purchasers of the subdivision lots are aware of and accept these restrictions. Comment by Mr. Ross at the Public

Hearing on February 17, 2004. (Transcript page 63, line 2). Comment also made by Mr. Ross in a letter dated February 10, 2004.

Response E3:

No activity regulated by NYSDEC in the wetland or adjacent area will occur without an Article 24 Freshwater Wetland Permit from the NYSDEC.

Notes shall be placed on the filed map in accordance with the NYSDEC's requirements for each phase of the subdivision that will notify the prospective owners of the lots in the Summit Woods project that many of the lots contain NYSDEC regulated freshwater wetlands.

Any proposed construction, grading, filling, excavation, clearing or other regulated activities in the regulated wetlands or within 100 foot of the wetland boundary as depicted on the filed map requires a permit from the New York State Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of the activity.

It shall be the responsibility of each homeowner to secure a permit if they choose to work in the 100' adjacent area or the wetland.

Comment E4:

Commentor States: My final comment concerns the impact of construction activities near within the wetland located near the southern boundary of my property on water levels in pond on my property. Comment by Mr. Ross at the Public Hearing on February 17, 2004. (Transcript page 63, line 25). Comment also made by Mr. Ross in a letter dated February 10, 2004.

Response E4:

Proposed stormwater basin #3J will protect Mr. Ross's property from any potential impacts caused by the development of the southern end of the Summit Woods project. The basin will also protect the existing hydrology contributing flow to Mr. Ross's pond.

In accordance with the EPA Phase II Stormwater Regulations and standard practice, the post-development peak rates of runoff from proposed stormwater basin #3J will not be any greater than the pre-development peak rate of runoff for the same discharge point at Mr. Ross's southern property line.

Refer to the Stormwater Management Plan in Appendix E of the DEIS.

Comment E5:

Commentor States: I have wetlands behind my property. Most of my property is wetlands. And this is higher elevation, what we are looking at here, and I come down on Hosner Mountain. So everything behind is much higher. So whatever occurs up there trickles down because there is gravity. Again, I am not an engineer, but I think I---as a resident, I am concerned that where is the stopping point or where do we, you know, draw the line between, you know, this wonderful expansion and how it's affecting us. That's all I have to say. Comment by Ms. Hartofilis at the Public Hearing on February 17, 2004. (Transcript page 66, line 18).

Response E5:

Groundwater from the steep slope areas enter the large NYSDEC regulated wetland from several points. No development is proposed on the steep slope areas and accordingly the groundwater flows will not be affected and will continue to flow into the wetland.

The Summit Woods project does not propose any development on the steep slopes that would affect Ms. Hartofilis' property.

Comment E6:

Commentor States: How much of the wetland will be used as open space? It's conceivable that a developer could claim all of the required open space is provided by the wetland? This is land that could not be built upon anyway... A developer isn't giving up anything by counting this as open space. Comment by Harold E. Harden Jr. and Harold E. Harden Sr. in a letter dated March 2, 2004.

Response E6:

Out of the 196.8 acres of proposed open space, approximately 79.3 acres of the open space is part of NYSDEC HJ-49. The open space shall be protected through the use of an HOA.

Also, see response M17.

Comment E7:

Commentor States:

The FEIS prepared by the Town of East Fishkill Planning Board must clearly state the restriction on activities within the 100-foot buffer around the NYSDEC Wetland HJ-49 and the smaller wetlands on the Summit Woods property and specify the conditions of sale that ensure that the purchasers of subdivision lots are aware of and accept these restrictions. Comment by Quentin E. Ross in a letter dated February 17, 2004.

Response E7:

See Comment and Response E3. Also, the open space shall be protected through the use of HOA.

F. Terrestrial and Aquatic Ecology

Comment F1:

Commentor States: East Fishkill has the advantage of a comprehensive biodiversity study. There is no evidence in the DEIS that biodiversity issues were considered for the land area being proposed for development. This omission should be corrected. Comment made by Lindsay Carille in a letter dated January 8th, 2004.

Response F1:

A complete flora and fauna survey was completed on the property during the growing season of March through July of 2002. This survey, entitled “Natural Resource Survey” was specifically completed for the Summit Woods project and is included in Appendix “I” of the DEIS. All observed species are contained in the survey.

The biodiversity study referenced by the Commentor is a generalized survey prepared for the Town of East Fishkill as a whole. The flora and fauna survey prepared for the Summit Woods project is a site-specific survey listing flora and fauna specific to the Summit Woods site. As discussed with NYSDEC, the NYSDEC regulated freshwater wetland (HJ-49) found in the central portion of the property serves as excellent habitat for local flora and fauna including sensitive species as noted in the report.

The sensitive habitats on the site such as wetlands and steep slopes shall be preserved as part of the open space. The open space shall be protected through the use of an HOA. Also, see Response M17.

The proposed development of the site will occur in areas that were formerly used for agricultural uses. Most of the existing biodiversity on the project site will be preserved.

Comment F2:

Commentor States: There is one other thing. Somebody mentioned about a creek. Is there going to be any discharge into that creek from the sewage treatment plant? Comment made by Mr. Finouli at the February 17, 2004, Public Hearing. (transcript page 81, line 1).

Response F2:

The proposed sewage treatment plant is proposed to discharge to the Van Anden Kill . The Van Anden Kill is considered a Class “C” sub-trib of the Fishkill Creek. The identifier is H-95-13-2.

Mr. Thomas Rudolph, PE of the New York State Department of Environmental Conservation has approved the location of the sewage treatment plant effluent in this location. Mr. Rudolph has established the draft SPDES effluent limits to be as follows:

<i>BOD₅</i>	<i>=</i>	<i>5.0 mg/l</i>	
<i>SS</i>	<i>=</i>	<i>10.0 mg/l</i>	
<i>DO</i>	<i>>=</i>	<i>7.0 mg/l</i>	
<i>NH₃</i>	<i>=</i>	<i>1.5 mg/l</i>	<i>(June – October)</i>
<i>NH₃</i>	<i>=</i>	<i>2.2 mg/l</i>	<i>(November – May)</i>
<i>TRC</i>	<i>=</i>	<i>0.1 mg/l</i>	<i>(If chlorine is used for disinfection)</i>
<i>Settable Solids</i>	<i><</i>	<i>0.1 mg/l</i>	

BOD as stated above and other areas in this document refers to Biochemical Oxygen Demand and can be described as the amount of oxygen depleted from a body of water during the oxidation process of the organic wastes in the water body.

These are the limits the NYSDEC determined would have the least impact to the existing stream.

Comment F3:

Commentor States: Can we see a study of how that might affect the possible animals that live in the stream, the birds and the deer that feed off of that stream. Comment made by Mr. Finouli at the February 17, 2004, Public Hearing. (transcript page 81, line 24)

Response F3:

See the response for Comment F1.

G. Vehicular Traffic and Roadways

Comment G1:

Commentor Asks: How will STP (sewer treatment plant) vehicles, loaded with contaminants, drive under these existing road conditions when current vehicles of such proportion already have trouble servicing our area? Comment by Nickita Negersmith in a letter dated February 23, 2004.

Response G1:

The project sponsor is proposing to construct a new roadway that will allow service to both the water and sewage treatment plants. This roadway will be through the Applicant's property which fronts on Collarbark Road. This roadway will not impact Fox Hollow Road since the roadway will not touch Fox Hollow Road. It is estimated that a service vehicle will use the roadway twice daily during normal operating conditions. See the sketch showing the proposed service roadway included in Section IV "Additional Information".

Comment G2:

Commentor Asks: Which vehicle will take precedence on a road that is only wide enough for one vehicle in some sections – the school bus or the STP vehicle. Comment by Nickita Negersmith in a letter dated February 23, 2004.

Response G2:

As stated in response G1, the Applicant is proposing to construct a new service roadway from Collarbark Roadway that will be used exclusively to service the water and sewage facilities for the Summit Woods Project site. This roadway will not affect Fox Hollow Lane. The new service road will limit the chance that a school bus shall share the roadway with a service vehicle. It should be noted that the service vehicles that will visit the site on a daily basis to service the water and sewage facilities are normally light trucks. Delivery trucks and scavenger trucks may use the roadway as well at an estimated frequency of once every 3 to 6 months. The width of Collarbark Road is sufficient to allow these vehicles to pass.

Comment G3:

Commentor Asks: What criteria was looked at when developing a traffic scenario for the Summit Woods development? Comment by Nickita Negersmith in a letter dated February 23, 2004.

Response G3:

The Traffic Consultant, John Meyer Consulting, used standard traffic analysis methodologies to conduct the Traffic Impact Analysis found in the Appendices of the DEIS.

The Traffic Impact Study in Appendix "G" of the DEIS evaluated both the existing and the future traffic conditions for the roadways in the area of the Summit Woods subdivision project.

The Study takes into consideration the seven largest projects currently under review by the Town of East Fishkill Planning Board that would have potential impacts on the traffic in the proximity of the Summit Woods proposal. The following future developments were considered as part of the Traffic Impact Study for the Summit Woods project:

*Stoneridge Subdivision
Hopewell Glen
Somerset Crossing
Twin Creeks
Lake Walton Park
Crooked Oak
Moore Property*

Utilizing traffic studies previously prepared for these developments and the ITE Trip Generation Manual, Other Development Volumes & Moore Farm volumes were projected and overlaid on the existing roadway network.

Comment G3A:

Commentor Asks: Was consideration given to the amount of construction vehicles that pass to and from Package Pavement at the top of Stormville Mountain on a daily basis? What about hazardous road conditions on Stormville Mountain during storms, both summer and winter? Comment by Nickita Negersmith in a letter dated February 23, 2004.

Response G3A:

The Traffic Consultant, John Meyer Consulting, used standard traffic analysis methodologies to conduct the Traffic Impact Analysis found in the Appendices of the DEIS.

Traffic counts were taken in the area of the intersection of study. These intersections include the two proposed entrances. Consideration is given to the types of vehicles that utilize the roadway.

Hazardous road conditions are factored into the analysis by use of road grades used in the traffic models. Excessive grades require more stringent intersection design standards than intersections of lower grades.

The project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements.

The installation of these improvements will provide some level of relief.

Comment G4:

Commentor Asks: Is the “traffic expert” aware of the Stormville Flea Market usually held the first weekend of every month from April to November, which draws thousands to the area? Comment by Nickita Negersmith in a letter dated February 23, 2004.

Response G4:

The Traffic Consultant is aware of the Stormville Flea Market activities. The Traffic Impact Study (Appendix “G” of the DEIS) considers typical roadway volumes and does not consider periodic surcharges. This is consistent with standard Traffic Engineering procedures for projects of this size and type. The proposed Summit Woods development will not exacerbate these conditions.

Comment G5:

Commentor States: I am concerned that in the event there is not easement on Fox Hollow Road and a “driveway” is put in from Collarbark Road to the Sewage Treatment Facility that it will be an unoccupied property with a long desolate “driveway”. This type of condition is an open invitation for uninvited, overzealous hunters, 4 wheelers, and provides a perfect teenage hangout for “partying”. This situation would impact the safety of the families and children of the area. Comment by Katie Galloway in a letter dated February 17, 2004.

Response G5:

The Project Sponsor is proposing to put a separate driveway in which will serve the water and sewage treatment plants. This roadway will be used at least twice a day under normal operating conditions. This is a common scenario for water and wastewater facilities. A lockable gate will be installed at the entrance of the roadway limiting access to the site.

Comment G6:

Commentor States: I am concerned about the traffic impact on Route 52. I feel that the statistics stated by the developers were taken from the conservative side and are unrealistic. I do not believe that the fact that Route 52 serves as a frequent detour for I-84 has been factored in. A specific area of concern is the intersection on Route 52 at Leetown Road. Travel on Route 52 in a northwesterly direction from Kent to East Fishkill. As you go to make a left hand turn onto Leetown Road you need to cross over a double lane of traffic which is “barreling” down from the steep hill above. At the present time this is dangerous because you need to be in a single lane of traffic waiting to make the turn and have cars “barreling” down behind you coming from the direction of Kent and the steep hill above. This existing danger will only heighten the increase of traffic stemming from the new proposed development. Comment by Katie Galloway in a letter dated February 17, 2004.

Response G6:

The project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements.

Enforcement of speed of vehicles traveling this road is beyond the scope of this project.

Comment G7:

Commentor States: I am concerned that the maintenance routine will involve transporting waste through an area with large trucks, averting the safe, peaceful environment we enjoy and which attracted us to this area in the first place. An alternate access should be considered. Comment by Steven Hartofilis in a letter dated February 28, 2004.

Response G7:

The water and sewage facilities require that service personnel visit each facility at least once a day under normal working conditions. Delivery trucks and scavenger vehicles will visit the facilities less frequently. As mentioned in response G2, it is estimated that these trucks will visit the site once every 3 to 6 months. The Applicant has proposed a new service road from Collarbark Road to minimize impacts to the existing residences on Fox Hollow Lane.

Comment G8:

Commentor States: I am concerned about the traffic build up created on the already troublesome Route 52 and surrounding roads. Comment by Steven Hartofilis in a letter dated February 28, 2004.

Response G8:

The Traffic Impact Study in Appendix “G” of the DEIS evaluated both the existing and the future traffic conditions for the roadways in the area of the Summit Woods subdivision project. The findings of the Traffic Impact Study indicate”...worsening of the of intersection operations between the 2002 existing volumes and the 2008 NO-Build volumes and generally minor changes in the 2008 No-Build volumes and the 2008 Build Volumes...”

In other words, the traffic in the proximity of the Summit Woods project will worsen due to background growth whether or not the project is developed. Inserting the Summit Woods project

into the traffic model for the design year 2008, the project has minor impacts on the projected 2008 traffic volumes.

In summary, the Summit Woods project will have minor impacts to the traffic in the proximity of the project site.

As part of this application, the project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements. This will further mitigate traffic concerns on NYS Route 52.

Comment G9:

Commentor States: In addition to the normal traffic level there is the movement of huge 18 wheelers fully loaded from Package Pavement at the top of Stormville Mountain – these trucks do not have the ability to stop or slow down on a grade of almost maximum allowable dimension in NY State, not to mention how often the traffic of Route 84 is rerouted via Route 52 when either bad weather or accidents demand it. These conditions are unbearable and happen mostly when Stormville Mountain is icy, snow covered, and hazardous. Comment by Alfred and Erika Kaye in a letter dated February 29, 2004.

Response G9:

As part of this application, the project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements. This will further mitigate traffic concerns on NYS Route 52.

The development of the project should have little impact on the traffic traveling west on NYS Route 52. It is believed that the proposed left turning lanes will alleviate the majority of the traffic impacts associated with the Summit Woods development in the event that traffic from I-84 is re-directed to NYS Route 52 during emergency conditions.

Comment G10:

Commentor States: The enormous increase in traffic volume on Route 52 (east and west) from Ludingtonville Road to Palen Road in East Fishkill. Comment by Frank A. Finuoli in a letter dated March 1, 2004.

Response G10:

The Traffic Impact Study in Appendix “G” of the DEIS evaluated both the existing and the future traffic conditions for the roadways in the area of the Summit Woods subdivision project. The findings of the Traffic Impact Study indicate”...worsening of the of intersection operations between the 2002 existing volumes and the 2008 NO-Build volumes and generally minor changes in the 2008 No-Build volumes and the 2008 Build Volumes...”

In other words, the traffic in the proximity of the Summit Woods project will worsen due to background growth whether or not the project is developed. Inserting the Summit Woods project into the traffic model for the design year 2008, the project has minor impacts on the projected 2008 traffic volumes.

In summary, the Summit Woods project will have minor impacts to the traffic in the proximity of the project site.

The Applicant has proposed improvements to NYS Route 52 as part of this subdivision that will help minimize adverse traffic impacts on NYS Route 52 that could be attributed to the development of the Summit Woods project.

Comment G11:

Commentor States: The dangerous entrances and exits to this development on Route 52; the first being at the bottom of Stormville Mountain Road (I cannot see speeding trucks and cars slowing down or stopping at that proposed intersection); the second being the other entrance near Primrose Lane which already has a limited sight distance problem. How many fatalities do we need to raise a concern? Comment by Frank A. Finuoli in a letter dated March 1, 2004.

Response G11:

As part of this application, the project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements. This will further mitigate traffic concerns on NYS Route 52.

A representative from the NYSDOT has selected the point where the proposed entrance near Primrose Lane will be. The decision was made based on sight distance at the proposed point of intersection.

The Traffic Impact Study prepared for the Summit Woods project concludes that the desirable sight distance can be achieved with minor removal of vegetation and slight regrading in the area of the proposed entrances. A stopping sight distance of 686 feet can be achieved at both intersections.

AASHTO requires a stopping sight distance equivalent to the sum of the reaction time of the driver plus the braking time of the vehicle at a specific design speed for dry pavement.

The equation for stopping distance on dry pavement is $1.47Vt + 1.075V^2/a$

*Where: V =Design Speed, mph
 t =brake reaction time, 2.5 sec.
 a =deceleration, 11.2 ft/sec²*

Therefore, the required stopping distance for the two proposed intersections would be approximately 495 feet for a design speed of 55 miles per hour on dry pavement.

Table III-1 “Stopping Sight Distance (Wet Pavement) in AASHTO’s “Geometric Design of Highways and Streets” lists the Stopping Sight Distance to be between 450’-550’ for wet pavement for a design speed of 55 miles per hour.

Comment G12:

Commentor States: The changing character of our community in which I have noticed large amounts of trash strewn on our roads, namely Route 52 from Leetown Road to the junction of Route 216, Old Route 52 to Route 216 and on Phillips Road to Beekman Road. I’ve also noted on several occasions the amount of cars jammed into the Stormville Post Office parking lot and the number of illegally parked cars on Route 52 as an overflow. Comment by Frank A. Finuoli in a letter dated March 1, 2004.

Response G12:

Trash and illegally parked cars are an enforcement issue and are beyond the scope of this project.

Comment G13:

Commentor States: The house is situated on the road, which makes their proposed driveway a hidden driveway. The visibility of the road uphill is so limited only a few hundred feet to the bend in the road, that we, when wanting to go to the downhill lane often will have to take first the uphill lane and turn around on top of the hill to go downhill. When my husband drives down the hill he has to pass the house and turn into Stormville Mountain Road on the right before he can double back to our driveway-all out of necessity to avoid collisions. Twice in the past, by a 4 x 4 truck out of control hit out house doing great damage. Comment by Alfred and Erika Kaye in a letter dated February 29, 2004.

Response G13:

We acknowledge the proximity of the Kaye house to NYS Route 52. We measure the house to be approximately 11' from the edge of pavement. However, it is believed that this project will not improve or worsen the condition.

Comment G14:

Commentor States: I have a concern regarding the response time for police and the small dwindling fire department in Stormville. I do not think East Fishkill is equipped to handle the potential problems of several fires and / or motor vehicle accidents with the growing number of new developments coming to this area. Comment by Frank A. Finuoli in a letter dated March 1, 2004.

Response G14:

As part of the DEIS, both the Police Department and Fire Department were notified of the proposed project. Neither agency returned any negative responses to the project, its size or its location.

Comment G15:

Commentor States: Finally I am concerned on those six or more occasions when the Stormville Flea Market comes to town. I have experienced the increased traffic on these days and have had to reroute my return home via Route 52 west from Ludingtonville Road. It is virtually impossible to travel from the Taconic Parkway exit on Route 52 to my home on Primrose Lane during these weekends. Should there be an emergency, how would emergency vehicles get through? Comment by Frank A. Finuoli in a letter dated March 1, 2004.

Response G15:

It is common knowledge that emergency vehicles have the right-of-way in the event of an emergency. Typically, vehicles that are caught in traffic due to an accident or other emergency in front of the line pull to the shoulder of the road to let the emergency vehicles pass.

Comment G16

Commentor states: Emergencies? Imagine a loved one suffering a heart attack or your house is on fire and help arrives late because they were “stuck in traffic”? The existing roads are not designed to handle all the new traffic in the area now. Everyone should recognize that increased population brings increased traffic, which creates huge problems. Comment by Harold E. Harden Jr. and Harold E. Harden Sr. in a letter dated March 2, 2004

Response G16:

The Traffic Impact Study in Appendix “G” of the DEIS evaluated both the existing and the future traffic conditions for the roadways in the area of the Summit Woods subdivision project. The findings of the Traffic Impact Study indicate”...worsening of the of intersection operations between the 2002 existing volumes and the 2008 NO-Build volumes and generally minor changes in the 2008 No-Build volumes and the 2008 Build Volumes...”

In other words, the traffic in the proximity of the Summit Woods project will worsen due to background growth whether or not the project is developed. Inserting the Summit Woods project into the traffic model for the design year 2008, the project has minor impacts on the projected 2008 traffic volumes.

In summary, the Summit Woods project will have minor impacts to the traffic in the proximity of the project site.

It should be noted that the Applicant, as part of this application, is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements. This will further mitigate traffic concerns on NYS Route 52.

Comment G17:

Commentor Sates: Collarbark Road is a dead end road with 3 blind turns and 2 steep hills. Hosner Mountain Road and Collarbark Road is a blind entrance on a crown of a hill. In front of #17 Collarbark Road is blind where the children get the bus. In front of #21 Collarbark and Fox Lane blind sharp right hand turn up a steep grade, where 50' right-of-way is located. School buses are not permitted to drive past #17 Collarbark. You're asking us to allow 40-45 ton trucks (waste water/ sludge, cement, lumber, steel, crane and heavy equipment) to use this road for the purpose of proposed water/wastewater plant. Also the added traffic for daily operations. Comment by Harold E. Harden Jr. and Harold E. Harden Sr. in a letter dated March 2, 2004.

Response G17:

The Applicant is proposing to construct a service road on property which fronts on Collarbark Road which will serve the water and sewage facilities. This road is being constructed so as to eliminate any impacts on Fox Hollow Lane caused by the service vehicles that will service the proposed water and sewage facilities.

It is estimated that a service vehicle will use the roadway twice a day during normal operating conditions. Typically, these vehicles are light trucks.

It is estimated that delivery trucks and scavenger trucks could use the roadway at an estimated frequency of once 3 to 6 months. The width of Collarbark Road is sufficient to allow these vehicles to pass.

The sewage and water facilities should be comparable in size to a large single-family home. Homes have been constructed within the last ten years on Fox Hollow Lane. It is assumed that concrete, lumber and other deliveries were made to the building sites on Fox Hollow Lane and Collarbark Road when those houses were constructed. Traffic impacts due to construction of the water and sewage facilities are felt to be small.

With respect to the danger to the local children, all care shall be taken by the Applicant to provide safe conditions in the areas under control of this project. The Applicant, obviously, does not control the actions of others who may be involved directly or indirectly with the construction or maintenance of the project. A significant increase in the existing traffic volume on Collarbark Road, attributable to this project, is not anticipated. It is estimated that a service vehicle will use the roadway twice a day during normal operating conditions. Typically, these vehicles are light trucks.

The scavenger trucks used to remove excess sludge from the proposed sewage treatment plant are licensed and monitored by the New York State Department of Environmental Conservation. All scavenger contractors shall be licensed to operate these types of vehicles over open roads.

Comment G18:

Commentor States: How many trips per house did you use for your traffic study? Comment by Mr. Koch at the Public Hearing on February 17, 2004. (Public Hearing transcript page 11, line 10).

Response G18:

The Traffic Impact Study assumes approximately one peak hour trip per proposed lot. This is based on data compiled by the Institute of Transportation Engineers for projects of similar size and type. This figure is an estimate of the vehicular trips generated from one proposed residence during the AM or PM peak hours.

Comment G18A:

Commentor States: One vehicle trip per peak hour? Comment by Mr. Koch at the Public Hearing on February 17, 2004 (transcript page 11, line 18)

Response G18A:

The Commentor is asking for clarification on the term “one peak hour trip”. As stated in the response to Comment G18, this figure is an estimate of the vehicular trips generated from one proposed residence during the AM or PM peak hours.

Comment G18B:

Commentor States: That would be a vehicle trip in the morning and a vehicle trip in the p.m.? Comment by Mr. Koch at the Public Hearing on February 17, 2004 (transcript page 11, line 21)

Response G18B:

The actual number of vehicular trips in the AM peak hour and the PM peak hour, based on the ITE, is 177 and 133, respectively. Therefore, a vehicular trip during the peak hours does not assume that every proposed lot will generate one trip during the AM and PM peak hours. Allowances are made for returning commuter traffic that will actually arrive before or after the PM peak hour. Therefore, the PM peak hour count will be less.

Comment G19:

Commentor States: Is it basically a generic number that you use. Different parts of the country--New York City, you may not move the car for a week. And other parts where you might not leave the house without a car. So you are saying per each house you are saying there will be one trip out per house and one trip in per house based on your traffic study? Comment by Mr. Koch at the Public Hearing on February 17, 2004 (transcript page 12, line 9)

Response G19:

The information typically used in traffic impact analyses is taken from information compiled by the Institute of Transportation Engineers (ITE) for projects of a similar nature throughout the United States. The information includes statistical breakdowns of traffic movements for various projects sizes and types. It is standard Traffic Engineering practice to use the information offered by the ITE.

The values in the ITE are typically listed as peak hour figures. These figures represent the trips counted during the hour of the most vehicular activity.

Comment G20:

Commentor States: I'm just curious, can you tell me, what percentage of, let's say, cars or accidents would you have to have before you would recommend a turning lane? Comment by Mr. Koch at the Public Hearing on February 17, 2004. (Public Hearing transcript page 13, line 6)

Response G20:

AASHTO publishes charts that offer Traffic Engineers guidance as to when left turning lanes are appropriate for various applications. The conclusions of the Traffic Impact Study for the Summit Woods project indicate that the project is on the lowest level of the threshold of consideration of left turning lanes.

It has been the Planning Board's request that the Applicant consider using a left-turning lane for the northern entrance into the project and to limit the vehicular movements at the southern entrance to right-turn-in/right-turn-out only. The Applicant has agreed to widen NYS Route 52 and to construct the left-turning lane for the northern entrance and Primrose Lane.

As stated before, the project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a "right-turn-in/right-turn-out only" intersection. A concrete island shall be installed to limit any other traffic movements. This will further mitigate traffic concerns on NYS Route 52.

Comment G21:

Commentor States: Do your numbers take into account Moore Farm and all that was included in your projections? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 14, line 20).

Response G21:

The Traffic Impact Study was prepared while considering seven future developments in the vicinity of this site that would affect the intersections studied in this traffic report. The following future developments were considered as part of the Traffic Impact Study for the Summit Woods project:

*Stoneridge Subdivision
Hopewell Glen
Somerset Crossing
Twin Creeks
Lake Walton Park
Crooked Oak
Moore Property*

Utilizing traffic studies previously prepared for these developments and the ITE Trip Generation Manual, Other Development Volumes & Moore Farm volumes were projected and overlaid on the existing roadway network.

Comment G22:

Commentor States: That blow-up you had over there on the entrance, this northern entrance is not coming in right across from Strawberry? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 15, line 4).

Response G22:

The entrances have been offset approximately 325 feet at the request of the NYSDOT. It was felt that this would be the minimum distance necessary to construct a viable left-turning lane into the proposed north entrance from NYS Route 52.

Comment G23:

Commentor States: Is there any reason why we can't make that an intersection or is there any reason why we should or shouldn't? Comment by Mr. Staudohar (public hearing transcript page 15 line 15) at the Public Hearing on February 17, 2004.

Response G23:

See response for Comment G22.

Comment G24:

Commentor States: I want to make sure what makes sense for the State and the traffic flow. Similar to the south, you are lining it up with Stormville, right? Comment by Mr. Staudohar (public hearing transcript page 16 line 9) at the Public hearing on February 17, 2004.

Response G24:

The property is limited on the south side. There is no way to line-up the southern intersection with Stormville Mountain Road. The proposed intersections are approximately 190 feet apart.

Comment G25:

Commentor States: Actually the end of your property almost goes right into the middle of the residential section? Comment by Mr. Koch at the Public Hearing on February 17, 2004. (Transcript page 17 line 1)

Response G25:

See response for Comment G24.

Comment G26:

Commentor States: It might make sense to move that at this point further away from Stormville Mountain. Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (Transcript page 17 line 10)

Response G26:

The location of the proposed entrances were chosen by Mr. Donald Faucher of the New York State Department of Transportation. The locations of the entrances were chosen based on sight distance requirements.

The Traffic Impact Study verifies that the sight distance is adequate.

Comment G27:

Commentor States: At this point, there is no warrant for left turning lanes into this? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (Transcript page 17 line 16)

Response G27:

AASHTO publishes charts that offer Traffic Engineers guidance as to when left turning lanes are appropriate for various applications. The conclusions of the Traffic Impact Study for the Summit Woods project indicate that the project is on the lowest level of the threshold of consideration of left turning lanes.

It has been the Planning Board's request that the Applicant consider making improvements to NYS Route 52. The Applicant, as a result of the Board's request, is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a "right-turn-in/right-turn-out only" intersection. A concrete island shall be installed to limit any other traffic movements. This will further mitigate traffic concerns on NYS Route 52.

Comment G28:

Commentor States: The length and the severity coming down the mountain, someone making a left and someone coming down before them.....Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (Transcript page 17 line 22).

Response G28:

The Commentor is alluding to the need for left turning lanes. See response for comment G20 and G28.

Comment G29:

Commentor States: Realistically----I know you have to have the studies and you have to use certain numbers. Realistically, in this town and on 52 especially, if something ever happens, which usually happens usually about half a dozen times during the year on 84, 52 is ----just--- I mean it's not----you use those numbers, but realistically from a planning board's point of view, you go out there and you drive it, you are not going to see 170 cars during the day coming out of that development. You just know what's going to happen. You know it is going to be probably three times that amount going in and out. Comment by Mr. Koch at the Public Hearing on February 17, 2004. (Transcript page 18 line 5)

Response G29:

The Traffic Impact Study was prepared using information obtained from the Institute of Transportation Engineers (ITE) in accordance with standard Traffic Engineering practice. The values used in the Traffic Impact Analysis for the “peak hour” do not represent the total number of vehicular trips per day. They represent vehicular trips that can be expected during the AM or PM peak hours.

Comment G30:

Commentor Asks: At this point on 52, the south entrance, is 52 southbound two lanes at this point?

Response G30:

NYS Route 52 is two lanes wide where the proposed south entrance is to be located.

Comment G31:

Commentor Asks: So it’s three lanes at that point? Comment made by Mr. Staudohar at the Public Hearing on February 17, 2004. (Transcript page 19, line 5)

Response G31:

The Commentor is referring to the width of NYS Route 52 immediately south of the proposed south entrance into the project site. The width of NYS Route 52 is 3 lanes wide immediately to the south of the proposed southern entrance into the site. There are two lanes going south (one lane for slower truck traffic) and one northbound lane.

Comment G32:

Commentor States: So to get out, you have to cross two lanes to go left? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (Transcript page 19, line 9)

Response G32:

NYS Route 52 is three lanes wide near the south entrance to the site. Based on the Traffic Impact Study, there is adequate sight distance in both directions to be able to make a safe left-hand turn out of the site at the proposed southern entrance onto NYS Route 52.

The applicant is proposing to limit the access at the southern entrance to limit the access to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements. The limitation will prevent vehicles from having to cross two lanes of traffic when leaving or entering the Summit Woods site from NYS Route 52.

Comment G33:

Commentor States: It's close, isn't it? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (Transcript page 19, line 14)

Response G33:

The Commentor is discussing the proximity from the proposed entrance to the portion of NYS Route 52 that is 3 lanes wide. As stated in the response to Comment G32, there is adequate sight distance in both directions to be able to make a safe left-hand turn out of the site at the proposed southern entrance onto NYS Route 52. However, the applicant is proposing to limit the access at the southern entrance to limit the access to a "right-turn-in/right-turn-out only" intersection. A concrete island shall be installed to limit any other traffic movements. This limitation will eliminate the need to cross two lanes of traffic when either entering or leaving the site.

Comment G34

Commentor States: I think the gentleman about the road talked about some numbers. How is all of this going to affect the families that live here? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (Transcript page 39, line 22)

Response G34:

The Traffic Impact Study in Appendix "G" of the DEIS evaluated both the existing and the future traffic conditions for the roadways in the area of the Summit Woods subdivision project. The findings of the Traffic Impact Study indicate "...worsening of the of intersection operations between the 2002 existing volumes and the 2008 NO-Build volumes and generally minor changes in the 2008 No-Build volumes and the 2008 Build Volumes..."

In other words, the traffic in the proximity of the Summit Woods project will worsen due to background growth whether or not the project is developed. Inserting the Summit Woods project into the traffic model for the design year 2008, the project has minor impacts on the projected 2008 traffic volumes.

In summary, the Summit Woods project will have minor impacts to the traffic in the proximity of the project site.

Comment G35:

Commentor Asks: Real quick, this is all going to be public road or is this going to be a private development? Comment made by Mr. Staudohar at the Public Hearing on February 17, 2004. (Transcript page 29, line 24)

Response G35:

The Commentor is asking if the roadways proposed in the Summit Woods project will be private or public. The Applicant intends to dedicate the roadways in the Summit Woods project to the Town of East Fishkill. The proposed roadway serving the water and sewer facilities will be private. The roadway serving the water tank will also be private.

Comment G36:

Commentor Asks: Mr. Day, what road is this? Comment made by Mr. Hartofolis at the Public Hearing on February 17, 2004. (Transcript page 36, line 4)

Response G36:

The Commentor is asking Mr. Day to identify Collarbark Road on the presentation plan. The question is made in reference to the service road which will serve the proposed water and sewage facilities. Mr. Hartofolis is concerned with impacts that the service vehicles will have on Collarbark Road and Fox Hollow Lane.

The Applicant is proposing to construct a service road on property under his control from Collarbark roadway to serve the water and sewage facilities. There shall be no impact to Fox Hollow Lane.

Comment G37:

Commentor Asks: Is there a road here? Comment made by Mr. Hartofolis at the Public Hearing on February 17, 2004. (Transcript page 37, line 3)

Response G37:

The Commentor is asking if there is an access road through the Summit Woods project that will serve the proposed water and sewage facilities. The current proposal depicts a new service road which will be used to serve these facilities.

See response for Comment G7.

Comment G38:

Commentor States: I guess my concern here also is there going to be access to this plant via this road? Comment made by Mr. Hartofolis at the Public Hearing on February 17, 2004. (Transcript page 39, line 3)

Response G38:

The Commentor is concerned that Fox Hollow Lane will be used to access the proposed water and sewage facilities. The Applicant is proposing to construct a service road on property under

his control from Collarbark roadway to serve the water and sewage facilities. There shall be no impact to Fox Hollow Lane.

Comment G39:

Commentor Asks: One more question about traffic. I think earlier you folks indicated something about being presented with a number of proposals for activities on 52; I am correct? Comment made by Mr. Hartofilis at the February 17, 2004, Public Hearing (Transcript page 41, line 17)

Response G39:

The Commentor is alluding to other developments in the area of the proposed Summit Woods project site.

The Traffic Impact Study was prepared while considering seven future developments in the vicinity of this site that would affect the intersections studied in this traffic report. The following future developments were considered as part of the Traffic Impact Study for the Summit Woods project:

*Stoneridge Subdivision
Hopewell Glen
Somerset Crossing
Twin Creeks
Lake Walton Park
Crooked Oak
Moore Property*

Utilizing traffic studies previously prepared for these developments and the ITE Trip Generation Manual, Other Development Volumes & Moore Farm volumes were projected and overlaid on the existing roadway network.

Comment G40:

Commentor States: One more question about traffic. I think earlier you folks indicated something about being presented with a number of proposals for activities on 52; am I correct? [Ms. Drummond: “yes”.] My concern then is also the traffic congestion on 52 because I use 52 quite a lot. With all respects to the stats that you mentioned, it’s kind of unreal to me, just living in the area, how those stats really relate to the reality of the environment. Because we are going in and out of our home several times a day. So my concern, again, is the impact that it would have on 52. Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (transcript page 41, line 24).

Response G40:

The Traffic Impact Study was prepared using information obtained from the Institute of Transportation Engineers (ITE) in accordance with standard Traffic Engineering practice. The values used in the Traffic Impact Analysis for the “peak hour” do not represent the total number of vehicular trips per day. They represent vehicular trips that can be expected during the AM or PM peak hours. It is expected that the project will generate more traffic during the “off-peak” hours.

Using this information, the findings of the Traffic Impact Study indicate”...worsening of the of intersection operations between the 2002 existing volumes and the 2008 NO-Build volumes and generally minor changes in the 2008 No-Build volumes and the 2008 Build Volumes...”

In other words, the traffic in the proximity of the Summit Woods project will worsen due to background growth whether or not the project is developed. Inserting the Summit Woods project into the traffic model for the design year 2008, the project has minor impacts on the projected 2008 traffic volumes.

In summary, the Summit Woods project will have minor impacts to the traffic in the proximity of the project site.

The project sponsor, as part of this application, is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements.

This will further mitigate traffic concerns on NYS Route 52.

Comment G41:

Commentor States: Do you own this piece, Mark? Comment made by Mr. Staudohar at the February 17, 2004, Public Hearing (Transcript page 42, line25)

Response G41:

The Commentor is asking if the Applicant owns the 4.6-acre parcel of property which fronts on Collarbark Road between the proposed Summit Woods project and Collarbark Road.

The Applicant does own this parcel and intends to use this property to construct a service roadway for the proposed water and sewage facilities.

Comment G42:

Commentor States: So you have frontage on Collarbark? Comment made by Mr. Staudohar at the February 17, 2004, Public Hearing (Transcript page 43, line5)

Response G42:

See the response for Comment G41:

Comment G43:

Commentor States: Collarbark is a town road. Right now they are proposing to use Fox Hollow to gain access to the treatment plant. They have the ability to move that, based on the property they own fronting on Collarbark, which they will look into. Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (Transcript page 43, line 17)

Response G43:

The Applicant has proposed to relocate the service roadway to a 4.6 acre of property that has frontage on Collarbark Road to minimize impacts to Fox Hollow Lane. The service roadway will serve the proposed water and sewage facilities for the proposed project.

Comment G44:

Commentor Asks: I'm sorry, they have the right to do what now off Collarbark? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (Transcript page 43, line 24)

Response G44:

The Commentor is asking if the Applicant has the right to construct the service roadway through the 4.6-acre parcel off Collarbark Road.

The Applicant owns the parcel and can relocate the proposed service road to that area in order to avoid impacts on Fox Hollow Lane.

Comment G45:

Commentor States: That parcel that you own does not touch Fox Hollow? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (transcript page 44, line 10.)

Response G45:

The 4.6 acre parcel of property fronts on Fox Hollow Lane. A portion of Fox Hollow Lane is on the parcel.

In any event, the Applicant has proposed to relocate the service roadway to a 4.6 acre of property that has frontage on Collarbark Road to minimize impacts to Fox Hollow Lane. The service roadway will serve the proposed water and sewage facilities for the proposed project.

Comment G46:

Commentor States: There is a right-of-way that encumbers Fox Hollow that you may have rights or may not have rights to. Comment made by Mr. Staudohar at the February 17, 2004, Public Hearing (Transcript page 44, line 23)

Response G46:

The Commentor states that there may be a right-of-way on Fox Hollow Lane that the Applicant may or may not have access to.

In any event, the Applicant has proposed to relocate the service roadway to a 4.6 acre of property that has frontage on Collarbark Road to minimize impacts to Fox Hollow Lane. The service roadway will serve the proposed water and sewage facilities for the proposed project.

Comment G47:

Commentor States: I live on Fox Hollow Lane. I wasn't very comfortable with what you said about the easement thing. Because if you go down---if you get off of Collarbark Road and you get off of Fox Hollow Lane, and you seem to be very familiar with that area, if you bear to the right as you go down Fox Hollow Lane, you bear to the right, that is where the right-of-way is, right in that area. My concern is that our properties, we have the frontage and then the man who owns above the, I guess it's a cliff, has the next frontage there. So the easement is like kind of like--- Comment by Georgeanne Small at the Public Hearing on February 17, 2004. (Transcript page 45, line 23).

Response G47:

The Commentor is concerned about the proposed service road passing by her home on Fox Hollow Lane.

As mentioned earlier herein, the proposed service road will access Collarbark Road and will not impact her property.

Comment G48:

Commentor States: You have to get through that frontage to get to the easement. Comment made by Ms. Small at the February 17, 2004, Public Hearing (Transcript page 46, line 16)

Response G48:

The Commentor states that in order to access the service road on the Summit Woods project site, the Applicant would have to cross through the 4.6-acre parcel on Collarbark Road.

The Applicant owns the 4.6-acre parcel and can relocate the proposed service road to this property to minimize impacts to Fox Hollow Lane.

Comment G49:

Commentor Asks: They own that, is that a correct statement? Comment made by Mr. Staudohar at the February 17, 2004, Public Hearing (Transcript page 46, line 24)

Response G49:

The Commentor asks whether or not the Applicant owns the 4.6-acre parcel fronting on Collarbark Road.

The Applicant does own this property and has the ability to relocate the proposed water and sewage service road to this parcel to minimize impacts on the adjoining neighbors.

Comment G50

Commentor States: But for them to use it as a right – of – way, they are still coming onto our private driveway. So the amount of land that's there is not even going to accommodate for---I mean their vehicles to go in and out which maintain this sewage plant? Comment by Ms. Small at the Public Hearing on February 17, 2004. (Transcript page 47, line 6).

Response G50:

The Commentor is concerned that the Applicant will utilize Fox Hollow Lane to access the water and sewage facility.

As discussed earlier herein, the Applicant owns a 4.6-acre parcel of property between the Summit Woods project and Collarbark Road. This parcel fronts on Collarbark Road. The Applicant is proposing to construct the service road for the proposed water and sewage facilities on this parcel to minimize impacts to the adjoining neighbors.

Comment G51:

Commentor Asks: But wouldn't it then become public? Comment made by Ms. Small at the February 17, 2004, Public Hearing (Transcript page 47 and line 17)

Response G51:

The proposed service road will not be dedicated to the Town of East Fishkill. The road will be only 12 foot wide. Its sole purpose is to allow service vehicles to access the proposed water and sewage facilities.

Comment G52:

Commentor Asks: Don't you have to have X amount of clearing there or no? Comment by Ms. Small at the Public Hearing on February 17, 2004. (transcript page 47, line 23.)

Response G52:

There will be very little clearing required for the proposed service road since it will only need to be one lane wide. For the most part, the roadbed exists as an old farm lane that has served the property for years. There will be clearing for the water and the sewage treatment plants. However, these areas will be greater than 650' away from the nearest home on Fox Hollow Lane.

Comment G53:

Commentor Asks: I have a quick question. "Mark, have you considered doing a through road to Collarbark". Comment by Mr. Paraskeva at the Public Hearing on February 17, 2004. (transcript page 52, line 13.)

Response G53:

It is believed that creating a through road through the Summit Woods project would create a considerable traffic impact to the residents on Fox Hollow Lane, Collarbark Road and Hosner Mountain Road. Estimates indicate that a through road through the project site would create a significant shortcut to the Taconic State Parkway from NYS Route 52. The infrastructure on Collarbark Road and Hosner Mountain are not sufficient to handle the amount of traffic that is believed would use the shortcut.

Furthermore, the currently proposed improvements being made at the Taconic State Parkway at the Hosner Mountain Road intersection have not been designed to accommodate the amount of vehicles that will utilize the through road shortcut.

Comment G54:

Commentor Asks: Why not keep it [the through road] to the south of it? Comment by Mr. Staudohar at the Public Hearing on February 17, 2004. (transcript page 52, line 20.)

Response G54:

The Commentor is concerned that the Applicant will utilize Fox Hollow Lane to access the water and sewage facility.

As discussed earlier herein, the Applicant owns a 4.6-acre parcel of property between the Summit Woods project and Collarbark Road. This parcel fronts on Collarbark Road. The Applicant is proposing to construct the service road for the proposed water and sewage facilities on this parcel to minimize impacts to the adjoining neighbors.

See response for Comment G53.

Comment G55:

Commentor Asks: What are you accomplishing by putting a through road in, just easier access? Comment by Ms. Drummond at the Public Hearing on February 17, 2004. (Transcript page 53, line 5).

Response G55:

See response to Comment G53.

Comment G56:

Commentor States: I live on Collarbark. It is very high. You have cliffs in that area. To the left is all water. How do you propose to bring a five or ten thousand-gallon tanks on it? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 57, line 9).

Response G56:

The Project Sponsor owns property which fronts on Collarbark Road. As part of this application, a roadway will be constructed on this property to access the water and sewage plants. This roadway will not affect Fox Hollow Road and it shall be sufficiently graded to allow NYSDEC approved sludge handling vehicles to access the sewage treatment plant.

As mentioned before, it is estimated that these trucks will access the site once every 3 to 6 months based on experience with the type of sewage treatment plant being proposed for the Summit Woods site.

Comment G57:

Commentor States: Use Collarbark Road too? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 57, line 16).

Response G57:

The Commentor is concerned that the Applicant will utilize Collarbark to access the water and sewage facility.

As discussed earlier herein, the Applicant owns a 4.6-acre parcel of property between the Summit Woods project and Collarbark Road. This parcel fronts on Collarbark Road. The Applicant is proposing to construct the service road for the proposed water and sewage facilities on this parcel to minimize impacts to the adjoining neighbors.

Comment G58:

Commentor Asks: Do you think it can handle that size traffic? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 57, line 20).

Response G58:

The Commentor is concerned about the Collarbark Road capacity. The Commentor assumes that there will be heavy traffic on Collarbark due to the installation of the service road to the water and sewage facilities.

The water and sewage facilities require that service personnel visit each facility at least once a day under normal working conditions. Delivery trucks and scavenger vehicles will visit the facilities less frequently. As mentioned in response G2, it is estimated that these trucks will visit the site once every 3 to 6 months. The Applicant has proposed a new service road off Collarbark Road to minimize impacts to the existing residences on Fox Hollow Lane.

Comment G59:

Commentor Asks: You can't take a bus up there, up that hill. The Town has trouble plowing and so forth? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 57, line 24).

Response G59:

It is believed the geometry of Collarbark Road is adequate to handle the type vehicles that will be needed to service both the proposed water and sewage facilities.

Comment G60:

Commentor States: I am saying a truck, to get the sludge out [of the proposed sewage treatment plant]. Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 58, line 5).

Response G60:

See response to Comment G59.

Comment G61:

Commentor States: We live there and that turn is a very dangerous turn and we are concerned with our children who play on this dead end road and things of this nature to bring in a big tractor trailer to take the sludge out.

Response G61:

The trucks that remove the sludge from sewage treatment plants of the size being proposed for the Summit Woods project are no larger than the trucks used by the Town of East Fishkill to plow the town roads.

The sludge removal would only occur once every 3 to 6 months based on experience with the types of sewage treatment plants being proposed for the Summit Woods project site.

Comment G62:

Commentor States: He didn't show us Fox Hollow, where it was, or Collarbark. There is a lot of stuff that really isn't true. Why don't somebody come out there, take a view of it and then I would like that in the record and then get back to the people who live in these areas. Comment by Mr. Harden at the Public Hearing on February 17, 2004. (Transcript page 58, Line 24).

Response G62:

The Commentor states that Fox Hollow and Collarbark are not shown on the plan. Both roads are shown on the plan near the southeast corner of the property.

Comment G63

Commentor States: I commute to White Plains every day. I make left turns off of 52. And I believe turning lanes will be very helpful. Comment by Mr. Ross at the Public Hearing on February 17, 2004. (Transcript page 61, line 9).

Response G63:

The Project Sponsor is proposing a left-turning lane into the Summit Woods project and a second left-turning lane at Primrose Lane.

Comment G64:

Commentor States: Ms. Small referenced the --- there was some dialogue about the road he mentioned that he bought that lot and something was said about if they if they wanted to, they can build a road as well to the right of the road, which is a private road, okay, that we maintain. So their need for access on that road for maintenance, our concern is the impact that it would have on the road itself. We paid eight thousand last year to do the whole road. Now my concern is heavy traffic vehicles or whatever is going to be going back and forth. How many times a day, Mr. Day, I don't know, to maintain that facility, how many times a year, whatever? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (Transcript page 67, line 23).

Response G64:

The Applicant is proposing to construct a new roadway that will allow service to both the water and sewage treatment plants. This roadway will be through the Applicant's property which fronts on Collarbark Road. This roadway will not impact Fox Hollow Road since the roadway will not touch Fox Hollow Road. It is estimated that a service vehicle will use the roadway twice daily during normal operating conditions. See the sketch showing the proposed service roadway included in Section IV "Additional Information".

Comment G65:

Commentor States: Then I misunderstood. Because I thought somehow you were going to build a road to the right by the existing road by ---. Comment made by Mr. Hartofilis at the February 17, 2004, Public Hearing. (Transcript page 68, line 10)

Response G65:

The Commentor is referring to the proposed service road for the proposed water and sewage facilities.

The Applicant is proposing to construct a service roadway off Collarbark Road on a 4.6-acre parcel he owns which will allow a dedicated entrance to the water and sewage facilities. This will mitigate any impacts on the residents of Fox Hollow.

Comment G66:

Commentor States: I'm curious because Collarbark is a very steep road as well, it's steep down and steep up and kind of narrow, which is a public road, Collarbark is a public road. I'm wondering, is there some way to get to that plant through their own property from 52, which is a wider road, instead of trying to go through the woods on a smaller road? Comment by Ms. Hartofilis at the Public Hearing on February 17, 2004. (Transcript page 70, line 25)

Response G66:

The NYSDEC has stipulated that no crossing of the wetland can be made with a through road of any kind which allow access to Collarbark Road or to serve the water and sewage sites. The only other access point would be through the open space and would require grading of steep slopes along the south and east portions of the project site. Using the existing farm lane is the least obtrusive alternative for this project since the lane exists and would require limited additional disturbance.

Comment G67

Commentor States: The other thing was on 52 across from Primrose Lane, I thought the entrance was going to be directly across, which I would prefer and I would ask for a traffic light. Comment by Ms. Phillips at the Public Hearing on February 17, 2004. (Transcript page 75, line 9).

Response G67:

The NYSDOT selected the entrance locations as they are proposed. The entrance locations were selected based on sight distance requirements and safety concerns.

The Traffic Impact Study prepared for this project substantiates the locations with respect to sight distance.

Comment G68:

Commentor states: One thing about the traffic concerns that I have is that on the bottom of Route 52 where it starts to level out a little bit, they are proposing an entrance right there. I just can't see huge dump trucks coming off of Package Pavement stopping on a dime right there. So I have a really big concern about that. My other concern is at Primrose Lane. On that curve, I think one of the gentlemen here on the Board mentioned there is a limited sight distance. Now, our school bus stops at 52 and Primrose Lane. It is not allowed to go into the development because of that limited sight distance. On several occasions, there have been trucks that have actually gone by with flashing lights that school buses have put on. I have a concern there too, you know, with traffic coming in and out of there. I know you want to think about staggering it. I know some people want an intersection there. I'm looking at this globally, not just one development. Just cumulatively, I have read that report, there are nine other developments being proposed. I just don't know this town can absorb all of this. That's one of my concerns. Comment by Mr. Finuoli at the Public Hearing on February 17, 2004. (Transcript page 78, line 24.)

Response G68:

The project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a "right-turn-in/right-turn-out only" intersection. A concrete island shall be installed to limit any other traffic movements.

The development of the project should have little impact on the traffic traveling west on NYS Route 52. It is believed that the proposed left turning lanes will alleviate the majority of the traffic impacts associated with the Summit Woods development in the event that traffic from I-84 is re-directed to NYS Route 52 during emergency conditions.

The findings of the Traffic Impact Study indicate "...worsening of the of intersection operations between the 2002 existing volumes and the 2008 NO-Build volumes and generally minor changes in the 2008 No-Build volumes and the 2008 Build Volumes..."

In other words, the traffic in the proximity of the Summit Woods project will worsen due to background growth whether or not the project is developed. Inserting the Summit Woods project into the traffic model for the design year 2008, the project has minor impacts on the projected 2008 traffic volumes.

Comment G69:

Commentor States: I just wasn't sure what Frank had said. He thought there would be a danger there about having a traffic light? I just wanted to reiterate that point. We are right there on 52 at the bottom of Primrose Lane and we see that kind of thing going on all the time. I just wanted to make note of that. The other question I have is where is the current entrance actually planned that's close to Primrose Lane? Is it nearer to the Post Office? Comment by Ms. Guido at the Public Hearing on February 17, 2004. (transcript page 82, line 17)

Response G69:

Currently the proposal does not involve lining up the proposed north entrance road with the Primrose intersection. The intersections are staggered approximately 325'. The NYSDOT has selected the location for the entrances. These selections were based on sight distance and traffic safety. Considerations were made for the local traffic conditions.

It should be noted that the Applicant is proposing to widen NYS Route 52 to provide a left-turning lane onto Primrose Lane.

Comment G70:

Commentor States: I have been a life long resident of Westchester County, from Chappaqua, New York. I have only been up here for three years. I left Westchester because of the traffic. I work at IBM in East Fishkill. From Primrose Lane, when I first moved up, was a seven to ten minute commute. Coming home, down from IBM, with all of the traffic coming off of other--- 376, 82 the traffic is unbearable when you go through there. So to put a traffic light to make a T-intersection across from Primrose is not a viable idea. I would make more turning lanes where the road is proposed by the post office. My house is right on 52. I am the first one off of the street. On the weekends, especially in the summertime, you have motorcycles, you have younger kids driving, no one is doing the speed limit. They are all doing 60 or better. You could put a police car right on the street and do a radar trap and you would easily get those figures. So I mean putting a traffic light there I don't think would be viable. And to put the four-way intersection into this development I don't think would be a good idea. It should be where it's currently proposed. And I recommend turning lanes going in and out for traffic flow. Comment by Thomas Guido at the Public Hearing on February 17, 2004. (Transcript page 83, line 13).

Response G70:

Currently the proposal does not involve lining up the proposed north entrance road with the Primrose intersection. The intersections are staggered approximately 325'. The NYSDOT has selected the location for the entrances. These selections were based on sight distance and traffic safety. Considerations were made for the local traffic conditions.

The Traffic Impact Study does not recommend the installation of a traffic signal since the proposed entrance road intersections with NYS Route 52 do not meet the warrants required by the NYSDOT.

The Applicant is proposing two left-turning lanes on NYS Route 52 in order to mitigate traffic impacts in the area of the Summit Woods project.

Comment G71:

Commentor States: The first issue that needs to be addressed is the roads; Stormville Mt. Road is a windy, country lane. Since the housing of Devon Farms and all of the other construction on the mountain it's barely safe as it is today. Take in to consideration if we were to have another 175 houses with two cars per household you're looking at 350 more vehicles utilizing Stormville Mt. Rd. and Route 52. This will create not only severe congestion on our roadways also, extreme pollution to our country air. We will need major engineering of our roads before we consider adding more people. Comment by Claudia A. Mahon in a letter dated February 3, 2004.

Response G71:

The Traffic Impact Study in Appendix "G" of the DEIS evaluated both the existing and the future traffic conditions for the roadways in the area of the Summit Woods subdivision project. The findings of the Traffic Impact Study indicate "...worsening of the of intersection operations between the 2002 existing volumes and the 2008 No-Build volumes and generally minor changes in the 2008 No-Build volumes and the 2008 Build Volumes..."

In other words, the traffic in the proximity of the Summit Woods project will worsen due to background growth whether or not the project is developed. Inserting the Summit Woods project into the traffic model for the design year 2008, the project has minor impacts on the projected 2008 traffic volumes.

In summary, the Summit Woods project will have minor impacts to the traffic in the proximity of the project site.

The project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the

stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements. This will further mitigate traffic concerns on NYS Route 52.

Comment G72:

Commentor States: The recommendation presented in the DEIS on page 162 in paragraph 2 (sentence 2) is unreasonable, given existing conditions on Route 52 in by neighborhood. The Summit Woods Development should not be built without turning lanes or offsite improvements that ensure the smooth and safe flow of traffic and protect the public. If additional analyses involving the modeling of traffic flows on Route 52 are performed to evaluate the effectiveness of these offsite improvements, they must allow for heavy truck traffic and properly locate the south entrance to the Summit Woods Development. Comment by Quentin E. Ross in a letter dated February 17, 2004.

Response G72:

The project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements. This will further mitigate traffic concerns on NYS Route 52.

Comment G73:

Commentor States: Route 52 descends Stormville Mountain for approximately 1-1/4 to 1-1/2 miles, at a maximum grade of, I believe, 15%. I believe that this is a maximum grade that New York State allows for a “state highway” The point is, the hill is long and steep – one of the longest, steepest state roads in the area.

A company called “Package Pavement” is located right over the crest of the hill, on the East side of Stormville Mountain. Big, heavily loaded 14 and 18-wheel trucks full of cement / and or gravel come down the Route 52 hill from Package Pavement.

Route 52 curves near the bottom of the hill, and the sight distance from the westbound (downhill) land of Route 52 to the approximate location of the exit/entrance road of the proposed “Summit Woods” is only 700 feet. The exit/entrance is on the inside (south side) of the turn, further shortening the sight distance, and there is a big, multi story white house immediately uphill of the exit/entrance, very close to Route 52, that would further impair the view up the hill.

I would assume that there will be some school-age children occupying some of the 174 proposed houses, and, if the subdivision is approved, that school busses will eventually be coming out of the exit/entrance.

School busses (or mini-vans full of kids) do not accelerate very rapidly.

Big, heavily loaded, 18-wheel gravel/cement trucks, traveling down a steep hill, do not decelerate very rapidly.

I feel that this is a very serious safety concern that was utterly disregarded by whomever “designed” the exit/entries to this subdivision. Comment made by Mr. Ralph Ferrusi in a letter dated March 29, 2002.

Response G73:

The NYSDOT selected the entrance locations as they are proposed. The entrance locations were selected based on sight distance requirements and safety concerns.

The Traffic Impact Study prepared for this project substantiates the locations with respect to sight distance requirements.

The project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements.

Comment G74:

Commentor States: Periodically, I-84 traffic is diverted onto Route 52 if there is an accident or blockage on the Interstate. When this happens, long, heavy streams of all kinds of out-of-town 18-wheelers, busses, trucks, and cars fly down Route 52 / Stormville Mountain... Comment made by Mr. Ralph Ferrusi in a letter dated March 29, 2002.

Response G74:

The project sponsor is proposing to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow eastbound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate

eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements.

The development of the project should have little impact on the traffic traveling west on NYS Route 52. It is believed that the proposed left turning lanes will alleviate the majority of the traffic impacts associated with the Summit Woods development in the event that traffic from I-84 is re-directed to NYS Route 52 during emergency conditions.

Comment G75:

Resolution Item #3: Turning Lanes: At the DEIS hearing, the applicant stated that it was not proposing turning lanes on Route 52. In the FEIS, the applicant states that it is proposing a right turning lane and left turning lane. These proposed turning lanes need to be shown on a new set of plans to accompany the FEIS. Peter Hobday and Keith Staudohar will meet with the applicant and DOT to ascertain DOT’s position on the turning lanes.

Response G75:

The Applicant is proposing to construct two left-turning lanes on NYS Route 52. One lane shall serve the north entrance of the proposed Summit Woods site. The second turning lane shall serve Primrose Lane.

Revised plans have been included in this document reflecting the proposed left-turning lanes on NYS Route 52.

As a result of the May 18, 2004, continuation of the Public Hearing, a meeting was held between the NYSDOT, the Applicant, a representative of the Town Engineer’s office and a representative of the Town of East Fishkill Planning Board. The purpose of this meeting was to discuss the proposed improvements and modifications of NYS Route 52 due to the Summit Woods Subdivision proposal.

This meeting was held on June 17, 2004 at the NYSDOT’s office in the Page Office Park in the Town of La Grange. The attendees included:

- *Mr. Peter Hobday - Town Engineer’s office*
- *Mr. Keith Staudohar – Town of East Fishkill Planning Board*
- *Mr. Glenn Boucher – NYSDOT*
- *Mr. Mark A. Day, PE – Site Engineer*

Many alternatives for the proposed entrance onto NYS Route 52 were discussed at this meeting. At that meeting, it was stated that the Applicant will seek to construct two left-turning lanes on

NYS Route 52 as part of this application. The NYSDOT will review these plans once the application is made to them.

In general, the NYSDOT is in conceptual agreement that the left-turning lanes will be beneficial.

The plans have been since revised to widen NYS Route 52 and install a turning lane into the Summit Woods site from NYS Route 52 that will allow east bound traffic entering the Summit Woods site to stack in a separate lane. A second turning lane will be installed to accommodate eastbound traffic entering Primrose Lane. This traffic will also have a dedicated turning lane. Traffic coming down Stormville Mountain (traveling west) will be able to safely pass by the stacked traffic waiting to make left turns into both the Summit Woods site and Primrose Lane. The southern entrance for the Summit Woods site will be limited to a “right-turn-in/right-turn-out only” intersection. A concrete island shall be installed to limit any other traffic movements. This will further mitigate traffic concerns on NYS Route 52.

Comment G76:

Commentor states: Our house, being on the bottom of the hill is in harms way and so are our lives. To make a major entrance at this point would put the inhabitants of the proposed “Summit Hill” including their school children in harms way as well. Comment by Alfred and Erika Kaye in a letter dated February 29, 2004.

Response G76:

The NYSDOT selected the entrance locations as they are proposed. The entrance locations were selected based on sight distance requirements and safety concerns.

The Traffic Impact Study prepared for this project substantiates the locations with respect to sight distance requirements.

The Summit Woods project will not further exacerbate the existing conditions of the Kaye house with respect to its proximity to the traveled way of NYS Route 52.

H. Socioeconomic

There were no Socioeconomic comments made.

I. Community Services

Comment I1:

Commentor States: How will the additions of 175 single family homes help out an existing overcrowded problem in our schools? Comment made by Nikita Negersmith in a letter dated February 23, 2004.

Response I1:

School District enrollments for the past six years have experienced moderate increases, with a low of 11,291 students in 1997 and a high of 11,906 in 2001. The increase of 615 students in 6 years represents a growth rate of 5.5 percent. Of the various grade levels, the most significant increases in enrollments were at the high school level where an eight percent increase was realized from 1996 to 2001, when enrollments increased from 3,165 to 3,461 students. The middle school-junior high enrollments (6-8) increased from 2,597 to 2,772, a 6.7 percent growth rate. In the District's elementary schools, enrollments (K-5) were 5,159 in 1996 and 5,283 in 2001, representing a 2.4 percent growth rate. Enrollments in kindergarten were at a peak in 1996, with 839 students. In 2001, kindergarten enrollment was down by about nine percent with 762 students enrolled. In the four preceding years, kindergarten enrollment ranged from 770 to 799 students.

These figures show a pattern of past increases that are currently moving through the upper grades. This pattern, often called a mini-boom, is also reflected in projections, which show anticipated growth at the high school level in the short term, before declines are projected there as well.

Enrollment projections developed for the District in 2001 as shown on Table 3.9.1-1 Enrollment Projection Summary, suggest future declines at the lower grade levels, including a projection of 707 kindergarten students in 2005 through 2011. Similar declines in enrollment are projected for the elementary and junior high school age groups. The high school enrollment is projected to continue to increase to 2006 when a peak of 3,746 is projected. After 2006, a decline in high school enrollment is also projected. On an overall basis, enrollments are projected to decrease by 5.38 percent over the next 10 years.

Table 3.9.1-1
Enrollment Projection Summary³

<i>Grade</i>	<i>2006 % Change</i>				
<i>Kindergarten</i>	762	707	-7.2	707	<i>Same</i>
<i>K-4</i>	4,351	3,954	-9.12	3,948	-9.26
<i>K-5</i>	5,283	4,837	-8.44	4,767	-9.77
<i>5-8</i>	3,704	3,656	- 1.30	3,303	- 10.83
<i>6-8</i>	2,772	2,773	0.04	2,484	-10.39
<i>9-12</i>	3,461	3,796	9.68	3,600	4.02
<i>K- 12</i>	11,516	11,406	-0.96	10,851	-5.77
<i>Grand Total</i>	11,906	11,820	-0.72	11,265	-5.38

In preparing these projections, the School District examined demographic information and new construction activity. The projections include an average of 240 new residential units per year, district-wide.

Comment I2:

Commentor States: I have a concern regarding the response time for police and the small dwindling fire department in Stormville. I do not think East Fishkill is equipped to handle the potential problems of several fires and / or motor vehicle accidents with the growing number of new developments coming to this area. Comment by Frank A. Finuoli in a letter dated March 1, 2004.

Response I2:

As part of the DEIS, both the Police Department and Fire Department were notified of the proposed project. Neither agency returned any negative responses to the project, its size or its location.

Comment I3:

Commentor States: Our schools are overloaded already, so the addition of development children to out schools will only worsen the current overload. Comment by Steven Hartofilis in a letter dated February 28, 2004.

Response I3:

See the response for Comment II.

³ Enrollment Projections, 2002 to 2011, Wappinger Central School District, Facts, November 2001.

Comment I4:

Commentor States: The increased town wide growth, which has impacted our schools through redistricting and the possibility of portable classroom trailers. This growth has also affected our recreational needs. Comment by Frank Finuoli in a letter dated March 1, 2004.

Response I4:

See the response for Comment II.

Comment I5:

Commentor States: Schools, they came up with some number of 137 school age children. I did the rough math in my head. We have 17 homes. We have 34 children just in our development of 17 homes. 175 times four, that doesn't come out to 137 school age children. I think the impact on school---kindergarteners are going to be put into trailers in Ketcham. This is a global, not just a little--- this is not a little development. But the impact on traffic, schools, it is going to be tough. Comment by Mr. Finuoli at the Public Hearing on February 17, 2004. (transcript page 80, line 3).

Response I5:

Refer to the response for Comment II. The information listed in this section was supplied by the Wappinger Central School District in its "Enrollment Projections, 2002 to 2011, Wappinger Central School District, Facts", November 2001.

Comment I6:

Commentor States: Our school system, Gayhead, Van Wyck and John Jay are simply full to capacity. With 175 more families there are going to be a lot more children that need to be educated. Where do the "Master Planners" plan to put these children? Classrooms already have 29 students on average per class. Do we dare put more children into each class? We will begin to sacrifice many for the price of a few, and that's only the public school system. We only have two small Catholic Schools, what will be done to accommodate the children who are already in our fair community? Comment by Claudia A. Mahon in a letter dated January 29, 2004.

Response I6:

See the response for Comment II:

Comment I7:

Commentor States: We do not have adequate roads, schools, and the basic necessities like grocery shopping. Let's take a long hard look at our severely flawed community. We have tripled the amount of people in this area over the last fourteen years, yet we have nowhere to simply go to grocery shop. This plan does not make any sense it's completely backward, we need to fix all of these issues before we allow more housing. We have over crowded roads and schools as it is, we need to take care of the population already living and paying taxes here before we even think of considering to let any one else move into our humble community. Comment by Claudia A. Mahon in a letter dated January 29, 2004.

Response I7:

Comment noted.

The Summit Woods project site is in the R-1 and R-2 zone. Excepting out businesses allowed in these districts by Special Use, commercial uses are not allowed in these two zones.

With respect to the school comment, see the response for Comment I1.

With respect to traffic; the Traffic Impact Study in Appendix "G" of the DEIS evaluated both the existing and the future traffic conditions for the roadways in the area of the Summit Woods subdivision project. The findings of the Traffic Impact Study indicate"...worsening of the of intersection operations between the 2002 existing volumes and the 2008 NO-Build volumes and generally minor changes in the 2008 No-Build volumes and the 2008 Build Volumes..."

In other words, the traffic in the proximity of the Summit Woods project will worsen due to background growth whether or not the project is developed. Inserting the Summit Woods project into the traffic model for the design year 2008, the project has minor impacts on the projected 2008 traffic volumes.

In summary, the Summit Woods project will have minor impacts to the traffic in the proximity of the project site.

J. Utilities**Comment J1:**

Commentor States: What impacts will the STP have on the local environment- more specifically, plants, wildlife and endangered species (bog turtle, spotted turtle, and timber rattlesnakes)? Comment by Nickita Negersmith in a letter dated February 23, 2004.

Response J1:

The proposed sewage treatment plant is proposed to discharge to the Van Anden Kill . The Van Anden Kill is considered a Class “C” sub-trib of the Fishkill Creek. The identifier is H-95-13-2.

The NYSDEC sets the effluent limits of the proposed sewage treatment plant so that no harm comes to flora and fauna downstream of the proposed sewage treatment plant. The effluent limits established by Mr. Tom Rudolph of the NYSDEC (See Appendix “C” of the DEIS) allow for near-complete removal of all wastes from the effluent from the sewage treatment plant. The required BOD removal and the required dissolved oxygen level of the effluent will prevent any degradation of conditions downstream from the proposed sewage treatment plant.

Mr. Thomas Rudolph, PE of the New York State Department of Environmental Conservation has approved the location of the sewage treatment plant effluent in this location. Mr. Rudolph has established the draft SPDES effluent limits to be as follows:

<i>BOD₅</i>	<i>=</i>	<i>5.0 mg/l</i>	
<i>SS</i>	<i>=</i>	<i>10.0 mg/l</i>	
<i>DO</i>	<i>>=</i>	<i>7.0 mg/l</i>	
<i>NH₃</i>	<i>=</i>	<i>1.5 mg/l</i>	<i>(June – October)</i>
<i>NH₃</i>	<i>=</i>	<i>2.2 mg/l</i>	<i>(November – May)</i>
<i>TRC</i>	<i>=</i>	<i>0.1 mg/l</i>	<i>(If chlorine is used for disinfection)</i>
<i>Settable Solids</i>	<i><</i>	<i>0.1 mg/l</i>	

These are the limits the NYSDEC determined would have the least impact to the existing stream.

Comment J2:

Commentor States: What are the DEC requirements? Comment by Nickita Negersmith in a letter dated February 23, 2004.

Response J2:

The NYSDEC requirements for the approval of a discharge point include consideration of the receiving waters and the degree of treatment of the proposed raw water waste stream. The effects of the downstream water body is considered when determining the required effluent limitations of the proposed sewage treatment plant.

The project will utilize a sewage treatment plant which meets all the requirements listed in the NYSDEC draft SPDES permit.

Comment J3:

Commentor Sates: Will the proposed STP be located 500 feet, 1000 feet or 3000 feet to the closet home? Comment by Nickita Negersmith in a letter dated February 23, 2004.

Response J3:

The proposed sewage treatment plant is proposed to be approximately 525 feet away from any proposed home in the Summit Woods project and 650' away from the nearest existing home on Fox Hollow.

Typically the NYSDEC will allow separation distances as close as 250' away from sewage treatment plants which are covered and have odor control features.

Comment J4:

Commentor States: My biggest dispute is the statement that Mr. Day, engineer, stated for the record at the public hearing held on the evening of February 17, 2004 when he addressed the concern of odor from the sewage treatment plant. He stated that he could not say there will not be an odor and smell emitted from the sewage treatment facility at Summit Woods. He stated that especially during the hot, humid weather there will be an odor and it will be transported by the current of wind that exists in the area of the sewage treatment facility that moves north-northeasterly pattern. This stream of air moves across and through the residences of Fox Hollow Lane and Collarbark Road. It is unacceptable that it should even be considered to have surrounding residents of Summit Woods breathe in the stench of sewage creating the "lazy, hazy, smelly days of summer". These conditions whether they are consistent or occasional, based on the breeze and weather conditions, should not be imposed on the surrounding residents. This condition would not only be a health concern but will adversely impact the resale value of the homes in its path. Comment by Katie Galloway in a letter stamped (not dated) February 26, 2004.

Response J4:

Every sewage treatment plant will emit odors during startup or at other infrequencies such as cleaning. Changes in the process may also cause infrequent odors. The sewage treatment plant will be designed using the latest technology and state-of-the-art odor control features. As stated earlier herein, the NYSDEC will allow for separation distances of 250' between homes and sewage treatment plants that are covered and equipped with odor control. The nearest homes, will be the homes on proposed lots 39 & 40 which will be approximately 525' away from the proposed sewage treatment plant.

In furtherance, the prevailing winds during the summer months are generally from the west to northwest. In Section IV of this document there is climatological data depicting various climate conditions from January 2003 to July 2004. The information has been prepared by the National

Oceanic and Atmospheric Administration (NOAA) for the Dutchess County Airport (identifier POU).

The prevailing wind direction is listed on a daily basis for each month from January 2003 to July 2004. The proposed sewage treatment plant is situated in such a manner that the wind would have to come from approximately 050 and 060 degrees to affect the homes on Fox Hollow Lane and Collarbark Road. As can be seen from the prevailing wind directions provided by NOAA, this is rarely the case.

Comment J5:

Commentor States: I would suggest that the present plan for location of the sewage treatment facility and the ramifications from its location “stinks” and a more formidable plan needs to be explored. The development with a relocated sewage treatment facility, or smaller number of homes with a private septic and well and the appropriate safety measures in place to handle the increased traffic would be a more acceptable plan. Comment made by Katie Galloway in a letter stamped (not dated) February 26, 2004.

Response J5:

The location of the sewage treatment plant was selected by the NYSDEC in accordance with their standard separation requirements of 500’ between proposed sewage treatment facilities and existing or proposed residences.

Prevailing wind data has been provided in Section IV of this document. The information indicates that the normal wind direction will not carry odors in the direction of Collarbark Road or Fox Hollow Lane.

From a planning standpoint, sewage treatment plants are preferable to individual subsurface sewage disposal systems because the sewage will be treated prior to being discharged to the environment.

Comment J6:

Commentor States: I asked Mr. Mark Day if there were any significant criteria for the planned location of the sewage treatment plant. Mr. Day indicated that he did not think there were any significant requirements for its planned location. I asked if it could be relocated further east in the area not being developed and Mr. Day said he would look into it. This relocation would move it further away from the homes on Fox Hollow Lane. Comment by Steven Hartofilis in a letter dated February 28, 2004.

Response J6:

The first portion of the Commentor question can be answered as follows:

The NYSDEC sets the effluent limits of the proposed sewage treatment plant so that no harm comes to flora and fauna downstream of the proposed sewage treatment plant. The effluent limits established by Mr. Tom Rudolph of the NYSDEC (See Appendix “C” of the DEIS) allow for near-complete removal of all wastes from the effluent from the sewage treatment plant. The required BOD removal and the required dissolved oxygen level of the effluent will prevent any degradation of conditions downstream from the proposed sewage treatment plant.

With respect to the second portion of the Commentor’s question; Mr. Thomas Rudolph, PE of the New York State Department of Environmental Conservation has approved the location of the sewage treatment plant effluent in this location. Mr. Rudolph has established the draft SPDES effluent limits to be as follows:

<i>BOD₅</i>	<i>=</i>	<i>5.0 mg/l</i>	
<i>SS</i>	<i>=</i>	<i>10.0 mg/l</i>	
<i>DO</i>	<i>>=</i>	<i>7.0 mg/l</i>	
<i>NH₃</i>	<i>=</i>	<i>1.5 mg/l</i>	<i>(June – October)</i>
<i>NH₃</i>	<i>=</i>	<i>2.2 mg/l</i>	<i>(November – May)</i>
<i>TRC</i>	<i>=</i>	<i>0.1 mg/l</i>	<i>(If chlorine is used for disinfection)</i>
<i>Settable Solids</i>	<i><</i>	<i>0.1 mg/l</i>	

These are the limits the NYSDEC determined would have the least impact to the existing stream.

The location of the water treatment plant cannot be switched with the water treatment plant due to grade requirements and the location of the existing water supply wells.

Comment J7:

Commentor States: My other concern with this plant is the environmental impact of the treated sewage going into the stream / surrounding bodies of water. . Comment by Steven Hartofilis in a letter dated February 28, 2004.

Response J7:

The NYSDEC is charged with the protection of the Environment in the State of New York. Mr. Tom Rudolph of the NYSDEC has issued a draft SPDES Permit for the proposed sewage treatment plant (See Appendix “C” of the DEIS) for the proposed location on the project site. The draft Permit lists effluent parameters that the proposed plant will have to meet in order to protect the wetland and other water bodies downstream of the wetland.

Comment J8:

Commentor States: I am also concerned with the odor emanating from this plant. Mr. Day stated that the odor should not be a problem as the winds would carry the odors in a direction away from homes on Fox Hollow Lane, but he could not guarantee it. Comment by Steven Hartofilis in a letter dated February 28, 2004.

Response J8:

Every sewage treatment plant will emit odors during startup or at other infrequencies such as cleaning. Changes in the process may also cause infrequent odors. The sewage treatment plant will be designed using the latest technology and state-of-the-art odor control features. As stated earlier herein, the NYSDEC will allow for separation distances of 250' between homes and sewage treatment plants that are covered and equipped with odor control. The nearest homes, will be the homes on proposed lots 39 & 40 which will be approximately 525' away from the proposed sewage treatment plant.

In furtherance, the prevailing winds during the summer months are generally from the west to northwest. In Section IV of this document there is climatological data depicting various climate conditions from January 2003 to July 2004. The information has been prepared by the National Oceanic and Atmospheric Administration (NOAA) for the Dutchess County Airport (identifier POU).

The prevailing wind direction is listed on a daily basis for each month from January 2003 to July 2004. The proposed sewage treatment plant is situated in such a manner that the wind would have to come from approximately 050 and 060 degrees to affect the homes on Fox Hollow Lane and Collarbark Road. As can be seen from the prevailing wind directions provided by NOAA, this is rarely the case.

Comment J9:

Commentor States: The amount of odor and noise the sewage treatment facility will produce, as well as the trucks transporting the sludge through our quite and clean neighborhoods. Comment by Frank Finuoli in a letter dated March 1, 2004.

Response J9:

With respect to odor, refer to the response for Comment J4:

Sewage treatment plants are not typically noise-generators. The plant will be equipped with an air compressor and a stand-by emergency generator. Both of these pieces of equipment will be placed in sound-attenuating enclosures. They will also be placed on the easterly side of the building away from any existing or proposed housing. It is doubtful that noise generated by proposed sewage treatment plant will exceed that of the background noise from Interstate-84 since the nearest proposed house will be 525' away and buffered by a wooded area. The same is

true of the existing houses on Fox Hollow since they are even further away from the proposed sewage treatment plant.

The Project Sponsor will construct a new service roadway through property that he owns on Collarbark Road. This road will service both the water and sewage treatment plant. Therefore, there shall be no sludge transported on Fox Hollow.

Comment J10:

Commentor States: Housing requesting in 3 phases, Will the plant also be upgraded in 3 phases or be built to handle all from the start? Projected size / capacity if other developments to utilize? What type of chlorine to be used to protect receiving water? Where will the final effluent go? Comment by Harold E. Harden Jr. and Harold E. Harden Sr. in a letter dated March 2, 2004.

Response J10:

The proposed sewage treatment plant will be constructed in phase one to serve the entire Summit Woods project.

The Project Sponsor will build the plant to serve only the needs of the Summit Woods project. Other developments that want to connect to the proposed sewage treatment plant will have to; 1) obtain the permits to expand the treatment plant and; 2) construct the improvements to the treatment plant which will serve the added capacity while maintaining the effluent limits that will continue to protect the downstream bodies of water. Expansion of the proposed sewage treatment plant is beyond the scope of this project.

It is anticipated that the plant will use sodium hypochlorite to provide disinfection of the wastewater prior to discharge. The Draft SPDES Permit issued by the NYSDEC (See Appendix "C") states that if chlorine is used, the Total Residual Chlorine concentration shall be reduced to 0.1 mg/l or 0.1 parts per million. This will be accomplished in the plant prior to discharging into the Van Anden Kill.

The final effluent will be discharged into the Van Anden Kill. The Van Anden Kill is a Class "C" sub-tributary to the Fishkill Creek.

Comment J11:

Commentor Asks: The sewage plant is in this area? Comment made by Mr. Hartofilis at the February 17, 2004, Public Hearing. (transcript page 36, line 23).

Response J11:

The Commentor is asking if the proposed sewage treatment plant was going where it was indicated on the drawings at the February 17, 2004, Public Hearing.

The proposed plant is being placed on the south side of the Van Anden Kill approximately 1600' east of Collarbark Road.

Comment J12:

Commentor States: The reason why I ask is because this treatment center is 500 feet away from the nearest house; is this correct? Comment made by Mr. Hartofilis at the February 17, 2004, Public Hearing. (transcript page 37, line 12).

Response J12:

The proposed sewage treatment plant is proposed to be approximately 525 feet away from any proposed home in the Summit Woods project and 650' away from the nearest existing home on Fox Hollow.

Typically the NYSDEC will allow separation distances as close as 250' away from sewage treatment plants which are covered and have odor control features. The proposed sewage treatment plant will be housed in a building which will aid in the prevention of chronic odor problems.

Comment J13:

Commentor States: I'm sorry, I don't have any information here to show you where we are. Because there are a bunch of homes here on Fox Hollow Lane and most certainly on Collarbark Road. So our concern here is this sewage plant. Comment made by Mr. Hartofilis at the February 17, 2004, Public Hearing. (transcript page 38, line 11)

Response J13:

The Commentor is concerned about the proximity of the proposed sewage treatment plant to the existing houses on Fox Hollow Lane and Collarbark Road.

The proposed sewage treatment plant is proposed to be approximately 525 feet away from any proposed home in the Summit Woods project and 650' away from the nearest existing home on Fox Hollow.

Typically the NYSDEC will allow separation distances as close as 250' away from sewage treatment plants which are covered and have odor control features.

Comment J14:

Commentor States: I live on Collarbark Road. I have a few questions for these gentlemen. First of all, you have gave information you have 177 houses there for water and sewage. We weren't told how many bedrooms, the population that you expect to put in this project. Comment made by Mr. Harden at the February 17, 2004, Public Hearing. (transcript page 53, line 16).

Response J14:

The proposed water and sewage facilities have been designed based on an average daily flow of 520 gallons per day per house. This assumes four bedroom homes.

It is assumed that there shall be 4-5 residents in each house. Therefore, the number of persons in the project may range from between 700 and 875.

Comment J15:

Commentor Asks: And the gallonage used on each house per day? Comment made by Mr. Harden at the February 17, 2004, Public Hearing. (transcript page 54, line 1)

Response J15:

It is assumed that the average daily flow for each home shall be 520 gallons per day. This is based on the Dutchess County Health Department standard of 130 gallons per day per bedroom for a 4-bedroom house.

Comment J16:

Commentor States: What kind of plant do you propose there? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (transcript page 57, line 4).

Response J16:

The proposed sewage treatment plant shall be an extended aeration plant.

The plant will be covered with two architecturally pleasing buildings which will aid in preventing chronic odor control problems. The NYSDEC allows separation distances of 250' away from systems of this type and any residential structures.

The elevations of the buildings for both the sewage treatment facility and the water treatment facility shall be approved by the Town of East Fishkill Planning Board.

Comment J17:

Commentor States: I guess my concern here also is there going to be access to the plant via this road? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (transcript page 39, line 3)

Response J17:

The Applicant is proposing to construct a new roadway through property he owns on Collarbark Road in order to prevent the use of Fox Hollow to service the water and sewage treatment plant.

Comment J18:

Commentor States:

The addressing of the smell. Most of the winds come out of the northeast or northwest. The wastewater plant has got to have smell in the summertime. We are right in the line of fire. So when he says he made a presentation that you are 500 feet from home, I think these people on Fox Hollow are much closer to this area. There is a creek that goes in there. Can you tell me where the creek is in conjunction to the sewer plant? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (transcript page 59, line 6)

Response J18:

Every sewage treatment plant will emit odors during startup or at other infrequencies such as cleaning. Changes in the process may also cause infrequent odors. The sewage treatment plant will be designed using the latest technology and state-of-the-art odor control features. As stated earlier herein, the NYSDEC will allow for separation distances of 250' between homes and sewage treatment plants that are covered and equipped with odor control. The nearest homes, will be the homes on proposed lots 39 & 40 which will be approximately 525' away from the proposed sewage treatment plant.

In furtherance, the prevailing winds during the summer months are generally from the west to northwest. In Section IV of this document there is climatological data depicting various climate conditions from January 2003 to July 2004. The information has been prepared by the National Oceanic and Atmospheric Administration (NOAA) for the Dutchess County Airport (identifier POU).

The prevailing wind direction is listed on a daily basis for each month from January 2003 to July 2004. The proposed sewage treatment plant is situated in such a manner that the wind would have to come from approximately 050 and 060 degrees to affect the homes on Fox Hollow Lane and Collarbark Road. As can be seen from the prevailing wind directions provided by NOAA, this is rarely the case.

The proposed treatment plant will discharge into the Van Anden Kill which is a Class “C” sub-tributary to the Fishkill Creek.

Comment J19:

Commentor States: Which side is the sewer plant going to be on? ? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (transcript page 59, line 24)

Response J19:

The Commentor is asking if the proposed sewage treatment plant was going where it was indicated on the drawings at the February 17, 2004, Public Hearing.

The proposed plant is being placed on the south side of the Van Anden Kill approximately 1600’ east of Collarbark Road.

Comment J20:

Commentor States: How are you going to get across the creek to the sewer plant? Comment by Mr. Harden at the Public Hearing on February 17, 2004. (transcript page 60, line 4)

Response J20:

A force main shall be installed under the Van Anden Kill to serve the proposed sewage treatment plant.

A stream crossing and wetland disturbance permit shall be obtained by the NYSDEC as part of this application.

Comment J21:

Commentor States: To me, I thought there was all wetland. I don’t know how you can put pipes and stuff in wetland. That’s all I have to say. Comment made by Mr. Harden at the February 17, 2004, Public Hearing. (transcript page 60, line 9)

Response J21:

A stream crossing and wetland disturbance permit shall be obtained by the NYSDEC as part of this application.

Comment J22:

Commentor States: The thing Mr. Harden brought up was the odor. I just want to ask, maybe there is an answer to that or some kind of plan in place to handle potential odors? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (transcript page 68, line 20)

Response J22:

The proposed sewage treatment plant will be covered. This will aid in the treatment of potential odors.

Odor should not be an issue for existing residences since the prevailing winds should not carry any odor towards the existing residents. See the response for Comment J18.

Comment J23:

Commentor States: Mr. Day, Ms. Small posed the question and I don't know if I can say it correctly, but I want to throw my two cents in it. You mentioned there is a lot of land here that is not going to be developed. Can this not be moved somewhere else? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (transcript page 71, line 17.)

Response J23:

The NYSDEC is charged with the protection of the Environment in the State of New York. Mr. Tom Rudolph of the NYSDEC has issued a draft SPDES Permit for the proposed sewage treatment plant (See Appendix "C" of the DEIS) for the proposed location on the project site. The draft Permit lists effluent parameters that the proposed plant will have to meet in order to protect the wetland and other water bodies downstream of the wetland.

The NYSDEC has selected the location of the proposed sewage treatment plant. The proposed site was picked because it will minimize impacts to the NYSDEC freshwater wetlands and it will also provide for a defined point of discharge for the effluent from the proposed sewage treatment plant. Access can also be gained without having to construct a service roadway through the wetland.

Comment J24:

Commentor States: Based on what? The criteria was what? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (transcript page 72, line 6)

Response J24:

The NYSDEC is charged with the responsibility of approving locations of proposed sewage treatment plant discharge points. The criterion used for approving these discharge points has to

do with the capacity of the effluent body to assimilate the effluent. Other criterion include impacts on downstream wetlands and water bodies. This site was selected by Mr. Tom Rudolph of the NYSDEC (See Mr. Rudolph's correspondence in Appendix "C" of the DEIS). This correspondence is the Draft SPDES Permit which lists the parameters for the design of a sewage treatment plant in that location.

The NYSDEC has selected the location of the proposed sewage treatment plant. The proposed site was picked because it will minimize impacts to the NYSDEC freshwater wetlands and it will also provide for a defined point of discharge for the effluent from the proposed sewage treatment plant. Access can also be gained without having to construct a service roadway through the wetland.

Comment J25:

Commentor States: How do I get some kind of response to whether this facility here can be moved elsewhere, because all of this land is available here, why does it have to be there, closer to these houses? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (transcript page 72, line 14)

Response J25:

The NYSDEC has selected the location of the proposed sewage treatment plant. The proposed site was picked because it will minimize impacts to the NYSDEC freshwater wetlands and it will also provide for a defined point of discharge for the effluent from the proposed sewage treatment plant. Access can also be gained without having to construct a service roadway through the wetland.

Comment J26:

Commentor States: Good, one more thing, can these be swapped, for example, this water treatment plant to this? Comment by Mr. Hartofilis at the Public Hearing on February 17, 2004. (transcript page 72, line 23)

Response J26:

The proposed sewage treatment plant cannot be switched with proposed water treatment plant due to the location of both the existing well and the proposed future well locations.

The location of the proposed sewage treatment plant was approved by the NYSDEC with the stipulation that the proposed sewage treatment plant can meet the proposed effluent parameters listed in the Draft SPDES permit (See Appendix "C" of the DEIS). The NYSDEC has selected the location of the proposed sewage treatment plant. The proposed site was picked because it will minimize impacts to the NYSDEC freshwater wetlands and it will also provide for a defined

point of discharge for the effluent from the proposed sewage treatment plant. Access can also be gained without having to construct a service roadway through the wetland.

Comment J27:

Commentor States: But it would have to be private wells and private septic then? Comment by Ms. Phillips at the Public Hearing on February 17, 2004. (transcript page 73, line 23)

Response J27:

The Dutchess County Health Department requires that the Applicant propose central water supply and sewage collection and treatment due to the number of lots. Any projects larger than 49 lots require consideration of central facilities.

Comment J28:

Commentor States: After this was completed, ten years down the line, such as many areas, as developers have dumped their sewer plants on or water plants on the Town, what guarantee does the people of East Fishkill have that this won't become a herring later on down the line, do they put up a bond, what guarantee---Comment by Mr. Harden at the Public Hearing on February 17, 2004. (transcript page 75, line 19)

Response J28:

The Town of East Fishkill has, in the past, with the aid of the Town Attorney, obtained guarantees from developers to ensure the proper operation of the sewage treatment plants. These guarantees are in the form of performance bonds and offers of cession the developer offers to the Town Board to guarantee proper operation and maintenance of the sewage collection and treatment system.

The Dutchess County Water and Wastewater Authority has in the past assimilated water and sewage treatment systems for developers who do not wish to continue to operate them.

Comment J29:

Commentor States: There is one other thing. Somebody mentioned about a creek. Is there going to be any discharge into that creek from the sewage plant? Comment by Mr. Finuoli at the Public Hearing on February 17, 2004. (transcript page 81, line 2)

Response J29:

The proposed sewage treatment plant is proposed to discharge to the Van Anden Kill . The Van Anden Kill is considered a Class “C” sub-trib of the Fishkill Creek. The identifier is H-95-13-2.

Mr. Thomas Rudolph, PE of the New York State Department of Environmental Conservation has approved the location of the sewage treatment plant effluent in this location. Mr. Rudolph has established the draft SPDES effluent limits to be as follows:

<i>BOD₅</i>	<i>=</i>	<i>5.0 mg/l</i>	
<i>SS</i>	<i>=</i>	<i>10.0 mg/l</i>	
<i>DO</i>	<i>>=</i>	<i>7.0 mg/l</i>	
<i>NH₃</i>	<i>=</i>	<i>1.5 mg/l</i>	<i>(June – October)</i>
<i>NH₃</i>	<i>=</i>	<i>2.2 mg/l</i>	<i>(November – May)</i>
<i>TRC</i>	<i>=</i>	<i>0.1 mg/l</i>	<i>(If chlorine is used for disinfection)</i>
<i>Settable Solids</i>	<i><</i>	<i>0.1 mg/l</i>	

These are the limits the NYSDEC determined would have the least impact to the existing stream.

Comment J30:

Commentor Asks: What is that discharge going to be? Comment by Mr. Finuoli at the Public Hearing on February 17, 2004. (transcript page 81, line 9)

Response J30:

The discharge into the Van Anden Kill from the proposed sewage treatment plant will be treated effluent meeting the standards imposed by the NYSDEC in the draft SPDES permit.

K. Visual Resources

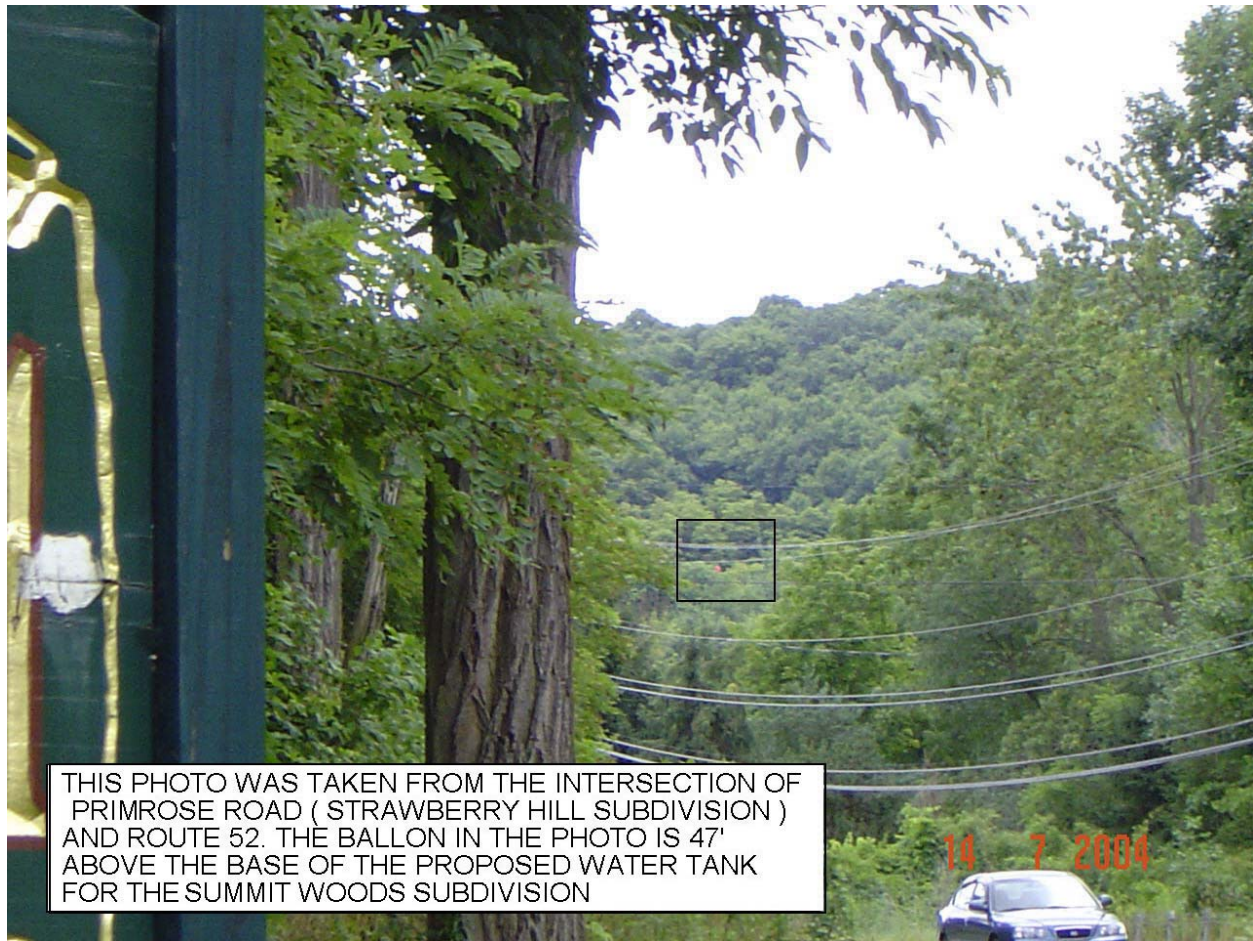
Comment K1:

Commentor States: Mr. Koch would like to see photos of the proposed water storage tank on the hill for visual impact from NYS Route 52. Comment made by Mr. Koch at the May 18, 2004, Public Hearing. (Minutes of May 18, 2004, Public Hearing page 16, line 13)

Response K1:

Digital pictures were taken at the site at various points both on the site and off the site. This picture is the only picture where the balloon could be seen. The balloon is measured at 47’ off the ground. The proposed tank shall be 28’ high.

The project sponsor is proposing to wind the service road up to the tank to avoid a full view of the tank from anywhere on the site.



Comment K2:

Resolution Item #5: Visual Impact Analysis of the Water Tank: fly a bright balloon at 28' and photograph.

Response K2:

See the response to Comment K1.

L. Air Resources

There were no Air Resources Comments. For odor control comments concerning the sewage treatment plant, please refer to Section J entitled "Utilities".

M. Miscellaneous Topics

Comment M1:

Comment States: My name is Myra Hartofilis. And I live on --- I live right here, right off Collarbark Road and Fox Hollow, which I can assure you is private, as we have discussed earlier, because I push the snow off it. What concerns me, and it's all been noted before, as far as the wetlands and the nature. I think that's what I would most like to address. We say East Fishkill, a great place to live. And my comment today and everybody's got their studies, their barometers and meters and everything else, but the reason I love my place of residence is because it's quiet area and it's beautiful and I enjoy being there. And my kids could run around and my neighbor's kids run around. And what this is showing me is that --- oh, and I use 52 all the time. I come off the Taconic because there is no back access to 52 at all, I have to come around Collarbark Road, get on Hosner Mountain, get onto the Taconic or across the Taconic to get onto 52 and I cannot tell you how often it's frustrating because the cars there are so many cars on 52 in the first place. And you can't make a left because there is --- I mean there have been cars backed up to the Taconic trying to get off at that entrance. And of we have 175 homes coming, which I'm sure a lot of people would love to live in this area, which I think is a wonderful area, but I think we are going to have a problem if we continue to approve these types of --- these huge developments.

And for me, my heart aches for the whole impact. It's hard to gauge if there is no meter to measure the --- you know, when you look out and the trees have come down. I'm pleading on that behalf more than on --- other things as well, but on that behalf. These are the reason you smile in the morning, right. But not because you are sitting in traffic on 52. Or, you know, your water table is being affected.

I have wetlands behind my property. Most of my property is wetlands. And there is higher elevation, what we are looking at here, and I come down on Hosner Mountain. So everything behind is much higher. So whatever occurs up there trickles down because there is gravity. Again, I am not an engineer, but I think I --- as a resident, I am concerned that there is a stopping point or where do we, you know, draw a line between, you know, this wonderful expansion and how its affecting us. That's all I have to say. Comment made by Ms. Hartofilis at the February 17, 2004, Public Hearing. (transcript page 64, line 21)

Response M1:

The project has been designed in such a way to minimize many of the concerns that the Commentor discusses. The project will develop only 39% of the 329.84 acres while leaving the other 61% of the project open.

The traffic impacts will generate minor impacts considering the background growth for the proposed build-out year of 2008.

Comment M2:

Commentor States: I am concerned with a new development of this magnitude. In developing this land it will disturb the existing wildlife in that area which will be forced to move closer to the existing residences. This wildlife consists of deer that carry ticks and diseases and are destructive to property and coyotes. This will increase a health and safety risk to the families and children in the surrounding areas of the proposed new development referred to as Summit Woods. Comment by Katie Galloway in a letter dated February 26, 2004.

Response M2:

This project is providing for approximately 61% of its entire area, or 201.4, acres of open space. This open space, with the exception of the water treatment, sewage treatment and gravity storage tank, will not be disturbed as part of this development and will remain, in perpetuity, forever green. It is the belief of the Applicant that providing this open space will allow ample space for the local wildlife.

See also response M17.

Comment M3:

Commentor States: I am concerned about the overall environmental impact of this development on the adjoining wetlands. Comment by Steve Hartofilis in a letter dated February 28, 2004.

Response M3:

The purpose of the Environmental Impact Statement is to assess the overall environmental impacts which may be anticipated for this development.

Comment M4:

Commentor States: This letter first concerns the intent of placing 175 dwellings into a village setting over crowding every facet of village life as we know it. Making such drastic changes are not bettering our lives in any way. Comment by Alfred and Erika Kaye in a letter dated February 29, 2004.

Response M4:

The belief is that the Commentor is concerned with the issue of “clustering”. The project, although proposed as a cluster subdivision, is configured as conventional subdivision with respect to the size of the proposed lots. The lots range in size between 10,405 square feet to 5.47 acres. It is our opinion that lots of this size do not resemble a “Village Setting” or “over

crowding”. This development will resemble many of the cluster developments currently under construction in the Town of East Fishkill and other towns in the region. A preliminary subdivision plat is included in the plan set included in the appendices of this document.

Comment M5

Commentor States: Why must it impact a small close-knit community like the one that exists on Collarbark Road? Comment by Nickita Negersmith in a letter dated February 23, 2004.

Response M5:

The Commentor is asking about the proposed sewage treatment plant.

The site for the proposed sewage treatment plant has been selected since the Van Anden Kill is most concentrated at this point. The proposed location of the site is also the point where all of the proposed houses could be served.

The site was also selected by the NYSDEC.

The proposed sewage treatment plant cannot be switched with proposed water treatment plant due to the location of both the existing well and the proposed future well locations.

The location of the proposed sewage treatment plant was approved by the NYSDEC with the stipulation that the proposed sewage treatment plant can meet the proposed effluent parameters listed in the Draft SPDES permit (See Appendix “C” of the DEIS).

Comment M6:

Commentor States: Our house is situated at the base of Mount Storm [Stormville Mountain]-directly next to the entrance / exit of proposed Summit Woods. The house is a historical site known as the Kaye House (a stage coach stop, built in 1779, in post & beam construction, so being vulnerable to movement). We want the house preserved and any proposed driveway running parallel to the property limits far enough away so not to potentially do damage. Comment by Alfred and Erika Kaye in a letter dated February 29, 2004.

Response M6:

Mr. Peter Shaver of the O.P.R.H.P. was contacted in order to determine the status of the Kaye House with respect to the National Register and the State Register. At this point, there was no record of this property being in the Federal or State inventory. This doesn’t mean that the premises is not eligible it just means that the premises or the structure has not been included in the register as of yet.

The proposed southern entrance was originally shown closer to the Kaye House. The roadway was moved during the preparation of the DEIS to provide a buffer from the proposed Summit

Woods development. The proposed entrance is currently shown approximately 190' away from the Kaye House. Furthermore, the storage tank site has been proposed behind the Kaye House in order to provide a buffer from the proposed residential development. This will provide a minimum of a 60 feet wooded buffer around the property.

Comment M7:

Commentor States: My mother Teresa M. Burns owns property at the end of Gung-Ho Road, she has paid taxes on 20 acres of land since 1970, she has had this land for sale for years now and can't sell it because most of it is declared "wet lands". She is a 70-year-old woman and every time someone intends to purchase it, the planning board puts a nix on it for some reason or another. I find it so hard to believe that the town is so willing to help out major developers ruin a beautiful community yet no one will do anything to help my mother who has been a tax payer for 34 years. Comment by Claudia A. Mahon in a letter dated February 3, 2004.

Response M8:

Comment noted.

Comment M9:

Commentor States: What is it going to take for the Planning Board to say "No" to all the development which has drastically altered the once "nice place to live" environment of our Town? Comment made by Mr. Hartofilis in a letter dated February 28, 2004.

Response M9:

Comment noted.

Comment M10:

Commentor States: If our forefathers had the foresight to see, as some of us did, what a difference it would have made. In the 30's when the government formed the CCC putting people to work, construction of municipal water/sewage could have been provided by the federal government at no cost, but the local communities turned it down. I believe that Tivoli, N.Y. was the only village to take advantage of this offer. At this point in time everybody wants and needs water/sewage, Incl. East Fishkill.

Second chance, in the late 50's – early 60's the Army Corps of Engineers wanted to bring water from Catskills to New York City on the east side of the Hudson River...all cities, towns and village would have been able to hook into this line. This was turned down again...another lost opportunity.

Other examples of poor planning for the future:

Deepening/widening the Hudson River Channel making Albany a world-class seaport. Kin[g]ston-Rhinecliff Bridge built in 1963 Federal Road to Hartford, Conn. never built. All these were turned down by special interest groups

We're fortunate here in the Town of East Fishkill because you are the power to be, We can learn from our mistakes made by the cities, towns and villages whom had no vision of the future. The decisions made today will affect numerous generations to come.

Comment made by Mr. Harden Jr. and Mr. Harden, Sr. in a letter dated March 2, 2004.

Response M10:

Comment noted.

Comment M11:

Commentor States: Page 31 of Volume I states, "Provision of street trees within the subdivision inside of the street right-of-way that will be spaced approximately 50 feet on center as sight distance and driveway obstruction allows." We consistently recommend street trees no more than 20 to 30 feet apart. Closer spacing of the street trees would provide a more traffic-slowing, tree-lined streetscape. Comment made by Lindsay Carille from the Dutchess County Department of Planning and Zoning in a letter dated January 8, 2004.

Response M11:

It has been the practice of the Town of East Fishkill (specifically recommended by the late Mr. Edmund Newhard, RLA) to space street trees between 50' and 75' depending on the species. This has been a practice in the Town for many years. It is our belief that street trees that are too close together, as suggested by Ms. Carille, will create sight distance problems as well as tunnel effect in the roadway. The applicant is proposing to use trees natural to the site having crowns of more than 60'. These trees will require room to fully develop. Thirty foot spacing will not allow for full development of the tree.

Comment M12:

Commentor States: Page 54 of Volume I states, "Summit Woods will conserve 177.60 acres of the 325-acre property as open space via a non-disturbance easement for the passive enjoyment of all of the residents in Summit Woods." The proposed site plan shows that access to the open space is provided through easements between designated lots, but the easements appear to provide access directly into the wetland area. In order to provide residents the ability to enjoy the open space the applicant may want to consider providing a trail, preferably within the 100 foot buffer area around the wetland. A designated trail may require further easements, and possible lot adjustments, but it would allow passive resident use of the environmentally sensitive

areas. Comment made by Lindsay Carille from the Dutchess County Department of Planning and Zoning in a letter dated January 8, 2004.

Response M12:

The two access easements referenced by the Commentor are useful for residents who choose to utilize the wetland area for walking trails. The Applicant does not wish to establish formal trails through the wetland or the buffer area. It is the Applicant's intent to discourage removal of the existing vegetation in the open space. Persons who choose to utilize the open space can freely walk through the open space area without an established trail. Furthermore, the Applicant wants to avoid the open space being used by motorized recreational vehicles. Providing a trail will promote, in his experience, motorized vehicles.

Two new access easements have been placed on the plans that will allow the residents to access the open space on the south side of the project. A 30'-wide open space access easement has been added between lots 38 and 39. This easement corresponds with the utility crossing over the wetland area. This easement will allow access to the open space near the sewage and water facilities. The service roadway for the water and sewage facilities will serve as a walking trail through the open space.

Other walking trails can be established within the open space area since the vegetation is not thick or overgrown. It is the intent of the Applicant to discourage removal of the existing vegetation in the open space area. The Applicant wishes to discourage the use of motorized recreational vehicles in the open space area.

Comment M13:

Commentor Asks: I want to ask how soon this is being proposed on being done? Comment made by Ms. Hartofilis at the February 17, 2004, Public Hearing. (transcript page 70, line 8)

Response M13:

The Commentor is asking the Board how long will the approval and construction process take.

Ms. Drummond responded to the comment by stating that the "...they are not anywhere near any kind of approvals."

Construction of the project would take approximately four years to build-out depending on the local housing market .

Comment M14:

Commentor Asks: Is there an HOA here? Comment made by Ms. Drummond at the February 17, 2004, Public Hearing. (transcript page 76, line 3)

Response M14:

The Commentor is questioning how the water and sewage companies will be owned.

The Applicant will request permission from the Town of East Fishkill Town Board to establish a water and sewage transportation corporation to operate the water and sewage facilities. This will be established along with an HOA to permanently preserve the open space. Since water and sewage service shall be used to service private properties, a transportation corporation will be required for the water and sewage facilities. An HOA can only be used for the operation of water and sewer facilities when the units being served are on the same piece of property (i.e. apartments, town homes, condominiums, mobile home parks, etc.).

Also, see the response for comment M17.

Comment M15:

Commentor States: Mr. Finouli questioned if there was testing done on Route 52 side and where he could find a copy of the DEIS for review. Comment made by Mr. Finouli at the May 18, 2004, Public Hearing. (transcript page 19, line 4)

Response M15:

Testing was done on six wells on NYS Route 52. Results of the testing can be found in Appendix "D" of the DEIS. A copy of the DEIS can be found in the Town of East Fishkill Public Library.

Comment M16:

Commentor Asks: Commentor asks what the water and sewer treatment plant would look like? Comment made by Mr. Koch at the May 18, 2004, Public Hearing. (transcript page 19, line 9)

Response M16:

The buildings for the water and sewage facility shall be architecturally pleasing buildings which will blend into the rural setting of the Summit Woods project. The buildings will have to be reviewed and approved by the Town of East Fishkill Planning Board.

Comment M17:

Resolution Item #1: Ownership of Open Space: The FEIS proposes that the Sewer Company or Water Company own the open space in the cluster subdivision. Applicant should more fully discuss the manner in which this ownership would serve the needs of the residents of subdivision, including discussion of potential owners of a conservation easement, and meet the required standards of Town Law 278 and applicable case law, to support a finding by the Planning Board and Town Board accepting this form of ownership under Town Code section 163-33 (F). Alternatives, such as the formation of an HOA, and inclusion of a conservation easement, should be discussed.

Response M17:

It is the intent of the Applicant to preserve the open space in perpetuity. The Applicant proposes a cluster subdivision. In accordance with Article IX of the Subdivision Regulations of the Town of East Fishkill, at least 30% of the gross acreage of the subdivision shall be composed of land which is preserved as open space. This project will provide approximately 61% of its total area to open space. The open space land is to be permanently preserved as open space from future development or future use as part of a yard of any individual lot.

In order to effectuate the preservation of open space, the land designated as open space will be owned by a homeowners association (HOA) with a conservation easement. The Applicant will offer a conservation easement to a qualified, not-for-profit corporation eligible to hold a conservation easement. If no such not-for-profit corporation is available to accept the easement, the Applicant will offer the easement to the Town of East Fishkill. The conservation easement will require the open space land to be permanently designated for use only as open space and will not be allowed to be used for future development or future use as part of a yard of any individual lot.

Comment M18:

Resolution Item #4: Full set of plans: A new set of plans should be submitted with the FEIS, illustrating all changes proposed in the FEIS, in a form consistent with the text.

Response M18:

A full set of drawings is being submitted with this document. They can be found in the rear pocket of the document cover.

Comment M19:

Resolution Item #6: Research: the potential re-mapping of DEC wetlands and the impact. [**Discussion:** Mr. Staudohar stated that there is a wetland re-mapping being done by the DEC and some wetlands are being connected with others. He said they are now being connected hydrologically and there may be an impact on this project.]

Response M19:

In May of 2005, the NYSDEC revisited the site with Mr. Michael Nowicki to determine if there were any additional NYSDEC regulated freshwater wetland on the project site. It was concluded that there was an additional 6.98 acres of wetland near the northwest boundary of the property. The additional wetland prompted changes to the project design in the form of relocating the roadways, lots and stormwater basins to mitigate impacts to the newly mapped wetlands.

A new conventional lot layout was prepared for the project site to demonstrate that the newly mapped wetland does not reduce the lot count from the original 175 lots proposed for the site. This revised lot layout is included in the appendices of this document.

In May of 2005, the NYSDEC updated the wetland flagging on the site to include an additional 6.98 acres of land on the northwest side of the project. Therefore, the area of buildable area shall be reduced by approximately 3.5 acres.

The revised buildable area calculations are as follows:

R-1 Zoning:

Total area in R-1 Zone:	257.65 acres
Area of Floodway:	0.0 acres
Area of Floodplain:	0.0 acres (Part of Wetland)
Area of Steep Slopes:	4.64 acres (50% of 9.28 acres)
Water Bodies:	0.24 acres
Wetlands:	38.59 acres (50% of 77.18)
Balance of Land	214.18 acres
- 10% of land for infrastructure	21.42 acres
Balance of Buildable Land	192.76 acres
 Theoretical Lot Count:	 192 lots

R-2 Zoning:

Total area in R-2 Zone:	72.19 acres
Area of Floodway:	0.0 acres
Area of Floodplain:	0.0 acres (Part of Wetland)
Area of Steep Slopes:	12.74 acres (50% of 25.47 acres)
Water Bodies:	0.0 acres
Wetlands:	1.03 acres (50% of 2.06 acres)
Balance of Land	58.42 acres

- 10% of land for Infrastructure	5.84 acres
Balance of Buildable Land	52.58 acres

Theoretical Lot Count: 52 lots

Using this methodology, the theoretical lot count can be estimated at 244 lots.

The project will require the construction of two stream/wetland crossings near the northwest boundary of the property. These crossings will be constructed to minimize impacts on the newly mapped wetlands.

Comment M20:

Commentor States: "...the FEIS and the site and subdivision plans should clarify the intent for use and development of the additional parcel acquired on Collarbark Road. For example

- i. Is there an existing house, and will it remain? If it will remain, will it have its own well and SDS? If a new house will be built, will it have its own well and SDS?
- ii. A r-o-w dedication should be made along the Collarbark frontage.
- iii. The access road should be shown as part of the sewage treatment plant (STP) site plan. If the lot will be a building lot, then it appears an easement for the access road will be required, or a lot line realignment to make a road part of the STP parcel could be shown. In any event, the lot should not be left as an "orphan lot". Comment made by the office of the Town Engineer in a letter dated May 17, 2004.

Response M20:

The parcel on Collarbark is an undeveloped parcel of land. It is the intent of the Applicant to combine this parcel with the rest of the open space of the Summit Woods project. This lot will remain undeveloped with the exception of the proposed service road which will serve the water and sewage treatment plants.

A right-of-way dedication is being offered to the Town of East Fishkill along Collarbark Road.

The access road has been shown on the sewage treatment plant site plan.

Comment M21:

Commentor States: "...The following general comments should be considered when the plans are prepared:

- The lot 6/7 boundary should be shown.
- Add the notes that the developer will remove all existing farmhouse, barn and outbuildings, fences, etc. and when.

- All utility and drainage pipes should not run under a lotline, but should be offset a minimum of 10' to one side. The utility or drainage easement can remain centered on the lot line.
- Drainage pipes should be shown for all drainage basins in the back of properties to assure that maintenance equipment can reach the pond and remove sediment or otherwise as required by the stormwater management plan.” Comment made by the office of the Town Engineer in a letter dated May 17, 2004.

Response M21:

The lot configuration has changed so as to make the comment about the lot line between lots 6 and 7 moot.

A note was added to sheet SP-1 stating that the developer will remove the existing buildings, barns, fences, etc., prior to signing of the subdivision plat.

The plans have been revised to show all utility pipes have been relocated so that they are no longer under common lot lines.

The revised plans have been revised to show all drainage pipes extending to the stormwater basins.

The revised plans have been revised to show an access roadway to each stormwater basin to be used for periodic maintenance. The layout has been revised so that many of the basins are adjacent to the proposed roadway. No access roadways will be necessary for these lots since they can be accessed from the proposed roadways.

Comment M22: The letter written by Ms. Harlan Sexton, from Buckhurst, Fish and Jaquemart, Planners for the Town of East Fishkill, dated June 21, 2004.

Response M22:

All comments outlined in the Ms. Sexton's letter have been addressed in this FEIS.

Comment M23: The letter written by Mr. Peter Hobday, Morris Associates, Engineering Consultants for the Town of East Fishkill, dated January 13, 2005.

Response M23:

All comments critical to the acceptance of the FEIS outlined in the Mr. Hobday's letter have been addressed in this FEIS.

Comment M24: The letter written by Ms. Harlan Sexton, from Buckhurst, Fish and Jaquemart, Planners for the Town of East Fishkill, dated November 3, 2004.

Response M24:

All comments outlined in the Ms. Sexton's letter have been addressed in this FEIS.