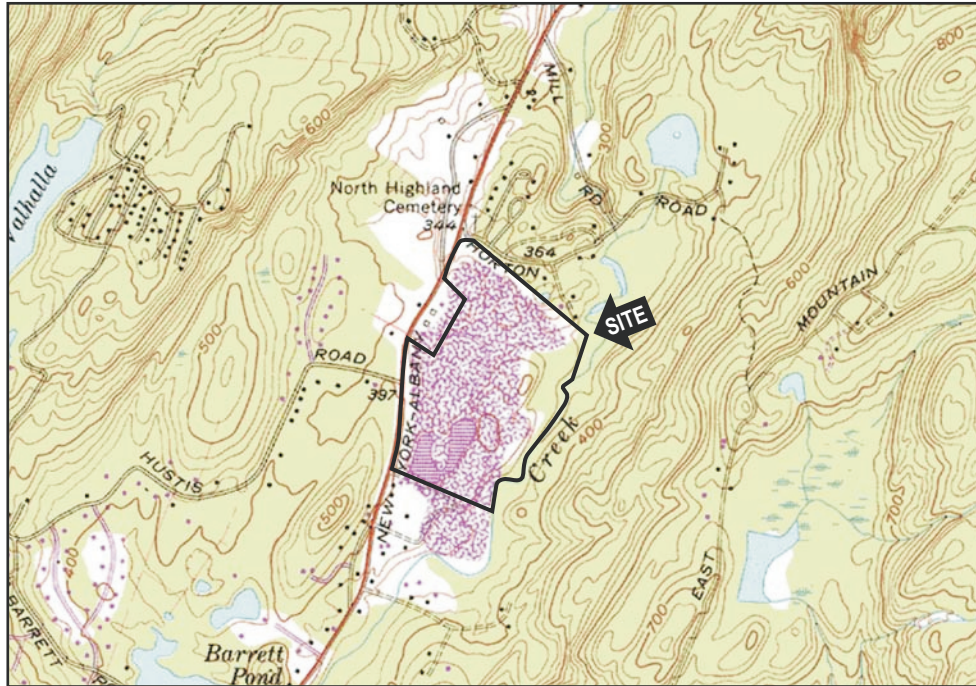


FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT



QUARRY POND PLANNED DEVELOPMENT DISTRICT

US ROUTE 9 AND HORTON ROAD
Town of Philipstown, Putnam County, New York

Prepared by:
Tim Miller Associates, Inc.

Project Sponsor and Lead Agency:
Town of Philipstown Town Board

September 8, 2005

**QUARRY POND PLANNED DEVELOPMENT DISTRICT
FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT**

US Route 9 at Horton Road
TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK
Tax Map Numbers:
Section 16, Block 1, Parcel 38

Project Sponsor and Lead Agency: Town of Philipstown Town Board
Philipstown Town Hall
238 Main Street
Cold Spring, New York 10516
(845) 265-3329
Attn: William Mazzuca, Town Supervisor

PLANNING CONSULTANT
Tim Miller Associates, Inc.
10 North Street
Cold Spring, New York 10516
Attn: Tim Miller, AICP
(845) 265-4400

Lead Agency Acceptance Date: September 8, 2005

September 8, 2005
Last submitted June 14, 2005

QUARRY POND PLANNED DEVELOPMENT DISTRICT
Final Generic Environmental Impact Statement
Town of Philipstown, Putnam County, NY

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1.0 INTRODUCTION

This document is a Final Environmental Impact Statement (FEIS) prepared in conformance with the requirements of the New York State Environmental Quality Review Act (SEQR). This FEIS responds to comments raised by the public in response to a Draft General Environmental Impact Statement (DGEIS or DEIS) which was prepared for the Quarry Pond Planned Development District. The lead agency for this action is the Town of Philipstown Town Board. The lead agency is responsible for the adequacy and accuracy of the FGEIS.

A DGEIS was prepared in response to a Positive Declaration adopted by the Town of Philipstown Town Board and scoping outline prepared after a public hearing and adopted on December 4, 2003. The property and project proposal are referred to as the Quarry Pond Planned Development District, located on tax map designation Section 3, Block 1, Lot 59.21.

The DGEIS, dated November, 2004, was reviewed by the lead agency for adequacy with respect to its scope and content for the purpose of public review, and was accepted for circulation by the lead agency on December 4, 2004. A public hearing on the DGEIS was held on January 26, 2005, and was closed on the same date. Public comment were received until February 26, 2005.

This FGEIS incorporates by reference the accepted DGEIS prepared for this application. This FGEIS responds to relevant and substantive comments received by the lead agency during the DGEIS public review period, including comments received at the Public Hearing. Written comments and the transcript from the public hearing are contained in Appendix A.

The FGEIS is arranged with summaries of the comments and followed by a response to that comment. The format is as follows:

Comment #: Comment Summary

Response #: *Response*

The public comments on the DGEIS primarily related to land use, water supply, septic system, surface water and groundwater quality, traffic and alternatives. The comments were organized according to topic and are addressed in the following chapters.

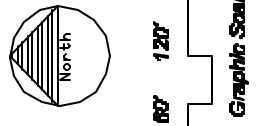
The current concept plan for the site follows this page.



- Legend**
- Existing tree line
 - Existing tree
 - Major Deciduous trees
 - Minor Deciduous trees
 - Coniferous trees

Notes:

1. Base survey data by Putnam Engineering and Landscape Architects & Graham, Inc. No representation nor warranty is expressed or implied as to accuracy of same.
2. Layout of schematic cluster development is for illustrative purposes only, and is subject to review and conditions of approval to be established by the municipality.
3. Location and extents of certain environmental and development constraints remain to be determined.



Stephen Lopez
Landscape Architect

Tim Miller Associates, Inc.
10 North Street, Cold Spring, NY 10516
(914) 265-4400, Fax: 265-4418

Conceptual Design
for development of
Route 9 & Horton Road
Town of Philipstown, Putnam County, NY
February 2004
Plan: 0.01, 0.02, 11-03, 10-01, 01-04, 0-04, 1-01

Sheet
CD-1

2.0 PROJECT DESCRIPTION COMMENTS AND RESPONSES

Comment 2-1 (Letter #11: Christopher Davis, Hudson Highlands Land Trust, February 25, 2005): What precisely will be the respective rights and obligations of the condominium association and the Town with respect to the proposed town park, the site for the project's septic system?

***Response 2-1:** Because the Town Board is entertaining a zoning action, not a site plan approval, the details of the rights and obligations of a condominium association have not been fully worked out. It is anticipated however, that the obligation of the condominium association would include the maintenance of the septic system and the water supply system, and any costs associated therewith. In that regard, it is anticipated that should the Town take ownership of the second half of the site, an access and maintenance easement would be provided to the condominium association granting them the right to carry out such maintenance.*

The condominium association will be required to make sure that the septic system is in good working order and correct any deficiency as may be identified by the Town, Putnam County Health Department, or any other involved party.

Comment 2-2 (Letter #3: Philip Vartanian, February 4, 2005): How many senior citizens are going to spend \$400,000 to live so far away from necessities such as food stores, clothing stores, etc.?

***Response 2-2:** A market survey was provided in the Draft Environmental Impact Statement. The demographic study shows that approximately 3,200 residents in the Town of Philipstown will be age qualified to live in the age 55 or older housing development, almost 32 percent of the Town of Philipstown population.*

Based on census information and income levels and other demographic information provided in a Senior Life Report commission from Claritas, a demographic consulting firm, approximately 600 - 700 age qualified householders residing in the Town of Philipstown would be income eligible to purchase a housing unit at the Quarry Pond site. That number increases to nearly 8,000 householders if one considers the population of Putnam County, and even more when Westchester and Dutchess residents are taken into account.

Comment 2-3 (Letter #4: Ellin and Milton Feld, February 4, 2005): Seniors who may eventually not be able to drive need to be housed in an area close to shopping, transportation, and recreation.

***Response 2-3:** It would be expected that a project of this nature would be marketed to active adults. As seniors become older and unable to drive, generally their housing choices change. This would be no different than someone aging in their home on any of the dirt roads of the Town of Philipstown. Eventually they would need to tend to their housing needs in a manner that may be different than their current choice to accommodate any limitations due to age and health.*

Comment 2-4 (Letter #4: Ellin and Milton Feld, February 4, 2005): Age-restricted housing invites the possibility of an eventual arrival of children as residents in the development.

Response 2-4: *The Town Board commissioned a legal opinion from the law firm of Drake, Sommers, Loeb, Tarshis, Catania and Liberth, PLLC. That letter was provided in the Draft GEIS and clearly indicates the rights of the Town to mandate age restrictions and enforce them.*

The Town may also require restrictions in the deeds, which could further control age eligibility. These restrictions could be enforced by the Town or any other entity named in the deed, such as the condominium association or the individual condo owners.

Comment 2-5 (Letter #6: Andrew Chmar, February 8, 2005): The age restrictions calling for the occupants of the 84 age-restricted units must be ironclad and enforced if it is to work in perpetuity. The effects of children living in these houses impact the net revenue to the Town and potential water/sewage flow exceeding the planned capacity. Deed restriction may not prevent someone under 55 years of age from living there. Is the Town going to enforce this? The DGEIS should affirm that the homeowners association will enforce the age restrictions. The Town must be prepared to bring civil action against the homeowners association if it fails in this regard.

Response 2-5: *See response to 2-4. This EIS can not make guarantees that commit future parties. However, the Town has already stated its intentions to restrict residents to age 55 or older, which will be part of any local law adopted for this site, and addressed in deed restrictions and Condominium Association by-laws. This provides ample tools to assure and enforce the implementation of age restrictions. Beyond this, there is rarely an "ironclad" guarantee of future conditions. For the most part, discussions with owners and managers of senior housing suggest that school age children residing in senior projects is quite rare.*

Comment 2-6 (Letter #11: Christopher Davis, Hudson Highlands Land Trust, February 25, 2005): What specific legally enforceable measures would be employed to ensure that the "senior" units would never be occupied by anyone other than seniors? Will they work?

Response 2-6: *See response to 2-4 and 2-5.*

Comment 2-7 (Letter #12: Susan Bates, February 25, 2005): What is the reality of successfully enforcing age-restriction? Proponents of course guarantee that no child will live in the project. It is important to address the real possibility that either through loopholes, lack of enforcement, or failure of the marketplace to sell all the units, that school-aged children may live in the age-restricted units. The analysis should also include what happens to the cost/revenue equation if that happens.

Response 2-7: *See response to 2-4. The Town is confident that the age restrictions for the Quarry Pond site will be enforceable and will be adhered to. First of all, any children in the development will be clearly apparent to all of the residents who will likely wish to see the Deed restrictions enforced and take immediate action. Secondly, the Town will be a party to any Deed restrictions. Thirdly, school age children in the units will be a violation of the proposed zoning for the subject site and subject to potential court action and remediation. However, it is noted that there are circumstances where a school age child could reside at a senior project. For instance, there have been times either through legal action or death of a parent or parents, that grandparents assume custody of a*

child. In that instance, those charged with enforcing the deed restrictions may choose to take action or not take action depending upon the circumstances at the time.

Obviously, if a school age child resides in the subject site and the matter is not addressed, there will be a cost associated with educating the child at whatever applicable values education costs are at the time. Costs to the district and net revenues would depend on whether the child already lived in the Haldane school district.

Comment 2-8 (Letter #7: Helen Grimm, February 9, 2005): Concern: the concept which appears to focus on "high end" residents among the elderly. It seems to be a leisure community for the affluent "old folks." With rising taxes and health expenses, many locals (some from several generations here) find it increasingly difficult to make ends meet. Affordable housing for the elderly is very important, especially with baby boomers coming into the picture.

Response 2-8: *The Town Board believes that the Quarry Pond project will be affordable particularly when compared to the primary housing alternative available in Philipstown, which is the single family home. There are very few single family homes in the Town, outside the Villages that can be purchased for \$400,000 or less. Moreover, an attractive feature to condominium ownership is the care and maintenance of the exterior of the properties which seniors may find desirable.*

Comment 2-9 (Letter #10: Eleanor Ruby, February 17, 2005): My feeling is that we have neither the muscle, the commitment, the staff, or the money to ensure the enforcement of the laws and rules governing this proposed development in perpetuity. Setbacks seem to be enforced with regularity, but land use frequently obtains a variance. Further flexibility is also considered to prevent lawsuits.

Response 2-9: *Comment noted. The town employs staff responsible for assuring compliance with the Town codes. As per discussions with the Town's Zoning Board attorney, use variances in the Town of Philipstown are actually quite rare.*

Comment 2-10 (Letter #10: Eleanor Ruby, February 17, 2005): How are you defining "affordable housing", since new building materials and labor costs have escalated to a degree that ownership of these dwellings will require subsidies? And who will pay for this? Affordable housing for seniors as suggested by Susan Bates in her letter to you, can be scattered throughout the area in completed housing.

Response 2-10: *The proposed Planned Development District law requires that the site plan applicant submit a proposal to the Town Board, that includes a proposal for administration of the affordable units, the proposed sale or rental prices of the affordable units, the income eligibility relative to median income standards in Putnam County, the maximum appreciation on the sale of the affordable units, and the term under which the units shall remain affordable. This plan must be approved by the Town Board prior to approval of the site plan by the Planning Board chairman. It is not anticipated that the affordable units will require subsidies.*

Affordable housing for seniors scattered throughout the Town in existing housing is certainly an option that remains available to the Town. The Quarry Pond project will not restrict that possibility in any way.

Comment 2-11 (Letter #10: Eleanor Ruby, February 17, 2005): To allow the economic interest of the owners under the cover of affordable housing for seniors, to trump the safety, visual, moral, social and physical comfort level of our road and the Town residents is unconscionable.

Response 2-11: The Town Board has pursued this Planned Development District in large part to remedy ongoing conditions on the subject site that have consistently and continually compromised the comfort of people living in the area. The Planned Development District will result in the elimination of mining on the subject site. It will also eliminate the use of all terrain vehicles (ATV's) which clearly have impacted the comfort levels of residents in the area. It will also provide for a substantial piece of open space with passive recreation in the North Highland area, a land use function that presently does not exist in the northern part of Philipstown.

The Town Board is committed to maintaining land use compatibility in the area, as indicated in the DGEIS. It does not appear as though there will be visual impacts as a result of the subject project that will be of an adverse nature. The setbacks and screening required by the proposed Planned Development District law should minimize such impacts.

Comment 2-12 (Letter #11: Christopher Davis, Hudson Highlands Land Trust, February 25, 2005): We have reservations about the proposal to replace the (mining) with 94 residential units. We are concerned about the scale of the proposed project, given the environmental sensitivity of the site.

Response 2-12: It is unclear to the Town Board what the environmental sensitivity of the site is. Detailed investigations of the property reveal it to be a heavily excavated piece of land with low biodiversity values, excepting the Clove Creek corridor which will not be affected by development. This piece of property has probably been more disturbed than any piece of land in the Town of Philipstown. Labeling it as environmentally sensitive may be a misnomer.

The proposed Planned Development District law provides for deep and substantial setbacks from the Clove Creek riparian corridor which has been acknowledged to be a resource of importance to the Town and to the region. This deep setback should provide substantial protection to Clove Creek. Well tests suggest that there is ample water on the subject site, and the taking of water and the returning of said water to the land should not adversely impact water supplies in the area.

The scale of the project, in fact, is probably considerably less than that which can be developed under the industrial zoning designation of the site.

Comment 2-13 (Letter #11: Christopher Davis, Hudson Highlands Land Trust, February 25, 2005): It has not been demonstrated that the Town needs any non-affordable "senior" housing. While there may be a market for such housing (principally among people who are not currently residents of the Town), the existence of a market does not mean there is a need.

Response 2-13: *The Town Board believes that a balanced land use plan should accommodate a variety of housing needs in the community. This is consistent with the goals and policies of the Draft Comprehensive plan.*

At the present time, the Town of Philipstown has very little in the way of multi-family housing and there has been little action taken to respond to the changing demographics in our Town.

It has not been demonstrated that the Town needs more single family housing, industrial development or retail development. That does not mean that the uses are not going be pursued within the community. Land use decisions follow market demand and an associated motive for real estate profits. There is a clear trend in the region to build senior housing, as market demand and demographics seem to support such housing.

New single family housing being built in the Town appears to be principally for people who are not currently residents of the Town. The Town Board does not believe that this means that new single family housing should not be permitted.

Fact based demographic studies indicate that the Town of Philipstown's population is aging. Senior housing for the subject site is a far more attractive alternative than continued long-term soil mining or a large scale industrial use.

The Town Board believes that approaching the site in this fashion (the Planned Development District) is proactive and has substantial potential benefits to the Town compared to other options.

Comment 2-14 (Letter #12: Susan Bates, February 25, 2005): The Town should fully consider the methods it wants to implement to insure affordable housing will remain affordable.

Response 2-14: *See response to Comment 2-10.*

Comment 2-15 (Letter #8: Donald Groff, February 15, 2005): Because of the size of the project and vulnerability of groundwater and other resources, the effort may be best served by phased development.

Response 2-15: *It is unclear how phased development would provide protection and/or mitigation of impacts to ground water.*

A properly built and functioning septic system is a long standing measure to treat domestic effluent in the United States and should adequately protect ground water resources. No certificate of occupancy may be given for any unit until the septic system has been built and approved by the Putnam County Department of Health. It is expected that the senior units will not all come onto the market at one time, but rather be absorbed into the market as units are completed over a period of time.

Comment 2-16 (Letter #8: Donald Groff, February 15, 2005): In construction, conservation measures should be installed first (siltation/erosion, roadway paving, drainage, disturbance areas and setbacks defined, etc.)

Response 2-16: *Comment noted. It would be the Planning Board's responsibility to review the erosion control plans and the phasing relative to the installation of erosion control and site stabilization measures. The Town Board is presently considering the zoning that would allow the proposed use and various concepts that will assure long term protection of the environment.*

Comment 2-17 (Letter #8: Donald Groff, February 15, 2005): Avoid segmentation. Piecemeal permit of the use of the total parcel should be avoided. The southern half of the site may potentially be conveyed to the Town for future Town use, but it may go to a private use not compatible with the environment or the PDD.

Response 2-17: *Comment noted.*

Comment 2-18 (Letter #8: Donald Groff, February 15, 2005): In construction phase, have a full-time inspector of your choice oversee and report to you and the design engineer any environmental concerns they have. This inspector to be paid for by the developer, and failures, errors or omissions be a responsibility of the builder and/or engineer. The Town may want to have a coordinating team (Planners, Zoners, Developer, etc.) meet monthly with the inspector to review progress/concerns in the construction process.

Response 2-18: *Comment noted. The Planning Board will address the details of site plan review and applicable or appropriate monitoring during construction.*

Comment 2-19 (Susan Bates, Public Hearing, January 26, 2005): I think the PDD would be a perfect application to create a zone that would allow different size lots, different setbacks, depending on whether you were building housing geared towards young families, toward singles, people that want to work at home and studio space, and then up to people that want to sell their larger homes and live in a more multi-generational community. I would encourage the Town to consider this concept to perhaps moving something more along the lines of New Urbanism.

Response 2-19: *The Planned Development District is a tool that can applied in unlimited ways to properties within the Town of Philipstown. The Town believes that given the choices available, the goals of the Town, the goals of the property owner, and the interests of the neighborhood, that the senior housing/affordable housing concept represents an excellent application of the PDD.*

At some point the Town must make a choice amongst the various alternatives available, keeping in mind the various stake holders that are participating in this property.

Comment 2-20 (John Milner, Public Hearing, January 26, 2005): This concept addresses the light issue very well. This is very much buried in the pit and the light will be concentrated in one area. It has the potential for 26 homes to have light beaming from all areas of it.

Response 2-20: *Comment noted.*

Comment 2-21 (John Milner, Public Hearing, January 26, 2005): The biggest problem with any affordable house is the cost of land. If you want an affordable house, the best possible way is the smallest possible plot.

Response 2-21: *Comment noted.*

Comment 2-22 (Kim Conner, Public Hearing, January 26, 2005): This isn't necessarily affordable for a lot of senior residents in Philipstown. It would be nice to have senior housing that wasn't \$400,000 a house, because a lot of seniors in the village cannot afford that.

Response 2-22: *Seniors living in the Village presumably have an affordable housing option already available to them and would not be expected to move out of the Village into a site of this nature. See response to Comment 2-2.*

Comment 2-23 (Todd Miller, Public Hearing, January 26, 2005): What's in it for the owners of the Philipstown Industrial Park? At what point in time do they lose control over the land? Have they decided they want to have a certain number of dollars for cooperating?

Response 2-23: *The owners of the Philipstown Industrial Park presumably wish to secure some level of income from their real estate investment. They have a number of options for doing that, one of which would be the continuation of soil mining. Another would be the development a single family housing project which is allowed by right in the industrial zoning district. The third one would be to sell the site to anybody to pursue whatever land use they may wish to pursue under the industrial zone. The fourth would be to develop the property pursuant to whatever is permitted by the PDD law or sell the property with the Planned Development District zoning in place to an entity that wishes to build out a project consistent with the Planning Development District zoning.*

They would lose control over the land at whatever time the property is sold to another entity. The Town has not had specific discussions with the owners of the property as to the economic aspects of the project.

Comment 2-24 (Susan Bates, Public Hearing, January 26, 2005): We believe this proposed concept for age-restricted housing at Quarry Pond should be modified to housing that is better served in the community -- the housing needs of the community. That is housing that is affordable by our current residents, both young and old, as well as people who serve our community.

Response 2-24: *A portion of the Quarry Pond project will provide for housing that accommodates the needs of the community. Ten of the units will be slated as affordable with the intention to direct the purchases towards those people who work within and serve the community, without the age-restriction.*

The Town Board believes that the senior housing project provides an excellent opportunity to accommodate a segment of the housing market in the Town that is not presently being well served, while minimizing impacts to the school district, on local traffic levels and while providing an excellent tax ratable for the Town and other tax receiving districts.

Comment 2-25 (Susan Bates, Public Hearing, January 26, 2005): The EIS should refer to the proposed development as "age-restricted" not "senior", because a true senior is going to need more services and we should not put them in an isolated area.

Response 2-25: *Comment noted. As discussed earlier it is expected that if people's housing requirements change as their age increases, accommodations will be made by the individual or the family to address those requirements.*

Comment 2-26 (Susan Bates, Public Hearing, January 26, 2005): We would like the Town Board to elaborate in the EIS how the sale of affordable units will be administrated. The EIS states the Town will consider setting up a not-for-profit agency and we'd like more information regarding this.

Response 2-26: *As indicated in the language of the Planned Development District, the administration of the affordable units will be addressed at the time of site plan approval by the Planning Board and will be subject to the review and approval of the Town Board. The details of the administration of the affordable housing does not represent a potential environmental impact in connection with the Planned Development District. There is no need to finalize that now.*

Comment 2-27 (Susan Bates, Public Hearing, January 26, 2005): We would also like more information regarding the lighting standards. Light pollution is becoming more of a concern and we would like the EIS to set forth the standards that will be applied so that we are all assured that the light pollution will be minimized for the immediate neighbors, as well as people that live in Lake Valhalla and for motorists traveling along Route 9 at night.

Response 2-27: *The Town Board is committed to minimizing lighting impacts and will consider a provision in the Planned Development District law that requires a lighting plan that demonstrates that there should be zero foot candles of lighting at the property line of the Quarry Pond project.*

Comment 2-28 (Susan Bates, Public Hearing, January 26, 2005): We do feel there will be an increase in demand for community services, especially emergency services and recreation. There are wonderful goals for recreation that could be had on the property, but it is going to require expenditure by the Town and management and those should be included. Town spending will go up to manage and develop the recreational items. What will be the cost to the Town of establishing the recreational facility?

Response 2-28: *While there will be an increase in expenditures by the Town to manage the public park, it is also anticipated that there will be an increase in revenues from this project and from other tax generating sources in the Town as time goes on. At the present time it is really not possible to evaluate the annual maintenance fees of the future recreation facility. The capital value of the land, however, is not insubstantial. The potential park could represent a substantial gem in the Town's portfolio of open space.*

It is possible that as a condition of future site plan approval, the Planning Board will require the provision of some recreational amenities by the applicant in the southern portion of the property.

3.0 ENVIRONMENTAL CONDITIONS

3.1 GEOLOGY, SOILS AND TOPOGRAPHY COMMENTS AND RESPONSES

Comment 3.1-1 (Letter #8: Donald Groff, February 15, 2005): Depth to Bedrock (contoured) and anatomy of overburden sands and gravels are not included in this DGEIS, and they should be. Numerous test borings and test wells had been dug. The data from these could serve as basis for a 3-D model of the site. Sadly, the architecture of these sand and gravel subsoils is virtually ignored.

***Response 3.1-1:** This issue was not identified as a matter to be explored in the scoping outline adopted by the Town Board and for that reason, it was not detailed in the DGEIS. The anatomy of the overburden sands and gravel's are not particularly important in view of the fact that the wells on the subject site are drilled into fractures in the bedrock. The water demand of the project is relatively low and the yield of the wells are relatively high. The site is constantly being recharged by rainfall and Clove Creek. Preliminary tests indicate little likelihood of interference with adjoining wells. There is no reason to conduct the type of studies suggested by the writer above as SEQRA does not support the pursuit of data for its own sake, but rather to ascertain the likelihood of potential environmental affects.*

Comment 3.1-2 (Letter #8: Donald Groff, February 15, 2005): Of all sediment sizes, sand is the easiest to erode. The PIP has sandy soils and is therefore vulnerable to erosion. The Erosion Factor identifies the coefficient of erosion (K) for each soil type present. The largest K doesn't necessarily identify the soil easiest to erode. Measures of the erosion potential of *tilled* soil are ordinarily calculated using the complex Universal Soil Loss Equation.

***Response 3.1-2:** Comment noted. The site has been a soil mine for many years and there is no record of erosion issues at the site, in spite of year after year of unstabilized soils.*

3.2 WATER RESOURCES COMMENTS AND RESPONSES

Comment 3.2-1 (Letter #2, Richard Wallin, January 28, 2005): I cannot believe that, with all the MS4 requirements regards to Clove Creek leading to the Hudson River, that a large sewer treatment plant would not be required. Protecting the aquifer beneath needs to be addressed in this regard.

Response 3.2-1: A septic system is viewed by the consulting engineer retained by the Town (Bibbo Associates) as being more reliable in terms of protecting Clove Creek and groundwater quality than a sewage treatment plant, which is subject to potential mechanical failure.

In this regard, a septic system of this nature would be similar to that of a single family home, except it will have much larger leach fields. A system of this nature, properly installed in soils with acceptable percolation rates and meeting all health department requirements, would be highly unlikely to adversely affect the Clove Creek or the underlying aquifer.

Comment 3.2-2 (Letter #2, Richard Wallin, January 28, 2005): One probable cause for having such a difference in your water supply (12 gallons versus 80 gallons per minute) was the testing being done following the snow melt and record rains that we had last year. When the drought allows 8 gallons per minute, it won't be enough and the neighboring wells may be drawn from. Both are unacceptable and should be considered.

Response 3.2-2: Based on a ground water exploration program carried out by Leggette, Brashears and Graham, it appears as though the test wells on the subject site have a yield in excess of 88 gallons per minute or approximately 126,000 gallons per day. Even at this rate pumping rate, monitoring of test wells carried out LBG demonstrated no on-site or off-site draw down interference effects.

Generally aquifer yield is stable and not highly dependent upon short term weather conditions.

The yield of the wells is almost five times the maximum daily demand for the senior/affordable housing project.

LBG calculated that during drought conditions, that is a one in thirty year drought, the recharge to the sand and gravel aquifer is estimated at 88,750 gallons per day, more than three times the maximum daily demand. In view of the above data and analysis the likelihood that there will be adverse impacts on neighboring wells, even during a drought, is extremely low.

Comment 3.2-3 (Letter #3: Philip Vartanian, February 4, 2005): The largest aquifer in Philipstown runs through that property. I spoke to an environmental engineer from Cornell University and he said "if the aquifer is fractured by drilling, blasting, or any other means, the water will disperse and there will be no way to rectify the problem." That means thousands of people in Philipstown and Fishkill will be without water.

Response 3.2-3: The Town Board has consulted with several hydrogeologists in connection with the above mentioned quote, (Sergio Smiriglio of SSEC Inc., and Tom

Cusack of LBG). Neither professional is aware of a circumstance where drilling, blasting or any other mechanical mechanism applied to construction projects resulted in the dispersal of water, and/or the emptying out of an aquifer.

Comment 3.2-4 (Letter #3: Philip Vartanian, February 4, 2005): Contamination of the aquifer from sewage chemicals and other toxic materials would effect the safety of the drinking water.

Response 3.2-4: *Indeed, if the aquifer were contaminated under any circumstances it would affect the safety of the drinking water. However, there is no reason why chemicals would be added to sewage effluent or other toxic materials would be added to sewage effluent since this project represents a domestic application, not an industrial application. A properly designed and built septic system would result in clean water entering the underlying substrate and would not adversely affect groundwater quality.*

Comment 3.2-5 (Letter #4: Ellin and Milton Feld, February 4, 2005): Considering the number of units proposed for the Quarry Pond development, the over 200 residents, the water supply for the entire area may be put in jeopardy.

Response 3.2-5: *See Response 3.2-2. The site is underlain by a highly productive aquifer that is continually being recharged by rain and the flow from Clove Creek.*

Comment 3.2-6 (Letter #5: Jeanne Mullin, February 3, 2005): Such a large addition to the population drawing from the limited resources of the aquifer and adding to the waste disposal problem for that area must be considered major drawbacks to this project. The DEIS will surely take these major issues very seriously.

Response 3.2-6: *The density of development in this region is extraordinarily low. Forested lands to the east of Clove Creek are steep and undevelopable and also serve to recharge Clove Creek and the underlying aquifer on the Quarry Pond site. This in part is why the aquifer underlying the site has been demonstrated to be so productive and highly unlikely to be depleted by this project.*

Comment 3.2-7 (Letter #7: Helen Grimm, February 9, 2005): Concern regarding the probable pollution of the aquifer.

Response 3.2-7: *See Response 3.2-5.*

Comment 3.2-8 (Letter #8: Donald Groff, February 15, 2005): I believe it is important to know the architecture of the subsurface, as it may help with design of water systems, help in understanding the local impacts of water withdrawals and aid in the pursuit of spill contaminants or septic effluent.

Response 3.2-8: *Comment noted. See Response to Comment 3.2-1 and Comment 3.2-2.*

Comment 3.2-9 (Letter #10: Eleanor Ruby, February 17, 2005): An aquatic engineer was hired who attested that our wells on Horton Road and the aquifer on Quarry Pond will not be affected by the ninety-four home usage; I have been informed however, by reputable well-diggers in Garrison that they have disputed this.

Response 3.2-9: *Comment noted. Without a technical or scientific basis for disputing the aquifer tests carried out to date, the Town Board is not in a position to respond.*

Comment 3.2-10 (Michael Gibbons, Public Hearing, January 26, 2005): Leggette, Brashears Graham, Inc., an engineering group, did the water testing and are coming up with 39 gallons a minute. Miller Associates did a well test themselves and came up with 12 gallons a minute. In 2000, there was another well test done, and that was six to eight gallons a minute. I would like to know why such discrepancy between eight gallons and 40 gallons over a four year period.

Response 3.2-10: *The Town Board is not aware of any well testing that was done by Tim Miller Associates on the subject site, or a test that produced 6 to 8 gallons per minute. However data provided by Leggette, Brashears and Graham indicated that test well 3 and test well 6 produced 46 and 42 gallons per minute respectively for a cumulative total of 88 gallons per minute. Projections by LBG suggests that the two wells could yield up to 150 gallons per minute or more.*

It is anticipated that the future developer of the subject site will have to install full size wells and conduct a 72 hour pump test in full accordance with Putnam County, New York State DEC and New York State Health Department requirements that reaffirms the yield of the wells on the subject site and their ability to satisfy the project demands without adversely affecting any neighboring wells.

Comment 3.2-11 (Michael Gibbons, Public Hearing, January 26, 2005): Approximately 85 percent of the water drawn from the aquifer from the on-site well is returned to the ground water system by on-site community septic system leach field. Does that mean we have water going back into the drinking system that is coming out of the septic filed that isn't being pretreated at this point?

Response 3.2-11: *No. All domestic effluent would passes through settling tanks prior to the discharge to the leaching fields.*

Comment 3.2-12 (Letter #3: Philip Vartanian, February 4, 2005): Contamination of Clove Creek could cause a host of environmental problems.

Response 3.2-12: *Comment noted. The Town Board believes a residential use of the site has less potential to adversely affect Clove Creek than certain industrial uses that would be permitted by right under the current zoning designation of the site. The Town Board has set forth criteria for the Planned Development District that obligates any future builder to design septic systems and stormwater management facilities that are consistent with and in accordance with the Putnam County Department of Health, the New York State Department of Health and the New York State Department of Environmental Conservation guidelines. These guidelines are established to protect groundwater and maintain water quality*

Comment 3.2-13 (Letter #8: Donald Groff, February 15, 2005): A stormwater model is needed to calculate the post-construction impacts of storm waters and to meet design concerns of the DGEIS.

Response 3.2-13: *Final design of stormwater management systems will be done during site plan review by the Planning Board. The Planning Board will require stormwater management design in accordance with all applicable guidance and regulation and will retain a professional engineer to review the design and modeling required to demonstrate compliance with applicable laws.*

Comment 3.2-14 (Letter #8: Donald Groff, February 15, 2005): Not one reference is made to stormwater volume, duration of storm, antecedent moisture conditions, OR the types of storms...flow duration and intensity across wetlands and tributary watercourses will have hydrological, and I assume, wildlife impacts.

Response 3.2-14: *See Response 3.2-13. The Town Board does not anticipate any technical problem designing a stormwater management system for the project, in compliance with applicable regulation. This site has excellent soils to allow for pretreatment of water quality and its location in the watershed will make it relatively easy to move stormwater runoff from the site and into Clove Creek before peak upstream flows reach this location on Clove Creek.*

Comment 3.2-15 (Letter #8: Donald Groff, February 15, 2005): Might nutrients from the septic fields find their way into the pond?

Response 3.2-15: *A properly designed septic system is not expected to result in nutrients working their way into the pond. The septic system design will be sent to the Putnam County Health Department for their review and approval and the project will not be granted full final site plan approval until the Putnam County Health Department is satisfied that the septic system will protect the integrity of aquifer, Clove Creek and the on-site pond.*

Comment 3.2-16 (Letter #8: Donald Groff, February 15, 2005): Might the pond exist as (and be maintained as) a vernal pool surrounded by a variety of wetland plants -- the pool free of predatory fish and available to amphibians?

Response 3.2-16: *A vernal pool is a shallow, contained depression lacking a permanent above ground outlet. Generally such pools contain water for a few months in the spring and early summer. By late summer a vernal pool is generally (but not always) dry.*

The subject pond on the site does not meet the criteria for a vernal pool.

Comment 3.2-17 (Letter #8: Donald Groff, February 15, 2005): Consider swirl concentrators to deal with "first flush" of runoff from all impervious surfaces prior to discharge to Clove Creek.

Response 3.2-17: *Comment noted. However, swirl concentrators are not generally viewed by the NYS DEC as an acceptable mechanism to meet stormwater quality criteria.*

Comment 3.2-18 (Letter #8: Donald Groff, February 15, 2005): Assign Town Conservation oversight in the maintenance of Clove Creek riparian right of way, inventory of wetlands plant species and the Pond. Conservation may seek support of a limnologist in this effort.

Response 3.2-18: *The Planned Development District requires a 200 foot setback for Clove Creek. Since the final configuration of development is not known, oversight of construction will be addressed by the Planning Board during site plan review. Oversight of construction is likely to be done by a professional engineer or planner with a deeper background and training in these technical matters. Certainly input from the Conservation Board will continue to be sought during subsequent reviews.*

Comment 3.2-19 (Kim Conner, Public Hearing, January 26, 2005): We're really interested in making sure the creek is preserved, so whatever the septic issues are, preventing the creek from being polluted is a main concern.

Response 3.2-19: *Comment noted.*

3.3 TRAFFIC AND TRANSPORTATION COMMENTS AND RESPONSES

Comment 3.3-1 (Letter #2, Richard Wallin, not dated): Without knowing the EXACT layout for the Route 9 egress from Horton Road, traffic coming north approach the turnoff from a corner and a hill. There is a southbound passing zone just north of the intersection. Horton Road's children have a bus stop there. This needs to be looked at more closely. A better ingress/egress location would be on the straight-away across from the present "Cyberchron" driveway.

Response 3.3-1: The Town Board is not clear on the location of the suggested ingress/egress location. The former Citron building is located to the south of the subject site. If the reference is to the area across from the Citron driveway as a site for access to the Senior Housing project, the grade from Route 9 down to the site would be too steep to serve a project of this type. Moreover, the Town Board would strongly prefer that the traffic from the senior housing project be fully separate from the traffic that may be traveling to the open space area in the southern portion of the site.

The Planning Board, during site plan review, will require the Applicant to coordinate its plans with the New York State DOT relative to any needed improvement to Route 9 and Horton Road. Access will be carefully looked at by the DOT and the Planning Board before any site plan approval is provided.

Comment 3.3-2 (Letter #3: Philip Vartanian, February 4, 2005): 94 units are way too large and out of scale for the area. After 5:45 AM, it is difficult and dangerous to enter on Route 9 as it is. What is going to happen when another two hundred cars and service vehicles are added to the mix?

Response 3.3-2: The proposed 94 units represents a residential development density of approximately 1 unit per acre. This is consistent with the zoning along most of Horton Road and along a considerable portion of the west side of East Mountain Road South as well as the land surrounding Barrett Pond and Hustis Road. There are portions of land around Lake Valhalla, just to the east of the subject site that, in fact, is zoned and developed at a density less than one acre per unit.

As indicated in the Draft GEIS, senior housing tends to be very low trip generation, especially during peak hours, because many seniors have options as to when they may choose to travel.

As indicated in the Draft GEIS, traffic approaching Route 9 during peak hours at any unsignalized side street can experience lengthy delays in entering the traffic stream. This is not so much a result of development activity in the Town of Philipstown, but rather the development that has taken place in Dutchess County to the north and in Westchester County to the south.

The subject residential development is projected to generate approximately 31 trips during the morning peak hour and 35 trips during the evening peak hour, or about 1 trip every two minutes.

The Draft GEIS acknowledges that there will continue to be long delays for people entering the traffic stream on Route 9. Adding a right turn lane onto Horton Road will

reduce these delays. The Planning Board will take this into consideration during site plan review.

Comment 3.3-3 (Letter #5: Jeanne Mullin, not dated): The heavy traffic on Route 9 will become more of a problem. The present residents of the Town to the east who must use Horton Road as an egress to Route 9 will find the addition of another 80+ cars at that intersection a nasty addition to the congestion. There is only one entrance and circulation road planned to access the 80-some-odd houses, which would certainly be a problem for residents of both areas...and for any emergency traffic.

Response 3.3-3: *See Response 3.4-2. The project is anticipated to generate less than 40 cars during peak hour periods and during off peak hour periods an even lower volume of traffic will be generated by the subject site. There will be an emergency access connection to Route 9 through the proposed lands to the south. This will make access to the site for emergency vehicles easier.*

Future delays on Route 9 will continue to increase as economic development takes place in Dutchess County. The communities to the north are developing residentially and commercially. Residents of Philipstown pay the price.

This project is an opportunity for Philipstown to experience economic development in terms of tax base improvements, without generating the kind of traffic that would occur with a commercial development or a mixed use development or even a conventional, non age restricted residential development.

Comment 3.3-4 (Letter #7: Helen Grimm, February 9, 2005): Concern: egress onto a very busy highway with everyone exceeding the speed limit.

Response 3.4-4: *Comment noted.*

Comment 3.3-5 (Letter #10: Eleanor Ruby, February 17, 2005): The traffic leaving the property will exit at Horton Road and Route 9 where children are picked up and discharged by the school bus. This does not seem safe. And what of the residents who live in the surrounding property, whose vehicles are significantly delayed in entering and exiting at the juncture?

Response 3.3-5: *Residents that will exit the site at Horton Road are likely to be traveling slow as they approach Route 9 and prepare to stop. The Town Board does not believe that this traffic will significantly compromise the safety of children, particularly in view of the fact that when school buses are loading/off loading school children, all traffic is required to stop.*

Residents who live on Horton Road will experience slightly longer delays during peak hour periods as they enter US Route 9. This is so noted in the Draft Environmental Impact Statement.

Comment 3.3-6 (Mike Gibbons, Public Hearing, January 26, 2005): You are talking about almost 200 cars on this site. Is Horton Road the proper place for these cars [to be] coming in and out?

Response 3.3-6: See Response 3.4-2.

Comment 3.3-7 (Rich Wallin, Public Hearing, January 26, 2005): With the magnitude of this project, and potential two to three vehicles per unit, it is going to be quite an impact on entering and exiting from Horton Road onto Route 9. If you are exiting Route 9 from Horton Road and you are behind two or three cars, you are going to sit there for quite some time before you are able to exit onto Route 9. As a long term impact, this needs to be looked at with the exiting and entry from Horton Road to Route 9.

Response 3.3-7: Delays to turning movements at Hustis Road and Route 9 and Horton Road and Route 9 were measured in the field to ascertain if the model delays in fact were accurate. The observed delays in traffic coming out of both roads were considerably lower than the model delays during AM and PM peak hour periods.

Average delays during the AM peak hour on Horton Road and Hustis Road were 18 seconds, and 22 seconds respectively. Similarly average PM peak hour delays were on Horton Road and Hustis Road were 30 seconds and 31 seconds respectively.

Since the average delays are less than generally 31 seconds and the project is anticipated to generate approximately 1 trip every two minutes, the likelihood of significantly increasing the typical delay at Horton Road is not high. However, the DGEIS does acknowledge that average delays are likely to continue to increase as traffic volumes increase on Route 9.

3.4 LAND USE AND ZONING COMMENTS AND RESPONSES

Comment 3.4-1 (Letter #4: Ellin and Milton Feld, not dated): The Comprehensive Plan, in its section on goals, recommends mixed-use development where housing is mixed with commercial uses.

***Response 3.4-1:** The Comprehensive Plan has not yet been adopted. At the present time, it is a draft, yet to be finalized and acted upon. Nonetheless, the Draft Comprehensive plan states as a second enumerated goal the desire to maintain and enhance the socioeconomic diversity of Philipstown population. It suggests that the Town pursue creative solutions for securing a range of housing that fits the community character for a variety of income levels. The plan identifies several broad strategies, including the goal to increase the availability of ownership of moderate priced ownership housing with appropriate controls on location and impact.*

The Town Board believes that the Quarry Pond project is directly supportive of this goal.

Seniors seeking housing in the Town of Philipstown outside the Villages find very limited opportunities for moderately priced housing, as almost all housing is single family homes. There are few instances where apartments exist within an existing single-family home.

Single-family home resales are expensive and new housing is beginning to approach more than a million dollars in many locations in the Town of Philipstown.

The Town Board believes that the provision of duplex housing within a condominium concept provides for moderately priced housing for seniors. Moreover, this type of housing provides for the care and upkeep of landscaping, lawns and other external features. These matters are no longer a labor burden on the individual property owner as this is handled by a service company working on behalf of the condominium association.

The Draft Comprehensive Plan encourages two-family housing with appropriate controls on location and impact. Quarry Pond will provide two-family housing.

The Draft Plan encourages a mixture of housing types, moderate priced housing and new development. The provision of duplex's for senior's and affordable housing without age restriction at Quarry Pond, seeks to accomplish this goal.

Another goal of the Draft Plan, to provide incentives for the permanent dedication of units as affordable housing, is being pursued as part of the PDD. Creation of a not-for-profit entity that would administer affordable housing, noted in the Draft Comprehensive Plan, is also likely as part of the PDD.

A second sub-goal of the plan calls for senior housing that addresses local and regional income levels and needs keeping with the scale of Philipstown and the goals of the Comprehensive Plan. The Quarry Pond Planned Development District is intended to accomplish this goal.

Comprehensive plans, by their very nature, are general and broad. It would not be unusual for any project to satisfy certain goals of the plan and conflict with certain goals of the plan.

Comment 3.4-2 (Carol Newman, Public Hearing, January 26, 2005): I would like to point out there are not adequate services for the old people in this community, because we don't have affordable housing. We really need more help for our seniors so we need affordable housing.

Response 3.4-2: *It is unclear how the provision of services for seniors is directly connected to the lack of affordable housing. However, the Quarry Pond project does provide 10 units of affordable housing. Such housing addresses, at some level, all segments of the Philipstown society. In that regard, the Quarry Pond project is the only instance in the past twenty years, that anyone in either the private or public sector, in the Town of Philipstown, has attempted to respond to such needs.*

Comment 3.4-3 (Mary Rice, Public Hearing, January 26, 2005): One of the concepts brought up about looking at this as a possible industrial site should be investigated, but I find that these two uses, the idea of recreation and housing, to be complimentary in nature and the community itself really is served better by providing the affordable housing and senior housing as opposed to a more industrial use. Even addressing the other comments about whether or not the services are really here, it is on Route 9 and close to Perk's Plaza. Maybe there is a small piece of this that community services, local support services, like a deli, that might be considered.

Response 3.4-3: *The likelihood of locating a delicatessen within walking distance of Quarry Pond is probably not high. Delicatessens are very high traffic generators and the town seems to have an abundance of them. There is a deli located across from the Classy Chassy north of the subject site and Perk's Plaza has a delicatessen and a restaurant to the south of the subject site.*

Comment 3.4-4 (John Miller, Public Hearing, January 26, 2005): We don't have the infrastructure to support an industrial development.

Response 3.4-4: *Since the site is zoned for an industrial use, the Draft Environmental Impact Statement evaluated an industrial development alternative that would have the same water and sewer infrastructure known to be available at the site for senior/affordable housing program. That infrastructure would be sufficient to support a project of approximately 260,500 sf.*

An even larger industrial development could be accommodated if a sewage treatment plant were built.

Other private infrastructure such as electric, trash pickup, etc. appear to be available to support an industrial use at the subject site.

3.5 SEWAGE TREATMENT COMMENTS AND RESPONSES

Comment 3.5-1 (Letter #2, Richard Wallin, 2/28/05): I cannot believe that, with all the MS4 requirements regards to Clove Creek leading to the Hudson River, that a large sewer treatment plant would not be required. Protecting the aquifer beneath needs to be addresses in this regard.

Response 3.5-1: See Response to 3.2-1.

Comment 3.5-2 (Letter #8: Donald Groff, February 15, 2005): The proposed sewage disposal might meet NYS DOH standards, however, septic effluent contains a lot of stuff you will not want in your drinking water. There may be merit in considering preliminary sewage treatment at each unit so as to reduce the stresses on groundwater resources beyond the septic fields. If so, you may want to investigate the value of preliminary filtration and treatment from a "Form Cell." Of primary concern is sewage that carries RCRA metals. In spite of their presence in trace amounts, they contribute to general degradation of otherwise potable water.

Response 3.5-2: The Town Board is considering the enactment of a local law that would allow this use to take place. The Planning Board will have responsibility for the details of site plan approval. There are aspects of the project that will be in the hands of other agencies who are responsible for implementing the Town code (such as the Code Enforcement Officer), or for implementing State Health Department codes.

The Putnam County Department of Health, the New York State Department of Environmental Conservation and the New York State Department of Health regulate septic systems as well as drinking water supplies and their purity. The Town Board is of the view, that if these agencies review and approve the sewage treatment system or the water supply system, they will operate properly and will not result in potential environmental impacts.

The Planning Board, in addition to its own review, will rely upon those agencies to make sure that proper treatment of domestic sewage takes place and proper protection of drinking water supply also takes place.

Comment 3.5-3 (Mike Gibbons, Public Hearing, January 26, 2005): Both Bibbo, your engineer, and the New York State Department of Health advised that a pretreatment facility be established here. I agree that a sewer district should be considered for the septic.

Response 3.5-3: See Response 3.5-2. The Town Board does not wish to be in the business of managing sewer districts. At the present time it is anticipated that the condominium association would take responsibility for managing the community septic system.

Comment 3.5-4 (Susan Bates, Public Hearing, January 26, 2005): To properly manage this development is going to require a municipal sewer system and a district to manage its goal.

Response 3.5-4: It is the Town Board's view, that a community septic system, if deemed approvable by the Putnam County Health Department, represents the safest and simplest approach to accomplishing the goals of sewage treatment and protection

of groundwater. It is not anticipated that a municipal sewer system is a likelihood for this project.

3.6 SOCIOECONOMIC COMMENTS AND RESPONSES

Comment 3.6-1 (Letter #2, Richard Wallin, January 28, 2005): The concentration of units is too much? Why not try 40-60?

***Response 3.6-1:** Ninety four units on the project site does not appear to be an unacceptable density in view of the zoning designation of this area, which is largely R40. Compared to the development of a 260,000 sf industrial building, 94 units, in fact, represents a much lower density with far fewer impacts.*

The proposed PDD will allow for up to 89 units, assuming there is a demonstration during site plan review that the site can accommodate that from an infrastructure and from a design point of view. The final number will be 84 units or fewer of senior housing, and 10 or fewer affordable units. The final number will not be established until the entire review process is complete.

Comment 3.6-2 (Letter #10: Eleanor Ruby, February 17, 2005): My fears and objections are related to the proposed incredibly large density of ninety-four homes and all that this implies, which is certainly not consonant with the peaceful, rural special quality of the Highlands. Nowhere in our area has this type of approval been granted. Even half the number of homes is excessive. I understand we need rateables to keep our taxes from escalating, however degrading the area with this density will decrease the assessed value of our home and negate the increase in taxes.

***Response 3.6-2:** See Response 3.6-1. This site is zoned industrial and could accommodate a fairly intensive commercial development that would be viewed as much more intense and certainly less consistent with the rural quality of the Highlands than the proposed project. The actual density of 84 homes on the subject site would equate to approximately 1 home per 37,200 sf of land, or slightly less than one-acre zoning (typically one house per 40,000 sf). This would not be construed as being unusual or highly dense.*

The Draft GEIS in examining various impact issues associated with the site and its potential development as a senior project, does not conclude that the area will be degraded or that assessed values of homes will be lowered. No information has been introduced into the record to date that would suggest otherwise.

Comment 3.6-3 (Letter #7: Helen Grimm, February 9, 2005): The large number of homes seem to be too many for this sensitive area.

***Response 3.6-3:** See Response 3.6-1 and 3.6-2. The subject site is an intensely disturbed soil mine. It has not been demonstrated to be "sensitive" from an environmental standpoint.*

Comment 3.6-4 (Letter #12: Susan Bates, February 25, 2005): I do not think increasing the tax base should be a justification for this type of development. We are not in a tax crisis, unlike many other towns in the region. We do have a crisis because many residents are finding the cannot afford to continue to live here, but this should be addressed through a variety of means presented in the Comprehensive Plan, not by justifying this market rate age-restricted housing development for the tax-base it is going to provide.

Response 3.6-4: *The Town Board has never sought to justify this planned development district by suggesting that the increase in the tax base is the primary benefit. However, it is a benefit, particularly when compared to single family housing which will generate substantial numbers of school children.*

Good land use planning takes into consideration the many variable that are at play, particularly in a situation like the Quarry Pond project. The Town and the property owners have a number of options that they could pursue, some of which may work and accomplish mutual goals, others which may not.

Mining is an option for the property owners and because the State of New York is the sole regulator of mining, the Town may have little say in preventing continued long-term mining on the subject site, particularly in view of the long-term history of the property. However, it is clear that mining is not a desirable land use and people in this neighborhood have been subject to those activities (including the use of ATV's) for an ample and sufficient amount of time.

Single-family development is certainly an option. The Town Board acknowledges, as do the owners, that the number of homes that the site could accommodate would not be the same as that which had been granted preliminary approval in 1993. Nonetheless, it is a permitted use and the Town would be in a difficult position to disallow it given the site's history and the applicable zoning regulations.

Any number of industrial uses could be applied to the subject site. The Town Board does not believe, generally, that an industrial use furthers the goals of the Comprehensive Plan to the degree that the proposed Planned Development District Law would. Industrial use would require substantial areas of impervious surfaces. It would probably generate more traffic than the senior housing project and may have aesthetic impacts above and beyond that which would occur for the residential development. A large scale industrial use would potentially have less compatibility with the fabric of the Horton Road neighborhood. Because of the value of the land, it would be naive to assume that a small scale industrial use is likely.

Comment 3.6-5 (Letter #12: Susan Bates, February 25, 2005): The analysis of **Cost to Town of Philipstown** on page 3.8-6 [of the DGEIS] bases municipal costs on a per parcel basis. However, the calculation of revenues is done on a per capita basis. The analysis should be consistent, comparing like with like, looking at revenues and costs both on either a per capita basis or a per parcel basis. Mixing the analysis like this gives the project a higher surplus than if it were done consistently on a per parcel basis. The projected surplus of \$44,000 would be reduced by 50% if revenues are estimated on a per parcel basis, since the occupancy rate of the project is much lower than the town-wide average (1.8 versus 2.56).

Response 3.6-5: *Comment noted. It is clear that there will be a likely surplus, not an adverse fiscal impact, particularly when taking into account the benefit to the school district.*

Comment 3.6-6 (Letter #12: Susan Bates, February 25, 2005): The assumed surplus of \$204,839 for Haldane taxpayers should also be presented on what the savings would be for one average household to portray the impact on a taxpayer. It should point out that it is the

savings for the first year only. What is the project increase in value of the condominiums as compared to an average home in Philipstown? What has been the experience in the marketplace for increased value of condominiums versus single-family homes in a very desirable community? If the condominiums increase in value at a lower rate than homes town-wide, then the benefits of the tax base will decline over time.

Response 3.6-6: *Comment noted. The benefit to any one household, annually would be relatively minor. With more than 1700 households in the Haldane District, it would be difficult for any one project to make a huge difference on an individual household level. However, based on discussions with District representatives and school board members, it is expected that the added income to the school district, would be welcome.*

Regardless of the methodology, it is expected that the senior housing project will produce a surplus in taxes to the Town and the school district.

There are not enough condominiums in the Town of Philipstown to compare the rates of growth in their value. Moreover, the information would not be particularly meaningful to this decision-making process.

What is of note is, the senior housing project is not projected to have an adverse impact on the community from a tax perspective. The decision on whether or not to enact the Planned Development District Law has many more aspects to it than just fiscal benefits.

Comment 3.6-7 (Letter #12: Susan Bates, February 25, 2005): On page 3.6-2, the housing profile only mentions housing units built through the 1990's. If this figure is relevant than the profile should include housing built in 2000-2004.

Response 3.6-7: *The information is only of interest to the extent that it characterizes growth in Philipstown as being very slow. Contrary to public fears and opinions, Philipstown is growing at a very slow pace, particularly when compared to other towns in the County. The slow growth and the lack of land for housing opportunities have contributed to the substantial increase in housing sales prices in recent years.*

Comment 3.6-8 (Letter #11: Christopher Davis, Hudson Highlands Land Trust, February 25, 2005): Will the park/septic fields be tax exempt?

Response 3.6-8: *If the land is to be donated to the Town, like much other publicly held open space in the Town, it would be tax exempt.*

Comment 3.6-9 (Unidentified Speaker, Public Hearing, January 26, 2005): Why doesn't the site pay school taxes? Normally commercial property does pay school tax.

Response 3.6-9: *The site in fact does pay school taxes. It was erroneously reported at the Public Hearing that it does not. It was noted on page 3.8-3 of the DGEIS that the site presently pays around \$6,300 a year in taxes to the Haldane School District.*

Comment 3.6-10 (Claudio Marzolo, Public Hearing, January 26, 2005): A development of this size, under our current law, would require a payment of \$3500 per unit for the development

of recreation facilities, but they don't have to pay that if they develop recreation facilities on their own. I would like to see whatever authority that works on this to develop a recreation facility on this site, work closely with the recreation commission and department that are working on the master plan for Philipstown recreation.

Response 3.6-10: *The Town Board will review recreation fees as to their applicability to a project of this nature. However, the Town Board must also take into consideration the potential donation of the 40+ acres of land that would benefit the Town as a whole as a passive recreation park, in considering the applicability of recreation fees for this project.*

Comment 3.6-11 (Mike Gibbons, Public Hearing, January 26, 2005): The Fire Department, North Island, indicated they have very strong opinions on the safety issue. They recommend that a back-up generator should be utilized for the fire alarm systems that go into each and every house, and sprinkler systems be required.

Response 3.6-11: *Comment noted. The letter from the North Highlands Fire District will be provided to the Planning Board to assist them with it's site plan review should the PDD zoning law be enacted.*

Comment 3.6-12 (John Miller, Public Hearing, January 26, 2005): The benefit in terms of taxes is tremendous with a relatively low impact on town services.

Response 3.6-12: *Comment noted.*

4.0 ALTERNATIVES COMMENTS AND RESPONSES

Comment 4-1 (Letter #9: Stephen Ives and Anne Symmes, February 17, 2005): Clearly there has been no credible effort to develop alternative proposals for this site that are realistic and in keeping with the Philipstown 20/20. Instead, the alternatives have all the appearance of sacrificial lambs whose scale and plan make them impractical, but whose existence gives the illusion that serious alternatives are being considered. The current Quarry Pond proposal is being fast-tracked before any credible counterproposals can be developed.

Response 4-1: *The Town Board believes that the proposed project in fact is very consistent with Philipstown 20/20 and the DGEIS presented a very credible effort to address alternatives, even to the point of including alternatives that were not in the adopted scope for the DGEIS.*

The alternatives presented in the DGEIS were carefully developed in order to assure that, in fact, they were practical with respect to scale and plan. For example, the industrial alternative is consistent with the Town zoning designation for the site and feasible with respect to the tested capacity of wells and septic systems on the subject project. It could easily be developed given the scale of the site.

It must be noted that this is an very large site, 80-acres, and perhaps one of the largest most substantial pieces of developable land in the Town. Its location on a State Highway, adds to its value. With a sewage treatment plant and the current water supply known to exist on site, the site could easily support 750,000 sf or more of warehouse, trucking terminal or another industrial development. However, the alternative scenario presented in the DGEIS did not discuss the maximum use that the site could support, but rather a use which was much more modest, relying solely upon a septic system similar to that which would be provided for the senior housing project. The 260,500 sf alternative discussed in the DGEIS is feasible and well within the scale of the site to accommodate it. A building of this size would utilize only about 10 percent of the site and would hardly be construed as a "sacrificial lamb".

There is little doubt of the ability of the site to support this use from both physical, zoning and environmental perspective. The industrial alternative may be viewed as impractical from a social perspective. That is, it may be an unpopular use in this particular location. Nonetheless, the notion that it is not a serious alternative is spurious and without merit.

Another alternative evaluated in the Draft GEIS was a conventional subdivision of 26 conforming lots. This alternative conforms with the zoning designation of the property in all respects. The Town Board would not consider this use to be a "sacrificial lamb" either. The site was extensively tested in the early 1990's for septics and the Planning Board gave preliminary approval to a conventional subdivision of 37 lots at that time. The Town Board believes that the site could likely support 26 conforming residential lots.

The alternative senior housing complex with quad units shown in the DGEIS simply represents an option for design.

A single family cluster development, which was another alternative examined in the EIS, is also fully viable and could be readily accommodated on the northern part of the site

using the identified wells and the identified septic fields as reviewed for the Quarry Pond PDD.

The reduced senior duplex alternative of 26 units was specifically suggested by a representative of the Hudson Land Trust. There is little question that this is a feasible use for the site, although highly unlikely to be developed based on preliminary feedback from the existing property owners.

The Hudson Land Trust also suggested a PPD flexible mixed use alternative believing that this was more consistent with some of the language contained in the Draft Comprehensive Plan (Philipstown 20/20). The Town Board does not necessarily agree that a mixed use project is more in keeping with the overall goals of the Town than the present concept. However, such an alternative was nonetheless evaluated in the Draft GEIS. This concept involved 10,000 sf of office space (including potentially, a retail component) with 74 senior units and with 10 affordable units. The Town Board believes that such an alternative project would have more impacts than the proposed senior concept without sufficient benefit to overcome the impacts of traffic.

A mixed residential housing alternative was also discussed in the DGEIS, with 10 affordable units, 20 moderate income units and 64 age restricted units. This was again suggested by representatives of Philipstown 20/20 and the Hudson Land Trust. After reviewing this alternative and the additional school children that would be generated by the 20 three bedroom homes, the Town Board did not believe that it had sufficient merit to pursue, when compared to the Quarry Pond project.

The notion that this project is being fast tracked before credible counter proposals are developed does not reflect the history of this matter. This project was initially conceived in 2002 as a result of the owners' application to extend and expand the existing soil mine on the subject site. Early in 2003 the Town Board formed the Philipstown Local Development Corporation and considerable discussions were held on a Concept Plan for senior housing and mechanisms for proceeding.

The PDD concept was put forth, a positive declaration adopted pursuant to SEQRA, and a public scoping meeting was held in 2003 and provided an opportunity for the public to review the proposed alternatives and suggest other alternatives. None were presented at that time.

A concept committee was created to review the site conditions and the concept plans. Everything was done in a public forum.

Various technical studies and the Draft GEIS were carried out over the course of the next year, primarily in 2004. The DGEIS was reviewed over several months by the Town Board and adopted as complete. It was made available in local libraries and on the internet. The local law and DGEIS was referred to the Planning Board for review and report and both were then subject to a public hearing.

A review of the Town's record on this application would suggest that it is taking a deliberative review of this proposed local law before any decisions are made. Three years have passed with many public meetings. Moreover, review of the many

alternatives evaluated in the Draft GEIS would also support that a variety of other proposals have been considered.

Comment 4-2 (Letter #11: Christopher Davis, Hudson Highlands Land Trust, February 25, 2005.): A professional should examine alternative uses for the site that would be consistent with Philipstown's Comprehensive Plan -- uses with less potential environmental impact. Commercial uses, for example, including some that may be compatible with affordable housing. We believe that before proceeding with a residential project at this site and on this scale, careful consideration should be given to alternative uses that are consistent with the goals of the Comprehensive Plan, the purposes of the Highlands Conservation Act and the policies favored by the Regional Plan Association and Citizens Housing and Planning Council.

Response 4-2: *The Town has retained a planning firm, AKRF, to examine other potential alternatives to the use of the Quarry Pond site. AKRF prepared a report dated March 31, 2005, the entirety of which is provided in the appendix to this document.*

AKRF Alternative 1 is for a professional office development of 170,000 square feet. AKRF suggested that such an alternative could include professional contractor's shops and that residential uses could be integrated into this layout.

AKRF Alternative 2 is for a traditional Neighborhood Development with 98 duplex units.

AKRF Alternative 3 is for a Mixed Use Development with 22,500 sf of commercial use and 115 dwelling units in a mix of single family homes, duplex units, live/work units and multifamily apartment buildings. AKRF notes that the size of the area, however, does not achieve the kind of "critical mass" that is necessary to create a vibrant hamlet.

The report prepared by AKRF was forwarded to the site owners to ascertain interest on their part, in developing and marketing any of the alternatives. The reaction from the Quarry Pond owners to the alternatives developed by AKRF was as follows:

A professional office project at the site would be difficult to lease in any reasonable time frame. There is substantial vacant office space in the region and the absorption rate is slow. The owners are not interested in this alternative. Moreover, an office project would generate in excess of 250 peak hour trips, which is viewed by the owners as generally undesirable for the neighborhood.

The owners did not object to the traditional Neighborhood Development, but believed that the concept plan set forth in the DGEIS produced a preferable layout and use of the land than the AKRF plan. The AKRF plan appears very dense and crowded.

The mixed use development does not have the advantage of minimizing school children and would produce considerably more traffic than the concept plan presented in the DGEIS. The owners expressed concern that such a plan would not have support in the neighborhood or in the community, and would be more difficult to market than the PDD Concept Plan.

Based on the analysis in the Draft GEIS, it appears as though the potential environmental impacts associated with the senior housing and affordable housing project in fact would be smaller in all instances, than any of the AKRF alternatives.

Reference to the Highland Conservation Act, policies favored by the Regional Plan Association and Citizens Housing and Planning Council are not familiar to the Town Board. However, a project that produces low volumes of traffic, minimizes impervious surfaces, provides for a 42-acre park with a generous 200-foot setback from the Clove Creek riparian corridor, and is largely not visible to the surrounding areas would be expected to meet the goals of almost all conservation oriented organizations.

Comment 4-3 (Letter #1: Susan Bates, Implementation Committee, January 13, 2005): Alternatives should be considered such as providing housing that the community needs and that may be difficult to gain approval to build in other locations, especially multifamily and affordable housing.

***Response 4-3:** The Town Board believes that the community would be well served by both new senior housing and affordable housing. Senior housing and affordable housing in a multifamily configuration, as is proposed for the Quarry Pond site, would be very difficult to implement in other parts of the Town of Philipstown where infrastructure constraints would simply not allow this level of activity.*

The Town Board believes that providing this type of housing on the Quarry Pond site accomplishes multiple goals and reduces the pressure for senior and affordable housing and multi-family housing in other locations of the Town where it may be less appropriate.

Comment 4-4 (Letter #5: Jeanne Mullin, February 3, 2005): The property in question has been classified suitable for light commercial/industrial development, a use that would not present any of the above-listed problems (traffic, increased population). Has there been any serious attempt to explore this possibility before any decision as to its future use can be made?

***Response 4-4:** A Draft GEIS did review a commercial alternative and compared it to the PDD Concept Plan. Such a project would generate far more traffic, have greater impervious surface area, generate higher rates of stormwater runoff, and generally have much more activity on a day to day basis than the subject property in comparison to the Quarry Pond PDD.*

Comment 4-5 (Andy Chmar, Public Hearing, January 26, 2005): The Town Board should not feel that they have to accept this concept as the only solution because of what has already been invested. You should always be able to say, we should consider something else if something else is presented.

***Response 4-5:** The Town Board recognizes that there are many potential concepts for the use of this subject property. However, in considering such options, such as continued soil mining, a residential subdivision, a light industrial use, or a mixed use project, none are believed to accomplish the overall goals of the Town as well as the proposed PDD. The Town Board also believes that it is important to bring some finality to the future use for this property as the neighbors on Horton Road have lived with uncertainty and soil mining for many years.*

It would be easier to make decisions regarding options if the property were low in value and could accommodate a very low density project. However, real estate values in the Town, as everyone knows, have increased substantially. In order to bring a project of

this nature to fruition there needs to be a reasonable level of value for it to be seriously pursued by either the owners or by outside investors. Finding the balance between density, values and potential impacts is what this process is intended to accomplish.

An industrial development half the size of that reviewed in the environmental impact statement, (130,000 sf with 250 parking spaces) would clearly have fewer impacts than the alternative presented in Chapter 6 of the DGEIS. Such an option can be pursued at the present time under existing zoning and it has not. Moreover, the owners of the subject site have indicated that they would be more likely to continue to mine the project than to pursue an industrial alternative at any density.

Keeping options open does not provide the neighborhood with a land use solution or any long-term security. It allows the continued impacts of soil mining to occur, impacts which the Town generally finds undesirable and does not accomplish other goals of the Comprehensive Plan directed towards alternative housing options and affordable housing options to the Town. Moreover, no decision (which is the NO-ACTION alternative) is unlikely to result in a 42-acre public open space, which will have considerably benefit to people in the North Highland area and the Town in general.

Comment 4-6 (Susan Bates, Public Hearing, January 26, 2005): We ask for elaboration of the industrial development as an alternative. The Comprehensive Plan addresses commercial and industrial uses and the community needs appropriate areas in which to locate these uses. The industrial use in the EIS is a massive development. We would like a reduced scale industrial or commercial development explored as an alternative

Response 4-6: *The Town needs to take no action for that option to be pursued. The site is zoned industrial already.*

The owners have no interest in pursuing the industrial development option. That option has been available to them for several decades. The owners have advised the Town Board that in their view, there is little market for such a use at this location and they would be more likely to continue soil mining rather than pursue an industrial use.

Prior attempts to pursue industrial uses at the site have been broadly resisted by the local community.

Appendix A
Comment Letters

QUARRY POND PLANNED DEVELOPMENT DISTRICT
Final Generic Environmental Impact Statement
Town of Philipstown, Putnam County, NY

List of Written Comments

1. **Letter #1: Susan Bates, Implementation Committee, January 13, 2005.**
 2. **Letter #2: Richard Wallin, January 28, 2005.**
 3. **Letter #3: Philip Vartanian, February 4, 2005.**
 4. **Letter #4: Ellin and Milton Feld, February 4, 2005.**
 5. **Letter #5: Jeanne Mullin, February 3, 2005.**
 6. **Letter #6: Andrew Chmar, February 8, 2005.**
 7. **Letter #7: Helen Grimm, February 9, 2005.**
 8. **Letter #8: Donald Groff, February 15, 2005.**
 9. **Letter #9: Stephen Ives and Anne Symmes, February 17, 2005.**
 10. **Letter #10: Eleanor Ruby, February 17, 2005.**
 11. **Letter #11: Christopher Davis, Hudson Highlands Land Trust, February 25, 2005.**
 12. **Letter #12: Susan Bates, February 25, 2005.**
- Public Hearing, January 26, 2005.**

TOWN CLERK FILE COPY

January 13, 2005

Comments for the Public Hearing
Philipstown Proposed Comprehensive Plan

Suggestion to accommodate development at Quarry Pond

To the Town Board:

In an effort to accommodate the proposed development at Quarry Pond within the proposed Comprehensive Plan, the Implementation Committee suggests the following. The Plan could allow for an exception from some of its provisions in order to achieve important Plan objectives that could not otherwise be achieved.

Specifically, with Quarry Pond in mind, the Comprehensive Plan could call for encouraging the voluntary discontinuance of existing objectionable uses - in this case quarrying and rock crushing - by allowing for alternative uses that achieve community goals in the Plan. If the uses currently called for in the Plan for this area (business or light industrial that can be buffered and screened from Route 9) are not feasible or are impractical then alternatives should be considered such as providing housing that the community needs and that may be difficult to gain approval to build in other locations, especially multi-family and affordable housing. These exceptions to the Plan could be justified as benefiting the Town on two counts - they phase out an objectionable use and they fill a community need that may be difficult to locate elsewhere.

We believe that with this provision the Town Board allows for an economically feasible use for the site that will also achieve multiple plan goals.

Sincerely,

Susan Bates, for the Implementation Committee

rec'd 1-13-05
CC: TB
TAD

47 Horton Road
Cold Spring, NY 10516
January 28, 2005

cc: T.B. ✓
ED ✓
Tim ✓
return

Dear Board Members:

At the end of the Public Hearing for the "Quarry Pond" project last night you solicited letters of concern. Here are my concerns:

- 1) Traffic: Without knowing the EXACT layout for the Route 9 ingress and egress from Horton Road, traffic coming north approach the turnoff from a corner and a hill. There is a southbound passing zone just north of the intersection. Horton Road's children have a bus stop there. This needs to be looked at more closely. A better ingress/egress location would be on the straightaway across from the present 'Cyberchron' driveway.
- 2) Sewer: I cannot believe that, with all the MS4 requirements regards to Clove Creek leading to the Hudson River, that a large sewer treatment plant would not be required. Protecting the aquifer beneath needs to be addressed in this regard.
- 3) Water: One probable cause for having such a difference in your water supply [12 gallons versus 80 gallons per minute] was the testing being done following the snow melt and record rains that we had last year. When the drought allows 8 gallons per minute, it won't be enough and the neighboring wells may be drawn from. Both are unacceptable and should be considered.
- 4) Taxes: The taxes from this project are the best story from it. Good thinking!
- 5) Population: The concentration of 84 units is too much. Why not try 40-60 units?
- 6) Trying to retrofit this concept into the "2020" is maddening as your concept is more desirable for the neighbors, and better for the Philipstown community.

Thank you for your efforts in getting rid of that mining!

Sincerely,



Richard Wallin

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2/1/05

TOWN CLERK FILE COPY

February-4-05

Dear Town Board,

These are the issues I have with the Quarry Pond project.

- 1) 94 units are way too large and out of scale for the area. After 5:45 a.m. it is difficult and dangerous to enter on Rt. 9 as it is. What is going to happen when another two hundred cars and service vehicles are added to the mix?
- 2) How many senior citizens are going to spend \$ 400,000dollars to live so far away from necessities such as food stores, clothing stores, etc.?
- 3) The largest aquifer in Philipstown runs through that property. I spoke to an environmental engineer from Cornell University and he said " if the aquifer is fractured by drilling, blasting, or any other means the water will disperse and there will be no way to rectify the problem." That means thousands of people in Philipstown and Fishkill will be without water.
- 4) Contamination of the aquifer from sewage chemicals, and other toxic materials would effect the safety of the drinking water.
- 5) Contamination of Clove Creek could cause a host of environmental problems.
- 6) Many of us in the North Highlands feel that the North Highlands is a dumping ground for projects that are unacceptable to the residents of other parts of Philipstown. The residents of Garrison were organized enough to stop an inappropriate Schwarzberg development. The North Highlands is not as organized yet but could become so.

I think there must be another solution for that property. Thank you for your consideration.


Philip Vartanian

received
2/4/05 (TB)

cc: TB

CC: T, B
ED
Tim
& Peter
To file
on 2/8/05

519 Route 9D
Garrison, NY 10524
February 4, 2005

Supervisor William Mazzuca
Philipstown Town Hall
238 Main Street
Cold Spring, NY 10516

Dear Mr. Mazzuca,

We submit the following comments for consideration in regard to the Quarry Pond Development proposal:

Several months ago our well suddenly went dry after many years of supplying us with an adequate supply of water. Consultations with our plumbing company and a well-digging company convinced us that the recent increase in the number of dwellings in Putnam County, and not necessarily in our immediate vicinity, had put a drain on the water supply. At great cost, we had a new, deeper well dug. Considering the number of units proposed for the Quarry Pond development, with over 200 residents, the water supply for the entire area may be put in jeopardy.

There are other aspects of the project that should concern us: seniors who may eventually not be able to drive need to be housed in an area close to shopping, transportation, and recreation (see Comprehensive Plan, Chapter 2, Goal 2b); age-restricted housing invites the possibility of an eventual arrival of children as residents in the development (look around and see the number of men 55 or older married to young women and starting families); the Comprehensive Plan in its section on goals recommends mixed-use development where housing is mixed with commercial uses (Chapter 2, Goal 2a).

It seems important that we contact developers who have proven themselves concerned with the environment and innovative in terms of design (WCI Spectrum Communities, a local company, for example). We could contact the Congress for New Urbanism, a non-profit organization based in Chicago, which recently reported 648 neighborhood-scale New Urbanist communities in the United States; perhaps they can suggest the names of developers who have met these criteria.

2/7/2005 [Signature]

We are all eager to be rid of the quarry and see that property put to a use that will meet the guidelines in the Comprehensive Plan, and we should research any sources that will help us reach that goal.

Sincerely yours,

Handwritten signature of Ellin and Milton Feld in cursive script.

Ellin and Milton Feld

CC: T.B. ✓
ED ✓
Tom ✓

535 Route 9D
Garrison, NY 10524
February 3, 2005

Mr. William Mazzuca, Supervisor
Philipstown Town Board
238 Main Street
Cold Spring, NY 1051

File under
written
comments

Regarding the Quarry Pond Development: At the January 26th meeting Tim Miller presented the details of this project. It was apparent that there would be 80+ dwellings that could accommodate about 160 people and surely a minimum of 80+ cars. It is alarming to consider adding this population to our small town and further competing for the already very limited parking spaces.

- I. The heavy traffic on Route 9 will become more of a problem. The present residents of the town to the east who must use Horton Road as an egress to Route 9 will find the addition of another 80+ cars at that intersection a nasty addition to the congestion. There is only one entrance and circulating road planned to access the 80-some-odd houses which would certainly be a problem for the residents of both areas...and for any emergency traffic.
- II. Such a large addition to the population drawing from the limited resources of the aquifer and adding to the waste disposal problem for that area must be considered major drawbacks to this project. The DEIS will surely take these major issues very seriously.
- III. The property in question has been classified suitable for light commercial/industrial development, a use that would not present any of the above-listed problems. Has there been any serious attempt to explore this possibility before any decisions as to its future use can be made?
- IV. Residents of Philipstown at the "20/20" meetings, representing a large part of the populace, projected our hopes for preserving our "small town- country village" atmosphere. The influx of such a large additional population puts these hopes in jeopardy. While we still have the possibility of choosing alternatives to large-scale development and suburbanization, let us examine and consider the alternatives.

Jeanne Mullin
Jeanne Mullin, 25 years a resident of Garrison

REC 2/11/2005

February 8, 2005

Supervisor William Mazzuca and the Town Board
Town of Philipstown
238 Main Street
Cold Spring, NY 10516

Re: Quarry Pond Planned Development District and Draft Generic Environmental Impact Statement

Dear Supervisor Mazzuca and Members of the Town Board:

This letter is a follow-up to my comments during the Public Hearing on January 27, 2005 and represents my personal views as a resident of Philipstown and a neighbor of the Philipstown Industrial Park.

First, I would like to commend the Town Board on its multi-year effort to find an alternative to the continued soil mining at PIP. The PIP owners also deserve recognition for their willingness to work with the Town on developing a project concept that both supports the Town's needs for the future, presumably in concert with the final Comprehensive Plan, while providing the owners with an appropriate return on their investment.

The DGEIS is comprehensive, no doubt, and provides the public with its first good look at significant detail on the proposed 94-unit development. Obviously, considerable time and resources have been invested by the Town to get to this point. My only caution in this regard is for the Town Board not to feel that they have to accept this proposed concept as the 'approved solution' because of what has already been invested in it.

I have specific concerns regarding a number of the portions of the concept, but believe others have covered those issues or believe they will be resolved through the continued concept development/review process. As such, I'll focus my comments on two elements of the proposed concept that are particularly troubling.

A foundation tenet for this concept, and what must be guaranteed if it is to work in perpetuity (and we should not take that term lightly), is that the age restrictions called for the occupants of the 84 age-restricted units must be ironclad and enforced. If this does not happen, then these 84 units will slowly evolve into a conventional high-density development of conceivably 400 or more residents, with the resulting burden of its existence being borne by future residents of Philipstown, along with enormous potential harm to the environment. If only one child ends up living in half of these houses, then the figures offered for the Mixed Housing Use alternative outlined on page 6-13 of the DGEIS will probably become a reality, with the net revenue to the town being somewhere near minus \$130,000 and potential water/sewage flow exceeding the planned capacity of 15,000 GPD. Additionally, federal law currently allows up to 20% of units in age-restricted communities to be occupied by someone not meeting the age requirement, without loss of exempt status from the Fair Housing Act. So, the planning

factors used in the DGEIS should reflect this reality from the beginning, unless NYS law permits 100% exclusion of residents not meeting the age-restrictions

Page 3.8-4 of the DGEIS says that the strategy for enforcement of age restriction will be through deed restrictions, “with the enforcement left to the Town Building Inspector and the Town of Philipstown.” If this is true, will this Town Board be willing to first have the Town Building Inspector go out and enter these homes to determine who is living there when another owner complains? And is the Town prepared to undertake eviction proceedings to remove someone under the 55 year-old age limit. Perhaps this Town Board is prepared for this eventuality, but will the Town Boards 5, 10, or 15 years from now be willing to do so. And, if I am correctly reading the legal opinion from Drake, Sommers provided in the DGEIS regarding age restricted housing, the deed restrictions can limit sale or resale to a buyer who meets the age restrictions, but this doesn’t preclude a age qualified buyer from purchasing the property and then letting another underage party/family member live in it. Only the by-laws of the condominium or homeowners association could address keeping out these occupants, which presumably means the Town would now be expected to enforce condo or home owners association by-laws. Admittedly, proponents of this concept will contend that the homeowners association, through civil action, will enforce the age restrictions. If so, than the DGEIS needs to affirm this, and then the Town must be prepared to bring its own civil action against the association if it fails in this regard.

Again, my point is not to challenge whether an age-restricted complex is legal--it most assuredly is legal under federal and state statutes. Rather, my question is whether for the long-term—in perpetuity—will these restrictions for occupants be feasible and enforceable. A simple Google search on the Internet provides a number of examples where enforceability has become problematic in age-restricted communities around the US. It appears, in several cases, that the local community government has been required to take an active role in enforcement. If there is any doubt on this enforceability requirement, than I think this concept needs to address that eventuality, and outline the downside risks to the Town and the environment. If nothing else, it would suggest that many fewer units be permitted so that there is no possibility of the upper-level water and sewage flows being exceeded under any circumstances with the resultant threat to Clove Creek or the aquifer.

My second concern regarding this concept is my conclusion that over it’s three year history there has been no practicable and expert effort, outside of Tim Miller & Associates work, undertaken to determine if there are any other viable alternatives for the Town Board to consider for this site. The Concept committee, as I understand, was expected to do so, but their own report offers that they didn’t investigate other concepts or alternatives, only reviewing three alternative posed to them by the Town Planner, with their written report ‘recognizing’ that the continued soil mining, a large 500,000 sq. ft. industrial use facility, and 30 single family dwellings as being unacceptable alternatives. No one would argue these conclusions, as even the uninformed can recognize they are not viable alternatives or new ideas for the site.

Tim Miller has suggested, both in public and in writing, that the public should be recommending alternatives, and if unable to do so with any objective supporting data,

should accept this Quarry Pond concept plan as the only viable choice. He has also suggested members of the public should go visit with the current owners and explore options.

The public is neither qualified nor resourced to do as Mr. Miller has suggested. We are not professional land use planners, engineers, nor on the Town payroll. Given the enormity of this project compared to any other land use project undertaken in our Town, and it's potential serious burden upon the public and risk to the environment if it is done wrong the first time, I offer that it is the Town's responsibility to find an impartial, outside, qualified, expert, or experts, to do the proper due diligence and review of this proposal, and to determine once and for all if there are any other legitimate choices available for this Board to consider. When this has happened, then I believe the public will feel considerably more comfortable that their broad concerns about government impartiality, objectivity and transparency have been heard, examined, and answered.

In a discussion shortly before the public hearing, Mr. Miller agreed with this simple idea, even if it results in additional time and expense to the Town. I'm sure he supports this idea because of his confidence that the current concept provides the best possible option for the site, and that an impartial, external evaluation of this concept and analysis of other possible alternatives by experts with whom he and Tim Miller & Associates have no business relationship, past or present, will validate his concept. He may be right, but the Town Board and public do not have the proper and impartial analysis to concur with him based on what is available today.

I hope the Board would agree with this, and I'm sure has the capability to find such a person or company to undertake this effort, and the resources to bring it to fruition for the public's benefit. I would be more than happy to help in any way to make this happen.

Again, our appreciation for your continued and deliberate consideration of all aspects of this proposal and the future use(s) for the Philipstown Industrial Park. The process should not be rushed, and whatever time and resources necessary to get this project done 'right' should be expended.

Sincerely,

Andrew T. Chmar
40 Walmer Lane
Cold Spring, NY 10516

cc: Tim Miller, Tim Miller & Associates ✓

William Mazzeo, Supervisor
 Town of Philipstown
 Cold Spring
 N.Y. 10516

2/9/05

Re: Quarry Pond Plain

Dear Mr. Mazzeo,

We have lived in Philipstown for more than 38 years, and have viewed many changes. We have a major concern about the proposed Quarry Pond development.

Granted, the present situation is an eyesore, but the projected use seems to be over-billed. The large number of homes seem to be too many for this sensitive area. Concerns re: access onto a very busy highway with everyone exceeding the speed limit; the probable pollution of the aquifer; the concept which appears to focus on "high end" residents among the elderly. It seems to be a leisure community for the affluent "old folks."

Philipstown should be seeking to help their own. With rising taxes and health expenses, many locals (some from several generations here) find it increasingly difficult to make ends meet. Affordable housing for the elderly is very important - especially with baby boomers coming into the picture.

Please think of this aspect. Thank you.

Sincerely, Helen Gimm
 East Mt. Rd., South

*CC: T.B.
G.D.
Tina
Written Comments File*

Supervisor Mazzucca
Town of Philipstown
238 Main Street,
P.O. Box 155
Cold Spring, NY 10516

February 15, 2005

Re: Proposed Quarry Pond PDD; DGEIS

Dear Supervisor Mazzucca & Town Board

I am in receipt of the Draft Generic Environmental Impact Statement of the Proposed Quarry Pond PDD; thank you. My comment follows. This response is based on what is presented in the DGEIS, and not supported by inspection or field measures conducted by me.

Although I feel capable to offer land use reviews in western Putnam and southern Dutchess counties, my input is limited to those areas in which I have a certain familiarity and expertise. Accordingly, I focused my review to Sections 3.1, 3.2, 3.7, Appendix C and Appendix D. Clearly, other reviewers could be consulted, not only for those areas wherein I make no comment, but where you believe my viewpoint may need counterbalance.

Your planner notes [1-12] that this development "...would protect these natural resources to a much greater extent than development might otherwise occur pursuant to the existing industrial zoning...", to which I agree. You all have a tough decision. If asked, I would find myself uncomfortable endorsing encroachment on such sensitive aquifer, downstream conservation and riparian lands even for the important social uses contemplated by Mr. Miller and your council.

I hope that this comment is of service to you and the citizens of Philipstown.

Best Wishes,

Donald Groff

Donald Groff, PhD
CPSS, PG

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all

GENERAL STATEMENT

Description of regional geology and the recitation of soil types found here are standard features of any DGEIS. The broadbrush approach by its creators is appropriate, leaving detail to the appropriate land use agencies created to address matters of Planning, Zoning, Health or the Environment. More detail may be required so that this Concept Plan might be acceptable to local or county agencies. To some, its content may seem academic and for that reason impractical. I think otherwise. This is a well balanced presentation and a good first step in what may be a debate in what is to be done (if anything) with the PIP site.

The Quarry Pond topography and geological setting is friendly to excavation, landscaping, and development. Its bedrock is highly fractured and its gravels water-rich. A trout-spawning stream flows through the site. These and its watershed should provide excellent groundwater yields. Its overburden and soils are very permeable, easily contaminated and highly erodable. Prior to mining, it must have been a veritable Eden. The PIP site is an upgradient extension of the Clove Creek Aquifer.

Comment

1. Depth to Bedrock (contoured) and anatomy of overburden sands and gravels are not included in this DGEIS, and they should be. Numerous test borings and test wells had been dug [Appendix D]. The data from these could serve as basis for a 3-D model of the site. Sadly, the architecture of these sand and gravel subsoils is virtually ignored. Its author lamented this, saying [3.2.1.1]

"The aquifer is not typically continuous vertically, but occurs in layers interbedded with silty and clayey lenses." He added later in this same section: "The water-bearing and yielding properties of the stratified drift aquifer along the Clove Creek in Town likely vary from excellent to poor. These characteristics depend largely upon the relative amounts of fine-grained versus coarse-grained inter beds (sic) that this stratified drift contains and the thickness of the aquifer. It is likely that not all of the sand and gravel aquifer mapped along Clove Creek is suitable for the development of water-supply sources."

The sedimentary architecture of Sprout Creek (a nearby branch of the Fishkill Creek Watershed) is known to have vertically isolated aquifer sands, wherein each well traverses separate and distinct aquifer sands. Yours may be no different. Wells in that region penetrate at least two, separate aquifers, each sand isolated from the other by clays and silts. Elsewhere I encountered multiple aquifers, and in one case found

otherwise isolated aquifers, connected in one place by the absence of the clay/silt-isolating layer. The "hole" in the isolating layer became a vertical "window" connecting two aquifers. I believe it important to know the architecture of the subsurface, as it may help with design of water systems, help in understanding the local impacts of water withdrawals and aid in the pursuit of spill contaminants or septic effluent.

In researching any site, I prefer first to learn the anatomy of its aquifer, then fix locations for wells and septic fields. Indeed, in my practice I urge that Zoning be dependent on the availability of potable water – not only on available acreage.

I agree that groundwater resources [Appendix D] are sufficient to meet the needs of this proposed activity. I agree with Sergio Smiriglio (SSEC Inc) that groundwater withdrawals are ample, and that with normal precipitation there is sufficient recharge groundwater to support the project [Letter, Appendix C].

2. This DGEIS wisely demands no increase in peak stormwater runoff for the 2, 10, 25, and 100-year storms [page 2-13]. The project roughly borders Clove Creek where 100 and 500 year Floods are known to occur. Development aggravates flooding and locally, a 60-year storm could cause a 100-year flood. A stormwater model is needed to calculate the post-construction impacts of stormwaters and to meet design concerns of this DGEIS. I recommend using Pond Pack¹ in any hydrographic model analysis because of the nature of this site, the size of the watershed, and because it carries certain water flow features that provide measures of stream turbulence and sediment transportability (not available in other models). Its indices of turbulence and sediment transport ("Reynolds" and "Froude" numbers) may provide clues as to the intensity of outflow and the potential for erosion in this environmentally sensitive area.

3. Of all sediment sizes, sand is the easiest to erode (more so than clay, silt or boulders). The PIP has sandy soils and is therefore vulnerable to erosion. The Erosion Factor (Table 3.1-1) identifies the coefficient of erosion (K) for each soil type present. The largest K doesn't necessarily identify the soil easiest to erode. Measures of the erosion potential of *tilled* soil are ordinarily calculated using the complex Universal Soil Loss Equation (which I believe of limited use at this site).

4. Because the size of this project and vulnerability of groundwater and other resources, the effort may best be served by phased development [as per pages 2-12 & 2-13]

5. In construction, conservation measures should be installed first (siltation/erosion, roadway paving, drainage, disturbance areas and setbacks defined, etc.)

¹ Pond Pack: Haestead Engineering, Waterbury, CT.

6. Peak stormwater flow is adopted as the standard for gauging impacts of flooding in this GDEIS. Not one reference is made (here) to stormwater volume, duration of storm, antecedent moisture conditions, OR the types of storms. Significant hydrograph contrasts exist between high intensity summer thunderstorms, low-pressure storm front, or storm-waters accompanying a hurricane. Runoff *volume* (total area under the hydrograph curve) is distinctly different from the *peak* of a hydrograph – especially to the wetlands and floodplain receiving runoff. Flow duration and intensity across wetlands and tributary watercourses will have hydrological, and I must assume, wildlife impacts (for which this document gives no consideration).

Concerns & Question

1. Might nutrients from the septic fields find their way into the pond? [see Fig 2-3]
2. Might the pond exist as (and be maintained as) a vernal pool surrounded by a variety of wetland plants – the pool free of predatory fish and available to amphibians?
3. The proposed sewage disposal (septic fields, page 1-10) might meet NYS DOH standards. That aside, septic effluent (however germ free) contains a lot of stuff you will not want in your drinking water. There may be merit in considering preliminary sewage treatment at each unit so as to reduce the stresses on groundwater resources beyond the septic fields. If so, you may want to investigate the value of preliminary filtration and treatment from a “Form Cell.” Form Cell Research, Inc. internet home page is www@formcell.com. Of primary concern is sewage that carries RCRA metals. In spite of their presence in trace amounts, they contribute to general degradation of otherwise potable water.
4. Mr. Miller proposed stormwater management [page3-13] and requires that the site plan demonstrate treatment of the ‘first flush’ of runoff from all impervious surfaces prior to discharge to Clove Creek. I propose use of swirl concentrators (i.e.: Vortechnic Chambers) to process runoff from these impermeable surfaces. These help trap sands, oils, and sediments and may be outfitted to trap certain metals. Added downgradient cleansing may come from the installation of biofiltration plants such as Cattail at drainage outfalls in conjunction with the addition of stony riffles within outflow prior to reaching Clove Creek.

Recommendations (assuming implementation)

1. Assign Town Conservation oversight in the maintenance of Clove Creek riparian right of way, inventory of wetland plant species (native and invasive) and the Pond. [see proximity of these, Figure 2-3]. Conservation may seek support of a limnologist in this effort.
2. To avoid "segmentation." Piecemeal permit of the use of the total parcel should be avoided. Quarry Pond PDD should not be a Trojan Horse for another, as yet unidentified development on its unassigned land [see page 2-13: "...the southern half of the site may potentially be conveyed to the town for future Town use." Worry: that it may go to a private use not compatible with the environment or your PDD.]
3. In construction phase, a full-time inspector of your choice oversee and report to you and the design engineer any environmental concerns (s)he may have. This inspector to be paid for by the developer, and failures, errors or omissions be a responsibility of the builder and/or engineer. The Town may want, also, to have a coordinating team (Planners, Zoners, Developer, etc) meet monthly with the inspector (others?) to review progress/concerns in the construction process.

Disappointment

I am troubled by sweeping, self-qualifying comment by Mr. Miller, especially where not followed by evidence for what is claimed. This is a Concept Plan whose elements are in need of further in-put. Although I know and respect Mr. Miller, these comments may by some suggest that he is not neutral in this effort.

For example:

"Future Quarry Pond PDD development is not expected to result in significant adverse impacts on groundwater resources. [page 1-4]

"...no known occurrences of rare or unusual habitats." [page 1-6]

"No significant impacts to wildlife habitat are anticipated." [page 1-6]

"No adverse impacts to the aquifer would be expected at such times, and no further mitigation would be required." [page 1-5]

"...with proper detention ... not expected to result in significant adverse impacts to Clove Creek from sedimentation, erosion, temperature changes or pollutants. Therefore no significant impacts to Clove Creek are anticipated and no further environmental review related to surface water or need for mitigation measures..." [page 3.2-7]

cc: T.B.
Tim
AD
to Written Comm
FILE
JH

February 17, 2005

Supervisor William Mazzuca and the Town Board
Town of Philipstown
238 Main Street
Cold Spring, NY 10516

Re: Quarry Pond Planned Development District.

Dear Supervisor Mazzuca and Members of the Town Board:

As residents of Philipstown we would like to express our sincere reservations about the proposed development at Quarry Pond and urge the board to solicit additional proposals for its development, as suggested during the public hearing and in subsequent correspondence to the Board by other residents.

Clearly there has been no credible effort to develop alternative proposals for this site that are realistic and in keeping with Philipstown 20/20. Instead, the alternatives have all the appearance of sacrificial lambs whose scale and plan make them impractical, but whose existence gives the illusion that serious alternatives are being considered. The fact that the current senior housing proposal is being shepherded through the process by Tim Miller and Associates further creates the impression that a "backroom deal" is taking place, and that the current Quarry Pond proposal is being fast-tracked before any credible counter-proposals can be developed.

Although I have no evidence that this is the case, or that Mr. Miller has behaved improperly, I would think it would be of grave concern to the Town Board that their actions are creating this impression. As elected representatives of our community, I believe that one of your fundamental obligations is to insure that momentous decisions such as Quarry Pond are not entered into in a haphazard or undemocratic manner, and that you do your utmost to preserve the transparency and accountability of the process. For this reason we applaud Councilman Shea's call for a formal outside review of the Quarry Pond site by an objective, professional firm with no links to developers who stand to gain from the project. It is just this sort of professional organization who should provide credible development alternatives for public review and comment.

In the end, we may disagree with the final plan for Quarry Pond, but if a fair and democratic path is been taken, we will have no objection to the result. We applaud the fair-minded and deliberate process that the Board has supported with regard to the Philipstown 20/20 Special Plan. It is a model for the kind of thoughtful and enlightened governance that we are lucky to have in this town. Let the process for Quarry Pond follow in that honorable tradition.

Respectfully submitted,

Stephen Ives and Anne Symmes

Stephen Ives and Anne Symmes
51 Chapman Road
Garrison

RECEIVED
2/24/05

CC: T.B.
EA
Tim
W. Miller
Comm
Eil

February 17, 2005

Town Board of Philipstown
Cold Spring, New York

Dear Supervisor Mazucca and Members of the Town Board:

I have had a home on Horton Road adjacent to Quarry Pond for fifty-five-plus years. It was formerly known as the Hustis Farm, subsequently, the Lemac Sand and Gravel Company.

My fears and objections are related, for the most part, to the proposed incredibly large density of ninety-four homes and all that this implies, which is certainly not consonant with the peaceful, rural special quality of the Highlands. Nowhere in our area has this type of approval been granted. Even half this number of homes is excessive. I understand we need rateables to keep our taxes from escalating however, degrading the area with this density will decrease the assessed value of our homes and negate the increase in taxes.

I also understand we need affordable housing for our elders and government workers. My feeling, after years of experience in living here is that we have neither the muscle, the commitment, the staff, or the money to insure the enforcement of the laws and rules governing this proposed development in perpetuity. Setbacks seem to be enforced with regularity but land use frequently obtains a variance. Further flexibility is also considered to prevent lawsuits.

An aquatic engineer was hired who attested that our wells on Horton Road and the aquifer on Quarry Pond will not be affected by the ninety-four home usage. I have been informed however, by reputable well-diggers in Garrison that they have disputed this.

How are you defining "affordable housing" since new building materials and labor costs have escalated to a degree that ownership of these dwellings will require subsidies? And who will pay for this? Affordable housing for seniors as suggested by Susan Bates in her letter to you can be scattered throughout the area in completed housing.

Decreased density of the property does not solve the problem of the owners who, understandably, want their maximum profit of three million dollars. To allow the economic interest of the owners, Mr. Kinkle, Mr. Polhemus, and Mr. Tighe, under the cover of affordable housing for seniors, to trump the safety, visual, moral, social and physical comfort level of our road and the town residents is unconscionable.

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Another concern: the traffic leaving the property will exit at Horton Road and Route nine where children are picked up and discharged by the school bus. This does not seem safe. And what of the residents who live in the surrounding property, whose vehicles are significantly delayed in entering and exiting at this juncture?

Our town boards and residents were able to prevent a hotel from being built contiguous to the Patterson property on the waterfront. They also prevented Mr. Ginsberg, a Westchester builder, from building homes adjacent to the Cabot property near 301. If the boards and community can successfully discourage these developments, our boards moral imperatives are to permit development which does not violate the character of our town.

Sincerely yours,

Eleanor Ruby
Mrs. Eleanor Ruby



February 25, 2005

Supervisor William Mazzuca and the Town Board
Town of Philipstown
238 Main Street
Cold Spring, NY 10516

Re: Quarry Pond Planned Development District

Dear Supervisor Mazzuca and Members of the Town Board:

We appreciate the opportunity to comment on the proposed Planned Development District for Quarry Pond.

While we applaud the determination of the Town Board to pursue an alternative to the mining operation on the site, we have reservations about the proposal to replace it with 94 residential units. We are concerned about the scale of the proposed project, given the environmental sensitivity of the site.

Most people, we believe, would agree that a roughly three-fold increase in the number of housing units permitted on a site is appropriate only if the principal beneficiary of the increase is the town. It's true, in this case, that the town has a need for affordable housing and would benefit from the construction of the 10 affordable units that are included in the proposal. But the other 84 units are to be upscale "senior" housing, and it has not been demonstrated that the town needs any non-affordable "senior" housing. While there may be a market for such housing (principally, we gather, among people who are not currently residents of the town), the existence of a market does not mean there is a need. We recognize that allowing construction of some market-rate housing, in addition to what is allowed as of right, may be necessary to induce construction of affordable housing. But we question whether the incentive implicit in this proposal is the least necessary to induce construction of the affordable housing component. And we think that the town would benefit from having this question examined by a competent and disinterested professional other than the Town Planner. This, we feel, is a good case for a second opinion.

Such a professional could also examine alternative uses for the site that would be consistent with Philipstown's Comprehensive Plan—uses with less potential environmental impact. Commercial uses, for example, including some that may be compatible with affordable housing. One of the goals of the Comprehensive Plan is to "conserve Philipstown's rural, historic and riverside community character; and protect Philipstown's natural resources." This goal is consistent with the purpose of the Highlands Conservation Act, signed by President Bush in November of last year, "to



recognize the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States." As for housing, according to "Out of Balance", the April 2004 report of the Regional Plan Association and Citizens Housing and Planning Council, the need is for "more units closer to the employment centers and in the Urban core." Rural areas, by contrast, should be preserved for their natural resources, not targeted for residential growth. We believe, therefore, that before proceeding with a residential project at this site and on this scale, careful consideration should be given to alternative uses that are consistent with the goals of the Comprehensive Plan, the purposes of the Highlands Conservation Act and the policies favored by the Regional Plan Association and Citizens Housing and Planning Council.

Finally, we note that if, after receiving a second opinion, the board were to find the concept of the present proposal acceptable, critical issues would still need to be addressed before the board gives its approval. For example, what specific legally enforceable measures would be employed to ensure that the "senior" units would never be occupied by anyone other than seniors? Will they work? And what precisely will be the respective rights and obligations of the condominium association and the town with respect to the proposed town park, the site for the project's septic system? Will the park/septic fields be tax exempt? Questions such as these go to the heart of the proposal. We believe that they should not be treated as mere details to be addressed later but should be specifically and satisfactorily resolved before the proposed PDD is approved

Sincerely yours,



Christopher C. Davis
President

25 February 2005

Supervisor William Mazzuca & Town Board Members
Philipstown Town Hall
Main Street
Cold Spring, NY 10516

Written Comments
Public Hearing
Quarry Pond PDD and DGEIS

Dear Supervisor Mazzuca and Town Board Members,

I would like to offer the following comments on the Quarry Pond Concept and DGEIS. Though my opinions on this proposed project are certainly informed by the work I have done in the Comprehensive Planning process, this letter reflects only my personal views.

Referring to Previous Comments

I strongly support **seeking independent review** of the concept before you and alternatives for the site.

Regarding the comments submitted by the Comprehensive Plan Implementation Committee I'd like to add my personal emphasis that the Town fully consider the methods it wants to implement to **insure affordable housing will remain affordable**, not just with regards to this project, but town-wide. The language of the PDD has the applicant proposing the mechanism for keeping the units affordable. Because of the far-reaching consequences of this I encourage the Town to make measure **M 5** in Chapter 3 of the Comprehensive Plan a top priority as this project moves forward, and lead the effort for developing a mechanism for managing affordable units.

Tax Base and Community Services

I'd like to focus my comments on this section of the DGEIS. I do not think increasing the tax base should be a justification for this type of development. John Shapiro offered many useful perspectives on our Town, and the one that stays with me most strongly is **'do not use economics as a basis for planning, otherwise you'll end up with a bad plan.'** Shapiro points out in his analysis that we are not in a tax crisis unlike many other towns in the region. Yes, we do have a crisis because many residents are finding they cannot afford to continue to live here, but this should be addressed through a variety of other means presented in the Comprehensive Plan, not by justifying this market rate age-restricted housing development for the tax-base it is going to provide.

TAD
CC: TB, TIM.H.
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1/25/05 (1.1)

There are several points made in the section on Tax Base that should be examined and fleshed out. From what I have been able to read in the DGEIS the analysis may need refining or correcting.

First, the analysis of *Cost to Town of Philipstown* on page 3.8-6 bases municipal costs on a per parcel basis. (See the footnote that refers to number of parcels used to calculate residential share of costs.) However, the calculation of revenues is done on a per capita basis. The analysis should be consistent, **comparing like with like**, looking at revenues and costs both on either a per capita basis or on a per parcel basis. Mixing the analysis like this gives the project a higher surplus than if it were done consistently on a per parcel basis. The projected surplus of \$44K would in fact be reduced by 50% if revenues are estimated on a per parcel basis, since the occupancy rate of the project is much lower than the town-wide average (1.8 versus 2.56).

Second, the assumed surplus of \$204,839 for Haldane taxpayers should also be presented on what the savings would be for one average household to portray the impact on a taxpayer. Also, it should point out that it is the savings for the first year only. What is the projected increase in value of the condominiums as compared to an average home in Philipstown? What has been the experience in the marketplace for increased value of condominiums versus single-family homes in a very desirable community? If the condominiums increase in value at a lower rate than homes town-wide then the benefits of the tax base will decline over time.

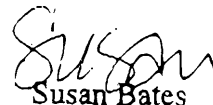
Third, what is the reality of successfully enforcing the age-restriction? Proponents of course guarantee that no child will live in the project. I feel it is important to address the real possibility that either through loopholes, lack of enforcement, or failure of the marketplace to sell all the units, that school-aged children may live in the age-restricted units. The analysis should also include what happens to the cost/revenue equation if that happens.

Finally, on page 3.8-2 the housing profile only mentions housing units built through the 1990's. If this figure is relevant then the profile should include housing built in 2000-2004.

In Closing

The future development of Quarry Pond presents an exciting opportunity to the Town. What is constructed there should be something that reflects the vision that you have for the Town, and that has been developed under your leadership through the 20/20 process. I encourage you to continue to explore other options that will more closely match that vision.

Yours sincerely,


Susan Bates

received

Appendix B
Public Hearing Transcripts

TOWN OF PHILIPSTOWN
TOWN BOARD
x

Local Law to Amend Zoning Law Chapter 175 to Create a Planned
Development District known as Quarry Pond

x

January 26, 2005
Philipstown Recreation Center
Route 9D

Philipstown, New York
7:30 p.m.

B E F O R E:

MEMBERS:

WILLIAM MAZZUCA, Supervisor
BETTY BUDNEY
AL HOSMER
RICHARD SHEA
DAVID BROWER
EDWARD W. DOYLE, ESQ., Town Attorney
TINA M. MERANDO, Clerk

A P P E A R A N C E S:

TIM MILLER
TIM MILLER & ASSOCIATES

JANELL HERRING
TIM MILLER & ASSOCIATES

SUPERVISOR MAZZUCA: Okay. Welcome to the public hearing for the Quarry Pond Philipstown Industrial Park project. I apologize if I sound nasally, like everybody else, battling a cold.

Second, I will ask Tina to read the notice, public hearing notice. We will conduct this public hearing like we conduct all public hearings, but Tim Miller and Tim Miller Associates will give us an update on the plan, where it sits, what we are looking at and the PPD, and then we will take comments from the public. The Board won't be responding to comments, I'm told.

This is your public hearing. It is your time to express other options, what you like about the project, what you don't like about the project. We will take your comments tonight, and also when we adjourn, close the public hearing, we will also have a time period where you can submit written comments to us.

With that, I will ask Tina to read the public notice.

MS. MERANDO: This notice has been prepared in accordance with Article 8 of the State Environmental Quality Review Act of the Environmental Conservation Law and is issued pursuant to part 617 of the regulations implementing such Article 8.

A Draft Environmental Impact Statement has been completed and accepted by the Town of Philipstown Town Board, as lead agency for the proposed action described below.

A public hearing on the proposed planned development district local law, and draft GEIS, will be held on January 26, 2005, on or about 7:30 p.m. at 107 Glen Cliff Drive, Garrison, New York. Any written comments on the draft GEIS, will be accepted by the Town Board not less than ten days after the close of the public hearing. The name of the action is Quarry Pond Planned Development District.

Description of the action: The proposal entails the mapping of the zoning district in the Town of Philipstown referred to as the Quarry Pond planned development district. The Town of Philipstown proposes to designate approximately 80 acres of the North Highland section of the Town as a planned development district pursuant to Chapter 175, Article 12 of the Philipstown code in order to facilitate the construction of senior and affordable housing, on a site that is now industrial zone and used for soil mining. SEQRA classification is type 1.

Location: The Quarry Pond subject site is located on the eastern side of US Route 9 and south of Horton Road, near the Northwestern corner of the Town of Philipstown, Putnam County, New York. It is located approximately one mile south of the Town's border with Dutchess County, and just over two miles

from the intersection of US Route 9 and Route 301. The site is bordered on the east by the Clove Creek, Hustis Road terminates at US Route 9, opposite the site's southeastern corner and the existing entrance to the site. The project site is designated as tax map section 16, block 1, parcel 38.

The potential environmental impact: The action of designating the subject site as a planned development district will have no direct environmental impact. Implementation of the PDD will result in a residential development, which would replace the current use of the site as a soil and gravel mine.

Potential environmental impacts of residential development would include grading, land disturbance and removal of vegetation in association with the construction of senior and affordable housing on the northern portion of the site, and installation of utilities and septic areas. Approximately 88 acres of the new impervious surfaces would be created on the site as a result of anticipated new construction, and the volume of storm water runoff would potentially increase.

Aside from the creation of the these impervious surfaces, construction disturbance will be generally limited to areas within 20 feet of the proposed building and roadways, and within 15 feet of septic areas. Anticipated Quarry Pond PDD development with slightly increased traffic on local roadways. The lead agency is the Town of Philipstown.

A copy of the draft GEIS may be used by contacting Tim Miller Associates, or by visiting him online at www.TimMillerAssociates.com.

A copy of this notice and draft GEIS shall be sent to the involved agencies and interested agencies, the Town of Philipstown, New York, Putnam County Department of Health, New York State Department of Environmental Conservation, Putnam County Department of Planning and Development, Butterfield Library Cold Spring, Fische Library, Garrison, North Highland Fire Department, Philipstown Ambulance Corp., Philipstown Conservation Committee and Philipstown Comprehensive Plan Committee.

A copy of this notice is also on the Environmental Notice Bulletin Board. And this was published in the Putnam County News on January 12, 2005.

SUPERVISOR MAZZUCA: Tim.

MR. MILLER: It's my turn. Good evening. My name is Tim Miller. I'm the consultant planner for the Town of Philipstown. I'm going to take 20 minutes and go through some background and describe the proposed local law and concepts associated with it, and a little bit of the contents that are in the Draft Environmental Impact Statement.

This is a joint public hearing on both the Planned Development District Law, which is the zoning law, that is the action in front of the Town Board. At the conclusion of this process, there will be no rights to build on this property. That would only occur after an affirmative vote by the Town Board, and then a site plan review and approval by the Planning Board. So really, even though we have been at this at one level or another for at least three years, we're still kind of at the front end of the process.

So it's a public hearing on the proposed local law and it's also a public hearing on the draft Generic Environmental Impact Statement.

We have a court stenographer tonight, who is taking down all the words verbatim. All comments and questions asked tonight will be provided in the final environmental impact statement, and there will be a comment and response format that will address every comment and question that you have.

As Bill indicated, the purpose of tonight's meeting is to hear your questions and hear your comments. And the Town Board is going to take the stenographic record and working with the staff and attorney and planner, develop a detailed response, which will also be made available for the public review.

So, how did this whole thing get started? It's a long story. Back in 19 well, this property this is an aerial photograph of the site. Route 9 is located here on the western side. This is Horton Road. This is the Hustis Barn, Hustis Road. This is the Hustis Road is somewhere in here, this is Jade and this is Hustis Road and Citrone is located here.

This aerial photograph was taken in 2001. It shows you the conditions of the property. It hasn't changed much. The vegetation has grown a bit in the past three years, but basically this site is historically mined during much of the 20th Century.

The property is zoned industrial. In the industrial zoning district, there are a number of industrial uses that are permitted, including soil mining and including singlefamily residential subdivision.

In the early 1990s, the current owners of the site applied to the Town Planning Board for a temporary Town special-use mining permit pursuant to the applicable Town mining law at that time. They also applied to the DEC for the New York State Department of Environmental Conservation mined land reclamation permit in order to do surface mining and gravel processing, largely in the southern part of the site.

That special permit back in those days went in front of the Planning Board. The Planning Board was responsible for dealing with environmental issues and issues related to the

special permit, and they had issued kind of a determination that the mining could occur on this site without adversely impacting the environment.

There was an Article 78, petition brought by nearby by residents. That's basically a lawsuit saying you didn't do this right and you made a bad determination.

And then also in those days that special permit went to the Town Board for kind of a final vote and ratification. The Town Board turned it down. And then there were a series of lawsuits that went back and forth between the Town and owners and the residents. It went all the way up to the New York State Court of Appeals, who ultimately upheld the Planning Board's finding that there wouldn't be an impact associated with the mine, reversed an earlier court ruling that supported denial of the special use permit. And the invalidation of the negative declaration basically established new case law in the State of New York; McNally, who was the Planning Board chairman at the time, versus Mersin, who was one of the neighbors who brought the initial Article 78. It is now a really well known New York State Environmental Quality Review Act case. And subsequent to that time, mining occurred on the property throughout the 1990's.

Around the time that the mine was being denied, the applicants also filed an application for a singlefamily subdivision. And at that time, the pond was much smaller then it is now. The layout of the subdivision, which can no longer occur as it was envisioned back in the early '90s, showed 37 lots, in a conventional subdivision format, and two-acre singlefamily homes. And they went through the process with the Planning Board.

They received preliminary subdivision approval, but never pursued final subdivision approval. Basically they continued to take sand and gravel out of the property, and as of this date, the Philipstown Industrial Park still retains an active mining permit from the State of New York, to remove sand and gravel on the site.

Now, they pretty much exhausted that permit in what they can do, in terms of removal of materials. In 2002, Philipstown Industrial Park filed another permit with the Town Board I'm sorry, with the New York State DEC, seeking to extract an additional 150,000 cubic yards of sand and gravel, and 150,000 cubic yards of hard rock over another fiveyear period. And they also, with that permit, wanted to develop a crushing plant and rock processing plant.

At that time, the Town Board was notified by the DEC of this proposal. The DEC is obligated to coordinate these activities with the local community. The Town Board took a very

strong position that they didn't want this mining to continue on the property.

The DEC had indicated the likelihood that it also was going to make a finding that this additional five years of mining would not have adverse impacts. And the Town Board took a very strong position with the owners that they were going to oppose this, and really didn't want to see another five years of mining and rock crushing and rock processing on the site.

So at that point in time, the Town supervisor, who was Tony Mazzuca, and his advisers met with the owners to talk about options for the property. And during those discussions, one of the identified options was a possibility of the Town purchasing the property from the owners and pursuing an alternative land use. And this occurred late in 2002, early in 2003.

So, this was the first time that the owners ever indicated an interest and a willingness to work with the Town. It was sort of new news that the Town didn't have before that they were actually potentially interested in selling the property to the Town.

And early in 2003, the Town Board established the Philipstown Local Development Corporation, basically kind of a quasi development oriented arm of the Town government, to negotiate with the owners with an eye towards purchasing the 80 acres site and finding a user that would be able to use the property, buy it from the Philipstown Local Development Corporation, and the mining would be done, the litigation would be over, and the use of this property could occur that was in the interest of the Town and neighborhood and community.

So early in 2003, as the Philipstown Local Development Corporation was getting under way and setting themselves up and so forth, the Town started talking to potential developers for the property, and there was an eye towards finding a developer interested in developing the site for an active adult age restricted community with an affordable housing component.

The PLBC, the local development corporation, had a bunch of meetings. Really didn't seem to be progressing in terms of coming up with a program, the contracts, and the administrative responsibility needed to make this whole thing happen. And so subsequent to early 2003, the Town Board basically decided to let the free market handle this.

There were further discussions with the owners. The concept of the senior housing and affordable housing, continued to have legs with respect to a market place in the Town. The Town established a concept committee to further review this initial concept, which is for the affordable housing and senior components, and provide input to the Town Board to develop a further concept plan for the program consistent with the planned

development district goals that had also started to be formulated.

So a concept committee comprised of members of the Town Board, Planning Board, some neighbors, and some other citizens of the Town met on a couple of occasions. Once in the fall of 2003 to walk the site and review the existing conditions with the concept plan at the time. And second time, in January of 2004, to review some revisions to the concept plan based on results of preliminary soil and septic testing.

One of the things that the Town Board also said was they didn't want to move forward with this project unless the owners established a genuine viability of the use. Genuine viability of use could only be established by doing some installation of ground water wells and some soil testing to establish the viability of a community septic system or some alternative to that effect.

Based on the preliminary results of the wells well installations, there are two wells that have been installed here, and septic soil testing, which is located in this area, the project started to move forward a little bit more vigorously.

The concept committee wrote a letter to the Town Board with a number of comments relating to the proposed PDD and the concept plan, and a copy of that letter is in the Draft Environmental Impact Statement. Basically the concept committee found, you know, a number of items associated with the concept plan they felt had merit. They liked the fact it had substantial deep setbacks from Clove Creek, right now, the plan is holding a 200-foot minimum setback from Clove Creek and also the fact that there was an opportunity for the entire Clove Creek corridor to come into public ownership.

I guess, maybe what I will do is talk a bit about the concept plan. And I want to make sure everybody understands this is a concept plan that flows from the planned development district zoning law. It is not a proposed development plan. It hasn't been put in front of the Planning Board for purposes of approval. It hasn't been engineered with respect to grading or utilities or other features. It is basically a plan developed with the idea of senior housing and affordable housing, taking advantage of the current conditions of the site with respect to topography, other aspects of the property, the desired setbacks from Clove Creek, the desired setbacks from the Horton Road neighborhood, the desired setbacks from Route 9, 200 foot well head protection areas, and providing about 42 acres of open space that potentially could come into the Town hands as a public park.

The concept plan has access coming from Horton Road, with a small culdesac. This plan is showing ten duplexes that will be affordable units. The idea behind the affordable units is they will be -- people given an opportunity to purchase into the affordable units would be municipal employees, volunteers for police and emergency services or ambulance, or other people in the Town that met the criteria that has yet to be finally established in terms of ownership.

What the PDD talks about is establishing a Board that would set up the criteria for ownership, future sale, future resale of the affordable units. These units will be slightly smaller and will not have an age restriction. They would have no more than two bedrooms.

And then, coming into the site, these would be private roads, owned and maintained by homeowners association. At the entryway, this concept plan anticipates a small clubhouse that would serve the residents of the property. Generally what happens with these types of communities, they are 3- to 4,000 square feet, and have an exercise room, a kitchen, a dining area, a meeting room and a party room kind of thing. Sometimes they have other recreational amenities like pool tables, or card tables, libraries, office center with access to internet access. It shows two tennis courts, a small swimming pool. And again, these are just ideas, there is no commitment to these, other than in terms of laying things out and the orientation of the roads and buildings and so forth. This would be a potential location for it.

It also shows 42 duplex buildings. These will be twounit buildings that will be allocated to the senior housing. The buildings -- it is envisioned, I think the planned development guidelines call for this, are intended to have the appearance of a singlefamily home.

Types of buildings that we've seen generally have a front entry garage and a side entry garage so that the front does look like singlefamily homes. These units can be anywhere from 1800 to 26 or 2800 square feet. They are limited to two bedrooms. The height limitation is set forth in the PDD is 35 feet, which is lower than the height limitation in the industrial zoning district. And all of the setbacks set forth in the PDD are deeper and more expansive than what would be permitted by right in the industrial zoning district under today's rules and regulations.

So basically, the concept plan shows a curvilinear road with three small culdesacs. What this concept plan shows is where possible, the roads will be single loaded and faces in to have a central core. The back yards in all of the units largely face kind of open space in one way, shape or form.

There is an emergency road connection that will allow for emergency access through the southerly portion of the site and out to Route 9. The project would be again, managed by condominium association who will be responsible for the maintenance and snow plowing and management of all the roads and common features of the property, including clubhouse and the water system. There are two wells that will become part of the water system.

There will be a community septic system located near the potential public portion of the property. And the whoever ended up being the owner of this land would need to provide an easement for the care and maintenance of the septic system by the condominium association.

So that is the concept of the northern part of the site. And again, depending upon what happens and how this ends up being approved, 84 and ten is the way the language of the law is set forth, would be the maximum number.

At the end of the day when it goes to site plan, the Planning Board and whomever ends up being the developer just may find out this number of units doesn't work, but this is a concept.

On the southerly part of the property, we've been asked by the Town Board to come up with some ideas for passive type recreation. The feeling was passive recreation would be the best possible use of this property as opposed to active play fields. And so we have come up with a pallet of ideas that have a trail system that goes through the wooded area, the riparian corridor of Clove Creek, a walking trail. We show a gazebo on one of the high points on the property. In this area here which would be basically graded out and top soiled, we show an area that could be a community flower garden, an area that could be a community vegetable garden. We show two greenhouses, which are very popular community type passive uses, where raised bed type greenhouses where people could go and propagate plants and other things during the winter.

We show a landscape nursery, which was an idea that someone had suggested, where the Town could actually propagate landscape type species to use in the beautification of Route 9. We have a walking or running track around the pond, and in the pond itself, we show a series of Boardwalks and platforms, where people can walk out, sit down, relax, and contemplate. The pond is clean fresh water. I assume it can be stocked with fish; I'm pretty sure there is fish in it now. We show a couple of picnic areas and gazebos and a parking lot of about 20 cars.

And we also show a pet run, which some people have expressed an interest in. It's becoming a very popular passive

use where you can actually let your pets run free in a fenced area.

So, again, these are ideas. They are not part of any proposed action other than they are concepts that could be pursued if this open space area ends up in the hands of the Town of Philipstown.

So, I'm not going to go through all the things that the concept committee outlined in their letter. That is in the EIS.

Also in the EIS, there was a market study that looked at the demographics of the Town of Philipstown in terms of its population relative to the seniors. And there is quite a bit of detail on the demographics of the future conditions projected in the Town as the baby boomers get older.

In 2008, the population of people in the Town age 55 or older is projected to be 31 percent, or about 3200 people. And that is higher than Putnam County, on average, which is 21 percent, or Westchester County which is 25 percent. And as the baby boomers age, 18 percent of the population that are presently under the age of 55 in the Town of Philipstown will join the ranks of seniors over the next ten years.

So the market place has really responded to the demographics scenario where baby boomers born in the late 40's, early to I don't know how far the baby boomers go, but as they start to age, there is an increasing demand for this type of use, where common areas are taken care of, utilities are taken care of, your roads are taken care of.

A lot of people use these communities have homes in Florida in the wintertime. And right now there is a tremendous demand of senior citizen projects. They are taking over in the metropolitan area.

So there is a market study in DEIS, and everybody can take a look at it and get a sense of what the statistics are and the projections are.

So that is kind of the background on the project with regard to where we are in the process with the Town, the Town Board elected to require an environmental impact statement on this process. And this was done pursuant to a scoping meeting that was held in a public meeting where people came out in July of 2003 and had an opportunity to raise concerns and comments as to what should be in the EIS. Written comments were received also during that time.

The Town Board adopted the scope. They instructed us to put together an evaluation of this concept. Based on that scope and the environmental impact statement that is part of the public hearing tonight, is in response to that scope that is adopted by the Town Board.

The EIS; it's a pretty thick document. If people had a chance to look at it either in the Town or online, it covers a large variety of topics.

Some of the more pertinent topics were concerns regarding impacts on soils and topography. The EIS projected about 30 acres of the site will probably be disturbed in order to implement the senior housing project. And additional areas of the site will require reclamation of under the New York State Mining Reclamation Act.

So the document sets forth measures that need to be incorporated into the site planning, connected with soil erosion management, protection of Clove Creek during construction and so on.

There is a water resource evaluation in the document. The owners of the property retained a ground water hydrology firm--Leggette, Brashers and Graham-- to install wells and pump test the wells to make sure that there was sufficient potable water on the site.

The Clove Creek Valley is a sand and gravel aquifer. People have put their wells into unconsolidated gravel or into the bedrock. These two wells go into the bedrock, but they also tap the sand and gravel.

They pumped them in the preliminary pump test and demonstrated a total yield of about 88 gallons per minute, without finding any interference at any of the wells that they monitor in the area. This is about four times the anticipated demand of the project at 20 gallons per minute.

And then the Town retained the hydrogeology firm, SSEC, who reviewed this work. The testing showed no offsite drawdown to the Town aquifer. The Town is requiring a full 72hour pump test on the wells in accordance with Putnam County Department standards and New York State DEC and New York State Health Department standards prior to site plan approval for the action. The proposed planned development regulation also sets forth very specific measures that will be required in order to protect storm water quality and storm water quantity. So consistent with New York State Guidelines, whoever ends up being the developer of this property will have to take care of all of the runoff on the impervious surfaces and treat it before it is discharged to Clove Creek. They will also have to manage the storm water so as to not increase the peak volume that flows in Clove Creek under two, ten, 25 and 100 years storms.

A reclamation plan will also need to be submitted that shows restoration of all areas of the site that are outside the areas of disturbance for a project to the satisfaction of the Town Board.

The DEIS evaluates natural resource conditions on site for fauna, wetlands, habitat. It provides protection for the Clove Creek riparian corridor. There is a traffic analysis done.

The projection for traffic from this project is slightly less than 40 trips during the morning peak hour period, and slightly less than 50 during the p.m. peak area, and were expected to follow the existing traffic pattern on Route 9, with respect to heavier volumes going south in the morning and north in the afternoon.

Three intersections were evaluated, Horton Road side access road to US Route 9, and Hustis Road and US Route 9.

There was an evaluation and review of land use and zoning, and conformance with the concept set forth in the Philipstown Comprehensive Plan.

There was a review of sewage disposal. The applicant retained an engineer to review soil conditions. The Town retains its own engineer to review that information on behalf of the Town. And this project will generate about 15,000 gallons per day of septic flow, which would be somewhere in the neighborhood of the equivalent of 30 to 35 singlefamily homes.

The DEIS writers contacted the police, fire and emergency service providers, and had discussions with the North Highlands Fire District with respect to provision of dry hydrants and fire protection mechanisms.

There was an evaluation of taxes generated by this project. What is kind of attractive about a senior project is that they tend to be higher valued real estate because of the residential nature compared to industrial use like a warehouse or flex space. They don't generate school kids to the school district, which is a very attractive situation for the Town of Philipstown.

Right now the project generates about \$2400 a year in taxes to the Town and the County, and nothing to the school district. The projected increase to the Town with this concept would be about \$55,000 a year. And the projected increase to the school district, taking into account the couple of school kids that would be in the affordable units, would be about \$280,000 a year, which is one of the benefits of the project.

There is a visual evaluation in the EIS. There were some mitigation measures. We talked about some design standards, and landscape planning standards to be applied during site plan review process.

For the most part, because of the nature of the topography and the deep buffers, the DEIS authors believed that this site will have very, very limited views from Route 9, and

would not be visible from Horton Road, except for the site entryway.

The document also looked at a number of alternatives. I know that the alternatives have been a topic of quite a bit of discussion in the community.

There were seven alternatives reviewed. One of which included no action, which would be probably a continuation of the soil mine, because I it's my understanding that if this doesn't happen, the owners will pursue the soil mining permit that they had suspended back in 2002.

There was an alternative that looked at development of the site for industrial use, which is what the zoning calls for right now, pursuant to the existing industrial zone and allowable floor area and so forth.

There was a PDD mixed use option, which would permit about 10,000 square feet of commercial development, with a lesser number of age-restricted housing and ten units of affordable housing.

There was a 26-lot conventional subdivision, which would probably be a maximum number of singlefamily homes that the site can accommodate, given the change in topography over the past number of years. There is a 26-lot cluster subdivision. Neither of these would be age restricted. They would accommodate families, and would generate school kids.

There was an alternative senior housing concept that looked at quadruplex, basically four units in one building instead of duplexes, and there was a plan that looked at 26 units of senior housing on the site.

So, I think I have said enough. So I'm going to sit down, and I don't know if you have any comments, but I guess we want to hear what you folks want to say.

SUPERVISOR MAZZUCA: Ed, anything?

MR. DOYLE: No.

SUPERVISOR MAZZUCA: Comments from the public.

AUDIENCE SPEAKER: Tim, can I just ask a question for information, if I can. Why doesn't the site pay school tax?

MR. MILLER: I'm not sure. I don't know if there is an exemption for industrial use, but I'm not sure.

AUDIENCE SPEAKER: Normally commercial property does pay school tax.

MR. MILLER: I'm just going from what I read in the DEIS. I didn't write very much of it, it was done by a lot of other people and that is what it says. So I don't know the answer to that.

AUDIENCE SPEAKER: I'm Susan Bates. I'm these comments are in my role as cochair of the Comprehensive Planning

Committee. We have prepared a letter for the Town. The Town Board has a copy. Here is a copy for you.

We have reviewed the DGEIS with regards to how we feel upset with the Comprehensive Plan, and we have comments that come into three different categories. But I would like to preface my remarks by recognizing that Quarry Pond represents an opportunity to the Town that the Town is not likely to occur again (indiscernible). And which, over time that the comment built there is something we can look for as provided comprehensive, that represents the community visions for its future.

Our first group of comments is really one concept, and general terms about the community goals and proposed concept that Tim has relayed for us. And we believe that this proposed concept for age-restricted housing at Quarry Pond should be modified to housing that is better served in the community -- the housing needs of the community. And that is housing that is affordable by our current residents, both young and old, as well as people who serve our community. This is something we heard throughout the four years of the Philipstown Comprehensive Plan. And we're not going to belabor the point, but (indiscernible) important of these issues.

Our second group of comments are very straightforward. And they relate to parts of the Comprehensive Plan mentioned in the DGEIS. The first overall comment is, that whoever put this together, and I appreciate it was not Tim that did the actual work, referred to the wrong version of the plan.

They cite the March 2004 version, which is what came before you all as the public, and the Town Board. We held the public hearing in March, and there were extensive comments (indiscernible) opportunities to improve the plan, and those are reflected in the July 2004 version handed off to the Town Board.

We have gone through and we made notes of areas that should be corrected, and also areas that we feel were omitted that we would like included. I'm not going to go through all of them. I would like to touch on highlights, because I think they are relevant to the proposed concept reflected in the DGEIS.

The first one is, there is a strategy with relation to the housing goal that says, "allow senior housing that addresses local and level in needs, and in keeping with the scale of Philipstown and goals of this plan; locate senior housing and mixed use development for the hamlet center, so that it is close to shopping and other community resources."

And we highlight that one, because we feel that it is

underscoring that it is an age-restricted development and not a senior development. Because a true senior is going to need more services and we should not put them in an isolated area, and so we should put that as age restricted and not shown as senior development. We would also like the DGEIS to underscore the notation in chapter three, specifically R2.5, which says, "allows twofamily and multifamily housing with appropriate controls to create needed housing that local residents can afford. Senior housing should be in scale with the community and should be targeted toward the residents of the Town with limited income."

As I said in my earlier remarks, throughout this comprehensive process, we have been made aware over and over again of the growing crisis for affordable housing in our community. It is one of our biggest challenges. And since the proposed development does provide an opportunity for the community to meet that challenge, we would like the DGEIS to pay particular attention to all of 2.5, which I won't read to you.

Except to highlight that within 2.5, it does stress the need for mechanisms within the Town to assure affordable housing so designated remains that way. There is a number of different ways to do this. Tim mentioned a Board, parttime staff members and other options. But as the Town Board considers this proposal, I think the mechanism to ensure that the affordable housing stays that way, is something to grapple with.

The third group of the comments from the implementation committee are a request for further elaboration of the DGEIS, and we have four of those areas.

The first one is a treatment of a part of the scoping document that says, "Strategies demand affordable units." And it reflects back to one of the goals with regard to one of the actions of the plan.

Tonight Tim mentioned there is a discussion of the Board. The words in the EIS just state the Town will consider setting up a notforprofit agency to administer the sale of affordable units and that's it.

I think that, you know, this is such an important step for the Town that we respectfully ask the Town Board please to elaborate in this document about how we're going to truly achieve the goal of having affordable housing (indiscernible) so we can as a community analyze and review that.

The second point we would like to please have elaborated on is the lighting standards. Tim mentioned measures standards and things like that. We feel that light pollution is something that is becoming more and more of a concern to people. We would like this EIS to set forth the standard that will be applied so that we are all assured that the light pollution will be

minimized for the immediate neighbors that live on Horton Road, as well as the people that live in the Lake Valhalla, and for motorists traveling along Route 9 at night.

We have six items that we would like you to please consider and add to the long-term impact, section five of the EIS.

First, that we do feel there will be an increase in demand for community services, especially emergency services and recreation. As we've heard tonight, there are some really wonderful goals for recreation that could be had on the property, but is going to require expenditure by the Town and management, and we know should be included.

And then the second comment that of course the spending will go up to manage and develop the recreational items, I supposed what will be the cost to the Town of establishing the recreational facility.

Third point goes back to something already mentioned, long-term impact to establish a means to administer the affordable housing program.

Four is we would like consideration that, really, to properly manage this development is going to require municipal sewer system, the district to manage its goal.

(Indiscernible) Russell, who has not looked at that, but in a conversation his experience working with Towns with shared septic field, that what is really required to protect the owners to municipality to take over, even though it will not be in the Town sewer system. So a long term light pollution. And finally, a long term increase demand on the aquifer.

The final point we ask to be elaborated on is in the alternatives, in the section covering industrial development as an alternative. The DEIS states that industrial development may not be fully consistent with the current draft's comprehensive goals and strategies.

Well, the Comprehensive Plan has been written to try and balance development and commercial interests in connection with (indiscernible) and conservation (indiscernible) and we do see in the Comprehensive Plan they do address commercial and industrial uses. And one of the findings is that the community needs appropriate areas in which to locate these uses. And we offer the challenge that perhaps an alternative could be designed to meet the community needs. Now the implementation committee fully recognizes that the neighbors in the past have opposed industrial use at this site, and reading about the alternative which is a massive development, including five hundred space parking lot, we find it no surprise that there is an opposition to this.

We would like to request the Town Board to explore industrial or commercial development in a much more modern scale, using a double lane complex as a model and comprehensive strategy, including goals in the plan, pursue focused on development strategy, (indiscernible) authenticity, controlling real property taxes and ensuring they are reasonable and equitable cons on development conditions and (indiscernible) at historic and riverside community character and finally protecting Philipstown National recourses, there are a commercial development that could fulfill those goals.

In closing, we acknowledge the development does pose challenges. There is a challenge of balancing needs of the community, the desires of the owners, reality of the market place and shared vision for Philipstown. We are all confident that with the continued leadership of the Town Board, working with the many interested parties that this challenge will be successfully met. Thank you very much for your time.

SUPERVISOR MAZZUCA: Does the Town clerk have a copy of that letter? Should we mention the date of that letter?

AUDIENCE SPEAKER: January 25, 2005.

MR. DOYLE: A copy of the letter will be a part of the record. Thank you.

AUDIENCE SPEAKER: I would like to make two statements.

SUPERVISOR MAZZUCA: Identify yourself.

AUDIENCE SPEAKER: Claudio Marzolo (ph.). First, as a resident of Philipstown, I would like to echo everything that Susan said, which I think really summed up the feelings that many of us have. So I'm not going to repeat what she said. I would like to state, I agree with what she said.

The second part of my statement is more as a member of the Philipstown Recreation Commission.

A development of this size under our current law would require a payment of \$3500 per unit for the development of recreation facilities. Now, they don't have to pay that if they develop some recreation facilities on their own. But I feel that I would like to see, whatever authority works on this, to develop a recreation facility on this site, work closely with the recreation commission and department that are working on a master plan for Philipstown recreation. We have a plan that we developed in 1990, and I have been working towards unifying the Town's recreation facilities.

Just as an example, off the top of my head, we are looking for a place where we can have some small boating and canoe training for some of the kids in Town. The Hudson is a little too rough and too traveled by big boats. Something like that might be able to work in this context.

But I don't want to talk about anything specific. I would like to set up a dialogue between the recreation, Philipstown Recreation, and the developers of this plan for the recreation. Thank you.

SUPERVISOR MAZZUCA: Thank you. Yes, George?

AUDIENCE SPEAKER: Good evening. I'm George Cleantis, Garrison.

For the moment, I'm speaking as the chairman of your Philipstown Planning Board. The Philipstown Planning Board has been involved in scrutinizing this project for some time. We have had meetings with regard to the various environmental assessment forms. We've talked about it in workshops. We have been available for comment from various public and several members of us, there are seven of us on the Planning Board, have, I'm sure, spoken with our friends and neighbors with regard to the plan.

For the most part, without going into any specific detail, I will say this, that the Philipstown Planning Board enthusiastically endorses this plan unanimously. We have indicated so by written letter to the Town Board.

This is a wonderful plan. And as I said, we have gone over this collectively and individually. Some of the comments made by Susan and some of the comments made by Claudio, these are all subjects that we have discussed.

From our Planning Board, we even made the proposal that the right of first refusal be made to the Philipstown residents, so we can be assured Philipstown people will be the first ones to get this. We have talked about the lake and we talked about the corridor and talked about the open space. We are indeed hoping we talked about the monies, the \$3500 per unit. There are 80 something units; we're talking in upwards of \$250,000. This is these are all items that we have put into the dialogue.

This is not the end of this plan, this is a concept plan. So in a sense, when we talked about specifics and the details, we know full well that this concept, if it is pursued further and if it is actualized, will come back before the Planning Board where items such as lighting and or items will come up before the Planning Board, and we collectively, through public hearings and so on, will be able to come and put a package together that is going to work.

Again, whether it is 80 units or lesser than 80, whether they are more affordable or less affordable, how the specific plan will look, how the layout will look, how it will look from Route 9, what the sidelines will be, what the landscaping will be, what the elevations will be, what the architecture will be like, what the impacts on the road will be, what the impacts to the Town will, even in discussions in terms of impacts on taxes,

all of these things will come before the Planning Board. There is sure to be a lengthy and productive approach to this project. So this certainly not the end all and be all.

But, again, I go back in closing, for the official remarks, I again remind the Board, that the Planning Board unanimously and enthusiastically, the Planning Board supports this project, or the concept of this project and has so indicated in a letter to the Town Board. And we hope to be a very active part in helping make this happen. That is the end of my official remarks as the Planning Board chairman.

Now I would like to speak as George Cleantis, resident of Garrison. Just for a moment, comments which I guess I could have mentioned just a few minutes ago. We have seven members on the Philipstown Planning Board, and of the seven members of the Philipstown Planning Board, we have many, many, many years of residency in this Town. There is not one of us who would sell this Town short or blindly look at various projects or any project, small and large, to split subdivisions, to projects as big as this without taking it very seriously. Our children live here and our future is here and our names will be linked indelibly to the projects that happen. So we're not about to take these projects very lightly and certainly I am not.

I turn your attention to south of the lake for a second and the south property line. I don't want to take too much of your time this evening, but there are two little houses that are right on Clove Creek and my family was the owner of those two little houses. One was a pink one and one was a yellow one, right on the border there, right on Clove Creek. We bought it in 1955, and in 1955 there was no -- I don't know if it was Pearlmack, -- Lea Mack, there was no Lea Mack. There was a field, there was a line of trees, roughly where the line of trees are, the land rolled, it was at about the height of Route 9, there was a big barn over on Route 9, and we kids used to play and frolic and rabbit hunt, throughout my early years. I'm not going tell you exactly how old I am but I was around in 55, that is 50 years ago. And I was able to use a gun, so go figure.

In any case, two or three years later, you know, the rumbling came and we went up over the hill from the house and all of a sudden all was gone. Everything turned into roughly what it is now, the pond started growing and we used to go play down in there and moonscape and so on and so forth. And eventually I guess my family sold it in the '80s and transferred to the pristine climes of Garrison, which we love. So we have been here a long time and we do have a tremendous interest in what's happening. Senior housing or age-restricted housing is a wonderful idea. The Comprehensive Plan calls for a rural

character. We are sandwiched, whether like it or not. Like Central Park, we are sandwiched between Fishkill which has become urbanized, Putnam Valley, which I lived in for a while, which has become Long Island suburbanized, big mansions, Cortlandt, which has and always will be suburban, and urban. And perhaps our most close akin would be across the river, because of the river, would be the West Point people. One of the things that we have always said in public meetings, and have always expressed is the grandeur, the gem that is Philipstown.

If all else, that is something we have on our shoulders to protect and preserve so long as we can. This is a challenge that is monumental, because the pressures are intense. Every time the markets gets good, it is intense pressure to change the character of our community.

The only way we're going to keep the character of the community is through dialogue; dialogue with the Planning Board, dialogue with individuals, dialogue with the Town Board.

In this particular case, my personal thoughts are, I would hate to see Philipstown which has a good rural character become suburbanized. However, I think part of rural character is that we have family values, if I can use that term, which means having people who have lived in this town be able to remain in this town. That means raising our children, having grandpa and grandma living in this town. You know where I'm heading.

I'm headed toward the fact that with age restricted housing in a very particular location that is landscaped property, that looks good, that works good, that doesn't increase the taxes is one of the things that this town really can use.

When you've got people, especially if it's allowed to have people from the Town of Philipstown go into this particular units, you are going to have people who lived many years who are going to be a part of this community. And I might add to the people who embrace the idea of a more rural character, more of a green belt character to this area, I might add that my thoughts are, the older folks, especially the ones without the kids, without the four wheelers, without the motor cycles going back and forth, without swimming pools and all the things we associate, are going to be not only far more gentle on the landscape, but they are the ones who are going to go and become members of the CAC.

They're the members who are going to want to know about this Comprehensive Plan. They are the ones who are going to say, you can't cut a fourinch tree. They're the ones who are going to protect the steep slopes. They are the ones we want in our community. I'm approaching that age, I'm older in fact.

They are the ones I would think we want in our community to help maintain the character that we so desperately are trying to maintain.

With that, I will leave the floor and say, thank you very much for allowing me to speak. That's it.

SUPERVISOR MAZZUCA: Thanks George. Mike.

AUDIENCE SPEAKER: Michael Gibbons, Travers Pond Road, Garrison. I am one of the seven members that, as George mentioned, are on the Planning Board. George is correct. We have worked on this project, we agree with this project.

And now on the drawbacks: There are some questions that really need to be answered. You are talking about almost 200 cars on this, it is Horton Road. The proper place for these cars coming in and out of, and just the overall size of this project is awfully big.

And as Tim pointed out himself, it might not fit. So it might be scaled down. Just looking at it I have concerns about one road aspect on this, and all the cars going in.

My overall concern, though, is the septic field in both Bibbo, Bibbo, your engineer, and the New York State Health, both advised that a pretreatment facility be established here. And in that regard, I certainly agree with the other comments, that a district should be looked at and other alternatives should be looked at for the septic. The letter from the fire department, North Island, indicated they have very strong opinions on the safety here. And that a back up generator should be utilized for the fire alarm systems that go into each and every house, and sprinkler systems are required. I think that all needs to be brought out. It certainly will be during the Planning Board process. But there are certain issues that really should be looked at, in particular the septic. Thank you very much.

SUPERVISOR MAZZUCA: Thanks, Mike.

AUDIENCE SPEAKER: My name is Andy Chmar, I am both the executive director of the Hudson Land Trust but like George, am speaking as a resident, and a resident who actually is in close proximity. In fact, has a boundary line adjacent to this property, so I have a self-interest, per se, in what happens to the property. And I also have a community interest on what happens, and thus my comments are colored.

First, I want to commend the Town Board on this multiyear effort to find an alternative to the soil mining at PIP. I think it is laudable that the Town has undertaken that. And I think it's laudable that the owners are willing to work with the Town on finding a solution, and finally finding an alternative to the current use.

Presumably and hopefully, as outlined -- as Susan said, it will be in line with the final Comprehensive Plan, whatever

that might be, providing the owners with appropriate return on their investment. The draft DGIS and EIS is comprehensive, no doubt about it. It provides the public with its first good look at the significant (indiscernible) proposed 94 unit development. Obviously, Tim Miller and Associates and the Town, by paying Tim Miller Associates, have invested considerable time in resources to get to this point.

My only caution in this regard is for the Town Board not to feel that they have to accept this concept as the only solution because of what has already been invested. You should always be able to say, we should consider something else if something else is presented.

I've got specific concerns about a number of portions of the plan, some expressed already by others, and I will put them in writing to the Board, I promise.

But I will focus on one critical element. The founding principle for this plan is to have it work and to have it work in perpetuity and we should not take that term lightly. Perpetuity means forever. Because if the age restrictions call for occupants, occupants of the 84 units must be ironclad in the report. This could not happen for these 84 units, and I am not talking about the affordable housing that we need to pursue in some way, then these 84 units must evolve in a conventional high density development. There is no doubt about that, if the enforcements on age restriction are not ironclad and enforced with the resulting burden being the future residents of Philipstown. And also the potential for the ponds nearby. As an example, if only one child ends up in half of the housing in this development, then the figures found in the draft GEIS in mixed housing alternatives, outlined on page 6-13, become a reality. The Town being somewhere near minus \$130,000 given the current analysis and the water and sewage flow exceeding the planned capacity as I understand it, and I apologize I am not an engineer, of the 15,000 gallons per day which the plan proposes based on the two wells, (indiscernible) the two wells would exceed that 15,000 gallons per day. I am not sure I understand whether the septic is planned for 15,000 or if it could be a much greater capacity. But you will exceed 15,000 gallons of sewage if one child ends up in half of the houses that are age restricted.

Page 3.8-4 of the draft GEIS says that the strategy for enforcement will be through deed restrictions. Quote: With the enforcement left to the Town Building Inspector in the Town of Philipstown.

So, will this Board be willing to have the first -- have the overall Town inspector who, I think everybody agrees, cannot

even do the current inspection, or he is at his capacity, to go out into these homes and determine who is living there when another owner complains about a child living there. And if you can prepare them to take eviction proceedings to remove someone under the 55 age limit, perhaps this Board is willing to consider it, but will the Town Board, five, ten, 15 or 20 years from now, in perpetuity, be willing to do so?

I believe the legal opinion from Drake Sommers, the deed restrictions can limit sale or resale to a buyer who meets the age of restrictions. This doesn't preclude a qualified buyer, 55 or older, from purchasing the property and letting another party of a lesser age, live in it. Only the by-laws of the condominium association or the homeowners association could address keeping out these occupants, which presumably means the Town will now be in the business of enforcing condo and homeowner associations. I am a little bit hesitant about that idea.

Again, my point is not to challenge whether an age restricted complex is legal. There is no argument. It is legal. I agree with what I see in the DGEIS but whether it is in the long term both feasible and enforceable.

It was mentioned that a lot of these age restricted and similar housing developments are growing. They are; they are going up all over, a relatively new concept, I think, really, in the last ten years. They have not been tested. They have not been challenged. And I think we have all read, it has been reported where people 52 and 53, 54 have young children and they are permitted in.

If there is any doubt about whether these are feasible and enforceable, (indiscernible).

But I think this plan, this draft GEIS meets and addresses that eventuality and outlines the downside risk to the Town. If nothing else, it suggests that many fewer units be permitted so there is no possibility of the upper level water and sewage capacity is exceeded.

The other understanding was that I don't know - it's not that I don't want to sound like a broken record, because I have said it before and since attending the first DLBC (ph.) meeting is that there really has been no effort, I truly believe there has been no effort to undertake a critical exam of this concept and to comment on other viable alternatives (indiscernible). The concept may, which Tim mentioned, and as I understand it, is expected to do so, I thought that it would do so, it may have been a mistake on my part. But the - report also, (indiscernible) other concepts.

I don't think anyone in here would argue, they are not unreasonable alternatives, nor were they new ideas. Suggestions

both in public and in writing, the public should be suggesting alternatives and in the absence of any alternatives should accept this concept, this concept plan as the only viable alternative. The alternatives provided in the draft GEIS are mainly the results of the workshop from last fall that you all hosted. To say the alternative based on the experience of the public experience in land use planning is really a stretch. It is also suggested that members of the public should go visit current owners and explore options.

He and I had a long discussion this afternoon and we talked about this. I believe he has agreed with me the public is neither qualified nor resourced to do as he suggested. Going out and searching and finding other alternatives that should be included and considered.

From non-professional: Given the enormity of this project, compared to any other land use project undertaken by the Town, and its potential serious burden upon the public and the environment, if it's done wrong the first time. I would contend it is the Town's responsibility to find an impartial, outside, qualified, professional expert or experts to do the proper due diligence and review this proposal and to determine once and for all if there are any other choices available to this Board to consider.

When this has happened, then I believe the public will feel considerably more comfortable with the broad concerns about government and partiality, objectivity and transparency, have been heard, examined and answered.

Tim agreed this afternoon with this simple idea. It may result in additional time and expense to the Town. I'm sure he supports this notion to perhaps happen, because he feels this plan is the best alternative for the site. And he may be right in that. But we don't have the proper impartial analysis to agree with it based on what is available today in the draft GEIS. I hope the Board will agree with it and I am sure that it has the capability to find a person or company to undertake this effort, and the resources to bring this to fruition to the public benefit.

SUPERVISOR MAZZUCA: Matt.

AUDIENCE SPEAKER: Matt Shipman. My question is -- probably reflects my naughty lack of involvement in this process, over the years, and maybe other people here who are.

I gather, if I'm correct that this plan that the Town retained Tim Miller to come up with a concept of a plan for the site; is that correct? That it's not a developer who has presented this or the owners have not presented; this is something which the Town has commissioned to have developed.

SUPERVISOR MAZZUCA: Not really. It's really been a thing over the years, Matt, meeting with developers and expressing -- we just laid some guidelines. We would like to see there is a need for senior housing in the Town. There is a need for age restricted and there is a need for affordable housing. Plus we would also like to get some green space out of it.

On that basis and meetings with the people on Horton Road with the owners, discussions during meetings, a concept committee that was appointed by the Board, and this is what we have.

We didn't hire Tim Miller to come up with this plan. He is our Town consultant, and this is a plan that really evolved over two, two and a half, three year period.

AUDIENCE SPEAKER: I guess that is what I am trying to understand. Let's say that everybody in Philipstown agreed there is a fabulous plan, nothing wrong with it; what would be the process then be to actualizing it? Would the Town then go to the owners of the property and say, this is something we think is great, why don't we try to find a developer who will implement this? What is the process?

SUPERVISOR MAZZUCA: The process is, and we hope it's going to be a collective effort with the owners and with the public, and through the Planning Board, again, this isn't a plan, this is a concept, the plan itself, the project itself will go to the Planning Board, just like any other project in the Town. And then, as George has said, that is where, you know, you start looking

AUDIENCE SPEAKER: Who would be the developer of that? Nobody has been identified yet; is that correct?

SUPERVISOR MAZZUCA: This is working with the owners of the property. Now, whether the owners develop it or let somebody else develop it, but the discussions have been with the present owners.

MR. SHEA: Matt, it is part of what's called the PDD, the planned development district, is laying the ground work for what will be possible on the site. This is one concept, but there are other concepts that have been presented in the DGEIS. So as part of planned development district, this lets the person, whoever that is, know what is going to be allowed, and what -- it takes the guesswork out of it. So any developer who comes along, knows what he is going to be able to do and what he can't do.

AUDIENCE SPEAKER: Establishing the parameters, basically of the PDD.

SUPERVISOR MAZZUCA: Whatever the concepts the plan ends up. So, with the PDD, it's so the developer doesn't come in and

say, I'm going to put 36 homes up here, or 25 homes up. Well, that is not what the planned development district has approved.

I really don't want to get into a dialogue. There is distracted from the Town, and certainly, Matt, you can put your comments in writing to the Town Board, but the concept, the purpose of the PDD is develop this concept, so that somebody doesn't come now we may end up with a different concept, you know, it could be some of the other alternatives that are discussed in here or I have a sense that may come after this meeting, you know.

AUDIENCE SPEAKER: Thank you.

SUPERVISOR MAZZUCA: I just, and then I will shut up. I don't want anybody leaving here tonight thinking this is it, this is the plan, this is what the Planning Board is going to be looking at. You know, it is not as if the ground's going to be broken next week. We still have a long way to go, and after all this, and put everything together, and you know, there may be other concepts that work better on that site.

SUPERVISOR MAZZUCA: Yes, sir.

AUDIENCE SPEAKER: My name is Todd Miller. I came to this meeting with only one question; for me that is an accomplishment.

The property is currently owned by the Philipstown Industrial Park. What's in it for them in terms of this project? At what point in time do they lose control over the land and it becomes are they going to maintain control of the land using a developer? I don't understand that. Have they decided they want to have X number of dollars for cooperating?

SUPERVISOR MAZZUCA: Well, are you looking for an answer?

AUDIENCE SPEAKER: Anything you got. I will take.

MR. SHEA: He has a bad cold.

SUPERVISOR MAZZUCA: Again, I mean, the purpose tonight is not for us to discuss the merits of this concept plan; listen to the public. And all I was saying is that, once the thing is that the Town potential could end up with 30 acres, 28 acres of green space for the recreation we're talking about. Of course they're either going to develop it or sell it, and make money on it. And hopefully they will.

AUDIENCE SPEAKER: Thank you.

SUPERVISOR MAZZUCA: Mike.

AUDIENCE SPEAKER: Michael Gibbons again, Garrison. The Planning Board part of me just won't go away. There is a letter from Leggette, Brashers Graham Inc., another engineering group. They did the water testing, they are coming up with 39 gallons a minute on page three, they are indicating. And I think this needs investigation, I don't need an answer tonight. If it comes

to us, I will ask for your response.

On page three, Miller Associates did a well test themselves and came up with 12 gallons a minute. In 2000, there was another well test done, and that was six to eight gallons a minute, and I would like to know why such a discrepancy between eight gallons and 40 gallons, over the four-year period.

On page 4, and I just don't understand that concept, approximately 85 percent of the water was drawn from the aquifer from the onsite well is returned to the ground water system by onsite community septic system leach field, and I would like that explained to me. Does that mean we have water going back into the drinking system that is coming out of the septic field that isn't being pretreated at this point? Okay. Thank you.

SUPERVISOR MAZZUCA: Okay. Anyone else?

AUDIENCE SPEAKER: Yes, Rich Wallin. I live on Horton Road. I just wanted to know a little bit on the impact of the traffic. I think with the magnitude of this project, and potential two to three vehicles per unit, perhaps even more, that it is going to be quite an impact on entering and exiting from Horton Road on to Route 9.

I know we have been through this before and I can honestly say that in the last couple of years, I have personally witnessed a major increase on traffic on Route 9.

If you are exiting Route 9 right now, from Horton Road and you are behind say two or three cars, you are going to sit there for quite some time before you are able to exit onto Route 9. So I think, certainly as a long-term impact, this needs to be looked at with the exiting and entry on from Horton Road on to Route 9. I guess that is about it. Thank you.

SUPERVISOR MAZZUCA: Thank you. Yes.

AUDIENCE SPEAKER: Mary Rice. I just wanted to sort of address one of the concepts that Susan brought up about maybe looking at this as a possible industrial site, and while I do think that should be investigated, just generally taking it up as a concept plan, I find that these two uses, the idea of recreation and housing to be complimentary in nature.

I think once you strike the right balance between the density and traffic and lighting and the septic, I think the community itself really is served better by providing the affordable housing and senior housing as opposed to a more industrial use. And you specifically (indiscernible) language, which I think is a good development. It's five lots, and there is still two available. We have plenty of wonderful contractor businesses on Route 9, and I'm happy that Philipstown is the home of contractors, I think it works well.

But considering the limited amount of land that we have in the Town, and some of the more -- the amenities that our

residents have highlighted in the recreation surveys and public meetings, I think on the top of the list were these kinds of housing. So, I would love to see a concept more akin to this study and over the process, brought down so that the density is (indiscernible) direct, the traffic is balanced, and the needs of the community are met.

Even addressing the other comments about whether or not the services are really here, there it is on Route 9, it is close to Perk's Plaza, there are shopping and dry cleaner services, perhaps there to meet the community needs, maybe there is a little bit of a small piece of this that might want to get aid - - the local support services, a little deli, I don't know if the density that you have to support that, but perhaps that is one little piece with community service that might be considered.

SUPERVISOR MAZZUCA: Yes.

AUDIENCE SPEAKER: Carol Newman. I just spent seven years of taking care of my aging father. And I would like to point out, there are not adequate services for the old people in this community, because we don't have affordable housing.

When I applied to a hospice for help, they didn't have anyone who could come out and help me, because the people are paid so little, they can't afford to drive, and, you know, putting in a community like this is not providing enough affordable housing or help is ridiculous. We really need more help for our seniors so we need affordable housing.

SUPERVISOR MAZZUCA: Thank you. Anyone else? Susan.

AUDIENCE SPEAKER: Susan Bates, Garrison. Speaking with my resident's hat on and not my committee hat on, I totally agree with what Andy said about viable solutions need to come from professionals, but I'm not here to present a viable solution, but to express one of my biggest concerns about this concept, the important issue of how are we going to ensure that it really is age restricted, because that is one of the reasons for doing this. It is for the tax advantage. And I would encourage the Town Board to consider instead (indiscernible) to do your age enforcement for you, and I think by making the units appropriate size, one, make them affordable and two, keep them childless for the most part, and third, what I see as the need for young and old. Conveniently, and this -- Tina has one for the record.

My dear friend Helen pointed out an article to me, a development has gone into Rye, and another one into East Fishkill, this comes under the heading of multigenerational housing, also known as the new urbanism. And they have read my mind, because the builder, who is Spectrum Builders, talks about age diversity development. And he complained that Town zoning doesn't allow the multigenerational type of housing to exist, because you have to have the same size lot and setbacks, and I

think the PDD would be a perfect application to create a zone that would allow different size lots, different setbacks, depending on whether you were building housing geared towards young families, towards singles, people that want to work at home and studio space, and then up to people that want to sell their larger homes and live in a more multigenerational community.

Just to give you a flavor of some of the concepts, new urbanism as a movement talks about moving away from the backyard oriented neighborhood to a front yard oriented neighborhood to encourage more mixing. Taking the clubhouse design, then it becomes a place for yoga and a lot of other things. And when this developer put in Belle Fair in Rye, they did designate a dozen homes at the low market prices for employees and people in the community of Rye.

And so I would encourage the Town Board to consider in this concept to perhaps moving something more along the lines of this new urbanism. I think it will achieve lots of things we learned tonight.

SUPERVISOR MAZZUCA: Yes, George.

AUDIENCE SPEAKER: George Cleantis. I'm hearing a lot of different things and a lot of different ideas. And as I said, we endorsed concept enthusiastically of the Planning Board. If and when this project gets to a point where it comes before the Planning Board, I don't know whether or not the invitation is extended but the right certainly is there at that the particular points. Emails are available. The members of the Planning Board are available. We are members of this community. We want to keep an open dialogue, a lot of the ideas that Susan and others have mentioned are things that would come before the Planning Board and decisions that would be made with the seven member Planning Board at that particular time.

And as I said, various ideas that are presented could be made at Planning Board workshops. They could be made at public hearings of Planning Board, and to individual members.

I'm sure that you know all of these ideas would come to the floor, and you know, I'm just hoping that if and when this type of project does come about, everybody can get together and put a dialogue together and make the best kind of project for everybody.

SUPERVISOR MAZZUCA: Yes.

John Miller. I own a building close to this, I was also on the LDC, and I've been looking at this for the past couple of years. I think there are some very legitimate concerns. I think there's a great opportunity.

The traffic situation: I know what it is like trying to go north in the evening, through Jacobs Road so I can sympathize if you are coming south (indiscernible) issue what can be done.

Age restriction: that is obviously going to be a huge concern. In fact, one of the biggest concerns.

Some of the other things that was brought up and this concept addresses very well, in terms of light, this is very much buried in the pit, and light will be concentrated in one area, and rather has the potential for 26 homes to have light beaming from all areas of it.

In terms of affordability: the biggest problem with an affordable house is the cost of the land. I hear people tell me they can't buy a plot for under 200,000 to put a house on. If you want an affordable house the best possible way is the smallest possible plot. And the cost of that is going to be lower, and that's going to give you a lower cost house. You are going to get more houses, less land, and that is one way to make more affordable housing.

In terms of, you know, development of commercial development. We don't have the infrastructure to support an industrial -- maybe Lady Blue, Bluebell Land, is a lovely development, but most of the businesses in Philipstown; Cybertone is now closed. The building next to Jake's, that was open for a long time, but is now closed. (indiscernible) is really not fully utilized so seeing commercial 84 and 9 are just all the business is going up there. It seems difficult for me to see a lot of light industrial work that fits in.

The benefit in terms of taxes is tremendous with a relatively low impact on Town services. This property is so ravaged by years of mining, that even the animals and wildlife don't like that. So I think while we could have a lovely park there, we'll get some affordable housing, we can get age restricted 55 and greater, living opportunities. I would love for my mother-in-law to live near us. Not so near she's in my house, but that is kind of just about right.

In terms of prices: we are looking at places in YorkTown and things like that and they are expensive. They're half a million bucks. (indiscernible) they are 400,000 is that is still a lot less (indiscernible).

So I actually see this as an opportunity to have a beautiful park. If anyone had the opportunity to walk along Clove Creek: I never had, until I moved across (indiscernible) and for the public to be able to see that, I think it is just tremendous. I think it is one of the best concepts for a piece of land that has just been ravaged. I think it is time to do something environmentally sound, I personally support it. Thank you.

SUPERVISOR MAZZUCA: Anyone else?

AUDIENCE

SPEAKER: Yes, Kim Conner. And I own a piece of property that borders the creek here. And I just want to say that, what we're really interested in doing is making sure the creek is preserved, so whatever the septic issues are, the sewage issues are, to try and prevent the creek polluted and that would be a main concern.

The only other comment I have, is when we talked about moving current residents of Philipstown into senior housing, this isn't necessarily affordable for a lot of senior residents in Philipstown. And I think it is not enough (indiscernible) when you are using affordable housing for part of it and senior housing and it would be nice to have senior housing that wasn't \$400,000 a house, because a lot of the seniors in the village cannot afford that, so to keep that in mind.

SUPERVISOR MAZZUCA: Thank you. Any further comments? Okay. I would say that we will move to close this public hearing, and we will have a comment period, 30 days is reasonable.

MR. DOYLE: You are looking for a motion to close the public hearing, and to allow written public comment to be received at the Town clerk's office for the period of 30 days.

SUPERVISOR MAZZUCA: Which would be February 25th or 26th.

MS. BUDNEY: 26th. Okay. So we will accept public written comments from up until February 26th, and we certainly

MR. DOYLE: At the Town clerk's office.

SUPERVISOR MAZZUCA: And at the Town clerk's office. We certainly appreciate you coming out and making your comments. Quite frankly, I hope we get more written comments, speak to people, your acquaintances, people you know that -- encourage them to submit one if they want to.

MR. BROWER: I make the motion.

MS. BUDNEY: I second.

SUPERVISOR MAZZUCA: Roll call. Council Budnery?

MS. BUDNEY: Aye.

SUPERVISOR MAZZUCA: Council Hosmer?

MR. HOSMER: Aye.

SUPERVISOR MAZZUCA: Council Shea?

MR. SHEA: Aye.

SUPERVISOR MAZZUCA: Counsel Brower?

MR. BROWER: Aye.

SUPERVISOR MAZZUCA: And I also vote aye. Thank you.

(Hearing adjourned at 9:15 p.m.)

C E R T I F I C A T I O N

STATE OF NEW YORK)
) ss.
COUNTY OF PUTNAM)

I, DIANNA FERRIERI, a Court Reporter and Notary Public within and for the County of Putnam, State of New York, do hereby certify:

That I reported the proceedings that are hereinbefore set forth, and that such transcript is a true and accurate record of said proceedings.

AND, I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.

DIANNA FERRIERI

Appendix C
AKRF Alternatives



Environmental and Planning Consultants

34 South Broadway, Suite 314
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

March 31, 2005

Mr. William Mazzuca, Supervisor
Town of Philipstown
PO Box 155
Cold Spring, NY 10516

Re: **Quarry Pond Planned Development District**

Dear Mr. Mazzuca:

At the Town Board's request AKRF has reviewed the Conceptual Plan and relevant material in the Draft Generic Environmental Impact Statement (dated November 2004; accepted as complete December 29, 2004) regarding the proposed Quarry Pond Planned Development District (PDD). We also reviewed relevant portions of the Town's draft Comprehensive Plan (dated July 9, 2004).

The Draft Generic Environmental Impact Statement (DGEIS) indicates that the Town has initiated this study to determine an appropriate and desirable amount and pattern of development on an approximately 80-acre parcel of land formerly used as a soil mine. The site is currently zoned for industrial use and the Town is interested in considering alternative uses for this site and in preserving the Clove Creek corridor and a portion of the site as open space.

Specifically, AKRF was asked to review the Conceptual Plan and comment on any potential alternative use or alternative configuration for development at this site. AKRF did not complete a comprehensive review of the DGEIS, but did review certain sections pertaining to development potential on this site.

Quarry Pond Alternatives

We have explored several different alternatives for development of the Quarry Pond site that, we believe, match the objectives of the Comprehensive Plan with the desire of the property owner to have high-value development on this property. The first alternative looks at an alternative use. The second and third alternatives explore predominantly residential use (like the proposed Conceptual Plan) but alter the layout to achieve a more hamlet-style development. In the third alternative, a mix of uses is proposed. It should be stressed that each of these alternatives is schematic and details such as building dimensions and unit count are approximated.

Each of the alternatives assumes that the southern portion of the site around the quarry pond would be preserved as open space and that the Clove Creek corridor along the eastern edge would also be preserved. Further, each of the alternatives assumes that the primary entry would be at the same location on Horton Road as is shown in the Conceptual Plan included in the DGEIS and generally uses the proposed road alignments. Other elements within the layout were changed, including the location of potential open spaces to make these more defined and useful, road widths, and the configuration of buildings. We have displayed each of the alternatives on top of the Conceptual Plan to show how the plans relate in terms of configuration and extent of disturbance. In general, we have kept the area of disturbance to be equal to or less than what is proposed in the Conceptual Plan.

received
4/5/05

Alternative 1: Professional Office Development

- The first alternative would be development of the site as a mixed-use commercial center predominantly for professional/medical offices. Typically, medical offices require larger amounts of parking than can be provided in a hamlet center and there are business advantages for medical offices to locate together. A development similar to the Clocktower Commons development in the Town of Southeast could be an excellent option for development at this site. The schematic layout we prepared represents approximately 170,000 square feet of professional office space. It is possible that this amount could change based on various environmental conditions on the site; however, from a site planning perspective, this amount seems reasonable. The design of the buildings could be done in a manner that respects the rural character of the community and preserves a large portion of open space on the site. It is possible that residential units could be integrated into this layout, although the distance to existing hamlet centers might make this alternative less desirable. Other non-retail commercial uses with lower trip-generation rates (such as professional contractor shops) could also be considered provided that the design and layout of these uses is consistent with the overall character and appearance of similar development on Lady Blue Devil Lane.

Alternative 2: Traditional Neighborhood Development with Duplex Units

- The second alternative takes the same building program (with four additional dwelling units) as the Conceptual Plan and reconfigures the buildings into a more hamlet-style development. The roads have been reorganized into a more traditional grid style with rear alley-ways providing access to garages for a number of the units facing a common green. A pedestrian pathway system that links other residential units into the common green and the club house and tennis courts would be provided. The affordable housing units are not segregated from the age-restricted units. Housing units could be developed in a range of sizes consistent with older hamlet centers.

Alternative 3: Mixed-Use Development

- The third alternative considers a possible mixed-use development with approximately 22,500 square feet of commercial use (professional office, artist studio, or small-scale retail) and a total of 115 dwelling units in a mix of single-family homes, duplex units, live/work units, and multi-family apartment buildings. The design is consistent with a hamlet approach, although the size of the area does not achieve the kind of "critical mass" that is necessary to create a vibrant hamlet. If additional areas on this site or on adjoining sites were to be developed in a similar pattern, a new hamlet center could have a greater potential. Nevertheless, this layout shows how a mixed-use development could be considered on this site.

Planned Development District Zoning

- Finally, we note that the proposed Planned Development District zoning includes a provision for minimum dwelling unit size. We would recommend that this provision not be considered as a minimum dwelling size artificially constrains the interior unit design and could make provision of affordable units more difficult.

Background Information

As indicated, we have reviewed the draft Comprehensive Plan and the memorandum prepared by the Quarry Pond PDD Concept Committee for background information. The following offers our understanding of these documents.

Comprehensive Plan

For guidance on what uses the Town of Philipstown would like to have and where those uses should be located, we consulted the draft Comprehensive Plan available on the Town's web-site.

With respect to economic development strategies, Goal 6d of the Town's draft Comprehensive Plan suggests that the Town "recognize the traditional commercial and industrial nature of parts of Route 9 but reduce its impact" following certain design strategies identified in Goal 6c. In contrast, Goal 6a of the Comprehensive Plan specifically indicates that retail development should be located at "high traffic hubs

and in quantities that can be supported by local demand." Given the current industrial zoning and prevalence of light-industrial or other non-retail commercial uses along the Route 9 corridor in the vicinity of Quarry Pond, it appears that future development of the site would more closely fall into Goal 6d. (It should also be noted that Goal 6f indicates that the Town should "identify areas where soil mining can take place." Since the Quarry Pond site has been the location of previous soil mining activity, there is a possibility that continued soil mining could take place at the site).

With respect to strategies for socio-economic diversity, the Town's draft Comprehensive Plan indicates several broad strategies to increase the availability of moderate-priced rental housing and senior housing, including through creation of mixed-use developments predominantly near hamlet centers. Goal 2d calls for creating small mixed-use developments that include a diversity of housing options and commercial uses.

Using these stated goals as context, it would appear that the primary objective for economic development purposes in the vicinity of the Quarry Pond site would be for a continuation of the non-retail commercial uses currently found along Route 9. A mixed-use center could be considered appropriate for Quarry Pond; but because of its location away from any existing hamlet center (e.g., Perks Plaza), this site might not be considered a preferred location.

Elsewhere in the draft Comprehensive Plan it is clear that the Town values its rural character and seeks to preserve that character through integration of design guidelines and better site planning for all new development. This approach is consistent with an evolving trend in land use planning that places more emphasis on the form of development over the actual use. So-called "form-based zoning" codes have been developed for entire communities that seek to embrace this approach. Alternatively, "specific area plans" can be developed for specific sites, like the Quarry Pond site, where the Town wishes to achieve a number of different objectives.

Quarry Pond PDD Concept Committee

The Town created a Quarry Pond PDD Concept Committee to review certain technical studies and a Conceptual Plan developed by the Town's planning consultant, Tim Miller Associates, Inc. That Committee met twice: once in the fall of 2003 "to walk the site and review the existing conditions," and again on January 7, 2004 to "review revisions of the Concept Plan based on preliminary results of soil and septic testing and well testing."¹

The February 6, 2004 memorandum to the Philipstown Town Board drafted by the Concept Committee includes the following comments on the Conceptual Plan as an indication of its desires with respect to development at the Quarry Pond site:

- 1) Substantial and deep setbacks from Clove Creek, with an opportunity for public ownership of the Clove Creek corridor;
- 2) Relatively deep (greater than 100 feet) setbacks from Horton Road;
- 3) A reasonable setback (greater than 100 feet) from NYS Route 9;
- 4) Provision of affordable housing;
- 5) Provision of age-restricted housing in a duplex configuration;
- 6) Provision of a club house/recreation area for the future community;
- 7) An endorsement of proposed density (subject to environmental review) and a desire to see greater separation between buildings;
- 8) A request that particular attention be paid to septic system design to protect the underlying aquifer;
- 9) A request to have Town expenses in the review of the proposed Planned Development District reimbursed; and

¹ Memorandum dated February 6, 2004 from the Quarry Pond PDD Concept Committee to the Philipstown Town Board, contained in Appendix C, "Correspondence," of the DGEIS.

- 10) A recognition that alternative development under existing zoning could permit continuation of soil mining, construction of up to 500,000 square feet of office, manufacturing, warehousing, or light industrial use; or in excess of 30 single-family homes.

The memorandum concludes by stating that "the Concept Committee believes that use of the site for a senior housing development and affordable housing development, with a large portion of the property being maintained as open space, represents a far more desirable option for the property than any of the aforementioned alternatives" and that "the Concept Committee recommends that the Town Board pursue the Planned Development District in the Concept Plan so long as continued demonstration of water and sewer feasibility and development aesthetics are taken into account as the review proceeds."

It is unclear what, if any, initial design parameters were set forth by the Concept Committee or if the Concept Committee considered any preliminary recommendations of the Comprehensive Plan committee with respect to land uses.

Summary

In conclusion, we feel that the DGEIS presents only a limited set of potential alternatives based upon existing zoning or previous subdivision approvals. Using the same approach followed by the Concept Committee, the Town could identify other uses and/or configurations that would be more in keeping with the preliminary recommendations of the Comprehensive Plan and more in keeping with the community character. The best way to implement the Town's preferred use for the site would be to avoid drafting zoning language that relies strictly on "zoning by the numbers" in favor of a more form-based zoning or specific area plan. The Town may also wish to consider conducting a limited market study to determine what types of uses, and what scale of development, is currently in demand in the Putnam/Dutchess market area and what would be most feasible for this site in particular. This could be done through conversations with commercial real estate brokers and planners in adjoining municipalities.

Please let me know if you have any further questions on this matter.

Sincerely,

AKRF, INC.



Graham L. Trelstad, AICP
Vice President
Director of Planning

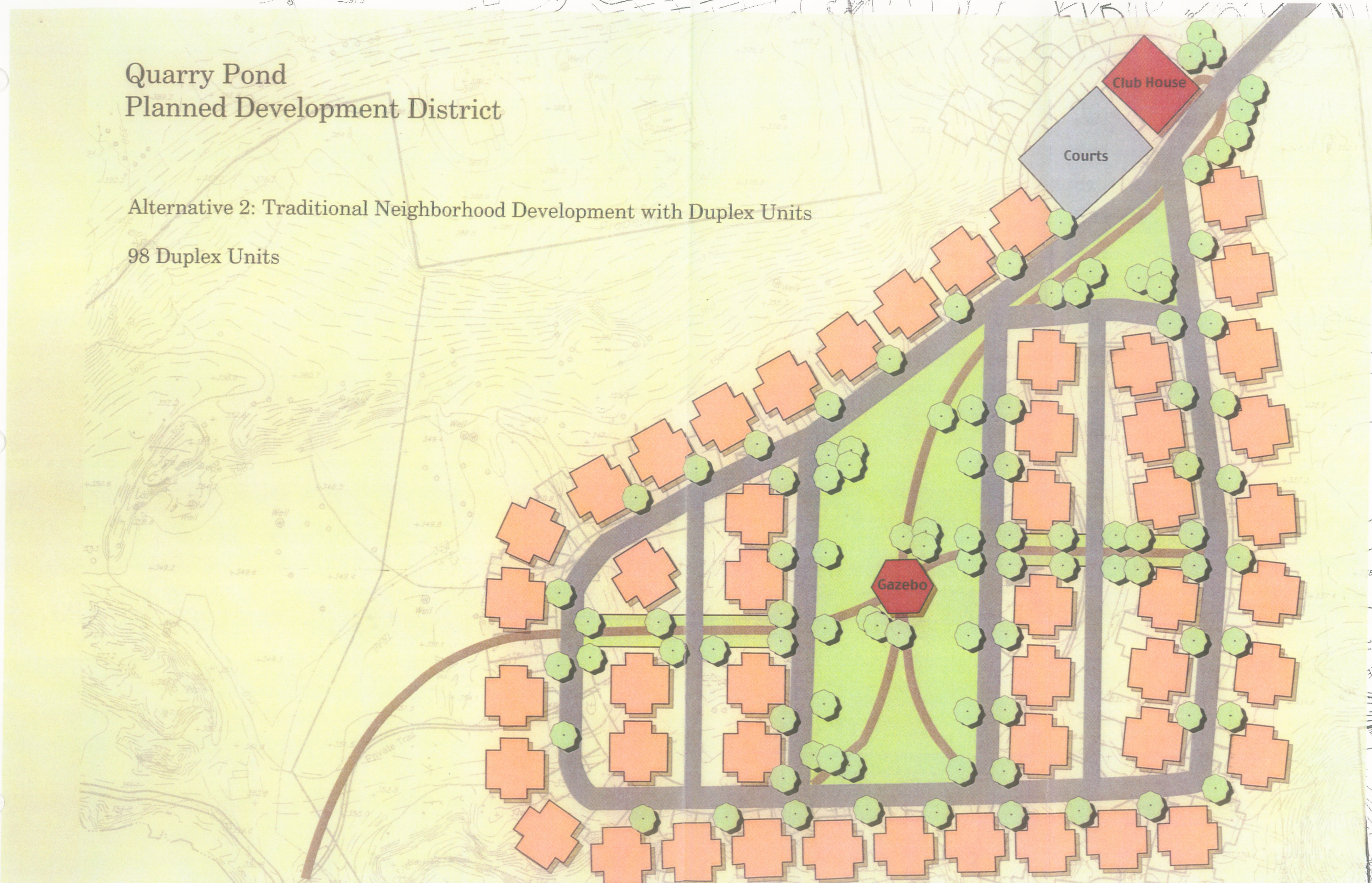
cc: Richard Shea, Deputy Supervisor

gt/wp

Quarry Pond Planned Development District

Alternative 2: Traditional Neighborhood Development with Duplex Units

98 Duplex Units

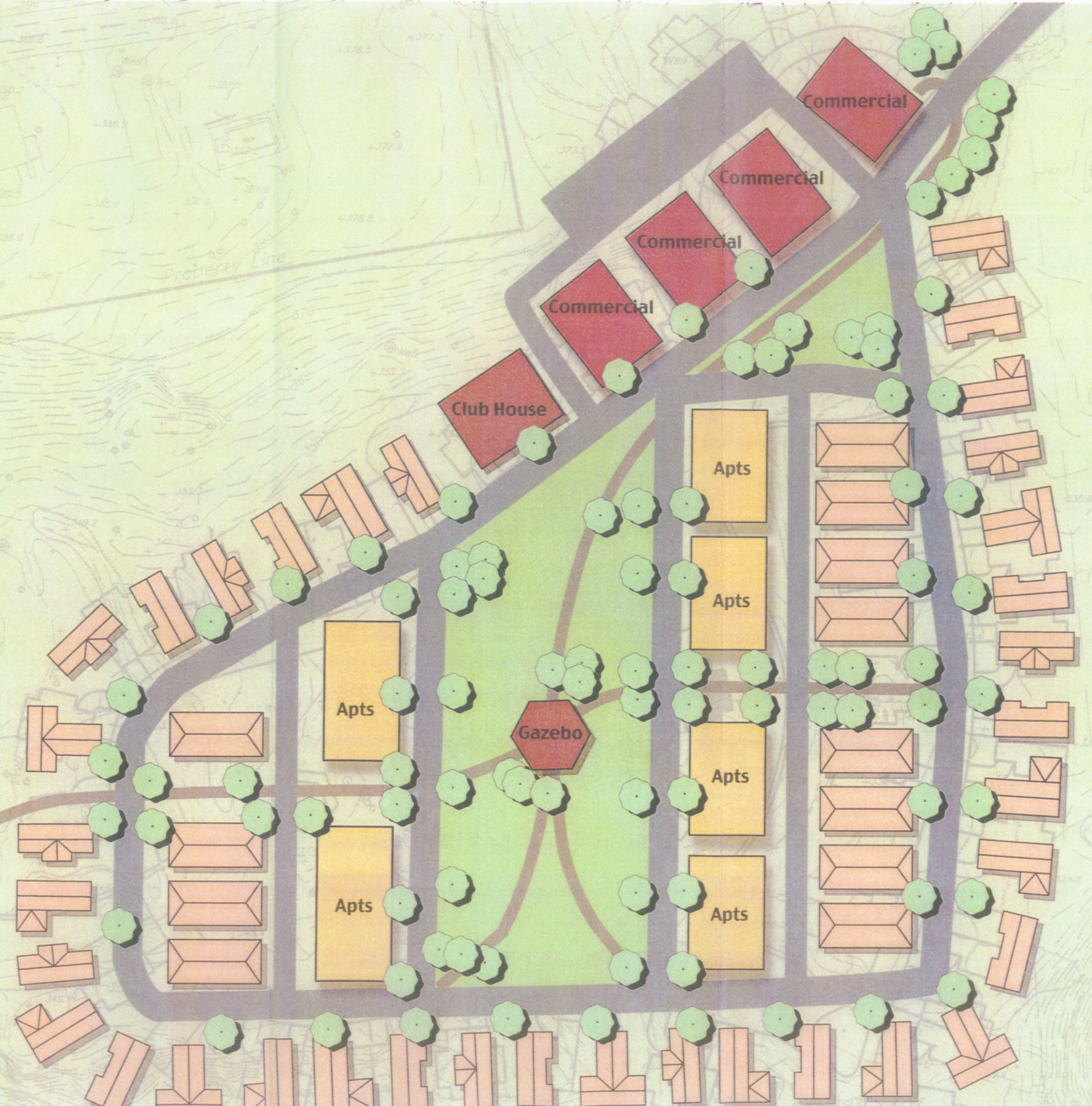


Quarry Pond Planned Development District

Alternative 3: Mixed Use Development

- 35 Single Family Homes
- 12 Duplex Buildings
- 4 Eight-Unit Apartment Buildings
- 2 Twelve-Unit Apartment Buildings
- 4 7,500 sq. ft. Commercial Buildings

115 Total Residential Units
22,500 sq. ft. Commercial Use



Quarry Pond Planned Development District

Alternative 1: Professional Office Development

170,000 Square Feet of Professional Office

