



# DUTCHESS LAND CONSERVANCY

Preserving Open Land in Dutchess County

2908 Route 44  
Millbrook, New York 12545

May 5, 2008

(845) 677-3002  
Fax 677-3008

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Mr. Ryan Courtien, Supervisor  
Members of the Town Board  
Town of Dover  
126 East Duncan Hill Road

Re: Knolls of Dover project; Dover Knolls Development Company II, LLC;  
former Harlem Valley Psychiatric Center, Route 22, Dover, New York.

Dear Mr. Courtien and Members of the Dover Town Board:

I am writing to encourage the Town, as lead agency for the Knolls of Dover project, to incorporate the full 2006 project scoping document as the SEQR scope for this revised project. This will ensure that all necessary items are fully addressed in the DEIS as the 2006 scoping document is very inclusive and incorporates the full range of necessary items that should be reviewed for a project of this magnitude.

**Current Proposal**

The proposal is for 1,376 residential dwelling units and 245,800 s.f. (5.6 acres) of commercial space on the 937- acre (including the 83-acre Dykeman parcel) Harlem Valley Psychiatric Center (HVPC) campus.

The proposal is for a New Urbanist development, a walkable community with a diversity of housing and employment opportunities along with the preservation of open space, while noting there are significant environmental features that exist on site that should not only govern the shape of the proposed development but should be thoroughly studied based on the revised proposal. The overall development density should be based on the existing zoning, the plan should follow the goals of the existing Master Plan and Greenway principles, and any proposed open space should be formerly protected by conservation easement or other legal means.

An appropriate plan for the development of this Property is very important to the future of Dover's rural character and quality of life. It's vital that the final plan preserve the Great Swamp, Swamp River, their associated tributaries and buffers, aquifers, floodplains, habitat, important farmland soils, and scenic viewshed and be a positive impact to the Town's overall tax base and vitality as a rural community.



Concentrated, re-adaptive use of the center is hard to argue with -- this type of transit oriented development could be a model. However, the scale of the proposal and its proximity to the Great Swamp and the Swamp River, and all other resources should be thoroughly studied both within the site as well as off site.

### **The distinct neighborhoods with 9-hole golf course.**

Less intense residential neighborhoods north, east and west of the village center could be more tightly clustered to use less land and create less fragmentation. They should be located closer to the train station and village center to be considered part of a "walkable" community. The overall residential density should be based on allowable density under current zoning. The golf course should also be reviewed in conjunction with the overall proposal.

### **Concrete Inputs regarding the scoping process.**

The following should be addressed in the scoping document (please refer to attached maps):

#### **A) Wetlands and Watercourses**

The Great Swamp wetlands complex is a Town and Regionally important natural resource. It's a NYS DEC Class I Wetland; the entire Swamp, at over 6,000 acres, is one of the largest freshwater wetlands in New York State. It includes a large number of rare and endangered species, and is critical habitat for numerous other species. It is a significant biological area that has been listed in the New York Open Space Conservation Plan as Region 3 Priority Project #27. It is noted for its vital habitat for bird and aquatic species, as an aquifer recharge area and an outstanding educational and recreational resource. It flows directly into the East Branch Reservoir, drinking water for the City of New York.

According to the applicants report, approximately 20% (185 acres) of the Property is covered by wetlands. Based on our analysis, another 20% (183 acres) is made up of hydric soils which have a seasonally high water table within two feet of the surface in the spring, but are not classified as wetlands. The Swamp River and its riparian corridor bisect the land and there are also several ponds, smaller wetlands and streams.

Natural systems depend upon their integrity. The development of this property should not degrade the wetland ecosystem. Preserving and protecting the biodiversity of this area is critical as we learn more about climate change and global warming and our collective impacts to these fragile resources.

*The DEIS should thoroughly consider the impact of the proposal on the Great Swamp in the context of its global and holistic impacts on the swamp. Such an assessment should consider the current state of the great swamp and the potential impacts of this proposed development throughout the entire Great Swamp. This study should be carried out independently by an organization with documented expertise assessing large, complex wetland habitats.*

The impacts to the reservoir, and all other water quality amenities should be thoroughly studied and evaluated as well.

**B) Groundwater and Aquifers**

Fifty five percent (55%) of the property (510 acres) overlies a Zone I aquifer – an area where a substantial amount of direct filtration of surface water goes directly into the ground and 13% (124 acres) overlies a Zone II aquifer. This critical aquifer is the only source of drinking water serving the Harlem Valley and many of the Town's residents. Commercial businesses, 1,376 residential units and a golf course will use a great deal of water, and have direct impact on the groundwater and aquifers. The concerns about burying construction and demolition debris on site, either in the ground or in the many tunnels that run under the site should under no circumstances be allowed as this could lead to serious pollution of this critical aquifer and a threat to the health safety and welfare of the residents of not only this area but in areas that depend upon this aquifer for water.

**C) Farmland Soils and Fields**

Roughly 37% of the property (346 acres) contains prime and statewide important farmland soils (25 of these have been impacted by the existing HVPC development). Farmland soils, based on the USDA definition, are quality soils for producing food, feed, forage, fiber and oilseed crops, and are important for future use for growing food locally in an unsecured global economy and for the overall concern for national food security. As farmland soils and fields disappear due to development there will be less room to grow crops for the future. It takes over one-hundred years to build good quality agricultural soils; it only takes days to destroy it forever.

**D) Scenic Views**

Scenic Views of the Property are important from the Appalachian Trail (which runs along the western border of the property along the Duell Hollow CEA), New York State Route 22 (the southern gateway to the Town of Dover), and Dutchess County Route 21, as well as other surrounding areas. Construction on or near hill crests and steeply sloping hillsides will have a direct impact on these scenic views.

**E) Plant and Animal Habitat/Forest**

The Property abuts the 1,050 acre Duell Hollow Area Critical Environmental Area designated by the Towns of Pawling and Dover, also designated by Dutchess County as a Significant Natural Area, defined as having an unusual setting of rare plants and wildlife. Over 54% (509 acres) of the Property is wooded and trees contribute greatly to clean air, biodiversity and the mitigation of global warming through reduced carbon inputs. The New York State Natural Heritage Database has listed a NYS threatened and rare species habitat on or within the general vicinity of this property. The wooded land along with the streams, wetlands and neighboring Duell Hollow CEA make the site conducive to hosting large amounts and varieties of important plant and animal habitats.

An assessment of all forestland and habitat should be made including the properties eastern forest where fragmentation is caused by constructing 50+ homes near the reservoir is planned.

**F) Existing Open Space**

The Harlem Valley Psychiatric Center was clustered on only 11% (90 to 100 acres) of the land. The balance of the land included a nine hole golf course and open land. This proposal is using more than 40% of the land for development.

**G) Steep Slopes**

Approximately 35% of the property (334 acres) has steep slopes 15% and above (mostly to the east of Route 22). Construction of roadways and structures on these slopes will have an impact.

**H) Constraints to Development**

Based on a preliminary analysis of the constraints to development including steep slopes (15% and above), wetlands, the Swamp River, streams, ponds, 100 foot NYS DEC buffers, 100-year flood plain and hydric soils, 55% (520 acres) of the Property's 937 acres are highly constrained for development. Little or no development should occur on these areas.

In addition, as shown on the Resource Summary map, the Property contains approximately 695 acres that are potentially resource critical. These critical resources include wetlands, streams, ponds, 100-foot buffers, steep slopes (25% and above), prime and important farmland soils (that have not already been impacted), and the hillcrest. As many of these critical resources as possible should be protected.

**I) Population Increase, Roads, Fire Protection, Services, Schools**

The proposal includes the development of 1,376 new residential units. Based on 2000 Census Data for Dutchess County, the total number of housing units in Dover as of 2000 was 3,266. The total number of residents in the Town was roughly 8,565.

Adding 1,376 new residential units will likely increase the population of the town by 42%. Using a conservative average of 2 people per household in the new development (average household size per census data was 2.74), the population of the Town could be increased by 2,752 new residents.

The Census notes that Dover's population growth from 1990 to 2000 was 787 residents. The total number of building permits issued for new residential buildings from 1995 to 2004 was 351 including 52 in 2004. An increase of 1,376 units far exceeds the numbers in both population growth and building permits issued over a previous nine to ten-year time period.

Census data notes that Dover school enrollment in 2002-2003 was 1,768 students. If half of the new residential units add just one child to the Dover school system, 688 new students will attend Dover schools, an increase of 39%. This could result in a huge burden on infrastructure, quality of education and financial resources.

Although the proposed commercial development might add revenue to the tax base, the increases in taxes to accommodate increase in demand for services from residential units (road maintenance, police/fire protection, water, schools, etc.) must be studied carefully.

**Conclusion:**

To sum up our evaluation, significant adverse impacts that should be fully studied and resolved include:

- 1) All impacts to water resources (A & B) including local and regional effects to the Great Swamp, other wetlands and their buffers, hydric soils, aquifers, flood plains, ponds, streams, the Swamp River and associated buffers.
- 2) Impacts to agricultural resources (C) including prime and important farmland soils and open fields.
- 3) Impacts to the scenic viewsheds (D) including the effects of roads on steep slopes and homes proposed on the hill and near the reservoir - taking into consideration changes to topography, tree clearing, drainage and soil erosion, as well as the viewshed from the Appalachian Trail, NYS Route 22, CR Route 21, and other public roads or areas.
- 4) Impacts to critical, significant and other plant and wildlife habitat, forestland (E) and impact to the adjacent Duell Hollow Area Critical Environmental Area.
- 5) Changes to existing open space (F), woodlands, and topography (G) including impacts of development (including roads and grading) on steeply sloping areas (15% and above) and constraints for development (H).
- 6) A fiscal impact analysis (I) that will address how the project's increase in population will affect traffic, roads, fire and police protection as well as other town services and the existing school system, and the effect on the town's tax base.
- 7) An economic feasibility study for the proposed commercial development and how it might affect existing businesses in town as well as the town's tax base.
- 8) In addition to the two alternatives that are proposed to be considered ( The Proposal, and a NO ACTION alternative), the DEIS should include an alternative that:
  - i. restores site plan review to the Dover Planning Board;
  - ii. is consistent with the Dover Master Plan and the provisions within the MC Overlay District portion of the Zoning Law and reduces the overall residential development on the property;
  - iii. includes larger buffers near the Great Swamp, Swamp River and other wetlands;
  - iv. preserves the statewide and important agricultural soils on the property;
  - v. eliminates or reduces the number of house sites located near the reservoir;
  - vi. clusters the residential development areas more tightly to preserve more land and ensure a true walkable community; and
  - vii. proposes permanent protection of the environmental and other important resources on the property.

An alternative development plan should be studied as part of the EIS that 1) reduces the density of the proposal compatible with the existing zoning, 2) clusters the development even more than currently proposed, 3) ensures Greenway Principals to the greatest extent possible in siting, design and architecture with designs that are compatible with the historic settlement pattern and building scale and design of the Village of Dover Plains, 4) protects the wooded hillside, marble

knolls, and ridge thereby protecting the scenic views from Route 22 and the Appalachian Trail, 5) takes into consideration all of the ecological impacts and protects the property's resources to the greatest extent possible, and 6) balances a quality development plan with the preservation of the important resources that will give the residents of Dover something of value to their community and make them proud of the southern gateway to their Town.

The Dover Knolls project represents an incredible opportunity for the Town of Dover and Dutchess County. It is an opportunity to balance carefully planned development with the preservation of the natural environment and create a visionary community based on a walkable, transit oriented development. For this vision to work it is important to ensure that it is truly sustainable and does not forever negatively impact the resources that will help make it so (e.g. water quality). For this reason I suggest that it is critical to take all necessary steps to protect the natural resources so that when we look back 100 years or more from now – we can say yes, this project was good for Dover in every way.

Thank you for the opportunity to comment on this proposal.

Sincerely,



Rebecca E. C. Thornton  
President

enclosures