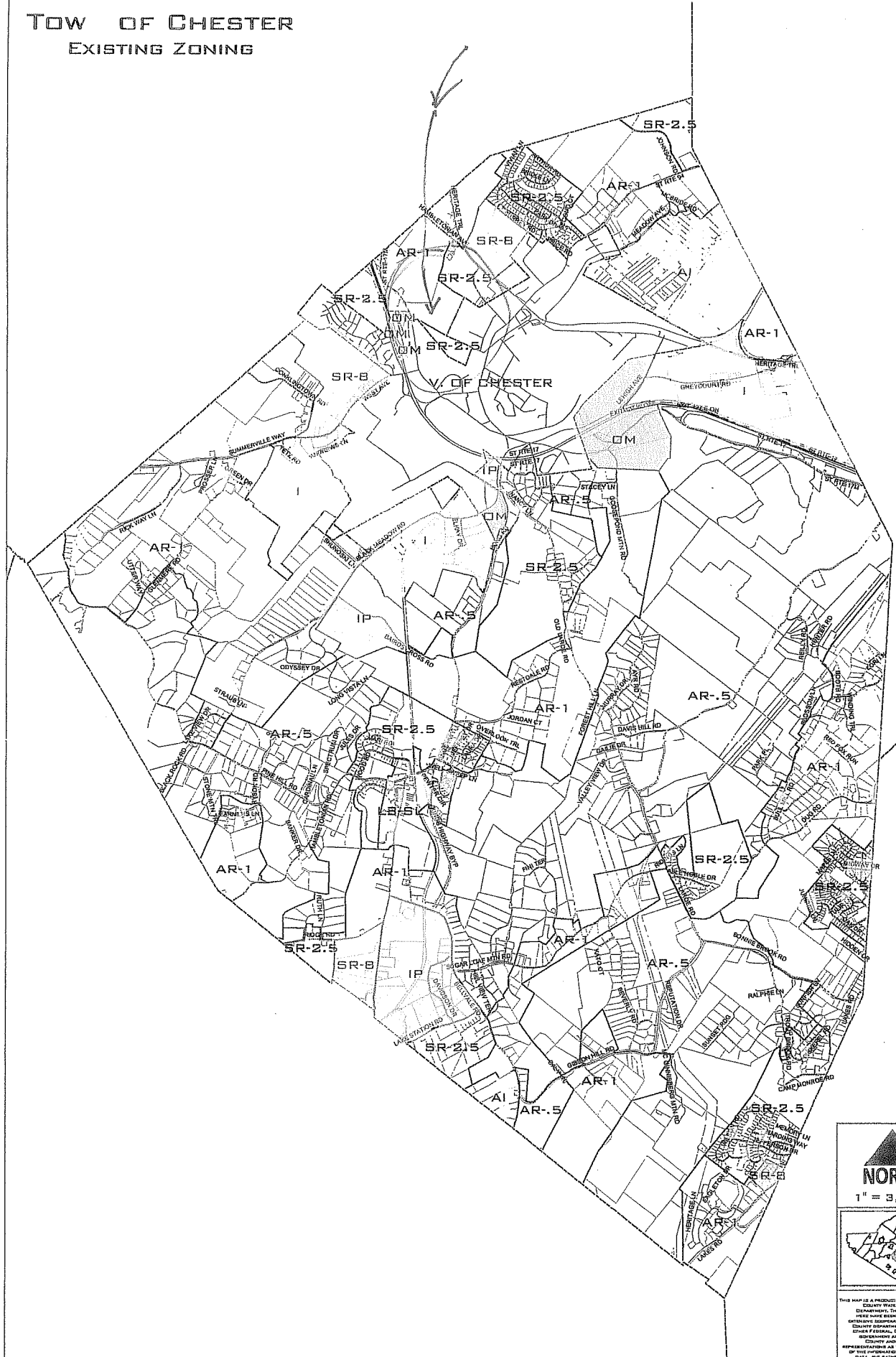


TOW OF CHESTER

EXISTING ZONING



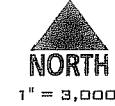
ZONING DISTRICTS

- AI
AGRICULTURAL INDUSTRY
- AR-5
AGRICULTURAL - RESIDENTIAL
(0.5-0.75 DWELLINGS/ACRE)

- AR-1
AGRICULTURAL - RESIDENTIAL
(1.0-1.5 DWELLINGS/ACRE)
- SR-2.5
SUBURBAN RESIDENTIAL
(2.5-3.0 DWELLINGS/ACRE)

- SR-B
SUBURBAN RESIDENTIAL
(2.5-14.0 DWELLINGS/ACRE)
- LB-SL
LOCAL BUSINESS
(SUGAR LOAF)

- OM
OFFICE, RESEARCH, MOTEL
- I
INDUSTRY
- IP
INDUSTRIAL PARK



1" = 3,000'



THIS MAP IS A PRODUCT OF THE CLATSOP COUNTY WATER AUTHORITY. THE DATA FROM THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. THE AUTHORITY MAKES NO REPRESENTATION AS TO THE ACCURACY OF THE INFORMATION. THE AUTHORITY IS NOT RESPONSIBLE FOR ANY DAMAGE OR LOSS THAT MAY RESULT FROM THE USE OF THIS MAP.

CLATSOP COUNTY WATER AUTHORITY
15 HAYWARD ST. SUITE 1
SEASIDE, OR 97138
(503) 294-1111
WWW.CCWATERAUTHORITY.ORG
2024-01-01

Environmentally Limited Areas



Legend

- Municipal Boundary
- Parcel Boundary
- 100-Foot Contour Interval
- 20-Foot Contour Interval
- Streams & Water Bodies
- 200ft Wellhead Protection
- 10 Yr Wellhead Protection
- 5 Yr Wellhead Protection
- 1500ft Wellhead Protection
- Parkland
- Flood Plain
- Wetland
- Hydric Soil
- Reservoir
- Extended Grades >20%
- Boundary of Steep Slope Area
- Ridge Line



Scale: 1" = 3,000'

Town of Chester Master Plan 2002

Orange County Water Authority
13 Matthews St., Suite 301
Goshen, NY 10924
(845) 294-1387
<http://www.ocwa.org>
Created by: Stephen A. Ungerer
ungerer@ocwa.org
1231-031102





Turner Miller Group
planning consensus community

February 5, 2010

Ms. Ann Cutignola
Tim Miller Associates
10 North Street
Cold Spring, New York 10516

Ann;

Enclosed herewith are all consultant substantive review comments regarding the BT Holdings Development project and submitted Draft Environmental Impact Statement. Comments include public comments received by the Village of Chester Clerk as of 5 pm February 5, 2010 as well as comments from the Village Board, Village Engineering consultant, reviewing Traffic Engineer and our office's planning review.

If you have any questions or would like to set up a workshop meeting to go over these comments please call our office.. We look forward to continuing to work with your office on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristen O'Donnell", written in black ink.

Kristen O'Donnell, Senior Planner
TURNER MILLER GROUP

C: Ian Schlanger, Esq.
Mark Edsall, P.E.



MEMORANDUM

TO: VILLAGE OF CHESTER VILLAGE BOARD
FROM: STU TURNER, FAICP / KRISTEN O'DONNELL
SUBJECT: BT HOLDINGS DEVELOPMENT DEIS SUBSTATIVE REVIEW
DATE: FEBRUARY 4, 2010
CC: HENRY CHRISTENSEN, ESQ, VILLAGE ATTORNEY
IAN SCHLANGER, ESQ.
MARK EDSALL, P.E.
RICK RAMSDELL, PLANNING BOARD CHAIR
ANN CUTIGNOLA, TIM MILLER ASSOCIATES

We have reviewed the Draft Environmental Impact Statement for the BT Holdings multifamily development project which includes an annexation of 60.6 acres of land from the Town into the Village, a two-lot minor subdivision and lot line change, and construction of 458 multifamily residential units with related parking, drainage and recreational facilities on a 68.4 acre parcel spread throughout the multiple zoning districts in the Town and Village of Chester on Route 17M. Comments vary in their degree of importance but the importance lies in full disclosure and ensuring a factually correct record.

Once the comment period is closed, the applicant will prepare the Final Environmental Impact Statement (FEIS) which will contain responses to each of the comments received. This document will be contemplated by the Board and not finalized and accepted until the Board is satisfied with the language; including but not limited to all factual statements and all mitigation measures and their ability to satisfactorily reduce or eliminate impacts.

We have the following comments on the DEIS:

Section 2.0, Description of the Proposed Action

- 1. How are multi-family residences more energy efficient than single units as is stated on page 2-12? While the square footage of individual units may be smaller, in most cases, lights as well as heat and air conditioning in common areas including halls, doorways, mail areas and group meeting or gathering areas in multi-family residences stay on 24 hours. As well as additional lighting needed for parking areas.

- 2. Section 2.4; What are the hours and normal days of construction?

3. This section should include a detailed, step by step, description of the process through which the proposed action is seeking approval. For example, the first step in the process is for approval of the annexation of the parcels within the Town to the Village to be approved by both the Town and Village Boards, step two, pending approval of the annexation, is for the approval of a new zoning district on the project site by the Village Board, etc.
4. What will the age restrictions be for the senior housing? Will this be restricted to persons aged 65 and older or some other age cutoff? Will persons under the age of 18 be prohibited from residing in these units? This has significance in a number of areas of this impact statement including traffic, parking and community services. This information should also be provided in the land use and zoning section of the document.

Soils and Topography

5. Retaining walls are shown on conceptual site plans but are not discussed in this section. Anticipated height and locations of all retaining walls should be discussed as a mitigation for additional grading.
6. The soil impacts section sites a potential for soil cave-ins in Otisville and Hoosic (OVE) soils but does not discuss mitigations for this potential impact.

Water Resources

We have no comments on this section at this time.

Vegetation and Wildlife

7. The applicant proposes approximately 12 acres of undisturbed open space on the property and shows these proposed areas on Figure 3.3-4. These areas are shown to contain trails in a number of locations, portions of a retaining wall near the wetland area and a stormwater management pond access road. The EIS should describe how these items will be installed in undisturbed open space or clarify in the text the intent of the open space areas.
8. Landscaping is proposed as a mitigation in this section and landscaping general “schematic” plans are discussed but no plans are presented or referenced in this section. We agree that these plans can be basic in nature (general list of proposed plantings and general locations and type of plantings) with more detailed, specific plans to be presented during site plan review of the project.

Cultural Resources

9. The source of the possible explanation for the previous findings of items related to a potential Revolutionary War encampment should be provided. If this is the applicant’s opinion this should be clearly stated as such.
10. Section 3.4.3 states that no standing structures within the viewshed of the property meet the requirements for inclusion on the National or State register of Historic Places. However, the Program Director of the New York State Office of Parks Recreation and

Historic Preservation states, in her request for additional information letter dated November 4, 2008, that the Brookview (Talmadge) Farm complex appears to be National register eligible (this is reiterated by the DEIS on page 3.11-2 paragraph 1). The applicant states on page 2.4-6 that portions of the project site will be visible from this farmstead. While visual impacts may be able to be mitigated, the initial statement in statement 3.4.3 should be corrected.

Traffic and Transportation

11. Explain why parking generation (Tables 3.5-12 and 3.6-4) is based on the 3rd edition of the Institute of Transportation Engineers' Trip Generation while the trip generation (Tables 3.5-7 and 3.5-8) is based on the 8th edition?
12. Comments from reviewing Traffic Engineer, John Sarna, are attached to this memorandum.

Land Use and Zoning

13. Discuss how the proposed annexation is in the overall public interest? This includes the interest of residents of both the Town and Village.
14. In order to be consistent with existing zoning, as the report claims in a number of locations, the project needs to have at least a 20% set aside of affordable housing in order to pursue 10 dwelling units per acre on the lot proposed for age restricted housing. This is equivalent to 20 of the 100 proposed age restricted units. This should be definitively stated in the document. Additional information regarding the affordable units including but not limited to intended affordable rent amount, provisions for rent increases, income limits of residents, means of resident selection, appearance and distribution of the affordable units and responsible managing agent of the affordable aspect of project (if this is to be the rental management company it should also be discussed in the last paragraph of section 2-4).
15. Deed restrictions or other means of assuring the 100 senior units and 20 affordable units will remain as such in perpetuity should be discussed. Also restrictions on children being permitted to reside in senior units should be discussed. Legal documents will have to be completed to the satisfaction of the Village Attorney prior to final approval of the project.
16. The impacts section does not provide justification for a zone change on the property from the perspective of the community. Flexibility for the developer as it is described, or the ability of the developer to provide much less parking than is required by code and not meet other code requirements without obtaining large variances is of no particular benefit to the Village. This document should include a discussion of benefits to the Village and Town.
17. What will the resulting acreage be of the remaining Nexan's property (SBL 120-1-1) once the 3.87 acre portion is subdivided and combined with the project site? Will this property remain consistent with zoning?

18. Table 3.6-3 shows the BT project has proposed 100+ square feet of outdoor play area per dwelling unit. This is likely intended to read per 3+ bedroom unit to be consistent with the requirements in all zoning districts and consistent with the appearance of the outdoor play area on the site plan.
19. What is the justification or rationale for increasing the permitted lot development coverage in the proposed zoning to 35% (currently the Village's RM zoning permits up to 20% development coverage). While the applicant has currently proposed a development with less coverage, this may allow for additional development on the lot in the future
20. The document briefly states (second paragraph of page 2-4) that the townhouse units and the senior apartment units will be on separate (newly created) lots within the development. The Land Use and Zoning Section of the document as well as the Description of the Action Section should expressly state that a two-lot minor subdivision is proposed in order to create these lots. All locations which currently state the development, "involves an annexation, zone change and 458-unit residential project" shall include a reference to the proposed subdivision. The zoning section of the document should discuss applicable subdivision regulations and a subdivision plat should be provided.
21. Table 3.6-3 incorrectly identifies Column 3, "Village RM" as consistent with the Town Senior Housing Law. This column should have 3 asterisks as this column shows regulations consistent with the Village Senior Housing Special Use Permit requirements (Section 98-23.1). This table should be reproduced correctly in the FEIS. Further this section of the Village Zoning requires, "appropriate social, recreational and other facilities which will contribute to the independence and meaningful activity of senior citizens" be provide **within the boundaries** of a project. The applicant should discuss how these activities are provided for within the senior development being that the proposed senior housing is on a separate lot (across the project's main access road) from the proposed club house and pool complex.
22. Table 3.6-4 is confusing. If the total number of proposed spaces is provided for two different types of units, such as the 125 spaces for 1 bedroom and 2 bedroom affordable/market rate (rental) units, then the number should be in the center of the space and no line should separate the cells. Blank cells imply no parking spaces have been provided. This was done correctly in table 3.5-12 in the Traffic and Transportation Section of the document.
23. The applicant is proposing a reduction of nearly one parking space per unit (over 300 spaces) less than the required amount of parking based on Village zoning standards. We feel, based on the proposed layout, the number of spaces will likely satisfy the parking needs of the townhouse development but will likely fall short for the senior rentals due to the provision of only 1.25 parking spaces for both the 1 and 2 bedroom units including spaces for guests. There is little justification provided for this reduction. Based on existing Village Zoning (though not discussed in the DEIS) units can house residents age 55 who are not likely to have parking needs that differ from other residents of the development. Due to the tight layout the applicant should describe any areas where

additional or reserve parking spaces or areas could be constructed should the need arise in the future or should the Planning Board feel additional parking is warranted. The applicant should also state whether or not No Parking Signage will be placed on internal roadways which will not contain approved parking spaces. This will be essential for the roadway leading to the senior units as there is only one road for emergency vehicles to reach these buildings.

24. Impacts on land use does not adequately discuss potential impacts resulting from a residential use within close proximity of an active farm. While a residential development may be a less intense use of the land than commercial or industrial uses it may still be less compatible based on the fact that the active farm use produces odors, noises and dust which may lead to a tumultuous relationship between neighbors. We suggest a larger buffer between these use and we recommend the applicant discuss ways in which new residents of the development will be made aware of the active farm use and related activities.

Noise

25. No mitigations are proposed for construction related noise impacts which will occur during day time hours and may have an effect on nearby businesses. Will any noise reducing mitigations be implemented? Regulations of idling equipment or construction vehicles and equipment which may be in disrepair may reduce both noise and air pollution impacts.

Economic and Demographic

26. Page 3.8-7 Paragraph 3 – The DEIS predicts an increase in the Village population by 1,137 persons over five years, an approximate 32% population increase. In the seventeen years between 1990 and 2007, the Village population grew by only 305 persons or 9.3%. This new population, in a short period, may significantly alter the character of the community. The DEIS should address the impacts of such a significant increase on community character.
27. According to the DEIS the proposal would add 121 schoolchildren to the Chester Union Free School District. This is an 11% increase to the anticipated 2009 enrollment. The DEIS states that these children would be added over five years, however, a build year of 2014 would actually introduce students over four years not five, since it will take some time for the project to receive all approvals and for the first units to be constructed, sold and occupied. This would increase school children by approximately 30 per year or approximately 2.8% enrollment increase per year. We frequently recommend as a mitigation measure, limiting the number of certificates of occupancy that may be issued within a certain time of initial project approval, to help school districts incorporate new students particularly because the school districts will not benefit from the full tax revenue until the project is fully built out. For example, the lead agency may wish to consider the following limitations on the number of CO's that may be issued within certain timeframes:
 - No more than 90 Certificates of Occupancy may be issued for non-age-restricted units within 12 months of approval;

- No more than 180 Certificates of Occupancy may be issued for non-age-restricted units within 24 months of approval;
- No more than 270 Certificates of Occupancy may be issued for non-age-restricted units within 36 months of approval;
- No more than 358 Certificates of Occupancy may be issued for non-age-restricted units within 48 months of approval.

We believe that this is reasonable, since there is no limit on age-restricted units and because the applicant can achieve occupancy of more than 60% of the proposed units just 13 months following preliminary approval. This gives the school district time to plan for the absorption of new students.

28. It is our belief that the fiscal analysis uses somewhat inflated values in predicting tax revenues, especially for back-to-back townhouse units. It is likely that actual tax revenues will likely be somewhat lower, with the total project value likely to be between 5 and 15% lower than predicted. Current asking prices for three-bedroom Meadow Glen Units, used as a comparable for this analysis, are approximately \$380,000. It is therefore unlikely that townhouse units within the proposed development would sell for \$333,000 for a two-bedroom and \$455,000 for a three-bedroom unit. It should also be noted that the Meadow Glen development is not a likely comparable for the project given that it is within a gated community in the Monroe-Woodbury School District, closer to commuter rail service, closer to the NYS Thruway and comprised of units in the 2,800 square foot range. This is especially true of back-to-back townhouse units shown in Figure 2-9. In comparison, back-to-back townhouse units appear to be in the range of 1,200 square feet for two-bedrooms and 1,500 square feet for three-bedroom units. This would seem more similar to the Whispering Hills units, in terms of size, location, and value. In terms of selecting multipliers, it is not clear if these back-to-back units qualify as single-family attached units or if they are closer to multifamily units. The generation rates for the three-bedroom back-to-back units may be closer to 0.59 as predicted in the Rutgers PUMS study for three-bedroom owned multifamily units. This would equate to an additional 15 school children, and likely an increase in the amount of cost from schoolchild generation.
29. Page 3.8-10 – The rental rates for two-bedroom townhouses (utilized to establish likely assessed value for condominium townhouses) seems high. The current asking rent for a two-bedroom unit in Whispering Hills is \$1300. The predicted \$2,300 is also likely high for the three-bedroom back-to-back units, although it may be more reasonable for the traditional three-bedroom townhouses. This would have implications on the result of the fiscal analysis. Comparables should be provided to show that the amounts used are reasonable. It would seem that back-to-back units may be overvalued, we believe by anywhere from 10 to 25%.
30. Table 3.8-10 – It is important for the lead agency to understand the scope of impacts that are presented in this table. The numbers presented are not absolute because they are based on a number of assumptions related to how the units would be appraised and assessed. Until the units are built, this cannot be done with any certainty. In addition to

the estimated dollar figures it is better to also express the impact as a percentage of the total levy to understand the scale of the impact of the project. The impact to the Town levy is approximately +1.6% which could be characterized as a minor beneficial impact. The impact to the Village levy is +1.6% which is a significant beneficial impact. The impact to the School District Levy is +0.05% which is best understood as a negligible impact or break-even. Lastly the impact to the Fire District levy is approximately +1.5% which may also be characterized as a minor beneficial impact. This will give a clearer picture of the relative increase in property tax levy for each jurisdiction.

31. Page 3.8-12, Paragraph 2 - It should be noted in the text that the impacts expressed in the DEIS are to operating budgets based on current levels of service per capita. To the extent that capital expenditures are required to meet the new population, such as the purchase or funding of new equipment or buildings, these costs may not be reflected in the fiscal analysis. For example, the per capita method will tell you that the proposal will cost approximately \$249,000 in Village expenses that reflect a need for additional staff hours, consumables, postage, fuel, etc. However, if the existing Village facilities cannot accommodate the additional staff required by this project and new facilities need to be constructed, that cost is not anticipated by the per capita method as was employed in the DEIS. Therefore the statement that the development will, “more than cover its costs,” must be understood within the limitations of the fiscal impact method employed. For a full understanding of the impacts, input from local service providers must be considered with equal weight to the fiscal calculations presented in this particular chapter.
32. Page 3.8-13, Paragraph 3 – The “nominal net benefit” referred to here would be better characterized as “no appreciable impact” or “a net break-even.” This nominal net benefit would likely be a nominal net deficit were more realistic rents used to establish the valuation of the project.
33. Potential impacts to the Town related to the loss of potentially developable non residential land along Route 17M in the LB zoning districts should be discussed.

Community Facilities and Services

34. The service area of the Chester Ambulance District is not provided nor is an estimate of the population it serves.
35. Page 3.9-8, Paragraph 2 and Page 3.9-11, Paragraph 5 – The statement that the school district would benefit from \$1,606,933 annually is misleading as it is a gross benefit not net. The net impact to the school district should be provided in this chapter.
36. The Police Department indicated several areas of existing service deficiencies including facility deficiencies. Increasing the population of the Village by 1/3 will likely significantly compound any existing deficiencies. While the per capita analysis predicts significant benefits to the Village, it is not clear if excess tax revenue will be available to finance capital improvements on the scale of a new police department facility.

37. The two officers per 1,000 standard of the ULI book is based on national standards for communities of all sizes. While this is a good general gauge when local information is not available, rural and smaller communities generally do not benefit from economies of scale and that they will typically have a higher demand per capita for service than more populous communities. In this case, local data is available and provided in the existing conditions section of the chapter. This local information, such as number of calls for service per capita or impacts on the provided service ratio should be used to better estimate the impacts to police services.
38. The Fire Department letter quotes existing facility needs, which aren't addressed in the DEIS. Given that the project will result in a 7% increase in the district population, existing facility needs should be addressed.
39. The use of the ULI standard of 36.5 calls per 1,000 for ambulance service is low given that the applicant has stated Chester Volunteer Ambulance responds to 800 calls per year which would equate to 53.33 calls per 1,000 assuming a 15,000 person population. Further, senior units, which are known to generate a greater number of calls for ambulance than non-age-restricted units are not addressed and should be discussed in this section.
40. The DEIS states that school bus routes exist along Route 17M. Is it anticipated that school busses would only pick up students along Route 17M? Some private bussing companies will not pick up students on private roads. This would cause some students residing on the northern end of the development to walk nearly one half mile to the site entrance and therefore it can be assumed that some students would be dropped off at the pick-up location especially in winter months. This would create potential traffic stacking near the site entrance. This potential problem should be discussed and an alternative suggested if necessary.

Utilities

41. Water recycling techniques could greatly reduce the amount of water needed for residential consumption and site irrigation. A number of saving or recycling techniques could be employed on the site and many are required by state law. Further, the three proposed stormwater management basins lend themselves to these techniques. However it appears from the DEIS that no water saving or recycling devices or techniques are proposed as part of the development.

Visual Resources

42. Only one post-development view is shown. Views of the site from the Brookview (Talmadge) Farm are proposed to change the character of the viewshed from this farm and potential historic site according to page 3.11-5. This property will be located directly adjacent to the senior parcel which will include the largest buildings and the largest paved areas. In our opinion this is an impact worthy of an evaluation which includes a photo simulation. It appears from the site plan that these buildings could be shifted southeast if the Board feels the impacts to this property are significant.

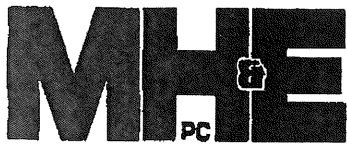
43. Page 3.11-5 – Figure 3.11-8 is said to be depicting the location, “where the site is visible to the most users”. The term users is confusing and non specific. It does not seem that it is the location where the project site is the most obviously visible as View B would seem to be a more direct view of the project site and would be visible to both residents in the area of Christine Drive and those traveling along Route 17M although the character of the viewshed from this location is not likely to be diminished as the Chester Mall and other commercial locations are also visible.
44. Page 3.11-8 – The applicant states the maximum height of structures is 3 stories. A discussion of the maximum dimensions of the largest buildings should also be included.

Adverse Environmental Effects that Cannot be Avoided

We have no comments on this section at this time

Alternatives

45. The discussion of impacts related to the single family housing alternative is misleading. While impacts per unit may be less for one townhouse versus one single family home the section should compare impacts of 458 multifamily units versus 120 single family homes which is what could be constructed. The last sentence of the fourth paragraph on page 5-2 would more clearly summarize by saying increased impacts are likely to soils, vegetation and wildlife, and economics while reduced impacts would be expected to traffic, noise, community services, utilities and visual resources with other impacts being similar under both development scenarios.
46. Section 5.1 – If the project site remains in the Town all regulations including subdivision regulations, zoning provisions and the Town Freshwater Wetland Law (Chapter 54 of the Town Code) would apply which are not discussed in this section.
47. Section 5.1 – Town zoning permits clustering of single and two-family homes in the SR-6 District as per Section 98-20 of the code. This would reduce the wasting of land and clear cutting of trees that the applicant discusses in this section. A more realistic discussion of a potential single family development should be provided.
48. Section 5.5- Impacts to groundwater are not discussed in the alternative section contemplating the use of wells and groundwater. Is there any evidence that leads the applicant to believe groundwater is readily available on the site? Has any aquifer assessment or well testing been done on the site?
49. Section 5.6 – There would likely be visual impacts related to the use of solar panel systems in the Green Technology and Sustainable Building Construction Alternative.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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MJE@MHEPC.COM

MEMORANDUM

25 January 2010

TO: STUART TURNER
FROM: MARK J. EDSALL, P.E., P.P., ENGINEER FOR THE VILLAGE
SUBJECT: BT HOLDINGS - V/CHESTER – DEIS COMMENTS

Our office has reviewed the DEIS for the BT Holdings project. To avoid duplication of effort on certain aspects, our review generally centered around stormwater, water and sewer, and aspects that would directly impact Site Plan review. Although we previously discussed various aspects of the zoning with your office, this review does not provide further comment in that regard. Please note the following:

1. Senior and Townhouse projects will be on individual lots. The document should clearly indicate whether each development lot will comply with proposed zoning (stand alone).
2. Central Recreation Facilities (clubhouse, swimming pool, outdoor play area, picnic area, gazebo) are proposed and will apparently be shared by both the Senior and Townhouse developments. Operation section on p.2-15 notes that HOA will operate the facilities. The document should further discuss the operation and control overlap. Will the senior complex have seat at the voting table?
3. As a follow up the comment #2 above, there are walking paths thru the overall combined site, and we would anticipate common use by both senior and townhouse. Will cross easements be created for use?
4. There is single access to the site. The document should clearly indicate who owns the main access road. Cross easements will be required and should be acknowledged.

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

5. Similar to comment #4 above, an easement to the benefit of the senior development will be required crossing the townhouse property for emergency access from Oakland.
6. The DEIS indicates interior roadways will have a 24 ft width. We question the adequacy of such road widths for emergency services access and staging (primarily larger fire vehicles). This is a concern to our office. Final road widths should be left for site plan determination.
7. Not critical but water use numbers on bottom of 1-7 don't add up. Also 1-37 and possibly elsewhere.
8. The DEIS indicates proposed parking spaces to serve the senior project, townhouse project and recreational facilities. We are concerned about the adequacy of on-site parking. This should be closely reviewed as part of the zoning aspect. Regarding the spaces allocated to any recreation facilities; this should be left to site plan review.
9. The applicant proposes a public watermain thru the site. Although we agree that looping the Village system is a benefit, the actual configuration should be subject to further review as part of the site plan application. Detailed review will be needed from the Water Superintendent. Final valveing and metering configuration will be determined at that time.
10. The DEIS notes an on-site private booster water station since adequate pressure may not be able to maintained throughout the system, especially during fire flow. This is of significant concern, since the booster system may need to meet or exceed fire pumper capacity to provide adequate service. The DEIS should further explain the areas of the site which are of concern and the associated number of units. A possible alternative for gravity storage of water should be included in the DEIS.
11. We continue to be concerned regarding the availability of public Wastewater Public Service. A legal determination regarding the applicant's statement that "the project is entitled to retain its rights to sewer service" is needed. We are aware the Town of Chester has taken issue with this matter (believe noted at public hearing).
12. Operation and maintenance responsibilities for Stormwater the stormwater facilities must be clarified (in concept) at this time. The DEIS indicates a common overall approach to stormwater and maintenance of the facilities; however, we believe some elements of the facilities may be on the senior site. Will the HOA operate and maintain the same. An agreement will be needed. This must an aspect fully defined in the final SWPPP submitted as part of the site plan.

**105 Phillips Hill Road
New City, New York 10956
(845) 634-7851 (tel. and fax)
E-Mail jlsarna@att.net**

January 6, 2010

To: Stuart Turner
From: John L. Sarna, P.E.
Re: BT Holdings – Village of Chester, NY
Draft Environmental Impact Statement – Review for Technical Content

At your request I have reviewed for technical content the traffic section of the Draft Environmental Impact Statement for BT Holdings/Chester Development, dated October 22, 2009, prepared by Tim Miller Associates, Inc. My comments are presented in this memo.

Some items normally covered in a review for technical content were addressed during the review for completeness.

Methodology

1. The technical analysis follows standard methodologies and sources, and is acceptable in form.

Existing Traffic

2. The turning movement traffic counts for the Existing condition were made in August 2008. The exact dates are not reported in the DEIS. At each location the counts were tabulated every 15 minutes, with the highest four consecutive 15-minute counts taken to be the peak hour for that particular intersection. These peak hour volumes for the weekday A.M. and P.M. peak hours are shown on Figures 3.5-3, 3.5-4 and 3.5.5.

An examination of the peak hour volumes shows some significant inconsistencies between some adjacent intersections, notably on Route 94 between Route 17M and the Route 17 northbound ramps and on Route 17M between Route 94 and West Street. In a memo sent from Tim Miller Associates to me, but not included in the DEIS, two possible reasons are given for these discrepancies.

- The peak hours at the adjacent intersections do not coincide. These peak hours are shown in Table L-4 of Appendix L. However, no backup volumes are included.
- Intermediate commercial driveways in the section of Route 17M

In order to test these possible reasons I have asked Tim Miller Associates to furnish me with the detailed traffic counts for these three intersections. When I receive them I will determine if these possibility explanations are valid, or whether more corrective work is needed.

3. In the review for completeness it was noted that the traffic counts were made during the summer, when schools were not in session and more people were on vacations. To respond to this comment Tim Miller Associates made a new count on June 11, 2009, at the intersection of Routes 94 and 17M (date not given in DEIS). On page 3.5-4 of the DEIS, 4th paragraph, it is stated that the results of these counts are shown in Table L-1; however, Table L-1 does not present these data.

A separate tabulation of these counts, sent to me by Tim Miller Associates, shows that, while there are a few notable differences on various movements, for the intersection on the whole there was no significant difference between the August 2008 and the June 2009 counts. The counts in the DEIS, subject to the issues raised in Comment 2 above, can be taken as representative.

4. Back-up Conditions. I made observations of the traffic operations at the intersections of Route 94 with Route 17M and the Route 17 ramps during the P.M. peak hour in July, September and December 2009. During all three observations traffic was heavy, but flowed without any significant delays. During individual signal cycles vehicles were observed to be unable to clear the intersection of Routes 94 and 17M on the westbound and southbound approaches and on the eastbound left turn, but these backups cleared on the following cycles.

No-Build Condition

5. The one percent annual traffic growth rate to the year 2014, along with the traffic generation from the ten new developments shown in Table 5.3-4, is acceptable.

6. As requested in the Completeness Review, the trip generation rates and generated traffic volumes from the ten new developments are shown in Tables L-2 and L-3 in Appendix L. The following comments apply.

- For The Castle the trip generation rates shown do not match the ITE rates for Land Use Code (LUC) 435. This could be significant, particularly for the Saturday peak hour.
- For the Coach USA bus garage the ITE warehouse trip generation rates, LUC 150, are inappropriate. A bus garage will have an entirely different hourly pattern, and since most of the buses will be on the road during peak hours the trip generation rates may be lower than those shown.
- For the Lowe' Home Improvement and the C&S developments an explanation of the "proration based on reduction in size" is required.
- For The Hills of Chester the trip generation rates shown differ slightly from the ITE rates for LUC 210, but the differences are insignificant.

Build Condition

7. The trip generation rates shown in Table 3.5-7 were worked out during the preparation of the DEIS and are acceptable.

8. The directional distribution of the site-generated traffic is acceptable.

Capacity Analysis

Examination of the capacity analyses found a number of instances where there was a disagreement between the capacity worksheets, the traffic diagram figures and the Level of Service Summary Tables. All of these have been reported to Tim Miller Associates by telephone. These include.

- Intersection of Route 94 and West Avenue, No-Build and Build Conditions, A.M. peak hour. A total mismatch between the capacity worksheets, the traffic diagrams and the summary tables.
- Intersection of Route 94 and Route 17 Southbound Ramps, eastbound right turn, No-Build and Build conditions, A.M. peak hour. The traffic volume shown in the capacity worksheet does not match the volume from the traffic diagram, and the resultant v/c ratio and delay calculations do not match up
- Intersection of Route 94 and Route 17 Southbound Ramps, westbound through movement, Existing condition, P.M. peak hour. Traffic volume of 406 used instead of 400 (insignificant).
- Intersection of Route 17M and West Avenue, southbound right turn, Existing condition, P.M. peak hour. Traffic volume of 21 used instead of 31 (insignificant).
- Intersection of Route 17M and West Avenue, southbound right turn, No-Build condition, P.M. peak hour. Traffic volume of 45 used instead of 56 (insignificant).
- Intersection of Route 17M and Arcadia Road, Build condition, Saturday peak hour. No-Build volumes used in calculation.

9. In running capacity analyses it often is necessary to revise the signal timing in order to achieve the optimum results. Sometimes these revisions can occur automatically from the actuation settings in the controller; at other times it is necessary to reset the timings, particularly the green time extensions, in order to obtain these timings. Changes in signal timing are a mitigation measure, albeit a minor one, but in this case, as all of the signals are on State highways, NYSDOT would have to make these setting changes. The DEIS should indicate, in text or table form, what signal timing changes have been incorporated into the capacity analyses. If no changes were made the report should so state.

V I L L A G E O F C H E S T E R

47 MAIN STREET
CHESTER, NEW YORK 10918

845-469-2388
FAX 845-469-5999

Mayor: Philip Valastro
Village Clerk: Rebecca Rivera

villageofchesterny.com

Trustees: John J. Collins
John J. Deshler
Eugene Collins
John J. Reilly, III

To: BT Holdings, LLC

From: Mayor Valastro and the Chester Village Board of Trustees

Date: February 3, 2010

Re: BT Holdings Draft Environmental Impact Statement

The following comments and concerns are hereby expressed by the Village Board regarding the BT Holdings Project and Draft EIS.

1. The number of three bedroom units is too high. The Town Zoning Code contains set limits on the percentage of a total project which can be three bedroom units to 20% of the total project in order to limit impacts to community services, schools and traffic. The proposed project contains more than 60% three bedroom units (282 out of 458) A lower percentage of three bedroom units should be contemplated. A set limit on three bedroom units should also be incorporated into the proposed zoning.
2. Sustainable, low-impact water conservation techniques should be discussed particularly with respect to the proposed lawn sprinkler system.
3. The Board is concerned with the width and stability of the roads in the development. It should be confirmed that conditions are sufficient for use by emergency and other large vehicles and that sufficient conditions will be maintained for the life of the project.
4. If school busses only pick up students at the main entrance to the project there will be a large number of cars lined up on the narrow entrance road or on Route 17M during morning pick up hours. This will cause a dangerous and onerous situation. A bus drop off loop or other area should be considered if adequate means for busses to travel within the site cannot be achieved
5. More than one vehicle entrance should be proposed and a through road which is improved to Village specification and dedicated to the Village should connect the two entrances. This would ensure adequate emergency vehicle and school bus access to the site as well as disperse site generated traffic. This would alleviate concern number 4 above.
6. A connection to the project via Carpenter Road should be contemplated and discussed. A stub road currently exists seemingly for this purpose.
7. The project has located buildings too close to The Talmadge farm. A fence and large vegetated buffer should be provided between these properties. Future residents of the project site

should be made aware of the farm and related activities, noises and odors which regularly occur on this site in order to best minimize future conflicts. The Village considers it of prime importance to maintain the viability of this agricultural use.

8. A larger buffer should be provided between the project and adjacent residential properties along the northern and eastern property lines. This buffer may not need to be as large as the one provided for the farm property.

9. The project will be visible from the ridgeline and will drastically alter views of this area. The layout of the project should better take this ridgeline and related visual impacts into account.

10. The Village supports sidewalks or walking paths between the project and the shopping area.

Hearing on the BT Holdings DEIS
January 6, 2010

Statement of Michael R. Edelstein, Ph.D.
President, Orange Environment, Inc.

20
09
02
01
05

Please accept these comments on the adequacy of the DEIS to address the impacts of the proposed BT Holdings Development. I find myself commenting less on the impact statement than on the nature of the project impacts themselves. As an impact assessor myself, I understand that the art of the assessor is to think through the problems created by the proposal. I find myself engaged by the impacts directly here regardless of how artfully they have been examined by Tim Miller Associates.

The proposal by BT holdings promises to expand the Village of Chester, even if not annexed, in a manner that has not been seen since the Whispering Hills development. In fact, the impacts of that development are a reasonable dry run for some of the impacts associated with this project, except that this new proposal comes on top of the prior and at a time when other development pressures push on the Village and Town and the capacities to absorb the impacts are not in evidence.

The original Orange County Plan of 1974, in effect still the major planning document we have, envisioned concentrating growth around existing cores with some additional centers created. In return, viable farmland would be preserved and sprawl avoided. The location of new growth adjacent to the existing village would therefore seem to be a welcomed event if it were part of a coherent plan of integration to the Village, infrastructural capacities were appropriate, the site was suitable, farmland would be preserved rather than lost and other impacts were addressed and mitigated.

Instead, we face the ad hoc dropping of a community onto the map that cannot be well integrated into Chester but cannot be supported as a stand alone event either. In these ways, it is similar to Whispering Hills except that the prior development occurred when capacities were greater. It was never rationalized into the community, but its placement was eventually somewhat mitigated by rerouting Rt 94 around it. We must do better if future development is to add to Chester.

Both developments are placed so as to make Chester Plaza into the de facto downtown business district of Chester even though it was originally built on the periphery. But neither is fronted or connected to the plaza and the integration is farcical. There is no planned reshaping of the built landscape to make the resulting community work. One is left with proximity but no connectedness.

Linked only by Rt. 17M, the proposed development is reminiscent of the Homestead Village project outside Warwick, located on a stretch of a heavily used highway with poor site characteristics and generating a lot of trips. A notorious accident zone is thus created. The sweeping curve on Rt 17M where this development is proposed is

potentially much worse as a connector, however, than the Warwick site. Furthermore, it is located in an area that already suffers from extreme congestion due to the fact that Rt. 17m is the de facto connector road to Rt. 17/86, which is routinely over capacity. The new development will feed this capacity problem while not assuring that there is in fact access to the development. Emergency access is in question. And, ironically, forced to drive to Chester Plaza for services, residents may well be impeded by Rt 17m traffic from getting there. There is no safe pedestrian access as an alternative.

Then there is the matter of farm land. The project takes an historic farm and densely develops it. I would have no qualms with this loss if a full integration to a coherent Village resulted, if it was part of a plan to divert growth away from sprawl and if farmland were protected in the mix. None of those conditions are evident here. In fact, by overwhelming the neighboring Talmadge farm and surrounding it, development at this density on this site almost assures that the adjacent farm will eventually fall to development. An alternative approach would be "farmland integration"---to require the preservation of the enveloped farm (through acquisition of development rights, for example) and the careful integration of the proposed development into steps for preserving the adjacent farm as a source of local food to feed the development residents and the Village as well. Such deliberate preservation for local market supply should include assistance to get new farmers onto the site after the existing family retires and also protection of the value of the farm in a form that the retiring families can benefit from. Other neighboring communities, Warwick and Goshen, are actively preserving farms for the future. If handled right, this project could become a good starting point for Chester achieved as a requirement of this approval. Of course, much more appropriate setbacks, better drainage and runoff control, bans on the use of toxic materials, protection of groundwater and surface quality are needed to assure that the continual farming on the enveloped site is successful.

Visual and landscape impacts are another factor here. The BT holdings site features intensive ridge development, perhaps exploiting an error in the zoning maps, but nevertheless inappropriate. The impact on the visual quality of the community, the neighboring farm and the integrity of the ridgeline are not supportable. I favor development approaches that preserve the high points and tuck development into the landscape so as to make it invisible. That is the effect that should be required here. Intensive ridge development too often leads to ridge instability, with catastrophic results. Furthermore, it intensifies runoff issues. And, as noted, adverse visual impacts are assured.

Then there is the matter of sewer and water. I was incorrectly quoted in last week's Chronicle saying that I support the development of a new Chester Sewer Plant Draining to the Moodna. I have given a statement to the Chronicle to print as a rebuttal. It indicates that the feasibility of a Black Meadow plant is suspect on many counts and, pending planning and impact study, not a viable concept. Even if it can be developed eventually under suitable conditions, it would not be available in a time frame relevant here. I also restate our opinion that the Harriman plant on the Ramapo is not in a position to support additional development in the southeast corner of the county. Package plants in general

and in this application are also not appropriate, being short term bandage solutions but in many cases long term nightmares. Approval of this facility, therefore, assumes availability of sewerage that does not exist. Issues of water availability are also suspect. Innovative approaches will be required to rationalize intensive use of the site.

Other issues of demand for community services, including schools, taxing of core traffic capacity that already is congested and the like are not fully addressed here simply because they cannot be removed. Unless this developer, perhaps in conjunction with others, creates significant mitigations on their own, this project will be very expensive to sustain for the community over time. I am not a proponent of age restrictions on development---an unrealistic non-solution to school cost impacts---so I believe that such impacts need to be met head on.

Another factor that must be addressed are the cumulative impacts of this project in light of other projects proposed or pending or even possible under build out scenarios. Development in other communities surrounding Chester is also required, as Chester is a road node affected by traffic originating elsewhere. It obviously shares water and sewerage and receiving streams, airsheds, and so forth. Both Chesters appear to be in the midst of a growth surge that must be understood comprehensively.

Another matter that must be addressed is air pollution, energy use and greenhouse gas generation. At this point in time, only net positive energy homes should be accepted (those that generate more energy than they use) using renewable energy forms that have minimal adverse climate impact and do not generate air pollution. Only ultra low energy appliances should be used. Non mow landscaping should be mandated. LEED and Energy Star ratings can be sought, but the bottom line is to build buildings with minimal adverse impact and maximum positive impact.

On the matter of water, waste water and waste, the buildings can be designed and have restrictions that minimize adverse impacts, collect and conserve water, treat wastes on a building or community level using living systems (possibly to the benefit of the adjacent farm), use pervious surfaces, prohibit pesticides, oil and fuel storage and other toxic practices. Pedestrian connectors can be created to benefit from the proximity to shopping and community services. Alternative road connectors can be negotiated. Alternative means to connect people to the local bus service, amenities and to the train can be integrated into the development, possibly supported by other community users as well.

In sum, it is necessary to think about what this development contributes to the community to make it a better place, not just mitigating impacts. There are other potential positive impacts from developments such as this. Houses for working people who are starting families are needed. They are ideally located near intersections to highways as part of core villages offering amenities. We are close to some of these ideals here.

But as yet, to use the cliché, no cigar. A great deal of community planning and redesign is necessary to assure that this site can be developed appropriately. My comments hint at the steps that are necessary to remove the kinds of impacts I have suggested. The overall

goal should be one that creates a sustainable Chester, a community that will support productive lives for people who might live in the development while furthering the quality of life for other community residents as well. This will require rethinking that brings the community and developer together in ways that the current development process rarely supports. Some of the adverse impact issues may not be able to be addressed, easily, however. And, in the end, the decision makers must think about the long term interests of the community in balancing the impacts. With some rethinking, the balance may be easier to achieve.

7 Oakland Avenue
Chester, NY 10918
January 8, 2010

Village of Chester
47 Main Street
Chester, NY 10918

Honorable Philip Valastro, Mayor:

I attended the January 7th Village Board EIS comment meeting regarding the BT Holdings Development project on behalf of my family. I found the process fair and open, and I was encouraged to see the breadth of public comment, from landowners, business owners, village and town officials and engineers, representatives for the environment and historic preservation, neighbors, and concerned citizens who care deeply about their Chester community and quality of life. Their comments demonstrated careful review of the draft EIS and consideration of law, procedure, and potential impact on the village of Chester, its ability to serve its community adequately and equally, and the quality of life its residents enjoy.

To those points I address our concerns. My family resides at 7 Oakland Avenue—behind the proposed development on the back side of the hill. Our home sits on land once part of the Butler farm, adjacent to the Krieger property. A small single-vehicle lane divides our property. The proposed development shows this lane as an “emergency entrance”, and the definition and use of this entrance has not been addressed. Several comments at the public session raised concern about the single entrance on 17M, which raises an alarm over the potential use of this entrance for more than “emergency”. The Village Board should address these questions in its final EIS due to the direct impact it will have on adjacent property owners:

1. Under what conditions is this entrance to be used for “emergency”? How will that be monitored / regulated? What is the anticipated volume of traffic through this entrance on a daily basis?
2. Will construction / paving of a new road be required under this plan? How will that impact the adjacent property owners? Who will pay for the construction? What is the anticipated cost?
3. What is the ownership of this road—Village or private? Who will be responsible for maintaining it? At what yearly cost?
4. How will this traffic—and the kind of traffic—be managed for safety of the residents and noise abatement? “Emergency” connotes vehicles with sirens: fire engines, police vehicles, etc. that will need to respond quickly to a call. In order to serve 1,127 proposed residents in 458 units, we can imagine frequent, and disturbingly loud, trips through this entrance road, around a nearly blind curve on Oakland Avenue. Vehicles traveling down the hill will not see emergency vehicles traveling up until both are at the curve. This traffic will directly impact our safety, quality of life, and, quite possibly, our property value.

The Village must also address its ability to adequately serve its community with the addition of these residents by showing in its final report:

1. correct estimates of tax revenue based on revised figures of actual property value and, as many of the comments suggested, revised population figures based on data specific to the size of the units and local growth patterns, not national trends;
2. increased numbers of personnel and direct costs of specific Village services, including:
 - water & sewerage,
 - police & public safety,
 - road building & maintenance,
 - park & recreation,
 - traffic & parking enforcement,
 - administrative services in the Village offices that support the entire community.

Finally, the demographics of the population the proposed development presents is an "ideal" picture designed to market an image of low impact, high tax value. In reality there are no guarantees of this population picture, and the Village should study the factors that would influence the demographic, namely:

1. the certainty, structure, and availability of the project funding based on the project itself and current economic forecasts;
2. the source of funds for the development project -- if any Federal or State funds are involved /what restrictions they carry;
3. anti-discrimination and fair-housing law.


There are many concerns that others in the community have addressed very articulately, including potential errors in the zoning, revenue estimation, traffic congestion estimates, water & sewerage usage, impact to neighboring property and businesses, the environmental (biology) aspects of the report, and the historic information regarding the property itself and of neighboring properties.

We respectfully submit our concerns for public record and request diligent consideration of them in the review and final draft of the EIS for this application.

Respectfully,



Mary-Ellen Kreher



Elizabeth S. Kreher

Mayor Phil Valastro
Village Hall
c/o BT Holdings project annexation
47 Main Street
Chester, NY 10918

January 16, 2010


Dear Mayor Valastro,

This letter is in response to the meeting that was held at Chester Academy on January 7, 2010 and the visual and noise impact that the BT Holdings development project would have on 23 Imperial Park, Chester, NY.

I am not sure what the benefits would be for the village or the town if this project of 358 townhouses would go through. Regardless, of what the developer states we all know that there will be many issues left for our community to deal with. I am, like many others in the community, concerned with many of them (*traffic*, over crowded schools, *taxes*, noise pollution, displacement of wild life) and ruining of the beautiful picturesque view behind Talamdge farms. I am most concerned with the visual impact that this project would have on the beautiful picturesque view I have from my side yard of Sugarloaf Mountains. My husband and I bought the property years ago because of the seclusion and peacefulness and beauty of it. The sunsets in the backyard are incredible! We knew one day that there may be houses built on the farms lands, but we never imagined that there would be 358 three-story brick townhouses built right on top of us blocking the view of Sugarloaf Mountains that we sit and enjoy most mornings and every night each spring, summer and fall.

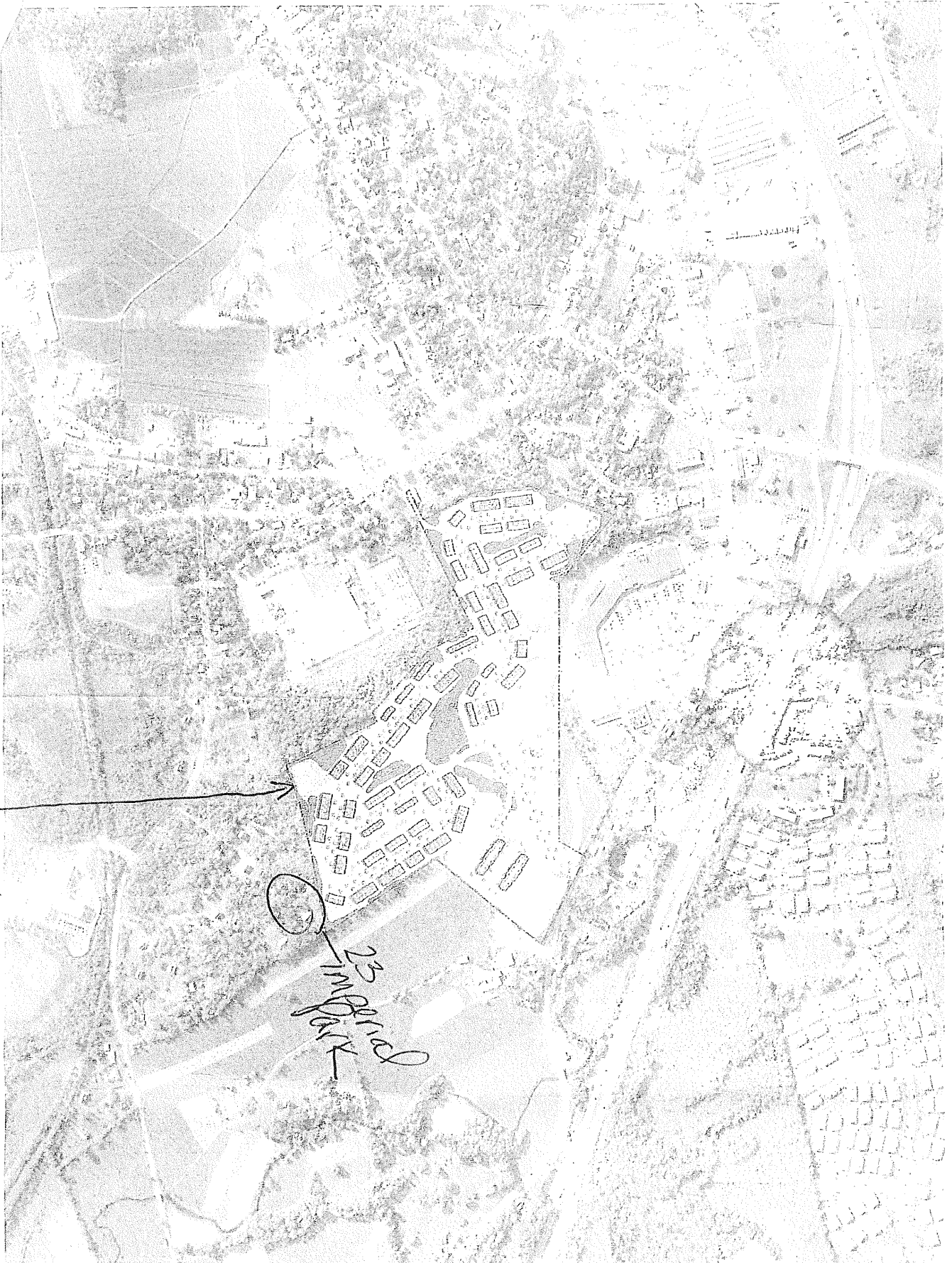
I have attached pictures of these views from our second floor windows and a few from the yard along with the plan of the BT development project. There are two things that I would like to be taken into consideration, if for some reason this project does go through. First, that we get the same consideration that Talamadge Farms is getting and that would be a 50 to 100 foot or more buffers against our property. As it stands now, they are building right on top of us. I have brought this up numerous times at earlier meetings. Secondly, if you look the BT Holding development plans (attached) he plans on putting in a pond and a park like area on the opposite end of my property, which are all woods. Can't he flip it so the pond and park is at our end, so we can still enjoy the view of Sugarloaf Mountains and the peace and the quiet that this secluded hill has always brought us? It only seems fair. Why should I have to pay a combined 12K (actually more) in property and school tax to look at the back or front of 3 or 4 three-story brick townhouses (which I am not sure why they are three stories high, if all the main living is going to be done on the main floor as the developer proposes), when they will be paying a 3rd of the tax I pay? Where is the justice in that?

Respectfully,



Terri Eckert
cc: S. Neuhaus
The Preservation Collective

Attach: Map
+ pictures



Fond / Park area developer is to create.

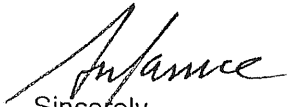
23mp park

January 28, 2010

To: Lead Agency for BT Holdings Property proposed development.
Village of Chester
Town of Chester

Ladies and Gentlemen:

Please direct this letter to the proper Lead Agency in order to include the following questions into the review process now being undertaken for the property that has been referred to as BT Holdings Property. Public information is that the comment period extends to February 4, 2010, and I believe that I meet this deadline. I expect that the answers will be contained in a subsequent document for public review.



Sincerely,
Andrew Lawrence
88 Osseo Park
Monroe, NY 10950

Q: BT Holdings claims that "The Village's total permitted maximum daily water-taking from their two sources is 1.1 million gallons per day (mgd)", and has 0.65 MGD available for use. Has the Lead Agency verified that this 0.65 MGD is correct? Currently, Walton Lake, one of the two mentioned water sources, is subject to artificially high water levels due to a defective grate at the outlet weir. The defective grate has been brought to the attention of the DEC and the Town of Monroe (Walton Lake is within the Town of Monroe.) If levels of supply were tested while the Lake was at the artificially inflated levels, it is possible that several hundred thousand gallons that the Village claims as being available simply do not exist.

Q: Regarding Walton Lake, the Chester Village Water Commissioner recently suspended usages of Walton Lake as a reservoir because of an excess of chromium in the supply. Chromium can be an instigator of hemochromatosis, a genetic disease that Northern Europeans and descendants are susceptible to at a substantially larger percentage than the overall population. Will the Lead Agency determine the effects of the excess of chromium in the supply, particularly as to the possibility of an increase of disease?

Q: Because of the defective grate that acts as a dam, and the lack of "scouring" that Walton Lake thus is subject to, will the Lead Agency study why and if the algal blooms, that have hit Walton Lake severely over the last several years, are related in any way to the artificially high levels of Walton Lake?

Q: Has the Lead Agency reviewed the agreement and subsequent law suits relating to the reservoir usage of Walton Lake by the Village of Chester?

Q: Recently, when developers applied for building permits in the Walton Lake watershed, the Trustees of the Village of Chester were asked to request an Environmental Impact Statement of the Town of Monroe; the Village declined. With the stress on the water supply increased, will the Lead Agency or the Trustees require an EIS be done of the water source?

Q: Because the Town of Monroe and Walton Lake are in the Highlands Region as designated by the Highlands Act signed into law by President Bush in 2004, has the Lead Agency considered the

requirements that that law overlays on development in the Highlands?

Q. Has the Lead Agency determined if the plans for the project meet the formulations of the recent Moodna Basin study carried out by Orange County Water Authority?

Q. Because of the cross-municipal aspect of the water supply, will there be a central authority to which complaints about water quality and usages be addressed? Will both municipalities have any statutory authority as to the resource, and will procedures be put in place to deal with these possible problems, procedures that have the force of law?

Q: Will the Lead Agency clarify the authority Chester has cross-municipally? The Village of Chester has been willing to meet, but not act on concerns that are brought to the Trustees about conditions in the Walton Lake watershed and in the Lake itself. Can clarity be brought to the cross-municipal reservoir authority of the Village of Chester over the lands in the Town of Monroe?

Q: Economics and taxation on condos: Tuxedo, Monroe, and Woodbury are configuring taxation on condominiums differently. In public testimony in Tuxedo last November, 2009, taxation on units were "about \$1,000 per unit." In light of the school tax pressures and the state, county and local municipality cost pressures, how will taxation on these condominiums not negatively affect existing tax-payers?

Q: BT Holdings claims that sewage treatment for the project will be processed for the most part at the Harriman treatment plant. With the other towns and villages in the Moodna District placing increasingly intensive claims to any expansion of the Harriman Treatment Plant, does the developer or the Lead Agency have any idea as to the total requested and foreseen usage at the plant. With Kyrias Joel expanding, Monroe Town and Village, Harriman, Woodbury and other projects demanding usage, Tuxedo now appears to want to send sewage north to use the plant. Some determination is necessary to determine the ratios of usage at the Harriman Treatment Plant. Has the Lead Agency explored these conflicting demands?

Q: BT Holdings claim the right to build a treatment plant on Black Rock Creek. Has the Lead Agency discussed with the Orange County Water Authority its recent Moodna Creek survey?

Q: Whether the BT Holdings project uses the proposed expanded Harriman Treatment Plant or the proposed new Black Creek treatment plant, water will be taken from one watershed and drainage area – the Hudson River and the Moodna system, and moved to a different watershed and drainage area - the Ramapo River system. Does this inter-basin removal and transfer violate standard DEC advisories and procedures?

AWL

mailed 1/28/2010



The Ruby Group

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Goshen, NY 10924
Phone 845.651.3800
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www.RubyGrp.com

Mayor Phil Valastro
Village of Chester
47 Main St.
Chester, N.Y. 10918
Attn: Public comment on BT Holdings proposal

Jan. 28, 2010

Mayor Phil Valastro
Village of Chester
47 Main St.
Chester, N.Y. 10918

Dear Mayor Valastro,

I wanted to formally express my support for the residential housing proposal submitted by BT Holdings in Chester.

This plan meets all the criteria of "smart growth" and would be an ideal use of this property. I salute the developer for demonstrating a commitment to investing in Orange County. In this challenging economy, the residents of Chester should embrace a developer who is willing to build a new community that will help create jobs and spur local businesses.

There are a number of other reasons why I believe the Village of Chester should approve this project, including:

- The proposal meets the mandate of the Town of Chester's Comprehensive Plan completed in 2003.
- This new community would provide Chester with affordable senior housing that is much needed.
- The new development will contribute substantial annual tax revenue to the local community. Indeed, the project is anticipated to pay more in taxes than its residents are expected to require in services, resulting in over \$400,000 in net annual benefit that will ease the burden on Chester's existing residents.
- The plan promotes open space because nearly two-thirds of the property will be preserved.

Orange County is the fastest growing county in the state so we must increase the housing stock to meet this demand. This is the right plan at the right time at the right place. Of equal importance to the project specific merits we must recognize that construction is the only true local manufacturing jobs that exist in our communities.

I have enclosed a report that provides some valuable research that was done on the economic impact of home construction in our region.

Sincerely,

Pete Berman, CEO

February 1, 2010

Village Board
Village of Chester
47 Main Street
Chester, NY 10918

Attn: Mayor Philip Valastro, Trustees John Collins, John Deschler, Eugene Collins,
John Reilly, III

To All Concerned:

I am writing to you because your board requested concerns regarding the proposed development to be built behind the ShopRite Plaza off of Route 17M, Chester, NY. I have many strong concerns, which are negative, not only because I live across the street from the Mall, at 105 Brookside Avenue, but because of the following points:

- 1). The development, as proposed, has only one access road. This is ridiculous! B.T. Holdings says there will be about 250 automobiles going and coming during the peak hours in the a.m. and p.m., including Saturdays. What about Sundays and when there is an accident or construction on Route 17 and all traffic is diverted to Route 17M? Traffic is at an almost stand-still for hours, from Goshen to Monroe on Sundays during the warm months, and ambulances and fire trucks have a hard time getting through.
- 2). There is no mention of installing sidewalks along Brookside Ave. (Rt. 17M) to be used by people living in the development who want to walk to the Mall or to the P.O. and banks, etc. Children living in the homes will be crossing the street to get to the Castle. Is a traffic light proposed for that area? Many, many cars enter and exit the Castle every day and night, and it is unsafe now. Also, we have a hard time getting out of our driveway now. What will it be like if this development goes through?
- 3). They do not propose to put a high buffer where it is definitely needed. There should be a very high buffer between the houses and Ted Talmadge's barn, and a fence dividing the two properties. People will be trespassing on his property, possibly getting injured, and suing Ted. Also, one of the most beautiful sites in Orange County, definitely in the Village of Chester, will be destroyed. What a disgrace!
- 4). There will be an adverse impact on various species of fish and wildlife who inhabit the stream (Otterkill) nearby, and adjoining properties. According to the Survey, I don't see where they even completed the Environmental Impact study. In my backyard alone, we have fish, turtles, beaver, snakes, frogs and ducks.

swimming in the brook, and have deer, rabbits, chipmunks, squirrels, woodchucks, possum, skunks, birds, owls, (an even a bear, once) on our property. After construction was done on the Castle, it took years before they all came back after being 'evicted' from their homes.

5). The developer has underestimated the number of children going to live in the development. I believe there will be more children living in the two and three bedroom units. This will also cause more traffic, with school buses entering and exiting onto 17M.

6). Will there be enough water to accommodate the existing, planned and future homes and businesses to be built in the Village? We have lived through droughts in the Village in the past.

7). The "emergency" entrance off of Oakland Ave., to be used by police, ambulances and fire trucks, will become a 'shortcut' for kids in the Village to take them to the Mall or to the Castle. There could be injuries or it could become a 'place to hangout'.

I beg you to consider all the facts I have presented to you. Don't approve the annexation!

Sincerely,



Joan Van Der Meulen

Rebecca

From: Todd Finley [todd.finley@pntmail.com]
Sent: Wednesday, February 03, 2010 12:47 PM
To: riveravc@frontiernet.net
Subject: new store owner in chester mall..Play N Trade

February 2, 2010

Mayor Phil Valastro
Village of Chester
47 Main St.
Chester, N.Y. 10918
Attn: Public comment on BT Holdings proposal

Dear Mayor Valastro,

It's been a long time since a large new development was built in Chester, which is a shame. We have the opportunity to change this and bring lots of new residents to town, though. This, of course, is the proposal for townhouses and senior apartments on land between the village center and the Chester Mall, which I think should be allowed.

The townhouses will bring new residents and new money to town, and we need both to help jumpstart our economy. The senior housing also is a good idea because it will provide a nice place for elderly people to live without having to move far away. They'll be able to stay close to their friends and family in Chester.

The property also is near major roads, so people will get in and out without driving through quiet neighborhoods. The new people will be able to walk to the mall or into the village if they want. As the owner of a small business in Chester, I welcome this kind of smart growth.

The development even is expected to have a \$400,000 surplus in tax payments. Taxes are high enough already, anything that brings them down is a good idea.

I think the development proposal is a good idea, and almost everyone I talk to seems to agree. We should let it happen.

Thank you for reading this letter

--

Todd Finley
Play N Trade Video Games/Chester NY
Owner
C.845-729-GAME(4263)
O.845-610-5011
F.845-610-5012

Rebecca

From: Jennifer Ciccone [JLCiccone@lynmark.net]
Sent: Wednesday, February 03, 2010 11:10 AM
To: riveravc@frontiernet.net
Subject: Public comment on BT Holdings proposal

RECEIVED
FEB 03 2010



4 Executive Boulevard • Suite 200 • Suffern, NY 10901
Tel: (845) 357-7000 • Fax: (845) 357-1895
elitecinema6@yahoo.com

February 3, 2010

Mayor Phil Valastro
Village of Chester
47 Main Street
Chester, N.Y. 10918

Dear Mayor Valastro:

Elite Cinema 6 is excited about the BT Holdings' proposal to build a residential community next to the Chester Mall. We understand that this complex will house young couples, families and senior citizens alike and we see this as a great opportunity for the Mall's tenants. The much-needed business will support established shops and enable new business to thrive. As a theater owner, we can feel the economy's grip on us already since going to the movies is not a life necessity. However, with this residential expansion our chances of staying in business heighten greatly. We at Elite Cinema 6 are in support of smart development that will bring more people together to support their local businesses and keeps their own town of Chester thriving.

Sincerely,

Jennifer Ciccone
Agent

Jennifer Ciccone
Elite CINEMA VI, LLC

RCVD 4 FEB '10

The Chester Fire District

P.O. BOX 612, 81 MAIN STREET
CHESTER, NEW YORK 10918
(845) 469-0991

COMMISSIONERS

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February 3, 2010

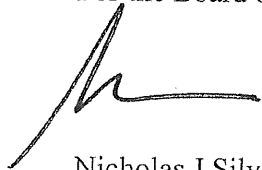
Village of Chester
Board of Trustees

RE: BT Holdings project

Dear Trustees:

The fire district is aware of the BT Holdings multi-family project and is concerned with regard to the roadway widths proposed. Vehicle parking (authorized or unauthorized), the weather conditions and the building configuration all have an impact on fire vehicle access and staging during a fire event. We strongly encourage the village board to remove the determination regarding road widths from this stage of the process. Instead, leave such determinations to the site plan review when a detailed plan would be made available. Building layout, hydrant layout, parking configuration should be available such that a code compliant and safe plan can be considered by the fire service.

For the Board of Fire Commissioners

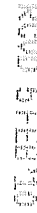


Nicholas J Silvestri, Sec

Clifton Patrick

119 Brookside Ave
Chester, NY 10918

Phone/fax 845-469-7645 e-mail: clifpatrick@optimum.net



Friday, February 5, 2010

Mayor Phil Valastro
and Board of Trustees
Village of Chester
47 Main Street
Chester, New York 10918

Dear Sirs:

Below are some observations concerning the Draft Environmental Impact Statement ("DEIS"), submitted by the, BT Holdings Development, LLC to the village. While I have not been able to study the entire document, I, a laymen, find so many obvious errors and omissions in the small portion that I have read, that it brings into doubt all their claims and statements. One can not trust the more technical statements and claims when there are numerous errors and mis-statements in the small portion of these documents that I have read and commented on! Please note that I have not commented on items that I don't know about and that does not mean that I am implying that those items are correct or accurate.

While I agree that the vicinity near the mall is the appropriate place for higher density dwellings and the goals set forth the BT Holdings Development narrative are laudable, many of the details in this proposal appear at odds, or at least inconsistent, with those goals.

From: 617.20 Appendix A

State Environmental Quality Review FULL ENVIRONMENTAL ASSESSMENT
FORM

A. site description:

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

Given the number of hunters that I see on the site and gun shots I hear coming from it, there must be abundant hunting opportunities on there. I understand the local police routinely get inquiries from people who hear gun discharges from hunter on this and adjacent properties.

BT Holdings comments submitted by Clifton Patrick

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations.)
 Yes No Describe _____

13. Is the project site presently used by the community or neighborhood as an open space or recreational area?
 Yes No If yes, explain _____

14. Does the present site include scenic views known to be important to the community?
 Yes No

The unobstructed visibility from the top of the site is locally unparalleled! This is, perhaps, the only cleared hilltop in the immediate area offering such magnificent views. As mentioned above, many hunters use this space to recreation. Ted Talmadge, mentioned that he has a problem with people trespassing onto his neighboring farm. Obviously, those same people likely also use this property for those same recreational purposes.

12. Is surface liquid waste disposal involved? Yes No
a. If yes, indicate type of waste (sewage, industrial, etc.) and amount. _____
b. Name of water body into which effluent will be discharged. _____

13. Is subsurface liquid waste disposal involved? Yes No

No toilets? No washing machines? No sinks? No liquid effluent (a.k.a. sewage)? In response to question B-23 they expect the project to consume 150,00 gallon of water per day: Where is that water going to go, if not down the drain?

16. Will the project generate solid waste? Yes No
a. If yes, what is the amount per month ±2 Tons
b. If yes, will an existing solid waste facility be used? Yes No
c. If yes, give name Orange County Landfill ; location Goshen

How is this possible? The Orange County landfill on Route 17M closed in 1992! Plus, the developer must be expecting very frugal proposed occupants if only two tons of rubbish is generated a month from the 400+ units!

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?
Commercial and residential

8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? Yes No

Did they not notice the neighboring Talmadge Farm, an agricultural use?

BT Holdings comments submitted by Clifton Patrick

From the "BT Holdings Chester Development DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)," dated October 22, 2009

1.1.1 Project Purpose, Needs and Benefits

This project is being proposed to address the need for quality market-rate townhouse dwellings and market-rate and affordable senior rental apartments in a location that is accessible to water and sewer services and has access to major transportation routes of the region. The intent of the applicant is to provide this housing while minimizing potential impacts to the greatest extent possible.

It is my understanding that the Village of Chester is at capacity as far as its sewer allotment goes. So, how will this be addressed, if this property is annexed into the village, but the village has no excess sewer capacity? This project does not seem to achieve their stated goal of "minimizing potential impacts to the greatest extent possible."

1.1.1 Project Purpose, Needs and Benefits

It is the applicant's intent that the BT Holdings site, when developed, will be compatible with the blend of existing nearby intensive commercial, industrial and medium to high density residential land uses.

The plan and dwellings proposed do not blend as stated above with existing uses or structures. They are much different in appearance and arrangement.

Project Benefits

The BT Holdings development has been designed to meet the planning objectives expressed by the Town of Chester and Orange County by:

...

Utilizing a location near shopping and work along Route 17M and within the Village of Chester, near the community's center in the Chester and East Chester hamlet areas.

The current layout is isolated from as opposed to integrating with nearby shopping.

1.1.3 Description of Action

The project sponsor specifically conceived of a residential development intended to have a relatively low impact on the school district.

Adding students to this district's schools, which I understand are near capacity, can hardly be called "low impact!"

1.1.3 Description of Action

The BT Holdings development would include 100 senior rental apartments housed in two buildings with 50 apartments in each building in the northwestern area of the site near NYS Route 17M adjacent to the entrance boulevard.

The placement of senior rental apartments near the NYS Route 17M adjacent to the entrance boulevard instead of close to the mall further isolates this population from the lo-