

### **3.3 ECOLOGY AND WETLAND RESOURCES COMMENTS AND RESPONSES**

**Comment 3.3-1 (Letter #1: Clifford H. Schwartz, December 10, 2009):** I also would like to see better documentation of the natural communities in and around the site and greater sensitivity to their needs.

***Response 3.3-1:** Documentation of the natural communities that exist on the project site was performed in accordance with the Final Scoping Document as adopted by the Lead Agency. A description of natural communities that exist outside of the project site was not included as part of the Final Scoping Document.*

*There may be opportunities to preserve stands of trees within the overall development area as the site plan is advanced and refined. Where these tree stands are identified, there should be no disturbance of any kind within the projected root zone of these trees or within the drip line of the tree foliage. Snow fencing or other highly visible means of marking should be placed around the maximum area of the root system to prevent the destruction of roots by exposure or through the compaction of soils. Construction crews would be notified to exclude all equipment from these protected areas. If necessary, trees would be protected by tree wells in fill areas, and retaining walls in cut areas. Refer to Response 3.3-19 for a breakdown of disturbance (changes in surface coverage) by vegetation type.*

**Comment 3.3-2 (Letter #4: Sheldon Bellovin, December 2, 2009):** In my opinion this project has such potential impacts to all the nearby rivers and tributaries both regional and statewide.

***Response 3.3-2:** A site specific stormwater pollution prevention plan (SWPPP) has been prepared to comply with the NYSDEC State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity 0-08-001 and certified by the Applicant's licensed professional engineer to mitigate the potential adverse impacts on water resources associated with development of the site. Temporary and permanent erosion control facilities are proposed, as well, to aid in mitigating any impacts creating by development of the project site.*

**Comment 3.3-3 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008):** The plan should more effectively preserve the upland Hemlock Forest through avoidance to the greatest extent practicable of the areas that are most densely forested (See Map 1). Future layouts should utilize more of the previously developed lands, as a way to also protect the viewshed from 17 driving towards Rock Hill from Monticello.

The Hemlock Northern Hardwood Forest is described by the NYS Heritage Program, available online at <http://www.acris.nynhp.org/report.php?id=9991>. This document also lists several species that are typically found in this type of forest, many of which are rare and protected, and many of which are not mentioned in the ecological report starting on page 3.3.1 of the DEIS/DGEIS.

***Response 3.3-3:** Revisions to the layout of the Rock Hill Town Center Development have reduced impacts to natural communities on the project site. The former development plan (DEIS/DGEIS) disturbed approximately 266 acres of the 449.7 acres (40.8 percent of its total) of hemlock-northern hardwood forest. The revised*

*development plan has reduced the disturbance to the hemlock-northern hardwood forest community to 75.7 acres (16.8 percent of its total).*

*The Natural Heritage Program (NHP) list of rare species that may occur within the hemlock-northern hardwood forest were taken into consideration during ecological surveys of the project site, during which, none of the listed species were observed to occur on the Rock Hill parcel. Correspondence with the NYSDEC NHP indicated only two threatened species, the bald eagle and brook floater, as occurring in the Neversink River corridor, located over 700 feet west of the project site. An assessment of impacts to these species was conducted as part of the DEIS/DGEIS. It was concluded that no significant impacts to either species would result from the development of the Proposed Action.*

**Comment 3.3-4 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008):** Hemlock Northern Hardwood forests are described in the NYS Heritage Program as likely to have productive vernal pools, which are essential to the cycle of many protected species. These pools often slip through the cracks of current regulations because they can be very small (as illustrated in Table 3.3-10), and unnoticeable during certain times of the year. Emerging research on vernal pools suggests that they are also an important component of the water filtering system, and without them, water quality would eventually decline. A more sensitive *development layout would provide better protection of the vernal pool resources within the forested area that are not located adjacent to wetlands.*

***Response 3.3-4:*** *Vernal pools are considered to be forested mineral soil wetlands by the New York State Department of Environmental Conservation (NYSDEC) document "The Ecological Communities of New York State". All wetlands on the project site have been delineated and mapped per the adopted scope, including all vernal pools. While no specific vernal pools were identified or mapped on the Rock Hill Development project site, several wetlands were identified as having characteristics similar to those found in vernal pool communities, i.e. those that have habitat favorable to flora and fauna that are known to occur within vernal pools. Of the five on-site wetlands identified in Table 3.3-10 of the DEIS as having potential vernal pool habitat, only Wetland D is a regulated wetland. Wetland D is regulated by both the Army Corps of Engineers and the NYSDEC. The remaining four wetlands identified as having potential vernal pool characteristics (Wetlands C, J, K1, and L) are not regulated at the State nor Federal level.*

*It is important to note that neither regulated nor non-regulated wetlands will be disturbed as part of the Phase 1 development. It is also important to note that these habitat types, in and of themselves, are not provided specific protection at the municipal, state or federal levels. In other words, a permit is not required from a regulatory agency to disturb these habitat types unless the vernal pool meets the definition of a regulated wetland under the NYSDEC or USACE purview.*

*While no citation is given to the reference that vernal pools are an important component of the water filtering system, the Applicant acknowledges that vernal pools may aid in the reduction of pollutants and recharge of groundwater, as well as provide habitat for wildlife. Impacts to wetlands with potential vernal pool characteristics were avoided to the fullest extent practicable while still maintaining the goals set forth by the Project Sponsor and by the Town's zoning designation of the project site.*

**Comment 3.3-5 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008):** Page 3.3-20 under Method of Tree Removal/Disposal. The last sentence in this paragraph indicates that logged trees would be loaded onto trucks for off-site processing as timber. Given the heavily forested canopy on site, hauling trees off site is likely to have a significant impact on traffic. With changes in the plan to preserve more of the forested portion of this site, this impact would be lessened.

***Response 3.3-5:** Significant impacts on traffic due to the hauling of timber from the project site are highly unlikely due to the phasing of construction. The project is proposed to be constructed in a series of at least two phases over the course of 20 years, with each phase broken into sub-phases. Further, SPEDES permit requirements will likely limit the clearing of land to no more than 5 acres at a time. Tree removal will be spread across the 20-year development period. Traffic volumes generated by logging trucks during clearing of the development site are expected to be far less than those created by the development upon project completion. Furthermore, traffic improvements will be installed as part of each phase of the project development.*

**Comment 3.3-6 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008 and at the Public Hearing, December 10, 2008):** The development should establish a forested wildlife corridor between Fowlwood Brook and the Neversink River.

***Response 3.3-6:** The Applicant's environmental consultant does not recommend designating a wildlife corridor between Fowlwood Brook and the Neversink River as the establishment of such a corridor would create a "bottleneck" that has the potential to concentrate and force wildlife to cross Glen Wild Road which runs parallel to Fowlwood Brook. A corridor that would force wildlife movements along the highly trafficked Glen Wild Road could result in a substantial increase in wildlife mortality, and an increase in deer-car collisions.*

*In general, as a site is developed, many wildlife species move out of the areas of disturbance. Upon project completion, the developed area will function as different habitat for some of the species of wildlife that previously used the site. Alteration of the habitat on the project site would result in a decline in wildlife movements into and out of the project site as it would offer fewer opportunities for food and cover. Most species would relocate off site and therefore a shift in wildlife movement patterns would occur with wildlife seeking out habitat that would most benefit their cover and foraging requirements.*

**Comment 3.3-7 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008):** Figure 3.1-3 illustrates the proposed disturbance of the site. If this figure is compared to Figure 3.4-1, it appears that the remaining upland forested habitat will be fragmented on site. It appears that the densest wooded areas on the property would be fragmented into strips between home sites and roads, which will be subject to intrusion by human activity, and overall change in habitat as shrubs begin to invade previously forested areas.

***Response 3.3-7:** Existing habitats on the project site will be altered from their original state but would still provide habitat, for numerous species of native wildlife. Moreover,*

*there will continue to be 422.6 acres of open space (non-impervious surface area) on the subject property that will serve as habitat for local species.*

**Comment 3.3-8 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008):** In addition to human activity, the characteristics of these areas would most likely encourage wildlife "pest" behavior by more opportunistic animals, such as deer, woodchucks, moles, raccoons, and mice, browsing on landscapes or in garbage.

***Response 3.3-8:*** *In the long term, the composition of the wildlife population in the area would be altered immediately adjacent to the developed areas, as species able to adapt to a more suburbanized environment (such as raccoons, opossum, woodchucks, mice, songbirds, etc.) would have a greater ecological advantage over species that are less tolerant of human activity; this effect is unavoidable. Edge habitats created by encroachment of the development footprint on forested areas could favor such species, but are not expected to substantially increase local populations of "pest" wildlife as these species (raccoons, skunks, and opossum) would be managed, if necessary, by a licensed pest control specialist upon the addition of the proposed residential development.*

**Comment 3.3-9 (Letter #15: Mrs. Scarano, December 31, 2008):** At our last town hall meeting of 12-10, my husband Harry Scarano - also of Edwards Road, used the wide expression of - quote " I fear if all their desired development is allowed through the exquisite little hamlet of Rock Hill and Bridgeville NY will end up a "stinking mess" perfect, because we don't want our forest behind our property destroyed with your ugly townhomes.

***Response 3.3-9:*** *The Proposed Action would be developed consistent with the existing zoning of the property as defined by the Town. The limits of disturbance would be staked out on the project site by a licensed land surveyor prior to the start of construction. All construction activities would be contained within the limits of disturbance and would not encroach on or disturb trees on any adjacent private lands. Construction activities would adhere to all state and local laws pertaining to noise, traffic, dust, and erosion and sedimentation control. After completion of construction, the development would adhere to all state and local laws concerning noise, traffic, lighting, and stormwater control, including any conditions placed on the site plan by the Planning Board.*

*It must be noted that the property in question is zoned by the Town in a way that allows it to be developed as proposed by the property owner. In this regard, using the property as proposed results in the implementation of the Town's Comprehensive Plan. The parcel will not be destroyed but rather, it's use will change. Should the Town or other party(s) believe the property should not be developed, they would have to purchase it from the owner and manage it as open space. In lieu of such a transaction the parcel is the owner's to do with as he sees fit as long consistent with applicable rules and regulations.*

**Comment 3.3-10 (Letter #15: Mrs. Scarano, December 31, 2008):** It is so beautiful and quiet that is how we like it and the number of very old trees destroyed.

**Response 3.3-10:** *Comment noted. Refer to Response 3.3-9 regarding the development of the project consistent with Town zoning requirements and the removal of trees.*

**Comment 3.3-11 (Letter #15: Mrs. Scarano, December 31, 2008):** We do not want our surreal beauty of the views and the birds and the two mating majestic eagles terrified by bulldozers we don't want to live with this proposed nightmare.

**Response 3.3-11:** *As previously noted, the proposed plan would be developed consistent with existing development regulations, including zoning for the property as adopted by the Town, and natural resources protections under the regulatory jurisdiction of NYS Department of Environmental Conservation, among other regulatory requirements. The Findings adopted by the Town will include mitigation measures identified during the environmental review process to be appropriate to minimize or avoid potential adverse impacts.*

**Comment 3.3-12 (Letter # 17: Michael Merriman, NYS DEC, January 23, 2009):** The site contains two DEC-regulated freshwater wetlands, WO-35 (Class 3) and WO-36 (Class 2). Together the two wetlands total 42.4 acres some of which is off the developer's property. However, due to the location of some of the buildings, roads and utilities lines, the developer has not completely avoided all disturbances to these wetlands or the 100-foot wide adjacent area (AA) around them.

**Response 3.3-12:** *The updated development plan has been designed to remove all disturbances to NYSDEC-regulated wetlands. Disturbances to the regulated 100-foot wide adjacent area have been designed to minimize impacts. Approximately 0.3 acres of regulated adjacent area would be disturbed for construction of the proposed action. This disturbance is the result of a trench associated with utility lines and the area proposed for the disturbance is currently located on an existing access drive that serves as a right-of-way for an adjoining neighbor. The Applicant has had a preapplication meeting with the NYSDEC to discuss the project and will seek a permit from the State for disturbance to this regulated adjacent area.*

**Comment 3.3-13 (Letter # 17: Michael Merriman, NYSDEC, January 23, 2009):** Not all site wetlands are shown. Wetland "F" (0.91 acre) is missing. This wetland may be isolated, and appears to be heavily impacted by development. The wetland survey entitled, "Wetland Boundaries of Glen Wild Land Company, LLC" by George Fulton, LLS (8/06, rev 10/08) should be incorporated into the DEIS. It is the latest & most accurate depiction of existing conditions for mapping of wetlands.

**Response 3.3-13:** *The revised site plan incorporates all wetlands as delineated on the property, including all non-regulated wetlands.*

**Comment 3.3-14 (Letter # 17: Michael Merriman, NYSDEC, January 23, 2009):** The boundary of DEC Wetland WO-36 (shown as Wetland "D" in the DEIS) is not shown correctly. The boundary was adjusted as the result of field visit by Department staff on September 19, 2008. The adjacent area (AA) of WO-36 would be affected by the proposed road construction. This wetland disturbance should be avoided. There is also a proposed "temporary" disturbance to the AA for new water & sewer lines to be constructed within an existing dirt road. This also

would need a permit. It might meet permit issuance standards provided there is no unnecessary widening of the road.

**Response 3.3-14:** *The site plan has been updated to reflect the revised wetland line for WO-36. Refer to Response 3.3-12 in regards to disturbance of NYSDEC regulated wetlands and adjacent areas.*

*The Applicant has held pre-application meetings with the NYSDEC to discuss the circumstances in securing the permit necessary for the temporary disturbance mentioned in the comment. All necessary permits from the NYSDEC will be secured before any construction beings.*

**Comment 3.3-15 (Letter # 17: Michael Merriman, NYSDEC, January 23, 2009):** DEC Wetland WO-35 does not extend onto the site. However, its AA does. This was determined in the September 2008 site visit, but this is not mentioned in the DEIS. The AA of this wetland would be affected by construction of a swimming pool & clubhouse. The Department staff believes this disturbance *should also be completely avoided.*

**Response 3.3-15:** *The site plan has been amended to show the adjacent area of Wetland WO-35. Both the swimming pool and the clubhouse have been relocated to a point outside of the adjacent area; there will be no disturbance to the regulated area.*

**Comment 3.3-16 (Letter #17: Michael Merriman, NYS DEC, January 23, 2009):** According to DEIS, "1.1 acres of non-regulated wetland (meeting the ACOE definition of 'isolated' wetland) would be filled for the residential construction." (Note that this permanent impact may be higher). However, an official jurisdictional determination had not been sought from the Corps as of the date of the DEIS. Although the preliminary determination that these areas are not likely to meet ACOE regulatory requirements was made by two Professional Wetland Scientists (PWS), a formal determination from the Corps must be obtained and included in the DEIS.

**Response 3.3-16:** *A copy of the DEIS was sent to the Army Corps of Engineers (ACOE) for review. No comments have been received to date. Based on the plan presented in the FEIS, isolated wetlands will not be impacted during Phase 1 of the development. An analysis of wetland impacts will be conducted for each subsequent phase of the project in accordance with SEQR Evaluation Forms (Appendix I).*

*It should be noted that the wetlands have been delineated using the appropriate State and Federal guidelines and that delineation has been presented in the EIS and is depicted on the project plan set. Under Phase 1 of the development, neither regulated nor non-regulated wetlands will be impacted. Potential impacts would result from the layout of future phases. For future development, the regulatory authorities will be notified and permits sought as required. This will be a condition of the Town's Findings Statement.*

**Comment 3.3-17 (Letter #17: Michael Merriman, NYSDEC, January 23, 2009):** Staff agrees with the consultant's description of the type and location of endangered species habitat in or near the site. We also agree with their analysis of potential use by and impacts to threatened and endangered species as of 2006 at the project location, in particular the location and lack of impact to Bald Eagles. However, the analysis in the DEIS needs to be updated with the most recent information from the NYS Natural Heritage Project (NHP) to ensure no new species

occurrences have been documented since 2006. In addition, the two NYS bald eagle reports that have been published since 2006 should be referenced in the DEIS and the pertinent parts incorporated into it. The DEIS does a good job of describing the National Bald Eagle Management Guidelines and how the project follows them.

**Response 3.3-17:** *Updated correspondence with the Natural Heritage Program dated February 13, 2008 reiterates that the bald eagle and brook floater are the only known reports within its databases of rare or state-listed animals and plants, significant natural communities, and other significant habitats that may occur on the project site or in the immediate vicinity of the project site.*

*Bald eagle reports since 2006 have shown a decline in the total number of wintering bald eagles within the Mongaup River System area due to the continuing repair of and subsequent de-watering of the Swinging Bridge Reservoir. The reservoir was refilled in 2007 and hydro-electric operations resumed after a multi-year hiatus that directly impacted the wintering habitat available to eagles within the area of the Mongaup River System. The 2007 refilling of the reservoir, however, did not equate to an immediate increase in the number of wintering bald eagles for the 2008 season due to the impacted fish populations directly associated with the low water condition of the reservoir while repairs were made. The total number of eagles within the Mongaup River System is expected to increase in the years following the 2008 Bald Eagle Report as fish populations recover to numbers similar to those before the reservoir was drained for repairs.*

**Comment 3.3-18 (Letter # 17: Michael Merriman, NYSDEC, January 23, 2009):** Staff also agrees with the discussion in the DEIS of the absence of any suitable habitat on the site for Indiana Bat and Bog Turtle. However, the consultant should include and reference copies of both letters from US Fish And Wildlife Service (USFWS) and the Natural Heritage Program (NHP) in the DEIS to further document it.

**Response 3.3-18:** *Correspondence letters received from the US Fish and Wildlife Service (USFWS) and the NYS Natural Heritage Program (NHP) were included in Appendix B, Correspondence of the DEIS/DGEIS. While Chapter 3.3 of the DEIS makes numerous references to these letters, the chapter failed to disclose the location of the letters within Appendix B. These letters have been included in FEIS Appendix D, along with an updated letter from the NHP dated February 13, 2008 reiterating that the bald eagle and brook floater are the only threatened or endangered species known to occur within the immediate vicinity of the project site.*

**Comment 3.3-19 (Letter # 18: William J. Pammer, Jr., PhD, Sullivan County Division of Planning and Environmental Management December 19, 2008):** While there were a substantial number of typographical and grammatical errors, there was one table where DPEM felt that the facts were mistakenly misrepresented. In Table 3.3-7 the column labeled "% Reduction of Area" shows the percent of area remaining, not the amount reduced. Additionally, the last row, "Developed Areas" shows the percentage increase in development, a figure that perhaps deserves a separate chart.

**Response 3.3-19:** Refer to the revised information in the tables below, applicable to the current project plan.

Table 3.3-1 Changes in Surface Cover (Acres)			
Vegetation Type	Pre-Development (Acres)	Post-Development (Acres)	Percent of Vegetation Type Remaining
Hemlock-Northern hardwood forest	449.7	374.0	83.2
Forested wetland	43.1	42.0	97.4
Scrub-Shrub wetland	0.8	0.7	87.5
Emergent wetland	0.9	0.7	77.8
Stream corridor	5.2	5.2	100
Pastureland	11.1	0.0	0
Developed areas (Impervious Surface)	16.2	104.4	N/A*
TOTAL	527.0	527.0	N/A

Source: Tim Miller Associates and Keystone Associates, 2009  
\* See Table 3.3-2

Table 3.3-2 Change in Developed Areas			
	Pre-Development	Post-Development	Percent Increase
Developed areas (Impervious Surface)	16.2 Acres	104.4 Acres	644.4

Source: Tim Miller Associates and Keystone Associates, 2009

**Comment 3.3-20 (Jim Gollner, Public Hearing, December 10, 2008):** Another concern we have is that this section of the development here, I think I'm approximating this right, is a heavily forested area. And this whole area is going to be clear-cut. Now, it's not just us on Edwards Road, but there are other people, as well. We have, I guess a sort of a, might call it a symbiotic relationship to the wildlife. We have a certain amount of deer or whatever that come down. So, you know, we're all okay with it. But I think a lot of them are in this area, as well. And if this is all clear-cut, rather than that, the animal population sort of being in this area, which is going to be a lot of development, a lot of activity, I think they're going to take the path of least resistance and go to the, you know, less populated areas and probably become sort of more of a nuisance than they are.

**Response 3.3-20:** As stated in the DEIS, construction activities associated with the development of the project site would result in disturbances to wildlife movements and loss of available wildlife habitat. In general, as a project site is developed, some species would temporarily relocate to similar habitats off-site. Due to the presence of similar habitat on nearby properties, wildlife dispersal may create higher populations of some species in areas that were previously less populated by wildlife. In the long term, the composition of the wildlife population would be altered immediately adjacent to the developed areas, as species able to adapt to a more suburbanized environment (such as raccoons, opossum, woodchucks, mice, songbirds, etc.) would have a greater ecological advantage over species that are less tolerant of human activity and this effect

*is unavoidable. Refer to Response 3.3-8 in regards to measures that would be taken to mitigate for the presence of increased populations of human-subsidized species.*

**Comment 3.3-21 (Harry Scarano, Public Hearing, December 10, 2008):** I am Jim's neighbor on Edwards Road. And we live on the Neversink River. And I read in the DGEIS (sic) study that there were no bald eagle nests on the site of the project. I beg to differ. I've spoken with a person who was in the woods in this location here, and I can point out the location because I can see Richard Edward's house on the map, and that's where this person lives, right there. And they were up in the woods cutting a Christmas tree, and they found an eagle nest that underneath of which was littered with fish carcasses and eagle feathers. The eagles are there, and in the GEIS (sic) study and it says they're not. And so that's -- the eagles are going to be totally impacted. They make their living on the Neversink River, which is off the maps, conveniently. And if this project is allowed to go through, the eagles, which don't like people, will move out. I see the eagles every day. I look out the window. They're sitting on a tree. They're sitting there, they're nice. A pair of eagles are sitting there. Those eagles have been photographed by Michelle Haskell, a photographer for the Times Herald Record, so it's a point of record that I can probably prove if I had to.

**Response 3.3-21:** *The Applicant does not deny that the state-threatened bald eagle may utilize the Neversink River corridor located approximately 700 feet west of the project site at its closest. At this distance, the river was not able to be included in all of the mapping and figures included in the submission of the DEIS. However, the Neversink River can be seen in relation to the project site in Figures 2-1, 3.1-1, 3.2-2, and 3.4-2 of the DEIS.*

*From Chapter 3.3 of the DEIS "During discussions with NYSDEC Region 3 NYSDEC Bureau of Wildlife Endangered Species Program personnel, it was determined that the bird's habitat in the vicinity of the project site is limited to wintering roost sites on the Neversink River. This is not to say that bald eagles have never used a tree on the site to roost during winter or summer months. It must be noted however, that the vast majority of preferred roost trees are located along the river nearly one mile to the north of the property and that no nest trees are present on or in close proximity to the project site."*

*The Applicant's environmental consultants revisited the project site and adjacent areas in March of 2009. Potential nesting and roosting trees (large white pines and large hemlocks) were observed both on and off the project site. No eagles were observed during the day long visit. The NYSDEC determination that there are no eagle's nests in the area was confirmed.*

**Comment 3.3-22 (Susan Roth, Public Hearing, December 10, 2008):** The hemlock forest is important for several reasons. One is there's growing concern about water quality, as has been stated. And there's emerging research that suggests that forests of these types really do aid in the protection of the water quality, and they also help to provide shelter for a lot of the flora and the fauna in the area. And there is concern about the amount of logging that will actually need to be accomplished. And if they avoid this area they think that a lot of the concerns about the grading and development of the site would be mostly addressed.

**Response 3.3-22:** *Though no citation is given to support the claim, herbaceous and woody vegetation, including hemlock trees, aid in protecting water quality. This community type does aid in the filtering of pollutants, regulation of water temperatures,*

*and recharge of groundwater. While the removal of approximately 75.7 acres of trees has the potential to impact functions provided by the on-site forested communities, a site specific stormwater pollution prevention plan (SWPPP) has been designed in accordance with NYSDEC standards that strategically places stormwater facilities basins throughout the development to mitigate impacts associated with the change in land use.*

*As stated previously in Response 3.3-20, flora and fauna within the limits of disturbance would be removed and/or temporarily or permanently displaced by construction of the proposed development. Mitigation to offset these impacts has been provided in Chapter 3.3 Ecology and Wetland Resources of the DEIS/DGEIS.*

*The area of disturbance proposed to develop the Proposed Action has been minimized to the maximum extent practicable while still achieving the development goals set forth by the Applicant and by the Town's zoning designation of the project site. The amount of trees removed by development of the project site has a direct correlation to the proposed limits of disturbance. Grading for roads, stormwater ponds, and buildings has been kept to a minimum and is necessary to ensure all aspects of the development conform with state, local, and federal regulations.*

*It must be noted that the property in question is zoned by the Town in a way that allows it to be developed as proposed by the property owner. As long as the property owner complies with the requirements of Town Zoning and other relevant portions of the Town Code, there is nothing to prevent him from removing the vegetation in order to develop the project as long as the Proposed Action is found to be consistent with the requirements of SEQRA.*

*Should the Town or other party(s) believe the property should not be developed, they would have to purchase it from the owner at fair market value and manage it as open space. In lieu of such a transaction the parcel is the owner's to do with as he sees fit as long as all laws are followed.*

**Comment 3.3-23 (Susan Roth, Public Hearing, December 10, 2008):** And what they're concerned about is the nature of the hemlock forest that's up there would change and allow more brush to be introduced into it so you would have more pest activity from local wildlife as they find homes inside the forest but they don't have enough foraging area and they come back out and they feast in your landscape and the garbage. If the forested area wasn't as fragmented or if there was an area for the wildlife to get from those two areas easily with maybe just crossing a road or two, it would be more likely that they would stay in those areas instead of in our yards.

***Response 3.3-23:*** Refer to Responses 3.3-8 and 3.3-20.