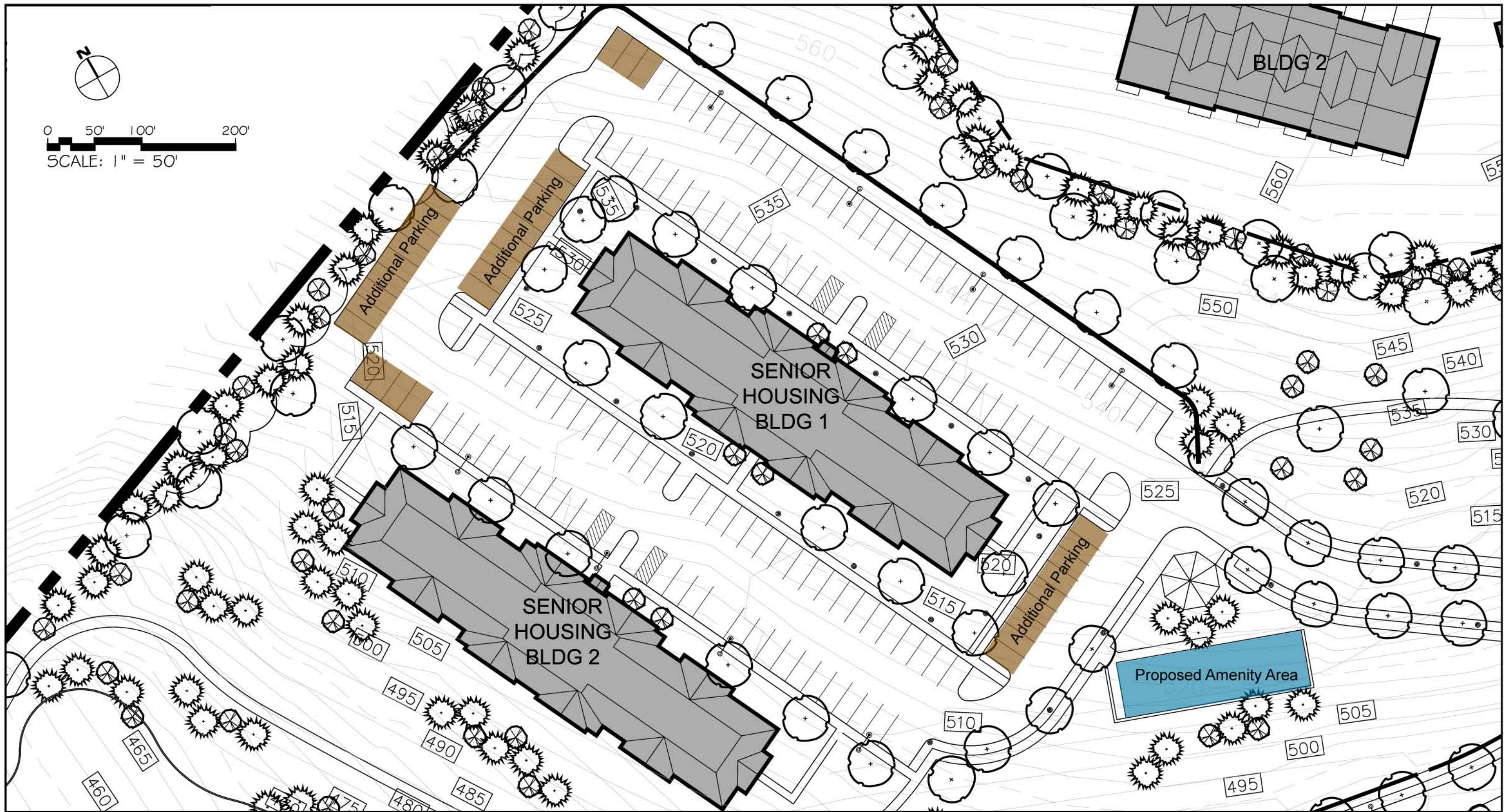


Figure 4: Public Road Scenic Alternative Phasing Plan
 BT Holdings - Chester Development
 Village of Chester, Town of Chester, Orange County, New York
 Source: Langan Engineering & Environmental Services, 08/18/11
 Scale: As shown



LABRADOR PROPERTIES
NEW YORK, NEW YORK

CHESTER DEVELOPMENT VILLAGE OF CHESTER, NEW YORK

Figure 5: Additional Senior Parking and
Proposed Amenity Area
BT Holdings - Chester Development
Village of Chester, Town of Chester, Orange County, New York
07/11/2011

2.0 DESCRIPTION OF PROPOSED ACTION COMMENTS AND RESPONSES

Comment 2.0-1 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): On August 10th, 2009, I sent a letter on behalf of the Town to the Village of Chester regarding our DEIS comments. We feel that there are at least twenty comments that weren't answered as thoroughly, or to our liking. I'd like to suggest or recommend that the BT Holdings engineers and architects or planners sit down with the Town's engineers and consultants, and just go through them item by item, so they are thoroughly explained and looked at.

Response 2.0-1: During the course of the environmental review of the BT Holdings project, the Village of Chester circulated a notice of intent to be lead agency which the Town of Chester acknowledged. However, due to the nature of this specific project, the Village of Chester went above and beyond the measures normally taken to insure that a coordinated review of this project was conducted. To that end, in order to have benefit of the Town's comments as early in the process as possible, the Village gave the Town a preliminary working copy of the DEIS prior to its being accepted as complete by the Village. The numerous comments identified by the Town at that time were subsequently addressed during the process of working on the DEIS to achieve the "completeness" required by the Village. Given those changes made to that preliminary working copy, many of the Town's comments in that memo were no longer relevant due to changes made to the completed DEIS.

The Applicant has conducted a series of technical meetings with the Village and its consultants with the objective of reviewing and modifying the project to address comments raised during the environmental review. In a similar manner, the Applicant and his technical team plan to meet with the Town Engineer and consultants to detail the project changes which have been made and to resolve any possible remaining issues identified by the Town.

Comment 2.0-2 (Public Hearing, January 7, 2010, Dawn Guevara): At no point did you guys mention how much the units are going to be.

Response 2.0-2: As discussed on page 3.8-6 in Section 3.8.3 of the DEIS, the projected sales price of the 2-bedroom units is estimated to be \$333,333 and the projected sales price of the 3-bedroom units is estimated to be \$455,455. These prices are subject to market conditions at the time of construction. It should be noted, that the tax projections which are the basis of the economic analysis, are based upon the projected assessed values of the units, not the sales price. Assessed values are far less volatile than sales price.

Comment 2.0-3 (Public Hearing, January 7, 2010, Matilda Bendix, Hambletonian Avenue): I know there was a lot of things when I was thinking back there -- but really, I just hope the village doesn't annex this thing to us. We have enough that we don't need any more.

Response 2.0-3: As indicated by the increase in population, there is a continued need for housing both in the region and in the Town and Village of Chester. Municipal master plans are expressly designed to map out the future growth of the community, locating development in certain areas that can support growth while identifying other areas for preservation of open space and lower intensity development. This specific parcel was identified in the Town's Master Plan as the future site of needed senior and multifamily housing, thus providing a diversity of housing options while enabling preservation of other areas of the community in a more rural land use.

Comment 2.0-4 (Public Hearing, January 7, 2010, Clifton Patrick, Town of Chester Historian): I don't see any direct connection between this proposed development and the mall -- I don't even see a sidewalk connecting the two, and I think it would be much better if there was a better connection to where these facilities are, for the residents, for this proposed -- for this processed development. Earlier you talked about sidewalks being on all roads in here. Where do those sidewalks go? Go out to 17M. There is no sidewalks.

***Response 2.0-4:** There are sidewalks and walking trails shown on the conceptual plan to facilitate pedestrian movement within the proposed project. Additionally, as shown on the Public Road Scenic Alternative Site Plan, the Applicant has agreed with the owner of the Chester Mall to provide a direct connection between the BT Holdings property and the Chester Mall. This connection is most practical from the clubhouse area, in the vicinity of the gazebo, connecting with the northern side of the mall in between the Tractor Supply store and the Monro Muffler building. The BT Holdings development will be the closest residential housing to the Chester Mall and the only one directly connected to the mall property via a pedestrian accessway..*

The Applicant is also retaining the Oakland Avenue connection from the northeast corner of the BT Holdings site to the Chester Village historic downtown to be used as an emergency access until such time as the public through road is completed. This connection may be retained as a pedestrian connection upon completion of the public through road.

Comment 2.0-5 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): I'd just like to address something Tracy brought up, about the posting of having the second public hearing last week. There was some confusion on one end or another but it was posted in local newspapers that it would be open, so even if you guys do not have it next week I'd ask that you send out some kind of press release letting the public know that there will be a public comment period and when that period will be.

***Response 2.0-5:** Comment noted. In order to be proactive, the Village reserved the Chester School Auditorium for a second public hearing date, should it be have been necessary or should inclement weather have required the published hearing date to be canceled.*

Comment 2.0-6 (Public Hearing, January 7, 2010, Phillip Valastro, Mayor of the Village of Chester): Yes. Let me explain that reason why we had two dates. In that public notice it says the 7th. We did have the 14th for a snow date, because we're trying to be proactive for this time of year, because to have it scheduled on the 7th, and then not have it, to do it again maybe would be the end of the month or next month. We're just trying to be proactive. So that's why possibly the 14th was given out, when the Village Hall was called.

***Response 2.0-6:** Comment noted.*

Comment 2.0-7 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

Page 1.2 - The DEIS states "This proposal directly responds to community growth goals as set forth in the Town of Chester Comprehensive Plan adopted in 2003". These goals should be referred to as Objectives of the Plan (page 24 attached). Note, there are others that related to this project that need to be considered such as:

- to mandate the preservation of ridge lines, wetlands, flood plains, stream corridors, and natural contours of the land which forms the scenic backdrop for most areas of the Town.
- To consider, protect, and retain all environmental assets such as groundwater supply, topography, and scenic vistas when reviewing development projects.

Response 2.0-7: Refer to Response 3.11-2, 3.11-11, 3.6-8 and 3.6-9.

One of the key sensitivities of the community has been the placement of units on the ridge line which overlooks the Talmadge Farm. In an effort to be responsive to this concern, the Applicant has removed buildings 3, 4, 5, and 6 as shown on the Conceptual Site Plan in the DEIS. The revised concept plan which includes the removal of these buildings is entitled the Public Road Scenic Alternative. The net result of the removal of these buildings as well as other changes to the plan has been a reduction of 22 townhomes, from the 358 in the DEIS to the 336 as proposed in the Public Road Scenic Alternative.

The vacant area where the 22 units contained in Buildings 3, 4, 5, and 6 were previously located is herein referred to as the "Scenic Area". A revised Conceptual Landscape and Lighting Plan has also been prepared which shows the inclusion of landscaping in the Scenic Area which specifically incorporates deciduous trees with vibrant fall foliage to enhance the natural view of this spot. At the discretion of the Planning Board, this area could include a walking trail and other recreational amenities such as a gazebo and a scenic overlook area.

Besides the removal of 22 units from the Scenic Area, implementation of earth tone colors on the building facades, substantial landscaping added along the property line buffer and landscaped groves added at the north end and south ends of the site are additional mitigation measures that have been incorporated into the project which would further serve to preserve the scenic vista and reduce the visibility of any buildings from off-site locations.

Figure 3.11-4 shows a simulation of the view of the ridgeline as proposed, without any development in the Scenic Area and including the additional deciduous trees with vibrant fall foliage. Figure 3.11-0 shows a view of the existing condition of the ridgeline. As can be seen by comparing the figures, the additional trees to be planted augment the existing sparse line of trees that currently frames the panorama of the farm and blends with the tree line immediately to the north of the property. The BT Holdings project neither interferes with the beautiful panorama of the open farm fields nor negatively affects the overall vista and indeed the additional landscaping will serve to enhance the vista.

As shown on the Public Road Scenic Alternative site plan, there is a significant distance between the farm buildings and the BT Holdings property line. The removal of buildings 3, 4, 5 and 6 from the ridge line will result in a 200 foot buffer between the property line in this area and the proposed units. This equates to five times the 40' setback required by the zoning code.

Comment 2.0-8 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

Page 1.4 - The DEIS states "It is the Applicant's intent to construct the senior housing rental apartments on one lot with a single owner to be managed by a rental management company and to develop the townhouse portion of the project on a second single lot with the common areas to be owned by a Homeowners' Association (HOA)". The HOA would govern improvements (roads, stormwater management systems, etc.), amenities and facilities. Does this mean that the seniors will be in close proximity to a club house, pool, and playground but not able to use them there since they will be a separate lot and won't be part of the HOA?

Response 2.0-8: *The Seniors will not be part of the HOA for the market rate Townhouse units, and thus will not be subject to the fees associated with use and maintenance of the clubhouse and pool facilities. However, the Applicant has proposed to work out an arrangement whereby seniors who wanted to "buy in" for the use of these facilities would be able to do so, thus leaving it optional for the seniors who did not want to take on this expense. The HOA agreement will be reviewed by the Village Attorney prior to final site plan approval.*

The proposed senior housing will comply with all requirements for a special permit for senior housing as specified in Section 98-23.1 of the zoning code, including requirements for both indoor and outdoor amenities as required. A potential outdoor recreation space has been contemplated in the area to the east of building 1 as shown on FEIS Figure 5. The details of both the indoor and outdoor amenities shall be determined during site plan review.

Comment 2.0-9 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group):

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.

Response 2.0-9: *Multi-family housing is inherently more energy efficient than single family units because there is less perimeter wall per square foot of conditioned space. A townhome will have approximately 50% less exposure to the elements via external walls and an apartment 75% or more less exposure over a conventional single family home. There are no common areas in either townhomes or single family homes. As a bus is more efficient than a car, the seniors buildings would be more efficient than single family dwellings because the space utilization of a 650 to 1,050 square foot apartment unit is reduced compared to the more than 2,400 square foot of a typical single family home.*

Comment 2.0-10 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): Section 2.4; What are the hours and normal days of construction?

Response 2.0-10: In the DEIS for the BT Holdings Chester Development Project it is stated that construction would be limited to 7:00 am to 7:00 pm Monday through Saturday with no work conducted on Sunday or any legal holiday.

Comment 2.0-11 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 2.0-11: The following is a list of the steps necessary to complete the approval process for the BT Holdings project.

1. *Determination of whether annexation is in the public interest by Village Board.*
2. *Determination of whether annexation is in the public interest by Town Board.*
3. *Filing of annexation documents and mapping with County Clerk and Secretary of State.*
4. *Village Board adoption of proposed zoning for newly annexed territory and existing Village parcels.*
5. *Bulk subdivision of property by Planning Board to separate senior project from balance of development.*
6. *Site plan and Special Permit approval of project components/phases.*

Comment 2.0-12 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 2.0-12: The Village of Chester defines Senior Citizen Housing as applicable to persons 55 years and older. The proposed BT Holdings project will remain consistent with the existing Village Code Section 98.23-1 in this regard. The existing Village Code also specifies that children under the age of 18 years may visit for a period of up to thirty days over the course of a calendar year but may not reside in the Senior housing for any longer than this time period.

Comment 2.0-13 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): 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 the 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?

Response 2.0-13: *The Central Recreation Facilities including clubhouse, swimming pool, outdoor play area, picnic area, and gazebo are proposed for the Townhouse units only. Ownership, operation and maintenance of these facilities will be the responsibility of the HOA for the Townhouse complex.*

The Senior Apartment complex will have its own recreational facilities including a community room, picnic area, dog walking path and gazebo area. The proposed senior housing will comply with all requirements for a special permit for senior housing as specified in Section 98-23.1 of the zoning code, including requirements for both indoor and outdoor amenities as required. The details of these amenities shall be determined during site plan review.

In addition, as discussed in Response 2.0-8, the Applicant has proposed to work out an arrangement whereby seniors who wanted to "buy in" for the use of the recreational facilities for the Townhouses would be able to do so, thus leaving it optional for the seniors who did not want to take on this expense.

Comment 2.0-14 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): As a follow up to comment #2 above (2.0-13) , there are walking paths through the overall combined site, and we would anticipate common use by both senior and townhouse. Will cross easements be created for use?

Response 2.0-14: *Cross easements will be included in the deeds of both the senior complex and the Townhouse parcel to allow all BT Holding residents unrestricted access to the walking trails.*

Comment 2.0-15 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): There is a 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.

Response 2.0-15: *The Main Access from NYS Route 17M as described in the DEIS was designated as a private road. In response to the Village comments the Applicant has now proposed a Public Through Road as shown on the revised site plan entitled, Public Road Scenic Alternative. This alternative has been designated as the Preferred Alternative by the Village Board. This public road will be offered for dedication to the Village of Chester, who will then own and maintain the roadway. All other roads within the BT Holdings project shall continue to be private roads and will be maintained by the HOA for the BT Holdings project.*

Comment 2.0-16 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): Similar to comment #4 above (2.0-15), an easement to the benefit of the senior development will be required crossing the townhouse property for emergency access from Oakland.

Response 2.0-16: *Comment noted. The Senior Housing will have direct access to the now proposed Public Through Road. This will significantly reduce the need for emergency access via Oakland Avenue. However, in order to provide the greatest degree of accessibility, an easement shall be provided to the Senior Housing for use of*

the emergency access from Oakland Avenue, so it is available should it ever be necessary.

Comment 2.0-17 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): 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.

Response 2.0-17: *Comment noted. The proposed project as described in the DEIS includes 24 feet wide circulation roads and 20 foot wide roads which access the individual townhouse units.*

In order to provide safe access for fire and other emergency vehicles, the main entrance road will be a minimum of 30 feet wide. All other roads are proposed to have a minimum width of 26 feet, with a proposed minimum 15 foot intersection turning radii. Final requirements for road widths will be determined by the Planning Board as part of their detailed review of the site plan. The proposed roads are flanked by sidewalks on at least one side, oftentimes on both sides, which provide additional passage-way width in an emergency. (Refer to the Public Road Scenic Alternative Site Plan)

The 26 foot width was specified in order to retain the clustered feel of the townhouse community and minimize the environmental impacts of more asphalt and less green space while providing safe and adequate room for emergency vehicles to maneuver through the site. This width is consistent with the Village Code and the NYS Fire Code, which both specify 26 foot road widths. It will also serve to minimize impervious area and not create speedways internal to the project site while still better accommodating emergency service vehicles.

Any further modifications as to road widths and radii specification shall be made prior to Final Site Plan Approval.

Comment 2.0-18 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): Not critical but water use numbers on bottom of 1-7 don't add up. Also 1-37 and possibly elsewhere.

Response 2.0-18: *The water usage numbers in the project engineer's report had indicated the projected water usage to be 137,676 gallons per day (gpd) with an additional estimated 123,500 gpd for seasonal irrigation and an estimated 80,570 gpd for other Village projects which may come online. These numbers have been inconsistently rounded in the DEIS which accounts for any discrepancy.*

As per response 3.10-9, the previously estimated 123,500 gpd irrigation usage has been restudied and found to be on the order of 30,000 gpd, which will be provided from the stormwater management basins.

Comment 2.0-19 (Letter #5, February 3, 2010, Mayor Valastro and the Chester Village Board of Trustees): Sustainable, low-impact water conservation techniques should be discussed particularly with respect to the proposed lawn sprinkler system.

Response 2.0-19: *Several water saving/recycling techniques will be incorporated into the project. The buildings will be equipped with water saving toilets, reducing overall water consumption requirements. Additionally, many of the plant species are native or naturalized to the area, meaning they survive and thrive on local weather conditions and rainfall amounts and do not have irrigation needs beyond natural rainfall amounts. There are a few plant species on the planting list that are not indigenous to the area, and therefore may require additional irrigation, however the project landscape architect will revisit the planting list prior to final site plan approval to minimize the amount of non-native or naturalized species and thereby minimize the amount of irrigation required.*

The only areas of the site that we envision requiring regular irrigation beyond natural rainfall amounts are the lawn/turf areas that will constitute the yards of the residential buildings. These lawn areas are approximately 13.25 acres of the approximately 31.75 acres of lawn and landscaped areas and would only require on the order of 30,000 gallons per day for irrigation. Given that the proposed stormwater management basins will have the capacity to store up to 3.7 million gallons of stormwater, it is anticipated that the irrigation needs of the project can be harvested from the proposed stormwater management basins.

The current NYS Stormwater Management Design Manual promotes “green measures”, such as harvesting rainwater for non-potable uses. The manual encourages rainwater harvesting regardless of the location or scale of the project - from small individual residential rain barrels in rural residential areas to large cistern-type systems for commercial and industrial sites in dense urban areas. The harvesting is noted as ideal for roof runoff as roof runoff is considered relatively “clean” and free of pollutants.

The manual does not preclude the use of collected stormwater for irrigation from locations other than rooftops, although additional pretreatment and filtering from these areas as compared to rooftop areas may be required prior to pumping the collected stormwater to its end re-use. However stormwater from the site must be collected and put through a pre-treatment and filtering process to meet NYSDEC stormwater quality standards regardless of whether or not it will be re-used, so the proposed stormwater measures will address basic quality issues.

The location, elevation and appurtenances of the irrigation intake structure will need to be carefully considered during the design process. The intake should not be near the bottom of the pond, where solids and silts will accumulate, and should be as far from the inflow structures as possible. In addition, implementing products such as first flush diverters, filters for small debris, and smoothing inlets and baffles to prevent agitation of sediment, could be considered when designing the intake structure and irrigation pumping system. Regardless of what measures are employed, frequent inspection and maintenance of the ponds will be necessary.

Lastly, it is envisioned that the irrigation system would be either manually controlled or programmable based on rainfall events. A rainfall event would reduce or eliminate the need for immediate irrigation, thus the irrigation system would not be drawing water from the ponds during or shortly after rainfall events, when the ponds get filled and there is a possibility of stirring up solids, silts and debris. The irrigation system would not be used until after the rainfall has subsided, when the filling of the ponds has ceased, and the standing water in the ponds will be calm and finer particles that made it through the pretreatment and filtering process will have settled out.

As stated above, many of the plant species to be used as landscaping shall be native or naturalized to the area, thus they would have the ability to survive and thrive on local weather conditions and typical rainfall amounts thus reducing the amount of irrigation necessary.

The applicant has provided additional and more specific details regarding his plans to harvest water for irrigation purposes from detention ponds as requested. The final details of this system will be agreed upon during site plan review. The applicant will either need to provide sufficient water quality measures prior to the stormwater being redistributed for irrigation or the applicant will construct a private well (completely separate from any municipal system) for non-potable irrigation purposes only. Regardless of the proposed method, the applicant has fully agreed to not utilize Village water for irrigation purposes. The irrigation system will not be connected to the potable water supply thus minimizing impacts to the Village water system.

Comment 2.0-20 (Letter #5, February 3, 2010, Mayor Valastro and the Chester Village Board of Trustees): 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.

Response 2.0-20: *Comment noted. Please refer to Response 2.0-17. 24 foot wide roads are common for residential subdivisions, particularly those in townhouse developments where the buildings are located close to the road. The minimum width for "Marginal" Roads is 20-foot wide per the Village Code. However, in order to provide safe access for fire and other emergency vehicles, the main entrance road will be a minimum of 30 feet wide. All other roads are proposed to have a minimum width of 26 feet, with a proposed minimum 15 foot intersection turning radii. Final requirements for road widths will be determined by the Planning Board as part of their detailed review of the site plan. The proposed roads are flanked by sidewalks on at least one side, oftentimes on both sides, which provide additional passage-way width in an emergency (refer to the Public Road Scenic Alternative Site Plan).*

Comment 2.0-21 (Letter #5, February 3, 2010, Mayor Valastro and the Chester Village Board of Trustees): If school buses 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 bus pick up hours. This will cause a dangerous and onerous situation. A bus or other area should be considered if adequate means for buses to travel within the site cannot be achieved.

Response 2.0-21: *In order to facilitate school bus maneuvering, highway maintenance and truck access for the Nexans parcel, a Public Road Scenic Alternative had been developed as a Preferred Alternative to accommodate connecting into the Nexans Property and/or as an extension to Princeton Street.*

As shown the Public Road Scenic Alternative, a roundabout has been included to serve as a traffic calming measure to prevent excessive speeding or overuse of the through road.

Until the Nexans connection is made, the roundabout will serve as a glorified cul-de-sac, allowing the turnaround of school buses and highway maintenance vehicles.

Comment 2.0-22 (Letter #5, February 3, 2010, Mayor Valastro and the Chester Village Board of Trustees): 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 vehicles and school bus access to the site as well as disperse site generated traffic. This would alleviate concern number 4 (comment 2.0-21) above.

Response 2.0-22: *In order to facilitate school bus maneuvering, highway maintenance and truck access for the Nexans parcel, a Public Road Scenic Alternative has been developed as a Preferred Alternative to provide a second access point for the proposed project and to accommodate connecting into the Nexans Property as an extension to Princeton Street.*

The Public Road Scenic Alternative plan incorporates a boulevarded through road connecting Princeton St. to Rte 17M, allowing vehicles going to/from the Village downtown area to bypass the busy 94/17M intersection and providing an alternative routing for the trucks accessing the Nexans parcel. The Applicant looked at continuing the boulevard all the way from 17M to the roundabout but there was too much disturbance over the wetlands. Instead a single 30' wide roadway—two 12' wide travel lanes plus either shoulders or bike lanes—has been provided through that area. The Applicant also proposes that the travel lanes in the boulevard become 12' wide with a 3' bike lane and 3' shoulders for a total of 18 feet, so that the travel lanes are a consistent width between the boulevard and the single-width roadway. Installation of a bike lane will serve as a deterrent to onstreet parking. As the boulevard approaches 17M it would widen into two lanes for right and left turns out. The turning radii onto 17M has been relaxed from 22 feet to 30 feet to accommodate truck turning movements.

The Applicant proposes to construct the through road including the roundabout and leave the “stub” to Nexans to be built as part of the Princeton Street extension to be constructed by the Village. This leaves the Village the option of constructing a true through road or of leaving the connection available only to the traffic generated by the Nexans parcel. It would be the Village’s responsibility to pursue an agreement or other authorized method of acquisition to make that connection. There will be excavation and clearing necessary on Nexans property and along the “stub” to connect the rotary to Princeton Street through the existing berm which must be done simultaneously to overcome the grade differential caused by the existing berm. Since the Applicant has no rights to clear/excavate Nexans property, the construction of the “stub” shall occur separately by the Village.

As shown on the Public Road Scenic Alternative, a roundabout has been included to serve as a traffic calming measure to prevent excessive speeding or overuse of the through road. Until the Nexans connection is made, the roundabout will serve as a glorified cul-de-sac, allowing the turnaround of school buses and highway maintenance vehicles.

Comment 2.0-23 (Letter #5, February 3, 2010, Mayor Valastro and the Chester Village Board of Trustees): A connection to the project via Carpenter Road should be contemplated and discussed. A stub road currently exists seemingly for this purpose.

Response 2.0-23: Refer to Response 2.0-22.

The Applicant did investigate use of the stub road and determined it to be both unusable and undesirable, primarily due to the fact that it lies on private property used for an office building and bank.

Comment 2.0-24 (Letter #5, February 3, 2010, Mayor Valastro and the Chester Village Board of Trustees): The Village supports sidewalks or walking paths between the project and the shopping area.

Response 2.0-24: Comment noted. It is the Applicant's intent to provide pedestrian access between the BT Holdings parcel and the Chester Mall as now shown on the Public Road Scenic Alternative site plan. The Applicant has received indications that the Chester Mall owner would be amenable to an agreement to provide such a direct connection. The Oakland Avenue emergency access shall also be utilized as a pedestrian connection providing access between the BT Holdings parcel and the Chester Village historic downtown.

Comment 2.0-25 (Letter #6, January 6, 2010, Michael R. Edelstein, Ph.D., President of Orange Environment, Inc.): 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.

Response 2.0-25: Over the past year, the Village Board and its consultants have met with the Applicant and his development team a number of times to address areas of concern as expressed by the board, the Town Board and the general public at the DEIS public hearing back in January 2010. The goal of these meetings was to revise the plan to better meet the long term interests of the community.

The Applicant has since incorporated a number of these suggestions resulting in the revised Public Road Scenic Alternative concept plan. The plan continues to provide a diversity of housing options including several townhouse configurations as well as centrally-located senior apartments, of which at least 20 percent will be considered

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“affordable” as defined in Section 98-23.1 of the zoning code. Among the changes made to the plan was the incorporation of a public through road meant to enhance community connectivity and a reduction in the number of overall units, specifically those situated on the ridge. The plan also provides a direct pedestrian connection to the Chester Mall further enhancing community connectivity and minimizing additional vehicular trips.

Additionally, at the suggestion of the Village Board, the Applicant has undertaken the incorporation of innovative and sustainable design into the project. The goal is to not only create an environmentally-conscious project—safer, more energy efficient, more durable, more affordable, more accessible and, overall, more sustainable—but also one that would eventually serve to distinguish it from the other residential options in the area.

To that end, the Applicant has engaged with Steven Winter Associates (SWA), one of the nation's most respected and knowledgeable firms in research, design and consulting for high-performance buildings will be reviewing and certifying the project. SWA, along with the development team's architects, planners and engineers, conducted a preliminary evaluation of the BT Holdings project, and determined that it could qualify for LEED for Homes Silver certification. Developed by the U.S. Green Building Council, LEED (Leadership in Energy & Environmental Design) is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies intended to improve performance in metrics such as energy savings, water efficiency, CO2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. Additionally, the project would also seek certification in the ENERGY STAR Homes and National Green Building Standard (NGBS) programs.

SWA will be working with the development team throughout the process to help the project achieve these various certifications. Once completed, it is believed that the project will be one of the few large residential projects in the entire county to be so designated, improving the marketability of the homes and enhancing the entire Chester community.

Comment 2.0-26 (Letter #8, January 16, 2010, Terri Eckert, Resident, 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, overcrowded schools, taxes, noise pollution, displacement of wild life) and ruining of the beautiful picturesque view behind Talamadge farms.

Response 2.0-26: *These are precisely the issues that are being investigated in the various sections of the DEIS. Appropriate mitigation measures shall be identified in the Statement of Findings to be adopted by the Village Board.*

Comment 2.0-27 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

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?

Response 2.0-27: The Highlands Commission is an agency of the State of New Jersey and therefore cannot be designated as an interested agency under SEQR. While the Town of Monroe and Walton Lake may be within the overall Highlands Region as designated under the Highlands Act, the applicable regulatory/oversight agencies for this project are the NYS DEC and the Village of Chester Water Department.

Comment 2.0-28 (Letter #10, January 28, 2010, Pete Berman, CEO, Ruby Group): 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, 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 merits we must recognize that construction is the only true local manufacturing jobs that exist in our communities.

Response 2.0-28: Comment noted.

Comment 2.0-29 (Letter #11, February 1, 2010, Joan Van Der Meulen, Resident, Chester, NY):

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!

Response 2.0-29: The zoning requirement calls for a 50 foot side yard setback for the proposed Senior Housing. The BT Holdings project, as currently envisioned includes a side yard which is twice the required setback, creating a buffer of approximately 100 feet between the Senior Housing and the active portion of the Talmadge Farm. There is

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nothing to indicate that the senior citizens who will be located closest to the Talmadge Farm are likely to be trespassing onto Ted Talmadge's farm. There will also be substantial vegetative screening between the project site and the Talmadge farm, both on the border by the senior housing and on the border along the ridge. If necessary, the Applicant is willing to install a suitable fence along the property boundary shared with Mr. Talmadge's farm. Details as to the specifics of fencing shall be determined prior to final site plan approval.

The project site will not be destroyed, merely thoughtfully developed as intended in the Town's own Comprehensive Plan. Development of this site at the proposed density will provide necessary housing while allowing for the preservation of other rural areas in the Town of Chester. Additionally, Mr. Talmadge's property will continue to be the asset it has always been to the Chester community.

Comment 2.0-30 (Letter #11, February 1, 2010, Joan Van Der Meulen, Resident, Chester, NY): 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'.

Response 2.0-30: *This will be a gated emergency only access onto private property, restricted to use by emergency service providers.*

Comment 2.0-31 (Letter #12, February 2, 2010, Todd Finley, Play N Trade Video Games, Chester, NY): 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.

Response 2.0-31: *Comment noted.*

Comment 2.0-32 (Letter #12, February 2, 2010, Todd Finley, Play N Trade Video Games, Chester, NY): 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.

Response 2.0-32: *Comment noted.*

Comment 2.0-33 (Letter #13, February 3, 2010, Jennifer Ciccone, Elite Cinekma VI, LLC.): 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 businesses 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.

Response 2.0-33: *Comment noted.*

Comment 2.0-34 (Letter #14, February 3, 2010, Nicholas J. Silvestri, Secretary-Treasurer, The Chester Fire District): 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.

Response 2.0-34: Refer to Response 2.0-17.

Comment 2.0-35 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): *The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "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 integrating with nearby shopping.

Response 2.0-35: Refer to Response 2.0-4.

Comment 2.0-36 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): *The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "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 local shopping and therefore would encourage more traffic at project's entrance boulevard, NYS 17M and the mall's entrance intersections which contradicts BTU's above stated goals.

Response 2.0-36: *The proposed townhomes and senior apartments would constitute the closest residential housing to the Chester Mall and its surrounding commercial area in the entire community. The project is a prime example of smart growth planning whereby higher density housing is placed in the central locations with easy access to shopping, transportation and infrastructure.*

A pedestrian connection is proposed from the clubhouse area directly to the mall. That connection is to be made at the closest and indeed only realistic point of access into the mall property.

The two senior buildings were located on the property as close to the pedestrian access to the mall as possible and on the only side of the boulevarded Main Access road in which they could realistically be placed. Given the steep grade of the hill at the western end of the property adjacent to the Talmadge farm, the Main Access road must enter at the southern end of the Route 17M frontage and curve to the right around the slope, cutting across the grade along the way. Given the necessary location of the Main

Access road, there is simply not enough space on the parcel in between the Main Access road, the wetlands and the adjacent Palmer property to place the senior buildings any closer to the pedestrian access.

The proposed pedestrian access has been placed to be accessible to all residents with the senior buildings located closest of any residential structures. The pedestrian access is convenient for those seniors who are able to walk approximately ¼ mile to the mall. Seniors who are not able to walk this distance would likely not be inclined to walk at all. Even if it were possible to move the senior housing 800 feet to the opposite side of the access road, it is not likely to encourage an inactive senior citizen to become a pedestrian. It is possible the senior housing management company could sponsor a shuttle bus from the senior housing to the mall to facilitate access to non-drivers.

Comment 2.0-37 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):

Pedestrian Access - The proposed sidewalks mentioned in this section connecting directly to the mall, and along Route 17M do not appear on the plans.

***Response 2.0-37:** The proposed pedestrian connection is now shown on the Public Road Scenic Alternative Site Plan.*

Comment 2.0-38 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):

The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "...coordinate planning with the surrounding communities and the county, but most importantly with the Village of Chester and the Town of Monroe."

What does the Town of Monroe have to do with this project. I found no mention of Monroe on page 24.

***Response 2.0-38:** This is a direct quote from the language included in the Town of Chester Comprehensive Plan. The Town of Monroe is one of the Town of Chester's neighbors. The statement above applies to all planning considerations, not specifically the BT Holdings project.*

Comment 2.0-39 (Letter #16, January 28, 2010, Irving Zuckerman, Verticon LTD):

Clustering preserves open space. By clustering buildings, nearly two-thirds of the property will be preserved as open space, including landscaped lawns and woodlands.

***Response 2.0-39:** Comment noted.*

Comment 2.0-40 (Letter #17, January 29, 2010, John A. D'Ambrosio, Ed.D., Orange County Chamber of Commerce):

On behalf of the Orange County Chamber of Commerce, I urge both the Chester Village and Town boards to support the BT Holdings' residential community planned for construction adjacent to the Chester Mall.

As you know, only a few people appeared at the public hearing to critique the project. The preservationists and biologists who seem to oppose any type of new construction shouldn't be allowed to prevent a project that will do so much to benefit the Chester community. The BT Holdings proposal represents smart development at its best and is exactly what was envisioned in the Town's Master Plan. The project is located right next to existing homes and businesses, allowing for preservation of the rest of Chester for open space. It appears that the developer is doing exactly what is called for in the Master Plan.

Smart development like the proposed project will not only attract senior citizens and young couples, but also support the local business community. The help of our elected officials is needed to ensure that Chester thrives, not deteriorates. I encourage you to approve this much-needed investment in the Chester community as quickly as possible.

Response 2.0-40: *Comment noted.*

Comment 2.0-41 (Letter #18, February 2, 2010, Vincenzo Rubino, President, Chester Brother Bruno's Inc.): I believe both the Chester Village and Town Boards should support the BT Holdings' residential community planned to be built next to the Chester mall. It's a good proposal that will benefit our town and village.

As you know, just a few people appeared at the public hearing to critique the project. Preservationists and biologists are going to oppose any type of new construction! We all know that. I don't think these people represent the majority of residents. People want to make sure that when the Chester community grows, it does so in the right way.

The proposed housing is exactly what was envisioned in the Town's Master Plan. It is located right next to existing homes and businesses, letting us preserve the rest of Chester for open space. The developer is doing exactly what the Master Plan calls for.

We need smart development like the proposed project, which will not only attract senior citizens and young couples but also support our local businesses. I am a local business owner.

Our elected officials should make sure Chester thrives, not deteriorates. We need this investment in our community. You should approve it as quickly as possible so they can start work this year while the weather is good.

Response 2.0-41: *Comment noted.*

3.1 Soils and Topography Comments and Responses

Comment 3.1-1 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): Retaining walls are shown on the conceptual site plans but not discussed in this section. Anticipated heights and locations of all retaining walls should be discussed as a mitigation for additional grading.

***Response 3.1-1:** Retaining walls are anticipated to be employed to mitigate the elevation change across the proposed development. The retaining walls are anticipated to be modular block retaining walls reinforced with geogrid. There are three main areas of the site that are anticipated to need retaining walls – the area east of the Senior Housing facility (2 to 15-foot high walls), the area west of Stormwater Management Basin C (2 to 24-foot high walls), and the area along the west side of Road A from the wetland crossing to Stormwater Management Basin B (2 to 20-foot high walls).*

Comment 3.1-2 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

***Response 3.1-2:** The Otisville and Hoosic soils are noted to be susceptible to potential soil cave-in for shallow excavations. Mitigation for potential cave-ins during shallow excavations includes using flatter side slopes for the excavations and/or using shoring/excavation support. All excavations will be in accordance with OSHA standards.*

3.2 Water Resources Comments and Responses

Comment 3.2-1 (Public Hearing, January 7, 2010, Leslie Smith, Brookside Avenue, Village of Chester): ..when we have a downpour of rain, the water from the hillside of that site, comes down and there is a stone wall that's right along the road, and I have actually seen water coming through that stone wall that looks just like fountains coming out from between those stones, and my concern is that with the pavement and the structures that are going to be proposed, that's all going to be impervious.

Response 3.2-1: The project will propose more impervious area than presently exists on-site. The Applicant proposes to construct three large stormwater management ponds to collect the storm water runoff from the project site, including one pond adjacent to Route 17M. These ponds will improve the quality of the runoff by filtering the storm water before discharging it offsite and will attenuate the peak flow of the runoff to that of the existing peak flow from the site. The discharge from the stormwater management pond next to Route 17M (Basin A) will be to the 18" x 24" box culvert near the northwestern corner of the property. As part of the site plan application, a detailed Stormwater Pollution Prevention Plan (SWPPP) will be submitted to the Planning Board for review. This SWPPP will address both water quantity and water quality aspects of the stormwater management system for the development and will demonstrate compliance with the provisions in this FEIS as well as all applicable New York State requirements.

Comment 3.2-2 (Public Hearing, January 7, 2010, Ted Talmadge, 1598 Route 17M, Town of Chester): They are going to grade this retention pond right to my fence right now. Again no buffer. It should be at least a fifty foot buffer away from my property before they start digging this retention pond.

Response 3.2-2: The current site plan proposes a 40 foot wide buffer between edge of the Stormwater Management Basin A and Mr. Talmadge's property. This buffer exceeds the both the current Village RM side yard setback of 25 feet and the Town Zoning Code SR-6 side yard requirement of 15 feet. In addition, the Applicant has committed to the installation of appropriate fencing along the Talmadge boundary. Details of this fencing shall be approved prior to final site plan approval.

Comment 3.2-3 (Public Hearing, January 7, 2010, Ted Talmadge, 1598 Route 17M, Town of Chester): And also with this pond they supposedly engineered it to take all this water. Now there is going to be a lot more water going into the culvert there that we share with them, that goes under 17M; and it's a box culvert that's two feet by two feet. Now I asked also, and requested for this to be looked at, that I wanted a minimum of fifty percent or more capacity reserved for me.

Response 3.2-3: The stormwater management measures for the project are designed so that the peak rate of stormwater going through the box-culvert from the Applicant's site, post development, is no greater than the peak rate of the water going to culvert from the Applicant's site under current conditions. The capacity of the stormwater management pond has been designed to mitigate the effects of the additional impervious areas of the proposed development. In other words, the stormwater management pond has been sized to hold the stormwater such that, after the project is fully built out, the peak stormwater runoff flow is no greater than it is today. Whatever

capacity is available to Mr. Talmadge in the culvert today will continue to be there after BT Holdings is developed.

It is beyond the scope of this project to anticipate the future potential redevelopment of neighboring parcels or provide stormwater management resources for such potential development. In addition, Stormwater Management Basin A is several feet above Mr. Talmadge's property, and it would be unusual and very costly to pump stormwater uphill from Mr. Talmadge's property to Basin A.

Comment 3.2-4 (Public Hearing, January 7, 2010, Ted Talmadge, 1598 Route 17M, Town of Chester): Now in the future if I decide to sell my farm and I want to do it, there is going to be a lot more water going in that culvert, so I'm going to be hurt. In fact I'm going to need a bigger pond to regulate the water slower. I think it's very unfair that I, because I'm not the first one going in here with a project, that I'm going to get hurt. So I think this really needs to be looked at.

Response 3.2-4: *The Stormwater Regulations governing development within New York State, Orange County, and Chester allow for stormwater systems to be designed to match the current peak flow rates of existing sites. Barring a change in the stormwater management regulations, similar to the current regulations which govern the development of the BT Holdings property, Mr. Talmadge would be able to redevelop his property and discharge the same peak flow rate to the 18"x24" box culvert that discharges from his property through the box culvert today. Development of the BT Holdings property does not preclude Mr. Talmadge from redeveloping his property in any way.*

Comment 3.2-5 (Public Hearing, January 7, 2010, Jay Westerville, Hamlet of Sugar Loaf): In this presentation you omitted to mention that annexation to the Village would allow the project to escape the Town of Chester's rather stringent wetland regulations, Chapter 54.

Response 3.2-5: *Comment noted. Annexation into the Village will subject the site to the Village's Ordinance/Code. The Village refers to ACOE regulations for wetland permitting and setbacks.*

Comment 3.2-6 (Public Hearing, January 7, 2010, Matilda Bendix, Hambletonian Avenue): I really don't think annexing us into this project, into this thing, would give us water, you know, because we have gone through droughts here already, and doing this, I think we would have more.

Response 3.2-6: *This project will require the use of Village water but it will not cause a drought. Drought occurs when not enough rain falls to the ground. This project will not affect the amount of rain that falls in the region nor will it significantly affect how much water will make its way into the aquifer or the lake that the Village uses for its water supplies. As discussed in responses 3.10-6, 3.10-9 and 3.10-31, there is sufficient capacity within the Village's municipal water system to account for the proposed project's needs while servicing the rest of the Village community.*

Comment 3.2-7 (Public Hearing, January 7, 2010, Clifton Patrick, Town of Chester Historian): We talked a little bit about the stream, Black Meadow Creek, down the bottom of the hill, or Otterkill, but I know in the past other developments have had a huge impact on sediment in the stream, and how that impacts; I know it's a big problem for Ted down in this flat area on the other side of 17M.

Response 3.2-7: The project proposes both a temporary and permanent stormwater management system and soil erosion measures to prevent the loss of sediment offsite, and ultimately to the Otterkill Stream. The measures have been designed in accordance with NYSDEC and NYS Soil Erosion Guidelines and will ultimately be approved by the Village and NYSDEC as part of the Site Plan Approval and SPDES permit processes.

Comment 3.2-8 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): Operation and maintenance responsibilities for 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 be an aspect fully defined in the final SWPPP submitted as part of the site plan.

Response 3.2-8: There is anticipated to be a reciprocal easement agreement between the Senior Project and Townhouse Project granting stormwater rights and assigning responsibility for maintenance and upkeep between the two parties to the extent applicable. The full details of the easement agreement would be determined prior to the finalization of the SWPPP.

Comment 3.2-9 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY): 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.

Response 3.2-9: The Applicant's studies are intended to identify, assess, minimize, and, if unavoidable, offer mitigation for potential impacts on the environment stemming from the proposed action (developing the site). The health impact of excess chromium in one of the Village's water supplies is unrelated to this project and beyond the scope of this project to address.

Comment 3.2-10 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY): 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?

Response 3.2-10: Similar to Comment Number 3.2-9; Algal Blooms on Walton Lake are not caused as a result of the proposed project and are beyond the scope of study for this project.

Comment 3.2-11 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

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?

Response 3.2-11: The proposed project is in no way inconsistent with the Moodna Basin study. With regard to water supply, the study (page 53) notes that the "Village of Chester...shows a substantial (water) surplus both now and projected out to 2018." Regarding wastewater treatment, Chester's long-term plan to handle additional wastewater remains an area under study by various authorities including the Moodna Basin Joint Operation and Maintenance Commission and is outside the scope of this environmental review. Existing sewer capacity remains in the sewer district on which the property resides and the project site, having long been located within that sewer district, is entitled to sewer service.

Comment 3.2-12 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

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 drained 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?

Response 3.2-12: Stormwater runoff will not be transported across watersheds/drainage areas. The site is located within Town of Chester Sewer District and is proposed to be annexed to the Village of Chester and both of these entities transport their wastewater to the Harriman Sewage Treatment Plant. It is anticipated that wastewater generated from this project will be transported to the Harriman Treatment Plant as it is presently the only viable wastewater disposal alternative and the subject property is entitled to be served by the treatment plant. Should the proposed Black Meadow Treatment Plant become a feasible option, it would have to be fully permitted and approved by NYSDEC. Stormwater will remain in the same general watershed/drainage areas as exist today.

Comment 3.2-13 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):

The BT Holdings Chester Development DEIS Dated October 22, 2009 stated: "The project site contains a U.S. Army Corps of Engineers-regulated wetland. The wetland is situated along the westerly boundary of the site behind the Chester Mall. A small area of the wetlands will be disturbed as a result of the on road crossing that is part of the BT Holdings development. There are no NYSDEC-regulated wetlands on the subject site."

They make no mention of the drainage from the former Brook Farm. This stream was covered over at some point, but the water still drains the upper elevations and makes that southern section, behind the mall very wet. You may notice that that area is not a cultivated field. The reason, according to Ted Talmadge, that it is too mucky to operate equipment on.

Response 3.2-13: *The delineated wetland area behind the mall will remain undisturbed, with the exception of less than 0.1 acres for the road crossing. The amount of wetland disturbance for the Public Road Scenic Alternative is the same as the wetland disturbance for the previously submitted Conceptual Site Plan. The area behind the mall further to the east have soils suitable for construction although the soils may not be suitable for farming.*

3.3 Vegetation and Wildlife Comments and Responses

Comment 3.3-1 (Public Hearing, January 7, 2010, Jay Westerveld, Hamlet of Sugar Loaf):

My major problem with this is that the biological survey that was conducted during the summer and fall of 2008 is grossly inadequate.

Response 3.3-1: The wildlife survey that was conducted for the DEIS met the requirements of the scoping document, and included an evaluation of site habitat, a list of observed and likely species given the site habitats, and an evaluation of the potential for use by threatened or rare species.

Comment 3.3-2 (Public Hearing, January 7, 2010, Jay Westerveld, Hamlet of Sugar Loaf):

A letter was sent out by Tim Miller Associates on October 10th 2008. They received a "no data" responses on November 10th of 2008. What that says is just essentially, well, we don't have data either way.

Response 3.3-2: Comment noted. The purpose of the Natural Heritage request is to ascertain if the DEC has any documentation of known rare or endangered species on or near a project site. In this case, they did not, which was reconfirmed in their April 15, 2010 response, included in Appendix B, Correspondence. If such a species had been recorded either recently or historically, the DEC would have had that information and provided it to the applicant for inclusion in the DEIS. Additionally, a biological site survey was conducted to supplement the information provided by the NYS DEC Natural Heritage Program. The results of the biological site survey did not disclose the presence of any known rare or endangered species on or near the project site.

Comment 3.3-3 (Public Hearing, January 7, 2010, Jay Westerveld, Hamlet of Sugar Loaf):

They also state that, "One year from now we recommend that you contact us again so we may update this response with the most current information." One year ago would have been this past November. Until another inquiry is made to the Natural Heritage Program, this is incomplete.

Response 3.3-3: The Applicant sent a follow up request to the DEC Natural Heritage Program on March 29, 2010, and has recently received a response dated April 15, 2010. The response, according to the New York State Natural Heritage Database, included in Appendix B for reference, indicates, "We have no records of rare or state listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site."

Comment 3.3-4 (Public Hearing, January 7, 2010, Jay Westerveld, Hamlet of Sugar Loaf):

The study was focused on determining the presence or absence of protected wildlife, including non-vernal pool breeding amphibians, nesting raptors, and other -- just for anybody who hasn't studied -- vernal means springtime. A vernal pool is a little puddle out in the woods or field that only has water after the snow thaws. And a lot of creatures actually rely on that. That being said, this study was done in the summer and autumn only of 2008, yet the study still speaks to the presence and/or absence of individual species that area what we call vernal pond obligate users; they require this in their lifecycle.

Response 3.3-4: *In the DEIS discussion of available habitats for rare or endangered species, it is noted that “the site lacks vernal pools or other significant wetland areas with the appropriate hydrology and vegetation to provide breeding habitat for any of the Ambystomid salamanders species” (Pg. 3.3-15). These Ambystomid or “mole” salamanders are the species most likely to make use of vernal pool habitats and be most sensitive to the loss of such habitat. In order to further investigate this issue, the Applicant’s environmental consultants conducted a comprehensive assessment of the potential for vernal pool habitat on the BT Holdings site in the Spring of 2010. In southeastern New York, effective vernal pool habitats are generally small in size and have seasonal hydrology. The pool begins to flood in late fall/early winter and remains wet until mid-summer. This cycle is very important for several reasons.*

The seasonal nature of this hydrology, where there are annual dry periods in the late summer and fall, prevents the establishment of fish populations that would prey on the eggs of the amphibian species that choose to breed here. These species include the ambystomid or mole salamanders (Jefferson, blue spotted and yellow spotted salamanders) and several frog species (particularly wood frog and green frog).

The length of the season is also very important. As mentioned above, too long a season may result in the establishment of a fish population that would eat all the eggs and/or the hatched larvae. Too short a season could result in a drying of the pool before the larvae have developed to a stage that is terrestrial enough to survive.

Beginning on March 11, 2010, a biologist from Tim Miller Associates visited the BT Holdings site a total of four times. Site observations were made on March 11, March 18, April 5 and April 13, 2010.

The wetland corridor as identified on the site survey did not show any characteristics of vernal pool areas. This wetland is generally on a slope with a defined flow of water (during only the wettest times of the year) until it reaches the agricultural fields to the east of the Chester Mall, where the flows are dispersed through the old field vegetation and spread out over the slope. No significant depressional areas were observed that have the capacity to hold and store water for the required time period within the flagged wetland.

In the southeastern portion of the site, at the base of the slope adjacent to the Nexans parcel, two inundated areas were observed during the initial site walk on March 11, 2010. This area appears to have once been a road bed and evidence of past development is present nearby. Two shallow depressional areas were identified (each approximately 20 feet by 40 feet), with water up to 6 inches deep. However, during three subsequent site visits, no surface water was evident in either area. Considering that March 2010 was one of the wettest months ever recorded, it is not surprising that some flooded areas were observed, but they dried out quickly and thus could not support vernal pool breeding species. No egg masses, spermatophores or other evidence of pool use by amphibians was observed in these two spots or elsewhere on the site. This EIS therefore concludes that there is no vernal pool habitat available on the BT Holdings site.

Comment 3.3-5 (Public Hearing, January 7, 2010, Jay Westerveld, Hamlet of Sugar Loaf):

They had a list of 35 species other than birds, vertebrate species; that just means anything that has a spine. ...That list had only 35 species. In Chester we have eighty species of what we call non-avian, meaning other than bird vertebrates. ...Out of those eighty through these undoubtedly comprehensive studies that were done by Miller Associates biologists, they only saw, and this isn't even direct observation of species, this is scat, which means poop, tracks, sounds, anything like that, feathers, fur; given how many they actually observed on this site, out of eighty that could be present: Eight. They only saw eight species of vertebrate.

***Response 3.3-5:** The scoping outline for the DEIS required that the applicant "discuss wildlife populations and characteristics and identify any and all threatened or endangered species". The DEIS provides an analysis of habitat types, identifies species that are known to utilize such habitats in this area of Orange County, and specifically identifies a number of species that were observed, directly or indirectly, during numerous site walks in 2008. It is not surprising that considering past and present agricultural uses of the site and adjacent areas, the proximity to the Chester Mall, Route 17M, Route 17 and other developed areas, that the number of species identified here is relatively low.*

Regarding the threatened or endangered species, the DEIS provides an analysis of those state-listed species known to be found in this part of Orange County, and goes through an assessment of which species could potentially utilize the site, ultimately identifying five species that may utilize the property during some portion of their life cycle. The potential impact to these species (Indiana bat, longtail salamander, eastern box turtle, Cooper's hawk and sharp-shinned hawk) was then evaluated. It is noted that with the exception of the Indiana bat, these species are listed as "species of special concern", which does not meet the threshold of being "threatened" or "endangered", but does assume a known conservation concern for the species. The DEIS concluded that while some habitat for these particular species would be lost due to the development of this site, adequate areas of habitat would remain for the continued use of the site and adjacent properties by these species. Again it is noted that these species were not directly observed during numerous site walks and surveys.

Comment 3.3-6 (Public Hearing, January 7, 2010, Jay Westerveld, Hamlet of Sugar Loaf):

Most importantly, until the biologists at Miller and Associates actually request a new letter from the Heritage Program, this DEIS actually isn't current. It's not a legal document at this point, as of November of 2009.

***Response 3.3-6:** Refer to Response 3.3-3.*

Comment 3.3-7 (Public Hearing, January 7, 2010, Jay Westerveld, Hamlet of Sugar Loaf): I can tell you, because I do work for the state, on these systems, that they are going to find that there are sensitive species in this stream directly adjacent to this site, across 17, but these are species that have migratory distances of, in some cases, over two thousand feet. That is going to put a different spin on things. I am not even a person who saw them. I have just seen the records.

***Response 3.3-7:** The commentor is not specific as to his role with the State of New York, whether he is commenting on behalf of New York State, or has any knowledge that might be enlightening to this current SEQRA process. While there may be sensitive species associated with the Black Meadow Creek on the west side of Route 17M (none were identified in the DEC records), there is a significant amount of agricultural activity, traffic and obstructions to migration between the stream corridor and the proposed development on this site.*

Comment 3.3-8 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The DEIS claims that the wildlife will move. Those animals that move will move into habitat already occupied by other animals, so that in the end, some will die. Underlying this question is the failure to admit there will be a net loss in habitat.

***Response 3.3-8:** The DEIS also notes that wildlife was found in small numbers on the site. The DEIS notes on Page 3.3-21 that the “adjacent lands are expected to already have established resident wildlife populations, and in some cases may not be able to support the arrival of new individuals. For this reason, the loss of habitat associated with the proposed action may result in reduced regional wildlife populations. The loss, however, is expected to be minimal due to the relatively small size (68.4 acres) of the project site”.*

Comment 3.3-9 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O’Donnell, Turner Miller Group): 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 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.

***Response 3.3-9:** Figure 3.3-4 shows Post Development Open Space. These areas will be available post development as naturalized open space available for passive recreation. Certain disturbances will occur to install the walkways and roadways and retaining walls as shown. NYS DEC has in the past considered the construction of wooden walkways with wooden pilings not to count in assessing the disturbance to wetland areas.*

Comment 3.3-10 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.3-10: An updated full size Conceptual Landscaping Plan is included as part of this FEIS. This Conceptual Landscaping Plan includes a general list of proposed plantings and general locations and type of plantings. More specific information will be included at the time of final site plan approval.

Comment 3.3-11 (Letter #11, February 1, 2010, Joan Van Der Meulen, Resident, Chester, NY): 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, (and 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.

Response 3.3-11: The Applicant has prepared a Preliminary Stormwater Management Plan, contained in Appendix K, in compliance with New York State DEC regulations in order to protect on-site and off-site waterbodies from pollutants and other impacts.

As part of the site plan application, a detailed Stormwater Pollution Prevention Plan (SWPPP) will be submitted to the Planning Board for review. This SWPPP will address both water quantity and water quality aspects of the stormwater management system for the development and will demonstrate compliance with the provisions in this FEIS as well as all applicable New York State requirements.

The DEIS also includes wildlife survey information as well as a description of habitat types and a list of species likely to utilize the site and adjacent areas, in compliance with the Scoping Document. The DEIS acknowledges that some wildlife will be displaced, and that some habitat available to these species will be lost. However, the DEIS also concludes that none of the species identified are either rare or particularly sensitive to development, and do not exist in large numbers on the site. Thus the impact does not rise to the level of being a "significant adverse impact" under SEQRA.

Comment 3.3-12 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): The SEQR Full EAF states that no hunting, fishing, or shell fishing opportunities presently exist in the project area"

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 hunters on this and adjacent properties.

Response 3.3-12: The project site is private property and any hunting that is taking place is being done illegally by trespassers on the project site.

3.4 Cultural Resources Comments and Responses

Comment 3.4-1 (Public Hearing, January 7, 2010, Clifton Patrick, Town of Chester Historian): On page six they talk about the failure to locate or identify structural inventory forms at the State Office for Historic Preservation that indicate potential eligibility for nomination to the state or national registers within a one mile radius. Well, I drew a little map of what a roughly one mile radius would be, and there were a whole bunch of these building surveys. There is the Feagal's house, which is Dale Talmadge's residence, and borders the property. There is the Van Duser Milburn house, that's just within a mile according to my little sketch. And there are a number of others, including what is now the Mary Rose Cullen residence.

Residence 3.4-1: The comment in the Phase 1A report relates only to the fact that when the archaeological consultant made the OPRHP site visit to conduct research on the archaeological sites located in the vicinity of the project, there were historic structures identified on the site maps for which the inventory sheets were missing from the file. Importantly, based on the New York Archaeological Council guidelines, it would not be necessary for the literature review completed as part of the Phase 1 report to include all of the historic resources present within a 1 mile radius of the project area but rather to identify those resources that might be located on or adjacent to the project area or those historic resources that might be affected by the proposed project. With respect to the other historic structures noted by the Town of Chester historian, our site visit and visual inspection of the historic resources adjacent to and in the vicinity of the proposed project indicates that none of the historic structures, including the Talmadge residence, will be physically impacted by the proposed project. The Talmadge residence and farmstead, which includes the barns and outbuildings, may, however, be visually impacted by the proposed BT Holdings development. The Applicant has proposed to mitigate visual impacts in this area by various means including the planting of substantial vegetative screening, the use of earth tones and non-reflective glass, and additional grading of the area to reduce structure profile. The Talmadge farm has been identified by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as National Register eligible, however no application has been made to OPRHP. With respect to any other historic structures located in the Village or Town of Chester, it is most probable that any visual impacts would be mitigated by topography and distance.

Comment 3.4-2 (Public Hearing, January 7, 2010, Clifton Patrick, Town of Chester Historian): As I understand it, the eligibility is based on a couple of criteria; the structure has to be older than fifty years, and have some significant feature, either historic person, or interesting architecture or some other feature. And there are many, many structures within a mile that would qualify for those criteria, would have the potential for being listed, including of course that this property I think was part of the Oak Ridge Farm, which was I think owned early on by C.B. Wood, and later was taken over and called Brook Farm by Richard Delfield, who was Park National Bank president in the early part of the century. Later by Edmund Butler, who was an importer and produced a lot of award winning cattle. And that house is, that farm house from that farm is still existing, and that's an important structure within a mile of the site.

Response 3.4-2: The Town of Chester historian states in his comment that "As I understand it, the eligibility is based on a couple of criteria: the structure has to be older than fifty years, and have some significant features, either historic person, or interesting architecture or some other feature. And there are many, many structures within in a mile that would qualify for those criteria, [and] would have the potential for being listed. . .".

From the comment, it appears that he is under the impression that all that is required is that a historic structure be within a 1 mile radius of the project area, however, as pointed out above, it is the proximity to the project area and the potential impacts that must be taken into consideration, not whether the building is considered locally important. None of the historic structures within a 1 mile radius of the BT Holdings site will be physically impacted. Although the Talmadge farmstead may have the potential to be visually impacted by the proposed project, it has not made application to OPRHP to be listed as a historic resource. In addition, the proposed visual mitigation measures, including increased grading, substantial vegetative screening, the use of earth tone colors and non-reflective glass, reduce visual impacts to the greatest extent practical. The Brookview Farm dwelling, while it may be important to the community, is sufficiently distant from the BT Holding project area that visual impacts, should they be determined to exist, can be mitigated through the mitigation measures as listed above.

Comment 3.4-3 (Public Hearing, January 7, 2010, Clifton Patrick, Town of Chester Historian): They mentioned an absence of historic or prehistoric sites, and this is a printout of the U.S.G.S. map from 1908, and it clearly shows a structure here close to where the entrance to the site will be.

Response 3.4-3: *It is the purpose of the Phase 1A to identify Map Documented Structure (MDS) that are located on or adjacent to the site. The 1908 map (Phase 1A: Map 5) shows a structure located just outside what appears to be the municipal boundaries of the Village of Chester. To the northwest of the structure is a farm lane. The entrance to the project area will fall between these two "landmarks." The Phase 1A has been revised to clarify the relationship of the project area to this Map Documented Structure (MDS). The revised Phase 1A report is contained in Appendix G. The Phase 1B comprehensively tested the BT Holdings site, including the entrance to the project area. While it might be possible that a dump site or sheet midden associated with that structure could have spilled over on to the BT Holdings site, the results of the Phase 1B recovered no significant historic cultural resources from the BT Holding site. It should be emphasized that the dwelling identified by Mr. Patrick is entirely outside the project area boundaries, and that, even if it were still standing, would not have been investigated as part of the Phase 1B survey. It is likely, however, that all evidence of this structure has been destroyed by road widening, road realignments, and/or the construction of the shopping plaza that is situated on the highway south of the proposed project area.*

Comment 3.4-4 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.4-4: *During the course of the cultural investigation, the Archaeologist determined that the encampment was not located on the hill. Although Mr. Talmadge claims that there were avocational archaeologists who walked the area with metal detectors and found what were thought to be artifacts, the Archaeologist conducted shovel testing across the entire site and found absolutely no evidence of an encampment or artifacts related to the Revolutionary War.*

Comment 3.4-5 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): Section 3.4.3 states that no standing structures within the viewshed of the property meet the requirements for inclusion on the National of State register of Historic Places. However, the Program Director of the New York Office of Parks Recreation and Historic Preservation states, in her request for additional information letter dated November 4, 2008, that the Brookview 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.

Response 3.4-5: *Comment noted.*

3.5 Traffic and Transportation Comments and Responses

Introduction

Project Revisions

As a result of comments made at the Draft Environmental Impact Statement (DEIS) public hearing and submitted in writing by the Village Board, the Town Board and the general public, the Applicant has initiated several changes and modifications to the plan which have resulted in improvements to the Transportation element of the project. These changes are listed below and are followed by a more detailed discussion:

- Development of a Public Road Alternative to enhance future connectivity
- Roundabout construction
- Accommodate future connection to the Nexans property
- Secondary Access
- Expansion of road widths to a minimum of 26 foot to facilitate emergency access
- Incorporation of a direct pedestrian access to the Chester Mall
- Removal of buildings in the scenic area along the ridge line above the Talmadge farm
- A 6% reduction in size of the townhouse community, now proposed as 336 townhomes
- More than a 25% reduction in the number of 3BR townhomes, now representing less than 50% of the total project
- A 25% increase in the amount of proposed parking for the senior community
- Open Non-Gated community

Public Road Alternative

In response to comments from the Mayor and the Village technical consultants regarding school bus maneuvering, highway maintenance and truck access for the Nexans parcel, a Public Road Scenic Alternative has been developed to accommodate connecting into the Nexans Property and/or as an extension to Princeton Street, as shown in Figure 1.

The Public Road Scenic Alternative plan incorporates the potential for a boulevarded through road connecting Princeton Street to NYS Route 17M, allowing vehicles going to/from the Village downtown area to bypass the busy NYS Route 94 and NYS Route 17M intersection and providing an alternative routing for the trucks accessing the Nexans parcel. The main access boulevard will be a public road built to Village specifications with large buffers on each side to mitigate the audial and visual impacts of traffic to the bordering townhome community. A roundabout has been included to serve as both a turnaround and a safety and traffic calming measure.

Until the Nexans connection is made, the roundabout will serve as a glorified cul-de-sac, allowing the turnaround of school buses and highway maintenance vehicles. The boulevard/connector road has been straightened out and the dwelling unit mix has been revised resulting in the reduction of 8 3BR townhomes. Consideration was given to continuing the boulevard all the way from NYS Route 17M to the roundabout but this resulted in additional wetlands disturbance. Instead a single 30 foot wide roadway (two 12 foot wide travel lanes plus three foot shoulders) has been provided through that area. The project also proposes that the travel lanes in the boulevard become 12 foot wide with a 4 foot bike lane and 2 foot shoulders for a total of 18 feet, so that the travel lanes are a consistent width between the boulevard and

the single-width roadway. Installation of a bike lane will serve as a deterrent to onstreet parking. As the boulevard approaches NYS Route 17M it would widen into two lanes separated to accommodate right and left turns out. The turning radii onto NYS Route 17M has been relaxed from 22 feet to 30 feet to accommodate truck turning movements.

The construction of the Public Road up to and including the roundabout will be completed as part of the BT Holdings residential project. This will leave the 'stub' to Nexans to be built as part of the Princeton Street extension to be constructed by the Village. The Village would have the option of constructing a true through road or of leaving the connection available only to the traffic generated by the Nexans parcel. It would be the Village's responsibility to pursue an agreement or other authorized method of acquisition to make that connection. There will be excavation and clearing necessary on Nexans property and along the stub to connect the rotary to Princeton Street through the existing berm which must be done simultaneously to overcome the grade differential caused by the existing berm. Since the Applicant has no rights to clear/excavate Nexans property, the construction of the stub shall occur separately by the Village.

Roundabout Construction

As discussed, a roundabout to facilitate the turning movements of school buses, snow removal equipment and other vehicles has been incorporated into the public road design. Roundabouts are desirable for reducing speeds and for promoting vehicular and pedestrian safety. The roundabout would be located at the end of the public road to be constructed as part of the BT Holdings residential project.

Accommodate future connection through the Nexans property

In discussions with the Village, the problem of trucks traveling to the Nexans property by turning onto Oakland Avenue from Main Street, and traveling through NYS Route 94 to/from NYS Route 17M were discussed. In particular, the safety issue of tractor trailers making the sharp turn from Main Street to Oakland Avenue and then steeply ascending up Oakland around its sharp right curve is of prime consideration.

To allay these concerns, a right-of-way would be provided from the roundabout on the proposed plan to the Nexans property line to accommodate the future extension of the public road or to create a driveway connection to the Nexans property, allowing the Nexans trucks to avoid the turn between Oakland Avenue and Main Street as well as travel down NYS Route 94.

The alignment of the right-of-way would allow for a potential future connection to Princeton Street to create a secondary access for the BT Holdings site and the Nexans operation; and provide an alternative route between NYS Route 94 (Main Street) and NYS Route 17M. This connection to Princeton Street would allow site residents headed to or from the schools and Village Hall area to avoid using the NYS Route 94 and NYS Route 17M intersection. Residents in those areas would have access to the Castle Fun Center and Chester Mall area without having to use the NYS Route 94 and NYS Route 17M intersection. Table 3.5-1 shows anticipated traffic likely to use the new public road connection to Princeton Street. Table 3.5-2 describes the difference in traffic operations of a Nexans-only connection compared to a Princeton Street through road connection.

Table 3.5-1 Relocated Traffic with Princeton Street Through Road		
	Traffic Diverted	
	Weekday A.M. Peak Hour	Weekday P.M. Peak Hour
BT Holdings Traffic ¹	5	12
Nexans Traffic at Main Street ²	14	12
Nexans Traffic from Ward Street ³	9	10
Main Street area Village of Chester ⁴	2	6
Total	30	40
¹ From DEIS Figures 3.5-12, 3.5-13, and 3.5-14 using 100% of Main Street destined traffic.		
² 70% of Nexans Traffic to and from Main Street based on counts January 20, 2011.		
³ From DEIS Figures 3.5-3, 3.5-4, and 3.5-5 based on ten percent of NYS Route 17M northern traffic turning into and out of Ward Street.		
⁴ From DEIS Figures 3.5-3, 3.5-4, and 3.5-5 based on 10 percent of NYS Route 17M traffic turning into and out of Chester Mall and Academy Avenue.		

Table 3.5-2 Relocated traffic Effects By Intersection		
Location	Change in Traffic by Access Improvement*	
	With Nexans Only Connection	With Princeton Through Road
BT Holdings Access at NYS Route 17M	Increase of 23 vehicles*	Increase of 20 vehicles*
Main Street and High Street	Less Traffic	Shift in approach direction for some traffic
NYS Route 94 and NYS Route 17M	No change	Reduced traffic
NYS Route 17M and Chester Mall	Increased traffic	Shift in approach direction of traffic
Ward Street and NYS Route 17M	Minor shift in traffic from Ward Street to NYS Route 17M and from Ward Street to new public road.	Minor shift in traffic from Ward Street to NYS Route 17M and from Ward Street to new public road.
* Peak hour trips		

A HCS capacity analysis has been conducted to evaluate the level of service which could be expected under Build conditions for the site access and NYS Route 17M for the "Build Condition with the Through Road" once the Village's Through Road would be constructed. This information is summarized in the FEIS Appendix C - Traffic Data, refer to Table C-7. These analyses are based on volumes in Appendix C Table C-8. Inclusion of traffic as a result of the Through Road connection indicate the site access will operate at level of service D conditions with an average delay of 28.9 seconds with a vehicle to capacity ratio (V/C) of 0.37. Level of service D is considered acceptable by NYS DOT. The projected average delay and V/C indicate additional capacity will still be available at this intersection even after construction of the proposed Through Road. All other movements in the p.m. peak hour and all movements in the weekday a.m. peak hour and Saturday peak hour would remain unchanged with level of service C or better.

Secondary Access

The concept plan evaluated in the DEIS included a single boulevard Main Access which was envisioned to be a private roadway. The boulevard design of the main road provides sufficient road widths on either side of the median to allow for emergency two-way traffic on either side of the median. Thus, closure of one side of the boulevard would not cut off access. In addition the project would have an emergency access via Oakland Avenue.

The proposed Public Road Scenic Alternative improves road circulation by providing for a future connection with Princeton Street on a public road. The Oakland Avenue emergency access described above would continue to be available in addition to the public through road.

As can be seen in DEIS comments, there was some concern over potential overuse of the Oakland Avenue emergency access. In order to address concerns about the project site having a single main access point and one emergency access, the Applicant investigated other access alternatives, including the viability of i) an extension of the stub by Carpenter Road as a secondary access, ii) expansion of the proposed emergency access at Oakland Avenue to a full secondary access, iii) providing access through the Nexans property, and iv) providing access through the Palmer Property to the east. All these options required additional right-of-way that could not be easily obtained, if at all. The Carpenter Road and Oakland Avenue secondary access would benefit the project site residents at the expense local residents making securing access questionably beneficial. It was determined that the public through road with possible extension through to Princeton Street provided the greatest benefit to both the potential BT Holdings residents and local residents.

Expanded Road Width

The Conceptual Site Plan in the DEIS proposed 24 feet wide circulation roads and 20 foot wide roads which access the individual townhouse units. The Village expressed concerns for safe maneuverability of emergency vehicles.

The Applicant understands the concern about providing safe access for emergency vehicles. At the same time, the Applicant also wants to ensure this is done in a manner that maintains the clustered feel of the townhouse community while minimizing the environmental impacts of additional asphalt and less green space. The Village Code and the NYS Fire Code both specify 26 foot road widths.

Based upon safety considerations for fire and other emergency service vehicles, circulation road widths have been increased to 26 feet wide. The Public Road is a minimum of 30 foot wide with oversized radii (15-20 foot minimum) at the intersections.

Pedestrian Connectivity and Community Design

Given the proximity to the Chester Mall, and in an effort to increase the sustainable aspect of the proposed project, the Applicant has reached an agreement with the owner of the Chester Mall to provide a direct pedestrian connection from the vicinity of the proposed clubhouse to the northern end of the mall. This connection would facilitate an increase in pedestrian trips to the Chester Mall thus reducing site generated vehicle trips between the Chester Mall and the BT Holdings site. This pedestrian access way would be constructed in an open and visible manner to increase pedestrian safety. Final details of the pedestrian access way will be finalized during the site plan review process.

The proposed pedestrian access has been placed to be accessible to all residents with the senior buildings being the structures located closest to the pedestrian access. The pedestrian access is convenient for those seniors who are able to walk the approximately ¼ mile to the mall. Seniors who are not able to walk this distance would likely not be inclined to walk at all. It is possible the senior housing management company could sponsor a shuttle bus from the senior housing to the mall to facilitate access to non-drivers.

The proposed development is a prime example of 'smart growth' planning whereby higher density housing is placed in the community's central location with easy access to shopping, transportation, and infrastructure, leaving areas outside the community center for open space and lower density development. The proposed townhomes and senior apartments would constitute the closest residential housing to the Chester Mall and the surrounding commercial area in the entire community and indeed would also be the only residential housing with a direct access to the mall.

Reduction in both Total Townhomes and 3BR Townhomes

One of the key sensitivities expressed by both the Town and Village was the placement of buildings on the ridge line which overlooks the Talmadge Farm. In an effort to be responsive to this concern, buildings 3, 4, 5, and 6 have been removed from the proposed project, as shown in the revised concept plan, Figure 1, entitled Public Road Scenic Alternative. Other minor changes have been made to the layout of buildings and the net result is a decrease of 22 units for a total of 336 townhomes, a 6% reduction from the 358 townhomes in the DEIS plan. The reduction of 22 townhomes will reduce the anticipated trips generated.

The DEIS analysis was also based on a maximum impact scenario of 282 3BR units. This maximum impact projection was reduced from 282 3BR units to a maximum of 208 3BR units, or 26%. It is also anticipated that a portion of the 208 units may be constructed as 2BR units with a den, further reducing the number of 3BR units constructed.

The trip rates per unit for the senior housing portion of the project remain unchanged. The trip generation rates for the 3BR townhouses continue to be based upon the Institute of Transportation Engineers (ITE) rates used in the DEIS. Since the trip rates for the townhouses with one or two bedrooms were derived based on the total number of townhouses, these rates have been modified to reflect a reduction in the number of total townhouse units. For comparison purposes, the DEIS trips rates and trip generation projections are shown in tables

3.5-3 and 3.5-4. The anticipated peak hour trip rate for the Public Road Scenic Alternative detailed in Table 3.5-5, is the basis for the trip reduction shown in Table 3.5-6. Table 3.5-6 shows the reduction in estimated trips from the DEIS Concept Plan to the FEIS proposed Public Road Scenic Alternative. Trip generation was reduced by seven to nine percent.

Table 3.5-3 (DEIS Table 3.5-7)						
Project Site Trip Rate Summary						
Land Uses (ITE Code)	Trip Rates					
	A.M. Weekday Peak Hour		P.M. Weekday Peak Hour		Saturday Peak Hour	
	IN (Trips/Units)	OUT (Trips/Units)	IN (Trips/Units)	OUT (Trips/Units)	IN (Trips/Units)	OUT (Trips/Units)
Senior attached 100 dwelling units * {252}	0.097	0.173	0.186	0.124	0.150	0.150
Townhouses, 76 one and two bedroom dwelling units ** {230}	0.068	0.332	0.320	0.158	0.221	0.188
Townhouses, 282 more than two bedroom dwelling units *** {233}	0.129	0.431	0.397	0.233	0.300	0.255
Trip Generation, Institute of Transportation Engineers, 8th edition, Washington, DC, 2008.						
* Rates for weekdays based on maximum Senior Adult Housing attached Occupied Dwelling units						
** Rates base on total number of townhouses						
*** Rates for weekday a.m. based on average luxury townhouse rates, weekday p.m. based on maximum luxury townhouse rate, Saturday uses average weekday luxury rate.						

Table 3.5-4 (DEIS Table 3.5-8)									
Site Trips Generated									
Land Uses	Trips								
	A.M. Weekday Peak Hour			P.M. Weekday Peak Hour			Saturday Peak Hour		
	IN (Trips)	OUT (Trips)	Total Trips	IN (Trips)	OUT (Trips)	Total Trips	IN (Trips)	OUT (Trips)	Total Trips
Senior attached 100 dwelling units	10	17	27	19	12	31	15	15	30
Townhouses, 76 one and two bedroom dwelling units	5	25	30	24	12	36	17	14	31
Townhouses, 282 more than two bedroom dwelling units	36	122	158	112	66	178	85	72	157
Site Total (DEIS)	51	164	215	155	90	245	117	101	218
Trip Generation, Institute of Transportation Engineers, 8th edition, Washington, DC, 2008.									
See trip rate DEIS Table 3.5-7.									

Table 3.5-5 Public Road Scenic Alternative (FEIS) Trip Rate Summary						
Land Uses (ITE Code)	Trip Rates					
	A.M. Weekday Peak Hour		P.M. Weekday Peak Hour		Saturday Peak Hour	
	IN (Trips/Units)	OUT (Trips/Units)	IN (Trips/Units)	OUT (Trips/Units)	IN (Trips/Units)	OUT (Trips/Units)
Senior attached 100 dwelling units * {252}	0.097	0.173	0.186	0.124	0.150	0.150
Townhouses, 128 two bedroom dwelling units ** {230}	0.069	0.336	0.324	0.159	0.286	0.161
Townhouses, 208 Three bedroom dwelling units *** {233}	0.129	0.431	0.397	0.233	0.300	0.255
Trip Generation, Institute of Transportation Engineers, 8th edition, Washington, DC, 2008.						
* Rates for weekdays based on maximum Senior Adult Housing attached Occupied Dwelling units						
** Rates base on total number of townhouses						
*** Rates for weekday a.m. based on average luxury townhouse rates, weekday p.m. based on maximum luxury townhouse rate, Saturday uses average weekday luxury rate. Some units may have two bedrooms and a den.						

Table 3.5-6 Public Road Scenic Alternative (FEIS) - Site Trips Generated									
Land Uses	Trips								
	A.M. Weekday Peak Hour			P.M. Weekday Peak Hour			Saturday Peak Hour		
	IN (Trips)	OUT (Trips)	Total Trips	IN (Trips)	OUT (Trips)	Total Trips	IN (Trips)	OUT (Trips)	Total Trips
Senior attached 100 dwelling units	10	17	27	19	12	31	15	15	30
Townhouses, 128 two bedroom dwelling units	9	42	51	41	20	61	37	21	58
Townhouses, 208 three bedroom dwelling units	27	90	117	83	48	131	62	53	115
Public Road Scenic Alternative Total Site Generated Trips (FEIS)	46	149	195	143	80	223	114	89	203
Site Total from DEIS Concept Plan Table 3.5-4	51	164	215	155	90	245	117	101	218
Total Reduction from DEIS to FEIS	(5)	(15)	(20)	(12)	(10)	(22)	(3)	(12)	(15)
% Reduction from DEIS to FEIS	(10%)	(9%)	(9%)	(8%)	(11%)	(9%)	(3%)	(12%)	(7%)
Trip Generation, Institute of Transportation Engineers, 8th edition, Washington, DC, 2008.									
See trip rates tables 3.5-3 and 3.5-5.									

Open Non-Gated Community

The original proposal in the DEIS was for the community to be gated with access directly to NYS Route 17M. The proposed Alternative has six access drives to the site—four to townhouses, one to senior housing and one to the community building—onto the public main entrance boulevard leading to NYS Route 17M. Based on this design, the access roads would not be gated.

Adequacy of Townhouse Parking

Table 3.5-7 below indicates the number of parking spaces, parking spaces per unit, and code requirements. Based upon project modifications of the Public Road Scenic Alternative, including construction of a public road including a roundabout, reduction of 22 3BR units, and expansion of the circulation roads to 26 feet wide, the project now includes a total of 1,129 parking spaces. To estimate actual demand, Parking Generation¹ was reviewed. Surveys indicate the proposed parking would meet the on-site demand for parking. The Town of Chester recently adopted revised parking requirements that in some ways are more stringent than previous standards. The proposed parking spaces meet projected parking demand and town requirements for multiple dwellings but not senior units. Based on all unit types, the project's overall 2.51 parking spaces per unit exceeds the overall Town parking requirement of 2.02 spaces per unit.

Table 3.5-7 Parking Summary					
Land Uses	Proposed Parking Spaces	Parking Rate (Spaces per Dwelling Unit)	Zoning Requirement (Spaces per Dwelling Unit)		Parking Utilization ¹ (includes guests)
			TOWN	VILLAGE	
SENIORS					
75 1-Bedroom Affordable/Market-rate units	158	1.58	1.25/1.50	2.25*	0.66 per dwelling unit ²
25 2-Bedroom Affordable/Market-rate units			1.50/1.75		
TOWNHOUSE					
128 2-Bedroom Townhouse units	784	2.77***	2.00**	3.25*	1.52 per dwelling unit (85th percentile rate)
208 3-Bedroom Townhouse units			2.25**	3.75*	
Guest Parking	146		included above	included above	included above
CLUBHOUSE					
Clubhouse	41	0.094****	none	none	included above
TOTAL					
Total ³	1,129	2.51**	2.02	3.26	1.32
* Includes 0.75 spaces per unit for guests.					
** Includes 0.25 spaces per unit for guests.					
*** Total spaces for all dwelling units including guest parking (930 spaces / 336 townhouses).					
**** 41 spaces over 436 units.					
¹ <u>Parking Generation</u> , Institute of Transportation Engineers, 4th edition, 2010.					
² Peak rate based on two samples; includes guests.					
³ Based on proposed units.					
Calculations of Senior Parking ratio for the Town total is based on the higher Market Rate requirement.					

¹ Parking Generation, Institute of Transportation Engineers, 4th edition, 2010.

Adequacy of Senior Parking

As illustrated in Table 3.5-7, parking utilization for this type of land use as documented in the ITE Parking Generation is projected to be 0.66 spaces per unit. As such, Barton Partners, the applicant's planning firm, believes that standard parking for senior (55+) communities in locations such as this would call for 1.25 total spaces per unit (including visitor parking). The original plan had been therefore been proposed with a total of 125 parking spaces for the senior housing community.

To vet this contention, Tim Miller Associates researched and provided parking data on a number of comparable 55+ communities in the area, specifically measuring the total parking spaces provided (including visitor parking) and the parking utilization during peak hours. The projects selected are representative of the proposed type of land use at BT Holdings. The age restriction for the communities listed in the Parking Capacity and Utilization Survey is over age 55 for all communities. The rental values are comparable to the anticipated rents for the proposed BT Holdings senior apartments. The projects are located in either suburban or rural areas and are served by limited public transit. The counts were taken by TMA during the month of May after 9 p.m. in the evening to ensure that parking was at its maximum utilization.

As shown in Table 3.5-8, that study yields an average of 1.21 spaces provided per unit with only .71 parking utilization per unit. If these figures were applied to the proposed project, the senior community would have 121 parking spaces of which only 71 would even be occupied during peak hours, leaving a total of 50 unused and available spaces.

Table 3.5-8 Parking Capacity and Utilization - Senior Citizen Residential Housing Developments									
Community	Town / County	# of Units			Onsite Parking	Spaces per Unit	Parked Cars	Unused Spaces	Utilization per Unit
		1BR	2BR	Total					
Hughson Commons	Carmel / Putnam	78	16	94	105	1.12	72	33	0.77
Heritage Point	Staatsburg / Dutchess	61	21	82	112	1.37	69	43	0.84
Hearthstone	Goshen / Orange	88	3	91	83	0.91	52	31	0.57
StoneHill	Washingtonville / Orange	92	12	104	133	1.28	81	52	0.78
Stone Crest	Carmel / Putnam	115	21	136	178	1.31	91	87	0.67
Woodcrest	Mount Kisco / Westchester	74	16	90	120	1.33	72	48	0.80
Jacobs Hill	Cortland / Westchester	85	17	102	122	1.20	62	60	0.61
Hyenga Lake	Clarkstown / Rockland	105	1	106	119	1.12	--	--	--
Community Averages		87	13	101	122	1.21	71	51	0.71
Revised BT Holdings Senior Housing	Chester / Orange	75	25	100	141	1.41	--	--	0.70*

Source: Tim Miller Associates, 2010. Numbers may vary due to rounding.

* 85th percentile estimated based on Parking Generation, Institute of Transportation Engineers, 4th edition, 2010, and in combination with the results of local conditions Parking Utilization.

Comparable Municipal Senior Housing Parking Standards

TMA also researched the parking requirements for senior housing in neighboring municipalities to get a better idea of what the prevailing standards were in the area. Each of the local municipalities' zoning codes was examined to see how they handled parking for the various types of senior units as compared to the Village of Chester's senior housing zoning code which calls for a total of 2.25 spaces per senior unit (1.50 spaces per unit for Resident Parking and 0.75 spaces per unit for Guest Parking).

Unlike the Village of Chester, many of the municipal codes differentiated between 1BR and 2BR units. As one would expect, a 1BR unit would be expected to require fewer spaces than a 2BR unit (even though a second bedroom in a senior community could not house a teenager who drives due to the age restriction). The Town of Chester also differentiated between Market-Rate and Affordable senior units. No other municipality requires any visitor parking for seniors whatsoever while the Village of Chester requires 0.75 spaces per unit. Two of the municipalities (Blooming Grove and Goshen) also allow for their planning boards to further reduce the minimum number of parking spaces for senior housing at their discretion.

The proposed BT Holdings senior community—75 1BR and 25 2BR units, including at least 20% affordable—was then applied to each of the comparable zoning codes to illustrate what the required parking would be in each municipality if the project were to be developed there. These results are shown in a graph included in Traffic Appendix C. The comparable municipalities' average required parking for the proposed community would be 129 spaces which is 43% below the 225 spaces currently required by the Village of Chester.

Revised Parking Requirements

After much discussion, a revised parking ratio has been agreed upon to ensure that adequate parking will be provided to the senior community while allowing for differentiation between unit type in line with prevailing standards. For each one-bedroom unit, 1.50 spaces will be required. For each two-bedroom unit, 2.00 spaces will be required. If the unit is classified as "affordable" per 98-23.1(F)(2) of the Village Code, the requirement will be reduced by 0.25 spaces per unit such that an affordable one-bedroom unit will require 1.25 spaces while a two-bedroom unit will require 1.75 spaces. Based upon the currently proposed senior community of which 75% of units are 1BR, 25% of units are 2BR and at least 20% of units are "affordable", parking requirement would call for 158 parking spaces which equates to an overall parking ratio of 1.58 spaces per unit. The applicant's planners and engineers have identified additional parking locations that would fit those 158 spaces on site as shown in Figure 5.

NYS Route 17 Diverted Traffic

In Mr. Sarna's review of the traffic related to the proposed project, he notes "Several comments and responses addressed the problem of heavy diverted traffic volumes on NYS Route 17M when incidents (accidents) occur on NYS Route 17. This is an existing problem and has been for many years, and is recognized as such. Both roads are State highways, therefore the responsibility lies with the New York State Department of Transportation; there is little or nothing the Village or the Applicant can do to mitigate it. In general, under SEQRA, the assessment of a project's impacts goes as far as getting the generated traffic to and from the area highway

system to address the extent to which the proposal itself impacts intersections. The DEIS and FEIS have done this."

Mr. Sarna further states, "...The most important improvement in relation to this development, the reconstruction of Interchange 126, has already been completed. Future improvements to the interchange of NYS Route 17 with Interstate 87 (NYS Thruway) and NYS Route 32 in Woodbury should improve operations at this location and reduce delays and congestion along NYS Route 17 eastbound."

Comment 3.5-1 (Public Hearing, January 7, 2010, Leslie Smith, Brookside Avenue, Village of Chester): Whenever there is any kind of incident on Route 17 and traffic becomes bumper to bumper on 17M, and I have several pictures of traffic that's backed up for hours on all different dates.

Response 3.5-1: Under normal existing conditions, traffic along NYS Route 17M operates at acceptable levels of service and under future build conditions of the BT Holdings project, this will remain unchanged. This was discussed on page 3.5-9 of the DEIS. Under abnormal existing conditions, such as an accident event on NYS Route 17 which diverts overflow traffic onto NYS Route 17M, congestion and delays occur. This is true now and would also be true after the proposed project is built. NYS Route 17M, with one lane in each direction, was not designed to handle its own traffic plus traffic from NYS Route 17, a four lane limited access arterial. NYS Route 17 is slowly being upgraded to Interstate standards. When these improvements reach this section of NYS Route 17, safety should improve, thus reducing the number of accident incidents on NYS Route 17/ Interstate 86.

Comment 3.5-2 (Public Hearing, January 7, 2010, Leslie Smith, Brookside Avenue, Village of Chester): I just don't understand this business of having one-way in and one-way out. You're adjacent to other streets in the Village, and those should be open for traffic going in and out and around, and in any way that's able to facilitate traffic flow. This business of, you know, one boulevard with one access is just ridiculous.

Response 3.5-2: The parcel itself is actually not directly adjacent to other streets in the Village except via a small stub roadway onto Oakland Avenue which is currently insufficient to support anything but an emergency access way.

The Public Road Scenic Alternative provides a public road through the site ending in a roundabout near the Nexans property. The senior center and community building would each have their own access onto this public road. The townhouses would be divided into two areas each with two access points. Additional right-of-way on the property is proposed to allow for a future connection to the Nexans property. As described in the introduction at the beginning of this section, this right-of-way would be aligned for future development of a connection to Nexans or a public road to Princeton Street.

Further discussion is provided in the section introduction under Secondary Access and Pedestrian Connectivity and Community Design.

Additionally, the boulevard design of the primary access way provides for emergency access should one side of the boulevard becomes impassible from a fallen tree, vehicle collision, or other happenstance. Both sides of the boulevard are sufficient in width to permit two-way traffic.

Comment 3.5-3 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): I also just have one question about the traffic also. I mean, I'm a resident a long time and one of the biggest problems before they fixed the 126 ramp there, we all knew what hell it was to get through by the Chester Post Office, and I can't believe that thirteen hundred and whatever it is number of new people coming out of there, and I think they used the number of -- I read the DEIS of two hundred sixty some odd trips a day or something like that, but that light by Shoprite, that corner right there, I just can't believe that's not going to have some kind of an impact.

Response 3.5-3: *Traffic conditions on NYS Route 17M between the Chester Plaza signal and Academy Avenue did improve when NYS Route 94 was relocated along with the 126 southbound exit. All the through NYS Route 94 traffic and all the southbound NYS Route 17 exit 126 traffic headed for Academy Avenue or NYS Route 17M east of Academy Avenue was removed from the section of NYS Route 17M between Academy Avenue and the Chester Mall. Daily traffic is estimated to have dropped from about 20,750 vehicles (New York State Highway Sufficiency Ratings, NYS DOT, 2006) to 12,650 vehicles (2008 NYS DOT Traffic Count Hourly Report Station 830366).*

The maximum number of vehicles exiting the site (164 vehicles) is anticipated to occur during the a.m. peak hour..

The light at the Shoprite should have a positive effect on traffic exiting the site. Traffic lights tend to create periodic gaps in traffic that should assist traffic in leaving the site. The traffic at the Shoprite signal will experience a few additional seconds of delay as a result of this project. Under Existing Conditions, the heaviest movement, the NYS Route 17M through traffic, operates at a level of service A, indicating there is substantial available capacity to handle the BT Holdings site generated traffic under future Build Conditions.

The proposed alternative includes a public road that leaves future options for a road through the Nexans property to connect into Princeton Street. Once connected, this would further reduce the impact of site generated traffic on NYS Route 17M near NYS Route 94.

Comment 3.5-4 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): In the Town of Chester we try to encourage multiple access, as someone said also, into a development. This has on access coming along and, you know, dumping right onto the road there.

Response 3.5-4: *See Response 3.5-2 and the section introduction.*

As discussed above, the Public Road Scenic Alternative provides for the eventual connection of the NYS Route 17M corridor with the historic Village area via a new public road. As a result of this connection, the project site will eventually be connected at two locations. The Oakland Avenue access is not currently of sufficient width to support another direct access, only an emergency access.

Additionally, the original concept is for a boulevard-style access including dual travel ways. This boulevard-style entrance provides enough roadway such that if one of the boulevard legs becomes blocked, all traffic could be handled by the other leg. The landscaped boulevard access has been designed such that it would be an appropriate and sufficient entry into the private townhome community as well as the senior housing community.

Comment 3.5-5 (Public Hearing, January 7, 2010, Eric Nagan, Town of Chester Engineer):
There are a few projects that in the update, that need to be updated of their status; Frozen Ropes is now under construction, Best Mexican Foods is now complete.

Response 3.5-5: Comment noted. These were both assumed to be constructed, open, and fully operational in considering the No Build Condition and Build Conditions.

Comment 3.5-6 (Public Hearing, January 7, 2010, Eric Nagan, Town of Chester Engineer):
I just have a question whether or not Meadow Hill Senior Complex, in the Village of Chester, should be added to that list.

Response 3.5-6: The Village of Chester supplied the list of Village projects to be considered in the No-Build Condition which did not include the Meadow Hill Senior Complex. Senior residential developments, such as the Meadow Hill Senior Complex, tend to have low trip generation rates during peak hours. The site location of the Meadow Hill Senior Complex is also such as to expect a portion of the site generated trips would not travel into the studied intersections. Any trips from the Meadow Hill Senior Complex that do enter the studied intersections would be accounted for as part of background growth trips added to the network.

Comment 3.5-7 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Plannig Board Chair): So maybe a study should be conducted of the 350 market units here, how many are going to commute to the city. I am sure we're going to encourage people to use the buses. You can see how successful Short Line has been.

Response 3.5-7: Bus transportation is available at the park and ride lot off Chester Boulevard near the intersection of Nuciflora Boulevard and NYS Route 94. Short Line or other bus transportation would be a valuable asset to the site and would serve to reduce peak hour trips and thus should be encouraged. Charter buses for senior weekend trips could pick up seniors directly at their buildings.

Once the proposed community is fully built out, the clubhouse situated near the entrance could offer shelter to residents waiting for a bus. The future homeowners association may find it desirable to encourage a regional bus stop right at the BT Holdings development.

Comment 3.5-8 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Plannig Board Chair): There are also going to be traffic issues as they head down 17M, and they have to get down to the trains if they are going to go -- everybody knows the congestion down through Monroe as it is now. I didn't see that address in there.

Response 3.5-8: It is anticipated that much of the traffic headed to the train station would use the Quickway exiting at NYS Route 32 and not travel through NYS Route 17M in Monroe. The Quickway provides access to two park and ride lots and the Thruway (Interstate 87). Locations in Monroe were not included in the scope of study for the BT Holdings DEIS. The Orange County Transportation Council Long Range Plan Update approved November 27, 2007 (page 72) includes NYS Route 17M widening from NYS Route 208 to NYS Route 17, which should help to alleviate congestion in Monroe.

Comment 3.5-9 (Public Hearing, January 7, 2010, William Murray, Village of Chester Resident): I commuted about 70 something miles a day each way, so I know what the traffic is like on 17, okay, especially in the middle of the summer, on a Friday night, trying to get home. 17 is a bad spot, but then if you have an accident where 17 is shut down, all right, both directions, you have 17M, which if an accident happens there, how are people going to get in and out of that district there? Only one-way in and one-way out.

Response 3.5-9: *NYS Route 17 on summer Friday nights has additional recreational traffic headed to Sullivan County. NYS Route 17 has two lanes of traffic in each direction. If an accident blocks even a single lane of traffic, traffic has a tendency to detour onto NYS Route 17M and would be expected to cause congestion as NYS Route 17M has only one lane of traffic in each direction. All unsignalized driveways on NYS Route 17M along the detour route would experience delays entering or crossing the detouring traffic. Establishing a secondary access could allow vehicles to exit the BT Holdings site more easily, however much of the site traffic would still end up at the NYS Route 94 intersection with NYS Route 17M.*

Comment 3.5-10 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The traffic analysis doesn't take into consideration the possibility that the Village doesn't allow for a gated emergency access road. If the road has no restrictions to limit traffic, then additional studies would be necessary.

Response 3.5-10: *Police Chief Graziano confirmed that nothing in the Village Code prohibits the restriction of traffic on an emergency access. Furthermore, emergency access roads do not have to have an actual gate to effectively limit through traffic. A gate or a locked chain as physical barriers are the most restrictive means of limiting traffic. Other means to control access include signing, paving blocks, and grass pavers.*

The Oakland Avenue access is not sufficiently wide for use as an unrestricted access however if a connection were made to Princeton Street in the future, as discussed above, the network could be expected operate slightly better than projected by removing some traffic from NYS Route 17M and Academy Avenue. Since this would be an improvement to the conditions addressed in the traffic study, no further analysis would be warranted.

Comment 3.5-11 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The DEIS claims "the quickway is to be upgraded to federal interstate standards.". What does that mean - is it plausible that existing exits will be removed to Chester thereby directing all local traffic to the center of the Village and if so, how does that impact the traffic analysis?

Response 3.5-11: *There are numerous federal interstate standards including bridge clearances, shoulder widths, access restrictions, road hazards, mainline and exit curvatures, and level of service. This work has been divided into multiple projects including NYS Route 17 from Exit 126 to 130A (PIN 800687). The Orange County Transportation Council Long Range Plan Update approved November 27, 2007 (page 72) includes widening NYS Route 17 from Exit 131 to Exit 120. This project was not included in the DEIS analysis as it would occur after the development is complete. The New York State Department of Transportation has been improving Exit 126. There is no expectation that either Exit 127 or Exit 128 in the Chester vicinity will be closed or*

combined without a detailed review by the New York State Department of Transportation.

Based on discussions (April 6, 2010) with Scott Gieger (NYSDOT), the Exit 127 and 128 project (PIN 800686) is not funded on the Transportation Improvement Program and is not anticipated to be initiated within the time frame of the site development. The Exit 127 and 128 project has not been scoped and the project will be subject to analysis and public review at a later time.

Comment 3.5-12 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): Explain why parking generations (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?

Response 3.5-12: *Trip Generation and Parking Generation are two separate books, both published by the Institute of Transportation Engineers' (ITE). The most current editions of the ITE Parking Generation and the ITE Trip Generation were used in the analyses. Trip Generation includes substantially more data and has had more editions. Revised parking tables in the FEIS use the Parking Generation 4th edition which has just come out in late 2010.*

Comment 3.5-13 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): Comments from reviewing Traffic Engineer, John Sarna, are attached to this memorandum.

Response 3.5-13: *Comment noted.*

Comment 3.5-14 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): The DEIS indicated 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.

Response 3.5-14: *Parking is discussed on the DEIS pages 3.5-22, 3.6-15, and 3.6-16, and is summarized in the introduction to this section. Based on the proposed development mix, the proposed parking at 2.51 spaces per unit exceeds the Town Code (2.02 spaces per dwelling units) and is below the Village Code (3.26 spaces per dwelling unit). Based upon ITE Parking Generation, the recommended rate for proposed parking is 1.32 spaces per dwelling unit. Within the context of the site, the condominium association and owner(s) of the senior buildings have a greater ability to control parking than a standard village street where single-family dwelling units and owner-occupied multifamily have little control over vehicle ownership in the area.*

Specifically with regard to the Senior Housing facility, the sponsor believes an appropriate amount of parking has been provided. See the discussion in the introduction to this section. As shown in Table 3.5-8, parking surveys of comparable senior citizen housing were conducted to determine parking capacity and utilization of similar projects in the region. These surveys were conducted after 9 p.m. in the evening to assess maximum parking occupancy. The projects selected are representative of the proposed type of land use in the BT Holdings project. Table 3.5-8 in the Introduction illustrates that

parking utilization is consistently below one parking space per unit. As proposed, the Senior Housing portion of the BT Holdings Project includes 158 parking spaces which is 1.58 spaces per unit, well above the maximum parking utilization at the projects surveyed.

Comment 3.5-15 (Letter #4, January 6, 2010, John L. Sarna, P.E.): The technical analysis follows standard methodologies and sources, and is acceptable in form.

Response 3.5-15: *Comment noted.*

Comment 3.5-16 (Letter #4, January 6, 2010, John L. Sarna, P.E.): 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.

Response 3.5-16: *The requested information has been submitted to Mr. Sarna for review and comment. This submission included traffic information and additional information on the commercial development in the area. See also Response on comment 3.5-15.*

Comment 3.5-17 (Letter #4, January 6, 2010, John L. Sarna, P.E.): 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 Route 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 (3-5-16) above, can be taken as representative.

Response 3.5-17: *Comment noted. See also Response 3.5-16.*

Comment 3.5-18 (Letter #4, January 6, 2010, John L. Sarna, P.E.): Back-up conditions. I made observations of the traffic operations at the intersection of Route 94 with Route 17M 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 Route 94 and 17M on the westbound and the southbound approaches and on the eastbound left turn but these backups cleared on the following cycles.

Response 3.5-18: *Comment noted.*

Comment 3.5-19 (Letter #4, January 6, 2010, John L. Sarna, P.E.): The one percent annual traffic growth rate to the year 2014, along with the traffic generation from the ten new development shown in Table 5.3-4, is acceptable.

Response 3.5-19: *Comment noted.*

Comment 3.5-20 (Letter #4, January 6, 2010, John L. Sarna, P.E.): 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.

- a. 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.
- b. 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.
- c. For the Lowes Home Improvement and the C&S developments, an explanation of the "proration based on reduction in size" is required.
- d. For the Hills of Chester, the trip generation rates shown differ slightly from the ITE rates for LUC 210, but the differences are insignificant.

(Responder note: Letters have been added above to subdivide responses.)

Response 3.5-20a: *Castle Trips*

The trip generation is based on the Pennsylvania facility and gross floor area increase for all three peak hour periods. The trip rates are linear and do not vary by size, thus the trip rate applies to the expansion. No site traffic was assigned to the Castle site.

The p.m. peak hour rates should be 0.130 and 0.120 trips per 1000 square feet, however the generated trips are unchanged. From September to March, the site is closed on Monday and Tuesday school days.

The Saturday peak hour data based on Pennsylvania facility appears correct. As with any such site, the traffic may vary especially based on weather conditions.

Response 3.5-20b: *A large portion of the Coach USA building should be generating less traffic than office. This leaves the analysis as overly conservative.*

Response 3.5-20c: *The November 3, 2006 Creighton Manning Engineering LLP traffic impact study was for a 150,000 square foot Lowes Home Improvement Store. The completed Lowes Home Improvement Store was only 102,000 square feet. Trip generation was prorated for the size reduction.*

The original proposal for C&S was an expansion to 560,117 square feet of warehouse facility from an existing 176,870 square feet warehouse facility or net increase of 383,247 square feet. This included a maintenance facility and warehouse facility of 27,225 square feet on an extra unattached lot. The expansion approved was for an additional 356,022 square feet and the 27,225 square feet was not part of the approval. Trip generation was prorated to reflect only the approved facility.

Response 3.5-20d: *Comment noted. The peak hour in the a.m. was two trips too high and on Saturday two trips too low. These changes are insignificant as noted and thus no further analysis was done to determine if these trips would have been on the network.*

Comment 3.5-21 (Letter #4, January 6, 2010, John L. Sarna, P.E.): The trip generation rates shown in Table 3.5-7 were worked out during the preparation of the DEIS and are acceptable.

Response 3.5-21: *Comment noted.*

Comment 3.5-22 (Letter #4, January 6, 2010, John L. Sarna, P.E.): The directional distribution of the site-generated traffic is acceptable.

Response 3.5-22: *Comment noted.*

Comment 3.5-23 (Letter #4, January 6, 2010, John L. Sarna, P.E.): Examination of the capacity analysis 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:

- a. 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.
- b. Intersections 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.
- c. 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).
- d. Intersection of Route 17M and West Avenue, southbound right turn, Existing conditions, P.M. peak hour. Traffic volume of 21 used instead of 31 (insignificant).
- e. 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)
- f. Intersection of Route 17M and Arcadia Road, Build condition, Saturday peak hour. No-Build volumes used in calculation.

(Responder note: Letters have been added above to subdivide responses.)

Response 3.5-23: The revised Build Condition calculations provided in Appendix C and discussed below were not adjusted for the seven to nine percent site trip reduction as discussed in the Introduction (*Reduction in both Total Townhomes and 3BR Townhomes*) and shown in Table 3.5-6. DEIS Table 3.5-10 is updated in Appendix C.

Response 3.5-23a: Revised level of service calculation are provided in Appendix C as revised pages 32 and 56. The volume to capacity ratios, delays, and level of service in the summary tables were correct in the DEIS. Volumes in the DEIS figures were correct.

Response 3.5-23b: Revised level of service calculation are provided in Appendix C as revised pages 25 and 49. The volume to capacity ratios, delays, and level of service in the summary tables were correct in the DEIS. Volumes in the DEIS figures were correct.

Response 3.5-23c: As noted, this is insignificant. Revised level of service calculation provided in Appendix C as revised page 9. There are no changes to the volume to capacity ratios, or level of service from the DEIS values. westbound through delay was reduced by 0.1 seconds per vehicle and overall delay increased by 0.1 seconds per vehicle.

Response 3.5-23d: As noted, this is insignificant. Revised level of service calculation provided in Appendix C as revised page 16. There are no changes to the volume to capacity ratios, delay, or level of service from the DEIS values.

Response 3.5-23e: Revised level of service calculation provided in Appendix C as revised page 40. There are no changes in level of service from the DEIS values. Northbound delay increased 0.4 seconds and southbound delay increased 0.2 seconds from the DEIS. Northbound and southbound volume to capacity ratios increased 0.02 from the DEIS.

Response 3.5-23f: Revised level of service calculation provided in Appendix C as revised page 73. There are no changes in level of service from the DEIS values. Northbound delay increased 0.4 seconds and southbound delay increased 0.2 seconds from the DEIS. Northbound and southbound volume to capacity ratios increased 0.02 from the DEIS.

Comment 3.5-24 (Letter #4, January 6, 2010, John L. Sarna, P.E.): In running capacity analysis, 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 analysis. If no changes were made, the report should so state.

Response 3.5-24: Signal timing changes were made at the NYS Route 94 and NYS Route 17M intersection as part of the already completed improvements as noted in DEIS Table 3.5-6. Otherwise, signal timings were held constant through conditions. Delays potentially could be reduced as timings change automatically or as part of ongoing timing maintenance.

Comment 3.5-25 (Letter #6, January 6, 2010, Michael R. Edelstein, Ph.D., President of Orange Environment, Inc.): 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.

Response 3.5-25: *The operating conditions which are projected at the proposed Site Access onto NYS Route 17M, are level of service C or better, indicating more than adequate capacity at this location.*

As discussed in the introduction to this section, the Applicant has reached an agreement with the owner of the Chester Mall to create a direct pedestrian access from the site in the vicinity of the clubhouse. The site's residents would be able to make the short walk directly to the mall without having to walk down NYS Route 17M or drive down to the mall entrance. The DEIS indicated sidewalks would be provided throughout the site which would connect with the direct pedestrian connection to the mall. Consideration is also being given to allowing pedestrian access through the emergency access at Oakland Avenue which would feed into the Village's historic downtown.

The project site is well positioned for vehicular access to the Chester Mall as its residents would not have to travel through the NYS Route 94 and NYS Route 17M intersection and adjoining roadway sections.

The NYS Route 17 future Interstate 86 corridor is being upgraded. Much of the site traffic will feed onto NYS Route 17 as well as all other new residential and some non-residential development in the Town and Village of Chester and other towns, cities, and villages along NYS Route 17. The best practice is to focus development near the principal transportation infrastructure which is one of the benefits of the BT Holdings project.

The project concept plans currently show a four-lane boulevard style entrance, which will now be constructed as a public road with a potential connection to Princeton Street, making it a potential through road in addition to an emergency only access in the vicinity of Oakland Avenue.

Comment 3.5-26 (Letter #7, January 8, 2010, Mary-Ellen Kreher & Elizabeth S. Kreher): 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 land divides our property. The proposed development shows this land 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.

Response 3.5-26: *The Introduction to this section further discusses access options.*

Response 3.5-26.1: *The individual emergency service providers determine the specific conditions for emergency entrance use and they would regulate and monitor its use. In general, non-emergency calls would not use the emergency access. The Homeowners’ Association would also be responsible to address illegal use and maintain the emergency access.*

The Town police headquarters is closer to the NYS Route 17M entrance whereas the Village police headquarters is nearest the emergency access. Vehicles on patrol might respond to either access. The closest fire station is nearest the emergency access.

The ambulance is generally on station on Laroe Road and thus most ambulance responses would not use the emergency access nor would return trips or trips to the hospital from the BT Holdings site use the emergency access.

Not all calls are responding to the residences. The yearly calls also include calls from businesses and to roadside locations for accidents. Not all calls are emergency calls, such as a loud music complaints or an illegally parked car in a handicapped space. Emergency response creates a degree of danger within the context of the response itself in that such a response may necessitate sirens and lights. A portion of the calls may be joint calls requiring two or three emergency services.

The table below illustrates the number of emergency service calls which are received annually and divides this by the number of Chester Households, to arrive at an average number of service calls. These calls are then extrapolated into a projection of anticipated emergency service calls which may be expected from the BT Holdings project. Discussion with Police Chief Graziano indicated that less than half of the calls made require a response directly to the residential dwelling and of these, between twenty five and fifty percent may require the use of lights and sirens, which is left to the discretion of the responding officer.

Table 3.5-9 Project Site Emergency Access Trip Rate Summary				
Emergency Services	Yearly Activity			
	Calls in 2008	Call per dwelling unit*	Projection of Calls by BT Holdings by households**	Estimate of calls using emergency access***
Fire Department	582	0.073	17	12
Police Departments	6997	0.439****	201	25
Ambulance	800	0.100	46	0
*Based on 3,984 dwelling units and half of calls from dwellings.				
**Based on 458 dwelling units. Calls would be headed directly to the dwelling units, as opposed to other locations (roadside, commercial, educational, and recreational). Not adjusted for site design or users.				
***Based on positioning of emergency vehicles, facility design, and site users. Some events may require combined response.				
**** A reduction of 50 percent based on access limitation ¹ .				
¹ Cozens, Saville, and Hillier, "Crime Prevention Through Environmental Design (CPTED): a Review and Modern Bibliography", Property Management, Emerald Group Publishing Limited, Volume 23, No. 5, 2005.				

Response 3.5-26.2: Under the DEIS proposed action, the emergency access will be usable all year and is proposed as a paved surface. The Applicant will be responsible for the cost of installation which will depend on the final site design. The neighbors will be impacted by the construction and maintenance noise.

Response 3.5-26.3: Under the DEIS, the emergency access is proposed as a private road and the cost would be the Applicant's expense. Maintenance would eventually be turned over to the homeowners' association of which the Applicant may initially be a prorated member. The maintenance cost would be part of the overall internal road maintenance. This cost may fluctuate as snow removal would be part of the annual maintenance. The surface used for the emergency access would also effect the maintenance cost.

Response 3.5-26.4: The effected part of Oakland Avenue is already in close proximity to Main Street, the major thoroughfare for Village police and fire responders. The purpose of the sirens and flashing lights is to ensure the emergency vehicles will be heard or seen before they are met. As discussed above, only a small percentage of the total calls for emergency service require the use of sirens and flashing lights. Like with any road, vehicles traveling on the curve should keep to the right side of the road as there is always the danger of a car coming from the opposite direction.

Comment 3.5-27 (Letter #11, February 1, 2010, Joan Van Der Meulen, Resident, Chester, NY): 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.

Response 3.5-27: Refer to responses 3.5-1, 3.5-2, 3.5-4, 3.5-9 and the section introduction. Due to the reduction in the total number of townhomes and 3BR townhomes in the Public Road Scenic Alternative, projected traffic from the proposed project has been reduced by 7 to 9 percent. These trips have been reduced to 195 in the a.m. peak hour, 223 in the p.m. peak hour, and 203 on the Saturday peak hour. Accidents can happen at anytime although construction usually is not done on Sundays. When heavy NYS Route 17 traffic is detouring onto NYS Route 17M, there is going to be congestion and delays. This is true now and would also be true after the proposed project is built. Roadways are not designed to handle such detour traffic. Widening NYS Route 17 is in the Orange County long range plans which should serve to reduce accident incidents and help alleviate some of the congestion (see Response 3.5-11).

An emergency access to Oakland Avenue is proposed which would allow access to the site by fire truck and Village police without using NYS Route 17M. Ambulances are located such that although they could use the emergency access. Somewhere in the process they would need to use and/or cross NYS Route 17M although they would be going in the reverse direction of the heavy Sunday summer traffic to get to the site.

Comment 3.5-28 (Letter #11, February 1, 2010, Joan Van Der Meulen, Resident, Chester, NY): 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?

Response 3.5-28: As described in the Introduction and Response 3.5-25, a direct pedestrian connection from the clubhouse to the Chester Mall has been agreed to by the Applicant and the owner of the Chester Mall to facilitate access to the Mall, the post office, banks, etc. No sidewalks are proposed along Route 17M.

It is anticipated that patrons of the Castle will continue to arrive by car as they do now.

The projected level of service at the proposed site access is level of service C or better, thus no traffic light is proposed for the site access.

Comment 3.5-29 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "Access - All primary access to the BT Holdings Development would be provided from the proposed road entry boulevard, a private road which would gain access directly from NYS Route 17M, approximately 1,800 feet north of the main entrance to the Chester Mall and approximately 800 feet from the mall's secondary northern entrance. Secondary emergency access to the BT Holding's site

would be available from the corner of Oakland Avenue and Woodland Terrace located east of the site, which is a Village road. This road will provide emergency access only and is not proposed for use by the future residents of the BT Holdings development.”

Restricting this population, predicted over 1,300 people, of this project to just a vehicular access route is madness! Assuming that two-thirds of the residents would commute (work or school) would be a nominal 900 or more through this one intersection in the morning rush. This level of congestion is too much! Just one accident or other obstruction to traffic would gridlock the entire project, and likely the State Road! A project of this scale needs multiple points of entry. As proposed, this is essentially a 400+ unit cul-de-sac!

Response 3.5-29: *The projected population for the Public Road Scenic Alternative is 1,036 persons, a reduction of 101 persons compared to the DEIS Concept Plan.*

Refer to Responses 3.5-1, 3.5-4, 3.5-9, and 3.5-27. Based on the DEIS analysis, the peak hour traffic leaving the site in the morning was anticipated to be 164 vehicles. The maximum number of bedrooms with three bedrooms has been reduced by 26 percent and the number of units reduced by more than 6 percent, reducing the projected peak hour traffic leaving the site to 149 trips. A level of service C or better is anticipated during all peak hour periods at the access to NYS Route 17M indicating more than adequate capacity at this location. The site access is designed in a boulevard style to prevent a single accident or obstruction along the access road from blocking the entire access to the site.

As discussed in the introduction to this section, the site currently only has sufficient access to Rte. 17M. The project is now proposing a public road alternative which includes right-of-way for a potential secondary access. Refer to Traffic introduction for additional discussion of secondary access considerations.

Comment 3.5-30 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):
Parking

Are the proposed 1,157 parking spaces for the 438 units enough? Given the experience at Whispering Hills, I doubt it!

Response 3.5-30: *As a result of project modifications in the Public Road Scenic Alternative, the overall unit count has been reduced and the proposed parking has been reduced to 1,129 spaces. As discussed in the Introduction and as illustrated in Tables 3.5-7 and 3.5-8, the proposed project provides more than adequate parking for both the Townhouse community and the Senior Housing. Additionally, as contemplated, the site is conservative on its estimate on the number of spaces per unit due to its current assumption that internal units—those not located on the end of the townhouse buildings—would have a single-wide driveway and garage. Should the developer choose to widen some or most of those internal driveways/garages to double-wide, that would create even more parking spaces.*

Comment 3.5-31 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): The Level of Service Summary has very pretty table but never explains what all the letters in the boxes mean. Are we to assume that these letters represent letter grades like in school? When I was in school an “A” represented a grade of 90-100%. So if we are to presume that, those conditions marked “A” would be 90-100% what? Total capacity? Idea traffic load? Wait times?

Accident frequency? Tickets issued? "D" was defined as "level of service D or better which is the minimum level of service recommended by NYSDOT for signalized intersections." OK, so what do A, B, & C mean at signalized intersections? What do any of these symbols mean at other intersections? We can only guess!

Without defining what these gradings mean in layman's terms, these tables are total meaningless!

Response 3.5-31: *The level of service letters refer to average vehicle delay ranges. For signalized intersections, letters A, B, C, and D are acceptable. The letter grades are discussed in DEIS section 3.5.4 starting on DEIS page 3.5-5 and references a detailed description in DEIS Appendix H. DEIS Appendix H contains five pages of description regarding measures of effectiveness including the specific ranges of average vehicle delay for each level of service designation. The tables also show the computed average vehicle delays so the position within the level of service range and the amount of delay change can be seen. The letter grading from A (most efficient) to F (least efficient) were standardized to provide layman and professionals with an easy and quick means to grasp the quality of operational conditions.*

Comment 3.5-32 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):

The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "Proposed Transportation Mitigation Measures - As NYS Route 17 is brought up to interstate standards, the frequency of incidents may decline and the incident removal may occur more quickly. The Quickway corridor is not designed for the local network to handle peak hour Quickway traffic expeditiously. The increasing availability of near real-time incident information through the communication and tracking technology improvements will lead to drivers avoiding backups earlier."

How do these predicted "real-time incident information through the communication and tracking technology" help the people stuck at the sole exit? Or people along Route 17M leave their places during one of these gridlock events? This, again demonstrates that need for multiple access points for this project.

Response 3.5-32: *The real time traffic helps drivers avoid the congested areas. The drivers benefit by not getting stuck and the people along the NYS Route 17M corridor benefit as the congestion clears up faster by having fewer vehicles enter the congestion. Local residents also gain by knowing when to delay discretionary trips. The widening of NYS Route 17 will result in wider shoulders for emergency access and more capacity which would the delay the onset and hasten the clearing of congestion.*

Multiple accesses to the project area would be good for site residents desiring to access Main Street and adjacent areas. When site residents use a secondary access to reach the NYS Route 94 and NYS Route 17M intersection during NYS Route 17 detours, they would benefit from reduced delays at the expense of causing additional network congestion. However, as pointed out in Response 3.5-9 and 3.5-29, a secondary access located by Carpenter Road or Oakland Avenue would largely benefit the site-generated traffic only as most site traffic would still filter onto NYS Route 17M by the intersection with NYS Route. 94.

Multiple access considerations are discussed in this section's introduction and Response 3.5-2.

3.6 Land Use and Zoning Comments and Responses

Comment 3.6-1 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): I think we should outline or you guys should outline the difference between the Town of Chester and the Village of Chester. Currently the Town of Chester zoning only permits twenty percent of the total units to be three bedrooms. Here they are using the Village model, which allows for sixty to seventy percent of this project is three bedrooms, and that's where it gets into the problem with the more kids. I think that needs to be addressed.

Response 3.6-1: *DEIS Tables 1-6 and 3.6-3 do a thorough job of detailing the differences between the Town SR-6 Zone, the existing Village RM Zone, the proposed RM-N zone and the BT holdings proposal. As a Village district, the proposed RM-N zone largely comports with the Village RM district while incorporating substantial similarities to the Town's SR-6 district and fulfilling the mandate of the Town's Comprehensive Plan. It should be noted that the Village zoning code does not contain any restrictions whatsoever on bedroom mix for townhomes.*

The DEIS was prepared in order to assess the maximum impact the project may have. The 282 3BR units represented the highest number of 3BR units possible. The Public Road Scenic Alternative lowers the total number of units from 458 in the DEIS plan to 436, and reduces the number of 3BR units to a maximum of 208 units, less than 50% of the total project. The breakdown of units is shown below:

- 100 Senior Mid-Rise Apartments (1BR and 2BR)
- 66 Large Format Downhill Townhouses (Traditional or 'Master Down' 2BR+Den or 3BR units)
- 28 Large Format Uphill Townhouses (Traditional or 'Master Down' 2BR+Den or 3BR units)
- 15 Small Format Downhill Townhouses - Interior units (Traditional 2BR units)
- 10 Small Format Downhill Townhouses - End units (Traditional 2BR, 2BR+Den or 3BR units)
- 31 Small Format Uphill Townhouses - Interior units (Traditional 2BR units)
- 22 Small Format Uphill Townhouses - End units (Traditional 2BR+Den or 3BR units)
- 82 Interlocking Townhouses (Traditional 2BR units)
- 82 Interlocking Townhouses (Traditional 2BR, 2BR+Den or 3BR units)

436 Units Total

As shown above, the various townhouse units could be built in several different configurations as either a 2BR, a 2BR+Den or a 3BR and in either a Traditional or 'Master Down' style ('Master Down' units have the master bedroom on the main floor). Due to size and layout limitations, many of the townhomes could only be built as 2BR or 2BR+Den units (the "den" being a room without a bathroom or closet, such as home office, study, or sewing/hobby room). Only the homes with the largest footprints and/or specific layouts could be built as 3BR units.

The Public Road Scenic Alternative would introduce a maximum of 208 3BR townhomes which is less than 50% of the project as a whole. This represents a reduction of 74 3BR units from the 282 3BR townhomes as set forth in the DEIS. The 282 figure, equating to 62% of the project as a whole, was meant to present a 'worst-case' scenario in terms of school-age children generated by conservatively evaluating the maximum impact of 3BR units. The major reduction of more than 25% of the 3BR units was made in direct

response to concerns expressed by the Community. In reality, even the 208 3BR figure is assuredly an overestimation as it assumes that every potential 3BR unit would be developed as such. Townhouses are geared to empty nesters, retirees and young professionals without school-age children and the market for this type of housing unit is typically for a 2BR unit with extra space for a home office or a study or sewing/hobby room. It is likely a significant number would be constructed as such. Additionally, the large footprint 3BR units could also be constructed with 'master down' bedrooms, a configuration which specifically appeals to empty nesters and seniors who are downsizing. As such, a portion of the 3BR units would likely end up being constructed as 2BR or 2BR plus Den and/or 'Master-Down' units. If even 25% of the 3BR units were sold to empty nesters, retirees or young professionals, it would result in an expected further reduction of more than 20 schoolchildren.

The Public Road Scenic Alternative includes a minimum of 128 2BR townhouse units which represent 29% of the project. The remaining 23% of the project is comprised of the 1BR and 2BR Senior Apartments. From the beginning, the project included those 100 age-restricted rental apartments (75 one-bedroom and 25 two-bedroom), rateables that result in very little market return but which were intended to address a critical need in the community for affordable housing options for seniors while further limiting school impact.

In short, the project design specifically conceived of a residential development intended to address market needs while having a low impact on the community, specifically the school district. Rather than propose detached single-family homes which would appeal to families and generate more children, the proposed project offers attached townhomes and multi-family units to be built at a higher price range thereby limiting school child generation while generating higher taxes.

Table 1 illustrates the demographic impact of Public Road Scenic Alternative. To be conservative with the demographic projections, units were estimated to be built with the maximum impact possible (e.g. units that could be built as 2BR, 2BR plus Den or 3BR were evaluated as 3BR units). The population projection would be reduced from a total of 1,137 persons to a total of 1,036 persons, a reduction of 101 persons. The school-age population, which as stated above is deliberately conservative and almost certainly overstates the number of school-age children, would be reduced from 121 students to a projected 99 students, a reduction of 22 students.

*The project was conceived and designed to cover the expenses associated with additional students. The revised proposed development would generate annual property tax revenues of \$1,464,492 directly to the Chester UFSD. Based upon a per student cost of \$13,220, as described in the DEIS, the total student cost of the Public Road Scenic Alternative would be estimated to be \$1,308,766. This would result in an annual net benefit to the school district of \$155,725 which when compared to the \$7,331 projected in the DEIS represents an increase in the annual benefit to the school district of more than \$148,394. In contrast, if the property were to be developed as 120 single-family homes, as detailed in the DEIS, the net deficit to the Chester UFSD would be **(\$619,216)**. In other words, the proposed Townhome and Senior project would generate nearly \$775K more per year than a single-family home development.*

**Table 3.6-1
Unit Type, Bedroom Count, Population Projections of the
Public Road Scenic Alternative**

Unit Type	Total Number of Units	Number of Units by Type	Population Multiplier	Population Estimate	School Age Children Multiplier	School Age Children Estimate
Senior Apartment	100					
1BR		75	1.80	135	0	0
2BR		25	1.80	45	0	0
Large Format Townhouses (Downhill)	66					
Traditional or 'Master Down' 3BR		66	2.83	187	0.39	26
Large Format Townhouses (Uphill)	28					
Traditional or 'Master Down' 3BR		28	2.83	79	0.39	11
Small Format Townhouses (Downhill)	25					
Traditional 2BR (Interior unit)		15	2.09	31	0.14	2
Traditional 3BR (End unit)		10	2.83	28	0.39	4
Small Format Townhouses (Uphill)	53					
Traditional 2BR (Interior unit)		31	2.09	65	0.14	4
Traditional 3BR (End unit)		22	2.83	62	0.39	9
Interlocking Townhouses	164					
Traditional 2BR		82	2.09	171	0.14	11
Traditional 3BR		82	2.83	232	0.39	32
Total	436	436		1,036		99

Source: Tim Miller Associates, 2010.

Comment 3.6-2 (Public Hearing, January 7, 2010, Dawn Guevara): ..if we don't annex the property, you're still going to build?

Response 3.6-2: *It is the Applicant's intent to develop his property. In advance of submitting his proposal, the Applicant conducted numerous studies and researched the mandate of the Town's Comprehensive plan pertaining to his parcel and derived the concept plan he has submitted for review and consideration to be consistent with the Town's stated goals for these parcels. Refer to Comment 3.8-1 for a discussion of the Single Family Housing Alternative.*

Comment 3.6-3 (Public Hearing, January 7, 2010, Ted Talmadge, 1598 Route 17M, Town of Chester): I have the dairy farm that adjoins this property. And reading these environmental impacts here, if you go to the part where it says land use and zoning mitigation measures, it says, under that, no impacts are anticipated to agricultural uses, therefore no mitigation measures are proposed. And I totally disagree with this. You cannot put these kind of places next to a dairy farm without proper buffering, and in this proposal there is no buffering whatsoever.

Response 3.6-3: *There is nothing about the proposed BT Holdings project that will cause interference with Mr. Talmadge's continued operation of his farm. The zoning requirement calls for a 50 foot side yard setback for the proposed Senior Housing. The BT Holdings project as currently envisioned included a side yard which is twice the required setback, creating a buffer of approximately 100 feet between the Senior*

Housing and the active portion of the Talmadge Farm. In addition there is a minimum of 50 feet of naturalized landscaping growing along this perimeter. As a result of removing the units from the 'scenic area', there is now a proposed buffer area of approximately 200 feet along the more northern property line where farming activities are less intense. This buffer area is five times the applicable zoning requirement of 40 feet. As shown on the revised Landscape plan, this area will be substantially landscaped to increase the functionality of the buffer area and to add vibrant fall foliage as a backdrop to the panorama of the Talmadge Farm. Additionally, the Applicant has agreed to provide appropriate fencing to insure Mr. Talmadge's privacy.

Comment 3.6-4 (Public Hearing, January 7, 2010, Ted Talmadge, 1598 Route 17M, Town of Chester): These buildings are, as shown on your project here, to be about 25 feet away from my property line, and the normal agricultural buffering that other towns are doing, and what I would be asking of the Town or the Village would be a minimum of a fifty feet buffer zone.

Response 3.6-4: Refer to Response 3.6-3. The buildings are now more than 200 feet away from the northern property line bordering the Talmadge property, significantly exceeding the applicable zoning requirement of 40 feet.

Comment 3.6-5 (Public Hearing, January 7, 2010, Ted Talmadge, 1598 Route 17M, Town of Chester): I've been here long before they have, and I have a right to do these things. I have a right to plow my fields. It makes dust. It comes in and puts dust in your house. You can't stop me, but I don't want to be hassled by these people, because that's what they will do.

Response 3.6-5: The farm that is adjacent to the property is protected by the "right to farm laws" as regulated by the Department of Agriculture and Markets. This law requires that residents be made aware that the farm may produce smells and noise, associated with the farm throughout the year. Plowing of the fields is a seasonal activity which Mr. Talmadge is, of course, entitled to continue. The vegetative buffering along the property perimeter will serve as a filter to minimize the impacts of fugitive dust on the BT Holdings parcel. As long as the Talmadge farm remains active, residents of the BT Holdings community will be made aware of the location of the adjacent farming activities and its potential impacts prior to the purchase/rental of their units. The location of the Talmadge farm will be made part of the marketing materials provided to potential buyers and there will be a note included in the property deeds and senior rental agreements which indicates the location of the adjacent farm. Property deeds and senior building rental agreements shall furthermore indicate there is a potential for dust, noise, and/or smells associated with traditional farming activities. The prominence of the Talmadge Farm buildings shall also provide an obvious indication of the presence of farming activities to prospective buyers investigating the local area.

Comment 3.6-6 (Public Hearing, January 7, 2010, Ted Talmadge, 1598 Route 17M, Town of Chester): You need to put this buffer zone in; you need to put in these people's deeds that they are moving into an active farm, that you're going to have noise, you're going to have smells, and this is what is going to go on. You can't stop our agricultural uses here.

Response 3.6-6: As discussed in Responses 3.6-4 and 3.6-5, the project as proposed does not deter, in any way the continued operation of Mr. Talmadge's farming activities.. According to discussions with Mr. Talmadge, noise and odors as a result of farm activity occur on a seasonal basis, more predominantly during the spring time, when manure is spread for fertilizer. Impacts from the spreading of manure will continue as long as the farm is in operation. These activities occur annually and impacts can range from negligible to significant for a period of up to 3 days, dependent upon the area and extent of manure spreading. This is an existing condition which future residents of BT Holdings community will be made aware of during the sales/rental process. In the event that farm operations were ever to cease at some point in the future, these issues would no longer be of any concern.

Comment 3.6-7 (Public Hearing, January 7, 2010, Ted Talmadge, 1598 Route 17M, Town of Chester): My privacy means that the Town tells these people to put up a fence that keeps out the people's cats, the dogs, and their kids from my property, and putting up some trees and stuff is not going to keep the kids and the cats and everything out over here. I'm due my privacy, just like they would want me to keep my cows off their from lawns.

Response 3.6-7: The Applicant is very interested in protecting the rights and privacy of Mr. Talmadge. If necessary, the Applicant is willing to install a suitable fence along the property boundary shared with Mr. Talmadge's farm to ensure such privacy. Details as to the specifics of fencing shall be determined prior to final site plan approval.

Comment 3.6-8 (Public Hearing, January 7, 2010, Ted Talmadge, 1598 Route 17M, Town of Chester): The other thing is this ridge overlay. When the Town put the new zoning in '93, in effect they gave me a ridge overlay, which now restricts me from where the housing can be on the ridges here, but yet this property had no restriction put onto it.

Response 3.6-8: The Town of Chester's Ridge Protection Overlay District (RPOD) is limited to AR-3, SR-1 and SR-2 districts, which are the lower density zoning districts in the Town. The Applicant's property, zoned SR-6, does not reside within the RPOD.

Within the RPOD, there are no firm prohibitions against structures; rather, the RPOD gives the Planning Board power to approve structures along with guidance on how to minimize visual impacts within the district. As such, the concept plan proposed in the DEIS had been abiding by both the letter and spirit of the law even prior to any removal of buildings.

Although the project site is not located within the RPOD, in order to be responsive to the sensitivities of the 'scenic area' along the ridge, the units located closest to the Talmadge Farm along the ridgeline have been removed from the proposed project.

Comment 3.6-9 (Public Hearing, January 7, 2010, Ted Talmadge, 1598 Route 17M, Town of Chester): I'm the gateway to Chester here, and basically if you're talking about visual impacts, when you look up at my hill, this property is about seven or eight foot higher than my property line, so you're going to put three story buildings up there, you're going to add 30 feet. So you're going to see these. They are talking about putting a buffer of trees and stuff. Well, you are not going to plant 30 foot trees up there.

Response 3.6-9: Refer to Responses 3.6-3, 3.6-4, 3.6-8, 3.11-2, 3.11-3, 3.11-4, 3.11-11 and FEIS Figure 3.11-4. As shown on the Public Road Scenic Alternative site plan, the units closest to the Talmadge property line located along the ridgeline are no longer proposed, thus creating a buffer of more than 200 feet from the Talmadge property line. Extensive landscaping has been added to this area to provide significant screening. As illustrated in Figure 3.11-4, a visual analysis has been conducted which simulates the visual impact of the proposed townhouses on the ridge line while incorporating the substantial landscaping and other mitigation measures now proposed in an effort to minimize the visual impact in this area. As can be seen in Figure 3.11-4, there is a significant distance between the farm buildings and the BT Holdings units, and the structures. There is more than 400 feet between the Senior Buildings and the nearest farm building and there is now more than 800 feet between the Townhouse units and the nearest farm building. The BT Holdings units, located such a far distance from the public viewing vantage point and hidden behind extensive shielding in combination with other mitigation measures now incorporated, do not interfere with the panorama of the open farm fields. As outlined in Response 3.11-2, the project now incorporates several mitigating measures that will reduce its visual prominence on the knoll while accommodating the proposed project.

Comment 3.6-10 (Public Hearing, January 7, 2010, Gordon Sheehah, 68 High Street): At a previous hearing you had said that we should check out the development behind the Target in Monroe, and my wife and I did go there, and if that's a picture of what we're going to be getting here, it's not very attractive. Narrow streets, houses in every which way, congested; very high congestion.

Response 3.6-10 Different communities are designed to serve different purposes. Housing that may appeal to a family with children may not appeal to an empty nester whose children have moved out and vice-versa.

The Comprehensive Plan envisioned on the project parcel a community that would fulfill the housing needs for those not seeking more expensive, maintenance-intensive single-family homes, namely seniors, empty nesters and young professionals. The community as proposed is designed to appeal to those seeking upscale, maintenance-free living in a walkable community, close to neighbors and with substantial shared amenities. Another purpose of such clustered communities is to allow for the efficient use of land and infrastructure, thus allowing for efficient use of community services and the preservation of lands outside the community center.

According to the Applicant, the proposed upscale townhome community was based in large part on the Meadow Glen townhome community in Monroe which contains 198 town homes in 40 buildings on a parcel of land 39.8 acres in size (5 units per acre). Meadow Glen was developed as a typical townhome community with buildings containing upscale 'rowhouses' clustered together along a winding interior loop road. The community replicates the feel of a single-family home streetscape with individual

driveways, garages and front doors and walkways while clustering homes together so as to allow for a walkable private community. Road widths are adequate to serve the traffic on-site and buildings are spaced according to accepted setbacks.

Comment 3.6-11 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): There should be some kind of buffer, and not putting it 25 feet from his property line. There is going to be children playing in there. They are going to be trespassing on his property. I think that would be a detriment to his farm. His farm is a beautiful asset to the Town, and always has been.

Response 3.6-11 *As a result of removal of the units in the 'scenic area', the buildings are now approximately 200 feet away from the northern property line bordering the Talmadge property, significantly exceeding the applicable zoning requirement of 40 feet. As discussed earlier, the proposed project is not intended to detract from the Talmadge Farm operation in any way. The active portion of the farm is in closest proximity to the senior housing portion of the BT Holdings project, thus minimizing the likelihood of intrusion by wayward children (since no children will be living in this area). The Applicant has also agreed to install a suitable fence if necessary to further protect Mr. Talmadge's privacy. The farm will remain the asset to the community that it has always been.*

Comment 3.6-12 (Public Hearing, January 7, 2010, From the Floor - Unidentified): Just one thing, kids are curious, and I don't care what you say, because my kids are too, and Hambletonian, they're always going in the woods. This poor man's going to have cows and don't tell me he's not going to have kids going into this fields. One gets hurt, who do you think they're going to sue? Him. Nobody else. I really think they got to do something to help this man. We do need our farms.

Response 3.6-12: *Refer to Response 3.6-11.*

Comment 3.6-13 (Public Hearing, January 7, 2010, Clifton Patrick, Town of Chester Historian): I am presuming that prevailing winds blow the same way up the hill as they do by our place at the bottom of the hill, and that would be from Ted's farm, onto the site. And, you know, so when he's talking about odors and dust, that may be a really critical issue for people who may live over there.

Response 3.6-13: *Refer to Responses 3.6-5 and 3.6-6.*

Comment 3.6-14 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): Page 1.2 - The DEIS states "The Comprehensive Plan specifically referenced the project site by indicating that there was land to the rear (of the Chester Mall) with access to the Mall and Route 17M that could be developed for senior, adult, or a combination of higher density uses with access to shopping or transportation". This description is vague and doesn't mention the entire property/project site, specifically. As a side note, prior to the Plan's adoption, the property in question was split into two different zoning districts; one medium density and the other low density on the ridge (maps attached). It is possible that a mistake was made on the zoning map and only the portion of the land that was zoned medium density was meant to be changed to high density.

Response 3.6-14: *Comment noted. The subject property is the only parcel at the rear of the Mall with access to both NYS Route 17M and the mall, which is zoned for multifamily and senior use.*

Comment 3.6-15 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

Page 1.3 - The DEIS indicates the four tax parcels in question. They should footnote how many of the 60.6 acres of the Town of Chester land is in the LB (Local Business) zone district. In addition, the impacts of the Town and Village losing business tax parcels should be included in the EIS.

Response 3.6-15: The LB portion of the 60.6 acre Tax Lot 2-1-39 is approximately 2.7 acres. The LB zone extends approximately 190 feet off the centerline of NYS Route 17. Given the proximity of the Chester Mall along with the lack of direct vehicular access to the mall from the Town parcel (S.B.L. 2-1-39), demand for isolated strip commercial at this location is diminished. Additionally, the topography of the parcel and the necessity for stormwater management at the bottom of the hill fronting Rte 17M presented significant engineering challenges to any potential commercial development of the parcel.

Comment 3.6-16 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

"It is the applicant's opinion that the proposed residential use is more compatible with agricultural uses than the nearby commercial uses.". According to the Orange County Open Space Plan, farmland is a commercial land use and farms are negatively affected by incompatible residential uses nearby.

Response 3.6-16: The review of the Orange County Open Space Plan, July 2004, which was prepared as a supplement to the Orange County Comprehensive Plan, includes Map 16, included herein for reference as Appendix D, which shows the Village of Chester and the BT Holdings Project site designated as Priority Growth Areas by Orange County. One of the goals of the Open Space Plan was to identify areas to be acquired and conserved as open space in the County balanced by areas specifically identified as Priority Growth Areas. The Open Space Plan acknowledged the continued need for residential development, identifying specific areas where growth should occur, thus allowing for the preservation of significant areas of open space as development occurs, enabling this balance to remain feasible.

This is precisely the mandate which guided the design of the BT Holdings concept plan for development, the subject of this environmental review.

The chapter on agriculture in the Orange County Open Space Plan emphasizes that farming is a commercial land use and will only be able to continue as long as it is commercially viable. The Plan encourages municipal officials to put programs in place to preserve the economic viability of farming in order to achieve the preservation of farmland.

Farmland is not incompatible with residential use; instead "Farmers are likely to feel their operations will not be able to transition to the next generation because the development value far exceeds the farm value of these properties." The relative economic vitality of the farming operation is the solution to this problem, not proximity to planned residential development.

Comment 3.6-17 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

They claim that the buffer zone will prevent agricultural impacts. As shown on the conceptual site plan (Final Scope Figure 5) and the aerial photo of the site (Final Scope Figure 4), there are only thin hedgerows along the boundary. This will not be enough of a buffer to keep odor, dust, and noise from the adjoining farm from impacting the development, especially the senior housing. (It would take about 200 feet of woods to provide such a buffer). That will lead to pressure from the residents to alter the farm's operation, and could lead to the farm going out of business. A much larger buffer is needed. Also, notification/deed notes are needed to inform new residents they are moving next to agricultural area.

Response 3.6-17: Refer to Responses 3.6-3, 3.6-4, 3.6-5, 3.6-6, 3.6-7 and 3.6-11.

As a result of removal of the units in the 'scenic area', a landscaped buffer of approximately 200 feet from the property line has been created. This buffer is five times the required buffer of 40 feet.

Mr. Talmadge's farm, located adjacent to the subject site, is protected by the "right to farm laws" as regulated by the Department of Agriculture and Markets. This law requires that residents be made aware that the farm may produce smells and noise, associated with the farm throughout the year. As has been stated, full notification of the existing operation of the Talmadge Farm will be incorporated into the sales documentation for the BT Holdings project. As discussed in Responses 3.6-5 and 3.6-6 odor, dust and noise from the adjacent farm occur on an intermittent seasonal basis and the vegetative buffering along the property perimeter will serve as a filter to minimize the impacts of fugitive dust on the BT Holdings parcel. As discussed in response 3.6-3, the applicable zoning requirement stipulates a 50 foot setback in this area. The BT Holdings project, as currently envisioned includes a side yard which is twice the required setback, creating a buffer of approximately 100 feet between the Senior Housing and the more intensive farm operation, and more than 200 feet along the northern property boundary. In the event that farm operations were ever to cease at some point in the future, these issues would no longer be of any concern.

Comment 3.6-18 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

Final Scope Figure 4, the Site Aerial Photograph, shows that the site is or was farmland. Yet the DEIS claims that is former farmland reverting to second growth, and claims at page 1-25 that there is no impact to agriculture. Presumably the developer brought it and let it go fallow, but it could still be good farmland. Therefore, the DEIS should analyze the impacts of the loss of farmland.

Response 3.6-18: *The project site was not an active farm when the Applicant purchased it in 1985 and it has not been active farm land for at least the 25 years since that time, if not longer, thus residential development of this site does not result in the loss of farmland as an impact.*

Comment 3.6-19 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The DEIS repeatedly claims that the density of the project will comply with the existing Town zoning. However, the proposed new Village zoning districts will allow higher density than the Town zoning does, according to the table on page 1-23.

Response 3.6-19: The maximum density for non-age-restricted townhouses allowed under the Town's SR-6 Zoning is 6 units per acre. Although the newly proposed RM-N zoning is not exactly the same as the Town's zoning, and is generally based upon a hybrid of the Town and Village Zoning requirements for multifamily and senior housing, the maximum density of 3BR townhouses allowed under the proposed RM-N zoning is 6 units per acre. The proposed density of townhouses in the BT Holdings project is 5.7 units per acre, less than the maximum allowed under zoning.

Comment 3.6-20 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The DEIS states "no impacts are anticipated in relation to the Town Comprehensive Plan". We already sent a letter to the Village on the scope explaining how development on the ridge is a direct contradiction to the objectives of the Town's Comp. Plan and this should be addressed.

Response 3.6-20: Although this site is not located in the RPOD, as shown on the Public Road Scenic Alternative, 22 units have been removed from the 'scenic area' along the ridgeline.

Refer to Response 3.11-2, 3.6-8 and 3.6-9 for a more detailed discussion on visual impacts to the ridgeline. When the Town's Comprehensive Plan was enacted, the 's SR-6 zoned property was specifically excluded from the Ridge Protection Overlay District which only applied to lands designated in certain zoning districts (AR-.3, SR-1 and SR-2). Upon ridges within the RPOD, development is not prohibited but rather is encouraged to minimize potential impacts through various means including building design, minimization of tree clearing, and additional screening.

Comment 3.6-21 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The Town's Comp. Plan talks about Environmentally Limited Areas (page 25 and 32 attached). It states "...highly engineered disturbed slopes is not consistent with the Town's community character as well as its environmental goals". Also, "new residences should continue to be hidden in the wooded areas and not be "skylined" or prominently placed atop ridgelines". This project site is on the map (attached).

Response 3.6-21: Refer to Response 3.6-20.

Comment 3.6-22 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): Town's Comprehensive Plan (page 50 attached) "The areas indicated as potential water service areas are projected to need central water services due to planned potential densities. Water service in such future potential service areas would need to be provided by the developers and supported by the users by way of a district. However, once developed they should be operated by the Town." Map included.

Response 3.6-22: It is precisely to address this issue in the Master Plan that the Applicant is proposing annexation into the Village. The project proposes to take advantage of the availability of municipal water while having its residents conscientiously pay their fair share of Village taxes, in combination with prevailing water usage fees, in

order to enable the provision of this important municipal benefit. Additionally, it would be less environmentally protective, redundant, expensive and inefficient for a new water resource to be created for the proposed development where an existing nearby municipal resource with available capacity and accessible infrastructure is readily available.

Comment 3.6-23 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): Discuss how the proposed annexation is in the overall public interest? This includes the interest of residents of both the Town and Village.

Response 3.6-23: *The primary purpose in proposing annexation is so the project would be entitled to the Village's municipal services, specifically municipal water distribution, which cannot be provided by the Town. It is intended that the residents become members of the Village and conscientiously pay the applicable taxes due in return for receiving municipal services. At the same time, the project as proposed provides a diversity of housing options for populations within the Village, Town and region that are clearly underserved, specifically senior citizens, empty nesters and young couples just entering the housing market.*

An annexation must be in the "overall public interest." In determining whether an annexation is in the overall public interest, the affected municipalities must assess the benefit or detriment to (1) the annexing municipality; (2) the territory proposed to be annexed and (3) the remaining governmental unit from which the territory would be taken. An annexation is in the overall public interest if it can establish that that the annexation will result in a use of land that provides an important benefit to the area; that the use will be in character with the surrounding area; and that the annexing municipality currently provides, or is in a position to provide, superior services. For the following reasons, the annexation proposed here meets these standards and is in the overall public interest:

The annexation will permit a use that is in character with the surrounding area and one which integrates into the Village community:

The BT Holdings project is similar in intensity and character to adjoining existing uses in the Village such as the Chester Mall and other nearby retail, office, industrial and residential uses. Both current and proposed zoning classifications of the BT Holdings site permit a higher density residential project. Such zoning classifications are tantamount to a legislative determination that the proposed use of the property is consistent with the character of the surrounding community. The BT Holdings project, part of which is on property already located in the Village, will integrate into and function as part of the Village community via utility, pedestrian and street connections. Primary access to the property presently is from a street in the Village and will remain that way when developed. The BT Holdings project will provide a transition between the intensively developed areas of the Village and the lesser developed areas to the north in the Town which are planned and zoned for less intense development.

Lands to be annexed adjoin significant parts of the Village:

Over 60% of the BT Holding's Town property border adjoins the Village. The entire northeastern and southeastern boundaries adjoin the Village and virtually all of the southwestern boundary adjoins the Village. Upon annexation, there will be a more regular boundary between the Town and the Village than presently exists.

The annexation will provide a needed municipal service for the development:

The Town has no municipal water to service the project. The Village does. A single-family detached development within the Town would require individual wells tapping into the groundwater resource. More than 49 individual wells would require a central water system. The Town has not expressed a willingness to create a municipal water system to service this project or authorize creation of a water transportation corporation. In any event, it would be less environmentally protective, redundant, expensive and inefficient for a new water resource to be created for the proposed development where an existing nearby municipal resource with available capacity and accessible infrastructure is readily available. Proceeding in such manner would not be good resource management or good stewardship of the groundwater resource.

The annexation provides the Village with the means to address impacts of the development:

The Village will experience most of the impacts from the project. In particular, traffic from the project will largely utilize Village streets. Other Village services such as its police force, etc. will also be utilized. Without annexation, there is no vehicle for the Village to receive fiscal benefits to help offset these impacts since the Village would not receive any tax revenue. Further, without annexation there will be no meaningful role for the Village in the review and decision making part of the site approval process even though the entire development project is essentially an extension of Village development.

The annexation permits the implementation of local land use policy:

The BT Holdings site is designated in the Town of Chester Comprehensive Plan as "Suburban Residential High Density". This is the highest planned density designation in the Town of Chester and is intended to provide for a mix of housing types at higher densities close to shopping and services. The housing types encouraged under this land use policy include, inter-alia, townhouses and multiple dwellings to serve specific housing need populations such as seniors, empty nesters and entry-level young professionals. The Village provides for the same housing types and need populations in its existing RM Zoning district and will further be permitted under the proposed RM-N zoning district. The BT Holdings Project is specifically designed to provide these housing types and to accommodate these need populations.

The Town's SR-6 zoning regulations prohibit anything other than "fee simple" ownership for any owned housing type in the SR-6 Zoning District. The regulations specifically prohibit any form of "condominium" ownership which is the typical ownership form used for townhouse developments. Limiting the form of ownership to fee simple effectively promotes the construction of owned single-family detached homes on the property. Limiting the form of ownership to fee simple further renders the sale of townhouses

unmarketable because the portion of housing cost allocated to real property taxes is too high and the cost of sustaining ownership of a unit is too much for seniors, empty nesters and entry-level young professionals. Finally, this ownership requirement constrains and effectively eliminates the ability to implement the Suburban Residential High Density land use policy established by the Town. To date, the Town has exhibited no willingness to alter this constraining ownership requirement.

The Village's existing RM zoning (and the proposed RM-N zoning) provide for the same housing types as the Town's SR-6 zoning regulations but without the restrictive ownership requirement. Annexation and utilization of the RM-N zoning would therefore implement the objectives of the Town Comprehensive Plan's Suburban Residential High Density land use policy which is presumably what the Town seeks to achieve in its Comprehensive Plan.

The proposed annexation will serve local populations in need of certain housing types:

The proposed annexation will permit a project to be constructed which serves the distinct housing needs of certain populations. Those housing need populations are seniors, empty nesters and entry-level young professionals. There is a region-wide acknowledged need to provide housing for these populations and to do so in locations that are near shopping, services, infrastructure and transport. As explained above, but for annexation, the BT Holdings property will be confined to fee simple single-family detached development which clearly cannot serve the housing needs of any of the identified populations. It is further important to note that a substantial portion of the population in need is likely comprised of Town and Village residents - so both municipalities will benefit.

The Town will benefit from annexation:

The Town will benefit from annexation because its stated land use policy for the property will be implemented and it will be serving particular housing needs of its residents, including seniors. It will further benefit because development of the parcel in the Village, at the density proposed, will maximize the aggregate tax revenues and net benefit to both the Village and the Town. As clearly demonstrated in the DEIS and further expanded upon in the revised fiscal analysis accompanying this FEIS, due to the increased density and total number of units permitted under the proposed RM-N district, tax revenues and net benefit to all taxing jurisdictions, including the Town, are maximized under the annexation alternative. Furthermore, all Town residents who reside in the Chester Union-Free School District will pay the associated school tax. The proposed development is projected to cover its own expenses to the school district thereby eliminating any additional expense to those Town residents. Development of Single Family Housing as described in the DEIS will result in a substantial increase in cost to the school district to be paid by those Town taxpayers.

Annexation will not be to the Town's detriment:

Municipal and government services to the property will remain unaffected and not result in any adverse impact to the Town. Nothing in the annexation alters the Chester Union-Free School District boundary. Nothing in the annexation alters the boundary or jurisdiction of the existing Chester Fire District. Nothing in the annexation alters the boundary or jurisdiction of the Town Garbage District. Nothing in the annexation alters the service area of the Chester Volunteer Ambulance Corps. Nothing in the annexation alters the existing Town Sewer District boundary or the property's responsibility with respect to same (see Response to Comment 3.10-4). The annexation will relieve the Chester Town Police Department from the principal responsibility of providing police protection to the property. Upon annexation, the property will receive primary police service from the Village whose police station is approximately one mile closer to the property than the Town's.

Comment 3.6-24 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): In order to be consistent with the 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 the project (if this is to be the rental management company it should also be discussed in the last paragraph of section 2-4).

Response 3.6-24: *The proposed project includes 100 units of senior housing which will include at least 20 units of affordable housing. The Affordable units will be similar in size, style and appearance to the other units and will be disbursed throughout the two buildings.*

These units will be affordable to residents whose income is less than 80% of the Orange County median income as established on an annual basis by HUD Guidelines. Rent increases will be based upon fluctuations in the HUD established annual median income guidelines. Eligibility for affordable housing will be managed by an independent housing management agency to be approved by the Chester Village Board at the time of final site plan approval.

Comment 3.6-25 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.6-25: *The affordable units will be deed restricted, and must remain so for a period of 99 years or in perpetuity, whichever is prescribed under NYS law. According to the existing Village Code regulating senior housing, children are permitted to visit their grandparents for up to 30 days total in any calendar year but there are no provisions for long-term occupancy. The restrictions on occupancy by persons under the age of 18 are quite clear in the code. These stipulations shall be included in the rental agreements for the senior housing.*

Comment 3.6-26 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.6-26: *The benefits to the Town and the Village are discussed at length in Response 3.6-23.*

The creation of the RM-N zone is a hybrid of the existing Town SR-6 and the existing Village RM, tailored to meet the specific needs of providing a community with a diversity of housing choices.

With regard to the Townhouse component of the RM-N zoning, the RM-N zoning is similar to the Village's RM zoning especially with regard to housing types and overall density and accommodates an environmentally sensitive townhouse neighborhood community. However, there are notable differences between the design concepts of the existing Village RM which allows for general multifamily residential and RM-N which allows for multifamily residential but also seeks to create a "neighborhood", hence the designation RM-N.

The objective was to allow sufficient design flexibility to create a streetscape "neighborhood" allowing for a variety of multiple housing sizes and types which could accommodate empty nesters, seniors, families and young couples. This diversity of housing types with buildings and units of different design, size and structure distributed throughout results in a varied and engaging community from both an aesthetic and demographic perspective. Larger traditional townhomes with driveways are to be placed alongside smaller interlocking townhomes with parking in the rear and attractively landscaped and unpaved front yards so as to create a varied and engaging streetscape, avoiding a 'cookie cutter' feel to each area of the community.

To accomplish this, the RM-N zone specifically allows for, and is designed to address, development on a single lot to encourage cohesiveness of design to create a community, one of the reasons why RM-N calls for a minimum lot size of 5 acres vs. just 2 acres (80,000 feet) for RM. The clustering of townhouses allows for the preservation of open space and greater flexibility of design, while still respecting minimum setback requirements from the exterior lot lines. A new minimum distance from the edge of pavement to the building front has also been added to the zoning text in 98-18(B)(4) to account for the fact that a development, such as the one proposed, may not have interior lot lines which apply to 'front yard setbacks'. The 'Townhouse' definition has also been revised to conform to the zoning table, allowing for the common three-story townhouse, a design which contemplates parking on a ground floor with two additional full floors above the garage.

The Senior Housing component of the proposed project will be consistent with all aspects of the Village's Senior Housing Special Use Permit, Section 98-23.1.

Comment 3.6-27 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): What will the resulting acreage be of the remaining Nexans' 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 the zoning?

Response 3.6-27: The total acreage of Nexans parcel (SBL 120-1-1) is 19.1 acres. Deduction of the 3.87 acres will result in the Nexans parcel being a total of 15.23 acres. The Nexans site will remain in full conformance with the provisions of the Village's M-2 zoning district. Due to the location of the parcel transfer, only the rear yard setbacks and the overall development coverage requirements are potentially affected. After the 3.87 acres is deducted, the Nexans rear yard setback will be approximately 175 feet compared to a zoning requirement of 30 feet, the site remains well within the development coverage of less than 60 percent and the buffer requirements are met by the existing woodlands that surround the perimeter of the site.

Comment 3.6-28 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.6-28: Comment noted.

Comment 3.6-29 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.6-29: The Applicant is willing to stipulate a maximum of 20% development coverage.

Comment 3.6-30 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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 regulations and the subdivision plat should be provided.

Response 3.6-30: Comment noted. A sketch plan for a minor subdivision shall be submitted for approval. Once the Planning Board approves the sketch, the applicant will proceed with an application for Preliminary and Final Minor Subdivision approval and proceed to request site plan approval from the Planning Board.

Comment 3.6-31 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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 show 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 provided **within the boundaries** of the 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.

Response 3.6-31: *Comment noted with regard to Table 3.6-3. A revised table 3.6-3 is included in Appendix E.*

The proposed subdivision line is shown on the full size Grading and Drainage Plan, and lies generally along the existing row of trees, as shown on the Landscaping Plan, which separates the area around the senior buildings from the townhouse development. The seniors buildings will have their own amenities (e.g. community gathering and meeting spaces, exercise rooms, reading areas/library facilities, and/or access to walking trails) so as to meet the requirements of the zoning ordinance. Walking trails are shown on the Landscaping and Grading plans in the vicinity of the stormwater basin between the senior buildings and NYS Route 17M. In addition, as shown in Figure 5, an outdoor level area will be graded to accommodate active and passive recreation such as a bocce court or other game area, patio area, and shaded sitting areas in proximity to the senior buildings. The project will be in full compliance with the provisions of Section 98-23.1 including meeting the requirements for both indoor and outdoor amenities as required. The details of these amenities shall be determined during site plan review.

Beyond the requirements of the zoning, the Senior residents will likely have the option to buy into the recreational facilities provided to the BT Holdings townhouse community.

Comment 3.6-32 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.6-32: *Table 3.5-12 shall be considered the definitive source for the description of Parking. For clarity, Table 3.5-12 has been included in the FEIS Traffic and Transportation Introduction.*

Comment 3.6-33 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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 provisions of only 1.25 parking spaces for both 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.

Response 3.6-33: *A more detailed discussion of senior parking is included in the introduction to Section 3.5 Traffic & Transportation.*

The Applicant believes an appropriate amount of parking has been provided for the Senior Housing facility. Parking surveys of comparable Senior Citizen Housing were conducted to determine parking capacity and utilization of similar projects in the region. These surveys were conducted after 9 p.m. in the evening to assess maximum parking occupancy. The projects selected are representative of the proposed type of land use at BT Holdings. Table 3.6-2 below illustrates that parking utilization is consistently below 1 parking space per unit.

The Senior Housing portion of the BT Holdings Project, as proposed, includes 158 parking spaces which is 1.58 spaces per unit, which is well above both the average and maximum parking spaces per unit at the projects surveyed.

Table 3.6-2 Parking Capacity and Utilization - Senior Citizen Residential Housing Developments									
Community	Town / County	# of Units			Onsite Parking	Spaces per Unit	Parked Cars	Unused Spaces	Utilization per Unit
		1BR	2BR	Total					
Hughson Commons	Carmel / Putnam	78	16	94	105	1.12	72	33	0.77
Heritage Point	Staatsburg / Dutchess	61	21	82	112	1.37	69	43	0.84
Hearthstone	Goshen / Orange	88	3	91	83	0.91	52	31	0.57
StoneHill	Washingtonville / Orange	92	12	104	133	1.28	81	52	0.78
Stone Crest	Carmel / Putnam	115	21	136	178	1.31	91	87	0.67
Woodcrest	Mount Kisco / Westchester	74	16	90	120	1.33	72	48	0.80
Jacobs Hill	Cortland / Westchester	85	17	102	122	1.20	62	60	0.61
Hyenga Lake	Clarkstown / Rockland	105	1	106	119	1.12	--	--	--
Community Averages		87	13	101	122	1.21	71	51	0.71
Revised BT Holdings Senior Housing	Chester / Orange	75	25	100	158	1.58	--	--	0.70*

Source: Tim Miller Associates, 2010. Numbers may vary due to rounding.

* 85th percentile estimated based on Parking Generation, Institute of Transportation Engineers, 4th edition, 2010, and in combination with the results of local conditions Parking Utilization.

A review of ITE Parking Generation indicates the proposed 1.58 spaces per unit would more than meet the parking demand of the proposed Senior housing. This conclusion is further supported by the results of a Parking Utilization survey of local conditions, which shows parking utilization is consistently below 1.0 space per unit for this land use.

The provision of No Parking Signage on internal roadways, other than specifically designated parking areas, would be addressed during Site Plan Approval.

Comment 3.6-34 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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 uses and we recommend that the applicant discuss ways in which new residents of the development will be aware of the active farm use and related activities.

Response 3.6-34: Refer to Responses 3.6-3, 3.6-4, 3.6-5, 3.6-6, 3.6-7, 3.6-10 and 3.6-11.

Comment 3.6-35 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoe, Hauser and Edsall Consulting Engineers P.C.): 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).

Response 3.6-35: Senior and Townhouse projects will be on individual lots. Each lot, independently, will be in full compliance with the applicable zoning including the specific requirements related to senior housing per Section 98-23.1 of the zoning code.

Comment 3.6-36 (Letter #5, February 3, 2010, Mayor Valastro and the Chester Village Board of Trustees): 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.

Response 3.6-36: Refer to Response 3.6-1 which also addresses this issue and is repeated below in nearly its entirety.

The DEIS was prepared in order to assess the maximum impact the project may have. The 282 3BR units represented the highest number of 3BR units possible and accounted for 62% of the proposed development. The Public Road Scenic Alternative lowers the total number of units from 458 in the DEIS plan to 436, and reduces the number of 3BR units to a maximum of 208 units, less than 50% of the total project. The breakdown of units is shown below:

- 100 Senior Mid-Rise Apartments (1BR and 2BR)
 - 66 Large Format Downhill Townhouses (Traditional or 'Master Down' 2BR+Den or 3BR units)
 - 28 Large Format Uphill Townhouses (Traditional or 'Master Down' 2BR+Den or 3BR units)
 - 15 Small Format Downhill Townhouses - Interior units (Traditional 2BR units)
 - 10 Small Format Downhill Townhouses - End units (Traditional 2BR, 2BR+Den or 3BR units)
 - 31 Small Format Uphill Townhouses - Interior units (Traditional 2BR units)
 - 22 Small Format Uphill Townhouses - End units (Traditional 2BR+Den or 3BR units)
 - 82 Interlocking Townhouses (Traditional 2BR units)
 - 82 Interlocking Townhouses (Traditional 2BR, 2BR+Den or 3BR units)
- 436 Units Total**

As shown above, the various townhouse units could be built in several different configurations as either a 2BR, a 2BR+Den or a 3BR and in either a Traditional or 'Master Down' style ('Master Down' units have the master bedroom on the main floor). Due to size and layout limitations, many of the townhomes could only be built as 2BR or 2BR+Den units (the "den" being a room without a bathroom or closet, such as home office, study, or sewing/hobby room). Only the homes with the largest footprints and/or specific layouts could be built as 3BR units.

The Public Road Scenic Alternative would introduce a maximum of 208 3BR townhomes which is less than 50% of the project as a whole. This represents a reduction of 74 3BR units from the 282 3BR townhomes as set forth in the DEIS. The 282 figure, equating to 62% of the project as a whole, was meant to present a 'worst-case' scenario in terms of school-age children generated by conservatively evaluating the maximum impact of 3BR units. The major reduction of more than 25% of the 3BR units was made in direct response to concerns expressed by the Community. In reality, even the 208 3BR figure is assuredly an overestimation as it assumes that every potential 3BR unit would be developed as such. Townhouses are geared to empty nesters, retirees and young professionals without school-age children and the market for this type of housing unit is typically for a 2BR unit with extra space for a home office or a study or sewing/hobby

room. It is likely a significant number would be constructed as such. Additionally, the large footprint 3BR units could also be constructed with 'master down' bedrooms, a configuration which specifically appeals to empty nesters and seniors who are downsizing. As such, a portion of the 3BR units would likely end up being constructed as 2BR or 2BR plus Den and/or 'Master-Down' units. If even 25% of the 3BR units were sold to empty nesters, retirees or young professionals, it would result in an expected further reduction of more than 20 schoolchildren.

The Public Road Scenic Alternative includes a minimum of 128 2BR townhouse units which represent 29% of the project. The remaining 23% of the project is comprised of the 1BR and 2BR Senior Apartments. From the beginning, the project included those 100 age-restricted rental apartments (75 one-bedroom and 25 two-bedroom), rateables that result in very little market return but which were intended to address a critical need in the community for affordable housing options for seniors while further limiting school impact.

In short, the project design specifically conceived of a residential development intended to address market needs while having a low impact on the community, specifically the school district. Rather than propose detached single-family homes which would appeal to families and generate more children, the proposed project offers attached townhomes and multi-family units to be built at a higher price range thereby limiting school child generation while generating higher taxes.

Per the discussion above, the maximum number of 3BR units has been capped at 208 units which represents less than 50% of the project as a whole and 62% of the Townhouse project alone. An upper limit of 62% for the number of 3BR townhomes has been added to the proposed RM-N zoning.

Comment 3.6-37 (Letter #6, January 6, 2010, Michael R. Edelstein, Ph.D., President of Orange Environment, Inc.): 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, infrastructure 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.

Response 3.6-37: *The Orange County Open Space Plan, July 2004, shows this area as a Priority Growth Area, due to proximity to infrastructure and major transportation corridors. Development of this area allows the preservation of rural areas in other less developed parts of the Town. Refer to Map 16 contained in Appendix D.*

The County Comprehensive Plan, April 2003, has recently been updated to further define Priority Growth Areas, Refer to the map contained in Appendix D. Indeed, the Applicant met with the Orange County Department of Planning and received positive feedback on the appropriateness of such a residential community located in such a central location with access to infrastructure, transportation and commercial options. As stated in the proposed language for the amendment to the County Comprehensive Plan, "The Growth Areas include the historic cities and village of the County where growth has historically occurred, with some outlying areas for logical projected growth. ... Most include a prominent central business district, the presence of regional civic and employment sites, a mix of land use types and intensities, pedestrian oriented neighborhoods, access to major transportation systems, and a diversity of housing, community and commercial activities. It is within the boundaries of the Growth Areas that the County encourages urban/village growth, such as higher density residential, commercial and certain industrial uses, and other community services"

The Town Comprehensive Plan was enacted in 2003 after an intensive 18 month process with multiple public hearings incorporating input from the community as well as local officials and planners. The Comprehensive Plan took into account the short-term and long-term growth goals of the Chester community. The proposed plan directly fulfills the 'smart growth' mandate of the Comprehensive Plan by providing senior and multifamily housing on a centrally-located parcel in close proximity to existing infrastructure, transportation and commercial options, thus allowing for the preservation of the open space in the community and the prevention of urban sprawl outside of the community center.

Comment 3.6-38 (Letter #6, January 6, 2010, Michael R. Edelstein, Ph.D., President of Orange Environment, Inc.): 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 devilment 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.

Response 3.6-38: *Per Response 3.6-18, the project site was neither an active farm when the Applicant purchased it in 1985 nor has it been active farm land for at least the 25 years since that time, if not longer, thus residential development of this site does not result in the loss of farmland as an impact. The project does not in any way preclude continued operation of the adjacent Talmadge Farm.*

The Comprehensive Plan expressly zoned and designated this non-farm property as the site of future senior and multifamily housing because of its central location and integration into the community via its access to nearby infrastructure, transportation and commercial options.

Comment 3.6-39 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): The SEQR Full EAF form states that the predominant land use(s) and zoning classifications within a ¼ mile radius of the proposed action is commercial and residential. It also states that the proposed action is compatible with the adjoining/surrounding land uses within a ¼ mile radius.

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

Response 3.6-39: *As was pointed out in response 3.6-16, the Talmadge Farm is actually considered a commercial use. There are existing residences to the north of the Talmadge Farm. The Applicant is not aware of any conflicts in land use between the existing residences and the farm activity.*

Buyers of the units at the BT Holdings will have the advantage of full knowledge of the location and type of farming operation prior to purchasing a unit. As per the Right to Farm laws, deeds of the BT Holdings project shall stipulate the existence of the adjacent Talmadge Farm.

Comment 3.6-40 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): *The BT Holdings Chester Development DEIS states: "...it is the applicant's opinion that the proposed residential use is more compatible with agricultural uses than the nearby commercial uses."*

Farming produces dust, odors and noise at all times of the day and night that any reasonable person would expect some percentage of the nearby residents to object to. Commercial occupants, spending only a portion of their day are much less likely to object to these characteristics, typical of a farming operation. One can reasonably expect much conflict arising from imposing a dense residential project so close to an operating farm. This is not fair to setup these kinds of conflicts all parties who would be occupying or governing these sites.

"Therefore, significant adverse impacts to the uses to the north of the site are not anticipated."

Reason does not support the applicant's above conclusion.

Response 3.6-40: *Refer to Responses 3.6-5, 3.6-6 and 3.6-11.*

Comment 3.6-41 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): *The BT Holdings Chester Development DEIS states: "The proposed development will not result in any disturbance on any adjacent agricultural property or farm use."*

The project's proposed changes to permeability, changes to grade and retention ponds, not to mention the impact of the residential uses, will certainly affect the way subsurface water flows, including soil surface moisture levels, and that will definitely affect the neighboring farm operations!

The proposed zoning changes obviously fail to take the vermin control permits that are needed to operate a farm. It is my understanding that firearms can not be discharged within 500 feet of a residence. Given that firearms are used by permit on the Talmadge (Brookview) Farm to control vermin and protect crops, these setbacks from the farm need to be no less than 500 feet, as long as farming is conducted there.

Response 3.6-41: *Final Design of the Stormwater Management Plan includes an analysis of the drainage patterns and outfalls of the proposed project. As part of the design of the ultimate drainage of the BT Holdings Site, consideration shall be given to retaining the existing subsurface water flows, and retaining existing soil surface moisture levels, so as to reduce offsite impacts specifically to the adjacent Talmadge Farm. Subsurface water patterns generally follow surface topography. The majority of the BT Holdings site slopes towards south and east towards the Chester Mall and towards Route 17M, respectively, not towards the Talmadge Farm property. As such, the modifications of the surface topography and drainage patterns on the BT Holdings site that will occur as part of the project should have a nominal effect on the surface water flows on the Talmadge Farm property.*

As per the requirements of the New York State DEC firearms permit, discharge of a firearm must be no less than 500 feet from a residential area, thus anyone who is discharging a weapon would need to be 500 feet inside the Talmadge property.

Comment 3.6-42 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): *The BT Holdings Chester Development DEIS states: "Agricultural Resources - No impacts are anticipated to agricultural uses, therefore, no mitigation measures are proposed. DEIS Section 3.11 discusses the proposed landscaping, buffering and screening shown on the project plans that will provide mitigation to potential visual effects, and compatibility of land uses with the adjacent Talmadge (Brookview) Farm."*

This erroneous conclusion obviously ignores the issues stated above. (see Comment 3.6-39).

Response 3.6-42: *Refer to Responses 3.6-6 and 3.6-39.*

Comment 3.6-43 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): *The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "The proposed project conforms with the usage envisioned for the site in the Town of Chester 2003 Comprehensive Plan which specifically designated the project site as the future location for multi-family and/or senior housing."*

While they may comply with the letter of the Town of Chester Comprehensive Plan, given the large number of large structures along the highest section of the project, they are not keeping in the spirit of the ridge overlay restrictions.

Response 3.6-43: *Refer to Responses 3.6-3, 3.6-4, 3.11-2, 3.11-3, 3.11-4, 3.11-11 and FEIS Figure 3.11-4. As shown on the Public Road Scenic Alternative site plan, the units closest to the Talmadge property line located along the ridgeline are no longer proposed, thus creating a buffer of more than 200 feet from the property line. Extensive landscaping has been added to this area to provide significant screening. As illustrated in Figure 3.11-4, a visual analysis has been conducted which simulates the visual impact of the proposed townhouses on the ridge line while incorporating the substantial landscaping and other mitigation measures now proposed in an effort to minimize the visual impact in this area.*

When the Comprehensive Plan was enacted, the Applicant's SR-6 zoned property was specifically excluded from the Ridge Protection Overlay District which only applied to lands designated in certain zoning districts (AR-.3, SR-1 and SR-2). Upon ridges within the RPOD, development is not prohibited but rather is encouraged to minimize potential impacts through various means including building design, minimization of tree clearing, and additional screening.

The RPOD stipulates, among other measures, the use of earthtone colors for exterior materials and the use of non-reflective glass, both of these measures shall be incorporated into the design to be approved at final site plan review. In addition to the removal of the units in the 'scenic area', the Applicant has given special consideration to the grading in this area and has committed to extensive landscaping to reduce visual impacts.

Comment 3.6-44 (Letter #16, January 28, 2010, Irving Zuckerman, Verticon LTD): Fulfills the mandate of the Town of Chester's 2003 Comprehensive Plan which envisions senior and multifamily housing of the type proposed at this location because of its proximity to roads, shops, sewers, and water. It is the ideal location for such housing. Indeed, building housing in this location, near the community's center, prevents sprawl elsewhere, allowing Chester to retain existing open space and maintain its suburban-rural character.

Response 3.6-44: Comment noted.

Comment 3.6-45 (Letter #16, January 28, 2010, Irving Zuckerman, Verticon LTD): Address Chester's need for affordable senior housing. Chester's senior citizens will benefit from the construction of 100 one and two bedroom rental apartments reserved for people 55 and up. Seniors living in Chester will receive preferential treatment when apartments are available, allowing them to stay in the community they love.

Response 3.6-45: Comment noted.

Comment 3.6-46 (Letter #16, January 28, 2010, Irving Zuckerman, Verticon LTD): Expands Chester's housing options, offering a variety of townhouses targeted to empty-nesters and young professionals. The new neighborhood will include 358 two and three bedroom townhouses that are ideal for empty-nesters and young professionals who desire maintenance-free living with active lifestyle amenities like a pool and clubhouse. Many of the townhouses will have popular "master down" floor plans with the master bedroom suite on the main level, a design that specifically appeals to seniors.

Response 3.6-46: Comment noted.

3.7 Noise Impacts Comments and Responses

Comment 3.7-1 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

***Response 3.7-1:** Construction related noise is mitigated by adhering to local codes, which put daily time limits for work onsite and a limitation of which days are allowed during construction. Both the Town and Village of Chester do not have separate local codes for noise, however, in the DEIS for the BT Holdings Chester Development Project it was stated that construction would be limited to 7:00 am to 7:00 pm Monday through Saturday with no work conducted on Sunday or any legal holiday. It also stated that the equipment would be well maintained and operated efficiently to minimize the noise to the greatest extent practicable for a construction site. No other noise mitigations are proposed for the construction portion of the project. Construction noise is a necessary and unavoidable part of development.*

Comment 3.7-2 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):
Potential Noise Impacts

The applicant does not address the impacts of existing uses on the residents of this project. I can envision many complaints arising from the nearby existing farming, mall, traffic and Castle Fun Center. For this project, the developer needs to mitigate the impact of these existing conditions on the proposed residences in order to avoid the negative impact on these existing, nearby operations that will result for complaints from the project's future residents!

***Response 3.7-2:** The developer does not have plans to mitigate against existing land uses for the proposed residents of this development. The land uses in the area are not of issue to cause excessive noise. The farm that is adjacent to the property is protected by the "right to farm laws" as regulated by the Department of Agriculture and Markets. This law requires that residents be made aware that the farm may produce smells and noise, associated with the farm throughout the year. The Mall is not anticipated to produce nuisance noise since most of the activity associated with the Mall is located within the mall building. The Castle Fun Center is approximately 400 feet from the property boundary and across a NYS Road 17M. The noise created from this Castle Fun Center should not impact the future residents.*

3.8 Economic and Demographic Comments and Responses

Comment 3.8-1 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): ...they will pay the taxes as a condominium, which is roughly a third of what a regular house or something would be assessed at. I know the statistics say that there is only this many kids, or this many not; if you have two or three bedrooms.

Response 3.8-1: *As discussed in the DEIS, published demographic multiplier statistics gathered by noted practitioners in this field, Burchell and Listokin, and used by planners and municipalities all over the nation, consistently indicate schoolchild multipliers for townhouse units are significantly lower than those for single-family homes. Additionally, the higher a home's sale price, the fewer the expected number of schoolchildren. The upscale townhouses proposed are at a higher sale price and not only result in low schoolchild multipliers of 0.14 and 0.39 for 2BR and 3BR units, respectively, but also maximized revenues to pay for them due to the increased assessed value.*

Garling Associates has been the respected Planning Consultant for the Town of Chester for many years. Ed Garling, one of the principals of Garling Associates, conducted an independent survey of the school children population of Townhouse complexes in the Orange County Region. This report has been included as Appendix F and indicates that the multipliers used for BT Holdings are higher than what can actually be expected to occur. As Mr. Garling states in the report, "the larger more expensive or more exclusive units will tend to have fewer school children." The proposed BT Holdings site fits this description.

*Residential units in suburban townhouse developments similar to the proposed BT Holdings development are predominantly owned as condominiums. Taxes for the proposed condo townhomes are not a third of comparable fee-simple single-family homes; rather, they are more in the 60% range. At the same time, the lower schoolchild generation of the proposed townhouse units, as detailed above, results in a far lower associated expense. As a result, each proposed condo townhome results in a net **overall benefit** (revenue above costs) to the community while each fee-simple home results in a net **deficit** to the community. This is not true for all condo townhomes but, as discussed above, the proposed BT Holdings townhomes were specifically designed as upscale units meant to maximize tax revenues while minimizing expenses, especially those associated with schoolchildren.*

For example, as described in the DEIS, a \$450,000 4BR fee-simple single-family home would be expected to generate \$12,820 in total taxes including \$7,438 in school taxes while a proposed 3BR condo townhouse would be expected to generate \$7,371 in total taxes including \$4,277 in school taxes. With Orange County tax not factored in, those Chester-specific revenue figures are \$11,487 for the 4BR single-family home and \$6,605 for the 3BR single-family home. As such, the 3BR condo townhome generates 58% of the taxes as compared to the 4BR fee-simple single-family home. In addition to their property tax, condo owners pay substantial private homeowners' association fees, often amounting to nearly \$4,000 per year, to cover services provided to single family homeowners by the municipality, such as road maintenance, garbage pick up, community recreation etc. At the same time, the 4BR fee-simple single-family home would be expected to produce 3.67 total persons including 1.05 schoolage children while the 3BR condo townhome would generate 2.83 total persons including 0.39 schoolage children. After factoring in per capita costs and schoolchild costs as covered in the DEIS, the 4BR fee-simple

single-family home's total expenses would amount to \$15,382 while the 3BR townhome's expenses would be only \$6,313, or 41% of the expenses of the 4BR fee-simple single-family home. This large expense discrepancy is mostly due to the large difference in expected schoolchildren.

The 3BR condo townhome would thus generate a \$292 net benefit to the Chester community (\$6,605 in tax revenue less \$6,313 in total expense) while the 4BR fee-simple single-family home would generate a (\$3,895) net deficit to the community (\$11,487 in tax revenue less \$15,382 in total expense).

(As noted, these above figures exclude Orange County taxes and expenses, as they are not relevant to a discussion of the effect on the local community).

Table 3.8-1 Revenue and Expense Comparison			
Unit Type	Tax Revenue*	Total Expense*	Net Benefit/ (Deficit)
4 BR Fee Simple Single-Family Home	\$11,487	\$15,382	(\$3,895)
3 BR Condo Townhome	\$6,605	\$6,313	\$292

* Excludes Orange County Tax revenue and Expense.

This is illustrated on a larger scale in the DEIS in the comparison of the proposed BT Holdings Senior/Townhome community to the Single-Family Home Alternative.

As a result of the project modifications included in the Public Road Scenic Alternative, after covering its costs, the BT Holdings proposal is expected to generate a net benefit to the Village of \$304,712 annually, a net benefit to the Town of \$52,828 annually, and a net benefit to the Fire district of \$15,838 annually. As a result of the reduction in 3BR units, the annual net benefit to the Chester UFSD is now projected to be \$155,725. Thus the total net benefit to the Chester community is over \$529,000.

In comparison, the Single Family Housing Alternative would result in a net benefit to the Village of \$21,135 annually, a net benefit to the Town of \$16,183 annually, a net benefit to the Fire district of \$21,799 annually, and a net deficit to the school district of (\$627,693) annually. As such, the Single Family Home Alternative would generate an annual net deficit of nearly (\$570,000) to the Chester community.

Thus when assessing the impact to the Chester Community in comparing the Single Family Alternative to the proposed BT Public Road Scenic Alternative, the proposed BT Holdings project results in nearly \$1.1MM more overall annual net benefit than the Single Family Alternative.

Table 3.8-2 Summary of Revenue and Cost Analysis for Chester BT Holdings - Public Road Scenic Alternative			
Jurisdiction	Tax Revenue	Service Cost	Net Benefit / (Deficit)
Town of Chester*	\$204,084	\$151,256	\$52,828
Village of Chester	\$531,596	\$226,884	\$304,712
Chester UFSD	\$1,464,492	\$1,308,766	\$155,726
Chester Fire District	\$61,422	\$45,584	\$15,838
Total	\$2,261,594	\$1,732,490	\$529,014

* Town General Fund alone. Does not include any Part Town or Highway Tax.
Source: TMA 2010.

Table 3.8-3 Summary of Revenue and Cost Analysis for Chester Single Family Housing (SFH) Alternative			
Jurisdiction	Tax Revenue	Service Cost	Net Benefit / (Deficit)
Town of Chester*	\$217,351	\$201,168	\$16,183
- Town General Fund alone	\$135,443	\$119,260	\$16,183
Village of Chester	\$28,800	\$7,665	\$21,135
Chester USFD	\$971,927	\$1,599,620	(\$627,693)
Chester Fire District	\$40,763	\$18,964	\$21,799
Total	\$1,258,841	\$1,827,417	(\$568,576)

* Includes Part Town and Highway Tax.
Source: TMA 2010.

The project as proposed was designed to take into account the concerns the Chester community has over both revenue and expenses. The proposed BT Holdings townhouse/senior community is nearly a \$1.1 million improvement to the Chester community over the Single Family Home Alternative. The housing proposed--senior apartments and upscale townhouses--were specifically chosen to not only address area needs but also to provide for the most beneficial financial impact possible for residential housing. The results illustrate a self-sufficient community that more than covers its own costs as opposed to a single-family home development which does not.

Comment 3.8-2 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): Young couples just as well as seniors won't be able to afford to live in a house. They will be forced into that type of affordable housing, in my opinion, but I think that without it being deemed a PAC in any area you cannot control who is going to live there. So it could go either way.

Response 3.8-2: *The market rate townhouse community represents an alternative to traditional single-family housing and is generally more affordable to empty nesters and young couples just starting out. According to the US Census, housing stock in the Town of Chester is more than 70 percent typical single-family detached housing. Housing in Orange County overall is more than 68 percent single family and housing specifically within the Village of Chester is more than 80 percent single family housing. The diversity of housing opportunity available in the BT Holdings community will provide a valuable asset to the Town and Village of Chester, both in terms of the type of unit and the price point available.*

The proposed senior apartment community would be age-restricted to residents over the age of 55. The demographic multipliers used in the DEIS analyses are the standard methodology used by communities and planners to estimate population impacts; multipliers from comparable communities in the area further supported those estimates. Refer to Response 3.8-1 for further detail.

Comment 3.8-3 (Public Hearing, January 7, 2010, Tom Becker, 11 Sanford Avenue, Village of Chester Water Commissioner): ...it was mentioned that the water would benefit by the tax increase to the Village, the \$344,000. Really that's not true, because water only gets its -- we only get revenues by water; anything that comes in as tax dollars is used just for general budget. Anything that comes from water come from water revenues and that's it.

Response 3.8-3: *The provision of water is a valuable municipal service provided by the Village of Chester and the Applicant has proposed annexation which would obligate the project to pay the appropriate Village taxes to be entitled to this resource. While it is true the \$304,712 in net benefit tax revenue projected from the Public Road Scenic Alternative will go into the general municipal fund, the BT Holdings property owners will also pay applicable water usage fees which will be available as direct revenue to the water district. Currently the water usage fees are \$3.50 per 1,000 gallons of use. Based upon the projected usage of 125,356 gpd by the BT Holdings project, the annual water usage would be approximately 45,754,940 gallons resulting in annual direct water revenue to the Village of Chester Water Department of \$160,142. These usage funds are over and above the projected tax revenue to the Village General Fund.*

Comment 3.8-4 (Public Hearing, January 7, 2010, Dawn Guevara): Why do we need this development? We have homes right now in Chester that are vacant, unsaleable, and there are plenty of foreclosures.

Response 3.8-4: *The property was designated as appropriate for senior and multifamily housing as per the 2003 Town of Chester Comprehensive Plan and is to be developed in accordance with the smart growth goals of that plan. The Plan was written to map out the long-term growth of the community and is not meant to be adjusted whenever inevitable market fluctuations occur. The project would not be expected to break ground for yet some time and would then be built out over a number of years so the market would be expected to be different by that time. As mentioned in Response 3.8-2 and as articulated in the Town's Comprehensive Plan, the diversity of housing opportunity available in the BT Holdings community will provide a valuable asset to the Town and Village of Chester, both in terms of the type of unit and the price point available. That proposed housing will serve heretofore underserved populations, namely seniors, empty nesters and young professionals, by offering new maintenance-free affordable housing options as an alternative to more expensive, maintenance-intensive single-family homes. The location of this type of housing on this centrally-located property, again as expressly called for in the Town's Comprehensive Plan, will allow for the preservation of areas outside the community center for open space and lower intensity development. The development is expected to cover its costs and would generate substantial tax revenue that benefits the existing residents of Chester, both Town and Village. Additionally, per the U.S. green Building Council's New York Upstate Chapter, if LEED ratings are certified as proposed, the project will be the only large scale residential project with LEED for Home certification in the County. This certification should help increase the marketability of the proposed community.*

Refer to response 3.6-23 for additional detail on the benefits of annexation.

Comment 3.8-5 (Public Hearing, January 7, 2010, Dawn Guevara): It's undeveloped property. How much do you really pay on your sewer and you property taxes on undeveloped land that comes into our Village?

Response 3.8-5: *For the past 25 years, the Applicant has paid taxes on the undeveloped property, the total of which exceeds \$250K. The 2009 property tax revenues and fees on the land amounted to a total of \$17,765 including nearly \$1,600 for sewer alone. During that entire 25 year period, the undeveloped property has not incurred any costs to the community.*

Comment 3.8-6 (Public Hearing, January 7, 2010, Dawn Guevara): Are they going to be affordable for people?

Response 3.8-6: *The proposed market rate Townhouses are meant to increase the diversity of housing options compared to typical detached single family homes. The townhomes are designed similar to other comparable upscale townhouses in the regional area and are targeted specifically towards those who are seeking alternatives to more expensive single-family homes.*

The projected selling price of \$455,455 for a three bedroom townhouse unit would generally require a household income of approximately \$96,000¹. According to the US Census more than 35 percent of the residents of the Town of Chester including Village residents meet this income criteria. Should the housing sell for any less than that projected sales price, that percentage would rise.

Similarly, the projected selling price of a two bedroom unit at \$333,333 would generally require a household income of approximately \$80,000¹. According to the US Census more than 65 percent of the residents of the Town of Chester including Village residents meet this income criteria.

The senior apartments were included in the plan to offer area seniors the opportunity to live within the community without having to purchase a home. Per the requirements and definitions included in the Senior Citizen Housing special use permit zoning (Sec. 98-23.1), the senior portion of the development will include at least 20 percent certified 'Affordable' units reserved for residents whose annual incomes are 80 percent or less of the Orange County median family income as established on an annual basis by the U.S. Department of Housing and Urban Development (HUD).

Comment 3.8-7 (Public Hearing, January 7, 2010, Dawn Guevara): And the senior housing, how can you guarantee it's going to stay senior housing?

Response 3.8-7: *Senior housing will be deed restricted to remain senior housing. A definitive action by the Village Board, which would require another round of public hearings and an additional environmental review, would be necessary prior to any change in that status. The Applicant has no intention of pursuing any change to that status.*

¹ This assumes a 20 percent down payment, a mortgage rate of 5.375 percent for a 30 year mortgage, similar taxes to the BT Holdings projected taxes and a projected maintenance fee of approximately \$325 per month.

Comment 3.8-8 (Public Hearing, January 7, 2010, Dawn Guevara): Any family buying a three bedroom home is going to have two or three children. So I just want a guarantee, you know, how can you guarantee 121 students for our district?

Response 3.8-8: *As a result of the Public Road Scenic Alternative which both reduced the proposed number of total units and included a sharp decrease in the number of proposed 3BR townhomes, the school age child population projection has been reduced to 99 students.*

There are no guarantees on the number of schoolchildren, however, as discussed in Response 3.8-1 and Appendix F as well as in 3.8-10 below and in DEIS Section 3.8, the projection of 99 school age children is based upon numerous surveys of the number of school age children who reside in similar developments with similar bedroom counts in the northeast region. For instance, the Meadow Glen development, upon which the proposed townhome community was based, consists of 198 3BR townhomes of similar size and price yet generated only 68 schoolage children, or 0.34 schoolchildren per home. The projection uses widely accepted methodologies, is based upon statistically accurate studies, including those of comparable communities in the immediate area, and is the best information which is available.

Comment 3.8-9 (Public Hearing, January 7, 2010, Gordon Sheehah, 68 High Street): I also don't see a low impact where we have the village that has approximately three thousand people and we're going to be adding, by your numbers, about 1,137 people, which is about a third more.

Response 3.8-9: *As a result of the Public Road Scenic Alternative, and the resultant reduction in unit count, the population projection has been reduced by close to 9 percent to 1,036 persons, including 99 school age children. The low impact references made in the DEIS refers to the moderate impact on the school system compared to typical residential development, especially single family home development, in combination with the significant tax revenue which will accrue as a net benefit on both the Village and Town's operating budgets, as detailed in Response 3.8-1.*

Comment 3.8-10 (Public Hearing, January 7, 2010, Gordon Sheehah, 68 High Street): And I don't agree with your number of children as being 121. Nobody is going to be buying a three bedroom home and having one child. They are going to have at least two to three children, so by my estimate you're looking more at maybe four hundred children, and that does increase our tax burden for the rest of us.

Response 3.8-10: *The Public Road Scenic Alternative lowers the total number of units from 458 in the DEIS plan to 436, and reduces the number of 3BR units to a maximum of 208 units, less than 50% of the total project. The figures in the revised demographic analyses reflect these changes.*

As discussed in responses 3.8-1 and 3.8-8 above and as demonstrated in Appendix F and DEIS Section 3.8, studies have consistently indicated that townhouse units generate significantly fewer school age children than do single family homes. The demographic estimates of 1,036 total persons and 99 school age children were made in accordance with the standard methodologies used to determine demographic impact.

Bear in mind that a couple with a baby would not be considered to have a school age child, nor would an older couple who may have downsized, although they still have college students living with them. These are the primary target demographics for the proposed townhouses which is why schoolchild generation for this type of housing is shown to be as consistently low as it is.

The Public Road Scenic Alternative would introduce a maximum of 208 three-bedroom townhomes which is less than 50% of the project as a whole. This represents a reduction of 74 3BR units from the 282 3BR townhomes as set forth in the DEIS. The major reduction of more than 25% of the 3BR units was made in direct response to concerns expressed by the Community. In reality, even the 208 3BR figure is assuredly an overestimation as it assumes that every potential 3BR unit would be developed as such. Townhouses are geared to empty nesters, retirees and young professionals without school-age children and the market for this type of housing unit is typically for a 2BR unit with extra space for a home office or a study or sewing/hobby room. It is likely a significant number would be constructed as such. Additionally, the large footprint 3BR units could also be constructed with 'master down' bedrooms, a configuration which specifically appeals to empty nesters and seniors who are downsizing. As such, a portion of the 3BR units would likely end up being constructed as 2BR or 2BR plus Den and/or 'Master-Down' units. If even 25% of the 3BR units were sold to empty nesters, retirees or young professionals, it would result in an expected further reduction of more than 20 schoolchildren.

Comment 3.8-11 (Public Hearing, January 7, 2010, Gordon Sheehah, 68 High Street): Now I don't know how much these condos are going to be, but in the past we have seen other developments where they said it was going to be cheaper than houses, single family houses, but the prices were pretty comparable to what a single family house would be. At the same time you are only going to -- people are only going to be paying a third of the taxes that myself as a homeowner is paying. So if they are paying only a third of the taxes, and you said, well, if you build a single family home it's going to be the same amount of children, well, your deficit numbers don't add up. It means that we're not, we're going to have actually a bigger deficit in our tax revenue, and therefore the rest of us are going to have to pay more. So I don't go with your math. I think the numbers do not make sense.

Response 3.8-11: Refer to Response 3.8-1 for a detailed discussion on the tax and expense comparison between the proposed townhomes and comparable fee-simple single-family homes. Much of that discussion has been reiterated below.

As shown in Response 3.8-1, a BT Holdings 3BR townhome is projected to pay approximately 58% of the tax revenue of a comparable fee-simple single-family home, thus the reference to townhouses paying a third of the taxes is inaccurate. At the same time, that same 3BR townhome would incur only 41% of the expense relative to a comparable fee-simple single-family home. When the revenue and expense figures are netted out, the 3BR condo townhomes would produce a \$292 net benefit (revenue above costs) per unit to the Chester community while the 4BR fee-simple single-family home produces a (\$3,895) net deficit to the community. The net benefit figures are even more beneficial for the 2BR townhome and Senior apartment units which incur less expense. In addition to their property tax, condo owners pay substantial private homeowners' association fees, often amounting to nearly \$4,000 per year, to cover services provided to single family homeowners by the municipality, such as road maintenance, garbage pick up, community recreation etc.

In other words, the 3BR condo townhome is significantly more fiscally beneficial for the community than the fee-simple single-family home even though the single-family home pays more in taxes.

Unit Type	Tax Revenue*	Total Expense*	Net Benefit/ (Deficit)
4 BR Fee Simple Single-Family Home	\$11,487	\$15,382	(\$3,895)
3 BR Condo Townhome	\$6,605	\$6,313	\$292

* Excludes Orange County Tax revenue and Expense.

This is not true for all condo townhomes but the proposed BT townhomes were specifically designed as upscale homes meant to maximize tax revenues while minimizing expenses, especially those associated with schoolchildren. The results illustrate a self-sufficient community that more than covers its own costs as opposed to a single-family home development which does not.

Overall, the proposed project is expected to not only cover its costs to the community but also generate over \$529,000 in net benefit (revenue above costs) to Chester alone. The Single Family Home Alternative as described in the DEIS would result in a nearly \$570,000 deficit to the Chester community. As such, the proposed BT Holdings community represents a nearly \$1.1 million improvement over that alternative.

The above information is presented in the following tables:

Table 3.8-2 Summary of Revenue and Cost Analysis BT Holdings - Public Road Scenic Alternative			
Jurisdiction	Tax Revenue	Service Cost	Net Benefit / (Deficit)
Town of Chester*	\$204,084	\$151,256	\$52,828
Village of Chester	\$531,596	\$226,884	\$304,712
Chester UFSD	\$1,464,492	\$1,308,766	\$155,726
Chester Fire District	\$61,422	\$45,584	\$15,838
Total	\$2,261,594	\$1,732,490	\$529,104

* Town General Fund alone. Does not include any Part Town or Highway Tax.
Source: TMA 2010.

Table 3.8-3 Summary of Revenue and Cost Analysis Single Family Housing (SFH) Alternative			
Jurisdiction	Tax Revenue	Service Cost	Net Benefit / (Deficit)
Town of Chester*	\$217,351	\$201,168	\$16,183
- Town General Fund alone	\$135,443	\$119,260	\$16,183
Village of Chester	\$28,800	\$7,665	\$21,135
Chester USFD	\$971,927	\$1,599,620	(\$627,693)
Chester Fire District	\$40,763	\$18,964	\$21,799
Total	\$1,258,841	\$1,827,417	(\$568,576)

* Includes Part Town and Highway Tax.
Source: TMA 2010.

Comment 3.8-12 (Public Hearing, January 7, 2010, Gordon Sheehah, 68 High Street): ...if you don't sell them, are you going to convert them to rentals? Is that your plan?

Response 3.8-12: It is not the Applicant's plan to construct the units and offer them as rental units. The for-sale townhomes are proposed to meet a market demand. The Applicant will only build those units which he knows he can sell and will continue to pace the phasing of construction to meet the market demand.

Comment 3.8-13 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): What truly are the benefits to the Village of Chester, and what is the detriment to the Town of Chester?

Response 3.8-13: Refer to Response 3.6-23 for a detailed overview of the benefits of annexation to the Village and Town.

The overwhelming benefit to the Village of Chester is the net benefit in municipal tax revenue it would receive as a result of annexation into the Village, while accommodating the need for a diverse mix of housing options in the area. The net benefit in tax revenue of \$304,712 is equal to approximately 10 percent of all property taxes to be raised by the Village. Since the net benefit revenue is the revenue **after** covering the costs generated by the project, these funds will be available as discretionary funds to the Village in

preparing their annual budget. This represents approximately \$85 per resident in available discretionary funds.

Should the property be developed in the Town, as opposed to the Village, the Village would still incur a large amount of expense but would receive significantly less tax revenue.

Construction of the proposed Public Road Scenic Alternative does not result in a detriment to the Town. The proposed project fulfills the goals of the 2003 Town of Chester Comprehensive Plan to build senior and multifamily housing on this specific parcel. The Town will receive an annual increase in tax revenue of \$204,084 compared to existing conditions as well as a net benefit of \$52,828, while being responsible for providing a reduced level of municipal services compared to properties that are located exclusively within the Town.

And as discussed above, the BT Holdings project was specifically designed to minimize impacts while maximizing benefits. The development as proposed fulfills the Town of Chester's Comprehensive Plan's mandate while generating significant financial benefits for the community.

Comment 3.8-14 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): If they were to build 121 units, the Town of Chester would lose \$242,000 worth of parkland fees. It's not \$200, it's \$2,000. If they build out and put 350 units, based on normal counts, they put townhouses and senior citizen houses, the parkland fees would add up to about \$700,000.

Response 3.8-14: *The purpose of imposed parkland fees includes acquisition of land and expansion of capacity in addition to covering the costs of maintaining municipal recreation areas for residents. The residents of the proposed project would reside in the Village and would pay appropriate recreation fees to the Village to cover these costs, estimated at \$500 per unit as per the Village building inspector. Additionally, the project is expected to generate substantial tax revenues to both the Town and Village, including revenue over and above expected costs, that could additionally be applied by either municipality to invest in local recreation and parkland areas.*

The proposed community's residents would pay homeowners' association fees to support on-site facilities for both the townhouse and senior communities including a clubhouse, pool, tot lot and walking trails, among other features. In essence, the homeowners pay for their own recreation fees.

Comment 3.8-15 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): ..that the Town is going to gain some money, the Town is also going to lose a substantial amount of parkland fees, and the amount of parkland that they are going to be putting in there, by putting a pool and a couple of things, we're trying to encourage in Chester to build more parks; more parklands, to build more walking trails, more everything. That takes money.

Response 3.8-15: *Refer to Response 3.8-14.*

Comment 3.8-16 (Public Hearing, January 7, 2010, Matilda Bendix, Hambletonian Avenue): ...with the senior citizen housing, there are a lot of senior citizens today that have their grandchildren, and are taking care of them, so this is going to put more burden on the schools.

Response 3.8-16: *The proposed senior units are deed restricted to prohibit school age children from doing anything more than visiting their grandparents for a maximum of up to 30 days. No permanent residence of children under the age of 18 is allowed in the proposed senior community.*

Comment 3.8-17 (Public Hearing, January 7, 2010, Jody Kyvik, Partner in Business - Solar Salon): I'm a bit disappointed by the fact that there is no one here is representing the local businesses. As a business partner in the Town of Chester, no one has explored or verbalized the importance of the project to the small merchant, and the impact that additional residents could positively have on the community.

Response 3.8-17: *Comment noted. The 2003 Comprehensive Plan envisioned the benefit of placing needed housing in central locations immediately adjacent to local retail businesses. The placement of an estimated 1,036 persons within easy walking or short driving distance to local commercial options would be expected to be a benefit to the local economy.*

Comment 3.8-18 (Public Hearing, January 7, 2010, Jody Kyvik, Partner in Business - Solar Salon): However, being a business person in the Town of Chester, and representing the small merchants of the Town of Chester, I can't understand why there cannot be some sort of middle ground, where perhaps you must make some concessions as a developer, and the Town can make some concessions as to their restrictions, as well as promoting the possibility of additional population in a controlled way, to benefit the small merchant, because if no one pays any mind to the people who are paying exorbitant rent in the Chester Mall, and trying to survive as a small merchant in this community, no one is looking out for our interests as far as how to properly and conscientiously develop the community into a slightly larger population, then we're just going to shrivel up and die and the whole mall is going to be vacant and you're going to have a whole other set of problems. I just wanted to put that out there.

Response 3.8-18: *Comment noted. See Response 3.8-17. The proposed development would be the closest residential housing to the Chester Mall and the only one with direct access via the pedestrian walkway.*

Comment 3.8-19 (Public Hearing, January 7, 2010, Clifton Patrick, Town of Chester Historian): We talked a lot about the population versus the school kids, but how much capacity does our school district have? Can we accommodate the extra people that would be coming into the school system with our present facilities?

Response 3.8-19: *Data provided by the Chester Union-Free School District, as shown in the DEIS and repeated herein for convenience, indicates that infrastructure capacity is available to accommodate the school age children who would live in the BT Holdings community. The revised Economic Analysis based upon the modifications included in the Public Road Scenic Alternative, and included in FEIS Appendix F, indicates there would be a projected net benefit to the Chester USFD of approximately \$155,726 after covering costs. This information is the foundation for the statement that the proposed project will result in a low impact to the community.*

Table 3.9-4 Chester Union Free School District Capacity				
Building	NYSED Capacity	Chester UFSD Operational Capacity	Enrollment Projections Fall 2009	Available Operational Capacity
Chester Elementary School	783 students	550 to 600 students	485 students	115 students
Chester Academy	1,038 students	850 to 900 students	625 students*	275 students
Source; Chester UFSD Superintendent, Helen Livingston, August 2009.				
* Includes 75 BOCES Students				

Comment 3.8-20 (Public Hearing, January 7, 2010, Tracy Schuh, The Preservation Collective): I incorrectly read my notes and I just wanted it for the record that I meant to say that the Town's parkland fees was two thousand dollars. I guess I said two hundred by mistake.

Response 3.8-20: Comment noted, the Town parkland fee has been quoted at \$2,000 per unit.

Comment 3.8-21 (Public Hearing, January 7, 2010, Brian Lentos, Resident): I heard about the three bedroom homes and the people who are going to be living in them. What is the benefit of annexing this property? I went through annexation and it was very difficult at the time, and it was actually a positive move as far as tax base goes for the Village and the Town. In this case I see most high density developments create more of a tax burden on the residents, and on municipalities as far as what services they have to provide.

Response 3.8-21: As described in the Economic and Demographic Section of the DEIS (chapter 3.8) and as updated in the Fiscal Analysis of the Public Road Scenic Alternative included in FEIS Appendix F, one of the principal benefits of Annexation to the Village of Chester is the substantial tax revenue and net benefit to be derived as a result of construction of the proposed project. The net benefit of \$304,712 is equal to approximately 10 percent of all property taxes to be raised by the Village. Since the net benefit is the revenue **after** covering the costs generated by the project, these funds will be available as surplus discretionary funds to the Village in preparing their annual budget. Rather than a burden on existing Village residents, these funds represent a surplus of approximately \$85 per resident.

Also refer to Response 3.8-1 for a discussion of the economic effect of the proposed community and 3.6-23 for a discussion on how the proposed annexation is in the overall public interest.

Comment 3.8-22 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): You talk about taxes being brought into the Village, into the Town. What about taxes going out as far as payments? You'll have to increase your services, the police departments, E.M.S., the fire departments all have to be improved, as well as the D.P.W. So I just hope you are thinking about that as well.

Response 3.8-22: As described in detail in Section 3.8 and as updated in the Fiscal Analysis of the Public Road Scenic Alternative included in FEIS Appendix F, the \$304,712 and \$52,828 in net annual benefit projected to accrue to the Village and Town, respectively, are after revenues remaining after covering the cost of municipal services to the new residents at BT Holdings. The total projected revenue to the Village as a result of construction of the proposed project is \$531,596 and the total projected revenue to the Town as a result of the proposed project is \$204,084.

Refer to Response 3.8-1 for further detail.

Comment 3.8-23 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The DEIS claims that the development will cover its cost - can that be proven with certainty? How accurate is referencing the selling prices of a housing development in Monroe from 5 years ago? Meadow Glen residents are taking \$100,000 losses in resale currently. We suggest the Village check with an agent to verify current trends i.e. Hidden Creek in Monroe would be a good model; currently selling for under \$300,000 and units are comparable in size and amenities.

Response 3.8-23: Refer to response 3.8-28 and 3.8-29 for a detailed discussion of expected market rates and rental rates for tax assessments, including Hidden Creek.

Comment 3.8-24 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The DEIS states that the target market are empty nesters and young professionals. It is questionable if this audience would purchase a condo between \$300,000-450,000 plus fees for improvements and common area maintenance when nearby condos and homes cost substantially less.

Response 3.8-24: Refer to response 3.8-28 for a detailed discussion of the expected market rates for the proposed housing as well as comparables.

The Townhouse units are referred to throughout the DEIS as "market rate". The projected selling price of the units was established based upon a market study conducted prior to the height of the real estate boom in this area and does not represent the height of the market. Current market conditions are volatile and subject to market pressure from a variety of directions and it is reasonable to assume that current prices are not indicative of stable market conditions. It is likely that the pendulum will move in the upward direction and it is reasonable to project that values will return to conditions similar to the time the market study was conducted. It should also be noted that the Fiscal Analysis is based upon assessed values which are less volatile than market prices. The proposed homes will be assessed to comparable communities in the area and will be priced dependent upon market conditions at the time of construction.

The Public Road Scenic Alternative has incorporated innovative and sustainable design measures into the project. The goal is to not only create an environmentally-conscious

project—safer, more energy efficient, more durable, more affordable, more accessible and, overall, more sustainable—but also one that would eventually serve to distinguish it from the other residential options in the area. By making the project ‘green’, the Applicant believes that the homes will not only be more attractive and of higher quality but will also command premium values.

To assist in this effort, Steven Winter Associates (SWA), one of the nation's most respected and knowledgeable firms in research, design and consulting for high-performance buildings will be overseeing the project. SWA recently evaluated the BT Holdings project, along with the development team's architects, planners and engineers, and determined that it could qualify for LEED for Homes Silver certification. Developed by the U.S. Green Building Council, LEED (Leadership in Energy & Environmental Design) is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies intended to improve performance in metrics such as energy savings, water efficiency, CO2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. Additionally, the project would also seek certification in the ENERGY STAR Homes and National Green Building Standard (NGBS) programs.

SWA will be working with the development team throughout the process—from SEQRA review all the way through to the end of construction—to help the project achieve these various certifications. Per the U.S. Green Building Council's New York Upstate Chapter, the project will be the only large scale residential project with LEED for Home certification in the County. This certification should help increase the marketability of the proposed community.

Based upon these considerations the BT Holdings project will retain competitive advantages against lower-priced multifamily housing, such as those at Whispering Hills, as well as against maintenance intensive and expensive single-family homes.

Comment 3.8-25 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

"Higher priced units generate fewer people and school children.". If market trends do not live up to expectations, then analysis on net benefits would be inaccurate and understated.

Response 3.8-25: *Refer to Response 3.8-24, 3.8-28 and 3.8-29. The projected market values do not represent the top of the real estate market.*

Comment 3.8-26 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group):

Page 3.8-7 Paragraph 3 - The DEIS predicts and 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.

Response 3.8-26: *The DEIS measures the measurable impacts to the community as set forth in the scope. The Town's 2003 Comprehensive Plan specifically envisioned the development of this parcel at the approximate densities proposed, taking into account this growth to the greater Chester community. Population growth on property outside of this property site was further limited by the 2003 Comprehensive Plan in order to manage appropriate overall community growth.*

As a result of project modifications included in the Public Road Scenic Alternative the projected population has been reduced by almost 9 percent from 1,137 persons to 1,036 persons.

The proposed project will result in a substantial increase in Village population, however this increase will occur in a limited and defined area where infrastructure is already available to service the anticipated population. This increase will not take place overnight. Depending upon market conditions, it is likely that the total build out will take between five and ten years. It should also be noted that at least 180 persons, or about 17 percent of the projected population, will be senior citizens. These seniors may already live in the area and are taking advantage of this specific type of housing, thus marginally reducing the population impact.

Comment 3.8-27 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group):

According to the DEIS, the proposal would add 121 school children 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, 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 time frames:

- 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.

Response 3.8-27: *It is likely that market conditions will impose phasing on the number of units built at one time. As per the DEIS, the Chester UFSD currently has available infrastructure capacity for an additional 390 students, over three times the expected number of school age children at full buildout.*

Comment 3.8-28 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group):

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

townhouses 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 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 feet 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-bedroom 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.

Response 3.8-28:**Market Price**

Before discussing projected market prices, it should be noted that the market price of the units does not directly impact the fiscal analysis. The townhouses are to be owned under condominium ownership and they are therefore assessed and taxed according to the 'rental-income method' which uses rental rates and not sale prices to determine assessed value. These rental rates are discussed in detail in Response 3.8-29. That said, a detailed discussion of projected market prices follows.

In 2005, the Applicant began work on the project, using the Town of Chester Comprehensive Plan as a guide to determine the type of housing to propose for the site. The Applicant also met with local Chester officials to better understand not only the area's housing needs but also the community's concerns with regard to development, specifically the desire to develop housing that limited schoolchild impacts. The Applicant also undertook a tour of Orange County to better understand local housing demand and trends. This included discussions with local realtors and real estate developers. It also included a number of direct visits to various multifamily communities in the area, including both Whispering Hills and Meadow Glen, which was then in the final stages of construction.

After conducting this research, the Applicant ultimately determined to develop a senior apartment community alongside a proposed townhome community, the design of which was to be specifically based upon the successful Meadow Glen development, especially with regard to unit size, style, finish, community layout and amenities. At that time, the developer commissioned a detailed market study to further understand the local market and to gain detail on housing specifics, including prospective sales prices.

The study, the research of which was done in mid 2005, well prior to the peak of the real estate market, examined market demand as well as specific multifamily comparable communities in and around the area. The study examined age-restricted and non-age-restricted housing; townhouses, condos and single-family homes; and small, medium and large developments. The comparable communities studied ranged from those featuring lower-priced units, such as those located in the Whispering Hills community, to those featuring higher-priced units, such as those located in the Meadow Glen

community. For each comparable community, a number of variables were studied, including: Unit type, price, size, design and amenities; Community layout, amenities and aesthetics; Community location; Proximity to transportation routes, employment centers, shopping and support services; and School district, among others.

Each comparable community's units were then directly compared against the contemplated BT Holdings community's units, variable by variable, and adjusted accordingly to arrive at an 'adjusted market price per square foot'. This metric, multiplied by the assumed average square footage of the contemplated units, resulted in the expected estimates of \$455,455 and \$333,333 for the contemplated BT Holdings 3BR and 2BR units, respectively.

(Specifically with regard to Meadow Glen, while its proximity to railway service and different school district are regarded as advantages relative to the BT Holdings community, the BT Holdings community's location within immediate walking distance to a supermarket-anchored mall and ease of access to Rte. 17M are regarded as comparative advantages relative to Meadow Glen. These variables were measured and incorporated accordingly in the determination of 'adjusted market price per square foot' in the market study.)

Since the study was conducted, the real estate market has gone up and then gone down. For instance, the sales prices for the first Meadow Glen 3BR townhouses—on which the proposed BT Holdings townhomes are based—were initially marketed in the high \$300Ks. Strong demand for the units increased the sales prices to the low \$400Ks by early 2005, then to the high \$400Ks by late 2005, peaking with units sold in the low \$500Ks by early 2006. Indeed, as the market continued to increase, pre-owned Meadow Glen townhomes were being offered on the secondary market in the mid to upper \$500s well into 2006 (note: the market study was researched in mid 2005 and uses Meadow Glen ranges from \$390K to \$451K, not those sales made at the upper end of the market in 2006). Then, as the market declined precipitously, homeowners lowered their prices as many felt the full effect of the economic downturn. In recent months, in the midst of a near record real estate downturn with many owners being forced into sales during a buyer's market, those townhomes, now over 4 to 6 years old, are still being sold on the secondary market in the high \$300Ks.

The market will experience peaks and troughs and it neither makes sense to take either the highest high nor lowest low examples when determining appropriate market conditions. Especially now, market conditions are volatile and subject to artificial pressure from a variety of directions. For instance, a discussion with the sales team for the Hidden Creek townhouse development in Monroe revealed that another distressed developer had recently precipitously lowered prices on his own homes to avoid bankruptcy, thereby temporarily artificially lowering the market for all homes in the area (The Hidden Creek townhomes, currently in pre-sale, without any built project amenities, not yet openly marketed to the public and of inferior design and finish, are selling for approximately \$325,000 pre-upgrades). While the overall market remains in its current trough, situations such as this will unavoidably but temporarily affect overall sales. It is reasonable to assume that current prices reflect the bottom of the market and by the time ground would be broken on the proposed project, the market is quite likely to be different than it is today (most experts believe the real estate market will rise from its current low point).

All the above stated, based on the extensively researched data of comparable communities, at the expected time of sale, new housing of the type contemplated with all appropriate amenities offered is projected to sell in the quoted \$333,333 and \$455,455 range for 2BR and 3BR townhomes, respectively.

And again, as mentioned in the introduction to this section, market prices of the units do not directly impact the fiscal analysis.

Applicability of Meadow Glen vs. Whispering Hills

As mentioned, while conceiving the project, the Applicant met with local officials to better understand Chester's needs and concerns with regard to development. The Comprehensive Plan, as written, had expressed some of the wishes of the community, specifically the necessity of a diverse array of housing options for Chester's citizens. Local officials further elaborated on those needs and concerns. It was conveyed that Chester was worried about some of the negative impacts sometimes associated with development, specifically with regards to the financial impacts associated with schoolchildren. The Applicant expressly set out to conceive of a development that took those concerns into account while building a project that was appropriate for the area, enhanced the existing Chester community and addressed demand within the market.

Based on all of this research and discussion, the Applicant's planners and architects were specifically instructed to design a townhome community similar to the Meadow Glen community and different from the Whispering Hills community.

The respective differences between the two communities are substantial, both with regard to community-wide features (age, density, layout, amenities, location) and individual unit features (layout, size, bedrooms, unit amenities). It is for these reasons that the Meadow Glen townhouses sell at a much higher market price than the Whispering Hills Condos.

Meadow Glen

Meadow Glen is a relatively new townhome community, having been built from 2004 to 2006. Its 40 buildings and 198 3-bedroom townhomes were built at a density of 5 homes per acre (198 townhouses on 39.8 rolling acres), just below the 5.8 townhouse units per acre contemplated in the BT Holdings proposal. Meadow Glen was designed as a walkable neighborhood community, similar to a standard single-family home subdivision, with a loop road winding throughout, several cul-de-sacs, and sidewalks on one side of the road (see Figure F-1 in Appendix F). The community was intended to feature upscale curb appeal with each building and unit fronting the street with individual driveways leading directly off the roadway into each unit (see Figure F-2 in Appendix F). The design is practically the definition of 'single-family, attached' with individual homes clearly demarcated. A modern clubhouse is located immediately to the right upon entering the community with a pool, tot lot and exercise room. A tennis court was also eventually built onsite. Walking trails and other on-site landscaping features run through the community.

The units were built in five different models, each allowing a certain amount of variation to the final design. According to the original five townhome model designs, each home was contemplated with 3 bedrooms and 2.5 bathrooms with the square footage ranging

from 1,691 to 1,958 sq.. ft. (design variations for each home were available to the consumer). All units included an unfinished or finished basement of approximately 300 to 600 sq.. ft. (not included in the overall square footage). The estimate of 2,800 sq.. ft. per unit is inaccurate.

All units have a patio and many units also feature a terrace on the second floor, primarily in the rear. Units are included with a number of upscale modern amenities standard. Additionally, each homeowner had the option of purchasing substantial upgrades for a wide variety of in-unit features (cabinetry, appliances, bathroom fixtures, etc.) As a result, the units sold for approximately \$230 per square foot.

Whispering Hills

Whispering Hills was built from 1984 to the mid 1990s, over two decades ago, and consists of 116 buildings and 690 condos built on 77.6 acres, a density of 9 units per acre which is over 50 percent greater than that of the proposed BT Holdings townhome community. Unlike Meadow Glen's 'single-family home subdivision-like' layout with a loop road weaving through the community, Whispering Hills was designed with a single arterial road that runs nearly straight through the property with several single access roadways branching off of it as well as a number of direct accesses to communal driveways (see Figure F-3 in Appendix F). This makes for an efficient use of land but inevitably sacrifices some of the community aesthetic.

The buildings, which are clustered closely together, generally do not front the street but rather are arrayed such that roadways lead into the communal driveways with accessible garages at the rear of the units giving the community a more compact, urban feel (see Figure F-4 in Appendix F). The community has two clubhouses, each with a pool, as well as 6 tennis courts. The clubhouse amenities are generally not modernized and the state of the communal facilities is in some disrepair, as would be expected from older facilities.

The 690 units are split evenly split between 2BR and 3BR units. The 2BR units range from 1,052 to 1,086 sq.. ft. and the 3BR units range from 1,315 to 1,374 sq.. ft., substantially smaller than both the Meadow Glen townhomes and the proposed BT Holdings townhomes. Nearly every building in Whispering Hills is identically designed, with 6 units consisting of the same unit models in exactly the same configuration. Again, by virtue of the age of the development, many of the units lack the high-end finish and in-unit amenities standard on more modern multifamily homes, such as those in Meadow Glen and proposed for BT Holdings. The units sell for between \$198 and \$212 per square foot, 10% lower than Meadow Glen's units.

BT Holdings Public Road Scenic Alternative

The BT Holdings Public Road Scenic Alternative proposed 47 buildings and 336 would be built at a density of 5.8 units per acre (336 townhomes on 58 acres). The proposed BT community is much more in line with Meadow Glen than Whispering Hills, both in terms of the total number of buildings and homes and especially with regard to density (5.8 units per acre for BT vs. 5 per acre for Meadow Glen vs. 9 per acre for Whispering Hills), which has a significant effect on market price.

Like Meadow Glen, the BT townhome community features a loop road (actually several), running throughout a topographically-varied parcel with buildings that front the road,

creating a sense of community similar to a single-family home subdivision. (Refer to Figure F-5 in Appendix F). The side-to-side townhouses feature front walkways and individual driveways leading into separated garages (see Figure F-6 in Appendix F). The back-to-back townhouses place the garages in a building rear, not visible from the road, enabling the building frontage on the road to be devoted to a front lawn with walkways and no driveways or garage doors.

A comparison of the three layouts, as shown in Figures F-1, F-3 and F-5, helps to illustrate the similarities between Meadow Glen and the BT Holdings community as well as the differences between those two and Whispering Hills.

The BT Holdings individual units also illustrate the substantial similarities/differences between the various communities. The BT Holdings 3BR side-to-side townhomes are expected to vary from 1,750 to 1,900 sq. ft. which is in line with Meadow Glen's base square footage of 1,691 to 1,958 for its 3BR townhomes. These comprise 208 of the 336 proposed townhomes.

The proposed back-to-back townhomes are contemplated at 1,550 sq. ft and 1,350 sq. ft for the 3BR and 2BR units, respectively. Meanwhile, the Whispering Hills 3BR units measure in at an average of 1,345 sq. ft, roughly the same size as the BT Holdings 2BR back-to-back units, while the Whispering Hills 2BR units measure in at an average of 1,069 sq. ft, at least 20% smaller than the BT 2BR back-to-back units.

The high-end finish and modern amenities of the brand-new BT units, as well as the project layout and amenities of the BT community in general, would be similar to the recently built Meadow Glen units as compared to the older Whispering Hills units, further differentiating the price.

Additionally, the Public Road Scenic Alternative has incorporated innovative and sustainable design measures into the project. A preliminary evaluation of the BT Holdings project determined that it could qualify for LEED for Homes Silver certification. The goal is to not only create an environmentally-conscious project—safer, more energy efficient, more durable, more affordable, more accessible and, overall, more sustainable—but also one that would eventually serve to distinguish it from the other residential options in the area. By making the project 'green', the Applicant believes that the homes will not only be more attractive and of higher quality but will also command premium values.

The Applicant would be pleased to take the Village trustees on a tour of both Meadow Glen and Whispering Hills to further discuss the differences between the two communities.

Schoolchild Generation

Schoolchild generation is primarily impacted by two main variables: unit type and market price. As discussed in Response 3.8-1 and 3.8-8 above and as demonstrated in Appendix F and DEIS Section 3.8, studies have consistently indicated that townhouse units generate significantly fewer school age children than do single family homes. Within the multifamily category, higher priced housing tends to benefit communities financially in two different ways. First, higher-priced housing brings in more tax revenue since the assessed value is higher. Second, higher-priced housing brings in fewer

schoolchildren than lower-priced housing. As such, higher-priced housing increases revenue while decreasing expense.

As relayed by the Applicant, it was with this in mind that he proposed the type of housing in the BT proposal with an upscale community featuring high-end amenities and larger units. The goal was to intentionally design nicer housing that would not only add to the aesthetic of the community but also provide the maximum financial benefit to the community.

As discussed above, the market price for the BT townhomes, both side-to-side and back-to-back, would be expected to be significantly higher than the Whispering Hills units and more in line with the pricing of the Meadow Glen units. The schoolchild generation for the side-to-side units, in particular, would be expected to be quite similar to that of the Meadow Glen units. While the BT Holdings 3BR back-to-back units would be priced lower than 3BR side-to-side units, as detailed above, the price would not be significantly lower and they would not be expected to generate more schoolchildren per the Rutgers PUMS study.

It should be noted that Meadow Glen's 3BR townhomes generate 0.34 schoolchildren per unit while BT's 3BR units were estimated to generate 0.39 schoolchildren, 15% higher than the Meadow Glen figure. This estimate was intentionally conservative, measuring all school age children and not just public school age children.

As for what structure type the BT Holdings back-to-back units fall in, the Rutgers study defines the units in 'larger (5-or-more-unit) multifamily buildings' as "garden apartments" or "stacked flats", which are commonly found in a denser, urban setting. The BT townhomes, both side-to-side and back-to-back, fulfill the definition of "townhomes"- "one of a row of homes sharing common walls"-and not "garden apartments" or "stacked flats".

Comment 3.8-29 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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 \$1,300. 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%.

Response 3.8-29: *As discussed in Response 3.8-28, the expected market prices of the units do not directly impact the fiscal analysis. The townhouses are to be owned under condominium ownership and they are therefore assessed and taxed according to the 'rental-income method' which uses rental rates and not sales prices to determine assessed value. The fiscal analysis is based upon the assessed values which are less volatile than sales price. However, a discussion of rental rates can only occur by measuring the rental rates of comparably-priced units, including 'for sale' units that are currently being rented out, such as in Meadow Glen.*

Periodic reviews of the rental rates of the local market, including those of Meadow Glen and Whispering Hills, have been conducted throughout the development process. As the real estate market has fluctuated, so too have the rental rates, first going up from 2005 to 2007 and then down since then. And as with the sales price study, it is expected that

the current state of the market for rentals will be quite different by the time the units are being built and sold.

Currently, at the trough of a down market, rental rates for Meadow Glen's 3BR townhouses, similar to the BT 3BR side-to-side townhouses, are listed from \$2,700 to \$3,000 per month. These numbers are down from those in recent years but still well above the \$2,300 per month estimate used in the financial analysis in the DEIS.

The 3BR rate of \$2,300 used in the financial impact analysis in the DEIS is a 'weighted average' figure, incorporating the lower rental rate expected from the 3BR back-to-back units relative to the 3BR side-to-side units. However, given that the 126 3BR side-to-side units far outnumber the 82 proposed 3BR back-to-back units, even if one used the \$2,700 rental rate for the 3BR side-to-side units and a low \$2,000 rental rate for the 3BR back-to-back units, the weighted average would come out to \$2,424. In other words, the \$2,300 estimate for all the 3BR units, both side-to-side and back-to-back, is a conservative figure.

As detailed in Response 3.8-28, the 2BR back-to-back units are projected at a substantially higher sales price than a 2BR Whispering Hills unit. Research has shown that Whispering Hills units typically rent in the \$1,300 to \$1,500 range. Given the significant upgrade expected from a 2BR BT Holdings unit, it is more than reasonable to expect that the \$1,800 figure used is conservative as well.

Comment 3.8-30 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): Table 3.8-10 - It is important for the lead agency to understand that 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 level is + 11.6% 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 for 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.

Response 3.8-30: *Comment noted. As a result of project modifications in the Public Road Scenic Analysis, the projected net benefit to the Chester UFSD is significantly greater than the DEIS analysis indicated. The \$155,725 annual net benefit represents a +1.1 % beneficial impact, providing far greater 'cushion'.*

Comment 3.8-31 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.8-31: *The Per Capita methodology is widely accepted as the standard impact measuring tool by planners, municipalities and developers, and it was specifically employed at the request of the Village’s consultants.*

A letter from the Police Chief assessed the Village’s needs at an additional 2 to 3 new officers after buildout of the proposed project and did not indicate any further needs beyond that. Letters sent to the Fire Chief and Chester Volunteer Ambulance Corp. are as yet unanswered, thus it is projected that no significant impacts are anticipated.

The Village and the Town are jointly reviewing the needs and service requirements of their respective Police forces and are looking into any areas where consolidation may be beneficial. The net benefit tax revenue to be generated to the Village, the revenue the Village will realize after service costs are met, could be used, at the Village Board’s discretion, to help to fund infrastructure needs of increased space for the Village Police Department.

Comment 3.8-32 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O’Donnell, Turner Miller Group): 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.

Response 3.8-32: *As discussed in response 3.8-1, as a result of project modifications in the Public Road Scenic Alternative, the projected net benefit to the Chester UFSD is significantly greater than had initially been estimated. Rather than the nominal net benefit of \$7,313 to the Chester UFSD under the DEIS plan, the \$155,725 annual net benefit under the Public Road Scenic Alternative represents a meaningful beneficial impact.*

Unlike most non-age-restricted residential developments, the proposed BT Holdings project does not substantially cost the school district in providing educational services to the projected population, as compared to the Single Family Alternative which results in a more than \$600,000 annual deficit to the school district.

Comment 3.8-33 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O’Donnell, Turner Miller Group): Potential impacts to the Town related to the loss of potentially developable nonresidential land along Route 17M in the LB zoning districts should be discussed.

Response 3.8-33: *Possible commercial usage was researched by the Applicant and his planners but ultimately the challenges were too great. The approximately three acres of land fronting 17M is currently zoned as LB, however from a planning and engineering perspective, this land is almost completely undevelopable, especially if the remainder of the land is developed. The LB-zoned land sits at the bottom of a hill which presented stormwater runoff issues. For this reason, a stormwater basin has been located at the base of that hill. Furthermore, the shape and topography of the LB-zoned land, which is long but not deep, sits well above the roadway and rises steeply up the hill which does*

not allow for possible commercial usage, especially if any of the land behind it in the residentially-zoned area is to be developed as there would need to be access to that area. Additionally, there is limited commercial viability to that portion of the property land as it is not directly connected to the Chester Mall and would not allow direct vehicular access to that site.

Comment 3.8-34 (Letter #7, January 8, 2010, Mary-Ellen Kreher & Elizabeth S. Kreher):

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.

Response 3.8-34: *The population, property value and personnel and cost estimates are based upon current verifiable data, including local data, and established and accepted planning and assessment methodologies. Refer to Responses 3.8-1, 3.8-8, 3.8-28, 3.8-29 and 3.8-31 as well as DEIS and FEIS Section 3.9 Community Facilities and Services for further discussion.*

Comment 3.8-35 (Letter #7, January 8, 2010, Mary-Ellen Kreher & Elizabeth S. Kreher):

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:

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

Response 3.8-35: *Refer to Response 3.8-34. The project is not subject to any federal or state funding and is in full compliance with fair-housing law.*

Comment 3.8-36 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

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?

Response 3.8-36: *Given Chester's tax rates and assessment methodologies, the projected taxes on the three bedroom condominium townhomes is estimated to be \$7,371 per unit. Refer to response 3.8-1 for a detailed discussion of the revenue and costs.*

Comment 3.8-37 (Letter #11, February 1, 2010, Joan Van Der Meulen, Resident, Chester, NY): 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 cause more traffic, with school buses entering and exiting onto 17M.

Response 3.8-37: *The number of school age children was project by utilizing the data from noted practitioners Burchell and Listokin and is corroborated by the independent study conducted by Ed Garling. Refer to Response 3.8-1, 3.8-8 and 3.8-10 for further detail on the established methodologies and studies used to estimate schoolchildren.*

The trip generation characteristics of traffic from a residential development includes the traffic expected from school buses.

Comment 3.8-38 (Letter #12, February 2, 2010, Todd Finley, Play N Trade Video Games, Chester, NY): The townhouses will bring new residents and new money to town, and we need to help jump-start our economy.

Response 3.8-38: *Comment noted.*

Comment 3.8-39 (Letter #12, February 2, 2010, Todd Finley, Play N Trade Video Games, Chester, NY): 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.

Response 3.8-39: *Comment noted.*

Comment 3.8-40 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): According to ePodunk.com, roughly 35% of Chester's population is of school age. Assuming, as the developer contends, that this project will be a good match, the village, applying that 35% to the estimated project population of 1,137 would yield 398 children, not the 121 claimed by the developer!

Response 3.8-40: *This is an inaccurate statement. The 2000 census figures cited on epodunk.com show that 35% of the population (3,995 persons) is aged 24 or younger. This does not measure the population of schoolage children. Furthermore, this methodology fails to account for housing type. As discussed in Response 3.8-1, 3.8-8, 3.8-10 and DEIS Section 3.8, established methodologies and studies of local comparable communities were used to estimate schoolchildren.*

Comment 3.8-41 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): *The BT Holdings Chester Development DEIS states: "Potential Fiscal Impact, Chester Union Free School District - This would result in a nominal **net benefit** to the school district of \$7,313 annually."*

This nominal benefit to the school district assumes only 121 children are added and no additional facilities are needed. As stated above, this assumes a ratio approximately only a third of the current ratio of school aged children to our current local total population! This does not seem to be a realistic projection! The fiscal impact on our school would turn negative if just on

pupil is added at the per pupil cost of \$19,153, per the National Center of Educational Statistics. And grossly negative if additional facilities to accommodate this increase is required!

Response 3.8-41: *As discussed in Response 3.8-40, the methodology assumed in the comment is flawed. Refer to Response 3.8-1, 3.8-8, 3.8-10 and DEIS Section 3.8 for further detail on the established methodologies and studies used to estimate schoolchildren.*

The Public Road Scenic Alternative results in a reduced school age children projection of a maximum of 99 students. Based upon data supplied by the Chester Union-Free School District, there is significant available infrastructure capacity in the existing school buildings to accommodate the projected school population.

Per the New York State Education Department, as of 2008-09 the school tax levy for each student in the Chester School District was \$13,220, not \$19,153.

The projected cost to the Chester UFSD is \$1,308,766 compared to projected revenues of \$1,464,492, resulting in an annual net benefit of \$155,726.

Comment 3.8-42 (Letter #16, January 28, 2010, Irving Zuckerman, Verticon LTD): Benefits the local tax base. 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. This includes over \$330,000 for the Village of Chester, nearly \$60,000 for the Town of Chester and over \$7,000 annually to the school district. This type of housing is specifically designed to limit impacts, especially with regard to schoolchildren. If single-family homes were to be built on the property, there would be more children, resulting in higher taxes for current Chester residents. The current proposal prevents higher taxes.

Response 3.8-42: *Comment noted.*

Comment 3.8-43 (Letter #16, January 28, 2010, Irving Zuckerman, Verticon LTD): Businesses to reap benefits of centrally-located residents. By locating homes close to the commercial center of Chester, the proposal will be a boon for local businesses, providing them with a substantial number of new customers within easy walking distance.

Response 3.8-43: *Comment noted.*

3.9 Community Facilities and Services Comments and Responses

Comment 3.9-1 (Public Hearing, January 7, 2010, Dawn Guevara): ..if you're going to be receiving \$330,000 plus to the Village, are we getting more cops? We don't have a lot of cops, and I know this, I've been a Village resident for many years. We are lucky if we have two cops on at a time. Are we going to get more cops on at a time? Are we going to get more cops and more fire trucks, because we don't have it. Chester is too small to add twelve hundred people. With the crime rate that we do kind of have, we need more cops.

Response 3.9-1: *Based upon the Public Road Scenic Alternative which results in a reduction of 22 3BR units compared to the DEIS analysis, it is anticipated that the proposed project would now add approximately 1,036 residents to the Village's population. Per Chief Graziano's letter, the proposed project is likely to increase the need for police services in the Village. There may be a need for up to three additional officers, an administrative person and a patrol vehicle. Current station facilities are crowded with 20 persons utilizing 1,560 square feet of office space.*

Based on standards contained in the Development Impact Assessment Handbook (Urban Land Institute, 1994), two police officers and 0.6 police vehicles are required per 1,000 population. Based upon these standards, the increase in population of 1,036 persons would generate a need for 2.072 additional police personnel and 0.622 police vehicles. These standards are consistent with the needs projected by the Police Chief, based upon local data.

Additionally, the Village and the Town are involved in a study to determine where shared municipal services and facilities may be beneficial which may have an impact on future service needs.

Comment 3.9-2 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): In previous section, the DEIS claims "a net benefit in the amount of \$334,298 annually would be projected to the Village of Chester as a result of the proposed project". Then, indicated that this could go towards the potential increase in Village Police staffing. The salaries of two offices with benefits/insurance and vehicle could use up any proposed "net benefit".

Response 3.9-2: *The net benefit to the Village is the tax revenue over and above covering the cost of municipal services at the level they are provided for today. As shown in the FEIS Revised Fiscal Analysis, total tax revenue to the Village would be \$531,596. The current municipal cost of providing services derived from the property tax levy is projected to be \$219 per person, thus the total cost of providing municipal services to the 1,036 population increase is projected to be an estimated cost of \$226,884 to be raised by taxes. According to the 2010 Village Budget, a mid-range salary for a Village Police Officer is approximately \$75,000. These costs would be covered by the anticipated per person municipal cost alone.*

Comment 3.9-3 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): Despite onsite facilities, this section does not mention the increase in demand on all the current facilities with more residents in the community i.e. sports events, bathrooms, parking. Note, the Town of Chester's Comprehensive Plan estimated that the Town needed another 300 acres of parklands to accommodate its growing population. The Town also adopted a Recreation and Open Space Plan that discussed the many needed improvements to handle current residents and for Town at build-out.

Response 3.9-3: *As noted, unlike most single-family home subdivisions, the proposed community includes on-site facilities for both the townhouse and senior communities including a clubhouse, pool, tot lot, fitness center and walking trails, among other features. The substantial taxes paid to the Village and Town, which includes revenues over and above costs, can be applied by the Village and Town however may be needed to further address the recreation needs of the proposed future residents of the community. Additionally, the residents of the proposed project would reside in the Village and would pay appropriate recreation fees, as per the Village building inspector.*

Comment 3.9-4 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

Section 2.5 mentions that the future Homeowners' Association may wish to designate portions of common open areas for dog run areas. The demand for dog parks/runs is increasing particularly in dense development neighborhoods, therefore, incorporating a dog park area as part of site plan would make more sense than passing on that cost to the future residents later on.

Response 3.9-4: *The Applicant is willing to consider a dog park area as space allows. The details of this type of facility will be discussed at the time of final site plan review.*

Comment 3.9-5 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

The DEIS states "According to the Village Building Inspector, recreational fees are paid to the Village for new construction. These fees will be paid to the appropriate municipal government as required. Village recreation fees are currently estimated at \$500 per unit." The Village code/regulations should be referenced specifically.

Response 3.9-5: *Comment noted. The quoted figures for the Village recreation fees came from the Village Building Inspector.*

Comment 3.9-6 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

The DEIS omits the mention that the current parkland fees in the Town are \$2,000 per unit for comparison purposes.

Response 3.9-6: *Refer to Response 3.9-3. The BT Holdings community includes self contained recreational amenities which will serve to reduce the need for the use of municipal recreational facilities. The substantial taxes generated from the project can further be applied to recreation necessities. Additionally, as per Response 3.9-5, the project would pay appropriate Village recreation fees.*

Comment 3.9-7 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group):

The service area of the Chester Ambulance District is not provided nor is an estimate of the population it serves.

Response 3.9-7: *The service area of the Chester Ambulance District is essentially the same as the Fire District with an estimated population of approximately 15,000 persons.*

Comment 3.9-8 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.9-8: Comment noted. Based upon the revised Public Road Scenic Alternative, the gross tax revenue is projected to be \$1,464,492 and the annual net benefit, after covering the costs for 99 students, is projected to be \$155,726.

Comment 3.9-9 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): The Police Department indicated several areas of existing service deficiencies, including facility deficiencies. Increasing the population of the Village by 1/3rd 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.

Response 3.9-9: As discussed in Response 3.9-2, the \$304,712 in net benefit tax revenue is over and above the cost of providing municipal services. These funds would be available to the Village Board as discretionary spending and thus could be used to fund the construction of a new police facility, at the Village Board's discretion.

Comment 3.9-10 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.9-10: As discussed in the DEIS, the Village of Chester Police Department is located at 47 Main Street in Chester, approximately 1.0 miles from the project site. The staff currently consists of 11 full time officers and 2 part-time patrol officers, which serve the residents in the Village of Chester. Currently, emergency calls to the Village Police are relayed through the Orange County Emergency Communications Center. In 2008, the Department received 2,982 calls for service, handled 736 criminal cases, made 414 arrests and assisted at 138 traffic accidents. The current service ratio is 1 patrol officer to 500 residential population with police protection provided 24 hours a day.

These numbers are right in line with the ULI standards for police protection services and continue to indicate the need for 2 to 3 new Village police officers at full build out.

Comment 3.9-11 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.9-11: Based upon the revised Public Road Scenic Alternative, the BT Holdings project will increase the population by 1,036 persons. The site is located wholly

within the service area of the Chester Fire Department, whose population is currently approximately 15,000 persons and has a service ratio of 1 fire fighter for each 125 persons in the district. Based on planning standards contained in the Urban Land Institute's Development Impact Handbook, it is estimated that 1.65 fire personnel per 1,000 population is required to serve a new population. The anticipated increase in population of 1,137 persons within the fire district would be expected to generate a demand for 1.71 additional fire personnel. However, the Department's current personnel level of 120 fire personnel exceeds the ULI standard even after the proposed development's population increase. It should also be noted this is a conservative value, as the ULI multipliers assume no existing services, thus the actual demand for personnel is expected to be somewhat lower.

As discussed in DEIS Section 3.8, the BT Holdings development would generate property tax revenues to the Chester Fire District of approximately \$61,422 annually. This additional revenue can be used to augment the Department's capabilities as necessary.

If mutual aid is needed, the Fire District would be assisted by fire fighters from adjoining districts.

Comment 3.9-12 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.9-12: *The Chester Volunteer Ambulance Corp. is all volunteer and, as discussed in the DEIS, has state of the art equipment to service the needs of the Chester community. The addition of up to 1,036 persons to the population should provide a valuable new resource to recruit volunteers and financial support.*

The ULI planning standard assumes no existing services in place and therefore the standards are overstated when existing services are being expanded. The ULI Development Assessment Handbook also readily acknowledges that there is often a difference between a Planning Standard goal and actual Service standard being provided. It is acknowledged that senior populations have increased needs for medical attention and related ambulance calls. The ULI resource "Developing Adult Retirement Communities" indicates that a senior population has needs of 110 percent of these services compared to a typical mainstream population, thus increasing the number projected number of ambulance calls to more than 40 calls per 1,000 population or an additional 3 calls from the 180 seniors living at BT Holdings.

According to the Chester Volunteer Ambulance website, a large percentage of the calls they receive are from motorist accidents along NYS Route 17. This may account for the high ratio of calls per 1,000 population reported by the Chester Volunteer Ambulance Corp.

Many of the surrounding communities, who do not have a volunteer ambulance corp. rely on a fee-for-service ambulance provider who provides emergency medical

transportation and service. Regional Ambulance currently is under contract to provide this supplemental service in Chester. Should it become necessary, Regional Ambulance can augment the services of the Chester Volunteer Ambulance Corp.

Comment 3.9-13 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): The DEIS states that school bus routes exist along Route 17M. Is it anticipated that school buses would only pick up students along Route 17M? Some private busing 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.

Response 3.9-13: *As a result of discussions with the Chester School District, where the District indicated¹ that school bus pick up and drop offs are not allowed on privately maintained roadways, in addition to other considerations, the Applicant is now proposing the Public Road Scenic Alternative. This alternative provides a public road and a turnaround to facilitate school bus accessibility. This alternative would involve dedication of the Public Main Entrance Road to the Village of Chester.*

Comment 3.9-14 (Letter #6, January 6, 2010, Michael R. Edelstein, Ph.D., President of Orange Environment, Inc.): 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.

Response 3.9-14: *Senior Housing has a beneficial impact on the school district in that it has an obligation to pay property tax without placing a burden on the School District. However, this is not the sole reason this type of housing is being proposed. The BT Holdings project is proposed as a neighborhood, which includes housing appropriate to meet a variety of needs, including the need for senior housing in this area.*

Other issues such as increased demand for community services, traffic and the like are addressed in the appropriate sections of the DEIS and FEIS.

Comment 3.9-15 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): *The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "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!"

Response 3.9-15: *Data provided by the school district, as shown in the DEIS, and repeated herein for convenience, indicates that significant infrastructure capacity is available to accommodate the school age children who would eventually live in the BT Holdings community. The Public Road Scenic Alternative reduces the number of 3BR*

¹ Phone conversation with Erin Brennan, Business Official, March 31, 2010.

Community Facilities and Services

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units in the project, thus the projection of school age children has been reduced to 99 students. The revised Fiscal Analysis included in FEIS Appendix F indicates that the school taxes would not be a drain on the community but instead provides an annual net benefit of more than \$150,000 to the school budget. The DEIS also discussed how other residential housing alternatives, such as single-family homes and/or lower-priced multifamily housing, will have a negative financial impact on the community, unlike the proposed project. This information is the foundation for the statement that the proposed project will result in a low impact to the school district.

Table 3.9-1 Chester Union Free School District Capacity				
Building	NYSED Capacity	Chester UFSD Operational Capacity	Enrollment Projections Fall 2009	Available Operational Capacity
Chester Elementary School	783 students	550 to 600 students	485 students	115 students
Chester Academy	1,038 students	850 to 900 students	625 students*	275 students

Source; Chester UFSD Superintendent, Helen Livingston, August 2009.
* Includes 75 BOCES Students

Comment 3.9-16 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): *The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "Education Facilities - No further mitigation measures are proposed."*

I doubt this conclusion, as it is based on questionable assumptions.

Response 3.9-16: *Refer to Response 3.9-15.*

3.10 Utilities Comments and Responses

Comment 3.10-1 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): Moving on to wastewater, the narrative states that the Village of Chester is currently exceeding its wastewater allocation by 347,000 gallons a day right now, allocated -- they are using actually 363,000 gallons and it was mentioned earlier by your consultant -- this section refers to a comment made by Phil Salerno from Moodna Sewer Basin that participating communities have an informal agreement that allows individual municipalities to exceed their allocation as long as the entire district does not exceed its waste water allocation.

We have severe issues with this. The Town of Chester disagrees with this statement. The Town of Chester Sewer District have paid for their own allocation. The Town is not willing to allow other municipalities to use their allocation without the Town board approval. Since the Village is in excess of its capacity, the Village and/or Applicant should investigate means and methods to provide sewer capacity for the project. The Moodna Basin cannot give away capacity owned by the Town of Chester Sewer District. We have people paying into that.

Response 3.10-1: *The reference to comments made by Phil Salerno were not included in the DEIS accepted as complete by the Village of Chester for the very reasons detailed in Supervisor Neuhaus' comments.*

The Town of Chester Consolidated Sewer District No.1 is a town improvement district. As stipulated in General Municipal Law §716(12), the property remains in the district and all of benefits and obligations of the district remain unaffected by the annexation. The DEIS has demonstrated that there presently exists adequate capacity within the Sewer District to serve the project.

The applicant is entitled to sewer service provided by the Town of Chester Sewer District by virtue of the sewer taxes paid by the Applicant on the subject site for the past 25 years plus.

Comment 3.10-2 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): Under the future wastewater infrastructure section, the DEIS also refers to a proposed wastewater treatment plant. This is also called the Black Meadow Creek Wastewater Treatment Plant. This has only preliminarily been discussed. I haven't seen any hard copies of any plans or anything. ...And that's why I'm saying we can't assume that this sewer plan is going to be something that's definitely going to happen.

Response 3.10-2: *The Applicant is in agreement with Supervisor Neuhaus that the anticipated Black Meadow Creek Wastewater Treatment Plant is in the preliminary conceptual discussion stage. The Applicant is anticipating using the existing Harriman Sewer Treatment Plant as described in Response 3.10-1.*

Given the recent lawsuit settlement by the Greens of Chester, the necessity and potential feasibility of the Black Meadow Creek Wastewater Treatment Plant is undergoing renewed consideration. Should the Black Meadow Creek Wastewater Treatment Plant become a viable reality in a timely fashion to service the BT Holdings project, the Applicant could be amenable to supporting this effort, including funding an appropriate share of the construction costs.

Comment 3.10-3 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): ..the possible effects of other developments to the sewer allocation. It did not take into consideration the Mountco Camp LaGuardia site. Whether that is a pipe dream or not, it still needs to be considered as a matter of a project that is being proposed.

Response 3.10-3: As referenced in Response 3.10-1, the subject site already has available sewer allocation to service the proposed project by virtue of the payment of sewer taxes over the past 25 years. The availability of sewer allocation for any future projects, including the Mountco Camp LaGuardia project, which currently has no allocation, would have to have to be predicated upon excess allocation being available AFTER the properties which already have allocations have been considered.

Comment 3.10-4 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): ...one of the issues we have is that if the Village did annex this property would this still be considered part of the Town's allocation or not? That is something that needs to be addressed as well.

Response 3.10-4: That portion of the BT Holdings site located in the Town of Chester is entirely within the Town of Chester Consolidated Sewer District No. 1 and is also within the service area of the Moodna Basin Commission. The BT Holdings property has paid and continues to pay sewer fees to Sewer District No. 1. General Municipal Law §716(12) provides “[i]f a village annexes territory of the town in which it is situated...any such annexation shall not affect the boundaries of any town special or improvement district in such town...” The New York State Comptroller has stated that when property within a town improvement district is annexed into a village, the property within the district, including property within the village, is still subject to the assessments levied by the town for district purposes. NY Comptroller Opinion 86-39.

The Town of Chester Consolidated Sewer District No.1 is a town improvement district. By virtue of the plain language of General Municipal Law §716(12), the property remains in the district and all of benefits and obligations of the district remain unaffected by the annexation. The DEIS has demonstrated that there presently exists adequate capacity within the sewer district to serve the project.

Comment 3.10-5 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): ...we believe that the project sponsor should perform a detailed hydrogeological study to test the wells in the area, if they did not get the water approved by the village. Solely investigating the Village's abilities to supply water for this project is totally unacceptable. Alternatives must be investigated on this.

Response 3.10-5: A preliminary Fracture Trace Analysis was conducted on the site which indicated limited potential for subsurface water due to the lack of fractures particularly on the hillside. There were two areas identified that could be investigated for potential water yield, however the fracture trace analysis indicated the water yield from these locations would likely be low.

In addition, it would be less environmentally protective, redundant, expensive and inefficient for a new water resource to be created for the proposed development where an existing nearby municipal resource with both available capacity and infrastructure located immediately adjacent to the project site is readily available. Proceeding in such manner would not be good planning, resource management or stewardship of the groundwater resource.

Comment 3.10-6 (Public Hearing, January 7, 2010, Tom Becker, 11 Sanford Avenue, Village of Chester Water Commissioner): I just want to update a couple of numbers from the DEIS, as far as the number that was used in the DEIS for the gallons per day, which was given at 450,000. I did an average actually of the daily usage for the last ten years, which puts us 528,000 gallons per day, which is more representative of more dry years; the number I had given previously was just our average, that was daily, that was using daily at this point.

Response 3.10-6: *The 450,000 gpd average daily consumption figure cited in the DEIS was provided by Mr. Becker, Water Superintendent of the Village of Chester.. Regardless, using the revised average daily consumption of 528,000 gpd, there is still sufficient capacity in the Village's water system to supply water to the project.*

Comment 3.10-7 (Public Hearing, January 7, 2010, Tom Becker, 11 Sanford Avenue, Village of Chester Water Commissioner): Also, I had asked previously if some type of calculation could be done to assess the open properties that are located within the Village. There are approximately 31 vacant properties in the Village, some one half acre in size, some as large as twenty acres in size. I want to make sure that we're covering the needs of those properties, you know, because they exist in the Village as they are now, and make sure that the water needs of those properties can be hopefully met.

Response 3.10-7: *The Village of Chester public water supply system is operated by the Village's Water Department. The water sources include a surface water supply at Walton Lake in Monroe and a second groundwater source at the Black Meadow well-field. The Village's total permitted maximum daily water-taking from these two sources is 1.1 million gallons per day (mgd). As reported in the DEIS, the average demand on this water supply system, according to the Water Commissioner, Mr. Thomas Becker, is approximately 0.45 mgd. Thus, available excess capacity of approximately 0.65 mgd would be available in the Village water supply system. As discussed in Comment 3.10-6, Commissioner Becker has since evaluated the water utilization during dry years, as opposed to average years, and determined that 528,000 gpd, or 0.53 mgd, was a more conservative estimate of peak water usage, meaning 0.57 mgd would be available in the Village water supply system.*

At the time the DEIS was prepared, at the request of Water Commissioner, Tom Becker the project engineer factored into the calculations determining available water, proposed and pending projects that are being considered by the Village Board. This resulted in factoring in an additional 80,570 gallons per day of water usage in determining water availability.

As discussed in the revised water report included as Appendix H, the proposed BT Holdings Public Road Scenic Alternative includes 436 units and is projected to require 125,356 gpd of water usage. Since the DEIS was prepared, a reanalysis of the project's irrigation needs indicates this need can be met in a sustainable way through utilization of water from the stormwater detention basins. Thus the total water usage requirement for the BT Holdings project at 436 units is a maximum of 125,356 gpd.

At the request of Commissioner Becker, an analysis of vacant parcels located within the Village that would be entitled to water usage has been prepared and is included as Appendix I. The list of vacant parcels, as identified by the Village, has been mapped as shown on Figure 1. A spreadsheet has been prepared which shows the tax ID number, acreage, zoning and development potential of the vacant parcels. A generic development

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assumption of 65% development potential, unless further restricted by the zoning, was utilized. This assumption is based upon field experience to provide an order of magnitude for development, and represents an estimate of maximum development potential. Additional development assumptions are listed on the spreadsheet.

It is unlikely that each and every parcel would be developed anytime soon, if ever. However, in order to be conservative, an assessment of potential water usage has been prepared which indicates that approximately 116,750 gpd could be reserved for the future use of vacant lands.

As a result of these analyses, the total demand on the Village's water system is projected as follows:

- 528,000 gpd - Current usage (dry years)*
 - 80,570 gpd - Pending projects*
 - 116,750 gpd - Vacant parcel potential usage*
 - 125,356 gpd - BT Holdings project usage*
- 850,676 gpd - TOTAL*

Ultimately, even including potential development of pending projects and all vacant land parcels, which represents absolutely full build-out of the Village, and utilizing a peak (dry) year's water usage as a base, less than 77% of the existing water supply is utilized, leaving more than a 23% margin of unutilized and unallocated water supply as a Village reserve.

As described earlier, many of the plant species to be used as landscaping shall be native or naturalized to the area, thus they would have the ability to survive and thrive on local weather conditions and typical rainfall amounts thus reducing the amount of irrigation necessary.

The applicant has provided additional and more specific details regarding his plans to harvest water for irrigation purposes from detention ponds as requested. The final details of this system will be agreed upon during site plan review. The applicant will either need to provide sufficient water quality measures prior to the stormwater being redistributed for irrigation or the applicant will construct a private well (completely separate from any municipal system) for non-potable irrigation purposes only. Regardless of the proposed method, the applicant has fully agreed to not utilize Village water for irrigation purposes. *The irrigation system will not be connected to the potable water supply thus minimizing impacts to the Village water system.*

Comment 3.10-8 (Public Hearing, January 7, 2010, Tom Becker, 11 Sanford Avenue, Village of Chester Water Commissioner): Also, the DEIS mentioned the Village water storage capacity of two million gallons. The two million gallons is a total capacity of the three tanks that the Village has. If we lost both sources of water due to some type of tragedy, emergency, where we have either water main breaks, power outages, something that causes us to lose both water sources, how long will that two million gallon capacity last, and at what level on the tanks will we lose firefighting capacity to higher elevation locations in the Village such as Grand View, Cherry Heights, and also this proposed development, which is of a higher elevation.

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Response 3.10-8: *The addition of the BT Holdings project to the Village's water system will not significantly affect the operating pressure in the water system. Additionally, it should be noted that the construction of the BT Holdings project would include a new water main trunk line through the site that would provide additional water supply redundancy to the village water system that would be beneficial in the event of certain water main break. If additional improvements are required to the existing connecting public water mains as a direct result of the project to meet Orange County Health Department standards, the applicant will be responsible for these upgrades during the construction phase of the project.*

In the unlikely event that a catastrophic event were to occur that would limit the Village's water supply to only the 2 million gallons of water stored in the Village's water tanks, the tanks would have the capacity for 2 to 3 days worth of domestic water supply for the lower elevations of the Village. The water supply time for the portions of the higher elevations of the Village, including the upper portion of the BT Holdings site, would be significantly less, particularly if prolonged or excessive fire flows occur, because the existing tanks are not significantly higher than the highest points of the village.

Comment 3.10-9 (Public Hearing, January 7, 2010, Tom Becker, 11 Sanford Avenue, Village of Chester Water Commissioner): ..if we use the numbers that I had given you now as the 528,000, that's the daily consumption by the Village, 137,000 gallons BT Holdings would use for indoor use, for domestic usage, and 123,000 gallons of outdoor; we also have future development that is slated that could use almost 80,000 gallons; this puts us at 868,000 gallons per day, which leaves us with 232,000 of leftover water for all the other properties that are left in the Village; it's not a lot of water. I actually would like to see, you know, a cushion with the 1.1 million gallons that we have. I don't want to reach that capacity at any time for drought years, and other issues that may come up.

Response 3.10-9: *Refer to response 3.10-7.*

The previously estimated 123,500 gpd irrigation usage has been re-studied and found to be on the order of 30,000 gpd, which will be provided from the stormwater management basins.

The only areas of the site that we envision requiring regular irrigation beyond natural rainfall amounts are the lawn/turf areas that will constitute the yards of the residential buildings. These lawn areas are only approximately 13.25 acres of the approximately 31.75 acres of lawn and landscaped areas, and would only require on the order of 30,000 gallons per day for irrigation. Given that the proposed stormwater management basins will have the capacity to store up to 3.7 million gallons of stormwater, it is anticipated that the irrigation needs of the project can be harvested from the proposed stormwater management basins; details will be provided during the site plan approval stage of the project.

The addition of the BT Holdings Public Road Scenic Alternative (125,356 gpd) and unrelated approved/pending projects (80,570 gpd) to the revised existing village water consumption (528,000 gpd) would result in an estimated future average daily consumption of 733,926 gpd (67% of available water supply). This would leave 366,074 gpd, or approximately half of the future average daily consumption, for future users. We expect standard water restrictions would be put into effect during drought times, which limits peak usage of water supply.

Comment 3.10-10 (Public Hearing, January 7, 2010, Tom Becker, 11 Sanford Avenue, Village of Chester Water Commissioner): I'd like to see them look into more green aspects as far as the outdoor usage on the project to try to eliminate that outdoor usage.

Response 3.10-10: *Several water saving/recycling techniques will be incorporated into the project. The buildings will be equipped with water saving toilets, reducing overall water consumption requirements. Many of the plant species are native or naturalized to the area, meaning they survive and thrive on local weather conditions and rainfall amounts, and do not have irrigation needs beyond natural rainfall amounts. There are a few plant species on the planting list that are not indigenous to the area, and therefore may require additional irrigation, however the project landscape architect will revisit the planting list prior to site plan approval to minimize the amount of non-native or naturalized species and thereby minimize the amount of irrigation required.*

As discussed above in response 3.10-9, the only areas of the site that we envision requiring regular irrigation beyond natural rainfall amounts are the lawn/turf areas that will constitute the yards of the residential buildings. Given that the proposed stormwater management basins will have the capacity to store up to 3.7 million gallons of stormwater, it is anticipated that the irrigation needs of the project can be harvested from the proposed stormwater management basins. The current NYS Stormwater Management Design Manual promotes "green measures", such as harvesting rainwater for non-potable uses. The manual encourages rainwater harvesting regardless of the location or scale of the project - from small individual residential rain barrels in rural residential areas to large cistern-type systems for commercial and industrial sites in dense urban areas. The harvesting is noted as ideal for roof runoff as roof runoff is considered relatively "clean" and free of pollutants.

The manual does not preclude the use of collected stormwater for irrigation from locations other than rooftops, although additional pretreatment and filtering from these areas as compared to rooftop areas may be required prior to pumping the collected stormwater to its end re-use. However stormwater from the site must be collected and put through a pre-treatment and filtering process to meet NYSDEC stormwater quality standards regardless of whether or not it will be re-used, so the proposed stormwater measures will address basic quality issues.

The location, elevation and appurtenances of the irrigation intake structure will need to be carefully considered during the design process. The intake should not be near the bottom of the pond, where solids and silts will accumulate, and should be as far from the inflow structures as possible. In addition, implementing products such as first flush diverters, filters for small debris, and smoothing inlets and baffles to prevent agitation of sediment, could be considered when designing the intake structure and irrigation pumping system. Regardless of what measures are employed, frequent inspection and maintenance of the ponds will be necessary.

Lastly, it is envisioned that the irrigation system would be either manually controlled or programmable based on rainfall events. A rainfall event would reduce or eliminate the need for immediate irrigation, thus the irrigation system would not be drawing water from the ponds during or shortly after rainfall events, when the ponds get filled and there is a possibility of stirring up solids, silts and debris. The irrigation system would not be used until after the rainfall has subsided, when the filling of the ponds has ceased, and the

standing water in the ponds will be calm and finer particles that made it through the pretreatment and filtering process will have settled out.

As stated above, many of the plant species to be used as landscaping shall be native or naturalized to the area, thus they would have the ability to survive and thrive on local weather conditions and typical rainfall amounts thus reducing the amount of irrigation necessary.

The applicant has provided additional and more specific details regarding his plans to harvest water for irrigation purposes from detention ponds as requested. The final details of this system will be agreed upon during site plan review. The applicant will either need to provide sufficient water quality measures prior to the stormwater being redistributed for irrigation or the applicant will construct a private well (completely separate from any municipal system) for non-potable irrigation purposes only. Regardless of the proposed method, the applicant has fully agreed to not utilize Village water for irrigation purposes. The irrigation system will not be connected to the potable water supply thus minimizing impacts to the Village water system.

Comment 3.10-11 (Public Hearing, January 7, 2010, Gordon Sheehah, 68 High Street): In terms of water and sewage, why should we strain our already overtaxed allocations, especially for the sewer?

Response 3.10-11: *As has been discussed in responses 3.10-6 and 3.10-9, there is available water capacity to incorporate the BT Holdings project into the Village municipal water system.*

As discussed in responses 3.10-1 and 3.10-4, the project site is entitled to its existing sewer allocation at the Harriman Sewage Treatment Plant. The project sponsor proposes to utilize presently unused Town sewer allocation, as the project site is within the Town Sewer District and has been paying sewer tax accordingly. If the currently available town sewer allocation should be used before the BT Holdings project comes online, the project sponsor would request the Village or Town request additional sewer allocation from the Harriman Sewage Treatment Plant which has approximately 1.5 mgd of available capacity. As a district member, the property would be entitled to such service and the district would be obligated to provide it. Alternatively, if the Black Meadow wastewater treatment plant were to become a viable option, additional sewer capacity could be obtained from that source..

Comment 3.10-12 (Public Hearing, January 7, 2010, Eric Nagan, Town of Chester Engineer): The sewer capacity data is from 2008. I think before everything is finalized that should be updated as well.

Response 3.10-12: *According to Mr. Phil Salerno, the sewer allocation and usage data lags 3 to 6 months behind present day due to the County data collection, reporting and verification process. The 2008 data was the latest information available as of the time the DEIS was submitted. The sewer allocation and usage data is not expected to have significantly changed in the last year.*

Comment 3.10-13 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

Page 1.2 - The DEIS states "...in order to create these homes at the density currently permitted in the Town's zoning, there must be access to municipal water service which can only be provided by the Village of Chester.". How does the applicant know that they cannot create these homes without municipal water i.e. a central well?

Response 3.10-13: See Response 3.10-5.

Comment 3.10-14 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

The DEIS claims "The net combined available and remaining allocation for the Village and Town is 131,400 gpd.". There are several projects in benefit areas that could impact the remaining allocation such as Chester Golf and Bellevalle proposed subdivisions. Table 10.1 lists out pending or approved wastewater projects and states that The Greens of Chester is not - applicable, however, project files indicate that it was determined that the first 3 phases, as of 2007, could receive sewer extension to Harriman.

Response 3.10-14: Development of the Greens of Chester, as originally proposed, was contingent upon construction of the proposed Black Meadow wastewater treatment plant to provide sewer service to at least a portion of that community. Should the Black Meadow Creek Wastewater Treatment Plant become a viable reality in a timely fashion to service the BT Holdings project, the BT Holdings Applicant could be amenable to obtaining allocation from that source by supporting that effort.

If the currently available Town sewer allocation should be used before the BT Holdings project comes online, the project sponsor would request the Village or Town request additional sewer allocation from the Harriman Sewage Treatment Plant which has approximately 1.5 mgd of available capacity. As a district member, the property would be entitled to such service and the district would be obligated to provide it..

Comment 3.10-15 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

The DEIS claims that the annexation is needed to get Village water. The alternative would be for the Town to create a water district and for the district to buy water from the Village. Only the properties in the water district would be taxed to pay for this.

Response 3.10-15: Comment noted. The primary purpose in proposing annexation is to be entitled to the Village's municipal services, specifically municipal water distribution, which cannot be provided by the Town. The residents will become members of the Village and conscientiously pay the applicable taxes due in return for receiving municipal services. At the same time, the project as proposed provides a diversity of housing options for populations within the Village, Town and region that are clearly unserved, specifically senior citizens, empty nesters and young couples just entering the housing market.

The project is seeking annexation to the Village for numerous additional reasons as explained in the DEIS. Refer also to Response 3.6-23.

Comment 3.10-16 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

Irrigation of landscaping: The Village has made residents go on restricted water use for the summer months so we are suspect of the stated available capacity of the Village System. Have these numbers been verified by the Village Consultants?

Response 3.10-16: The current water usage and system capacity numbers utilized for analysis in the DEIS, and subsequent water capacity calculations, were provided by the Village Water Commissioner, Mr. Tom Becker.

Comment 3.10-17 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

Section on Land Use and Zoning 3.6-17, refers to the Town's Comprehensive Plan that "identifies the site as a potential water service area in relation to planned potential development densities." However, the DEIS omits the key points of the Town's Comp. Plan that says they "are projected to need central water services" and "should be operated by the town." (page 50 attached)

Response 3.10-17: The provision of municipal water service is not available as a Town service. It is for this very reason that the project is seeking annexation, and anticipates that the future residents will be tax-paying Village residents entitled to municipal water service.

Comment 3.10-18 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

Note, that the Town of Chester's Water Area map (attached) does not include the entire site as potential areas, only a portion. As stated earlier, we feel there could have been a mistake on the zoning map. The fact that the entire site is not indicated as a potential water service area could be another indication that there was a mistake on the zoning maps as to density.

Response 3.10-18: Comment noted. The entire town portion of the site is shown in the Comprehensive Plan as an area of medium to high density and is included in the Town's SR-6 zone with a small portion in the LB zone.

Comment 3.10-19 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group):

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.

Response 3.10-19: As discussed earlier, several water saving/recycling techniques will be incorporated into the project. The buildings will be equipped with water saving toilets, reducing overall water consumption requirements. Many of the plant species are native or naturalized to the area, meaning they survive and thrive on local weather conditions and rainfall amounts, and do not have irrigation needs beyond natural rainfall amounts. There are a few plant species on the planting list that are not indigenous to the area, and therefore may require additional irrigation, however the project landscape architect will revisit the planting list prior to site plan approval to minimize the amount of non-native or naturalized species and thereby minimize the amount of irrigation required.

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As noted in response 3.10-9, the only areas of the site that we envision requiring regular irrigation beyond natural rainfall amounts are the lawn/turf areas that will constitute the yards of the residential buildings. These lawn areas are only approximately 13.25 acres of the approximately 31.75 acres of lawn and landscaped areas, and would only require on the order of 30,000 gallons per day for irrigation. Given that the proposed stormwater management basins will have the capacity to store up to 3.7 million gallons of stormwater, it is anticipated that the irrigation needs of the project can be harvested from the proposed stormwater management basins; details will be provided during the site plan approval stage of the project.

The current NYS Stormwater Management Design Manual promotes “green measures”, such as harvesting rainwater for non-potable uses. The manual encourages rainwater harvesting regardless of the location or scale of the project - from small individual residential rain barrels in rural residential areas to large cistern-type systems for commercial and industrial sites in dense urban areas. The harvesting is noted as ideal for roof runoff as roof runoff is considered relatively “clean” and free of pollutants.

The manual does not preclude the use of collected stormwater for irrigation from locations other than rooftops, although additional pretreatment and filtering from these areas as compared to rooftop areas may be required prior to pumping the collected stormwater to its end re-use. However stormwater from the site must be collected and put through a pre-treatment and filtering process to meet NYSDEC stormwater quality standards regardless of whether or not it will be re-used, so the proposed stormwater measures will address basic quality issues.

The location, elevation and appurtenances of the irrigation intake structure will need to be carefully considered during the design process. The intake should not be near the bottom of the pond, where solids and silts will accumulate, and should be as far from the inflow structures as possible. In addition, implementing products such as first flush diverters, filters for small debris, and smoothing inlets and baffles to prevent agitation of sediment, could be considered when designing the intake structure and irrigation pumping system. Regardless of what measures are employed, frequent inspection and maintenance of the ponds will be necessary.

Lastly, it is envisioned that the irrigation system would be either manually controlled or programmable based on rainfall events. A rainfall event would reduce or eliminate the need for immediate irrigation, thus the irrigation system would not be drawing water from the ponds during or shortly after rainfall events, when the ponds get filled and there is a possibility of stirring up solids, silts and debris. The irrigation system would not be used until after the rainfall has subsided, when the filling of the ponds has ceased, and the standing water in the ponds will be calm and finer particles that made it through the pretreatment and filtering process will have settled out.

As stated above, many of the plant species to be used as landscaping shall be native or naturalized to the area, thus they would have the ability to survive and thrive on local weather conditions and typical rainfall amounts thus reducing the amount of irrigation necessary.

The applicant has provided additional and more specific details regarding his plans to harvest water for irrigation purposes from detention ponds as requested. The final details of this system will be agreed upon during site plan review. The applicant will either need

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to provide sufficient water quality measures prior to the stormwater being redistributed for irrigation or the applicant will construct a private well (completely separate from any municipal system) for non-potable irrigation purposes only. Regardless of the proposed method, the applicant has fully agreed to not utilize Village water for irrigation purposes. The irrigation system will not be connected to the potable water supply thus minimizing impacts to the Village water system.

As part of the LEED certification process, which will be discussed in greater detail below, the applicant engaged with Steven Winter Associates (SWA), one of the nation's most respected and knowledgeable firms in research, design and consulting for high-performance buildings, who will identify and recommend any further water saving measures that can feasibly be incorporated into the project.

With regard to LEED, the applicant's intent has been to move the project in the direction of providing a more innovative and sustainable development for the area. The applicant believes that not only will the incorporation of such design and the achievement of associated certifications be beneficial to the environment but it will also be good for the project and for the Chester community by creating a well-designed, upscale development that not only enhances marketability to community-conscious prospective tenants but also results in homeowners happy with the high-quality construction and lower costs associated with such sustainable development. To that end, the applicant engaged SWA who along with the development team's planners and engineers, evaluated the incorporation of innovative design and sustainable building measures into the project and ultimately determined that a LEED for Homes Silver certification was achievable. If achieved, the project would be the only large-scale residential development in the county to attain such certification, according to the U.S. Green Building Council's New York Upstate chapter.

The process of gaining the associated certifications starts at this early stage and continues all the way through to construction and occupancy. The achievement of these certifications, however, is not guaranteed until the homes are indeed certified. That said, the project would under any circumstance incorporate design that meets the standards required by LEED.

For instance, the applicant has established an integrated project team (ID 1.2) and located the project within ½ mile of basic community services (LL 5.3). The project will meet the prerequisites for Soil and Erosion Control (SS 1.1) and will meet the standards for landscaping in SS 2 (no invasive plants, use of drought tolerant turf and/or limiting the amount of turf, use of drought tolerant, native and/or naturalized species). It will also use vegetated landscape to help deal with surface water management issues (SS 4). The applicant further anticipates using high efficiency fixtures and fittings for indoor use (WE 3.2). Under Energy and Atmosphere, the project will use appropriate refrigerants (EA 1.1) and environmentally preferable products where possible (EA 2), provide windows that meet Energy Star BOP specifications, design and size HVAC equipment using ACCA Manual 3 or equivalent, utilize Energy Star lights and specify Energy Star appliances. And under Indoor Environmental Quality (EQ), the project will meet standards of ASHRAE Std 62.2-2007 for basic outdoor ventilation, provide good or better filters, control contaminants during construction, and provide radon-resistant construction. There are many of the other items in the checklist that the project will be designed for but these are minimums that will be pursued under any circumstance.

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Comment 3.10-20 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): 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 valving and metering configuration will be determined at that time.

***Response 3.10-20:** Comment noted. The Applicant looks forward to working with the Village Water Commissioner to confirm the details and final configuration of the proposed water infrastructure during the site plan approval process.*

Comment 3.10-21 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): The DEIS notes an on-site private booster water station since adequate pressure may not be able to be 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 concern and the associated number of units. A possible alternative for gravity storage or water should be included in the DEIS.

***Response 3.10-21:** The area of the site that may need to be serviced by a fire booster pump is the higher elevation portion of the site along Roads B and C. Approximately 180 units in Buildings 1 to 28 may need to be serviced by fire booster pump(s), which would be privately owned and maintained.*

Regarding the possibility of providing a gravity water storage station (water tank) on-site, it is important to note:

- 1) The Princeton Street Tank is a 399,000 gallon gravity water storage tank located immediately adjacent to the BT Holdings property. The BT Holdings proposed water system would connect to the distribution lines from this tank.*
- 2) A gravity water storage tank on the Applicant's site would ideally be located at the highpoint of the site, which is the northeast corner of the site near Talmadge's farm. A typical 50 to 70-foot tall cylindrical water tank in that location would be visible from Route 17 as well as Route 17M and beyond, and would sharply affect the aesthetics of the site for the project's future residents. The visual impacts from such a tank would be very difficult if not impossible to mitigate.*
- 3) A gravity water storage tank that would be used to store and supply water to the proposed public water system would need to be owned and maintained by the Village Water Department, which would increase the operations and maintenance costs for the Water Department. The proposed booster station is proposed to be privately owned and maintained and therefore would not incur any additional cost to the Village or its residents.*
- 4) Based on the reported hydrant flow test results of the surrounding water system, a properly designed booster station should be sufficient to provide the minimum fire flow of 20 psi at fire hydrants at the higher elevations along Roads B and C.*
- 5) Construction of a water tank was not determined to be necessary to serve the BT Holdings project. A water tank at the highest point of the BT Holdings site, located on*

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the knoll right at the top of the hill, would significantly increase the visual impacts to both the BT Holdings residents and to the entire Chester community. For the upper portions of the BT Holdings site, the proposed booster station would provide sufficient water pressure for daily use.

In consideration of a highly unlikely catastrophic event where the Village needed to rely solely on its water tanks, the BT Holdings project would increase the water consumption rate, though only mildly so. In a catastrophic event, the higher portions of the village, including portions of the BT Holdings project, would be the first areas to be affected. Booster stations would ameliorate this effect. Each booster station costs approximately \$100K. As such, the Applicant proposes a \$250K contribution to the Village water fund (including \$50K contingency) which could be used to supply two additional booster stations as deemed necessary OR for any other water infrastructure purposes deemed necessary by the Village. These monies would be in addition to the substantial taxes and water usage fees to be paid by the BT Holdings residents.

Comment 3.10-22 (Letter #3, January 25, 2010, Mark J. Edsall, P.E., P.P., Engineer for the Village of Chester, McGoey, Hauser and Edsall Consulting Engineers P.C.): 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 it's rights to sewer service" is needed. We are aware the Town of Chester has taken issue with this matter (believe noted at public hearing).

Response 3.10-22: *As stated in response 3.10-4, that portion of the BT Holdings site located in the Town of Chester is entirely within the Town of Chester Consolidated Sewer District No. 1 and is also within the service area of the Moodna Basin Commission. The BT Holdings property has paid and continues to pay sewer fees to Sewer District No. 1. General Municipal Law §716(12) provides "[i]f a village annexes territory of the town in which it is situated...any such annexation shall not affect the boundaries of any town special or improvement district in such town..." The New York State Comptroller has stated that when property within a town improvement district is annexed into a village, the property within the district, including property within the village, is still subject to the assessments levied by the town for district purposes. NY Comptroller Opinion 86-39.*

Town of Chester Consolidated Sewer District No.1 is a town improvement district. By virtue of the plain language of General Municipal Law §716(12), the property remains in the district and all of benefits and obligations of the district remain unaffected by the annexation. The DEIS has demonstrated that there presently exists adequate capacity within the Sewer District to serve the project.

Comment 3.10-23 (Letter #6, January 6, 2010, Michael R. Edelstein, Ph.D., President of Orange Environment, Inc.): 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 plan 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

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

Response 3.10-23: *The DEIS states that the Town currently has sufficient capacity for the project. If the currently available town sewer allocation should be used before the BT Holdings project comes online, the project sponsor would request the Village or Town request additional sewer allocation from the Harriman Sewage Treatment Plant which has approximately 1.5 mgd of available capacity. As a district member, the property would be entitled to such service and the district would be obligated to provide it.. The Applicant would consider utilizing the Black Meadow wastewater treatment facility should it become a viable wastewater disposal option prior to the project's construction.*

Comment 3.10-24 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

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 several hundred thousand gallons that the Village claims as being available simply do not exist.

Response 3.10-24: *The current water usage and system capacity numbers were provided by the Village Water Commissioner, Mr. Tom Becker. The water usage numbers are based on actual consumption; the system capacity numbers are based on the DEC's water-taking permits. The DEC permits allow the taking of up to 1.1 million gpd from both sources (Walton Lake and the Black Meadow Wells).*

Comment 3.10-25 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

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

Response 3.10-25: *The Village of Chester has a valid permit to take water from Walton Lake. Legal challenges to the Village's ability to continue taking water from Walton Lake are beyond the scope of this project.*

Comment 3.10-26 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

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?

Response 3.10-26: *The Village of Chester has a valid permit to take water from Walton Lake. The BT Holdings project does not propose or require the Village to change water sources or increase the overall capacity of the village system. An EIS on the Village's current or future water sources is beyond the scope of this project.*

Comment 3.10-27 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

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?

Response 3.10-27: The proposed action would annex the BT Holdings property into the Village of Chester; therefore there would be no cross-municipal water supply. The proposed action does not propose or require any changes to the statutory authority of the Village Water Department or its water sources. The BT Holdings project site would be provided water by the Village Water Department, and complaints regarding the water service would continue to be directed to and addressed by the Village Water Department as appropriate. The Village has a valid permit to take water from Walton Lake. The BT Holdings project does not propose or require the Village to change water sources or increase the overall capacity of the village system. An EIS on the Village's current or future water sources is beyond the scope of this project.

Comment 3.10-28 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

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?

Response 3.10-28: The Village of Chester has a valid permit and authority to take water from Walton Lake. Cross-municipal agreements or amending the Village's DEC permit for taking water from Walton Lake are beyond the scope of this project.

Comment 3.10-29 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

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 Kiryas 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?

Response 3.10-29: The Harriman Sewage Treatment plant has available capacity of 6 millions gallons per day and, as discussed in the DEIS, is using only 4.5 million gallons per day meaning that 1.5 million gallons per day remains available. By virtue of the sewer taxes that have been paid to the district over the past 25 years, the project site is entitled to a portion of this allocation. If the currently available town sewer allocation should be used before the BT Holdings project comes online, the project sponsor would request the Village or Town request additional sewer allocation from the Harriman Sewage Treatment Plant. As a district member, the property would be entitled to such service and the district would be obligated to provide it. and would reimburse the appropriate municipality for any fees associated with increasing the allocation to service the project.

Comment 3.10-30 (Letter #9, January 28, 2010, Andrew Lawrence, Resident, Monroe, NY):

BT Holdings claim that 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?

Response 3.10-30: The Applicant does not claim rights to build a treatment plant on Black Meadow Creek. The Applicant would consider utilizing a new treatment plan on the Black Meadow Creek should it become a viable wastewater disposal option prior to the project's construction. The Applicant did state in the DEIS that it would be willing to support the construction of this potential sewage treatment plant, including consideration of the funding of a portion of the construction, but only if the project were to become a viable reality in a timely fashion to serve the BT Holdings project.

Comment 3.10-31 (Letter #11, February 1, 2010, Joan Van Der Meulen, Resident, Chester, NY): 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.

Response 3.10-31: Per response 3.10-9, the village's water system would operate at approximately 68 percent of its permitted capacity, and thus would have a 32 percent surplus when the current water users, the pending/approved projects and the BT Holdings project are combined together. In a drought situation, it is anticipated the Village would incorporate drought saving measures to conserve water.

As identified in the Vacant Parcel Water Analysis, even including potential development of pending projects and all vacant land parcels, which represents absolutely full build-out of the Village, and utilizing a peak (dry) year's water usage as a base, less than 78% of the existing water supply is utilized, leaving more than a 22% margin of unutilized and unallocated water supply as a Village reserve.

Comment 3.10-32 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):

The SEQR. Full EAF states, that surface liquid waste disposal is not involved and that subsurface liquid disposal is not involved.

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 150,000 gallons of water per day: Where is that water going to go, if not down the drain?

Response 3.10-32: The project proposes to convey the waste water ("liquid waste") from the project to via new piping to the existing sewer system in Route 17M, which ultimately conveys waste water to the Harriman Sewage Treatment Plant for disposal. The SEQR EAF form's questions on "surface liquid waste disposal" and "subsurface liquid waste disposal" refer to the permanent on-site disposal of liquid waste generated from the site (i.e. lagoons, cesspools, or septic systems). The project proposes to convey its liquid waste to the county treatment facility; therefore the SEQR EAF form questions have been answered appropriately.

Comment 3.10-33 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):

The SEQR Full EAF states, that the project will generate +/- 2 tons of solid waste per month and that the existing Orange County Landfill in Goshen will be used as the solid waste facility.

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!

Response 3.10-33: *The Orange County Landfill ceased being a landfill in 1992, however this location continues to be the location of the Orange County Transfer Station No. 1 and, as such, is still the first destination for the County's solid waste. The solid waste is transferred from this location to an approved landfill, the current destination of which is located in Pennsylvania.*

The per household rate for solid waste generation according to the Urban Land Institute's 1994 Development Impact Handbook is .00175 tons per person per day. As detailed in the DEIS, the population projected upon full build out was projected to be 1,137 persons, resulting in an estimated solid waste generation of approximately 2 tons per day, or approximately 60 tons per month. Assuming that solid waste generated by future residents at the project site has a typical three-to-one ratio of non-recyclable to recyclable materials, the project will generate 1.5 tons per day, or 45 tons per month of non-recyclable solid wastes, and 0.5 tons per day, or 15 tons per month of recyclable materials upon completion.

The revised Public Road Scenic Alternative would reduce the projected population to 1,036, a decrease of 9%; the estimated solid waste would decline proportionally to 1.8 total tons per day of which 1.36 tons, or 41 tons per month, would be non-recyclable solid wastes while 0.45 tons, or 14 tons per month, would be recyclable materials.

Comment 3.10-34 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):

The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "This project is being proposed to address the need for quality market-rate townhouses 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."

Response 3.10-34: *Refer to Response 3.10-4.*

Comment 3.10-35 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):

As mentioned above the Village has no excess sewage allotment. At the scoping session held in January, 2010, Town of Chester Supervisor Neuhaus testified that the Town's sewer allocation has been committed, plus I read that the proposed Black Meadow Wastewater Treatment Facility is not likely to become available in the foreseeable future.

Response 3.10-35: *The meeting which was held in January of 2010 was the public Hearing on the DEIS for the proposed project, whose verbatim minutes are included in Appendix A of this FEIS. A review of this transcript indicates that Town of Chester Supervisor Neuhaus did not testify that the town's sewer allocation has been committed. Having paid sewer fees for the past 25+ years, the Applicant is entitled to the district's allocation. The district currently has capacity to service the proposed project. If the currently available town sewer allocation should be used before the BT Holdings project comes online, the project sponsor would request the Village or Town request additional sewer allocation from the Harriman Sewage Treatment Plant which has approximately 1.5 mgd of available capacity. As a district member, the property would be entitled to such service and the district would be obligated to provide it. Alternatively, if the Black Meadow wastewater treatment plant were to become a viable option, additional sewer capacity could be obtained from that source..*

The Applicant acknowledges that the contemplated Black Meadow Wastewater Treatment Facility may not become available in the foreseeable future, and has stated his intent to utilize the Harriman Sewage Treatment Facility to which he has entitlement. The Applicant did also state in the DEIS that it would be willing to support the construction of this potential sewage treatment plant, including consideration of the funding of a portion of the construction, but only if the project were to become a viable reality in a timely fashion to serve the BT Holdings project.

3.11 Visual Resources Comments and Responses

Comment 3.11-1 (Public Hearing, January 7, 2010, Steven Neuhaus, Town of Chester Town Supervisor): I believe that the layout for the top left corner of the layout is offensively close to the farm there. I think there needs to be some kind of -- and I know if this did get annexed or not, it would be handled by the planning board, on the layout, and what people see, that dairy farm there is really one of the corner pieces of this Town, and I think it being within 20, 30, 40 feet of the borders there, it is just going to be a recipe for problems in the future. And we want to try to accommodate both. So I think that needs to be looked at.

***Response 3.11-1:** As shown on the Public Road Scenic Alternative site plan, in order to be responsive to the sensitivities regarding the 'scenic area' along the ridge—the area in the top left corner referenced above—the units located closest to the Talmadge Farm along the ridgeline have been removed from the proposed project, thus creating a buffer of 200 feet from the Talmadge property line. This buffer area significantly exceeds the applicable zoning requirements of a minimum of 35 feet. The removal of these units was made even though there are neither restrictions in the Village code to building housing along a ridge nor is the property in the Town's Ridge Protection Overlay District (RPOD). Additionally, as illustrated in Figure 3.11-4 and the proposed Landscape Plan, extensive landscaping has been added to this area to provide significant screening.*

The proposed project does not detract from the Talmadge Farm operation in any way. The active portion of the farm is in closest proximity to the Senior portion of the BT Holdings project. The zoning requirement calls for a 50 foot side yard setback for the proposed Senior Housing. The BT Holdings project as currently envisioned, includes a side yard which is twice the required setback, creating a buffer of approximately 100 feet between the Senior Housing and the active portion of the Talmadge Farm. As mentioned above, as a result of removal of the units in the 'scenic area', the proposed buffer area is now 200 feet along the more northern property line where farming activities are less intense.

Additionally, if required by the Village, the Applicant will install a suitable fence to serve as a physical barrier along the property boundary shared with Mr. Talmadge's farm. Details as to the specifics of fencing shall be determined prior to final site plan approval.

Refer to Responses 3.6-1, 3.6-3, 3.6-4, and 3.11-2 for further discussion.

Comment 3.11-2 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): If you were to annex it, the big thing in the Town of Chester on our ridge, I also agree that this may -- should have been put into a ridge. It's kind of funny where we stop the ridge at the stone wall, and we say anything above that is not ridge. Well that's higher. But I would ask the Village if they do go through the annexation process, that if they read the Town of Chester ridge line -- I'm not saying we have the best law in the world, but we require things like earth tone colors, non-reflective glass, a whole bunch of things to try to mitigate.

***Response 3.11-2:** As described in Response 3.11-1, the units closest to the property line in the 'scenic area' have been removed from the project.*

The ridgeline is only viewed unimpeded and unaffected by other visual impacts, such as the Chester Mall, from a short stretch of road on Rte 17M north of the site. A Visual Assessment of the Public Road Scenic Alternative has been conducted which illustrates

the potential visual impact of the development on the ridgeline from that angle, shown as Figure 3.11-4. As can be seen on the Public Road Scenic Alternative conceptual site plan and on Figure 3.11-4, there is a significant distance between the farm buildings and the BT Holdings units. The Townhouse structures, located such a far distance from the public viewing vantage point and hidden behind extensive shielding, in combination with other mitigation measures now incorporated, do not interfere with the beautiful panorama of the open farm fields nor negatively affect the overall vista.

Implementation of earth tone colors on the building facades, use of non-reflective glass, substantial landscaping added along the property line buffer and landscaped groves added at the north end, between the two center buildings and at the south end, are mitigation measures that have been incorporated that would further reduce the visibility of the buildings. It is noted that the larger senior buildings would be hidden from this view due to the existing tree line that will remain between them and the Talmadge Farm property. Additionally, construction of the units does not involve clear cutting of any forested areas along the ridgeline, as stipulated in the Town's RPOD zoning code, since there are no forested areas along the ridge.

Comment 3.11-3 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

The DEIS gives short shrift to visual impacts from development on the ridgeline. Merely because it is not in the ridgeline overlay zone does not mean that it is not a ridge. The EIS should analyze alternatives that move development further down and avoid the higher altitudes; or that reduces the number of units so as to preserve the ridgeline view.

Response 3.11-3: *Refer to Response 3.11-1 and 3.11-2. As a result of the Public Road Scenic Alternative, 4 buildings consisting of 22 units have been removed from the 'scenic area' along the ridgeline.*

Comment 3.11-4 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective):

Additional viewpoints should be included -- Scenic view from 17M across the street from the Talmadge homestead as you enter Town of the Chester as well as Ward Road, Chester exit ramp, the entrance of Chester Mall. The project site is currently the scenic backdrop to those areas.

Response 3.11-4: *The DEIS visual assessment describes the nature of views from the site vicinity and graphically shows how the site is a backdrop in some views. The DEIS notes that most views of the project site include portions of the Chester Mall which reduces the visual sensitivity of the site. Such vantage points include the Chester exit ramp from Route 17 and the entrance of Chester Mall. The DEIS identifies the potential sensitivity of the project on the knoll from Route 17M and Talmadge Farm. Field reconnaissance was undertaken by the Applicant in Spring 2010 from other vantage points along Route 17M, as suggested. The survey determined that the site was either too far away, minimally visible or otherwise obstructed by a number of other visual elements, most prominently the Chester Mall which is directly in front of the site from all vantage points south of the Talmadge Farm. It was noted that intervening trees buffer views of the site from Ward Road.*

As stated, the project has removed 4 buildings and 22 units from the 'scenic area', shown in the Public Road Scenic Alternative. An additional visual simulation has been prepared and is shown in Figure 3.11-4 which illustrates how the ridgeline and the Talmadge Farm will look upon completion of the Public Road Scenic Alternative when

viewed from Route 17M near the Town line, as the commenter suggests. To assist in analyzing visual impacts, this photo simulation shows what the proposed buildings would look like located on the ridge when viewed from the northwestern vantage point, after the landscape plantings mature. As can be seen in Figure 3.11-4, there is a significant distance between the farm buildings and the BT Holdings units. The Townhouse structures, located such a far distance from the public viewing vantage point and hidden behind extensive shielding, in combination with other mitigation measures now incorporated, do not interfere with the beautiful panorama of the open farm fields nor negatively affect the overall vista.

As identified in Response 3.11-2, implementation of earth tone colors on the building facades, use of non-reflective glass, substantial landscaping added along the property line buffer and landscaped groves added at the north end, between the two center buildings and at the south end, are mitigation measures that would soften the visibility of the buildings. It is anticipated that trees 6' to 8' high will be planted and will mature to a height of more than 20 feet over a period of five to seven years. It is noted that the larger Senior buildings would be hidden from this view due to the existing tree line that will remain between them and the Talmadge Farm property.

Comment 3.11-5 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): A photo simulation of what the proposed buildings would look like actually on the ridge and site area should be provided from more than one angle, view A, to assist in analyzing visual impacts from vantage points, i.e. RT 17 and 17M from Town of Chester municipal boundary. Can a photo of lighting be included?

Response 3.11-5: Refer to Responses 3.11-2 and 3.11-4.

Comment 3.11-6 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.11-6: Refer to Response 3.11-4

Comment 3.11-7 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.11-7: Comment noted. As described in Response 3.11-4, an additional photo simulation from a location along Route 17M northwest of Talmadge Farm has been prepared and is included as Figure 3.11-4. An additional visual simulation was prepared showing the post-development view from Christine Drive, as can be seen in Figure 3.11-2. Due to topography, landscaping and buffering, many of the structures remain minimally visible even from that vantage point. As was pointed out, the Chester Mall and other commercial locations are readily visible from that location as well.

Comment 3.11-8 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 3.11-8: As per §98-23.1 F (h), the height allowed in the RM district is 35' or three stories, "...measured from the average elevation of the finished grade along the side of the structure fronting on the nearest street to the highest point of the [sic] such structure or to the midpoint of a gable roof." (§98-23.1). For the two seniors buildings, the façade containing the main entry is defined as the one "fronting on the nearest street," since, in the case of the upper building, both facades actually front on a road. These façades conform to the required height, both in terms of feet and stories. In order to work effectively with existing grades on the site, the downhill conditions for both buildings will show an additional story.

Otherwise, the buildings will be roughly 70' x 260' with regular jogs in the masses to articulate the façades. Each of the buildings is designed to accommodate 50 units as efficiently as possible.

Comment 3.11-9 (Letter #5, February 3, 2010, Mayor Valastro and the Chester Village Board of Trustees): 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.

Response 3.11-9: Refer to Responses 3.6-1, 3.6-3, 3.6-4, 3.6-5, 3.11-1 and 3.11-2 for further discussion.

As shown on the Public Road Scenic Alternative site plan, in order to be responsive to the sensitivities of the 'scenic area' along the ridge, the units located closest to the Talmadge Farm along the ridgeline have been removed from the proposed project, thus creating a buffer of more than 200 feet from the Talmadge property line. As illustrated in

Figure 3.11-4 and the proposed Landscape Plan, extensive landscaping has been added to this area to provide significant screening.

There is nothing about the proposed BT Holdings project that will cause interference with the continued operation of the Talmadge Farm. The zoning requirement calls for a 50 foot side yard setback for the proposed Senior Housing. The BT Holdings project as currently envisioned, includes a side yard which is twice the required setback, creating a buffer of approximately 100 feet between the Senior Housing and the active portion of the Talmadge Farm. In addition, there is a minimum of 50 feet of naturalized landscaping growing along this perimeter. As a result of the Public Road Scenic Alternative, there is now a proposed buffer of 200 feet along the more northern property line which far exceeds the applicable zoning of a minimum of 40 feet. The Applicant has also agreed to provide fencing and additional landscaping to ensure the privacy of the Talmadge Farm.

Residents in the BT Holdings community will be made aware of the location and continued operation of the adjacent farming activities prior to the purchase/rental of their units. Should agricultural operations cease at the farm in the future, these considerations would no longer be an issue.

Comment 3.11-10 (Letter #5, February 3, 2010, Mayor Valastro and the Chester Village Board of Trustees): 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.

Response 3.11-10: With the possible exception of the property of the one neighbor (the Eckert property) closest to the northernmost point of the development, the remaining northern and eastern edges of the project are all heavily wooded and well outside the required buffer range. In addition, the revised landscape plan, included with the full size plan set, shows additional buffer planting at the northern point of the property. As for the Eckert property, the proposed 35 foot to 60 foot buffer off that property boundary is fully in compliance with the applicable setback requirement for the Town SR-6 district, the Village RM district and the proposed RM-N district. The Applicant is entitled to build on his private property outside of the required buffers. Those buffers are community-wide and apply to all residences.

Comment 3.11-11 (Letter #5, February 3, 2010, Mayor Valastro and the Chester Village Board of Trustees): 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.

Response 3.11-11: As shown on the Public Road Scenic Alternative site plan, in order to be responsive to the sensitivities of the 'scenic area' along the ridge, the buildings located closest to the Talmadge Farm along the ridgeline have been removed from the proposed project. As illustrated in Figure 3.11-4 and the proposed Landscape Plan, extensive landscaping has been added to this area to provide significant screening.

As discussed in Responses 3.11-2 and 3.11-4, while it is of course important to maintain scenic vistas in the community, the proposed project does not negatively impact the area under discussion for several reasons as discussed below:

That ridgeline is only viewed unimpeded and unaffected by other visual impacts, such as the Chester Mall, from a short stretch of road on Rte 17M north of the site. A Visual Assessment has been conducted which illustrates the potential visual impact of the Public Road Scenic Alternative on the ridgeline from that angle. As can be seen in Figure 3.11-4, there is a significant distance between the farm buildings and the BT Holdings units, and the structures, located such a far distance from the public viewing vantage point and hidden behind extensive shielding, in combination with other mitigation measures now incorporated, do not interfere with the beautiful panorama of the open farm fields nor negatively affect the overall vista.

As has been suggested, implementation of earth tone colors on the building facades, substantial landscaping added along the property line buffer and landscaped groves added at the north end, between the two center buildings and at the south end, are mitigation measures that have been incorporated that would further reduce the visibility of the buildings. It is noted that the larger Senior buildings would be shielded from this view due to the existing tree line that will remain between them and the Talmadge Farm property. Additionally, construction of the units does not involve clear cutting of any forested areas along the ridgeline, as stipulated in the Town's RPOD zoning code, since there are no forested areas along the ridge.

Comment 3.11-12 (Letter #6, January 6, 2010, Michael R. Edelstein, Ph.D., President of Orange Environment, Inc.): 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.

Response 3.11-12: Refer to Response 3.11-11.

Comment 3.11-13 (Letter #8, January 16, 2010, Terri Eckert, Resident, Chester, NY): 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 farm lands, but we never imagined that there would be 358 three-story brick townhouses build 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.

Response 3.11-13: Being situated on the ridge, the Eckert residence has had the benefit of a long distance view south over the subject property for many years. While the project site has been undeveloped for many years, the Applicant is proposing a new use for his private property in accordance with the Town of Chester 2003 Comprehensive Plan which specifically designated the site for development as multi-family and senior housing. The project proposal includes measures to mitigate the change in visual character of the property around the project perimeter. However, given the nature of the topography in the vicinity of the Eckert property, it is not possible to preserve their southerly views in the proposed development plan.

Comment 3.11-14 (Letter #8, January 16, 2010, Terri Eckert, Resident, Chester, NY): First, that we get the same consideration that Talmadge Farms is getting and that would be a 50 to 100 foot or more buffers along our property. As it stands now, they are building right on top of us. I have brought this up numerous times at earlier meetings.

Response 3.11-14: Refer to Response 3.11-10.

The Talmadge Farm property warrants additional buffering to reduce the potential for conflicts between traditional farm operations and the proposed residences and in order to protect the local historic nature of the farm property. The proposed buffer off the Eckert property border is fully in compliance with existing and proposed zoning and ranges from 35 to 60 feet. The circumstances which warrant additional buffering for the Talmadge Farm property do not apply to the Eckert residence nor to the other residential neighbors of the property.

The Applicant is entitled to build on his private property outside of the required buffers. Those buffers are community-wide and apply to all residences.

Comment 3.11-15 (Letter #8, January 16, 2010, Terri Eckert, Resident, Chester, NY): Secondly, the BT Holding development plans put a pond and a park 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? Why should I have to pay a combined \$12K 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?

Response 3.11-15: *Stormwater Basin B is proposed at the corner of the northeastern end of the property. The location of the basin is dictated by the existing topography since such a basin needs to be located downslope from the drainage area it serves. Thus it is not possible to relocate the basin as the commenter suggests.*

With regard to taxes, as described at length in Section 3.8, while the proposed condo town homes pay approximately 58% of the taxes of comparable fee-simple single-family homes, they produce significantly lower expense and as a result, not only cover for their own costs but also produce net benefits above costs to the community. Conversely, the average comparable fee-simple single-family home produces net deficits for the community. From a purely economic standpoint, the condo townhomes are a better deal for the community the fee-simple single-family homes. Please refer to Response 3.8-1 for a detailed breakdown of the revenue and expenses for both condo townhomes and fee-simple single-family homes.

Comment 3.11-16 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY): The SEQR Full EAF states: that no unique or unusual land forms are on the project site, that the project site is not presently used by the community or neighborhood as an open space or recreational area, and that the present site does not include scenic views known to be important to the community.

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.

Response 3.11-16: *Trespassing on private property, even for recreational purposes, is not authorized by the current property owner. Both the Talmadge Farm and the BT Holdings site are in private ownership and are not currently available as community open space or as a recreational resource to anyone, including existing Chester residents.*

Once developed, the hilltop would provide scenic views of the area to the future residents of the community which is one of benefits inherent in locating the proposed community on this particular site. The removal of the units in the 'scenic area' creates an open space on the project site which could be used for walking trails or a gazebo at the discretion of the Planning Board and/or the HOA for the BT Holdings community.

Comment 3.11-17 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):

The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "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.

Response 3.11-17: *While it is acknowledged that any new development will appear different than what currently exists, the proposed plan provides for a variety of housing that will be compatible with the variety of development that now exists in the local area. The proposed housing is appropriate for the area and fulfills the mandate of the Comprehensive Plan for senior and multifamily housing on site. The measures as described in the previous responses will serve to minimize visual impacts.*

Comment 3.11-18 (Letter #15, February 5, 2010, Clifton Patrick, Resident, Chester, NY):

The BT Holdings Chester Development DEIS dated October 22, 2009 stated: "Visual Mitigation Measures - Section 98.23-1 concerning Senior Housing requires "appropriate landscaping, lighting, and sidewalks" and that the "architectural style of the proposed project, exterior materials, finish and color shall be consistent with the existing community and neighborhood character."

The proposed site design, architecture, lighting, landscape plantings and other features would comply with the specific dimensional requirements, achieve the aesthetic goals stated in these standards and mitigate potential adverse impacts on visual resources from the proposed development."

The proposed structures are visually very different from the existing community and neighborhood.

The proposed mitigation of the adverse impacts on visual resources from my perspective are unsuccessful!

Response 3.11-18: *Refer to Response 3.11-17. The buildings have been designed in a conservative traditional style as opposed to ultra modern, or an Adirondack styling for example, to compliment the existing classic land use patterns in the Village and Town of*

Visual Resources

August 18, 2011

Chester. The Applicant has committed to use earth tone colors and non reflective glass, among other measures to reduce visual impacts. The Applicant has also reworked the grading in this area and provided significant vegetative screening to further reduce the visual impacts.



Figure 3.11-0: Ridgeline View - Existing Conditions
BT Holdings - Chester Development
Village of Chester, Town of Chester, Orange County, New York
Source: TMA, 10/12/10



Figure 3.11-1: Photosimulation from Route 17/17M - Spring Leaf Condition
BT Holdings - Chester Development
Village of Chester, Town of Chester, Orange County, New York
Source: TMA, 05/07/10



Figure 3.11-2: Photosimulation from Christine Drive
BT Holdings - Chester Development
Village of Chester, Town of Chester, Orange County, New York
Source: BartonPartners, Inc. Architects Planners, 08/03/10



Figure 3.11-4: Photosimulation - Units Removed from Ridgeline
BT Holdings - Chester Development
Village of Chester, Town of Chester, Orange County, New York
Source: TMA, 10/12/10

4.0 ADVERSE ENVIRONMENTAL EFFECTS COMMENTS AND RESPONSES

Comment 4.0-1 (Letter #6, January 6, 2010, Michael R. Edelstein, Ph.D., President of Orange Environment, Inc.): 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.

Response 4.0-1: *Comment noted. Many of these strategies have been included in the project design to make the BT Holdings development sustainable thus reducing impacts to the surrounding Chester community. Specifically, a pedestrian connection has been proposed between the project and the Chester Mall, making them the only residences with a direct connection to the mall and a public through road has been proposed to potentially connect the village downtown area to Rte 17M without having to bypass the 94/17M intersection.*

Additionally, the project has incorporated innovative and sustainable design into the project. The goal is to not only create an environmentally-conscious project—safer, more energy efficient, more durable, more affordable, more accessible and, overall, more sustainable—but also one that would eventually serve to distinguish it from the other residential options in the area.

Steven Winter Associates (SWA), one of the nation's most respected and knowledgeable firms in research, design and consulting for high-performance buildings will be overseeing the project. SWA recently evaluated the BT Holdings project, along with the development team's architects, planners and engineers, and determined that it could qualify for LEED for Homes Silver certification. Developed by the U.S. Green Building Council, LEED (Leadership in Energy & Environmental Design) is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies intended to improve performance in metrics such as energy savings, water efficiency, CO2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. Additionally, the project would also seek certification in the ENERGY STAR Homes and National Green Building Standard (NGBS) programs.

SWA will be working with the development team throughout the process—from SEQRA review all the way through to the end of construction—to help the project achieve these various certifications. Once completed, it is believed that the project will be one of the few large residential projects in the entire county to be so designated, improving the marketability of the homes and enhancing the entire Chester community.

5.0 ALTERNATIVES COMMENTS AND RESPONSES

Comment 5.0-1 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester): I think they should study the alternatives of building towards Chester Zoning.

Response 5.0-1: Several alternatives were examined in accordance with the approved scope. The No Annexation Alternative was examined and its impacts evaluated in DEIS Section 5.0 Alternatives.

The No Annexation alternative would result in single family home housing that differs from the contemplated purpose for the site, as expressly stated in the Town Comprehensive Plan which called for the development of senior and multifamily housing on the property. Furthermore, as extensively described in Response 3.8-1, the proposed BT Holdings townhouse/senior community is nearly a \$1.1 million improvement to the Chester community over the No Annexation Single Family Home Alternative.

The project as proposed was designed to take into account the concerns the Chester community has over both revenue and expenses. The housing proposed—senior apartments and upscale townhouses—were specifically chosen to not only address area needs but also to provide for the most beneficial financial impact possible for residential housing. The results illustrate a self-sufficient community that more than covers its own costs as opposed to a single-family home development which does not.

Comment 5.0-2 (Public Hearing, January 7, 2010, Tracy Schuh, The Preservation Collective): There was a single family alternative analysis in there. But one thing that was missing was the Town has a clustering option, and that was not indicated in the single family analysis that they did not take that into consideration.

Response 5.0-2: A cluster development allows flexibility in the overall design and placement of buildings on the site but neither increases nor reduces the total unit count, thus the impacts of a cluster development, specifically with regard to Economic and Demographic considerations are similar to the single family housing alternative.

Comment 5.0-3 (Public Hearing, January 7, 2010, Tracy Schuh, The Preservation Collective): I think one of the alternatives has to be taking the development farther down off that ridge, or reducing the number of units.

Response 5.0-3: As shown on the Public Road Scenic Alternative site plan, in order to be responsive to the sensitivities of the 'scenic area' along the ridge, the four buildings located closest to the Talmadge Farm along the ridgeline have been removed from the proposed project, creating a buffer of more than 200 feet from the Talmadge property line. As illustrated in Figure 3.11-4, extensive landscaping has been added to this area to provide significant screening.

There are neither restrictions in the Village code to building housing along a ridge nor is the property in the Ridge Protection Overlay District (RPOD) within the Town. Even if the property were in the RPOD, the code calls for mitigation of impacts; it does not call for prohibition of development altogether. Furthermore, construction of the units does not involve clear cutting of any forested areas along the ridgeline, as stipulated in the Town's RPOD zoning code, since there are no forested areas along the ridge. While it is

of course important to maintain scenic vistas in the community, the area under discussion is not negatively impacted by the proposed housing for several reasons.

That ridgeline is only viewed unimpeded and unaffected by other visual impacts, such as the Chester Mall, from a short stretch of road on Rte 17M north of the site. A Visual Assessment of the Public Road Scenic Alternative has been conducted which illustrates the potential visual impact of the development on the ridgeline from that angle. As can be seen in Figure 3.11-4, there is a significant distance between the farm buildings and the BT Holdings units and the structures, located such a far distance from the public viewing vantage point, set back 200 feet from the property border and hidden behind extensive shielding, in combination with other mitigation measures now incorporated, do not interfere with the beautiful panorama of the open farm fields nor negatively affect the overall vista.

As has been suggested, implementation of earth tone colors on the building facades, substantial landscaping added along the property line buffer and landscaped groves added at the north end, between the two center buildings and at the south end, are mitigation measures that have been incorporated that would further reduce the visibility of the buildings. It is noted that the larger Senior buildings would be hidden from this view due to the existing tree line that will remain between them and the Talmadge Farm property.

Comment 5.0-4 (Public Hearing, January 7, 2010, Tracy Schuh, The Preservation Collective): Another alternative that wasn't explored was the fact that the land is zoned local business. The DEIS mentions small portions, but never says what small portions is; an acre, is it two acres, five acres? What's the impact of losing a local business tax parcel?

Response 5.0-4: *Refer to the map in Figure 2-1. The portion of the site which is zoned local business is nearly 200 feet off the centerline of Route 17M and consists of approximately 3 acres.*

As stated in Response 3.8-33, possible commercial usage was researched by the Applicant and his planners but ultimately the challenges were too great. The approximately 3 acres of land fronting 17M is currently zoned as LB, however from a planning and engineering perspective, this land is almost completely undevelopable, especially if the remainder of the land is developed. The LB-zoned land sits at the bottom of a hill which presents stormwater runoff issues. For this reason, a stormwater basin is located at the base of that hill. Furthermore, the shape and topography of the LB-zoned land, which is long but not deep, sits well above the roadway and rises steeply up the hill does not allow for possible commercial usage, especially if any of the land behind it in the residentially-zoned area is to be developed as there would need to be access to that area. Additionally, there is limited commercial viability to that portion of the property land as it is not directly connected to the Chester Mall and would not allow direct vehicular access to that site.

Comment 5.0-5 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): They made a statement that they would drill 121 wells. That's the statement that was made here, that individual wells would be drilled. State Law requires above 49 homes that they should have to put central water and sewer in.

Response 5.0-5: The statement that single family homes could have individual wells was misspoken. Mr. Serotta is correct that State Law requires developments with more than 49 homes to install central water and sewer.

It would be less environmentally protective, redundant, expensive and inefficient for a new water resource to be created for the proposed development where an existing nearby municipal resource with both available capacity and infrastructure located immediately adjacent to the project site is readily available. Proceeding in such manner would not be good planning, resource management or stewardship of the groundwater resource.

Comment 5.0-6 (Public Hearing, January 7, 2010, Don Serotta, Town of Chester Planning Board Chair): They also make a big point in the DEIS statement that they are going to invoke saying they have been paying for sewer capacity for many years and they are going to want sewer capacity in there so I doubt they are going to put -- they talk about individual septic systems. They are not going to be putting septic systems in there. They are going to ask either the Town or Village for capacity, and they are not going to be putting 121 wells, that's an impossibility.

Response 5.0-6: Refer to Response 5.0-5.

Comment 5.0-7 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The Single Family analysis did not include clustering as an option.

Response 5.0-7: Refer to Response 5.0-2.

Comment 5.0-8 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The DEIS is misleading when it says that there is a lot of open space. Lawn is not open space. There is only 12 acres proposed to be left with natural vegetation. With some rearranging of the buildings, a lot of the lawn areas could be left as natural vegetation.

Response 5.0-8: Although open lawn areas are not undisturbed, they do function as passive open space.

Comment 5.0-9 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): The EIS should analyze alternatives that move development further down and avoid the higher altitudes; or on that reduces the number of units so as to preserve the ridgeline view.

Response 5.0-9: Refer to Response 5.0-3.

Comment 5.0-10 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): Alternatives other than residential uses are not explored or integrating commercial/office space with residential development i.e. Current local business zone on site in the Town of Chester.

Response 5.0-10: Only 3 acres of the 60.6 acre project site are zoned for local business. This is currently not a viable site for commercial development or office space. Refer to Response 5.0-4.

Comment 5.0-11 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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 52 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.

***Response 5.0-11:** Comment noted. DEIS Section 5.0 Alternatives examined the Single Family Home alternative and directly compared that alternative's total project-wide impacts, including those stated above, to the proposed BT Holdings project and its total project-wide impacts. With regard to financial impacts in particular, as extensively described in Response 3.8-1, the proposed BT Holdings senior/townhouse community is nearly a \$1.1 million improvement to the Chester community over the Single Family Home Alternative.*

Comment 5.0-12 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

***Response 5.0-12:** Comment noted. It is understood that if the project site were to be developed in the Town, the development would need to comply with the Town's regulations and zoning. The No Annexation Single Family Home Alternative contemplated development in the Town in compliance with those regulations.*

It should be noted that the proposed plan supports the Town's Comprehensive Plan by focusing development of the type contemplated, namely senior and multifamily housing, in a singular area on a centrally-located parcel in close proximity to adjacent commercial options, transportation nodes and municipal infrastructure. By creating greater density in this area, other areas of the Town and the Village can be preserved for lower-intensity development, as intended by the Town's Comprehensive Plan.

It should also be noted that there is no disturbance to the on-site wetland proposed, other than the proposed road crossing, thus the development would meet the goals of the Town's Wetland regulations, although they would not be directly applicable.

Comment 5.0-13 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

***Response 5.0-13:** Refer to Response 5.0-2.*

Comment 5.0-14 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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?

Response 5.0-14: A preliminary Fracture Trace Analysis was conducted on the site which indicated limited potential for subsurface water due to the lack of fractures particularly on the hillside. There were two areas identified that could be investigated for potential water yield, however the fracture trace analysis indicated the water yield from these locations would likely be low.

As discussed in response 5.0-5, it would be less environmentally protective, redundant, expensive and inefficient for a new water resource to be created for the proposed development where an existing nearby municipal resource with both available capacity and infrastructure located immediately adjacent to the project site is readily available. Proceeding in such manner would not be good planning, resource management or stewardship of the groundwater resource. It is acknowledged that, without municipal water from the Village, the total number of units that could be built is directly linked to the groundwater supply available.

Comment 5.0-15 (Letter #2, February 4, 2010, Stu Turner, FAICP, and Kristen O'Donnell, Turner Miller Group): 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.

Response 5.0-15: Comment noted.

6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES COMMENTS AND RESPONSES

There were no comments received on this section.

7.0 GROWTH INDUCING ASPECTS COMMENTS AND RESPONSES

Comment 7.0-1 (Letter #1, January 6, 2010, Tracy Schuh, The Preservation Collective): If they will be extending utilities, and there is extra capacity in the lines, then that will lead to more development on adjoining lands. For instance, the DEIS talks about adding a 10" water main on Route 17M (page 1-3). This is likely to supply more water than this project needs and provides capacity for other land to be developed, leading to additional requests for annexation. This needs to be assessed in the DEIS.

***Response 7.0-1:** The utility infrastructure proposed meets the needs of the proposed BT Holdings project and will improve the Village's water system by providing a redundant water source, but will not provide capacity for additional development.*

Comment 7.0-2 (Letter #6, January 6, 2010, Michael R. Edelstein, Ph.D., President of Orange Environment, Inc.): 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.

***Response 7.0-2:** Both the Village and the Town are reviewing the proposed BT Holdings project in the context of other pending development projects in the area. A list of pending projects was developed by the Village and cumulative impacts were assessed with regard to traffic, water and sewer considerations. The BT Holdings project was conceived and designed to fulfill the growth mandate for the property as expressly stated in the Town's Comprehensive Plan which designated this property as the site for future senior and multifamily housing, one of only two parcels to be zoned as such. Areas not meant for significant development are zoned accordingly. By following the master plan, the community assures development occurs only where it is intended and retains open space or lower-density development in those lands zoned as such. Further, this portion of Chester has been designated in the County's Priority Growth Areas based upon the transportation network, availability of water and sewer infrastructure, employment opportunities, housing options and other community services which are available.*

8.0 ENERGY USE AND CONSERVATION COMMENTS AND RESPONSES

Comment 8.0-1 (Letter #6, January 6, 2010, Michael R. Edelstein, Ph.D., President of Orange Environment, Inc.): 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.

Response 8.0-1: *Net positive energy homes are an admirable goal but such homes are not yet commercially viable given the current costs of solar panel systems and their limitations in a northeastern climate (energy generation vs. energy requirements).*

The project has incorporated innovative and sustainable design into the project. The goal is to not only create an environmentally-conscious project—safer, more energy efficient, more durable, more affordable, more accessible and, overall, more sustainable—but also one that would eventually serve to distinguish it from the other residential options in the area.

Steven Winter Associates (SWA), one of the nation's most respected and knowledgeable firms in research, design and consulting for high-performance buildings will be overseeing the project. SWA recently evaluated the BT Holdings project, along with the development team's architects, planners and engineers, and determined that it could qualify for LEED for Homes Silver certification. Developed by the U.S. Green Building Council, LEED (Leadership in Energy & Environmental Design) is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies intended to improve performance in metrics such as energy savings, water efficiency, CO2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. Additionally, the project would also seek certification in the ENERGY STAR Homes and National Green Building Standard (NGBS) programs.

SWA will be working with the development team throughout the process—from SEQRA review all the way through to the end of construction—to help the project achieve these various certifications. Once completed, it is believed that the project will be one of the few large residential projects in the entire county to be so designated, improving the marketability of the homes and enhancing the entire Chester community.

9.0 THRESHOLDS OF DEVELOPMENT COMMENTS AND RESPONSES

There were no comments received on this section.

APPENDIX A

Hearing Minutes and
Public Comment Letters

1 VILLAGE OF CHESTER, VILLAGE BOARD
2 CHESTER, NEW YORK

COPY

3 -----X
4 In Re
5 A Public Hearing on the DEIS, annexation and
6 development plans of the BT Holdings Project
7 -----X

Thursday, 7:00 pm
January 7 2010
Chester Academy
64 Hambletonian Avenue
Chester, New York

8 B E F O R E:

9 CHESTER VILLAGE BOARD

10 PRESENT:

11 PHILLIP VALASTRO, Mayor
12 JOHN DESHLER, Trustee
13 EUGENE COLLINS, Trustee
14 JOHN COLLINS, Trustee
15 REBECCA RIVERA, Clerk

16 ALSO PRESENT:

17 IAN L. SCHLANGER, Consultant
18 STUART TURNER, Planning Consultant
19 KRISTEN M. O'DONNELL, Planning Consultant
20 MARK J. EDSALL P.E., Engineering Consultant

21 REPRESENTING THE APPLICANT LABRADOR PROPERTIES:

22 FRANK NUSBAUM, BT Holdings, Principal
23 ANN CUTIGNOLA, Tim Miller Associates, Planner
24 SETH SHAPIRO, Barton Partners, Architect
25 LARRY WOLINSKY, ESQ, Attorney
BRIAN WISNER, Langan Engineering

COVENANT REPORTING
Certified Shorthand Reporting
26 Fleetwood Drive
Newburgh, NY 12550
(845) 674-1944

1 MAYOR VALASTRO: Thank you everyone, thank
2 you for coming. One announcement I want to make,
3 John Reilly could not make it tonight. He was
4 upset, but he has a newborn, so I think family
5 first; I told him to stay home with his new son. So
6 he's very upset. He wanted to be here. He didn't
7 want anybody to think that he didn't care. So
8 that's why you don't see John Reilly.

9 Also, tonight, when you are up speaking, if
10 you can, no vulgar language, no screaming, no
11 yelling, just remember we're on the record. So it
12 would be on the record.

13 And I will now turn it over to Stu Turner,
14 who is our planner for the Village of Chester, and
15 he will go over everything. Thank you.

16 MR. TURNER: Thank you, Mayor. Can you
17 hear me? This is a new fangled little gadget here,
18 but I think it's picking up pretty well. I'm Stu
19 Turner with the Turner Miller Group. We're planning
20 consultants, different for the consultants for the
21 applicant in this project, which is Tim Miller
22 Associates. The newspaper was having some
23 difficulty getting that straight in another
24 instance. And with me is Kristen O'Donnell, who is
25 an associate of our firm. Our primary role is to

1 work with the village through this process, to
2 advise on the environmental review process, and to
3 help with the planning matters, the planning review
4 of this particular proposal.

5 What I'm going to do, and hopefully just
6 take a few minutes, because we want to make sure
7 that every one has the opportunity to speak. That's
8 primarily why we're here, is to hear you. So I'm
9 going to spend just a few minutes just talking about
10 the SEQRA, State Environmental Quality review
11 process, and where we are in that process, and in a
12 sense why we're here.

13 The SEQRA process, the purpose of this
14 environmental review process, is to identify
15 potential significant impacts of any large project,
16 and how it is proposed that those impacts would be
17 mitigated, or addressed, or lessened, so that they
18 don't have a negative impact. Through this process
19 there are two primary documents; one is the Draft
20 Environmental Impact Statement, which is the
21 document that we're addressing tonight, and then
22 there will be a Final Environmental Impact
23 Statement, and I will briefly address what that is,
24 because that's the document that will follow this
25 part of the procedure.

1 Just to go back briefly, the Village Board,
2 when they received this application for annexation
3 and rezoning, and drafting of the new zone, they
4 made a positive declaration. That was the first
5 step in the process, and that meant that they
6 believed that this project could have a significant
7 environmental impact, and that there would have to
8 be a full environmental review, a full environmental
9 impact statement. And in order to know what was to
10 go into that statement, what items had to be
11 addressed, they had to adopt a scope, or an outline.
12 So that was done in July. The first step was taken
13 in April of '08 and the scope or outline of issues
14 to be addressed, and how they were to be addressed,
15 was adopted in July of '08.

16 The applicant then prepared a Draft
17 Environmental Impact Statement, that's the document
18 that we're looking at now, based on the scope or the
19 outline that was given to them. That document was
20 submitted and accepted as complete by the Village
21 Board, as the lead agency. Now that action only
22 said that the document responded to everything. It
23 made no judgment about whether or not the Village
24 Board agreed or disagreed. It's just that it was a
25 complete document ready for your review, the

1 public's review, the various agencies, to review.
2 So I think that's important to keep in mind.

3 And tonight then we're now having a public
4 hearing on that document. And the purpose of that
5 public hearing will be to hear your questions, your
6 comments. There will be no debating or no
7 discussion. The purpose is for the Village Board
8 and the consultants, and the applicant, to hear what
9 your views are, and what comments you have on that
10 Draft Environmental Impact Statement.

11 The Board will then, before we complete
12 this process, conduct a review of the Draft
13 Environmental Impact Statement, they will set a
14 comment period, at which time you will have an
15 opportunity or others will have an opportunity,
16 beyond tonight's meeting, to submit written
17 comments, further written comments, so that if you
18 don't say all of what you want to tonight, or you
19 have other thoughts, you can submit them in writing,
20 and they will be part of the record.

21 The next step then is that this body of
22 comments, whatever is heard tonight, before the
23 hearing, anytime before the hearing is closed, and
24 subsequently, when there is written comments, that
25 body of comments, and comments that will come from

1 the Village's consultants, and any other agencies
2 that are not here, such as the Department of
3 Transportation -- well, they may be here, I don't
4 know; I guess I shouldn't suppose they are not
5 here -- but any agencies that have comments like the
6 D. E. C. or the Department of Transportation, County
7 Planning Department, any comments that are made by
8 agencies will also be part of this same record. And
9 those comments will be responded to in the Final
10 Environmental Impact Statement.

11 Now it's important for us to recognize, for
12 all of us to recognize, that that Final
13 Environmental Impact Statement, is the Village's
14 document. The applicant was asked to prepare the
15 Draft Environmental Impact Statement. We're all
16 going to be making comments on that. And the final
17 document then that is a reflection of the responses
18 to those comments, and those concerns, will be the
19 Final Environmental Impact Statement. That is the
20 Village Board's document. So before they accept
21 that they have to be satisfied that what it says is
22 what they believe is the correct mitigation of any
23 impacts, or reflects their views on the impacts of
24 the project, proposed project.

25 And there will be one final step in that

1 process after that, and that is the so-called
2 findings. The findings are the Village Board's
3 conclusions that the impacts have been addressed,
4 and they find that they do or they don't mitigate
5 the impacts that have been identified. That final
6 step then becomes really the basis for any
7 subsequent action.

8 Now this is a little bit different than
9 just a proposal for a development project. It also
10 involves an annexation, so it involves consideration
11 of concerns of the Town and the Village, and how the
12 proposal would impact, and would it be in the best
13 interests of, or not in the best interests of both
14 communities.

15 Just a couple more things that I would like
16 to remind everybody of. The fact that the comments
17 that you make need to be responded to, and need to
18 be part of the record, it is very important that the
19 stenographer has a clear indication of what you're
20 saying, so I would suggest that once you give your
21 name and address, that you speak relatively slowly
22 and clearly, and just make sure that everything you
23 have to say is recorded properly.

24 And finally that, just again, that we're
25 all here to hear your comments, and your questions,

1 and not to involve yourselves in a back and forth
2 debate, or question and answer period tonight.
3 Those comments will be responded to in the Final
4 EIS. That document will be subject to further --
5 will be available to everyone and will be subject to
6 a further short period of further review, and you
7 will know what is in that document. You will know
8 where your comments are responded to, and how they
9 are responded to.

10 So with that I think we're going to turn
11 the meeting over for a brief presentation by the
12 applicant, and then we'll have public comments.

13 MAYOR VALASTRO: Okay. Right now we'll
14 have Larry Wolinsky, who is the attorney for BT
15 Holdings.

16 MR. WOLINSKY: Thank you, Mr. Mayor. Thank
17 you, Mr. Turner, for a good explanation of the
18 process. That makes my job up here a lot shorter.

19 My name is Larry Wolinsky. I am the
20 attorney for Labrador Properties, who is the
21 applicant for this action. On behalf of our entire
22 project team who are here tonight, and who you will
23 meet, we thank you for coming out to give comments
24 on the project. We will take all of them very
25 seriously. You see that there is a stenographer

1 present tonight, and the purpose of that
2 stenographer being here is to get a verbatim
3 transcript of your comments, so that we have exactly
4 down what you say, and as Mr. Turner pointed out,
5 each and every one of those comments will be
6 responded to in the FEIS, the Final Environmental
7 Impact Statement, and then evaluated to the
8 satisfaction of the village board.

9 We are going to make a brief presentation
10 tonight. I want to emphasize about that
11 presentation, that the views that are going to be
12 expressed are the views of our project team only,
13 based on the results of our studies of the impacts.
14 They in no way represent the views of the Village of
15 Chester Village Board, or any other agency involved
16 in the project. As Stu Turner pointed out, there
17 will be further dialogue, and discussion about
18 various areas of potential impact.

19 At this point in time we're going to turn
20 it directly over to our project principal, Frank
21 Nusbaum, who will give you a couple of minutes of
22 the background of the ownership of the property, and
23 how we arrived at the proposed development.

24 MR. NUSBAUM: Thank you. Good evening
25 everyone. My name is Frank Nusbaum. I'm both a

1 principal with BT Holdings, which is a family
2 ownership group that has owned this property for a
3 long time, as well as the principal with Labrador
4 Properties, which is my development firm, which is
5 developing it on behalf of BT.

6 Before I begin I'd just like to introduce
7 the rest of the team. You already met Larry. We
8 have Seth Shapiro from Barton Partners, who is our
9 architect and planner. Ann Cutignola from Tim
10 Miller Associates, our environmental consultant.
11 And Brian Wisner from Langan Engineering.

12 As I mentioned, my family has owned this
13 land for 25 years. My Uncle Murray actually owned a
14 printing business right on the Chester Goshen
15 border, right up Route 17M, and back in the early
16 eighties he approached my father about purchasing
17 some land right in the heart of the Town of Chester,
18 with the idea that he would one day develop it.
19 It's been 25 years and we're finally kind of getting
20 around to this. But during that time we have paid
21 our taxes to the County, the sewer district, the
22 school district, the Village and the Town.

23 Now back in 2003 the Town underwent its
24 comprehensive planning process, during which it
25 mapped out a blueprint for future growth in the

1 community. That plan, which included smart growth
2 planning principles, which Seth will talk to you
3 about in a minute, identified centralized locations
4 in and around the town center for moderate and
5 higher density housing, while preserving the balance
6 of the community outside of the town center for
7 lower intensity development and open space. In that
8 planning our property was specifically designated as
9 the future site of senior and multi-family housing,
10 which is what we're proposing. It's one of only two
11 such parcels zoned that way in the entire community.

12 In 2005 I began to look towards developing
13 the property in accordance with the Master Plan.
14 But prior to ever finalizing any sort of concept I
15 initiated discussions with members of the community
16 to not only understand the community's development
17 needs and housing needs, but also its development
18 concerns. And what I gleaned from these
19 conversations, it became very obvious, was that the
20 community was very wary about doing development in
21 the wrong way, one which would come at too high a
22 price to existing Chester residents.

23 It was with this specific goal in mind that
24 we conceived what we believed to be a smart growth,
25 low impact project, designed to not only achieve the

1 community's growth goals, as expressed in the Master
2 Plan, but also mitigating impacts to the greatest
3 extent possible.

4 I recognize a lot of you are here today to
5 wonder how this project will affect you, and the
6 community. I can assure you that a lot of thought
7 and hard work went into making sure that we are in a
8 position to give you good answers to that important
9 question. As I already said, we're here
10 specifically to hear from the general public tonight
11 about the DEIS. It was developed predicated upon a
12 full, open and transparent public process.

13 Considerable work was done to address a range of
14 environmental impacts, and it was submitted to the
15 Village, which retained its own consultants to vet
16 it, and review it, and over the course of many
17 months we ultimately refined it, and completed it,
18 as Stu alluded to earlier.

19 It is subject to review by the
20 municipalities, the Town and the Village, the
21 County, other involved agencies like the State D. E.
22 C., and the general public. So we're eager to hear
23 what you have to say tonight. If there is
24 information that the Village Board has not yet
25 heard, we welcome that. If there are questions that

1 we have not yet answered, we certainly would like to
2 hear them, and if there are disagreements about our
3 analysis or the factors used to develop them, we
4 certainly would like to hear those as well, and we
5 have every intention to respond.

6 So with that being said, I'm going to hand
7 it over to Seth Shapiro, from Barton Partners, who
8 is our architect and planner, to go over the project
9 and the concepts and some of the logic behind it,
10 before handing it over to Ann, who will review some
11 of the impacts.

12 Seth, take it away.

13 MR. SHAPIRO: Thank you. My name is Seth
14 Shapiro. I'm the Director of Planning and Urban
15 Design for Barton Partners architects. We are
16 located just outside of Philadelphia, Pennsylvania.
17 The first thing we do when we look at a project like
18 this -- and I hope that everybody can see the
19 screen, I know it's a little bit small -- is we
20 actually look at the region as a whole. What is up
21 on the screen right now is an aerial photograph of
22 this part of the county, and we really take a look
23 at the pieces of major infrastructure that are in
24 place. That purple line is Route 17. Then what we
25 did we looked at actually the Comprehensive Plan

1 that Frank just spoke about. And by the way, just
2 so you understand where we were talking about the
3 scale, that area outlined in the red with the yellow
4 tone is the town boundary and the green area is the
5 village.

6 So when you overlay the town's
7 Comprehensive Plan over that area, what you see, and
8 I'm going to use the laser pointer here, these two
9 areas, these dark orange areas, per the
10 Comprehensive Plan, are designated as higher density
11 concentrations, per the principles of smart growth.
12 They are close to existing infrastructure. They are
13 close to areas that are already developed. So
14 that's, in terms of smart growth, where you want to
15 concentrate your development, so that you can
16 preserve open areas.

17 So we're going to actually go ahead and
18 zoom in to this one area right here, which is right
19 there, and this is a piece of the Comprehensive
20 Plan, and you can see that orange area right here.
21 And just so you know, here is Route 17, here is 17M.
22 This is the Chester Mall there. And again there is
23 an aerial of that piece. Again Chester Mall, 17,
24 17M, Whispering Hills.

25 So that area right there, that area that's

1 outlined in yellow, is the area that we're talking
2 about, and directly corresponds with that area from
3 the Comprehensive Plan, where higher density growth
4 is supposed to be concentrated. So let's look at
5 then the plan that we're actually proposing for this
6 area, and I just had that fade in there, but I'm
7 going to actually go ahead and rotate this around,
8 and make it a little bit bigger, so it's easier to
9 see.

10 What this plan shows is 458 residential
11 units, and there are several different kinds of
12 residential units. We're going to talk about those
13 in a second. Just briefly, there is an entry
14 boulevard right here, off of 17M. There is the
15 Chester Mall, and the first thing are one hundred
16 units, one hundred rental units targeted towards
17 senior individuals. Essentially they are stacked
18 flat type units. And in the rest there are 358
19 market units, which are townhouses, and a series of
20 townhouses. One of the things we were careful to do
21 in these plans, because they are built over time, is
22 to leave as much flexibility in as possible in terms
23 of actual product type that we are going to propose,
24 and one of the things we have done is leave space
25 for a specific type of townhouse called a master

1 down townhouse. Does anyone know what that is? The
2 master down townhouse is a townhouse with a full
3 living area on one floor, including the master
4 bedroom suit. That's targeted to older individuals
5 and baby boomers. The other type of units that
6 we're showing here are homes that are targeted
7 towards first time home buyers, young home buyers;
8 something we call DIGS -- Dual Income No Kids. It's
9 really the first time -- people's first houses that
10 they buy before they have kids.

11 So in summary we are talking about a
12 hundred homes for senior rental, and we are talking
13 about a townhouse community of 358 total homes. The
14 reason that we're targeting this population is what
15 I'm about to talk about now; this is a slide of
16 demographics. It is taken from the United States as
17 a whole. What you see here are two lines. You see
18 gray lines and blue lines. The gray lines are the
19 20 to 29 year olds, okay, what we call the echo
20 group. These are first time home buyers. People
21 are having kids later now up until their mid to late
22 thirties. These are people who are wanting to get
23 out of their first rental apartment and build some
24 equity into a home, but can't really afford that
25 bigger home yet. And then the blue line are the

1 baby boomers, people who are now starting to down
2 size, go into those smaller houses. Their kids have
3 gone away. And we are, in time, right where that
4 red line is. So there is this convergence, and I
5 used the two largest populations right now, first
6 time home buyers, and the baby boom generation.

7 So the second thing that's happening, which
8 is interesting, and this is a chart of the 20th
9 century about household size. Back in 1900 the
10 average household size in the United States was 4.6
11 people. By 2000 that was down to 2.5 people, and
12 continuing to drop. Which is interesting, because
13 starting right about 1960 that is when house sizes
14 started to really get bigger and bigger, so it is a
15 little bit strange, but what we're seeing now is
16 that house sizes are starting to shrink with the
17 household size.

18 And then lastly this is a pie chart that
19 shows the distribution of different households, and
20 by far the largest household group of people who are
21 buying houses these days, right here, are one person
22 households. Then you have married, no children,
23 over here, the second largest pie. So these are the
24 groups that we're really targeting.

25 Then finally I wanted to talk about an

1 article that appeared in the March 2008 issue of
2 Atlantic Magazine which is really fascinating. What
3 this article says, it quotes a study from Virginia
4 Tech, and that article says that by the year 2025,
5 which seems far off but 2010 seemed futuristic not
6 too many years ago, in 2025 there will be 22 and a
7 half million excess large lot single family houses
8 in the United States. So it is mainly because of
9 demographics. Something to think about.

10 So in terms of the project we are talking
11 about, this is what we're talking about in terms of
12 senior rental, what a senior rental unit might look
13 like on this site. Then we have different types of
14 townhouses. There is a front elevation. There is
15 certain topography on the site, so we have updill
16 and downhill conditions. So this is a downhill
17 condition, this is an uphill condition. And then
18 this is what we call a back to back townhouse, which
19 is actually a great product for the first time
20 homebuyer, because of its size, about fourteen to
21 sixteen hundred square feet. Essentially two
22 townhouses in the space of one townhouse.

23 So in summary this is the conceptual site
24 plan we're talking about. As far as amenities, we
25 have an entry boulevard, sidewalks on both sides of

1 the street. We would hope that people from this
2 community would walk to some of the retail uses down
3 in the Chester Mall. We have the senior community
4 over here. We have a little clubhouse and pool for
5 use by both communities. Then we have the townhouse
6 community with walking trails, and then a little
7 gazebo picnic area in here. Lots of internal open
8 spaces. The thing that really makes this community
9 different from some of the other communities in the
10 area, is that we looked at how things used to be
11 done. All of these buildings face streets; streets
12 with sidewalks. curb lines, street trees. You
13 know, it's a comfortable pedestrian orientation.
14 You don't have buildings turned sideways where there
15 are no eyes on that street. We're really trying to
16 create a place. We consider streets to be sort of
17 public amenities, not just ways to move cars.

18 And then finally in terms of the kind of image
19 that we're trying to evoke here, this is a
20 perspective that we generated just this week as to
21 what we think this community could look like.

22 So with that I'm going to go ahead and turn
23 it over to Ann who is going to review some of the
24 DEIS.

25 MS. CUTAGNOLA: Thank you. My name is Ann

1 Cutignola. I'm a senior planner at Tim Miller
2 Associates. Tim Miller Associates has prepared the
3 Draft Environmental Impact Statement known as the
4 DEIS for the BT Holdings Project, consistent with
5 the scope of study adopted by the Chester Village
6 Board in their role as lead agency. The DEIS has
7 been prepared to assess the topics identified in the
8 project scope. It's been distributed to all
9 involved and interested agencies, and has been made
10 available to the public at Chester Village Hall, the
11 Chester Library, and it's on the village's web site,
12 in case any of you have not had an opportunity to
13 look at it.

14 There is a lot of information contained in
15 the DEIS. I'm going to provide an overview of those
16 areas that have been identified as specific
17 community concerns. Each comment made here tonight,
18 as has been stated, will be responded to in writing
19 in the FEIS.

20 This project provides a maintenance free
21 housing alternative to empty nesters, young
22 professionals, and others who choose something other
23 than an expensive single family home. The project
24 addresses the community need for senior rental
25 housing. As Seth described the largest segment of

1 the housing market in search of new housing
2 alternatives are the aging baby boomers who desire a
3 house which meets their specific needs. The
4 dedicated senior housing helps to meet this need,
5 and in addition the design of market rate units,
6 which includes a large percentage of master down
7 units, where the primary living area is all on one
8 floor, accommodates the need of a population who may
9 find it more convenient to lead life on a single
10 level.

11 Of the 458 total units proposed, 358 are
12 market rate townhouses and 100 units are dedicated
13 as senior rental apartments. The total population
14 is projected to increase by eleven hundred and
15 thirty seven persons. This includes a hundred and
16 eighty seniors and a hundred and twenty one school
17 age children. The project has been designed to
18 cover its own costs, and not impose a burden on the
19 Chester community. The total tax revenue when fully
20 developed will be approximately \$2.8 million
21 annually. Of that \$583,000 would go to the village
22 and \$224,000 would go to the town, and over \$1.6
23 million would go to the school district.

24 As can be seen on the slide up above, the
25 proposed project results in a net tax benefit, which

1 is the revenue after covering the cost of services,
2 to the village, the town, and the school district.
3 The village will realize a substantial benefit of
4 more than \$330,000 annually, after covering
5 expenses. The town will realize nearly \$60,000
6 annually, and the project will more than cover its
7 own costs with regard to school age children.

8 The specific combination of housing type
9 proposed, which limits impacts, yet generates
10 substantial taxes, will result from a development
11 which covers its own costs.

12 School child generation is affected by two
13 main factors; housing type and market price. This
14 project was deliberately conceived to minimize the
15 potential impact to the school district. Senior
16 housing would bring in no school children
17 whatsoever. Multi-family housing of the type that
18 is proposed is targeted toward empty-nesters and
19 young professionals, and as a result generates far
20 fewer school children per-unit than single family
21 homes, which tend to attract families with young
22 children.

23 It has been demonstrated in multiple
24 demographic studies that townhouse units house fewer
25 school age children than typical single family

1 homes. The units are usually smaller, with fewer
2 bedrooms, and appeal to a different portion of the
3 real estate market. Not every townhouse development
4 is the same, especially with regard to the number of
5 students who live there. Research has found that
6 townhouses on the upper end of the price spectrum
7 generate the fewest amount of school children, while
8 they have a higher tax assessment based upon their
9 relative value. Conversely lower price townhouses
10 generate more school age children, with a lower tax
11 assessment to pay for them. The proposed housing
12 was deliberately conceived and designed to have a
13 low impact on schools, which is typically the
14 largest burden to the taxpayer.

15 As you can see on the table, the
16 combination of units proposed is projected to house
17 a total of 121 school age children. We were asked
18 to compare our school child projections with actual
19 numbers from other local multi-family projects. The
20 Meadow Glen Townhouse community in Monroe was the
21 model for the BT Holding Project, with units of very
22 similar design and market price. The Meadow Glen
23 townhouses generate .34 school age children per
24 unit, which is right in line with the projections of
25 BT Holdings. Whispering Hills is a condo community

1 in Chester which represents a lower priced
2 multi-family alternative. As can be expected
3 Whispering Hills generates more school children than
4 the BT proposed townhouses.

5 You can also see that single family homes
6 would be expected to generate over three times as
7 many school children as the proposed townhouses.
8 This project as proposed includes annexation into
9 the village, primarily to utilize the village's
10 water supply. As a part of the DEIS, we examined
11 several proposed alternatives; one which
12 contemplated not annexing the property into the
13 village, and instead building fee simple single
14 family homes on the site, mostly in the town. The
15 site could support up to 120 single family homes.
16 Due to the increased number of students per
17 household which could be expected to live in the
18 single family homes, construction of 120 single
19 family houses would result in the same number of
20 school children as the 358 multi-family units in the
21 proposed project. However the 120 single family
22 homes would produce significantly less school tax
23 revenue. Thus the cost to the school district would
24 remain the same, but the school tax revenue would be
25 substantially reduced, resulting in a deficit to the

1 school district of more than \$627,000 per year. The
2 end result is that while the proposed project covers
3 its costs to the school district, the no annexation
4 alternative results in a \$620,000 deficit, an
5 expense which would have to be covered by Chester
6 taxpayers, yourselves.

7 In addition to the significant deficit to
8 the school district, the no annexation alternative
9 would also sharply reduce the taxes, and the net
10 benefits generated to both the village and the town,
11 but especially to the village. The BT Holdings
12 project results in an exponential increase in the
13 village's tax base. After covering the cost of the
14 new residents, the project results in more than
15 \$330,000 annually being added to the village
16 coffers. This equates to approximately \$75.00 per
17 resident or \$300 per household, that can be used to
18 supplement the expense of village services.

19 In comparison the no annexation alternative
20 produces a net benefit of \$21,000, a reduction of
21 more than \$300,000 annually. The impact of
22 annexation to the town is also positive. Annexation
23 results in more than a three fold increase in
24 revenue for the town. As a result of annexation and
25 the construction of the proposed project, the town

1 is expected to realize a net benefit of almost
2 \$60,000 annually. Under the no annexation
3 alternative this benefit is reduced to about
4 \$16,000. The proposed project generates much
5 greater benefits to the village, the school and the
6 town, than the no annexation alternative. The town
7 will see an increase in tax revenue as a result of
8 the proposed project, compared to the no-annexation,
9 fee-simple, single-family home alternative.

10 Once complete this project would generate
11 nearly one million dollars more annually to the
12 Chester community than the fee simple single family
13 homes, turning a \$590,000 loss into a \$400,000 gain.

14 The applicant's primary motivation for
15 pursuing annexation is to be entitled to the
16 village's water supply, and to properly compensate
17 the village for the use of that water through the
18 taxes to be paid. As we have demonstrated the
19 village will reap substantial tax benefits from
20 development of the proposed project. Utilization of
21 the available municipal water supply, instead of
22 drilling individual wells and septic systems, is
23 consistent with the smart growth mandate of the
24 Comprehensive Plan.

25 In addition to being more economical and

1 more efficient, municipal water is the
2 environmentally sound alternative. The applicant
3 actually does have the option to drill individual
4 wells and septics. However, environmentally, this
5 is not the preferred course of action. The village
6 currently has excess water capacity of 650,000
7 gallons per day. The BT Holdings Project is
8 proposed to utilize 138,000 gallons per day of
9 available water, still leaving the village with an
10 ample water surplus.

11 As Frank pointed out, this parcel has been
12 in his family for 25 years. During that time the
13 applicant has paid fees to the sewer district, both
14 in the village and the town respectively. The
15 parcel is entitled to retain its rights to sewer
16 service, including the appropriate allocation from
17 both the town and the village. The project is
18 estimated to generate approximately 125,000 gallons
19 per day in waste water. Waste water is currently
20 treated by the Harriman Sewage Treatment Plant,
21 where the town has available capacity of 148,000
22 gallons. The village is over its current allocation
23 by nearly 17,000 thousand gallons. Even accounting
24 for the village overage, there is a net available
25 capacity of 131,000 gallons per day, which meets the

1 projected need of the BT Holdings Project. If
2 necessary the applicant is prepared to fund an
3 increase in allocation from either the Harriman
4 Sewage Treatment Plant, or the contemplated Black
5 Meadow Waste Water Plant, should that plant come on
6 line. Should additional capacity be unavailable,
7 the size of the project would ultimately be limited
8 by whatever capacity is available.

9 The site's location on Route 17M, in
10 proximity to New York State Route 94, and New York
11 State Route 17, enjoys excellent regional and local
12 access. This was one of the factors that
13 contributed to the designation of this site for
14 multi-family housing in the Comprehensive Plan. A
15 traffic analysis has been conducted on eight local
16 intersections as identified in the project scope.
17 The project is expected to generate less than 250
18 trips in each of the A. M., P. M., and Saturday peak
19 hours. The traffic analysis concludes that there
20 are minimal changes in traffic operation of
21 conditions, and there are no unacceptable levels of
22 service which will result from the BT Holdings
23 Project.

24 In summary the project is designed to
25 address the housing needs of the community

1 consistent with the Smart Growth mandate of the
2 Comprehensive Plan, by providing low impact,
3 multi-family, and senior housing in the area, which
4 is ideally located with regards to infrastructure,
5 transportation, and community services. The
6 project minimizes impacts while covering its own
7 costs. Annexation results in the most beneficial
8 fiscal impact to the Village, the Chester School
9 District and the town, and will serve to stimulate
10 the local economy. Thank you very much for
11 listening.

12 We would now like to open the floor for
13 public comment.

14 MAYOR VALASTRO: Thank you for your
15 presentation. First I'd like to call on Town
16 Supervisor, Steven Neuhaus

17 MR. NEUHAUS: I'd like to thank Phil
18 Valastro for taking all the thunder out of
19 everybody; no cursing, no screaming. That's a
20 bummer.

21 I just want to make a few comments. Back
22 on August 10th, 2009, I sent a letter on behalf of
23 the town to the Village of Chester regarding our
24 DEIS comments. We feel that there are at least
25 twenty comments that weren't answered as thoroughly,

1 or to our liking, and one of the things -- I'm going
2 to mention a few of the issues, but I'd like to
3 suggest or recommend that the BT Holdings engineers
4 and architects or planners sit down with the town's
5 engineers and consultants, and just go through them
6 item by item, so they are thoroughly explained and
7 looked at.

8 But I'm just going to concentrate on a few
9 issues that I think that are, that concern me, that
10 definitely need to be addressed before the town and
11 village makes a final vote. I keep bringing this
12 up, and I know Frank has heard this a million times,
13 is the tax impacts on it; the fee simple versus the
14 straight taxing that Whispering Hills right now
15 pays, those condominiums, and I don't want to -- I
16 know we're trying to differentiate the two, the
17 Whispering Hills from your project, Frank, but the
18 situation is this; they will pay the taxes as a
19 condominium, which is roughly a third of what a
20 regular house or something would be assessed at.
21 That's a serious concern for me. And I know I have
22 my friends here from the Chester School Board who
23 will probably be speaking later on, and this is more
24 their issue, but I know the statistics say that
25 there is only this many kids, or this many not; if

1 you have two or three bedrooms, unless it's deemed a
2 planned adult community, there is no way to really
3 control that, and I'll be honest with you, I'm 36
4 years old, my wife and I, the only house we could
5 afford in the Town of Chester was either a small
6 handyman special in the Village of Chester or the
7 condominiums in Whispering Hills. That's all that
8 was in our price range, and we are those young
9 people just starting out, and that to me, as the tax
10 rate gets worse here, the school board is going to
11 have the worst year in the history of the school
12 districts, what is going on with the state, those
13 taxes keep going up.

14 Young couples just as well as seniors won't
15 be able to afford to live in a house. They will be
16 forced into that type of affordable housing, in my
17 opinion, but I think that without it being deemed a
18 PAC (sic) in any area you cannot control who is
19 going to live there. so it could go either way.

20 And so that would be fee simple, and that's
21 it with the bedrooms issue. The other thing is just
22 from looking at the plans, I believe that the layout
23 for the top left corner of the layout is offensively
24 close to the farm there. I think there needs to be
25 some kind of -- and I know if this did get annexed

1 or not, it would be handled by the planning board,
2 on the layout, and what people see, that dairy farm
3 there is really one of the corner pieces of this
4 town, and I think it being within 20, 30, 40 feet of
5 the borders there, it is just going to be a recipe
6 for problems in the future. And we want to try to
7 accommodate both, so I think that needs to be looked
8 at.

9 I also just want to point out before I go
10 into some of these other issues, is to thank the
11 Preservation Collective, who sent a card out -- I
12 got mine in the mail -- to notify people in the area
13 to come to this meeting tonight. I think that's
14 important. I know it was listed on your web site,
15 and it was publicized as well in the newspapers.
16 But anyway I just wanted to get into some of these
17 things that we listed out, and again, I am just
18 going to go to a few of them.

19 One of them is, I think we should outline
20 or you guys should outline the difference between
21 the Town of Chester and the Village of Chester.
22 Currently the Town of Chester zoning only permits
23 twenty percent of the total units to be three
24 bedrooms. Here they are using the village model,
25 which allows for, and I'm not a statistician, sixty

1 to seventy percent of this project is three
2 bedrooms, and that's where it gets into the problem
3 with the more kids. I think that needs to be
4 addressed. Moving on to waste water, the
5 narrative states that the Village of Chester is
6 currently exceeding its waste water allocation by
7 347,000 gallons a day right now, allocated -- they
8 are using actually 363,000 gallons and it was
9 mentioned earlier by your consultant -- this section
10 refers to a comment made by Phil Salerno from Moodna
11 Sewer Basin that participating communities have an
12 informal agreement that allows individual
13 municipalities to exceed their allocation as long as
14 the entire district does not exceed its waste water
15 allocation.

16 We have severe issues with this. The Town
17 of Chester disagrees with this statement. The Town
18 of Chester Sewer District have paid for their own
19 allocation. The town is not willing to allow other
20 municipalities to use their allocation without the
21 town board approval. Since the village is in excess
22 of its capacity, the village and/or applicant should
23 investigate means and methods to provide sewer
24 capacity for the project. The Moodna Basin
25 cannot give away capacity owned by the Town of

1 Chester Sewer District. We have people paying into
2 that.

3 The other issue, and I'm going to stay on
4 sewer for awhile, because it's a critical issue;
5 under the future waste water infrastructure section
6 the DEIS also refers to a proposed wastewater
7 treatment plant. This is also called the Black
8 Meadow Creek Wastewater Treatment Plant. This has
9 only preliminarily been discussed. I haven't seen
10 any hard copies of any plans or anything. And
11 tomorrow's article in the Chronicle will shed light
12 on an issue that's been going on with regard to the
13 Black Water Treatment Plant (sic). Orange
14 Environment has never supported this. I think the
15 village board and the town board were sold by Moodna
16 that this Black Water Treatment Plant had the seal
17 of approval by Orange Environment. I have since,
18 because of an article that was in the paper, got a
19 scathing letter from Orange Environment saying they
20 do not in any shape or form support this sewer
21 treatment plant. So that adds a really big problem
22 to this situation. And that's why I'm saying we
23 can't assume that this sewer plant is going to be
24 something that's definitely going to happen. And,
25 you know, sewer treatment plants, you'll see my

1 comments, are just as popular as putting
2 in landfills. So a very tough move on behalf of
3 elected officials to put in such a plant without
4 considering the impacts to the streams and the
5 environment around it.

6 Also I just want to mention that in here,
7 in the statement, you guys mentioned the possible
8 effects of other developments to the sewer
9 allocation. It did not take into consideration the
10 Moutco Camp Le Guardia site. Whether that is a
11 pipe dream or not, it still needs to be considered
12 as a matter of a project that is being proposed, so
13 I think that needs to be put in there too, and that
14 would deal with more towards the water end of it.

15 I would also -- I am going to leave that
16 out -- there were a couple or other sections about
17 the sewer treatment plant versus what is being
18 allocated at Harriman right now, but one of the
19 issues we have is that if the village did annex this
20 property would this still be considered part of the
21 town's allocation or not? That is something that
22 needs to be addressed as well.

23 Concentrating on the water, the Village of
24 Chester is anticipating on providing this, according
25 to the DEIS; we believe that the project sponsor

1 should perform a detailed hydrogeological study to
2 test the wells in the area, if they did not get the
3 water approved by the village. Solely investigating
4 the village's abilities to supply water for this
5 project is totally unacceptable. Alternatives must
6 be investigated on this.

7 Again I have a list of about twenty items.
8 I do have an extra copy I will provide to the
9 village. Those are some of the highlights that we
10 think need to be addressed, and I thank you guys for
11 your time.

12 MAYOR VALASTRO: Thank you.

13 The next speaker is Tom Becker.

14 MR. BECKER: Hello, my name is Tom Becker.
15 I live at 11 Sanford Avenue, and I am also the
16 Village of Chester Water Commissioner. I just want
17 to update a couple of numbers from the DEIS, as far
18 as the number that was used in the DEIS for the
19 gallons per day, which was given at 450,000. I did
20 an average actually of the daily usage for the last
21 ten years, which puts us 528,000 gallons per day,
22 which is more representative of more dry years; the
23 number I had given previously was just our average,
24 that was daily, that was using daily at this point.

25 Also I had asked previously if some type of

1 calculation could be done to assess the open
2 properties that are located within the village.
3 There is approximately 31 vacant properties in the
4 village, some one half acre in size, some as large
5 as twenty acres in size. I want to make sure that
6 we're covering the needs of those properties, you
7 know, because they exist in the village as they are
8 now, and make sure that the water needs of those
9 properties can be hopefully met.

10 Also the DEIS mentioned the village water
11 storage capacity of two million gallons. The two
12 million gallons is a total capacity of the three
13 tanks that the village has. I'd asked a question
14 previous to this, at what point, if we lost both
15 sources of water due to some type of tragedy,
16 emergency, where we have either water main breaks,
17 power outages, something that causes us to lose both
18 water sources, how long will that two million gallon
19 capacity last, and at what level on the tanks will
20 we lose firefighting capacity to higher elevation
21 locations in the village such as Grand View, Cherry
22 Heights, and also this proposed development, which
23 is of a higher elevation.

24 Also another comment I just want to
25 reference, with one of the postings that were on the

1 board up here, it was mentioned that the water would
2 benefit by the tax increase to the village, the
3 \$344,000. Really that's not true, because water
4 only gets its -- we only get revenues by water;
5 anything that comes in as tax dollars is used just
6 for general budget. Anything that comes from water
7 comes from water revenues and that's it. Also with
8 the numbers that were posted, if we use the numbers
9 that I had given you now as the 528,000, that's the
10 daily consumption by the village, 137,000 gallons BT
11 Holdings would use for indoor use, for domestic
12 usage, and 123,000 gallons of outdoor; we also have
13 future development that is slated that could use
14 almost 80,000 gallons; this puts us at 868,000
15 gallons per day, which leaves us with 232,000 of
16 leftover water for all the other properties that are
17 left in the village; it's not a lot of water. I
18 actually would like to see, you know, a cushion with
19 the 1.1 million gallons that we have. I don't want
20 to reach that capacity at any time for drought
21 years, and other issues that may come up.

22 I'd like to see them look into more green
23 aspects as far as the outdoor usage on the project,
24 to try to eliminate that outdoor usage. That's
25 about all I have for right now. Thanks.

1 MAYOR VALASTRO: Thank you Tom. Next is
2 Leslie Smith.

3 MS. SMITH: Leslie Smith. I live at 117
4 Brookside Avenue, Village of Chester, which is
5 essentially directly across the street from the
6 proposed project. And the only two things that I'm
7 going to address, which I have many more concerns,
8 are things that affect me directly. The first one
9 is when we have a downpour of rain, the water from
10 the hillside of that site, comes down and there is a
11 stone wall that's right along the road, and I have
12 actually seen water coming through that stone wall
13 that looks just like fountains coming out from
14 between those stones, and my concern is that with
15 the pavement and the structures that are going to be
16 proposed, that are proposed to be built, that's all
17 going to be impervious. And I have some actual
18 photographs of water running over my retaining wall,
19 that looks like waterfalls, and this is not even the
20 stone wall thing that I was talking about. The
21 second thing I want to address is traffic. Whenever
22 there is any kind of incident on Route 17 and
23 traffic becomes bumper to bumper on 17M, and I have
24 several pictures that I want to leave with you, to
25 give to your planners, of traffic that's backed up

1 for hours on all different dates, and they are all,
2 you know, labeled, and I just want to leave all
3 these pictures with your planners.

4 And I just don't understand this business
5 of having one-way in and one-way out; you're
6 adjacent to other streets in the village, and those
7 should be open for traffic going in and out and
8 around, and in any way that's able to facilitate
9 traffic flow. This business of, you know, one
10 boulevard with one access is just ridiculous.

11 MAYOR VALASTRO: Thank you. Next is Cliff
12 Patrick.

13 MR. PATRICK: Clifton Patrick. I'm the
14 Town of Chester historian, and my day job is right
15 across the street at 119 Brookside Avenue. And I
16 just wonder, just a couple of items that were on the
17 cultural resources part of the report. On page six
18 they talk about the failure to locate or identify
19 structural inventory forms at The State Office for
20 Historic Preservation that indicate potential
21 eligibility for nomination to the state or national
22 registers within a one mile radius. Well, I drew a
23 little map of what a roughly one mile radius would
24 be, and there were a whole bunch of these building
25 surveys. I just got a few of them out. There is

1 the Feagal's house, which is Dale Talmadge's
2 residence, and borders the property. There is the
3 Van Duser Milburn house, that's just within a mile,
4 according to my little sketch. And there are a
5 number of others, including what is now the Mary
6 Rose Cullen residence. So I was surprised that they
7 weren't able to find these. These documents are
8 with the State Office of Historic Preservation and
9 easy to access, I would think.

10 They also indicated that there are no
11 historic or prehistoric sites on the property.
12 Before I get that, backing up a little bit to the
13 potential eligibility of the nomination to the
14 historic registers. As I understand it the
15 eligibility is based on a couple of criteria; the
16 structure has to be older than fifty years, and have
17 some significant feature, either historic person, or
18 interesting architecture or some other feature. And
19 there are many, many structures within a mile that
20 would qualify for those criteria, would have the
21 potential for being listed, including of course that
22 this property I think was part of the Oak Ridge
23 Farm, which was I think owned early on by C. B.
24 Wood, and later was taken over and called Brook Farm
25 by Richard Delfield, who was Park National Bank

1 president in the early part of the century. Later
2 by Edmund Butler, who was an importer and produced a
3 lot of award winning cattle. And that house is,
4 that farm house from that farm is still existing,
5 and that's an important structure within a mile of
6 the site.

7 And this is a listing from the State Office
8 for Preservation of just things in the village,
9 including structures, and archeological sites, and
10 it goes on, and there is quite a few of them listed.
11 As I read the report it only mentioned a few of
12 these and obviously there were a lot of things in
13 the State Office of Historic Preservation listings
14 that weren't addressed in this report. They
15 mentioned an absence of historic or prehistoric
16 sites, and this is a printout of the U.S.G.S. map
17 from 1908, and it clearly shows a structure here
18 close to where the entrance to the site will be. I
19 don't know what is there. I don't know if anything
20 exists. But I would have hoped that would have been
21 addressed in this document.

22 I have some other issues, as I say, as
23 being an adjacent property owner, and I suspect
24 other people may address those. With your
25 indulgence if they don't may I come back at the end

1 and make those comments?

2 MAYOR VALASTRO: Yes. Thank you.

3 Next is Dawn Guevara.

4 MS. GUEVARA: I actually have a bunch of
5 questions for you guys. My first one is basically,
6 why do we need this development? We have homes
7 right now in Chester that are vacant, unsaleable,
8 and there are plenty of foreclosures. We can't fill
9 these homes, we can't sell these homes, and now you
10 are looking to put in another 485 homes, which again
11 will be unsaleable.

12 My next question is; if we don't annex the
13 property, you're still going to build? I just have
14 a question if that's still going to happen, whether
15 it's annexed or not? My question for the village
16 is, if you're going to be receiving \$330,000 plus to
17 the village, are we getting more cops? We don't
18 have a lot of cops, and I know this, I've been a
19 village resident for many years. We are lucky if we
20 have two cops on at a time. Are we going to get
21 more cops and more firetrucks, because we don't have
22 it. Chester is too small to add twelve hundred
23 people. With the crime rate that we do kind of
24 have, we need more cops.

25 Mr. Nusbaum, you talked about how you pay

1 your sewer and taxes. It's undeveloped property.
2 My question is, how much do you really pay on your
3 sewer and your property taxes on undeveloped land
4 that comes into our village? And at no point did
5 you guys mention how much the units are going to be.
6 You talk about senior housing, first time
7 homebuyers. Are they going to be affordable for
8 people? And the senior housing, how can you
9 guarantee it's going to stay senior housing. You
10 talk about we're only getting 180 seniors, 121
11 students. Many seniors do have custody of their
12 grandchildren. 385 townhouses for 121 students I
13 think is ridiculous. And any family buying a three
14 bedroom home is going to have two or three children.
15 So I just want a guarantee, you know, how can you
16 guarantee 121 students for our district?

17 Thank you.

18 MAYOR VALASTRO: Thank you.

19 Next is Ted Talmadge.

20 MR. TALMADGE: My name is Ted Talmadge. I
21 live at 1598 Route 17 M., Chester, New York. I have
22 the dairy farm that adjoins this property. And
23 reading these environmental impacts here, if you go
24 to the part where it says land use and zoning
25 mitigation measures, it says, under that, no impacts

1 are anticipated to agricultural uses, therefore no
2 mitigation measures are proposed. And I totally
3 disagree with this. You cannot put these kind of
4 places next to a dairy farm without proper
5 buffering, and in this proposal there is no
6 buffering whatsoever. If you want to call the
7 existing trees that are there, and the few little
8 trees that they propose to put in, that does not cut
9 it. These buildings are, as shown on your project
10 here, to be about 25 feet away from my property
11 line, and the normal agricultural buffering that
12 other towns are doing, and what I would be asking of
13 the town or the village would be a minimum of a
14 fifty feet buffer zone, with brush, trees, and what
15 have you, to totally screen my property from them,
16 because putting a farm next to homes doesn't work.
17 These people that move in are not going to be farm
18 people, are not going to understand farming, and the
19 first thing they are going to do is go, oh, it
20 smells, the manure smells, I'm having a party on the
21 4th of July, you can't spread your manure.

22 I've been here long before they have, and I
23 have a right to do these things. I have a right to
24 plow my fields. It makes dust. It comes in and
25 puts dust in your house. You can't stop me, but I

1 don't want to be hassled by these people, because
2 that's what they will do. They will call up the Ag
3 Department, and it's going to be a real problem, and
4 I think that this has not been addressed here. The
5 town has no really good buffer for agriculture. I
6 have asked for this for many years and apparently
7 they have deaf ears on this in Chester, where other
8 towns want to keep agriculture.

9 I think the other thing is that, you know,
10 you need to put this buffer zone in; you need to put
11 in these people's deeds that they are moving into an
12 active farm, that you're going to have noise, you're
13 going to have smells, and this is what is going to
14 go on. You can't stop our agricultural uses here.

15 And the other thing I considered was, and I
16 put it in writing here back in the spring, was I am
17 due my privacy, and my privacy means that the town
18 tells these people to put up a fence that keeps out
19 the people's cats, the dogs and their kids from my
20 property, and putting up some trees and stuff is not
21 going to keep the kids and the cats and everything
22 out over here. I'm due my privacy, just like they
23 would want me to keep my cows off their front lawns.

24 The other thing is this ridge overlay.
25 When the town put the new zoning in in '93, in

1 effect they gave me a ridge overlay, which now
2 restricts me from where the housing can be on the
3 ridges here, but yet this property had no
4 restriction put onto it. I've been after the town
5 since '93 to correct their maps to do something.
6 They have not done this, and now there can't be,
7 because now this is in the process of being
8 developed here.

9 So, again, something can be done here. And
10 the other thing is, I'm the gateway to Chester here,
11 and basically if you're talking about visual
12 impacts, when you look up at my hill, this property
13 is about seven or eight foot higher than my property
14 line, so you're going to put three story buildings
15 up there, you're going to add 30 feet. So you're
16 going to see these. They are talking about putting
17 a buffer of trees and stuff. Well, you are not
18 going to plant 30 foot trees up there. They are
19 going to plant seven or eight foot trees and it is
20 going to take -- I'll be dead and gone and so will
21 most of the people here before that ever gets big
22 enough to screen this property.

23 Now I don't know if the town and village,
24 if they don't care -- maybe they do, I don't know --
25 but again, I think they should consider this here.

1 And another problem is there is no buffering from
2 17M up to the hill, up the hill there where they are
3 going to put their retention ponds. They are going
4 to grade this retention pond right to my fence right
5 now. Again no buffer. It should be at least a
6 fifty foot buffer away from my property before they
7 start digging this retention pond. This stuff can
8 leach through the ground and make my field wet.
9 Again they are not going to put an impervious cover
10 underneath there to keep it from seeping through.

11 And also with this pond they supposedly
12 engineered it to take all this water. Now there is
13 going to be a lot more water going into the culvert
14 there that we share with them, that goes under 17M;
15 and it's a box culvert that's two feet by two feet.
16 Now I asked also, and requested for this to be
17 looked at, that I wanted a minimum of fifty percent
18 or more capacity reserved for me. I don't think
19 that -- I can't find that in their mitigation, but
20 they did draw a map showing the water that was going
21 to come off the hill, and how much water would be
22 going in that thing, and they are showing me as only
23 having a small portion going in versus their
24 project. I think if anybody comes on a normal rainy
25 day, we'll all go down there and we will see how

1 much water. We're putting in probably two-thirds
2 the amount of the water that goes in that culvert
3 underneath the road, versus that property. Now I
4 farmed that property all my life, so I do know that
5 that hillside and stuff holds back a lot of water,
6 but when you start putting 20 feet cuts in there,
7 and you're putting roadways, all this water is going
8 to drain down to this pond here. So when they
9 regulate it, yeah, this is all a theory that they
10 are going to regulate the property but a lot of
11 times they do not work.

12 The other thing is, I'm going to be at a
13 loss for how much capacity I'm going to have,
14 because they are going to do their project today,
15 and they are showing how my farm is today, and how
16 they are going to change there. Now in the future
17 if I decide to sell my farm and I want to do it,
18 there is going to be a lot more water going in that
19 culvert, so I'm going to be hurt. In fact I'm going
20 to need a bigger pond to regulate the water slower.
21 I think it's very unfair that I, because I'm not the
22 first one going in here with a project, that I'm
23 going to get hurt. So I think this really needs to
24 be looked at.

25 And what else do I have here -- that's the

1 main thing, the ridge overlay that we don't have,
2 and the fact that these buildings are too close to
3 the property line. You have got to put a buffer
4 zone. You have got to protect us here as farmers
5 because we're trying to make a living, we're
6 providing food for people, and people seem to don't
7 care about us, and just like to walk all over us. I
8 think it's time that somebody stands up here and
9 supports us here. Thank you very much.

10 MAYOR VALASTRO: Thank you, Ted. Next is
11 Gordon Shehah.

12 MR. SHEHAH: My name is Gordon Sheehah, 68
13 High Street. You described this project as smart
14 growth and low impact. At a previous hearing you
15 had said that we should check out the development
16 behind the Target in Monroe, and my wife and I did
17 go there, and if that's a picture of what we're
18 going to be getting here, it's not very attractive.
19 Narrow streets, houses in every which way,
20 congested; very high congestion. I don't see that
21 as being low impact. I also don't see a low impact
22 where we have the village that has approximately
23 three thousand people and we're going to be adding,
24 by your numbers, about 1138 people, which is about a
25 third more. I don't see that as low impact.

1 And I don't agree with your number of
2 children as being 121. Nobody is going to be buying
3 a three bedroom home and having one child. They are
4 going to have at least two to three children, so by
5 my estimate you're looking more at maybe four
6 hundred children, and that does increase our tax
7 burden for the rest of us.

8 Now I don't know how much these condos are
9 going to be, but in the past we have seen other
10 developments where they said it was going to be
11 cheaper than houses, single family houses, but the
12 prices were pretty comparable to what a single
13 family house would be. At the same time you are
14 only going to -- people are only going to be paying
15 a third of the taxes that myself as a homeowner is
16 paying. So if they are paying only a third of the
17 taxes, and you said, well, if you build a single
18 family home it's going to be the same amount of
19 children, well, your deficit numbers don't add up.
20 It means that we're not, we're going to have
21 actually a bigger deficit in our tax revenue, and
22 therefore the rest of us are going to have to pay
23 more. So I don't go with your math. I think the
24 numbers do not make sense.

25 Another question I have is; if you don't

1 sell these units -- because as we mentioned before,
2 we have an economic environment right now where
3 there is a lot of foreclosures, a lot of houses that
4 can't be sold -- if you don't sell them, are you
5 going to convert them to rentals? Is that your
6 plan? We have seen that in Goshen. I don't think
7 that is a good idea for here, and nothing against
8 people who rent, but they don't have as much of a
9 vested interest in the properties as owners. They
10 will just live there and do what they will, and not
11 try to improve the property, and if it runs down,
12 well, they will try to rely on the landlord, but not
13 necessarily do anything for themselves.

14 In terms of water and sewage, why should we
15 strain our already overtaxed allocations, especially
16 for the sewer? I have lived in New Jersey and I
17 have lived in Staten Island, which previously the
18 areas that I lived in were very rural, but as
19 developers kept coming in and building more and more
20 developments, it became out of control, congested,
21 and I kept moving, trying to get away from that, and
22 I moved to Chester, and I love Chester and I think
23 it's a beautiful village and a beautiful town, but I
24 see us going down the same road, because it's not
25 just BT Holdings. There is also Mountco and I have,

1 right next to my house they want to build a senior
2 development there, with 140 units. You keep adding
3 all of these units, and they all are always condos
4 rather than single family houses, and squeezing
5 every amount of building into the tiniest amount of
6 space; you're just going to create this congestion.
7 I really don't agree with your numbers. And I think
8 there should be some further studies regarding
9 traffic impact, and the taxes. Thank you.

10 MAYOR VALASTRO: Thank you, Gordon. Next
11 up, Tracy Schuh.

12 MS. SCHUH: Good evening. I wish I had a
13 slide show, so I could show my maps. First I just
14 have a housekeeping thing. As mentioned earlier by
15 the town supervisor, I'm a president of a
16 not-for-profit organization that looks to educate
17 the public on impacts from development. I called
18 the clerk's office twice to confirm the dates of the
19 meetings. It was said that it would be the 7th and
20 the 14th. Then the public notice came out and it
21 only said the 7th. So I followed back up to make
22 sure that it would also be the 14th. So my initial
23 question, and I know there is no give and take here,
24 I don't know if you're still going forward with the
25 14th. If you're not, I would at the very least hope

1 there would be a notice on this door to notify
2 people if that changes. Because I had sent a notice
3 to my members and to the public based on the
4 information that I had received, that it would be on
5 the 14th as well.

6 I have a letter I'm going to submit tonight
7 on behalf of the Preservation Collective, a six page
8 letter. I'm not going to read it verbatim, but just
9 go through some key points. One of the things
10 mentioned earlier is the Town's Comprehensive Plan
11 and the zoning changes that took place in 2003. The
12 Comprehensive Plan is a living document, and the
13 mindset of those who created it in 2003 could change
14 now, and the town currently has a Comprehensive Plan
15 Committee, a new committee together to, as charged
16 by that plan, to look at it in five years. I'm
17 still going back to the original zoning before it
18 got changed, and I'm going to submit to you a map
19 that will show you the neighboring parcels,
20 including this one, what they were all zoned
21 previously. And in all these parcels, the density
22 was lowered, including the parcel that was
23 recognized earlier as another high density, but was
24 also lowered. This parcel, this project site,
25 actually was split to two different zones, one

1 medium density, and one low, adjacent to all the
2 other low density farmlands. And the Comprehensive
3 Plan does make reference to high density plan around
4 the village, behind the mall, but it doesn't specify
5 this entire site specifically. And I've addressed
6 this to the town board, it could be a possibility
7 that there was just a mistake on the zoning map,
8 when they highlighted this project. They could have
9 just meant to highlight the smaller parcel as high
10 density, and not the entire parcel.

11 And the reason why I think that is, when
12 you read the town's Comprehensive Plan, the goals
13 and objectives, and their environmentally limited
14 areas, it clearly shows there is a ridge. Just
15 because it's not, for whatever reason, not in the
16 ridge overlay district, doesn't mean it's not on the
17 ridge. And the objectives of the plan that are
18 missing from this impact statement are the mandate
19 to preserve the ridge lines, the wetlands, the flood
20 plains, the stream corridors, the natural contours
21 of the land which form the scenic backdrop of the
22 town, and to consider, protect, and retain, all
23 environmental assets, again including scenic vistas.

24 And I just wanted to make mention of that.
25 And I'm going to submit those maps to you. Another

1 indication that maybe there was a mistake is the
2 potential water map that was supplied in that
3 Comprehensive Plan, also does not include the entire
4 site. So there is -- while it is what it is today,
5 through SEQRA these things can change what is
6 appropriate, which hopefully will be at the end of
7 this process, you will be able to determine what
8 that is.

9 The map that was included in this project
10 is this map here. Now in this DEIS it claims that
11 this project, this density, is comparable to the
12 nearby development. I don't know about you but
13 looking at this map I see farmland. I see lots and
14 lots of farmland. And that's adjacent to the
15 property. And I think that this development could
16 lead to more adjoining land getting developed, and
17 those adjoining lands asking to be annexed. and I
18 think those things need to be addressed in this
19 environmental impact statement.

20 A couple of issues I just wanted to go
21 through; talking about farmland; according to the
22 Orange County Open Space Plan, farmland is a
23 commercial land use and this DEIS says the proposed
24 residential use is more compatible with agricultural
25 uses than nearby commercial uses. Farms are

1 negatively affected by residential uses, which is
2 stated in the Orange County Open Space Plan. And I
3 agree with Mr. Talmadge about the buffers. In fact
4 I think he was being conservative. I think in order
5 to keep odor, dust, noise, impacting this
6 development, especially if there is any seniors
7 there, you're going to need a two hundred foot
8 buffer of woods.

9 People have been asking about the price of
10 the -- all the analysis that was done earlier, all
11 the estimated net benefits; according to the DEIS,
12 their estimate is of between three hundred and four
13 hundred and fifty thousand dollars, plus the fees
14 for improvements in the common area, the
15 maintenance. They are using Meadow Glen from Monroe
16 of five years ago. I would request this village ask
17 the real estate agent, and they will tell you that
18 those residents are now taking hundred thousand
19 dollar losses in their resale. It's not realistic.
20 Something more realistic is a development project,
21 Woodland (sic) Creek in Monroe, and they are under
22 three hundred thousand dollars. So if that's the
23 case, all these numbers that were thrown out
24 earlier, they don't -- they are going to be
25 dependent on the market and really shouldn't be

1 given as much weight as they seem to have been given
2 tonight.

3 Another concern I have is regarding
4 parkland. The DEIS says that the village building
5 inspector has said that the recreation fees are an
6 estimate of five hundred per unit. I FOIL'd but was
7 not able to get it before this meeting, that actual
8 code, that regulation, because I talked to this
9 village board before about this, and at no time did
10 you indicate that you had them. If you did have
11 them all this time, where has that money been going?
12 And I understand it's a joint park and rec
13 commission, so that whole statement has a multiple
14 of questions attached to it. But I also think this
15 DEIS missed what has already been stated at the
16 scope hearing and the public hearing, and that is
17 that the town's fees are two hundred per unit, in
18 comparison to what this document says, which is five
19 hundred. And two hundred is the comparable rate of
20 other towns, so I would be wondering why yours would
21 only be five hundred.

22 Talking about the amenities of this
23 project, the clubhouse, the pool, the walking
24 trails, I noticed that it says, the document says
25 that the homeowners association will -- they would

1 handle the costs of that, but yet it said the senior
2 housing portion would be a separate lot. So then my
3 question is, if the seniors are not part of the H.
4 O. A., do they, when they have grandchildren visit,
5 do they just get to look at the playground and not
6 actually take the kids there? So I don't see how
7 that is integrating the community. And also the
8 issue with the seniors, as has been previously
9 discussed, as to whether or not that's actually
10 going to happen, if it's a small piece of the
11 project, if it's a separate lot, and if the
12 developer should make his return on the remaining
13 parcel, will this senior section, affordable
14 housing, actually take place, and that's a question
15 a lot of people have, and if it does get built, and
16 then can't be filled, will it be cried hardship and
17 the impacts of that.

18 Also I am just confused by the description
19 of those, because just like the condos they have
20 been talking about, seniors would want something
21 ranch style, and I don't know if those are going to
22 have elevators in them, but obviously with seniors
23 the biggest issue is stairs. And it looked like
24 those were going to be two story, or three story. I
25 didn't understand how that made sense to the target

1 market, unless it was going to accommodate them
2 appropriately.

3 There was also talk about the sewage
4 numbers. And it lists out pending and approved
5 waste water projects. I notice it didn't include
6 projects that were on the other side of town, but
7 yet that are also in this benefit area, which is
8 Chester Hall (sic), and Bellvale, which I could
9 assume they also want to access the Harriman plant.

10 There was also says, there is a foot note
11 that Kings (sic) of Chester is not applicable.
12 However, the files I've read at town hall, it was
13 determined that the first three phases of the
14 project could receive sewer extensions to Harriman,
15 regardless of whether that plant -- before that
16 plan, if it gets built.

17 There was a discussion about water earlier
18 in the night about digging wells, if the alternative
19 was single family homes. As far I'm aware the
20 health department has regulations on that and there
21 wouldn't be three hundred dug wells up there. There
22 would be a central well, if you go more than 49 lots
23 or even close to that. That statement that that
24 would be a burden on the environment, digging that
25 many wells, that just wouldn't happen. There would

1 be one well, a central well, servicing those, which
2 was omitted from the DEIS. When it talked about the
3 water supply, it mentions that the town's
4 Comprehensive Plan says it identifies the site as a
5 potential water service area, in relation to the
6 planned potential development densities. But it
7 missed the section of that sentence that said
8 "...are projected to need central water services."
9 And later it says that those should be operated by
10 the town.

11 So there are omissions when referencing the
12 Comprehensive Plan, what was meant by their maps.
13 And again note that the map does not include the
14 entire site.

15 I'll try and wrap it up. Okay, when
16 talking about the views, the viewshed, I'm going to
17 submit some pictures I just took today, and while
18 the weather wasn't that great, and cloudy, but I
19 took some photos that while the section on visual
20 impacts talks about the vantage points -- it missed
21 what I would argue is one of the most picturesque
22 views, which is the view of Mr. Talmadge's farm from
23 17M. And I would submit that should be studied, and
24 the simulation should be from that viewpoint, not
25 just the one that they had picked. And let me make

1 sure I got everything.

2 I don't need to tell you, I mean you
3 already went over it earlier today, that the lead
4 agency is responsible for the Final EIS; this draft
5 has many opinions of the applicant, and his wishes.
6 Sections of the town Comprehensive Plan have been
7 ignored, and the FEIS is your chance to correct any
8 of that bias and missing information. I'm sure you
9 are also aware that when post project impacts
10 cannot be mitigated adequately, SEQRA requires the
11 agency to deny the application.

12 Looking at the other alternatives in the
13 DEIS, it's determined that they are not consistent
14 with the objectives of the applicant, his wishes.
15 This is a quote. It's not, it is less economically
16 viable, these alternatives. You know, personally,
17 there is an expectation of a reasonable rate of
18 return. But in the end, you must decide, you must
19 vote on whether or not the annexation is in the
20 overall public interest. I hope that's what you're
21 going to do, taking into consideration the adjacent
22 farmland, the ridge that doesn't stop at the
23 property line, the adjacent low density residential
24 development, the objectives of the town's
25 Comprehensive Plan; it really makes you think twice

1 whether or not this development and this density is
2 appropriate for that location. Thank you.

3 MAYOR VALASTRO: Thank you, Tracy.

4 Now I'd like to open it up to anyone who
5 has not spoken, would like to speak, if you would
6 like to please come forward. Just state your name
7 and where you are from.

8 MR. SEROTTA: My name is Don S. E. R. O. T.
9 T. A. from the Town of Chester. I just had one
10 question. When they picked the alternatives, they
11 picked, conveniently picked the worst case
12 alternative, the single family homes. Town of
13 Chester zoning allows a certain amount, maybe up to
14 350 units, and I'm not saying that's the exact
15 number, to go into that area, so why would they just
16 pick 121 homes? And also as Tracy said, I think
17 they should study the alternatives of building
18 towards Chester zoning. In the DEIS they talk
19 strongly about the Comprehensive Plan and the high
20 density and everything like that, but they also
21 should then maybe try to follow that, and in our own
22 zoning, within the Town of Chester, goes ahead and
23 does that. So is this more about not being able to
24 find the correct amount of water, and trying to
25 maximize the builder's profits, which I can

1 understand that everybody is trying to do that, but
2 what truly are the benefits to the Village of
3 Chester, and what is the detriment to the Town of
4 Chester? If they were to build 121 units the Town
5 of Chester would lose \$242,000 worth of parkland
6 fees. It's not \$200 it's \$2,000. If they built out
7 and put 350 units, based on normal counts, they put
8 townhouses and senior citizen houses, the parkland
9 fees would add up to about \$700,000. So the numbers
10 where they go ahead and show these benefits to the
11 TOWN, that the TOWN is going to gain some money, the
12 TOWN is also going to lose a substantial amount of
13 parkland fees, and the amount of parkland that they
14 are going to be putting in there, by putting a pool
15 and a couple of things, we're trying to encourage in
16 Chester to build more parks; more parklands, to
17 build more walking trails, more everything. That
18 takes money, so this is land that when the
19 Comprehensive Committee and everything in the Town
20 of Chester came up with a Comprehensive Plan, we
21 assumed we were going to get some of these
22 parklands. So I'd like to see how that is
23 addressed, the loss of anywhere between two
24 hundred -- based upon their numbers of 121 homes, to
25 350, possibly, I'm not saying that's the exact

1 number, but a high density in Chester zoning,
2 between senior citizen and townhouse zoning, would
3 allow a substantial more, so it's a number somewhere
4 in between that.

5 It's a substantial loss in revenue as far
6 as that goes, that piece right there. So I would
7 like to see that addressed.

8 I also just have one question about the
9 traffic also. I mean, I'm a resident a long time
10 and one of the biggest problems before they fixed
11 the 126 ramp there, we all knew what hell it was to
12 get through by the Chester Post Office, and I can't
13 believe that thirteen hundred and whatever it is
14 number of new people coming out of there, and I
15 think they used the number of -- I read the DEIS of
16 two hundred sixty some odd trips a day or something
17 like that, but that light by Shoprite, that corner
18 right there, I just can't believe that's not going
19 to have some kind of an impact.

20 The other thing also in the Town of Chester
21 we try to encourage multiple access, as someone said
22 also, into a development. This has one access
23 coming along and, you know, dumping right onto the
24 road there. And people are going to go down towards
25 the village and down towards the mall, CVS; it's got

1 to have somewhat of an impact. They kind of just
2 gloss over that, and say there is not going to be
3 any kind of an impact.

4 If you were to annex it, the big thing in
5 the Town of Chester on our ridge, I also agree that
6 this may -- should have been put into a ridge. It's
7 kind of funny where we stop the ridge at the stone
8 wall, and we say anything above that is not ridge.
9 Well, that's higher. But I would ask the village if
10 they do go through the annexation process, that if
11 they read the Town of Chester ridge line -- I'm not
12 saying we have the best law in the world, but we
13 require things like earth tone colors,
14 non-reflective glass, a whole bunch of things to try
15 to mitigate. So, you know, putting a bunch of
16 evergreens, like Mr. Talmadge said, will probably --
17 I'm 62 years old and I'll be long dead by the time
18 those evergreens hide a 30 foot building. If you
19 look at those buildings down at Target they are
20 high, very tall buildings, and it would take an
21 awful long time to go ahead and grow any kind of
22 evergreens.

23 I also agree with Mr. Talmadge that there
24 should be some kind of buffer, and not putting it 25
25 feet from his property line. There is going to be

1 children playing in there. They are going to be
2 trespassing on his property. I think that would be
3 a detriment to his farm. His farm is a beautiful
4 asset to the town, and always has been. He may some
5 day develop it and he has a right to do that. But
6 till that happens I'm hoping that we may force him
7 to save his barn, do some other things, when he goes
8 to develop this property. So now, to me, just
9 putting 458 units 25 feet from the top of the wall
10 there, is going to kind of really put a detriment I
11 think for that view, when you're coming down the
12 Quickway.

13 So thank you for your time.

14 MR. CHAIRMAN: Thank you, Tom.

15 MS. SCHUH: I am sorry for interrupting.

16 Did I misspeak and say two hundred? I meant
17 parkland fees are two thousand. I meant two
18 thousand compared to five hundred.

19 MAYOR VALASTRO: Thank you. Would anybody
20 else like to say something for the first time? Come
21 on up.

22 Again state your name.

23 MR. WESTERVILLE: Jay Westerville, from
24 Sugar Loaf, New York, part of Chester. I took a
25 look at this DEIS and just for the sake of brevity I

1 am going to speak only to the biological segment of
2 it, except to mention that in this presentation you
3 omitted to mention that annexation to the village
4 would allow the project to escape the Town of
5 Chester's rather stringent wetland regulations,
6 Chapter 54, which would allow this to fast track too
7 pretty quickly.

8 Any way, my major problem with this is that
9 the biological survey that was conducted during the
10 summer and fall of 2008, is grossly inadequate. I
11 have looked at a lot of EIS's. Actually technically
12 scores and scores of them. And commented on them.
13 This is one of the worst I've seen. And one of the
14 reasons right off the bat is that it starts out with
15 the typical letter that goes to the New York State
16 Department of Environmental Conservation Natural
17 Heritage Program, to just inquire as to whether or
18 not there are sensitive species present at the site.
19 So a letter was sent out by Tim Miller Associates on
20 October 10th 2008. They received a "no data"
21 response on November 10th of 2008. What that says
22 is just essentially, well, we don't have data either
23 way. This doesn't mean that nothing exists there.
24 We just don't know. Which is understandable.

25 But one of the things in the response from

1 the department also states in that letter, "The
2 absence of data does not necessarily mean that rare
3 state listed species or other significant habitat
4 did not exist." They also state that, "One year
5 from now we recommend that you contact us again so
6 we may update this response with the most current
7 information." One year ago would have been this
8 past November. Until another inquiry is made to the
9 Natural Heritage Program, this is incomplete.

10 One of the reasons for that is that the New
11 York State D. E. C. implemented a lot of new
12 surveying along the Black Meadow Creek, which is
13 upstream of this project. This project gets very
14 close to an area -- actually it can be argued
15 whether it's the Black Meadow Creek or the
16 Otterkill, according to which historian -- I
17 consider it the Otterkill.

18 This water body does present with a lot of
19 sensitive species that somehow were overlooked.
20 Interestingly as I mentioned earlier, this study was
21 done in the summer and fall of 2008, and as it says
22 in the beginning of this study, and I will keep this
23 pretty short, the study was focused on determining
24 the presence or absence of protected wildlife,
25 including non-vernal pool breeding amphibians,

1 nesting raptors, and other -- just for anybody who
2 hasn't studied -- vernal means springtime. A vernal
3 pool is a little puddle out in the woods or field
4 that only has water after the snow thaws. And a lot
5 of creatures actually rely on that. That being
6 said, this study was done in the summer and autumn
7 only of 2008, yet the study still speaks to the
8 presence and/or absence of individual species that
9 are what we call vernal pond obligant users; they
10 require this in their lifecycle.

11 That's incredibly unprofessional for any
12 biologist to comment on a temporal condition, with
13 stochastic dynamics like that, during only two
14 seasons, as in neither of those two seasons neither
15 of those habitats actually presents.

16 There are a lot of other things in this
17 throughout the report. The biologist misspelled
18 Latin names. They had Latin names of a lot of
19 species wrong. I don't care. It doesn't matter in
20 the big picture. What it does show us though is a
21 culture of ineptitude on the part of these
22 biologists. One of them actually went to the same
23 school I did, with your firm, and I was kind of
24 shocked actually. They had a list of 35 species
25 other than birds, vertebrate species; that just

1 means anything that has a spine. We're all
2 vertebrates. So let's say other than birds, which
3 are vertebrates; mammals, reptiles, and amphibians;
4 they compiled a list of species that would be
5 expected to present in Chester. That list had only
6 35 species. In Chester we have eighty species of
7 what we call non-avian, meaning other than bird,
8 vertebrates. Out of the eighty species, and again,
9 due to taxinomic flux, and stochastic variables,
10 that number goes up and down according to when
11 someone in the dissertation wants to say, oh, I've
12 discovered a new sub-studies.
13 Essentially we have 80 non-avian species of
14 vertebrate here in Chester. Out of those eighty,
15 through these undoubtedly comprehensive studies that
16 were done by Miller Associates biologists, they only
17 saw, and this isn't even direct observation of
18 species; this is scat, which means poop, tracks,
19 sounds, anything like that, feathers, fur; given how
20 many they actually observed on this site, out of
21 eighty that could be present: Eight. They only saw
22 eight species of vertebrate, which is
23 incomprehensible to me that any competent biologist
24 could go out, even with an eye patch, and see only
25 eight.

1 Hambletonian Avenue. First I have a comment for
2 Tom, he's a great guy from the water department; and
3 we have gone through droughts in Chester, so I
4 really don't think annexing us into this project,
5 into this thing, would give us water, you know,
6 because we have gone through droughts here already,
7 and doing this, I think we would have more. Second
8 of all, with the senior citizen housing, there are a
9 lot of senior citizens today that have their
10 grandchildren, and are taking care of them, so this
11 is going to put more burden on the schools. And I
12 think annexing the sixty acres to the village, our
13 guys do a great job, a great job, so now you're
14 going to put another burden on them to do sixty
15 more, you know, to take care of more, unless you're
16 going to plan on hiring people, and we're going to
17 end up paying for it, because like everybody says,
18 condos and this stuff don't pay as much taxes as we
19 do. I think, you know, children, I think like
20 everybody says, it's three bedrooms, you can't tell
21 people not to have more than two or three children.

22 And as far as -- I know there was a lot of
23 things when I was thinking back there -- but really,
24 I just hope the village doesn't annex this thing to
25 us. We have enough that we don't need any more,

1 especially for our guys that work in the village,
2 you know. All right. Thank you.

3 MAYOR VALASTRO: Anyone else? Please come
4 forward.

5 FROM THE FLOOR: (Unidentified) Just one
6 thing, kids are curious, and I don't care what you
7 say, because my kids are too, and Hambletonian,
8 they're always going in the woods. This poor man's
9 going to have cows and don't tell me he's not going
10 to have kids going into his fields. One gets hurt,
11 who do you think they're going to sue? Him. Nobody
12 else. I really think they got to do something to
13 help this man. We do need our farms.

14 Thank you.

15 MS. KYVIK: Hi, my name is Jody Kyvik. I am
16 representing Solar Salon as a partner in the
17 business. One thing I'm a bit disappointed by is
18 that no one here is representing the local
19 businesses. And as a homeowner myself, I am the
20 first to say that there is nothing worse than lack
21 of wisdom in planning, and nothing worse than
22 developers not having reins pulled in on them. At
23 the same time, as a business partner in the Town of
24 Chester, no one has explored or verbalized the
25 importance of the small merchant, and the impact

1 that additional residents could positively have on
2 the community. Now, I own a home in the Town of
3 Monroe. I'm the first one to be able to tell you
4 about congestion, and agriculture being ignored and
5 I've been a resident there for many, many years, and
6 I have seen nothing but disaster. And I would never
7 want to see that in the Town of Chester.

8 However, being a business person in the
9 Town of Chester, and representing the small
10 merchants of the Town of Chester, I can't understand
11 why there cannot be some sort of middle ground,
12 where perhaps you must make some concessions as a
13 developer, and the town can make some concessions as
14 to their restrictions so that residents can be
15 honored and respected, as well as promoting the
16 possibility of additional population in a controlled
17 way, to benefit the small merchant, because if no
18 one pays any mind to the people who are paying
19 exorbitant rent in the Chester Mall, and trying to
20 survive as a small merchant in this community, no
21 one is looking out for our interests as far as how
22 to properly and conscientiously develop the
23 community into a slightly larger population, then
24 we're just going to shrivel up and die and the whole
25 mall is going to be vacant and you're going to have

1 a whole other set of problems. I just wanted to put
2 that out there.

3 MAYOR VALASTRO: Thank you.

4 Is there anybody else who would like to
5 speak?

6 Cliff, go ahead.

7 MR. PATRICK: Cliff Patrick again. And
8 speaking as a business owner, since I'm also an
9 insurance agent, with an office directly across the
10 street from this proposal, you know, that's
11 obviously an impact, that it will probably bring a
12 lot more people into my business, but I am not for
13 or against the development per se. But given the
14 number of technical questions that have come up
15 about this document that we have heard tonight,
16 there have been a whole bunch of them, it makes one
17 wonder how valid the statements and conclusions that
18 have been made in the document are. People have
19 been talking a lot about traffic. As we see the
20 layout here, talk about high density, next to the
21 services; obviously the mall and downtown Chester
22 are the places for their local business activity,
23 where the services are, I don't see any direct
24 connection between this proposed development and the
25 mall -- I don't even see a sidewalk connecting the

1 two, and I think it would be much better if there
2 was a better connection to where these facilities
3 are, for the residents, for this proposed -- for
4 this processed development. Earlier you talked
5 about sidewalks being on all the roads in here.
6 Where do those sidewalks go? Go out to 17M. There
7 is no sidewalks. Where are people going to walk too
8 once they get out to 17M, if they do? And
9 just going down my check list. There has been a lot
10 of talk about the impact of Ted on this development,
11 back and forth, and one thing that has been
12 mentioned is prevailing winds. I am presuming that
13 prevailing winds blow the same way up the hill as
14 they do by our place at the bottom of the hill, and
15 that would be from Ted's farm, onto the site. And,
16 you know, so when he's talking about odors and dust,
17 that may be a really critical issue for people who
18 may live over there.

19 We talked a lot about the population versus
20 the school kids, but how much capacity does our
21 school district have? Can we accommodate the extra
22 people that would be coming into the school system
23 with our present facilities. That ought to be
24 addressed. And we talked a little bit about the
25 stream, Black Meadow Creek, down the bottom of the

1 hill, or Otterkill, but I know in the past other
2 developments have had a huge impact on sediment in
3 the stream, and how that impacts; I know it's a big
4 problem for Ted down in this flat area on the other
5 side of 17M.

6 MAYOR VALASTRO: Thank you.

7 Tracy.

8 MS. SHOE: There was one thing I forget to
9 mention, was alternatives. There was a single
10 family alternative analysis in there. I'm not
11 saying one thing is going to be better than another.
12 I don't know. That's the whole point of the
13 process. But one thing that was missing was the
14 town has a clustering option, and that was not
15 indicated in the single family analysis that they
16 did not take that into consideration. Also I wanted
17 to reiterate that I think one of the alternatives
18 has to be taking the development farther down off
19 that ridge, or reducing the number of units.
20 Another alternative that wasn't explored was the
21 fact that the land is zoned local business. The
22 DEIS mentions small portions, but never says what
23 small portions is; an acre, is it two acres, five
24 acres? I don't know what that portion is that's
25 currently zoned local business, and what the impact

1 of losing a local business tax parcel. And I would
2 have thought an alternative perhaps that would
3 incorporate, you know, there is, and again I'm not
4 promoting that that's the best thing, but that is
5 another one of those smart growth practices to
6 incorporate neighborhood business centers with
7 development. So this is all just residential. It
8 didn't consider that.

9 The other thing is, I was informed that I
10 incorrectly read my notes and I just wanted it for
11 the record that I meant to say that the town's
12 parkland fees was two thousand dollars. I guess I
13 said two hundred by mistake. So we were talking
14 about eight hundred thousand dollars in parkland
15 fees -- I don't have a calculator in my head --
16 versus, if indeed you did have parkland fees in the
17 village, of five hundred, that would be only like
18 two hundred thousand dollars. I'm only mentioning
19 that again because I forget to mention that the
20 town's Comprehensive Plan talks about the deficiency
21 in the town's parkland inventory. It also goes to
22 the fact the town adopted a new recreation and open
23 space plan, which goes into detail of the needed
24 improvements to our current park facilities. While
25 this development is proposing to have facilities for

1 again the H. O. A. group of it, that doesn't mean
2 those people will only use those facilities. They
3 will be integrated with the rest of the community
4 and going to our events, our sports, using our
5 parks, which, like I said, we need vast
6 improvements, so it's relating to the parkland fees,
7 and the use of those that those would go towards.

8 The last thing I wanted to mention was that
9 with the holidays I didn't get the report from
10 the -- we have a hydrogeologist consultant that was
11 going to take a brief look at this. I just didn't
12 have time to do that. I didn't know if you would --
13 you mentioned earlier about a comment period. Let
14 us know what you plan to do with that.

15 MAYOR VALASTRO: We're going to give a
16 date.

17 Anyone else? Come on up.

18 MR. NAGIN: Eric Nagin, Town of Chester
19 engineer. Two quick things the Supervisor left out.
20 Section 3.5 Table 3.5-4, which covers traffic and
21 transportation, there is a few projects that in the
22 update, that need to be updated of their status;
23 Frozen Ropes is now under construction, Best Mexican
24 Foods is now complete, and I just have a question
25 whether or not Meadow Hill Senior Complex, in the

1 Village of Chester, should be added to that list.
2 And lastly the sewer capacity data is from 2008. I
3 think before everything is finalized that should be
4 updated as well.

5 MAYOR VALASTRO: Thank you, Eric. Would
6 anyone else like to comment?

7 MR. NEUHAUS: I'd just like to address
8 something Tracy brought up, about the posting of
9 having the second public hearing last week. There
10 was some confusion on one end or another but it was
11 posted in local newspapers that it would be open, so
12 even if you guys do not have it next week I'd ask
13 that you send out some kind of press release letting
14 the public know that there will be a public comment
15 period and when that period will be.

16 MAYOR VALASTRO: Yes. Let me explain the
17 reason why we had two dates. In that public notice
18 it says the 7th. We did have the 14th for a snow
19 date, because we're trying to be proactive for this
20 time of year, because to have it scheduled on the
21 7th, and then not have it, to do it again maybe
22 would be the end of the month or next month. We're
23 just trying to be proactive. So that's why possibly
24 the 14th was given out, when village hall was
25 called, because we were trying to be accomodating to

1 our public, for a snow date. We didn't want to have
2 it and then here we go three weeks later, and people
3 make plans and forget, so that is the explanation of
4 the 14th date. It was only going to be the 7th. In
5 fact we would have had to have another public notice
6 and got it publicized out there on our web site and
7 into the newspapers for the 14th. So hopefully that
8 explains the second date.

9 Does anybody else want to speak? Come on
10 up.

11 MR. LYNCH: Brian Lynch. I have the
12 property across the street. I guess it's just a
13 math issue. I heard about the three bedroom homes
14 and the people who are going to be living in them,
15 how many, seeing that that seems a little off skew
16 makes me a little nervous about the project. I
17 looked at it on line and it is overwhelming the
18 amount of paperwork that is on line. So I didn't
19 get to read it all, or understand it, but I don't
20 see the benefit to the town or the village by
21 allowing this density, and that's been bothering me
22 for awhile, and I didn't think that it was going to
23 go through. It hasn't gone through yet. I just
24 want to address that, and say, what is the benefit
25 of annexing this property? I went through

1 annexation and it was very difficult at the time,
2 and it was actually a positive move as far as tax
3 base goes for the village and the town. In this
4 case I see most high density developments create
5 more of a tax burden on the residents, and on
6 municipalities as far as what services they have to
7 provide.

8 So those are the things that I'm most
9 worried about, is why are we doing this annexation
10 if it is going to create density, and is it the
11 annexation that is creating the density, allowing
12 the density, because if that's the case, I don't see
13 how that can go forward. That's basically it.
14 Thanks.

15 MR. SEROTTA: Again my name is Don Serotta
16 and I am actually the Planning Board Chair for the
17 Town of Chester. Another thing I -- I am on the
18 scoping committee on the Mountco Project, and one
19 thing we had asked Mountco to do, and I think the
20 same thing should be done here, is that I commuted
21 to the city for about 35 years; Short Line has built
22 a very good business coming up here, and they built
23 the Chester lot, and from what I understand that
24 Chester lot is one hundred percent full. Monroe A.
25 lot is one hundred percent full by 6:15 in the

1 morning. The B. lot is anywhere between 60 to 100
2 percent full depending upon gas prices, and
3 employment. Obviously we're in a bad employment
4 situation now but there were times where that lot
5 was also full or a good portion of it. So maybe a
6 study should be conducted of the 350 market units
7 here, how many are going to commute to the city. I
8 am sure we're going to encourage people to use the
9 buses. You can see how successful Short Line has
10 been. So we asked Mountco to actually take a look
11 at maybe routing buses through there, or something,
12 so there is bus stops, because they can't park in
13 the Chester Park and Ride. That's not going to
14 happen. You have allowed them now not even to park
15 in the lot, but to park along the street lines. So
16 they are not even parking where the actual parking
17 spaces are. And the Monroe lot is going to be
18 overtaxed.

19 There also is going to be traffic issues as
20 they head down 17M, and they have to get down to the
21 trains if they are going to go -- everybody knows
22 the congestion down through Monroe as it now. I
23 didn't see that addressed in there.

24 The other thing I just wanted to say, back
25 to their alternative, the 121 homes, when you create

1 an alternative it should be an alternative that's a
2 doable or a viable alternative. They made a
3 statement that they would drill 121 wells. That's
4 the statement that was made here, that individual
5 wells would be drilled. State Law requires above 49
6 homes that they would have to put central water and
7 sewer in. They also make a big point in the DEIS
8 statement that they are going to invoke saying they
9 have been paying for sewer capacity for many years
10 and they are going to want sewer capacity in there
11 so I doubt they are going to put -- they talk about
12 individual septic systems. They are not going to be
13 putting septic systems in there. They are going to
14 ask either the town or village for capacity, and
15 they are not going to be putting 121 wells, that's
16 an impossibility.

17 So again, is this really a viable -- is
18 that an alternative?

19 They also listed some others, and maybe I
20 just didn't see it, but they said there were about
21 five alternatives. I have their executive summary
22 here that I can present to the board, I just printed
23 that off of the website. And they really just --
24 again they slammed this one alternative, which is,
25 you know, it's like saying, if you don't let us do

1 this, you don't let us annex, we're just going to do
2 this alternative here, we're going to make this evil
3 one, so you have to go pick the other one. So I
4 just challenge a little bit on their statement on
5 the individual septic and wells, they are not going
6 to do it. And on their 121 houses they could build
7 up maybe a smaller project, but they may be able to
8 build three hundred townhouses and senior citizen
9 units in the Town of Chester, without annexation,
10 but I guess they are having problems getting the
11 water, so again I think the village should really
12 say, what is the benefit, you know, going to be of
13 annexation to the loss of the town. Thank you.

14 MAYOR VALASTRO: Anyone else?

15 MR. MURRAY: William Murray. I've been a
16 Village of Chester resident for approximately eleven
17 years. Now I work in Middletown. I work in Orange
18 County, and I see -- before, when I first moved up,
19 I worked out of New Jersey. I commuted about 70
20 something miles a day each way, so I know what the
21 traffic is like on 17, okay, especially in the
22 middle of summer, on a Friday night, trying to get
23 home. 17 is a bad spot, but then if you have an
24 accident where 17 is shut down, all right, both
25 directions, you have 17M, which if an accident

1 happens there, how are those people going to get
2 in and out of that district there? Only one-way
3 in and one-way out. Again, you talk about taxes
4 being brought into the village, into the town. What
5 about taxes going out as far as payments? You'll
6 have to increase your services, the police
7 departments, E. M. S., the fire departments all have
8 to be improved, as well as the D. P. W. So I just
9 hope you are thinking about that as well. Thank
10 you.

11 MAYOR VALASTRO: Anyone else?

12 Okay. I want to say thank you very much for
13 everybody coming tonight, and for all your comments
14 and concerns are very valuable. We do take these
15 into consideration. And again, thank you very much
16 for coming out tonight. It shows that you really
17 have concern about your community and we appreciate
18 that up there. Also I want to let you know there
19 are people here from the school district, so they
20 are here to hear the comments, and statements.

21 Also we will be setting a date when we're
22 going to be closing, as far as the written comments.
23 We will be giving that to you. So that's where all
24 of you, if you missed anything, or you know anybody
25 who could not make it tonight, and would like to

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state something, please have them write, get it on paper, send it to the Village Hall at 47 Main Street. Please comment, we need to hear your comments. They are very valuable. Thank you.

I need a motion to close the hearing.

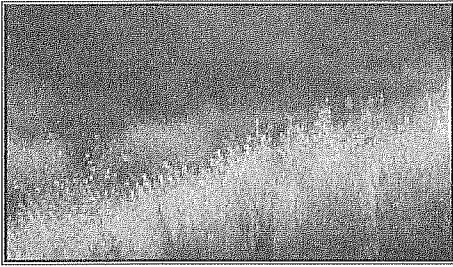
(Motion made, seconded, and passed unanimously)

CERTIFIED BY ME TO BE A true and accurate transcript of the within proceedings

Neil Bostock

Neil Bostock

Official Reporter



The Preservation Collective

PO Box 721, CHESTER NY 10918 - 845-469-1608

www.thepreservationcollective.com

January 6, 2010

Village Of Chester

47 Main Street

Chester Ny 10918

Dear Village Board:

This letter is in response to the DEIS for BT Holdings dated October 22 (modified Nov 23). We are providing you with a summary of key issues that we feel should be addressed. We hope that the Board will find these suggestions useful. As you are aware, the intention of SEQR is that all agencies conduct their affairs with awareness that they are stewards of the air, water, land, and living resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations.

The DEIS claims "The intent of the applicant is to provide this housing while minimizing potential impacts to the greatest extent possible". As a reminder, the SEQR regulations require that each involved agency must find that the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable and incorporating conditions to mitigative measures.

The key issues we have found include:

- Page 1.2 - The DEIS states "This proposal directly responds to community growth goals as set forth in the Town of Chester Comprehensive Plan adopted in 2003". These goals should be referred to as Objectives of the Plan (page 24 attached). Note, there are others that relate to this project that need to be considered such as:
 - o to mandate the preservation of ridgelines, wetlands, floodplains, stream corridors and natural contours of the land which forms the scenic backdrop for most areas of the town.
 - o To consider, protect and retain all environmental assets such as groundwater supply, topography, and scenic vistas when reviewing development projects.

- Page 1.2 – The DEIS states “The Comprehensive Plan specifically referenced the project site by indicating that there was land to the rear (of the Chester Mall) with access to the Mall and Route 17M that could be developed for senior, adult or a combination of higher density uses with access to shopping or transportation.” This description is vague and doesn’t mention the entire property/project site, specifically. As a side note, prior to the Plan’s adoption, the property in question was split into two different zoning districts; one medium density and the other low density on the ridge. (maps attached). It is possible that a mistake was made on the zoning map and only the portion of the land that was zoned medium density was meant to be changed to high density.
- Page 1.2 – The DEIS states “...in order to create these homes at the density currently permitted in the Town’s zoning, there must be access to municipal water, service which can only be provided by the Village of Chester.” How does the applicant know that they cannot create these homes without municipal water i.e. a central well?
- Page 1.3 – The DEIS indicates the four tax parcels in question. They should footnote how many of the 60.6 acres of the Town of Chester land is in the LB (Local Business) zone district . In addition, the impacts of the Town and Village losing business tax parcels should be included in the EIS.
- Page 1.4 – The DEIS states “It is the applicant’s intent to construct the senior housing rental apartments on one lot with a single owner to be managed by a rental management company and to develop the townhouse portion of the project on a second single lot with the common areas to be owned by a Homeowners’ Association (HOA).” The HOA would govern improvements (roads, stormwater management systems, etc.), amenities and facilities. Does this mean that the seniors will be in close proximity to a club house, pool and playground but not able to use them their since they will be a separate lot and won’t be part of the HOA?
- Vegetation and Wildlife – The DEIS claims that the wildlife will move. Those animals that move will move into habitat already occupied by other animals, so that in the end, some will die. Underlying this question is the failure to admit that there will be a net loss of habitat.
- Traffic and Transportation:
 - o The traffic analysis doesn’t take into consideration the possibility that the Village doesn’t allow for a gated emergency access road. If road has no restrictions to limit traffic, then additional studies would be necessary.
 - o The DEIS claims “the quickway is to be upgraded to federal interstate standards”. What does that mean – is it plausible that existing exits will be removed to Chester thereby directing all local traffic to the center of Village and if so, how does that impact the traffic analysis?

Land Use and Zoning:

- o “It is the applicant's opinion that the proposed residential use is more compatible with agricultural uses than the nearby commercial uses.” According to the Orange County Open Space Plan, farmland is a commercial land use and farms are negatively affected by incompatible residential uses nearby.
- o They claim that the buffer zones will prevent agricultural impacts. As shown on the conceptual site plan (Final Scope Figure 5) and the aerial photo of the site (Final Scope Figure 4), there are only thin hedgerows along the boundary. This will not be enough of a buffer to keep odor, dust and noise from the adjoining farm from impacting the development, especially the senior housing. [It would take about 200 feet of woods to provide such a buffer.] That will lead to pressure from the residents to alter the farm's operation, and could lead to the farm going out of business. A much larger buffer is needed. Also, notification/deed notes are needed to inform new residents they are moving next to agricultural area.
- o Final Scope Figure 4, the Site Aerial Photograph, shows that the site is or was farmland. Yet the DEIS claims that it is former farmland reverting to second growth, and claims at page 1-25 that there is no impact to agriculture. Presumably the developer bought it and let it go fallow, but it could still be good farmland. Therefore, the DEIS should analyze the impacts of the loss of farmland.
- o The DEIS repeatedly claims that the density of the project will comply with the existing Town zoning. However, the proposed new Village zoning district will allow higher density than the Town zoning does, according to the table on page 1-23.
- o The DEIS states “no impacts are anticipated in relation to the Town Comprehensive Plan”. We already sent a letter to the Village on the scope explaining how development on the ridge is a direct contradiction to the objectives in the Town's Comp. Plan and this should be addressed.
- o The Town's Comp. Plan talks about Environmentally Limited Areas (page 25 and 32 attached). It states “...highly engineered disturbed slopes is not consistent with the town's community character as well as its environmental goals”. Also “new residences should continue to be hidden in the wooded areas and not be “skylined” or prominently placed atop ridgelines” This project site is on the map (attached).
- o Town's Comprehensive Plan (page 50 attached) “The areas indicated as potential water service areas are projected to need central water services due to planned potential densities. Water service in such future potential services areas would need to be provided by the developers and supported by the users by way of a district. However, once developed they should be operated by the Town.” Map included.

- Economic and Demographic:
 - o The DEIS claims that the development will cover its cost – can that be proven with certainty? How accurate is referencing the selling prices of a housing development in Monroe from 5 years ago? Meadow Glen residents are taking \$100,000 losses in re-sale currently. We suggest the Village check with an agent to verify current trends i.e. Hidden Creek in Monroe would be a good model; currently selling for under \$300,000 and units are comparable in size and amenities.
 - o The DEIS states that the target market are empty nesters and young professionals. It is questionable if this audience would purchase a condo between \$300-450,000 plus fees for improvements and common area maintenance when nearby condos and homes cost substantially less.
 - o “Higher priced units generate fewer people and school children”. If market trends do not live up to expectations, then analysis on net benefits would be inaccurate and understated.

- Community Services – Police. In previous section, the DEIS claims “a *net benefit* in the amount of \$334,298 annually would be projected to the Village of Chester as a result of the proposed project”. Then, indicates that this could go towards the potential increase in Village Police staffing. The salaries of two officers with benefits/insurance and vehicle could use up any proposed “net benefit”.

- Community Services - Parks & Recreation:
 - o Despite onsite facilities, this section does not mention the increase in demand on all the current facilities with more residents in the community i.e sports events, bathrooms, parking. Note, the Town of Chester’s Comprehensive Plan estimated that the Town needed another 300 acres of parklands to accommodate its growing population. The Town also adopted a Recreation and Open Space Plan that discusses the many needed improvements to handle current residents and for Town at build-out.
 - o Section 2.5 mentions that the future Homeowners’ Association may wish to designate portions of common open areas for dog run areas. The demand for dog parks/runs is increasing particularly in dense development neighborhoods, therefore, incorporating a dog park area as part of site plan would make more sense than passing on that cost to the future residents later on.
 - o The DEIS states “According to the Village Building Inspector, recreational fees are paid to the Village for new construction.. These fees will be paid to the appropriate municipal government as required. Village recreation fees are currently estimated at \$500 per unit.” The Village code/regulations should be referenced specifically.
 - o The DEIS omits the mention that the current parkland fees in the Town are \$2,000 per unit for comparison purposes.

Utilities:

- o Wastewater – The DEIS claims “The net combined available and remaining allocation for the Village and Town is 131,400 gpd.” There are several projects in benefit areas that could impact the remaining allocation such as Chester Golf and Bellvale proposed subdivisions. Table 10.1 lists out pending or approved wastewater projects and states that The Greens of Chester is not applicable, however, project files indicate that it was determined that the first 3 phases, as of 2007, could receive sewer extensions to Harriman.
- o Water Supply -
 - The DEIS claims that the annexation is needed to get Village water. The alternative would be for the Town to create a water district and for the district to buy water from the Village. Only the properties in the water district would be taxed to pay for this.
 - Irrigation of landscaping: The Village has made residents go on restricted water use for the summer months so we are suspect of the stated available capacity of the Village system. Have these numbers been verified by Village consultants?
 - Section on Land Use and Zoning 3.6-17, refers to the Town’s Comprehensive Plan that “identifies the site as a potential water service area in relation to planned potential development densities.” However, the DEIS omits the key points of the Town’s Comp. Plan that says they “are projected to need central water services” and “should be operated by the town.” (page 50 attached)
 - Note, that the Town of Chester’s Water Service Area map (attached) does not include the entire site as potential areas; only a portion. As stated earlier, we feel there could have been a mistake on the zoning map. The fact that the entire site is not indicated as a potential water service area could be another indication that there was a mistake on the zoning maps as to density.

Visual:

- o The DEIS gives short shrift to visual impacts from development on the ridgeline. Merely because it is not in the ridgeline overlay zone does not mean that it is not a ridge. The EIS should analyze alternatives that move development further down and avoid the higher altitudes; or one that reduces the number of units so as to preserve the ridgeline view.
- o Additional viewpoints should be included:
 - Scenic view from 17M across the street from the Talmadge homestead as you enter Town of Chester as well as Ward Road, Chester exit ramp, the entrance of Chester Mall; the project site is currently the scenic backdrop to those areas (see attached samples).

- o A photo simulation of what the proposed buildings would look like actually on the ridge and site area should be provided from more than one angle, view A, to assist in analyzing visual impacts from vantage points. i.e. RT 17 and 17M from Town of Chester municipal boundary. Can a photo simulation of lighting be included?
- Alternatives:
 - o The Single Family analysis did not include clustering as option.
 - o The DEIS is misleading when it says that there is a lot of open space. Lawn is not open space. There is only 12 acres proposed to be left with natural vegetation. With some rearranging of the buildings, a lot of the lawn areas could be left as natural vegetation.
 - o The EIS should analyze alternatives that move development further down and avoid the higher altitudes; or one that reduces the number of units so as to preserve the ridgeline view.
 - o Alternatives other than residential uses are not explored or integrating commercial/office space with residential development i.e. current local business zone on site in the Town of Chester.
- Growth Inducing Impacts - If they will be extending utilities, and there is extra capacity in the lines, then that will lead to more development on adjoining lands. For instance, the DEIS talks about adding a 10" water main on Route 17M (page 1-3). This is likely to supply more water than this project needs and provide capacity for other land to be developed, leading to additional requests for annexation. This needs to be assessed in the DEIS.

Each municipality's board must vote on whether or not the annexation is "in the overall public interest." We hope that the information we provided is helpful in making that determination.

Respectfully,

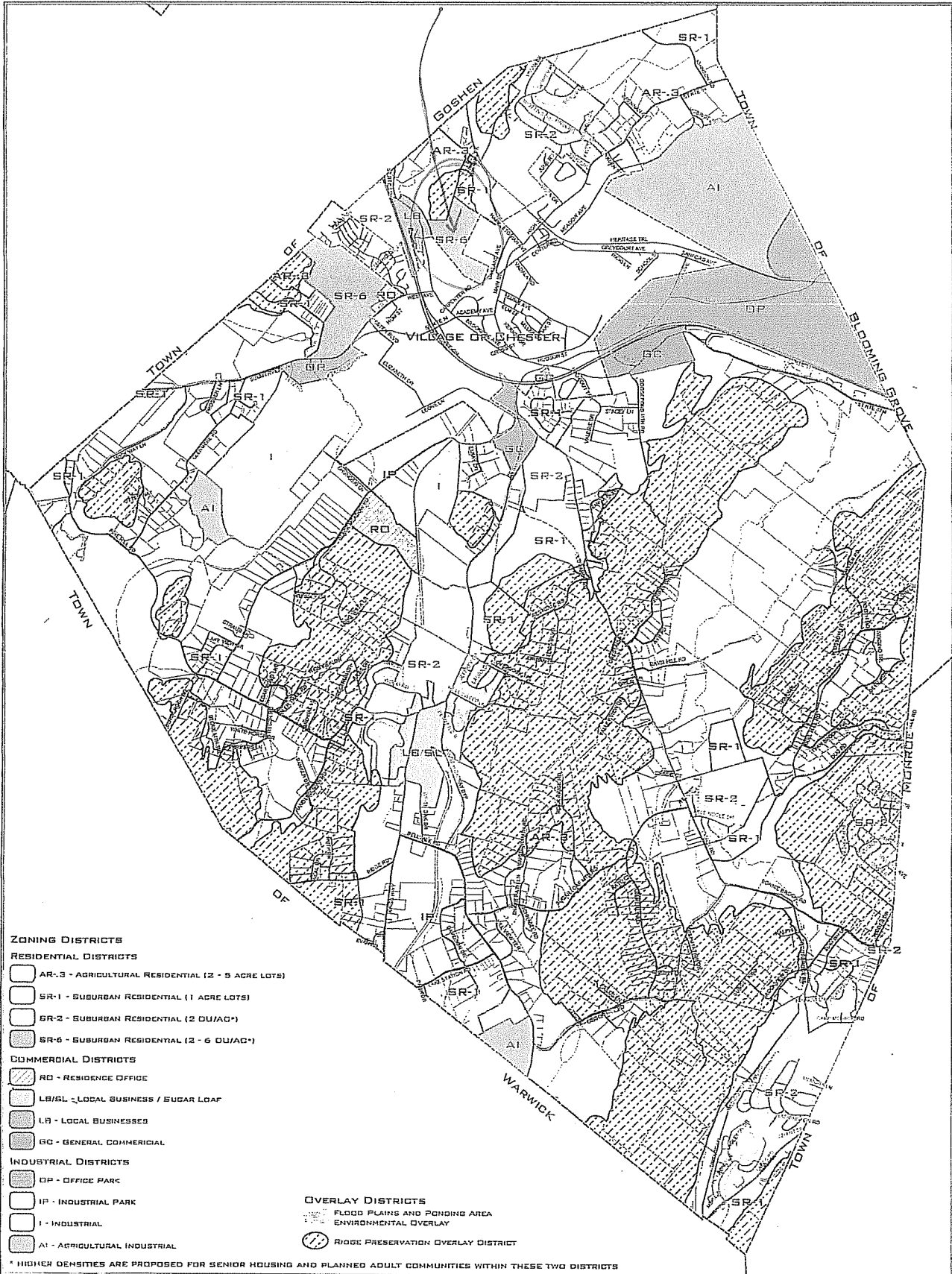


Tracy Schuh

TPC, Inc

Attachments: - Maps of Town of Chester Current Zoning, Existing Zoning prior to 2003, Environmental Limited Areas and Water Service Areas, Pages 24, 25 & 32 of Town of Chester Comprehensive Plan.

Cc: Town Board of Chester (to Town Clerk)



ZONING DISTRICTS

RESIDENTIAL DISTRICTS

- AR-3 - AGRICULTURAL RESIDENTIAL (2 - 5 ACRE LOTS)
- SR-1 - SUBURBAN RESIDENTIAL (1 ACRE LOTS)
- SR-2 - SUBURBAN RESIDENTIAL (2 DU/AC*)
- SR-6 - SUBURBAN RESIDENTIAL (2 - 6 DU/AC*)

COMMERCIAL DISTRICTS

- RD - RESIDENCE OFFICE
- LB/L - LOCAL BUSINESS / SUGAR LOAF
- LR - LOCAL BUSINESS
- GC - GENERAL COMMERCIAL

INDUSTRIAL DISTRICTS

- OP - OFFICE PARK
- IP - INDUSTRIAL PARK
- I - INDUSTRIAL
- AI - AGRICULTURAL INDUSTRIAL

OVERLAY DISTRICTS

- FLOOD PLAINS AND PENDING AREA
- ENVIRONMENTAL OVERLAY
- RIDGE PRESERVATION OVERLAY DISTRICT

* HIGHER DENSITIES ARE PROPOSED FOR SENIOR HOUSING AND PLANNED ADULT COMMUNITIES WITHIN THESE TWO DISTRICTS

NORTH
1" = 3,000'

**TOWN OF CHESTER
CURRENT ZONING**
ADOPTED: DECEMBER 2, 2003
AMENDED: JUNE 1, 2004

ORANGE COUNTY WATER AUTHORITY
15 MATHEWS ST., SUITE 301
GOSHEN, NY 10924
(845) 324-1227
HTTP://WWW.OCWA.NY.GOV
CREATED BY: JEROME M. PISAN
JPISAN@OCWA.NY.GOV
200309_11X7-04004

THIS MAP IS A PRODUCT OF THE ORANGE COUNTY WATER AUTHORITY GIS DEPARTMENT. THE DATA REPORTED HERE HAVE BEEN DEVELOPED WITH EXTENSIVE COOPERATION FROM ORANGE COUNTY DEPARTMENTS, AS WELL AS OTHER FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES. ORANGE COUNTY AND OCWA MAKE NO REPRESENTATION AS TO THE ACCURACY OF THE INFORMATION IN THE MAP OR THE DATA. BUYER, PROVIDE AND MAINTAINERS OF THIS MAP SHALL BE RESPONSIBLE FOR ANY DAMAGE OR LIABILITY THAT MAY ARISE FROM THE USE OF THIS MAP.