

May 9th, 2006

The Honorable Ryan Courtien, Supervisor  
Town of Dover,  
Duncan Hill Road,  
Dover Plains, NY 12522

Dear Supervisor Courtien and Members of the Town Board;

**Scoping for Dover Knolls - SEQRA**

The Oblong Land Conservancy (OLC) is a local land trust established in 1990 to serve the south-eastern Dutchess County area. We both own outright and hold conservation easements on land in Pawling and Dover and own numerous parcels in The Great Swamp which we maintain as preserves. Overall, we protect almost 1,000 acres.

The primary function of the OLC is to protect, for the benefit of future generations, our community's natural assets. The protection of The Great Swamp has long been officially recognized as one of our primary goals. We have been engaged in basic research projects in The Great Swamp for years and have also been engaged in studies of the ecological/historically unique Duell Hollow area.

Accordingly, on behalf of the community, we take a keen interest in the proposals for the development of the former Harlem Valley Psychiatric Center and now write to record our views in regard to the scoping for the SEQRA process for Dover Knolls.

In the broadest terms the OLC is concerned with land use issues both as to the present and how they will impact the future. Accordingly, our comments fall under the following three general headings:

1. Land Use Impact Issues
2. Transportation Impact Issues
3. Environmental Impact Issues

However, before embarking upon our more detailed observations we are obliged to comment upon a strategic matter. In the ordinary course of events there is a division of responsibility between the various functions of government. In relation to land use a Town Board acts in a legislative function and a Planning Board in an executive function within the scope devolved to it. This provides for the checks and balances for which the US system of representative government is held in such high regard.

In this particular instance the Town Board has removed from the Planning Board its usual site plan review functions. This creates a situation where the Town Board may be capable of acting as judge and jury in its own case. Indeed there is scope for land use to become politicized – a dangerous precedent.

Without in any way opining as to the merits or otherwise of this if does create a situation where the Town Board needs to proceed with the utmost caution to ensure that no stakeholder interest is compromised. This means that the nature of the Scope needs to be drawn with particular care and attention.

With that in mind we proceed to identify some issues to which attention should be directed:

## **1. Land Use Impacts**

- The proposals contemplate significant new construction and extensive demolition of existing structures. We consider that more extensive use of the existing structures on the property is appropriate since it will preserve physical infrastructure, retain the historic character of the community and conserve presently open space. We recognize that some demolition of existing structures is needed to allow light and air to penetrate the core areas and to allow for appropriate car parking and circulation.

To the extent that significant demolition is required it should be appropriately justified.

- Development on steep slopes must be avoided. Erosion and long-term degradation of such terrain will otherwise follow. We question the wisdom of any development on a slope of 15% or more.
- The development of age restricted and age targeted residential accommodation should be exhaustively studied for its near, mid and long term effects. It is often the case that this form of development is proposed as a mitigation measure for over-crowded schools. Analysis of the demand for and the supply of this type of accommodation needs to be undertaken. There is a real risk of the over-provision of this type of accommodation with the associated economic implications both for the developer and the social fabric and economic well-being of the community.
- The development should stress, as it appears to, the transit orientated development potential and strive to ensure that as many residents as possible should have the shortest practical walk between the rail road station, their homes and the core of the community. We recognize that the location of the Swamp River, the associated buffer zones and the use of land west of Route 22 for development poses challenges.
- Development of recreational and other uses in and around the Swamp River must be carefully considered. There is a delicate balance to be struck between public access, habitat preservation and resource degradation.
- The appropriate phasing of the development is vital and safeguards should be established to ensure that the diverse elements of the multi-phase project proceed in a measured and balanced way. The objective should be to ensure that no aspect of the development gets ahead of itself in terms of its environmental, social or economic impact.

## **2. Transportation Impacts**

- We add our concern to those of others in that the need for appropriate study of traffic and associated mitigation measures are vital. Route 22 is the principal artery servicing the property and consideration must be given to the impact on the complete road hierarchy serving the area in all directions.
- Given the scale of the proposed development it will likely unfold over several years. The implications of this in terms of heavy construction-orientated traffic must be considered from the perspective of volume and weights of vehicles.
- Proposals to enhance the provision and use of public transportation will be important to mitigate the impact of the private ownership of vehicles.

- The promotion of live-work spaces will reduce commutation times and transportation impacts.
- To the extent that emphasis can be given to stimulating the creation of small and medium business enterprises so the associated service traffic may be reduced in scale and impact.
- Duell Hollow is steeped in a rich Quaker history and has numerous surviving historic homes. The Pawling Nature Reserve, a former Girl Scout Camp, and the Hollow's unique geological structure have contributed to the preservation and maintenance of this place's unique biodiversity.

In the flood of 1955, the steep roads crossing Hammersley Ridge were totally washed out, and were never re-constructed. These former road extensions: Askins and Leather Hill, followed mountain streams. There should be no plans to reconnect and re-establish these roads.

### 3. **Environmental Impacts**

- The Great Swamp (DP-22)

This is one of New York State's largest and most significant wetlands. Every effort must be made to protect the Swamp, including:

- (a) An accurate delineation of boundaries by qualified professionals.
- (b) Extension of the buffer zone to an appropriate depth, as determined by the potential impact of the proposed development in that area.
- (c) Maintain (or restore historic) hydrology. In this regard, there needs to be comprehensive study of hydrology (surface and groundwater). Existing studies should be re-examined.
- (d) Maintain and upgrade water quality in the run off to the Great Swamp, including:

Stormwater Treatment  
Discharges to watercourses and tributary wetlands.  
Consider alternative grey and black water treatment options.

- Prime Agricultural Soils:

Significant areas of prime agricultural soils are present on the project site. It is important that these are protected and incorporated in an overall plan. The Harlem Valley Psychiatric Hospital once produced a substantial quantity of homegrown food on its farms. This agricultural history seems to invite a Community Supported Agriculture (CSA) project.

- Golf Course

There are a number of issues associated with this facility. First, as a community land use facility it should remain a public resource.

Second, alternative management techniques that minimize the use of chemicals and pesticides will result in a reduction or elimination of health threats to the golfers and maintenance staff and will eliminate the potential poisoning of wildlife, water supplies and the reduce the nutrient contamination of The Great Swamp which is adjacent to the course.

- Aggregation and consolidation of development will serve two ends – (a) conservation of presently undeveloped land and, (b) the minimizing of fragmented habitats, now recognized as a key element in species protection.
- Since hazardous materials management practices were not regulated during the prior use of the Center it will be vital to research, inventory and remediate the presence of such materials. The scope should provide for detailed remediation plans and for appropriate monitoring of the implementation of such plans.
- Best Management Practices

Dr. Michael Klemens has worked with the prospective developer to identify significant areas on the site and has proposed measures to minimize development impacts.

It will be important to ensure that as part of any overall development plan recommended “Best Management Practices”, as described in WCS’ publications, are fully adopted and implemented. It is not clear to us that the present proposals fully reflect Dr. Klemens’ recommendations.

The OLC is keenly interested in participating with the Town Board, the community and the prospective developer in ensuring that the plans for Dover Knolls, as they evolve, meet the needs and requirements of all concerned. Our perspective is that of steward of community resources and as a Trust we have the longest of time frames in view unfettered by personal preferences or profit.

Within the OLC Board there is a wealth of experience in dealing with land use issues including its conservation and development. This experience is available to assist your Board in addressing the many and complex issues associated with this exciting opportunity.

We look forward to being of assistance.

Yours sincerely,

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