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May 14,, 2008

VIA E-Mail and Regular Mail

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

Re: The Knolls of Dover – Scoping Comments

Dear Supervisor Courtien and Members of the Board:

We represent the Coalition for the Responsible Growth of Dover, we submit these comments on the proposed revised Scoping Document for the Knolls of Dover project (the "project"). These comments are in addition to the oral comments presented at the May 7, 2008 scoping hearing.

1. Initial Objections

As an initial matter we must reiterate our objection to the Town Board proceeding in this manner. As we have previously stated, the Town Board is without authorization to so significantly revise the duly adopted Final Scoping Document from 2006. Contrary to representations made at the scoping hearing by the Town's consultant, the changes proposed are not limited to changing the PADS alternative to the preferred project. The changes, as more fully discussed below, represent a significant roll-back of the detailed scoping document adopted by the Town Board. There has been no articulation as to why those changes are necessary or consideration of the detrimental effects of those changes. In reality, the effort by the applicant is a bold-faced attempt to weaken the degree of environmental review and will assure that the Town Board will not have sufficient information to take the "hard look" at the potential environmental impacts that SEQRA requires.

We also object to the procedural errors in considering this “re-submitted” application dated March 3, 2008. In August 2007, the applicant unequivocally withdrew its previous application. At that point the project terminated. If the applicant seeks to submit a new application it must begin the process anew – including establishing Lead Agency and receiving a determination of significance. That is not a minor matter, because considering the change in attitude of members of the Town Board and its desire to assume approval authority from the Planning Board, CRGD has serious reservations as to whether the Town Board has the experience and independence to meet its SEQRA obligations. If this were properly considered a new application and given the increased breadth of the proposed development into sensitive lands, CRGD would strongly urge that DEC act as Lead Agency given its broader expertise and the regional implications of the project.

We raise these objections now so that the Town Board is aware of the serious procedural errors it is committing in the review of the project. Given this board’s actions to date we do not expect you to change course and correct these errors. However, we are reserving our rights to seek judicial review on these issues should this project ultimately be approved in a manner that we believe is inconsistent with SEQRA and the Town of Dover zoning law.

2. General Comments on the Proposed Draft Scope

The applicant, The Dover Knolls Development Company II, LLC, is now apparently requesting four actions by the Town Board: 1) significant amendments to the MC-Overlay District provisions of the zoning law; 2) approval of a comprehensive development plan; 3) amendment of the zoning map to include the Dykeman parcel in the MC-Overlay District; and 4) approval of a site plan for an unspecified Phase I of the project. However the application materials available on the Town’s website do not provide a complete picture. Particularly there is no information as to what will be included in Phase I. It is impossible to comment on a scope where the application is incomplete and fails to provide rudimentary information. Since the Town Board has assumed site plan review authority, it is evident that it will be considering site plan approval for Phase I as part of this SEQRA process. Therefore that information must be provided. Additionally, the revised scope is generally devoid of consideration of the myriad issues raised by the proposed amendments to the zoning law. The scope is silent on considering the impact of changing the substantive elements of the MC-Overlay District. Failing to include those issues as part of consideration of the action is gross violation of SEQRA.

The instant application proposes a “comprehensive development plan” for a mega-subdivision of 1,376 residences with only 245,800 square feet of commercial space. Our research indicates that the median square footage of a grocery store in 2006 was 48,750. Essentially, the applicant is now offering to build only 5 grocery stores worth of commercial space on approximately 937 acres of land, a number of acres of which are green, open spaces. The proposed development is clearly not permitted under the existing Zoning Law. The previous Town Board was striving to adaptively reuse the former Harlem Valley Psychiatric Center (“HVPC”) center for a true mixed-use community and, therefore, limits were placed on both residential and commercial development so that an appropriate balance would be struck. The

applicant now wants the Zoning Law amended so that sprawl is endorsed and the commercial use of the property is limited to roughly 14.01 of the 937 acres to be developed. As we will discuss, this is not consistent with the Town Master Plan. It will also lead to local tax increases to pay for services needed for the 1,376 new residences and permit the destruction of a number of historic structures, not for business purposes, but to pave the way for residential housing. In spite of these obvious adverse impacts, the scope does not address the requested Zoning Law amendments. The proposed action being scoped for environmental review purposes must be identified by the Town Board and the applicant so that the scope can be appropriately focused on potential, adverse impacts.

3. Proposed Amendments to the Dover Zoning Law

The New York State Town Law advises that “[a]mong the most important powers and duties granted by the legislature to a town government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens.” The New York State Town Law describes the “town comprehensive plan” as the “materials . . . that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town. . . .” Dover has a comprehensive plan. It was adopted on September 21, 1993 as the Town of Dover Master Plan. Dover’s Master Plan was adopted after years of preparation, referrals, public hearings and environmental review. It is truly a product of the hard work of Town’s residents.

The applicant has decided that it doesn’t like the Dover Master Plan and Zoning Law because it is interfering with its proposed residential development. The applicant wants the Town Board, as part of its MC Overlay zoning application, to make substantial revisions to the Zoning Law to accommodate the applicant alone. The applicant has failed to propose any language in the scoping document that would address the enormity of the environmental impacts of the proposed amendments. If suburban sprawl is the planning direction in which the present Town Board would like to head then the Town Board should be considering a new master plan before undertaking the consideration of any of the applicant’s proposed zoning amendments. Anything less takes the Town and its residents in the wrong direction such that the Town’s residents will have no say in the planning goals for the Town.

As discussed very publicly over the past several years with respect to the Dover Knolls’ project, especially during conversations addressing the applicant’s desire to amend the Zoning Law, the Town’s Zoning Law must be consistent with its Master Plan. The applicant is now proposing substantial changes to the Zoning Law, none of which are addressed in the proposed scoping document submitted by the applicant. The applicant’s statement that the proposed project is consistent with the Master Plan is insulting to those that helped craft the Master Plan.

A plain reading of the Master Plan and the proposed amendments demonstrates the inconsistency of the amendments with the existing Master Plan. For example, the proposed amendments, and many components of the project, run counter to the planning principles set

forth on pages 94 through 103 of the Master Plan including, but not limited to the principles of 1. identifying, protecting and restoring Dover's Historic buildings, sites and roadside cultural features and ensuring that new development respects historic structures; 2. providing municipal facilities and services that will meet the resident's common needs; and 3. creating a pattern of land use that reinforces the hamlet centers, preserves the natural resources and enhances the overall rural character of the Town, while promoting the development of economic opportunities. The applicant plans to knock down many of the historic structures on its property and spread residential housing across open fields, streams, farms and mountains thereby substantially increasing the size of Dover's housing stock while giving little to no thought as to how the Town will provide needed public services.

Contrary to the language on page 116 through 117 and 125 of the Master Plan, neither the proposed Zoning Law amendments nor the project ensure the protection of steep slopes, the reservoir, the Great Swamp and upland portions of the HVPC property and they certainly do not seek to maintain agricultural uses on farmed portions of property. The applicant's proposed Zoning Law amendments gut the MC Overlay District's "Protection of open space resources" provision in Section 145-16.F of the Zoning Law by allowing the applicant to build on steep slopes and in Great Swamp wetlands and their buffers such as the wetlands and buffers in the southwest portion of the property. This is not consistent with the Town's Master Plan or good planning.

Page 124 of the Master Plan tells us that the main purpose of alternative land uses at the HVPC property should be to secure jobs for local residents. The Master Plan encourages higher density development in and around defined community centers and not the suburban sprawl proposed by the applicant. As best stated on page 104 of the Master Plan: "The resulting plan is meant to help re-establish the traditional settlement pattern of Dover and the larger Harlem Valley by reinforcing the main hamlets while preserving, as much as possible, the natural beauty and non-suburban appearance of the outlying areas."

The applicant's insistence that it "has consistently indicated that this [Dykeman] property was an integral component of its plan" is untrue. After Dr. Michael Klemen's environmental studies of the former HVPC campus, the applicant approached the Town about the use of the Dykeman parcel to expand the present 9-hole golf course. The Town's documents demonstrate that discussions between the Town and the applicant focused on the use of the Dykeman Property as an Audubon-certified golf course so that the open space objectives of the Zoning Law and the MC Overlay District provisions would be furthered. The applicant has conveniently abandoned and slipped this idea under the rug. The present claim that the Dykeman parcel was always meant to be residential is unsupported by the record.

Considering the applicant's desire to substantially alter the zoning law, the scoping document and the subsequent DEIS must address the following points:

- A. The applicant's proposed amendments to the MC Overlay District in the Findings and Purpose section minimize the state of the existing buildings at the site for the

sole purpose of permitting the applicant to destroy some of these historic structures.

- B. Removing the required buffers in the MC Overlay District provisions removes the ability of the Town Board to protect adjacent residents.
- C. Removing the percentages of allowable development in the MC Overlay District provision on "Effect of District" gives the applicant unfettered discretion to build a development that is not consistent with the Town Master Plan and is not in the public's interest.
- D. Taking away the subdivision and erosion and sediment permitting authority from the well-trained Dover Planning Board for the MC Overlay District is ill-advised.
- E. The applicant's proposed minimum non-residential floor area of 200,000 square feet is meaningless without a definition of "non-residential."
- F. The language proposed to be added to the MC Overlay provision purportedly concerning "Limitations on Development" do not appear to be limitations at all. The proposed acreage for the project is approximately 937 acres. The applicant will be permitted to add approximately 1,500 residential units to the property and encouraged to spread them across the property without question. On the other hand, the limits on non-residential uses appear to restrict commercial development at the site to 1.5% of the gross acres or 14.01 acres of an almost 1,000 acre site. Based on these amendments, it is unclear why the Town has paid every year for Empire Zone tax incentives for what was supposed to be a true mixed-use development with a real commercial component.
- G. The proposal to calculate density for cluster type development based on "gross" acres of land instead of developable areas, constitutes a significant change from established state and town law. Clustering calculations always exclude undevelopable land. In this case the applicant is seeking to specifically gain credit for lands that could never be developed.
- H. The deletion of the application of Dutchess County guidelines to the project ensures that the applicant will not need to take the Town's character into consideration in developing the project.
- I. Through the amendments, the applicant has dictated to the Town and its people what open space resources are worthy of protection. Note that the "Great Swamp", "wetlands" on the site and steep slopes are no longer deserving of protection. Instead, only the Great Swamp River, state-designated wetlands and steep slopes in excess of 25% are worthy of protection. This is unacceptable and the Town Board needs to step up to the plate and advocate for what is in the best interest of the residents of the Town of Dover.

4. Expansion of the MC-Overlay District Beyond HVPC

The applicant proposes amending the zoning map to include the Dykeman parcel into the MC-Overlay District. As the Board is well aware, as part of Local Law 1 of 2008 it purported to amend the zoning law to permit substantially contiguous parcels to be included in the district. CRGD is currently challenging that provision of the law since it was promulgated in violation of

the Municipal Home Rule Law without sufficient notice of that provision. The Town has yet to respond to the lawsuit, so the matter is still pending. Regardless, there is no question that the amendment to allow the MC-Overlay District to be expanded was never considered under SEQRA. Therefore, even in the extremely unlikely event that the Town Board's adoption of Local Law 1 is upheld, it still must consider the environmental impacts of expansion of the district. Those expansion issues have not been sufficiently identified in the scoping document.

5. Scoping and the DEIS should cover a complete application

As stated by the applicant and shown by the application submission, the application is missing the finer details of the project such as dimensional details. Since the applicant will also be seeking site plan approval for Phase I, the Town Board should be able to explain to the public exactly what is being built and in what location prior to attempting to analyze the project's impact on the surrounding environment. The Town has asked the applicant for the dimensional and architectural details of the proposed project, among many other missing details such as the specifics of its economic study, for years. They have not been provided. At present and based upon the Land Use Permit Application, the applicant is also unable to tell us about total impervious surfaces proposed, the footprint area of the largest structure and parking spaces proposed.

Clearly, this scoping session is premature. It should be postponed until important information such as the dimensional regulations, site plan details, design guidelines and a phasing plan are submitted to the Town Board. The applicant should not be permitted to seek piece-meal, site-plan approval as presently proposed because this will lead to an ineffective environmental review of the project. When the Town Board has the details of the proposed project, it should provide the details to other agencies that have permitting and approval authority over the applicant so that such agencies can ensure that the environmental impact statement will be adequate enough to allow them to make their own environmental findings as is required.

6. The Proposed Scope is not a complete redlined version of the adopted Final Scope

It has been represented by the applicant that the March 2008 proposed Scope submitted by the applicant was a redlined version of the actual adopted scope from June 2006. It is not. For example, pages 2 and 3 of proposed scope, Description of Proposed Action, completely omits any reference whatsoever to the original language in the Description of The Proposed Action in the June 2008 adopted Scope. The proposed March 2008 Scope is devoid of any discussion of the "redevelopment" of the former HVPC and instead offers a lengthy primer on New Urbanism and "neighborhood" design. The Master Plan and the Zoning Law require that the redevelopment of the HVPC campus be the focus of the proposed action and that is what should be in any description thereof. This section of the proposed Scope also gives the impression that the prior Town Board was satisfied with the PADS. This is not true. The Town Board's February 2007 letter to the applicant describes in detail the issues that the Board had with the proposed PADS. That letter is in the archives for this project on the Town website and should be considered part of this record.

The first paragraph of Section II D, "Proposed Comprehensive Development Plan," was removed by the applicant without redlining. The approved paragraph required detailed descriptions, with text and graphics, architectural renderings, proposed bulk requirements table and related engineering plans at a level of detail satisfactory to the Town Board's engineer reviewing the project. The first paragraph now proposed by the applicant requires only "Overall Development and Design Concepts" leaving many of us to wonder when exactly the applicant will advise the Town Board and its residents of what exactly the applicant plans to build. Our hope is that the current Town Board is as interested in this information as we are.

These are just two examples of how the original scope has been manipulated by the applicant. We urge the Town Board to carefully review the document to discover other missing language not referenced in the scope now proposed by the applicant.

7. Detailed Comments on the Draft Scoping Document

Our review of the proposed amended scope demonstrates that, generally, the applicant has amended the scope to remove information needed to conduct the required environmental assessment rather than merely tailoring the adopted Final Scope to best suit its most recent application for redevelopment of the former HVPC campus. For example, the applicant has removed all mitigation measure language from the scope that requires consideration of the size and design of the project. This indicates inflexibility on the part of the applicant that is disconcerting. Thus, we request that the proposed scope be returned to the form adopted in June 2006.

We have the following specific comments:

Page 2: The applicant repeatedly cites to research resulting from technical meetings held with the Town Board in 2006. The applicant should provide all of this research to the current administration and the public as repeatedly requested by the prior administration since the applicant is using this "research" as its rationale for the requested Zoning Law amendments and need for residential sprawl. As set forth herein, the proposed project plan does not "respect" constraints or natural features and Dr. Klemen's reports on file at the Town Hall support our assertion. The applicant has ignored a number of Dr. Klemen's recommendations concerning the preservation of animal and plant species and their habitats.

The applicant's description of the project as less intense should either be corrected or paired with a description of the actual proposed neighborhoods sprawled all over the 937 acres. For example, many neighborhoods are not within a ½ mile walkable radius from the train station. There are residential developments planned for the foot of a hill, on steep slopes of more than 15%, on prime agricultural soils and in recommended wetland buffers. The applicant states that the 50 plus unit residential development around the reservoir in the eastern portion of the property is small. Such development may be considered small on Long Island but this project is

in the Town of Dover and the applicant must accurately portray the character of its project in accordance with its actual surroundings.

Page 3, para. 1: The present Town Board has not made any determination of significance on the 2008 project now proposed by the applicant and no “positive declaration” exists for this application.

Pages 3 and 4, paras 3 and 4: The Town Board should require the actual locations of wells and subsurface sanitary sewage disposal systems on surrounding properties, roads and water bodies so that actual impacts can be assessed. The Town Board should also insist on electronic files and maps of the *same* scale as initially requested in paragraph 4 so that all calculations presented by the applicant are supported by actual data and the public and the Town Board are not misled and can understand the scale and impact of what is being considered. The overlay maps now removed from the scope are also critical to understanding impacts and should be placed back in the scope; especially in light of the applicant’s plan to build on steep slopes.

Page 4, para. 3: The applicant has removed any requirement to discuss proposed mitigation measures identified in the Final Scope. This serves the applicant and potentially harms the Town and its people. This provision should be restored to the Scope in its entirety.

Page 5, para. 1 and A6: All references to the PADS, on this page and throughout the Scope, should be restored to the proposed Scope as the applicant has failed to propose a PADS that is consistent with the PADS described in the adopted Final Scope. Instead, the applicant has proposed the super-subdivision. The description of the PADS in the adopted Final Scope was a collaboration of efforts by The Town’s planner, the Town Board and the Dutchess County Department of Planning. It describes a project that is consistent with the Town Zoning Law and its Master Plan. It describes a project that is compact and clustered around the train station, is well-phased to protect Town residents, protects existing, green open spaces and hillsides and provides for substantial commercial development.

The applicant’s deletion of the submission of the full title report indicates that they are not willing to be forthcoming about easements, restrictions and other conditions. This requirement should be restored.

Page 6, para. D.1.c. and d.: The Applicant should specify where demolished buildings will go from a waste management perspective and whether such material is considered “recyclable.” If such material is considered “recyclable,” who made that determination and how was it made? The applicant should be required to acknowledge in the Scope that steep hillsides, marble knolls, wetlands and farmland are environmentally sensitive features in the Town and impacts on such features require an environmental assessment.

Pages 7 and 8, paras. 2.a., b., d. and f.: Has the applicant removed the term “perpetual conservation easement” because it does not plan to convey any? Why remove information about the golf club membership? Public meetings have clearly indicated that this is a recreational issue

of concern to Dover residents. What are the fiscal impacts associated with the maintenance and upkeep of the proposed parks if they are to be conveyed to the Town? Why exclude information about the running track? At the scoping hearing it was stated that the running track would remain. Information about Manor House, the community center and recreation center users should be identified.

Page 8, paras. 3a. and d. The applicant should also use its records, such as its title report, to identify existing and proposed roads as legal documents have the information needed for this section. Has the applicant reneged on its promise to the Town to build a new improved train station as a gateway to the community? The applicant should state whether they plan to attempt to grandfather the wastewater treatment plant and sewers under old state requirements and guidelines as has been discussed in public by members of the applicant's team. What is the impact of such grandfathering?

Page 9, para. 4: The applicant has been less than forthcoming about plans for proposed commercial spaces and reuse of the former HVPC buildings. The Town Board should require more specific information from the applicant by placing the language deleted by the applicant back into the Scope.

Page 10, paras. 5 and 6: The applicant should identify the percentage of each type of housing proposed. The applicant should also address the potential displacement of corrections officers living at the former HVPC campus.

The discussion of and reference to existing HVPC tunnels has been removed by the applicant. Does the applicant plan to use the tunnels to bury items at the site, including but not limited to waste or "recyclables"?

Page 11 and 12, paras. 8, 9 and E.: The Town Board should inquire as to whether the applicant plans to use any deed restrictions or easements to protect open space and recreational areas. If the answer is yes then the applicant should describe such restrictions and easements in the DEIS and, therefore, they should be part of the scope. The applicant should define "project-specific design guidelines" and the Town Board should assess whether such definition will provide the information needed to assess the impacts of the project as discussed in Planner Joel Russell's letters to the applicant. The applicant should be required to produce an actual phasing plan that protects Dover residents from an abandoned project just like the phasing plan required in the adopted Final Scope. The Town Board cannot adequately conduct an environmental review on the proposed "conceptual plans" for all phases after the first. What is the applicant's plan if any particular phase is not completed?

Page 12, paras. G and H: The applicant must address the outstanding issues concerning the order on consent cited in the adopted Final Scope. As discussed previously, all references to the PADS should be restored to Scope.

Pages 13 and 14: The applicant should be required to demonstrate consistency with the Town, County, State and Federal laws, regulations and guidelines. There will clearly be a loss of agricultural land and the applicant must be required to discuss it.

Page 16: The applicant must consider more than the Wingdale Hamlet as the site will be very visible from Route 21 coming over Wingdale Mountain. Additionally, the secondary visual impacts of the project must be evaluated so that construction-related impacts and site lighting impacts such as light pollution, glare and trespass are considered. This is a rural community and such issues are important.

Page 17, paras. C2 and Dai: The applicant must acknowledge that the proposed project has suburban qualities that are different from the existing rural landscape. Any impacts associated with such qualities must be assessed. Language concerning steep slopes evaluations should be restored as the original language is consistent with general planning and engineering concepts.

Page 18, para. a.iv and b: 25 % is an unacceptable threshold and an overview is meaningless. How will the town Board assess real impacts using an overview? The applicant must provide *all* of the information originally requested so that the Town Board can actually identify and assess potential impacts associated with the project. All previously proposed mitigation measures such as, but not limited to, an erosion and sediment control plan and a SMF must be required to be considered by the applicant.

Page 19, paras. 2ai and 2aiv: The removal of wetland, habitat and buffer information is unacceptable. Dr. Michael Klemens was very clear in his assessment of the former HVPC campus and his recommendations to the applicant. The Town Board should be aware that the applicant decided to undertake a habitat assessment and did not do an endangered species survey. Flooding issues at the site have been made apparent by the three most recent storms. The applicant must describe them.

Pages 20 and 21, paras. b and c: The Town Board should not permit the applicant to ignore potential, adverse impacts and possible mitigation measures previously identified by the Town's consultants and, therefore, the language deleted should be restored to the Scope.

Page 21, para 3(ii): Dr. Michael Klemen's recommendation and the U.S. Fish and Wildlife Service issues should be restored to this paragraph of the scoping document so that the project's impacts are actually assessed.

Page 23: The Town Board must have a baseline with respect to water quality so that it can assess potential impacts on groundwater and on the public that will use the water. At a minimum, the applicant must provide the results of studies required by Dutchess County for the plethora of residential units proposed. The applicant's deletion of language requiring any studies of groundwater quality limits the Board's ability to conduct the required environmental assessment.

Page 24, para. c(iv): The term “excessive” is in the wrong location making the sentence nonsensical and just who defines “excessive”? There is a limited supply of water in the Harlem Valley aquifer and the applicant must address that issue and propose mitigation measures.

Page 25, para. 3.: The applicant should define “any necessary” so that the Town Board and the public understand exactly what the applicant is proposing. Consistent with Town Board member Galayda’s comments to the press, the Town Board should require the applicant to consider imposing federal and state MS4 standards on the project and the MS4 local laws as proposed by the State DEC and DOS should be passed by the Town Board so that they apply to this project.

Page 28, para. c(i): The word critical is too subjective and should be removed.

Page 28, para. 2a: The applicant should be required to assess the cumulative impacts of surrounding projects and the Town Board should require the paragraph be restored to its original condition.

Page 29, para. 3.a: The applicant should not be permitted to ignore previously identified mitigation measures from prior public meetings including the measures related to the size of the project and methods of crossing State Route 22 such as a bridge or tunnel.

Page 29, para. G.1: The Town Board should not permit the applicant to ignore comments from the Town Fire Chief as raised in Chief Yeno’s letter of May 5, 2006.

Page 31, para. 3.a and b: The Town Board should require the applicant to use real data to assess impacts on our school system. The applicant should also be required to consider the conversion of age-targeted and age-restricted housing considering its concern with market changes.

Page 32, para. 4.b(ii): Based on the proposed revision to the Final Scope, the applicant is going to argue to the Town Board that the deed restriction on the site that restricts the disposal of solid waste at the site does not apply to the applicant. Clearly, the Town Board should protect the public and not permit this to occur. We have provided a copy of the deed to the Town for its records.

Page 32, para. 5: The Town Board should require the applicant to divulge the information requested in this paragraph so that an adequate assessment of the socio-economic impacts can be conducted.

Page 34, para. 6.a and c: The applicant should advise the Town Board and the public as to whether NYSOPRHP’s opinion as to the historic significance of the buildings on the site has changed. If its opinions have not changed then the applicant should restore this paragraph to its original condition and recognize in the scope that the buildings at the site are eligible for inclusion on the National Register. Rehabilitation of all of the structures rather than demolition must be discussed as an alternative.

Page 36, para. I.1.a: The applicant should be required to map the areas of environmental concern at the site so that the Town Board and the public know the location of such areas.

Page 37, para. J: The deletion of the assessment of the impact resulting from partial completion of the project is absurd as the applicant is attempting to have the Town Board abandon any real phasing of the project. This language should be restored.

Page 39 and 40, para. D and E: As stated earlier, the applicant must be required to consider an alternative project size especially in residential construction areas proposed for steep slopes, along the reservoir on the eastern portion of the property and in the wetlands and their buffers. How will new information be derived if the applicant is unwilling to do any other environmental studies? Why wouldn't the applicant want to examine commercial uses that need less of a customer base than retail? As stated previously, all identified alternatives found reasonable in 2006 should be considered in the scope for this project.

Page 41: Why would the Town Board want the reference to the drainage report deleted? This request was added upon the advice of the Town's consultants. Town documents from 2006 are evidence of such recommendation.

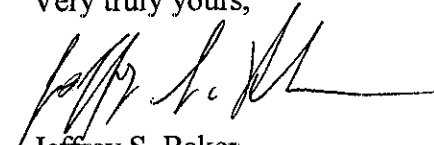
Conclusion

We reiterate that the proposed scope fails to focus the environmental impact statement on all potentially significant adverse impacts of the project and fails to require a discussion of all reasonable alternatives and mitigation measures. In its self-serving way, the applicant proposes that the Town Board abandon numerous prior scoping recommendations made by Town consultants.

We hereby request that the Coalition for Responsible Growth of Dover be treated as an interested agency under the SEQRA regulations and be provided copies of the relevant documents and notices. The notices and documents can be sent to my attention at the address above.

Thank you for considering our comments and we look forward to participating in a constructive manner to assure that the long awaited goal of redeveloping the HVPC comes to fruition in a manner that has a lasting benefit to the Town of Dover.

Very truly yours,



Jeffrey S. Baker