



Draft Environmental Impact Statement

Appendix N

Agency Coordination and Correspondence

N-1: NYS Department of Transportation

N-2: NYS Department of Environmental Conservation

N-3: Orange County Department of Public Works

N-4: Orange County Department of Planning

N-5: Village of South Blooming Grove Consultants



P.O. Box 2020, Monroe New York 10949
Tel: (845) 774 · 8000 | cpcnyj@gmail.com



Draft Environmental Impact Statement

N-1

New York State Department of Transportation Correspondence



P.O. Box 2020, Monroe New York 10949
Tel: (845) 774 · 8000 | cpcnyj@gmail.com



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

TODD WESTHUIS, P.E.
Acting Regional Director

January 27, 2016

Planning Board Clerk
Village of South Blooming Grove
811 Route 208
Monroe, NY 10950

Re: SEQRA 16-011
Clovewood; Route 208
Village of South Blooming Grove
Orange County

Dear Sir or Madam:

The New York State Department of Transportation (NYSDOT) consents to the Village of South Blooming Grove serving as lead agency for the SEQR review for this project. Because of the project size it has been designated a Major Commercial development. NYSDOT has a specific fee schedule and procedures for the review of Major Developments and Highway Work Permits. Please instruct the applicant to address the following requirements. Subsequent to the applicant's response, a Project Identification Number (PIN) will be generated and submissions will be accepted for review.

1. Please submit a HIGHWAY WORK PERMIT APPLICATION (PERM 33-COM). It must be signed by the applicant and the name/address provided. The new PERM form combines a three-stage application with an interactive checklist. The PERM 33-COM will replace use of the standard PERM 33 application for commercial work permit applications. The PERM 33-COM provides assistance in determining what studies may be required. It also provides links to standard details and clearly outlines what is to be shown on a plan submission. It is expected that with the use of this document, packages will be more complete and review time will ultimately be reduced. The Applicant may access the PERM 33-COM at www.dot.ny.gov/permits.
2. Also required is a PERMIT AGREEMENT FOR HIGHWAY WORK PERMITS DESIGN REVIEW (PERM 51). The PERM 51 form must be completed by the applicant. The Application No. and PIN will be filled in by the Regional Traffic Engineering & Safety Group. The applicant should be aware that the \$2,000 fee referenced thereon shall be the minimum cost for the Department's review time and is non-refundable. Hereafter, all Department employees assigned the responsibility of reviewing any documents, plans, maps, etc., which are directly related to the subject proposal, shall charge their review time to this project. The applicant will then be billed periodically by the Department for the actual cost of our review and processing of the respective project. Such billings which exceed the minimum \$2,000 initial fee must be paid immediately upon receipt or the Highway Work Permit shall not be issued, or shall be revoked.

3. A check for \$2,000 made out to the New York State Department of Transportation.
4. The items noted above shall be forwarded to the Regional Highway Work Permit Coordinator (address below).

Once the PIN is established, the applicant may submit one complete set of the planning documents described below to each of the following:

Regional HWP Coordinator	Permit Engineer
NYS Department of Transportation	NYS Department of Transportation
4 Burnett Blvd.	112 Dickson St.
Poughkeepsie, NY 12603	Newburgh, NY 12550

Planning Documents:

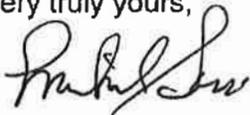
1 set of site plans showing proposed access, and Highway Improvement plans (if available) in paper and PDF format, 1 copy of drainage shell/SWPPP in PDF format, 1 copy of Synchro analysis of affected intersections on disc (actual files), 1 copy of the Traffic Impact Study (TIS) in paper and PDF format.

Please note; in addition to the paper copy, all future submissions must also include electronic PDF files on CD, DVD, or thumb drive.

The Clovewood project will generate a large number of temporary construction jobs as well as permanent jobs and site generated traffic. Accordingly, the Traffic Impact Study must address both the temporary and permanent traffic/infrastructure impact/mitigation. The TIS needs to address the traffic, drainage, and other impacts to the NYS highway system. Particular attention to the intersection of RTE 208 and CR 27 is expected. Remote intersection analysis should be included for the RTE 17/17M ramps and RTE 94 intersection(s).

The aforementioned documents should be returned to the Regional Highway Work Permit Coordinator so that a project review may be authorized.

Very truly yours,



Michael Sassi, PE
Regional Highway Work Permit Coordinator

cc: Siby Zachariah-Carbone, Permit Engineer, Res 8-4
Orange County Planning Board
CPC, LLC



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

TODD WESTHUIS, P.E.
Regional Director

May 25, 2016

Planning Board Clerk
Village of South Blooming Grove
811 Route 208
Monroe, NY 10950

**Re: NYSDOT SEQR #: 16-011
Clovewood, Route 208
S. Blooming Grove, Orange County**

Dear Sir or Madam:

The New York State Department of Transportation has received the Full Environmental Assessment form and Draft Scoping Document dated March 22, 2016. The Clovewood project is a major commercial development with assumed impact to the state highway system. Accordingly, the Draft Scoping Document appropriately references a Traffic Impact Study prepared by Maser Consulting. However, the Traffic Impact Study has not been submitted for review. As such, the Department is not able to quantify the traffic impact or evaluate proposed mitigations.

Furthermore, there is a process in place to initiate a Department review of the project including, but not limited to, the Traffic Impact Study. Please refer to the letter of January 27, 2016 (copy attached) in which the requirements to begin a Department review are explained.

Please have the applicant submit the noted requirements such that the Department may offer appropriate comments to the lead agency.

Very truly yours,

Michael Sassi, P.E.
Regional Permit Coordinator

Attachment

cc: Siby Zachariah, Permit Engineer, Residency 8-4
CPC
Village of Monroe Town Board
Orange County Planning Board



P.O. Box 2020, Monroe, New York 10949

Tel. (845) 774-8000 cpcnyj@gmail.com

March 28, 2018

Mr. Greg Bentley, P.E.
Regional Highway Work Permit Coordinator
New York State Department of Transportation
4 Burnett Boulevard, Poughkeepsie, NY 12604

RE: SEQRA 16-011
Clovewood; Route 208
Village of South Blooming Grove, Orange County, NY



Dear Mr. Bentley:

Enclosed please find the following documentation related to the Clovewood Project:

- (1) Perm 33
- (2) Perm 51
- (3) Check in the amount of \$2,000
- (4) Letter from our Traffic Consultant (Maser Consulting)
- (5) Traffic Impact Study (Maser Consulting)
- (6) Proposed Clovewood Site Plan from our Project Engineer (Kirk Rother, P.E.)
- (7) Draft SWPPP (Kirk Rother, P.E.)
- (8) CD containing electronic copies of all of the above information

The above enclosures also address all of the information requested by the NYSDOT in letters to the Village of South Blooming Grove (1/27/16 and 5/25/16) regarding the Clovewood Project.

We look forward to working with you during the permit process.

Respectfully,

Simon Gelb

cc: Kirk Rother, P.E. (w/o encl.)
Philip Grealy, Maser Consulting (w/o encl.)
Siby Zachariah-Carbone, NYSDOT (w encl.)

See Appendix J-3 for the following NYSDOT Correspondence:

Correspondence from NYSDOT dated May 10, 2018

Response to NYSDOT dated June 29, 2018

Correspondence from NYSDOT dated August 9, 2018

Response to NYSDOT dated August 20, 2018

Correspondence from NYSDOT dated September 25, 2018

Response to NYSDOT dated October 3, 2018



Draft Environmental Impact Statement

N-2

New York State Department of Environmental Conservation Correspondence



P.O. Box 2020, Monroe New York 10949
Tel: (845) 774 · 8000 | cpcnyj@gmail.com

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov

February 1, 2016

Julias Sas, Planning Board Chair
Village of South Blooming Grove
811 Route 208
Monroe, New York 10950

RE: Lead Agency Designation
Clovewood Project
Village of South Blooming Grove, Orange County
DEC Application ID #3-3320-00150/00001

Dear Chairman Sas:

The New York State Department of Environmental Conservation (Department or DEC) reviewed the SEQR lead agency coordination request for the above referenced project, which we received on January 4, 2016. According to the information provided, the proposed project is a proposed 600 lot single family residential subdivision of approximately 708 acres in the Village of South Blooming Grove. The proposed project would construct and operate private potable water supply wells and a waste water treatment facility for the disposal of treated sanitary waste. It should be noted that application materials have been submitted to the DEC for review.

The Department has no objection to the Village of South Blooming Grove Planning Board serving as lead agency for this proposed project.

Department Jurisdiction

Based upon the circulated materials, it appears that implementation of the project **may** require the following Department permits/approvals:

1. Article 15, Title 5, 6 NYCRR 601 – Water Withdrawal Permit for the operation of a potable water source with the capacity of 100,000 gallons per day or greater
2. Article 17, Titles 7,8, 6 NYCRR Part 750-1 – State Pollutant Discharge Elimination System (SPDES) wastewater for the surface discharge of 288,000 gallons per day to the an unnamed tributary of Slatterly Creek (Class C).
3. Article 11, 6 NYCRR Part 182 – For the incidental take of species listed as endangered or threatened (Timber Rattlesnake).



RE: Lead Agency Designation
Clovewood Project
Village of South Blooming Grove, Orange County
DEC Application ID #3-3320-00150/00001

Additional Comments

NYS Freshwater Wetlands

The site does not contain any NYS regulated freshwater wetlands. However, based upon review of the plans provided, some of the wetlands onsite are eligible to be mapped by the Department and regulated under Article 24 of the Freshwater Wetland law.

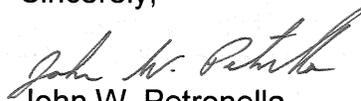
The potential impacts of the proposed project on wetlands should be fully evaluated during the review of the project pursuant to SEQR.

Compliance with the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002)

Compliance with this SPDES General Permit is required for construction projects that disturb one or more acres of land. When other DEC permits are required, the Stormwater Pollution Prevention Plan (SWPPP) required by the SPDES General Permit must be submitted along with the permit application(s) for concurrent review. Authorization for coverage under the SPDES general permit is not granted until approval of the SWPPP and issuance of the other necessary DEC permit(s). For construction permits, if this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department.

By copy of this letter we are advising project representatives of the above referenced resources and potential approvals/permits. It is possible that the DEC permit requirements may change based upon additional information received or as project modifications occur. If you have any additional comments or questions, please contact me at (845) 256-3041.

Sincerely,



John W. Petronella
Deputy Regional Permit Administrator

Cc Village of South Blooming Grove Board
Simon Gelb

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov

March 14, 2016

Simon Gelb
P.O. Box 2020
Monroe, New York

**Re: Clovewood
Village of South Blooming Grove, Orange County
DEC Application ID No. 3-3320-00150/00001
Notice of Incomplete Application**

Dear Mr. Gelb:

The New York State Department of Environmental Conservation (DEC or Department) has reviewed the application materials you provided on behalf of Keen Equities, LLC. This information was received by this office on January 8, 2016. Specifically, an Application Form D for a State Pollutant Discharge Elimination System (SPDES) permit was submitted along with other associated information. According to the information provided, the proposed project is the construction of a 600 single family residential subdivision on 708 acres within the Village of South Blooming Grove. The proposed subdivision will construct an onsite sanitary wastewater treatment facility with a surface water discharge and a potable water supply system.

Department staff has determined the application is incomplete. Please address the following:

1. State Environmental Quality Review (SEQR)

The Village of South Blooming Grove Planning Board coordinated for SEQR Lead Agency on December 30, 2015. Pursuant to Uniform Procedures (UPA) 621.3(a)(7), if the project is subject to the provisions of Article 8 of the Environmental Conservation Law (ECL) "SEQR", the Department cannot determine that an application is complete until a negative declaration has been prepared by the lead agency or a Draft Environmental Impact Statement (DEIS) has been accepted in the case of a positive declaration. By copy of this correspondence, the Department is alerting the Village of South Blooming Grove Planning Board as lead agency of the need for this determination. The application will remain incomplete until SEQR requirements have been satisfied.

Re: **Cloveswood
Village of South Blooming Grove, Orange County
DEC Application ID No. 3-3320-00150/00001
Notice of Incomplete Application**

2. Water Withdrawal – 6 CCR-NY Part 601

According to the information provided, the proposed project will construct a new potable water supply system served by onsite groundwater wells. It is anticipated that the proposed project will require 420,000 gallons per day of water. Therefore, a Water Withdrawal permit will be required from the Department. Please submit a Water Withdrawal application for the proposed project.

3. State Pollutant Discharge Elimination System (SPDES) – Waste Water

- Please provide a USGS quad map showing the final outfall location. The report provided included two different outfall locations. One outfall location needs to be provided in order to base the SPDES permit on.
- Please provide a process flow diagram for the waste water treatment plant (WWTP).

4. Article 11 – Threatened and Endangered Species Incidental Take Permit

Staff have reviewed the Timber Rattlesnake Survey & Habitat Assessment (“Assessment”) prepared by North Country Ecological Services, Inc. and dated August 18, 2015. Based upon review of the Assessment, staff consider the property within 1.5 miles of the den to be occupied habitat under Art 11 part 182. The areas outside of the basking/gestating habitats would be considered foraging habitat. Even with the large amount of open space depicted in the proposed plans, the development does enter into this foraging habitat and will result in the loss/take of this habitat as well as possible impact to individuals that could be found foraging in this area. Accordingly, an Article 11 Incidental Take permit will be required for the project as currently proposed.

It should be noted that the areas labeled ‘undeveloped area’ extending from a cul de sac at the eastern portion of the subdivision that look like a future road are of the most concern as this would impact sensitive Timber rattlesnake habitats on the ridge. If this area is for a future proposed road, the plans should clearly indicate this so that its potential impacts can be fully evaluated.

Regulations pertaining to Incidental Take permits can be found at the DEC website at: <http://www.dec.ny.gov/regs/2494.html>. Specific application requirements can be found under Part 182.11. Please submit an Incidental Take permit application for the proposed project.

**Re: Clovewood
Village of South Blooming Grove, Orange County
DEC Application ID No. 3-3320-00150/00001
Notice of Incomplete Application**

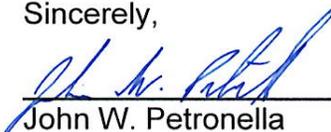
Uniform Procedures Act (UPA)

Please also be advised that per 6 CRR-NY Part 621.4f, this is considered a major project. Once the department considers the application complete, it will be required to undergo a 30 day public comment period. You as the applicant will be responsible for publishing the notice of Complete Application in the official newspaper of the town in which the project will occur. Any comments received must be addressed before a final permit decision is made.

Please note that if a project requires more than one department permit, the applicant must simultaneously submit all the necessary applications, or demonstrate to the department's satisfaction that there is good cause not to do so. In this case an Incidental Take Permit and a Water Withdrawal Permit are required in addition to the SPDES wastewater.

The application will remain incomplete until the above matters are addressed. If you have any comments or questions, or would like to discuss further, please feel free to contact me at (845) 256-3041.

Sincerely,



John W. Petronella
Deputy Regional Permit Administrator

Cc Village of South Blooming Grove, Planning Board Clerk

ECc Manju Cherian, Division of Water DEC R3
Lisa Masi, DEC R3

C · P · C

P.O. Box 2020, Monroe, New York 10949 / Tel. (845) 774-8000

April 20, 2018

Tracey O'Malley, Environmental Analyst
New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620

Re: Clovewood - DEC Application ID #3-3320-00150/00001

RECEIVED

APR 20 2018

Environmental Permits
NYSDEC Region 3 - New Paltz

Ms. O'Malley,

Enclosed please find the following applications and/or documentation related to the Clovewood Project:

1. Water Withdrawal Permit Application (Prepared by WSP)
2. Article 11 Incidental Take Permit Application (Prepared by NCES)
3. Revised State Pollution Discharge Elimination System (SPDES) Permit Application (Prepared by HDR)
4. Draft Stormwater Pollution Prevention Plan (SWPPP) under NYS SPDES Permit for General Construction Activities GP-015-001 (Prepared by Kirk Rother, P.E.)
5. Wetland Delineation Report (Prepared by Robert Torgerson, LA, CPESC)
6. Site Plan Package (Prepared by Kirk Rother, P.E.). Please note the Site Plan has been revised to remove the proposed road extension at the eastern portion of the property (DEC Comment 4: 3/14/16)
7. Proposed Transportation Corporation (Prepared by CPC)
8. Letter of Authorization (Keen Equities, LLC)

The above enclosures also address all of the comments from the DEC in letters to the Village of South Blooming Grove (2/1/16) as well as the letter to me (3/14/16) regarding the Clovewood Project.

The Draft Environmental Impact Statement (DEIS) will be submitted to the DEC (and to the Village of South Blooming Grove Planning and Village Board, as co-lead agencies) next week.

Please contact us if you should require any further clarification. We look forward to working with you during the permit process.

Respectfully,



Simon Gelb
gelbsimon@gmail.com

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, NY 12561

Phone: (845) 256-3054 • FAX: (845) 255-3042

Website: www.dec.ny.gov



**Department of
Environmental
Conservation**

May 25, 2018

Simon Gelb
CPC, LLC
P.O. Box 2020
Monroe, New York

**RE: Clovewood
Village of South Blooming Grove, Orange County
DEC Application ID No. 3-3320-00150/00001,2,3
Notice of Incomplete Application**

Dear Mr. Gelb,

The New York State Department of Environmental Conservation (DEC or Department) has reviewed the application materials you provided on behalf of Keen Equities, LLC. This information was received by this office on April 20, 2018, and included an application for an Article 15 Water Withdrawal permit; revised State Pollution Discharge Elimination System (SPDES) Permit Application; an Article 11 Incidental Take Permit Application; a draft Stormwater Pollution Prevention Plan (SWPPP); and other supporting materials.

Please note that the technical review of the submitted application is still underway, and therefore, additional requested items or information will be forthcoming.

However, as outlined in the Notice of Incomplete Application dated March 14, 2016 (enclosed), the application will remain incomplete until SEQR requirements have been satisfied.

Please remember that this application is still undergoing a technical review and additional technical comments will be forthcoming, however, the above mentioned items are needed in order for permit processing to continue.

If you have any questions you can contact me at 845-256-3059, or via e-mail at Tracey.Omalley@dec.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey O'Malley".

Tracey O'Malley
Division of Environmental Permits

- Encl. Notice of Incomplete Application, dated March 14, 2016
- Cc. Village of South Blooming Grove, Planning Board Clerk
- Ecc. Manju Cherian, Division of Water DEC R3
Aparna Roy, Division of Water DEC R3
Nate Ermer, Bureau of Wildlife DEC R3



Draft Environmental Impact Statement

N-3

Orange County Department of Public Works Correspondence



P.O. Box 2020, Monroe New York 10949
Tel: (845) 774 · 8000 | cpcnyj@gmail.com



ORANGE COUNTY
DEPARTMENT OF PUBLIC WORKS

Christopher R. Viebrock, P.E.
Commissioner

P.O. Box 509, 2455-2459 Route 17M
Goshen, New York 10924-0509

www.orangecountygov.com

TEL (845) 291-2750 FAX (845) 291-2778

Steven M. Neuhaus
County Executive

January 26, 2016

Village of South Blooming Grove
811 Route 208
Monroe NY 10950
Attn: Planning Board Clerk

Re: Clovewood Sketch Subdivision Plan County Route 27 – Clove Road
Village of South Blooming Grove, Section: 208 Block: 1 Lots: 2&3
Sketch Subdivision Plan; Sheet 1 of 1, Last Revised 12/8/15 Plans by: Kirk Rother, PE
NYSDEC Freshwater Wetland Map Sheet 1 of 1, Last Revised 11/10/15 Plans by: Kirk Rother, PE
SEQR – Notice of Establishment of Lead Agency Dated 12/30/15
Full Environmental Assessment Form Dated 12/9/15

Dear Planning Board Chairman:

This Department has reviewed the SEQR –Notice of Establishment of Lead Agency, Full Environmental Assessment Form for the above referenced Subdivision and Site Plan and has no objection to the Village of South Blooming Grove Planning Board being designated Lead Agency for this project.

We have reviewed the plans for the above referenced Subdivision and cannot conceptually accept the proposals provided at this time. This Department cannot conceptually accept any project until sight distance measurements in conformance with AASHTO, latest edition are provided on the plans. Additionally, we require sight distance profiles for the proposed entrances onto the referenced parcels in each direction.

Measurements must be provided for Stopping Sight Distances for vehicles traveling along the County Road and for right & left Turning Sight Distances for vehicles exiting the subdivision road and at the proposed cemetery access.

If you have any questions, please contact this Office at your earliest convenience.

Very truly yours,

Mike Carroll
Senior Engineer

cc: Christopher Viebrock, PE, Commissioner
Travis Ewald, PE, Deputy Commissioner
Joseph E. Stankavage, PE, Principal Engineer
Kirk Rother, PE via Email krother@kirkrother.com

C • P • C

P.O. Box 2020, Monroe, New York 10949 | Tel. (845) 774-8000

June 29, 2018

Village of South Blooming Grove
811 NYS Route 208
Monroe, NY 10950

Re: Clovewood Project

Dear Village Board Members,

As the Orange County Department of Public Works (DPW) would not accept the documentation we submitted on behalf of the Clovewood Project and requested the documentation instead be sent to them from the Village, enclosed please find a hard paper copy and a CD of both of our submissions to the NYS Department of Transportation (DOT) on April 5, 2018 (Appendix J of the Clovewood DEIS) and June 29, 2018 to be forwarded to the DPW at the following address:

Orange County Department of Public Works
Mike Carroll, Senior Engineer
P.O. Box 509
2455-2459 Route 17M
Goshen, NY 10924

Our two submissions to the DOT also address the comments from the DPW letter to the Village (found in Appendix N of the Clovewood DEIS) regarding the Clovewood Project. Furthermore, the cemetery referenced in the DPW's letter is not a part of the Clovewood Project Site and is an out-parcel owned by Round Hill Cemetery with its own Section, Block and Lot Number (208-1-1). Therefore, the Clovewood Project does not include any proposed access to or from the cemetery.

We are also providing a hard paper copy and a CD of the above documentation for Village records. The documentation is also available online at www.clovewood.com.

Respectfully,


Simon Gelb





Draft Environmental Impact Statement

N-4

Orange County Department of Planning Correspondence



P.O. Box 2020, Monroe New York 10949
Tel: (845) 774 · 8000 | cpcnyj@gmail.com



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

David E. Church, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Village of South Blooming Grove Planning Board

Referral ID #: SBG09-15M

Applicant: Clovewood

Tax Map #: 208-1-2&3

Project Name: Clovewood

Local File #:

Proposed Action: Full Environmental Assessment Form for 600 lot single family conservation subdivision

Reason for County Review: Located on County Route 27

Comments:

The Department has received the above referenced Full Environmental Assessment Form for a 600 lot single family residential conservation subdivision on approximately 708 acres lying on the east side of NYS Route 208 and the east side of County Route 27 within in the RR and RC-1 zoning districts. Because this plan is still in the early developmental stages, we offer the following advisory comments:

Please be sure the Draft Environmental Impact Statement addresses the following issues in the scope:

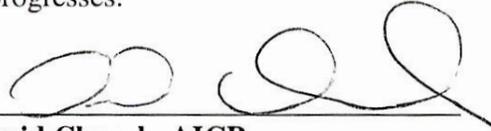
- Traffic impact, access roads, and sidewalks along Clove Road
- Water consumption and treatment, as well as sewage treatment
- Stormwater production and proposed impervious surface reduction methods such as low impact development techniques
- Fiscal impact on municipality and existing taxpayers
- Fragile habitat
- Inclusion of fully built out athletic fields and associated parking areas as this will affect traffic and sidewalks
- Consistency with local and county development policies

The sheer size of the proposed development urges the inclusion of low impact development and green building elements, such as but not limited to, grey water recycling, orienting buildings toward southern exposure for maximum solar access, developing a landscape plan that will not impede solar access, using geothermal HVAC systems and energy-efficient appliances, using recycled and local materials, etc. Developing a sustainable community of this size presents a unique marketing opportunity that will appeal to a wider range of consumers.

This office looks forward to working with you as this project progresses.

Date: February 17, 2016

Prepared by: Kate Schmidt, Planner



David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.



Draft Environmental Impact Statement

N-5

Village of South Blooming Grove Consultants' Correspondence



P.O. Box 2020, Monroe New York 10949
Tel: (845) 774 · 8000 | cpcnyj@gmail.com

November 28, 2018

Village of South Blooming Grove
Planning Board and Village Board Members
811 NYS Route 208
Monroe, NY 10950

Re: Clovewood Draft Environmental Impact Statement ("DEIS")

Dear Board Members,

Enclosed please find the complete package of responses to comment on the Clovewood DEIS received from the Village professionals Nelson, Pope and Voorhis (NPV); McGoey, Hauser and Edsall (MHE); Louis Berger (LB); Degenshein Architects (DA); and BAE Urban Economics (BAE); in August 2018 as follows:

	Page
<u>Written Comment Received from the Village Consultants</u>	
<u>Responses to NPV Comment</u>	<u>1</u>
<u>Responses to MHE Comment</u>	<u>69</u>
<u>Responses to LB Comment</u>	<u>88</u>
<u>Responses to DA Comment</u>	<u>105</u>
<u>Responses to BAE Comment</u>	<u>126</u>



NELSON, POPE & VOORHIS, LLC
ENVIRONMENTAL • PLANNING • CONSULTING
www.nelsonpopevoorhis.com

The following documents have been reviewed:

- Clovewood DEIS, consisting of a main document, two appendices documents, and various graphics, delivered to South Blooming Grove Village Hall, on April 27, 2018;
- Conceptual Subdivision Plan, prepared by Kirk Rother, last revised March 21, 2018.
- Final Scoping Document for the Clovewood Project, dated June 2, 2016.

General Comments

1. Revised Project Layout. The Scoping Document was developed and based on a subdivision layout submitted to the Boards in 2016, as shown on p. 8 of the DEIS. We reviewed the files that preceded submission of the DEIS, and previous plans are generally consistent with the version that is shown on p. 8 of the Scoping Document. However, the DEIS introduces an alternative layout which departs from the approved scoped layout as follows:
 - a. the introduction of three cul-de-sacs;
 - b. connection to Arlington Drive;
 - c. development along the southerly border of the project site;
 - d. the elimination of roundabouts;
 - e. the relocation of areas proposed for open space and active recreation, including parkland to be donated to the Village which consists primarily of regulated NYSDEC wetlands;

- f. a park and ride where open space was located;
- g. the previous plan was color-coded to clearly define the two types of lots proposed. This submission does not identify the two types of lots on the plan.

This raises a general question as to whether this project needs to be “re-scoped”. Of particular concern is the new connection to Arlington Drive, which was not anticipated by homeowners residing along that thoroughfare, and who would not have specifically commented on this potential impact as it was not part of the project.

While a comparison map was submitted previously by prepared by Kirk Rother, P.E. (dated 1-12-15), no new maps were submitted to the Planning Board for them to evaluate the new layout prior to submission of the DEIS. The Planning Board office is not in receipt of any revised plans in 2017 or 2018 as per a review of the Village files.

2. Obsolete or inadequate studies and reports. Several studies are inaccurate as to the impact area analyzed, or present obsolete information. For example:
 - a. A review of the Phase IA and Phase IB archaeological reports indicate that the APE studied matches the former layout approved for analysis in the Scoping Document and does not analyze the areas proposed to be disturbed under the new layout. These documents must be updated to reflect the current APE. However, this should not be done until all proposed infrastructure disturbances are shown, to ensure the DEIS evaluates all impacts.
 - b. The Visual Assessment balloon test was based on the layout approved in the Scoping Document. Given the revised layout, it is unclear whether the balloon test locations still represent locations where the project would be most visible from the vantage points examined.
 - c. The consultation with NYSDEC during the natural resource review dates to 2014. As per the Natural Heritage Program response letters, these need to be updated as they are obsolete.
3. Conceptual level of layout. The proposed layout does not show the full extent of proposed disturbances associated with utilities (roads to access wells, the need for standpipes, etc), such as driveways for access, specific layouts for the recreation areas. To the extent that the specific locations of facilities are not shown, and the full limits of disturbance are not provided, it raises a question as to whether this DEIS should be considered a “generic” DEIS. The limits of disturbance required to create a buildable lot need to be shown.
4. Format. In general, the DEIS format and structure is inadequate. Standalone reports, letters and other documents need to appear in the appendices, and the main text needs to summarize all of the results in the reports. It is not acceptable to refer to an appendix only in the documentation of impacts – the impacts need to be described in the main text. Also, the document should follow the Scoping Document as closely as possible in order to readily determine that the subject matter has been addressed. Many sections, for example visual resources, skip back and forth in the analysis of vantage points, instead of presenting the results in a logical sequence, e.g., numerical order.

In general, there is a lack of sources referenced in the DEIS, including tables and figures. Sources need to be added to all tables and figures.

5. Various attachments are irrelevant and not germane to the analysis. Specifically, eliminate Attachment 321 regarding the accessory apartment law as it was not adopted and is not the subject of this DEIS.
6. Appendix P should be eliminated, as it only includes only one written comment letter and omits all comments raised during the two scoping sessions. Alternatively include the full transcripts of both scoping sessions and any other correspondence or emails received on the scope.
7. No further disturbance. No further disturbances should occur to the site during the SEQRA review process in accordance with the regulations governing SEQRA: *a project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been compiled with. The only exception to this is provided under section 617.5(c)(18), (21) and (28) of this Part.* It is evident that the wellhead disturbances resulted in impacts to a prehistoric site. Further analyses which would result in disturbances should be discussed prior to any more alterations.
8. Segmentation. The initial application before the Village included nonresidential development. This development was eliminated from the plan. However, land has been set aside for future development and the DEIS indicates it is for future purposes. SEQRA states that: “(1) Considering only a part or segment of an action is contrary to the intent of SEQR. If a lead agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance, and any subsequent EIS, the supporting reasons and must demonstrate that such review is clearly no less protective of the environment. Related actions should be identified and discussed to the fullest extent possible.” A general question is raised as to whether segmentation is occurring in this review. The traffic impacts associated with future buildout are especially important, given the limited capacity of the major transportation corridors in the area. The Board, as required by SEQRA, should assess this procedurally. In fact, the December 12, 2016 letter from Kirk Rother, P.E., indicates that the road width design was developed to take into consideration future additional development (Attachment 23 of the DEIS).
9. Project data. Project data need to be made consistent throughout the document. For example, on p. 2-1, the 600 dwellings are to be located on 140 acres, while on p. 1-1, reference is made to 136 acres. The Applicant may want to create a table with relevant data to be included in the Project Description section with a complete set of calculations such as these, which can be referred to in other sections.
10. Please provide all permit applications, correspondence with outside agencies to the Village for its files.

DEIS Comments

The content of the DEIS was reviewed against the Scoping Document.

Cover Sheet, List of Preparers, and Table of Contents

Page No.	Comment
---	The DEIS will need to include a revision line on the cover sheet. Orange County Department of Planning is an interested agency, not an involved agency. That is an error in the scoping document.
---	The list of preparers is to follow the cover sheet. Please locate it behind the cover sheet and in front of the Table of Contents.

Executive Summary

Page No.	Comment
	Executive Summary. The Executive Summary does not follow the adopted Scoping Document. Environmental impacts and mitigation measures are not presented in a systematic fashion – in some categories, the Executive Summary only describes existing conditions and impacts. The Executive Summary refers back to other sections of the DEIS and fails to provide the required summary of impacts and mitigations. In general, the Executive Summary will need to be updated as project studies are updated.
1-1	Public comments will be received during the public comment period, not just the hearing. If the DEIS is to be made available at libraries, it should state this.
	Project Description. Please indicate that the Village of South Blooming Grove is an incorporated village within the Town of Blooming Grove in addition to the Village of Washingtonville. The last two paragraphs in this section are unclear.
	Project Purpose and Need. The DEIS does not provide any source or study documenting that there is a critical need for housing and that the demand is predominately from the Satmar Hasidic community. Please reference supporting documents or provide supporting data. Statements such as “irrefutable fact” are not appropriate in a DEIS document in the absence of supporting data. Otherwise, indicate that this statement is in the opinion of the Applicant.
	Affordable housing. The document states that the housing units would be \$495,000 per dwelling unit. There is no analysis or support within the DEIS to indicate this is in fact “affordable”. Please provide support, or indicate the project is a conventional subdivision of market rate dwellings. See also BAE comment letter.
	Project Site History. The statement that nothing of historical significance was found on the Project Site is incorrect and the statement needs to be deleted. The Phase IB report states that there is nothing of historical significance within the <u>Area of Potential Effect (APE)</u> . The APE associated with the 2018 submission has not been revised to reflect the

Page No.	Comment
	new layout. In addition, the Phase IB study states that the M.H. Howell Farm complex is historically significant. The revised layout appears to place development within the farm area. This has not been evaluated.
1-5	Wastewater Treatment, Indicate the water quality classification of the stream to which the facility would discharge, and the design elements of the plant which ensure it will meet water quality standards.
1-6	Sustainable Design Measures. The DEIS does not include a carbon sequestration analysis, thus it is unknown if there are carbon sequestration benefits. Provide a calculation or state that it is in the opinion of the applicant that carbon sequestration will occur.
1-7	Project Parking. This section should include the total number of spaces being provided by land use, and a summary of the parking requirements from the Village Code. In addition, the section states that there are four proposed active recreation structures, but there is reference to six playgrounds. The document is unclear on how it categorizes various types of passive and active open space and recreation areas.
1-7	Required Approvals. Reference to HOA creation should be added. Also, how is the open space to be protected. Reference to any review and approval of those documents should be added. On p. 1-8, there is a semicolon and “and” after the last approval – is something missing?

Project Description

Page No.	Comment
2-4	No support is provided to conclude the Village is densely populated. Within the primary and secondary area, the persons per square mile or persons or dwelling units per acre should be calculated for each municipality to determine if this is a reasonable conclusion. The Village is rural to suburban in character.
2-4	Indicate the Village is an incorporated Village within the Town of Blooming Grove for proper context.
2-4	The Village has a commercial center across from Duell Avenue.
2-8	A statement is made that homes will have an “average” of four bedrooms. For purposes of the wastewater and water supply analyses, additional data on bedroom ranges, including maximum, needs to be disclosed if four bedrooms is an average.
2-6	All maps show a connection to the Arlington Drive. If the connection to Arlington Drive is relied upon for the traffic impact analysis, then it should not be stated as a future “possible connection” in the DEIS.
2-7	Figure 28 is inadequate to conclude that all dwellings will be constructed between 500 and 900 AMSL. Please superimpose the layout on the topographic map. In addition, will any standpipes, water storage tanks or other appurtenances be located at higher elevations? The Project Description requires that a map illustrating <u>all</u> site improvements be submitted.

Page No.	Comment
2-8	Please indicate how access will be maintained to the cemetery. A description has not been provided. Does an easement exist to access the property?
2-8	The word "casino" commonly meant "clubhouse" during the referenced time period. Please clarify that what was proposed was or was not a gambling casino.
2-9	While the commercial element was withdrawn, areas of the site are set aside for future use. Additional narrative is required to determine what the potential use of this land would be, and whether it should still be evaluated in the SEQRA document. Further, the Scoping Document indicates that the need for religious places of worship was to be discussed.
2-10	Again, references to studies or data are required to conclude that a critical need for affordable housing is needed, and that dwelling units at a price point of \$495,000 satisfy the affordability requirement.
2-10	Proximity of the development site to the Village of Kiryas Joel is not confirmation of the Village's obligation to provide affordable housing, in the absence of specific support to confirm this conclusion. Further, an analysis of affordability relative to \$495,000 price points is not provided. Lastly, there are a number of other village's and locations equally proximate to the Village of Kiryas Joel which could accomplish this objective. These statements are so speculative that they should be deleted.
2-10	An analysis of the viability of the 60 acres for public parkland has not been provided. A discussion of parkland's ability to provide the recreational needs of the community, within the context of the developable area of land within the 60 acres should be provided. Wetlands are present throughout this area, including those regulated by NYSDEC.
2-11	Table 21 is missing a source.
2-11	The Regional Plan Association did not make any specific observations of the Project relative to Smart Growth. The study preceded the submission of an application for this project - this statement is misleading. Rather, the statements should be reworded to indicate how the project is consistent with the findings of this study, to the extent a proposed conceptual layout is shown on the property. Further, all components of the study which bear on the project site need to be summarized. For example. P. 19 of the study shows a significant greenbelt on the property, which is not disclosed. Most of the area proposed for development in the Smart Growth Study is located in the RC-1 district with some limited RR area used. In general, the DEIS fails to provide a full discussion of how the project is consistent or inconsistent with regional plans, and only discloses the conclusions which are favorable to the proposed layout as shown, rather than objectively disclosing all information relevant to the project.
2-12	A rationale should be provided as to why the proposed capacity of the park and ride lots are for 600 commuter spaces.
2-13	As a general comment, the maximum residential yield of this proposed project has not been confirmed. The Planning Board has not issued findings that the conservation analysis for the site is accurate. Specifically, habitat is present for the timber rattlesnake and other species, and the NYSDEC and the Boards need to determine the extent to which the habitat is present on the site, for purposes of excluding this area as a primary

Page No.	Comment
	<p>conservation area. This area needs to be determined to arrive at the net buildable acreage, and assess whether this is lower or higher than the one dwelling unit per two gross acres provision of the code.</p> <p>The total habitat area associated with the timber rattlesnake which would be defined as a primary conservation area should consider the NYSDEC letter dated March 14, 2016. It indicates that staff consider the property within 1.5 miles of the den to be occupied habitat...even with the large amount of open space depicted in the proposed plans, the development does enter into the foraging habitat.</p>
2-15	<p>RC-1 zone. The RC-1 zone requires that dwellings be specifically located on a lot with a minimum lot area of one dwelling unit per 3,000 square feet. A conventional layout showing how many dwelling units can be constructed needs to be shown before this density can be transferred elsewhere on the site – the yield has not been properly determined. A map of the RC-1 district, showing the environmental constraints and a feasible conventional layout needs to be submitted. Further, the RC-1 district requires that ten percent of the dwelling units be affordable. The application only makes reference to the affordable housing units associated with the density bonus in the RR district, but does not set forth the required affordable dwelling units required as per the RC-1 district.</p>
2-15	<p>A map showing the existing conditions (with topo) with the zoning districts shown on same (base and overlay districts) needs to be submitted for evaluation.</p>
2-15	<p>A map showing the layout with the zoning districts (base and overlay districts) needs to be submitted for evaluation. Inadequate data are submitted to evaluate the impact on the areas contained within the overlay districts, which are also secondary conservation areas.</p>
2-16	<p>Under other lot area calculations, what is “plate” area?</p>
2-17	<p>The Scoping Document requires a discussion of compliance with each of the requirements of the subdivision code. This has not been provided.</p>
2-17	<p>Please indicate the location of the capped fill area on a map to confirm that it will not be impacted during project construction and disturbances.</p>
2-17	<p>The Heartwood and Sapwood housing prototypes were submitted with the application in August 2104. These prototypes have not been updated, and the prototypes should be incorporated into the DEIS.</p>
2-18	<p>Suggested speed limit – this statement should reference Village Code.</p>
2-18	<p>The description of wastewater and water supply is inadequate. Provide details with regard to the wastewater treatment plant location, discharge location, treatment train, water quality classification of stream to which it will discharge, total number of wells on the site, which wells will be utilized, water pressure and need for storage tank, total water supply demand and wastewater generation, etc. Mere reference to other sections does not comply with the Scoping Document.</p>
2-18	<p>Stormwater measures are inadequately described. There is no discussion of the types, green infrastructure techniques, etc.</p>

Page No.	Comment
2-19	Provide a map of the public parkland, and proposed access relative to wetlands and other limiting environmental features in the 60-acre area.
2-19	Provide calculations for all open space and ensure they are consistent with the site plan.
2-19	Active recreation areas should be further described per §235-14.1.C(m). Three areas indicated as active recreation on the site plan contain wetlands.
2-19	There is no discussion of the ownership structure for the private open space and measures to ensure its conservation.
2-19	A full narrative of each component of the required parking is not provided. It needs to be discussed in terms of residences, guests, community services, and parking for public parkland.
2-20	How much of the “active recreation” areas will be dedicated to structures such as swimming pool/bathhouse?
2-20	Please indicate the types of buses that would come into the development. Is the DEIS referring to school buses, public transportation buses? If these roads are in HOA ownership, describe whether buses can utilize the roads.
2-20	A phasing plan is not described. We are certain that not all areas of the development will be constructed at the same time, but that development will progress from one “neighborhood” to another. Please provide.
2-25 et seq	The Regulatory Compliance Report and Land Conservation Analysis need to be included as Appendices. A summary only should be provided in the Project Description.
2-27	<p>Habitat for endangered species is not quantified and subtracted to determine buildable area. Trees over 12 inches are not shown, steep slopes, and overlay districts are not mapped as part of the conservation analysis. The Regulatory Compliance Report is incomplete. Please refer to the zoning regulations which state: “Five-percent increase over the base lot count for provision of each additional 10% (calculated from net area) of open space beyond the fifty-percent requirement [§ 235-14.1A(4)].” It is not worded as stated in the report.</p> <p>Step two shows 38 acres as preliminary conservation area. Acreage identified within the DEIS as noted in Land Conservation Analysis totals 36.86 acres. This number (38 or 36.86) does not appear to be subtracted from the total acreage to determine buildable acres on the site plan.</p> <p>It should be made clear whether the 22 acres not planned for development could be developed with residential uses, or whether these would only be used for nonresidential uses. The development would need to be accounted for in the lot count. At a minimum, a statement should be made that no further residential development will be constructed.</p> <p>A discussion of how the development is laid out as a “traditional neighborhood development” as per Step 4 is not provided.</p>

Page No.	Comment
2-28	As mentioned previously, the lot yield for the RC-1 has not been calculated properly, as it relies on demonstrating a layout with 3,000 square foot lots.
2-29	The overlay districts need to be mapped, and the proposed layout overlaid on same, to assess how the layout complies with the intent of the conservation analysis. As stated in the Zoning Code: "When lots and access streets are laid out, they shall be located in a manner that avoids or minimizes adverse impacts on both the primary and secondary conservation areas." This cannot be determined.
2-29	Delete the definition of Recreation as per 235-4, as it is not relevant to the analysis and type of recreation set forth for the RR district. The applicant has not specifically defined that these forms of recreation will be developed.
2-29	<p>Numbers given in the last paragraph of page 4 of the Regulatory Compliance Report are different from the site plan calculation which shows 340 acres Base open space (50%); and 204 acres ABLC (60% of net 50%). The Site plan shows 142.2 acres of development area where the Regulatory Compliance Report shows 141.6.</p> <p>The site plan subtracts 22 reserved acres from development area which is incorrect. Total development acreage will therefore be 164 acres by the assumptions given which totals 23% development area.</p> <p>A map and table should be included for this section.</p>
2-36	<p>"See conservation map attached" does not give a location for said map.</p> <p>The statement in part A "these wetlands represent fairly important conservation values, notwithstanding the lack of DEC designation..." is misleading as the majority of wetlands identified (23 of the 36 acres) are DEC wetlands and three of these wetland complexes are considered "active recreation space" on the site plan.</p>
2-36	<p>Regardless of whether the habitat areas for threatened and endangered species is to be preserved as open space, it needs to be subtracted from the gross lot area as it is a primary conservation area.</p> <p>Section G states that Robert Torgersen indicates there is not identified habitat area for threatened or endangered flora or fauna on the property or within one half mile. This is not supported within Appendix C, Natural Resources Site Survey (Cloewood DEIS Appendices Volume I (A-H)) which includes the Endangered and Threatened Species Report prepared by North Country Ecological Services, Inc. This report reviews habitat and presence on site for ten species of endangered or threatened flora or fauna, and determines:</p> <ul style="list-style-type: none"> - Indiana and Long Eared Bat roosting habitat present on site (pdf p 298, "Cloewood DEIS Appendices Volume I (A-H)") - Timber Rattlesnake basking, foraging and shedding habitat present, and noted physical presence of snakes during field visits (pdf p 298) - Small Whorled Pogonia habitat present on site (pdf p 305) - Slender Pinweed habitat present on site (pdf p 306)

Page No.	Comment
	<ul style="list-style-type: none"> - Virginia Snakeroot habitat identified on site (pdf p 307) - Drummonds Rock Cress and Green Rock Cress habitat present on site (pdf p 308) - Woodland Agrimony habitat present on site (pdf p 309) <p>The Planning Board should note that §235-14.1A does not specify that the presence of absence of the species be included in the primary conservation area calculation, simply the presence of “Identified habitat areas for threatened or endangered flora or fauna”</p> <p>Additional comments on part G- “Upper portion” is not descriptive enough to identify the location being referenced.</p> <p>The letter from Torgersen is referenced but it’s location within the document is not - is it included as an appendix or exhibit?</p>
2-27	Areas of steep slopes, overlay districts, historic and archaeological sites, buffer areas, and large trees are not depicted on any map to assess the consistency of the layout with the 235-14.1.A.(4)(a).
2-39	Exhibits D and E and Attachment 22 need to be incorporated into the main text, and letters and other exhibits placed in appendices.
2-43	Attachment 22 needs to be incorporated into the land use and zoning analysis, not incorporated as a separate Exhibit.
2-44	The maximum building coverage is proposed to be 50 percent, which does not coincide with what is shown on the illustrations that follow this page. If 50 percent is proposed, the DEIS needs to examine the impacts associated with a maximum 50 percent building coverage (and additional impervious surfaces). This would affect visual, stormwater, and other topics in the DEIS. The illustrations do not represent what could be constructed as per the bulk requirements proposed.
2-45 to 2-48	These illustrations are specific to lots within and outside of the ridgeline overlay areas. The ridgeline overlay district needs to be shown on the layout plan, and the specific lot types called out on the map. Collector and minor roads also need to be defined on the map.
2-50	The road classification letter should be included as an appendix. In addition, it is unclear whether the letter is still valid, based on the fact that the subdivision design has been substantially revised since the date the letter was issued (December 12, 2016)

Land Use Planning, Zoning and Public Policy

Page No.	Comment
3-1	This section would be better organized if it included subsections that specifically address land use, land use policies, and zoning under Existing Conditions, Impacts, and Mitigation Measures.

Page No.	Comment
3-1	<p>The conclusion that the Village is densely developed is not supported by the DEIS data. Further, Figure 311 which is referenced does not illustrate the boundaries of the Village to support this conclusion. Delete this sentence, or provide an analysis of development densities for the various municipalities within the primary and secondary land use area to support this conclusion. Specifically, compare the Village of South Blooming Grove to Kiryas Joel with regard to total number of dwelling units to acreage of each municipality.</p>
3-2	<p>The DEIS skews the analysis by stating the RR district has been developed with a total of 996 units on parcels less than one acre in area – what is the density with all residential properties included regardless of parcel size? The information on p. 3-3 regarding 130 single family homes on lots larger than one acre needs to be included for a comprehensive analysis of density. Further, delete the word “underdeveloped land” as it suggests that lots at larger than one acre should be developed further, when the zoning may not allow further development. The term is being used subjectively.</p>
3-2	<p>The DEIS is focused, in the Existing Conditions section, of making a case for why the proposed project is consistent with the density of other portions of the Village and adjoining Town areas. However, it does not provide the basic discussion of surrounding lands uses as required in the Scoping Document and the project’s impact on same.</p>
3-3	<p>The comparison of land use development, density and intensity is incomplete. Figure 312 does not provide a full assessment of land use density and intensity. First, Figures 344 and 345 need to be amended to show the following lot ranges: 0-4,999 square feet; 5,000-9,999 square feet; 10,000 square feet to 14,999 square feet; 15,000-19,999 sf; 20,000-29,999 sf; 30,000 – 39,999 sf; 40,000-79,999 sf; and 80,000 square feet and larger for a better, refined analysis of lot sizes.</p> <p>Further, please provide information on the average size of dwellings located on each lot. In Mountain Lodge Park, most of the dwellings remain one story in height, and are very small compared with other neighborhoods in South Blooming Grove. A comparison needs to be made between the FAR, and all bulk requirements based on lot size, before any conclusion can be made that the proposed project is consistent with the residential neighborhoods within the study area. Also, please indicate whether Mountain Lodge Park was platted and constructed prior to zoning regulations.</p> <p>There is no discussion of the compatibility of 7,000 square feet lots with buildings with a massing of 3,750 square feet compared to existing residential lots in the village and study area. Ultimately, the Planning Board determines the lot area and bulk requirements for lots.</p>
3-3	<p>Existing Conditions does not discuss the existing bulk requirements, zoning districts, overlay districts, and all zoning provisions that apply to the development. A map has not been provided showing the base and overlay zoning districts superimposed on the site with and without the development (including topography and wetlands). There is no quantification of the extent of each district on the project site. All of this information could be provided in tabular format.</p>

Page No.	Comment
3-3 and 3-10	The DEIS only describes the Orange County Comprehensive Plan. No discussion is provided of the Town of Blooming Grove Comprehensive Plan, Open Space Plan, Orange County Water Master Plan, and Mid-Hudson Regional Sustainability Plan.
3-4	A more detailed discussion of the project site's consistency with the Blooming Grove Rural Crossroads development is required. What specific area and acreage of the site is shown on the plan? Also, please indicate what areas of the site are shown as greenbelt as per other sections of that same study.
3-6	The DEIS has not included a full analysis of the zoning in this section to conclude it is consistent with the Village's zoning. The conservation analysis and regulatory compliance report need to be summarized in this section. The conservation analysis, as stated previously, is incomplete. It is inappropriate for this site-specific analysis to rely on the adoption resolution of the overall Zoning Code and Map. The analysis of zoning is incomplete.
3-6	It is unclear why population increase is described here. Remove as it is irrelevant to the land use and zoning analysis.
3-8	The DEIS states the road system will be private. Elsewhere the DEIS states it will be public. Please make consistent.
3-8	The DEIS does not discuss whether the Howell Farm complex, considered historically significant, will be buffered.
3-9	The DEIS does not include an evaluation of the project relative to the overlay districts. It cannot be concluded it meets the requirements of them.
3-9	The term rural, from a land use and zoning perspective, is related to the appearance of the landscape in addition to population density. Further, in terms of population density, DEC defined rural as follows: <i>..."rural area" means those portions of the state so defined by Executive Law section 481(7). SAPA section 102(10). Under Executive Law section 481(7)...In counties of two hundred thousand or greater population, 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein."</i>
3-10	A discussion is not provided of 2018-2028 no action projects in this section as per the Scoping Document. No discussion of recent zoning actions is described.
3-10	It is unclear why the discussion of infrastructure in this section. Please remove.
3-10	It is inconsistent to state the project would not induce demand, as that is inconsistent with the determinations of the socioeconomic analysis. Further, the DEIS states that the project could accommodate nonresidential development, although same was previously removed from the initial layout.
3-11	Would the revised layout impact the Howell farm complex which is determined to be historically significant? Section H states no historical sites will be disturbed.
3-11	No substantive information or analysis is provided to substantiate the claim that the project will be architecturally consistent with the Village in terms of scale and character.

Page No.	Comment
	Please compare the proposed scale of the buildings (floor area and setbacks) on the proposed lot sizes with those in existence in the Village.
3-11	Please make clear whether the accessory apartments are in addition to the 2,500 and 3,750 square foot dwellings or is the accessory apartment square footage included in the 2,500 and 3,750 square foot dwellings.
3-11	Community character should be included in the community character section.
3-11	<p>I. Open Space and Recreation: Narrative should specify 60 acres of <i>public</i> parkland and ensure this is done throughout the document</p> <p>- The statement that the project site is not used for recreational activities should be expanded as Schunnemunk Ridge is used for passive recreational purposes, particularly bird watching as indicated by the 2016 NY Audubon IBA designation and the Long Path running along the Schunnemunk Ridge,</p>
3-12	The sentence that ends “the value of this information open space would not be not significant” is unclear. Further, the Visual Assessment is based on the previous lot layout. It cannot be concluded at this time that the site will not be visible from public roads. Connection to Arlington Drive will certainly open up views of the development from existing roads.
3-12	<p>Who will staff active recreation facilities such as pools etc? What are the hours and terms of use?</p> <p>Citation to the National Recreation and Park Association report is inaccurate and misleading and must either be removed or significantly amended. The narrative positions this publication as a set of <i>standards</i> however, the title of the report is “National Recreation and Park Association: Agency Performance Review” and states in the introduction “You will note that this report does not include ‘national standards.’ The reason is simple: no two park and recreation agencies are the same” (emphasis added)</p> <p>- We note that this document also seems to focus on active recreation facilities, and that there is a functional difference between active recreation which provides safety, exercise, programming and team sports; and open space, which more often provides passive recreational opportunity with a focus on the enjoyment of nature and therefore a healthy and functioning habitat for a wide range of species.</p> <p>- The 9.6 acres per 1,000 residents referenced in paragraph 2 of this page appears to be the median person per acre of parks surveyed in jurisdictions of 20,000 to 49,000 people. (p 9 NRPA 2018). The Village of South Blooming Grove has a little over 3,000 people as of 2014, as identified in the DEIS, Table 322.</p> <p>- This DEIS section does not include a discussion of existing recreational facilities within the Village of South Blooming Grove and the Town of Blooming Grove which should include: acres and population per acre, agency funding, programming, staffing and park facilities. A comparison study of South Blooming Grove to another local</p>

Page No.	Comment
	<p>municipality may provide the kind of comparison the applicant is attempting to make through reference to the NRPA Agency Performance Review</p> <p>The point being made in the last paragraph that approximately 1,600 square feet of privately-owned protected open space is unclear. This has not been discussed until this point, and privately-owned open space does not satisfy any open space requirements as part of this development.</p>
3-13	The figure does not show prime farmland soils or soils of statewide significance. Please superimpose the development over those soils which are identified as agricultural soils and quantify reduction resulting from development.
3-14	What soils are in Soil Groups 1 through 4? List and indicate acreage. Show them on a map with the development superimposed, and quantify amount to be used for development.
3-14	The statement that there are far more prevalent and better soils should be deleted, unless substantiated with facts. Further, no analysis of soil conversion is provided for the site itself to make this conclusion. There appear to be several smaller agricultural properties in the vicinity, including adjoining the site. Please review aerials to determine if there are agricultural activities occurring in the vicinity of the project site.
3-17	<p>K. Critical Environmental Areas:</p> <p>Please reference maps specifically. "Map from Chapter 1" is not a sufficient reference.</p> <p>Designated Critical Environmental Areas may not be present on the site but sensitive habitats and an "Important Bird Area" is designated on the site by NY Audubon. These are relevant to the Land Conservation Analysis and should be further discussed in this section.</p>
3-17	It is unclear why Energy Use is included in the land use and zoning section. Please relocate discussion.
3-19	Guideline (1) response- The site plan states that 142 acres of the site will be developed, not 136. As per above comments, this 142 does not include future development area of 22 acres totaling 134 acres. This constitutes 23% of the site, not 19.2%
3-20	Would the project "allocate" or "build" sidewalks?
3-21	Attachment 311 is irrelevant and cannot be substituted for a site-specific consistency analysis for this project. Please remove this attachment from the DEIS main text.

Socioeconomics

Page No.	Comment
3-37	Municipal costs have not been examined in any detail.
3-37	The impacts associated with changes in real property value has not been examined in any detail.

Page No.	Comment
3-38	The DEIS states that several of the items required as per the Scoping Document will not be analyzed. The Village Attorney needs to review this statement to determine whether the omission of these items results in the DEIS being deemed incomplete for same.
3-38	Impacts related to houses of worship are not analyzed.
3-41	Table 321a includes asterisks, but no discussion of what they signify is provided.
3-42	It is unclear for what years each topic is provided, e.g., 2000? 2010? Are they the same as in Table 321a?
3-42	Statistics are available for types of units, mortgage status, and other data shown as n/a on this table. The table needs to be updated.
3-44	The statement “that since 2016, Kirya’s Joel’s growth has begun to spill over into the Village” – unless the applicant has migration statistics, it is not clear where the newer population into the village emanates from. This should be stated as opinion in the absence of statistics.
3-44	Data are required to support the statement that dwellings will be priced at \$495,000, given the average housing values in the primary and secondary area. Further, that price point is not “affordable” given it is higher than those averages. See BAE comment letter.
3-45	There is no basis for the apartments housing 1.22 persons. Please provide source. This is inconsistent with the Scoping Document analysis which indicates two bedrooms will be constructed for each accessory apartment.
3-46	It is not customary for the analysis to assume a vacancy rate, especially for new dwellings. This analysis should be based on 100 percent occupancy. The source of the multipliers needs to match the housing type. An average household size of 5.62 does not appear to be reasonable, when the bulk of the housing units are renter occupied housing units in the Village of Kiryas Joel. Only 1.9 percent of all housing units in Kiryas Joel are single-family detached dwellings. A reasonable estimate of household size needs to be provided for detached dwellings or additional support provided for the 5.62 person multiplier.
3-47	Please provide a calculation for the assumed population of 9,321 persons in the Village by 2030. It is not apparent how the estimate was derived.
3-47	The last sentence of this page is conjecture. It should be stated as an opinion.
3-48	What is the year of the project pyramid? What is the source of the data?
3-49	Under Housing Impacts, the statement regarding support for seniors newlyweds and young families is unclear, as the accessory apartments are limited to parents and grandparents.
3-49	What is the basis for the housing unit cost? Please quantify how this would be “affordable” to the population anticipated to reside in the units, based on median household incomes for those families.
3-51	Please provide an estimated timeframe for the short-term employment generation.
3-51	Supporting data is not provided for the long-term employment estimate. Is this based on household spending? Please explain.

Page No.	Comment
3-52	The anticipated impacts calculated from IMPLAN versus the NAHB model are significantly different. The methodology for the NAHB model and how the findings are calculated needs to be explained especially given the very different outcomes
3-52	An acceptable methodology for fiscal impact analysis needs to be used. The DEIS should review the acceptability and applicability of specific methods presented in the Burchell and Listokin Fiscal Impact Handbook. The per capita impact method is <u>specifically not appropriate</u> for the size of the community and the scale of the development. A Case Study or Comparable City methodology would be appropriate. Also, any analysis need to assign the costs to each taxing jurisdiction on a nonresidential and residential basis. Lastly, the tax assessor and tax receiver should be contacted to vet the assumptions utilized in the analyses.
3-56	Do the revenues to the school district consider: STAR exemptions? Does this analysis consider any school tax rate cap?
3-65	Remove Attachment 321 as it is irrelevant to the discussion of socioeconomics.

Community Facilities

Page No.	Comment
3-80	The analysis is incomplete. Responses are not provided for many of the service providers, and it does not appear that a concerted effort was made to contact them based on Table 331. The letters were mailed in March 2017 – it is one year later, and it does not appear further communications were made with them as only 5 out of 20 surveys were returned.
3-80	The introduction is incomplete. It should include: <ul style="list-style-type: none"> - A description of the unique needs and tendencies of the Hasidic population versus a secular population in terms of community facilities and services (including public versus private services); - A methodology for the selection of service providers interviewed, particularly ambulance, hospitals and “other health care facilities” and day care centers, including which districts or service areas serve the project site; - A map identifying these community services and a table indicating distance from the site; - “Schools” should indicate how many/which schools are within the Washingtonville Central School District and a map should show the schools, districts and relative location to the Village and the project site.
3-84	Describe current capacities of the Town Police Department, County Sheriff’s Department and NYS Police Troop F. This, and all sections to follow, should be organized in a way that shows “Police Protection” as a heading formatted differently than the subheadings for each individual service. The information should be complete for each individual service: <ul style="list-style-type: none"> - What is the service range of each? (map)

Page No.	Comment
	<ul style="list-style-type: none"> - How many officers are employed, how many are staffed at one time? - What is the operating budget? What portion of taxes go toward this service? - How many calls to the Village do they receive per year? What is the response time? - How is each service different from the others?
3-84	<p>The Town of Blooming Grove Police department appears to have two non-sworn employees operating under three separate roles- does this impact their level of service? Kiryas Joel Public Safety- How are "Public Safety Officers" trained? What is their capability compared to municipal police?</p> <ul style="list-style-type: none"> - Does KJ public safety respond to calls outside of KJ? - How are they funded?
3-85	<p>Fire Protection is incomplete. The information should be complete for each individual service:</p> <ul style="list-style-type: none"> - What is the service range of each? (map) - How many firefighters are employed, how many are staffed at one time? Volunteer versus paid? - What is the operating budget? What portion of taxes go toward this service? - How many calls to the Village do they receive per year? What is the response time? - How is each service different from the others? <p>The South Blooming Grove Fire District response calls are detailed within the 2016 NYS Office of Fire Prevention & Control report and should be included in this section.</p>
3-86	<p>Please write out SCBA</p> <p>Ambulance Services- The information detailed should be the same categorically for each service provider, the same questions should be answered for each (see above for questions).</p>
3-88	<p>Schools: This section is incomplete. Please include:</p> <ul style="list-style-type: none"> - A map showing each school within the Washingtonville School District - Enrollment numbers for each school for the most recent school year (2016-2017) including teachers for each school: <ul style="list-style-type: none"> o Total students; special education students; ESL students and the cost of educating each student o This information can be found at https://data.nysed.gov/lists.php?start=87&type=district - The number of classrooms and average classroom size for each school
3-89	<ul style="list-style-type: none"> - Equipment utilized by WCD: do they use smart boards? Provide textbooks? Projector screens? Special classroom equipment for gym, art and technical courses such as wood shop? - The existing budget, the amount received from taxes and the projected tax increase -What this change in taxes and change in student population means for classroom size and capacity - How does the Hasidic population utilize public school district resources? - What is the traffic impact of private school busses?

Page No.	Comment
3-89	<p>KJSD-what is the per student tuition that Monroe-Woodbury School District pays to KJSD? Please explain how this works.</p> <ul style="list-style-type: none"> - For KJSD and UTA please include the number of classrooms, classroom size, teachers per students/classroom
3-90	<p>Hospitals and healthcare facilities need to include information on emergency care capacity, ambulance services, specific specialties and any unique elements of use by the Hasidic Population.</p>
3-91	<p>Public Library tax rate can be found on the Village or Town tax bill and should be included in this analysis.</p>
3-92	<p>Day Care- How many children attend BG daycare, are Hasidic children expected to attend this facility?</p> <ul style="list-style-type: none"> - How does the Hasidic community utilize secular resources?
3-92	<p>Potential Impacts:</p> <ul style="list-style-type: none"> - The potential impacts section requires numeric data to back up statements such as “could incur impacts”. - All relevant data from the fiscal impact analysis and population projections should be included within this section, not referenced by section, the information is directly related to the anticipated impacts. <p>Police protection impacts: what is the change in population, taxes and budget and how might this translate to capacity?</p> <ul style="list-style-type: none"> - Statements such as “the additional tax revenue generated... would more than offset the increased demand for services” needs to be demonstrated through in-text data tables. - The claim that less than five additional police personnel will be required does not equate with the reference which refers to an addition of 7-13 personnel
3-93	<p>The project site is not coterminous with the Kiryas Joel Fire District. This does not appear to be feasible, and should be deleted.</p> <p>Fire protection impacts: citation needed for “nine additional firefighters”</p> <ul style="list-style-type: none"> - This section is incomplete. The addition of firefighters would require the construction of a new fire station? - How will this be funded? Which fire service is being discussed here? Who will fund the new ladder truck and from what surplus? - Data is needed regarding the Blooming Grove Fire District to complete this section.
3-93	<p>The project site is not located in the Blooming Grove Fire District, but is served by the Village. Why would they respond?</p>
3-94	<p>There is no evidence supporting the conclusion that taxes would pay for the additional needs of the Washingtonville CSD. Please quantify the cost of the impacts.</p>
3-94	<p>Schools. This section still needs more elaboration:</p> <ul style="list-style-type: none"> - What are the plans to expand Hasidic schools? What is the quantifiable increase, is this demand already there and will the addition accommodate this project? This needs numeric evidence

Page No.	Comment
	- There needs to be elaboration about actual capacity of each school: which students utilize the public school system and which don't, how exactly resources are shared between KJ and WCSD
3-95	Hospitals and healthcare facilities. Again there needs to be numeric evidence in-text to support the claims made in this section. Libraries- needs more data: "unlikely the project would have any impact" needs numeric evidence. Day Care Centers- It is unclear how an appropriate solution to over enrolled day care facilities is to keep children home. This does not solve the issue of over enrolled day care facilities and needs further data and explanation.
3-96	Mitigation: "The naturally growing population should provide an ample resource for additional fire prevention and emergency service volunteers"- Is the naturally growing population made predominantly of children? Please prove this with numeric data. - Please detail tax revenues from the project by taxing district, cost and surplus
3-97	Please place Attachment 331 in the appendices.

Community Character

3-140	Why do Figures 349, 3410, and 3411 not include estimates for the Village of Kiryas Joel? Please add.
3-118	The discussion of the adoption of the Town's zoning map and text is irrelevant to a discussion of community character. This DEIS is examining the site-specific community character impacts of the development. The statements need to be removed.
3-118	It is unknown if the development is consistent with the Zoning Code, as all primary areas have not been mapped, and the DEIS does not provide any detailed analysis of the zoning as required in the Scoping Document. See previous comments.
3-118	The zoning does not "recognize a growing housing demand" – no such statements are made in the Zoning Code. Rather, the zoning districts allow residential development and regulate said uses.
3-118	This section fails to examine the impacts of architectural scale within this section.
3-119	The Villages of Harriman and Monroe both have historic traditional downtown areas, in addition to suburban type shopping center. Please revise.
3-120	A discussion of Kiryas Joel is not provided, although included in the study area.
3-120	Under Existing Conditions, specifically identify the Town referred to in the first paragraph.
3-120	This section, along with most of the DEIS, focuses on analyses comparing the proposed project with the existing residential neighborhoods in the Village and Mountain Lodge Park. It fails to conduct any analysis of the areas that are not developed with suburban

	residential uses that make up the study area and are within the Village of South Blooming Grove. A more robust discussion of community character in and around the proposed project site is necessary.
3-120	This section makes general comparisons of lot sizes only. To address architectural scale, this section needs to document existing and proposed dwelling sizes, dwelling sizes relative to lot sizes, floor area ratio, building heights etc. Further, the specific lot sizes within each neighborhood described should be specifically identified in the DEIS.
3-121	Provide a source for the statement that 200 residences are occupied by Satmar Hasidic households. Newspapers sources are anecdotal.
3-123	Please provide statistics for the unincorporated areas.
3-124	The Cultural Resource evaluations examined a different Area of Potential Effect (APE) than proposed. It cannot be concluded there will not be historic impacts, as the Howell Farm complex is within the general area now proposed for development.
3-126	The FEAF was prepared based on a different layout. The EAF is no longer relevant and statements of “no impact” should be removed, especially with regard to historic impacts.
3-126	The first three paragraphs under 3.4.5 are non-responsive. This discussion addresses “views” and no other topics to be included in the evaluation of community character. A chart is provided with subjective conclusions with regard to impacts (3-127) without any narrative describing how the conclusions are arrived at.
3-128	It has not been determined that the project is zoning compliant. Ultimately, the Planning Board determines the bulk requirements for the development. This has not occurred.
3-128	The DEIS states that 22 acres are reserved for future development. Again, the Boards need to determine whether an evaluation needs to be conducted of these areas. At a minimum, if the Applicant is maximizing the total number of dwelling units on the site, the DEIS should state that no further dwelling units would be constructed.
3-128	Again, the cultural resource investigation reviewed a different APE, so it cannot be concluded there is no impact.
3-128	A detailed analysis of community service impacts has not been provided.
3-129	As mentioned previously, there is no detailed analysis of architectural scale. Previously, renderings of the dwellings were provided to the Planning Board, but they are not included with this DEIS.
3-130	None of the overlay districts referenced on this page have been analyzed in detail as noted previously.
3-136	Again, the DEIS fails to provide a complete zoning analysis, so it cannot be concluded that community character is not impacted as it has not been determined that it is code compliant.
3-136	The breakdown of lot sizes provides the appearance that the proposed lots are comparable to other lots in the Village. This is due to the ranges selected for the mapping. As mentioned, actual lot sizes in each neighborhood should be identified, housing sizes identified, and then compared to what is proposed. Our review indicates that the smallest lot size in the existing South Blooming Grove neighborhoods is 12,500 sf, which is substantially larger than the Cloewood lots.

3-139	The analysis omits Kiryas Joel, Tuxedo Park, and Woodbury. Their status is irrelevant. Please include the results in Figures 349, 3410, and 3411.
3-143	Please specifically show the land area on the project site included in the Smart Growth Study, and illustrate the area shown on the project site as “greenbelt”. The description is too generic.
3-143	A generic discussion regarding “the least” parcels is not appropriate to this DEIS. Further, do not exclude other communities as there is no basis for said exclusion – the DEIS can explain why it believes the calculations are not appropriate rather than excluding them. Parcels per square mile could be a factor of community size, land devoted to other uses, and is an inappropriate study to make conclusions.
3-145	There is no explanation as to why certain multipliers are identified as “n/a” in Table 345.
3-146	The statement that the Village is not playing its part in accommodating regional housing demand is speculative and opinion. Please state so. There are many factors which can explain why a community is not growing including area zoned for residential purposes, environmental constraints, availability of sewer and water, and other factors. Each community has its own unique carrying capacity which is not discussed. Further, the DEIS discusses regional housing demand without providing a reference demonstrating what the regional housing need is. In fact, because the Lake Anne site is so large and makes up most of the remainder of the Village’s undeveloped residentially zoned land, it is the primary reason why significant growth has not occurred. Figure 3414 is not based solely on population growth, and is not a rational basis for determining “fair share”.
3-149	A significant portion of the Satmar Hasidic community outside Kiryas Joel reside in the northern area of the unincorporated Town of Monroe. Would the development be consistent with this neighborhood?

Natural Resources Report and Section

Page No.	Comment
	In general, the DEIS does not provide an Identification of the regulatory programs that protect floodplains, wetlands, wildlife, threatened or endangered species, aquatic resources, or other natural resources within the Project Site as per the Scoping Document. Please provide a matrix of the dates and times when the surveys were done in the DEIS, and each of the regulated species discussions should indicate whether the survey was done at the appropriate time frame when the species would be present, as set forth in the Scoping Document.
3-160	Vegetation and Wildlife 3 reports are listed and only one is referenced as an appendix in 3.6.1 Existing Conditions
3-163	Note again: Suitable habitat was noted as found within Appendix C and this section, Vegetation and Wildlife, for threatened and endangered species identified above. This

	habitat area was not subtracted from the net buildable acreage of the site per §235-14.1A of the zoning code.
3-169	<p>Sterling Forest Bird Conservation Area paragraph 3 “With respect to the Project, the SFBCA is 8± miles to the southwest of the SFBCA.” Please clarify this sentence.</p> <p>The last paragraph of this section seems to indicate that the habitat on the site is consistent with the habitat found in Southern Orange County where the SFBA is located yet states that “the biological assessment... did not identify the habitat richness when compared to the SFBCA”. This statement should be further clarified and checked for grammatical error.</p>
3-170	<p>If it is shown that endangered/threatened species were not found in the proposed development area- are there any anticipated impacts from construction? (noise or vibration related?)</p> <ul style="list-style-type: none"> - “Though some areas of Indiana and Northern Long eared Bat habitat will be impacted, a significant amount of habitat be preserved as open space on the Site.” Again see §325-14.1.B(2)(a)[1][a][vii] primary conservation area includes identified habitat areas for threatened or endangered flora or fauna <p>Paragraph 4: reference to 136 acres of project site developed inconsistent with 142 on the site plan</p>
3-170	<p>“Furthermore, the Project Site is located approximately eight miles from the NYSDEC designated SFBCA. As this area is located far away from the Project Site, the Project would not impact any bird species in the BCA and would have no impact on that area’s status as a National Audubon Important Bird Area.”</p> <ul style="list-style-type: none"> - The above statement ignores the presence of the Hudson Highlands West Important Bird Area designated by the NY Audubon in June of 2016. This addition to the Hudson Highlands IBA is 10,324 acres, approximately 384 of which are within the project site as per an NP&V GIS analysis. - Further research should be done regarding birds on the project site. There is a list of birds identified on the site in Appendix I (A-H): <ul style="list-style-type: none"> - What is their range, habitat and alternative habitat? - How rare are each of these species? - How will they be impacted by development, noise, litter and other human impacts?
3-171	A response has not been provided from NYSDEC that it concurs with any mitigation measures described in the DEIS.
	<p>The following reports are mentioned in the DEIS, but not submitted: Timber Rattlesnake Survey and Assessment.</p> <p>Include DEC’s Guidelines for Reviewing Project for Potential Impacts to the Timber Rattlesnake as an appendix and elaborate on the actions that will be taken to mitigate impacts in-text.</p>
3-171	Paragraph 3: Residential homes may use herbicides or pesticides at whim as seen fit, how can a developer ensure the residential community does not use these chemicals?
3-172	Geology, Soils and Topography:

	<p>Soil types should be discussed for the entire property not just the portion slated for development.</p> <p>- There is no discussion in this section of geology. Geology, i.e, bedrock and solid earth that the site is composed of, is different than the soil, which is the layer of earth in which plants grow, including a mix of organic materials and rock particles.</p>
3-175	<p>B. Land with Steep Slopes – A map detailing the areas of steep slopes is needed for this and other sections.</p>
3-176	<p>Mitigation:</p> <p>This section does not contain sufficient information. It must include maps, tables, figures and relevant plans as appendices (such as erosion control plan, building and utility design and stormwater management infrastructure)</p>
3-177	<p>Wetlands and Surface Water Existing Conditions</p> <p>- Note that the Moodna Creek is an impacted stream</p> <p>- Please confirm the number of acres or wetlands here and elsewhere in the document per comment on page 123 above.</p> <ul style="list-style-type: none"> • Appendix E2 includes a letter dated April 12, 2018 noting discrepancy in how the wetland area is calculated, has this been resolved? <p>- A wetlands map has been included elsewhere in the document, why not in this section?</p> <p>- Discussion of the impacts to wetlands specifically should follow the description of wetlands on the site and should be a separate discussion from surface water.</p>
App C	<p>The analysis was conducted when a different layout was proposed. It cannot be concluded that the applicant specifically investigated those areas now proposed to be disturbed. Field surveys were performed in 2015 and 2015 based on the old layout.</p>
App C	<p>The NYSDEC Natural Heritage Program response is almost 4 years old (2014). A new letter should be submitted.</p>
App C	<p>Please indicate the total number of person-days/hours that the site was field surveyed</p>
App C	<p>Please provide a map of the ecological communities and their location on the site.</p>
App C	<p>Comprehensive ecological studies indicate what species could be present even if not observed, based on the habitat present. Please indicate what species could be potentially present.</p>
App C	<p>There is limited analysis of bird species on this site – it is within the Hudson Highlands West IBA.</p>
App C	<p>It does not appear that any aquatic (stream and pond) species were surveyed -please indicate what species may be within these communities.</p>
App C	<p>The discussion and analysis for bats is incomplete. Was a bat mist survey conducted? Given the amount of acreage to be disturbed, and the potential presence of bat habitat, it is recommended that a mist survey be conducted.</p>
	<p>The Ecological Report appears to be an inventory, not an assessment, as an impact assessment is not included in the report.</p>

App E	With regard to the Wetland Report, it appears to be missing sections. There is a map, and attachments commencing with Attachment 4. The first three attachments are missing.
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Visual and Aesthetic Resources DEIS Section and Technical Report

Page No.	Comment
	The balloon test and selection of points to analyze is based on a different layout – the test was conducted in Dec 2016 and the locations approved by the Planning Board by Resolution 12 of 2016 – this layout is new, and the study may not be reflective of a worst case analysis, especially as it pertains to the southerly area of the Village.
	Please provide the specific methodology used for the photographs taken (millimeter film or digital lenses used, etc.) and how the simulation of the layout was created.
	The DEIS does not include a comprehensive viewshed analysis of all potential areas within the viewshed from which the development is visible, and sensitive resources within same. Map showing the area from which the site will be viewed needs to be submitted, using Arc Analyst or similar program.
	In general, the discussion is disorganized and jumps around, in terms of the vantage points, and photos, rather than presenting them numerically. Should be better organized, with headers providing a summary of each vantage point.
	An analysis of views from public roads has not been conducted. This is especially an issue with the proposed connection to Arlington Drive.
	The DEIS does not provide a comprehensive analysis of views from residential properties in the vicinity.
	An analysis is not provided from Mountain Lodge Park as required by the Scoping Document.
	Please provide a layout of the project superimposed on the images showing the vantage points. Provide on legible topographic map with 2-foot contours.
	The conclusions that a project is not within the line of sight due to intervening trees is incorrect. They are in the line of sight but screened by trees. Remove “Not Within Line of Sight” from the applicable images.
	Please provide a comprehensive list of all potential sensitive vantage points in tabular format that in the viewshed that have been studied. Please document the visibility of all historically significant resources that were examined. The Howell Farm complex is identified as historically significant. Will the development be visible from it? Will the original Howell dwelling attached to the Quonset hut be demolished?
	E/T/C line – do not abbreviate – this will be confusing to the public readers.
	A discussion of façade materials is not presented.
	The landscape plan is not to be representative – it is supposed to include the entirety of the project.

Historic and Cultural Resources Section and Phase IA and IB Surveys

Page No.	Comment
	The maps should be submitted in color if they are referencing data shown in color.
	As mentioned previously, the APE does not match the proposed layout for either Phase IA or Phase IB.
	A photolog of where the photos are taken needs to be included.
	On p. 8, reference is made to an Architectural Report which has not been submitted for the record.
	Provide a comprehensive single map showing the shovel tests and the areas referenced in the Study (e.g., Area A, B, C, etc). The 8.5" x 11" images are difficult to read and reference.
	Please superimpose the areas that were shovel tested on a map with the new layout to assess what was not studied in the APE.
	It appears there is an incomplete building survey of the H. Howell building.
	Is the prehistoric site outside the APE? Is this well a test well or permanent well? Will access to this well be provided from time to time? If so, it is within the APE and needs to be completely evaluated.
	Is the APE accurate? It appears all disturbances for the development, including utility connections and the need for a storage tank, are not shown. A complete and comprehensive limits of disturbance area must be established prior to any additional shovel testing.

Growth-Inducing Aspects

Page No.	Comment
	The DEIS should discuss the potential to induce growth on the parcel the Applicant owns in the Town of Blooming Grove.

Maps

1. The adjoiner maps do not show current ownership.



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

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT, VA & CT)
PATRICK J. HINES
LYLE R. SHUTE, P.E., LEED-AP (NY, NJ, PA)

Regional Office
111 Wheatfield Drive, Suite 1
Milford, Pennsylvania 18337

(570) 296-2765
fax: (570) 296-2767
e-mail: mhepa@mhepc.com

Principal Emeritus:
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

General

The DEIS is very difficult to review in that there are multiple appendices with the same name. Reports are segmented and spread across multiple volumes, etc. Sections in the main DEIS reference figures, attachments, etc. but do not cite specific section. The DEIS in general requires significant reorganization. Use of the clovewood.com website is very difficult, download of an individual document takes nearly an hour.

The provided plan set is not adequate to assess impacts associated with project development. It is our opinion that preliminary design plans depicting all information required by the Subdivision Code are required for review at this level. The current plans are provided at a scale of 1"=300' and are entitled "Conceptual".

2.5.3 Village Zoning

Twenty-two (22) acres is noted for future development. Does a Use need to be evaluated as a part of the DEIS to avoid segmentation. Opinions from the Village Planner and Attorney should be considered. The base lot count proposed for the subdivision is subject to approval by the Planning Board. A complete Land Conservation Analysis has yet to be submitted to the Planning Board as part of a subdivision application. The calculations in this section are not consistent with the requirements set forth in the Zoning Code as it relates to the Land Conservation Analysis. For example, base lot count

calculations are to be calculated from determination of buildable acreage. This has not been completed.

The applicant notes that there are 6.2 acres in the RC-1 Zone, and that per 235-14.2 (J) density permitted as part of this Zoning District MAY be permitted beyond the RC-1 zoning boundary. This will require specific approval by the Planning Board to permit this, yet the proposal has assumed that this will be granted.

The applicant has based its lot count on a certain requirement regarding open space. This open space must be protected by Restrictive Covenant or other means. This is not discussed in the DEIS.

Village Code 235-14.1 A. (2)(d) requires that yield testing demonstrates 120% water needed to support lot count is available. No reference made to Code section, nor is number included in calculation for lot count.

2.6 Demolition

Demolition of approximately 50 structures will be demolished. Have environmental studies been completed regarding hazardous materials?

2.7 Circulation Plan

This section indicates that roadways will be constructed in compliance with Village Code Section 163-24.D and 235-14.1.A(4)(c). No reference is made to Village Code Chapter 110.

There is no discussion regarding pedestrian circulation and access.

The section indicates that the roadway design has been completed to minimize cuts and fills and to follow existing topography. The roadway design plans are not detailed enough, and do not include profiles. Roadway design plans, including all horizontal and vertical geometry, are required.

2.8 Water Supply and WWTP Treatment

Three sentences provided. No information here. Additional information is required relative to the infrastructure required.

2.9 Stormwater Treatment

The report portion of the SWPPP appears in DEIS Appendices Volume I (A-H). The SWPPP appendices (the required storm water calculations, water quality calculations, maps, and NOI, etc.) appear in DEIS Appendices Volume II "Appendix H Attachments". It would make more sense to keep the SWPPP and the SWPPP attachments and appendices all in one Volume of the DEIS.

The pre-development and post-development drainage study maps are printed on 8 ½" x 11", and are presented in Appendix F, of the SWPPP. These study maps are too small to be useful; larger study maps are required. As a result, the following comments apply:

- A. The Pre-Development Watershed Areas cannot be verified. The text reports that six areas were analyzed.
- B. The Post-Development Watershed Areas could not be verified.

- C. The offsite design points could not be verified. The report notes six design points were used. However, a table in the text of the SWPPP indicates that four (4) design points were analyzed.
- D. The watershed areas for the reported fourteen (14) proposed wet ponds could not be verified.
- E. The watershed areas to reported twelve (12) bio-retention basins could not be verified.

A separate, appropriate sized study plan should also be provided in the SWPPP that shows where Runoff Reduction Volume (RRV) storm water features are located on the site and within the appropriate watershed.

The storm water modeling, and hydraulic analysis were not reviewed as a result of the lack of useable Stormwater Study Maps.

The Erosion and Sediment (E&S) Control Plan is a requirement and an integral part of the SWPPP. The applicant's engineer prepared an E&S plan and presented it as Sheet EC1 in the plans. However, it is presented at a scale that is too small for review.

The cover of the plans should include an index of sheets that are included in the plan set. In general, the plans are presented at a scale that are too small to be useable or readable.

Generic storm water basins are shown on the plans. It is not clear if the basins meet the requirements of the NYSDEC storm water requirements. No details or sections of the basins were provided.

On Sheet U3 of the plans, there appears to be several NYSDEC wetland disturbances from road culverts and the pipe discharges from storm water ponds.

There were no details of the storm water management features or sections of the storm water features provided on the plans.

2.10 Public Parkland

Section references 235-14.1A(4), which we believe to be an incorrect reference.

The area proposed as public parkland appears to consist of the NYSDEC wetlands.

2.11 Private Open Space

The private open spaces discussed in this section is also the same areas being considered as permanent open space for purposes of determining lot count. This use of this space must be permanently restricted as required by VSBG ZO 235-14.1C.

2.12 Project Parking

The site plans do not depict room for 3-4 parking spaces on each residential lot. The site plans are not adequately detailed to depict this.

This section also indicates that on street parking will be provided; however, Section 2.7 Circulation Plan indicates that roads will be 30' in width, which is not adequate width for on street parking. Additional

road design, site design and details are necessary to demonstrate compliance with parking.

The report indicates that there will be six (6) bus stops. These do not appear to be indicated on the site plans.

Two (2) park and ride facilities are proposed with a total of approximately 600 parking spaces. This seems excessive for use of the 600 dwelling units. Provide further documentation support the need for this many spaces associated with the development.

2.14 Landscaping and Lighting Features

Lighting plans provided are in inadequate detail to review. The landscaping plan provided indicates typical plantings, and does not represent a full plan for the entire development. Full detailed landscaping plans are required.

2.15 Detailed Construction Schedule

The schedule is grossly over simplified for the disturbance of 136 acres and 600 dwelling units and associated improvement. The SWP Plan indicates that a Five Acre Disturbance Waiver will not be sought. The construction schedule and construction sequence shall be detailed enough to demonstrate how earth disturbance will be minimized.

The schedule references items on E&S plans that are not provided.

2.16 Sustainable Design Measures

Measures are discussed, including requirements for restrictive covenants, yet no specific design criteria or draft restrictive covenants are provided. Will this criteria be part of HOA by-laws?

ATTACHMENT 21 (LAST REVISED 1/12/15)

Exhibit C – Land Conservation Analysis

Maps as required to support the Land Conservation Analysis (LCA) are not included. Complete review of this section is not possible.

- A. Wetlands. Wetlands on the property shall be mapped by a qualified professional and Wetland Delineation Report referenced here. References to total wetland acreage must be consistent with Wetland Delineation Report. This section indicates that the wetlands are not under NYSDEC yet the Wetland Delineation Report notes that there are 23+/- acres that fall under NYSDEC jurisdiction.

- G. Identified Habitat. The rattlesnake report provided indicates that there are areas of rattlesnake habitat on the property. This conflicts with the text provided in the LCA. Additionally Northern Long eared and Indiana Bat habitat was identified, as well as the potential for small-whorled Pogonia, and Slender Pinweed, and other flora. These habitat areas must be considered in the LCA.

LCA appears to be missing the majority of the analysis. Only Step 1 of the analysis is provided in Exhibit C.

ATTACHMENT 22 BULK REQUIREMENTS

Buildings as proposed consume the majority of the building envelope on the proposed lots. Additions of decks, accessory apartments, and garages may likely require variances for encroachment into setbacks.

3.1 Land Use Planning

The DEIS discusses existing density of the Village areas developed for residential use, and makes parallels to the proposed Clovewood Development in terms of lot density. Additional discussion is required to evaluate the size of the homes on the existing developed lots as opposed to the home size proposed in Clovewood.

3.1.2 Potential Impacts

Paragraph C.6. states that the new private street system (yet elsewhere the roads are offered for dedication) meets Village Road Specifications. Inadequate information has been provided to demonstrate this statement.

3.1.2.L Energy

There is a statement that electricity usage for residential usage has been trending downward, yet no documentation to this fact has been provided.

There is a statement that the local utility provider is aware of the project and is able to supply the project, yet there is no documentation from the utility provider of this statement.

The project description has noted that all homes will be designed to LEED Standards, yet there is no discussion of how the homes will be constructed, if by the Clovewood Developer, or by individual property owners. Furthermore, how will the developer require construction of LEED homes? The project claims to encourage solar equipment, heat pumps and other energy saving measures.....how will this be accomplished.

3.1.3 Mitigation

Paragraph 3 includes a statement that the layout exhibit a curvilinear street design that follows the natural topography and minimizes cuts and fills. There is inadequate design information provide to substantiate this statement.

Paragraph 4 states that proposed housing aligns with boundaries of wooded areas and will result in minimal disturbance. Plan documentation is required to support this statement. The statement is made that building coverage is minimized by requiring by restrictive covenants the construction of two-story homes. The draft restrictive covenants shall be included in the DEIS.

Paragraph 6 states driveways will be minimized by constructing joint accesses. The site plans to not depict this.

Attachment 311 Negative Declaration

This appears to be the "Neg Dec" Resolution relating to the adoption of the current Village Zoning Code. Paragraph e. states that all water and sewer infrastructure constructed as part of any development project shall be dedicated to the Village.

3.3 Community Facilities

It does not appear that an evaluation of the Village services has been evaluated; i.e., tax collector, building inspector, etc.

3.3.3 Potential Impacts

Police – The text indicates that according to ULI 1.5 officers are required per population of 1,000. Based on a population of 3,800 this result in six (6) new officers. The report states less than five (5) additional.

Fire Protection - The report states that there is a need for nine (9) additional fire fighters, yet there is no basis for this statement. Back up is required.

Ambulance Services – No analysis is provided for the impacts to the Ambulance Corps.

3.4.3 Existing Conditions

This section contains multiple statements that significant portions of the Village are currently under Satmar Hasidic ownership, yet there is no documentation to support these statements. In general, the DEIS should not be opinion based, all statements should be support with citations and references to support the statements.

3.4.6 Potential Impacts

Paragraph (g) indicates that “As analyzed in Section 3.1, the project would fully confirm to the requirements of these Overlay Districts,”. There is no analysis provided that details how the project will conform to the Zoning Requirements associated with the Overlay Districts.

3.6.2 Potential Impacts

There is a statement – “Because the project is residential and not commercial, industrial, or recreation, there is no proposed use of herbicides or pesticides in significant quantities.” Residential development will include the use of these chemicals for maintenance of lawns.

3.7.2 Potential Impacts

Paragraph D. indicates in very general terms that there will be excavation and grading and there will be minimal impacts. An analysis indicating the extent of cut and fill shall be completed which identifies the quantity of earthwork required, including if the site balances of if material will be imported/exported. Paragraph F. states that an Erosion and Sedimentation Plan will be prepared. Preparation of this plan is required as part of the DEIS.

3.8 A. Wetlands and Surface Waters

The report indicates that there is no earth disturbance proposed within the NYSDEC wetland buffer, yet the plans provided show installation of stormwater improvements within the buffer area.

Full size drawings of the delineated wetlands shall be provided.

3.8.A.2 Potential Impacts

Paragraph (a) indicates that there is no construction proposed that is within or adjoins a waterbody, yet the conceptual site plans appear to depict development crossing areas noted on the existing conditions plans as “existing watercourses”.

Road C near the intersection with Road D appears to cross the unnamed tributary to Satterly Creek.

The above notes highlight the fact that plans with significantly more detail than a 1" to 300' scale are required to assess impacts.

Two (2) wells appear to be located within the limits of DEC wetlands. Discuss the potential for impacts. The Stormwater Analysis Section indicates that all stormwater conveyance facilities have been designed to safely pass flow rates for the 25 year storm event. Calculations supporting this statement shall be provided.

3.8 B Groundwater Resources

Scoping Documents 8. ii. requires that an analysis to connect the proposed water system to the Village system is required, including dedication of infrastructure to the Village.

Project proposes the use of 71.0 GPD/Bedroom based on a letter from NYSDOH. NYSDEC and Village of South Blooming Grove also has jurisdiction relative to calculation of water demand. Scoping Document cites use of 110 GPD/Bedroom. Use of 71.0 GPD/Bed is questionable, and requires significant additional review.

Report indicates that well field has demonstrated capacity of 785,520. This does not reflect regulatory requirement to have best well out of service.

Last paragraph indicates that water quality samples were collected. There is no discussion on failing results or how water will be treated to meet DOH criteria.

3.9A Water Supply Infrastructure

This section should identify the infrastructure required to serve the subdivision. Water supply, treatment, storage, distribution, etc. A hydraulic model was required to analyze system pressure and a fire flow analysis. This section indicates that it was completed but it is not provided. Fire flow of 1000 gpm is noted, however calculations are not provided.

3.9A Wastewater Infrastructure

The first Paragraph indicates that an analysis was conducted to evaluate two alternatives for sewage disposal. This analysis shall be included as a part of DEIS.

There is no discussion, planning, design, etc. of the required infrastructure for the sewage collection and conveyance system, including gravity sewer mains, sewage pump stations and sewage force mains. Discussion should be provided regarding utility stream crossings, wetland encroachments and construction methods.

3.10.2 Potential Impacts

This section indicates that landfills utilized by County Solid Waste Haulers have adequate capacity for the increased solid waste. Documentation shall be provided to support the statement.

3.11.2 Potential Impacts

It is unclear whether traffic impacts at the intersection of Merriwold Drive and Route 208 include the proposed interconnection of Arlington Drive with the Clovewood road network.

3.12 Noise Impacts

Table 3125 appears incomplete.

3.14 Visual Impacts

Balloons were all set at a height to approximate the eave or ridge line of the proposed dwelling units. The locations chosen all fell within generally wooded areas, which resulted in the balloons typically being flown at an elevation below the tree canopy. Due to this, the balloons were generally not visible at any of the viewing locations.

The Visual Assessment provided as an attachment does not appear to meet the requirements set forth in the Zoning Code for Overlay Zoning Districts.

3.16.2C Traffic Systems

This sections indicates that former traffic generation of the site will exceed that of the proposed construction traffic. Provide trip generation calculations for the site during construction, identifying construction employee traffic, deliveries, truck traffic etc.

3.16.2D Noise

Paragraph 2 notes that noise impacts are discussed in more detail in Section 3.12, yet we see no discussion in regards to noise generated as a result of construction activities in Section 3.12.

This Section generally indicates that there will be noticeable impacts associated with Noise during construction. There is no mitigation proposed as a result of these impacts.

3.16.2E Air Quality

The text provided does not discuss the potential Air Quality impacts during construction. It only discusses air quality after the development is complete. This section must address the potential impacts on air quality as it relates to construction operations.

3.16.3E Air Quality

This discussion appears to be related to Noise impacts, but it is under the Air Quality heading.

4.2 Alternative No. 2

There is no discussion under water resources as it relates to the reduction of impacts on the groundwater supply for drinking water.

There is no scientific basis for the comments made under Sewer and Water Services. The paragraph suggests that there are minimal differences in the impacts associated between the two alternatives. Additional supporting documentation is required to support these statements.

Appendix H – SWPP

The project description indicates that there will be four community centers constructed as a part of the development. These community centers are not referenced elsewhere in the body of the DEIS. Additional information on these facilities are required to assess potential impacts.

Section 8 Operation and Maintenance indicates that maintenance of the stormwater ponds will be conducted by the Village of South Blooming Grove Department of Public Works. These impacts have

not been analyzed in the community facilities section of the DEIS. This section also presumes the creation of a Drainage District for the purpose of this maintenance. This is not noted elsewhere in the DEIS, nor has it been discussed with the VSBG VB.

Appendix I – WWTP Plant

The WWTP has been designed based on flow parameters as may be approved by the NYSDOH. The WWTP will be reviewed and approved by NYSDEC. Provide documentation that NYSDEC will accept the design flow as provided in the design report. The data used to justify the water consumption rate per bedroom should be presented and evaluated for seasonal or other trends. Effluent limits contained in the SPDES Permit are not in annual averages, but 30 day averages or daily maximums. The need for influent equalization based upon any trends should be evaluated.

The plan set in Attachment 2 indicates that the WWTP is located in an active recreation area. Security measures for the WWTP should be addressed. Additionally, a discussion regarding noise associated with WWTP equipment should be provided and mitigation measures discussed in consideration of the adjoining property.

The plan set indicates potable water use for polymer mixing. A discussion should be provided and potable water use estimated.

Storage and disposal of influent screenings should be discussed in regards to location, odors, etc.

These comments have been provided to document completeness of the DEIS, and are not intended to encompass a thorough technical review of the information.

Should you have any questions or require additional information do not hesitate the contact this office.

Respectfully submitted,

McGOEY, HAUSER & EDSALL
CONSULTING ENGINEERS, D.P.C.



Michael W. Weeks, P.E.
Village Engineer

MWW/amn

cc: Dennis Lynch, Esq.



Memorandum

DATE: August 15, 2018
TO: Dennis Lynch, Feerick Lynch MacCartney & Nugent
FROM: Jeff Frederick, Louis Berger
SUBJECT: **Cloewood DEIS Review Comments**

General Comments

1. The DEIS is presented in a format that hinders public review and understanding of the document contents. Attachments and detailed technical information is interspersed throughout the main text of the document. This material must be removed from the main text of the DEIS and placed in appendices to make the DEIS readable. As an example, the project description is followed by 24 pages of backup attachments and exhibits (attachments 21 through 23). The relevant information from these attachments must be integrated and summarized in the DEIS itself. The level of confusion for the reader is exacerbated by references to outdated exhibits (such as attachment 21, exhibit E and F, where a coversheet directs the reader to yet a different technical appendix to find the latest wastewater and water supply information). We recommend eliminating the use of "attachments" and "exhibits" in the DEIS and simply integrate all supporting information into appendices.
2. The DEIS fails to use a consistent system of in-text citations or footnotes. This makes it impossible to verify the statements in the DEIS are based on appropriate information sources.
3. Overall, the review/comments identify substantial deficiencies which render the DEIS inadequate for public review per 6 CRR-NY 617.9(a)(2).

Water Supply

4. Drinking Water Supply lot count Article VA § 235-14.1.A.2 (d) per the Rural Residential District regulations was not determined. The Village requires all developments to submit for approval the Site Analysis process, detailed therein in support of the proposed lot count. Please note that the water supply lot count requires the applicant to demonstrate 120% of the water needed to support the "residential units based on the New York State Department of Environmental Conservation's (NYSDEC's) March

2014 "New York State Design Standards for Intermediate Sized Wastewater Treatment Systems" residential water usage multiplier of 110 gallons per day (gpd) per bedroom" (Clovewood EIS Scoping Document), and should also meet the required NYSDOH 2x multiplier with best well out of service.

5. The Water Supply analysis improperly calculates total demand based on 71gpd/bedroom. Please revise the DEIS (All Sections) to a proper lot count based on the residential water use multiplier of 110 gpd/bedroom with a 120% safety factor, plus additional uses described in the EIS (swimming pools, accessory apts). In addition, the final lot count should also meet the required NYSDOH 2x multiplier with best well out of service.
6. The alternate evaluation of water supply demand (Scenario No. 2) should be revised to either include the actual number of bedrooms and accessory apartments planned for construction, not the existing average bedroom count in the Village of South Blooming Grove, or be presented as a per capita alternate where the subdivision population density matches that of the existing Village demographic.
7. Section 3.9A.1 (water supply infrastructure, existing conditions) fails to provide any information on existing water supply infrastructure and begins discussing the water demand calculations for the project. This section should be revised to explain there is no water supply infrastructure on the site currently.

Sustainable Design Measures

8. The applicant proposes to require LEED for Homes certification through the use of restrictive covenants on the buildable lots. If this approach is retained with the revised DEIS, the proposed restrictive covenant language should be provided in this section for public review.
9. The DEIS approach to sustainable design measures appears to defer consideration of specific measures until a future date when individual homes are being designed. This approach misses the intent of the Scoping Document and the Orange County Department of Planning through 239-l, m, and n review letter dated February 17, 2016. Sustainable design should also be considered for the development as whole, not just the design of individual homes. The sustainable design measures section of the DEIS should be revised to specifically address consideration of the following green building elements such as:
 - Gray water recycling. Explain if this is included in the project, or if not included, the reasons why it is found to be not practicable.
 - Orienting buildings toward the southern exposure to maximize solar access. Please document how solar access was considered in the building layouts and landscaping plan.
 - Using geothermal systems. Document the consideration of including geothermal

systems in the project.

- Using recycled and local materials. Explain how these materials could be integrated into the project, the specific recycled materials planned for use in the project and how these commitments would be integrated into the contractor's scope.

Socioeconomics

10. The validity of assuming an average household income of \$100,000 for the development for purposes of estimating local economic impacts needs to be justified in light of the \$25,795 median household income in the Village of Kiryas Joel. With a price of \$495,000, the homes may not be affordable to the populations in greatest need of additional housing options.

Historic and cultural resources

11. Delineation of the Area of Potential Effect (APE) large enough to account for all direct and indirect impacts of the project is critical to the evaluation of cultural resources. In this case the 136 acre APE determined in the 2015 CITY/SCAPE report (Figure 1) does not match the current site plan limits of disturbance. Specifically, as shown in Figure 2, the site plan has been modified to include additional development along the southern portion of the site that was previously proposed for parkland. The APE needs to be updated to reflect the current project. We request that a figure be prepared illustrating the revised APE in relation to the current site plan (as modified to address comments by others), specifically to include utilities work, the water tower and stormwater treatment areas. This will document that the APE boundaries are reasonable.

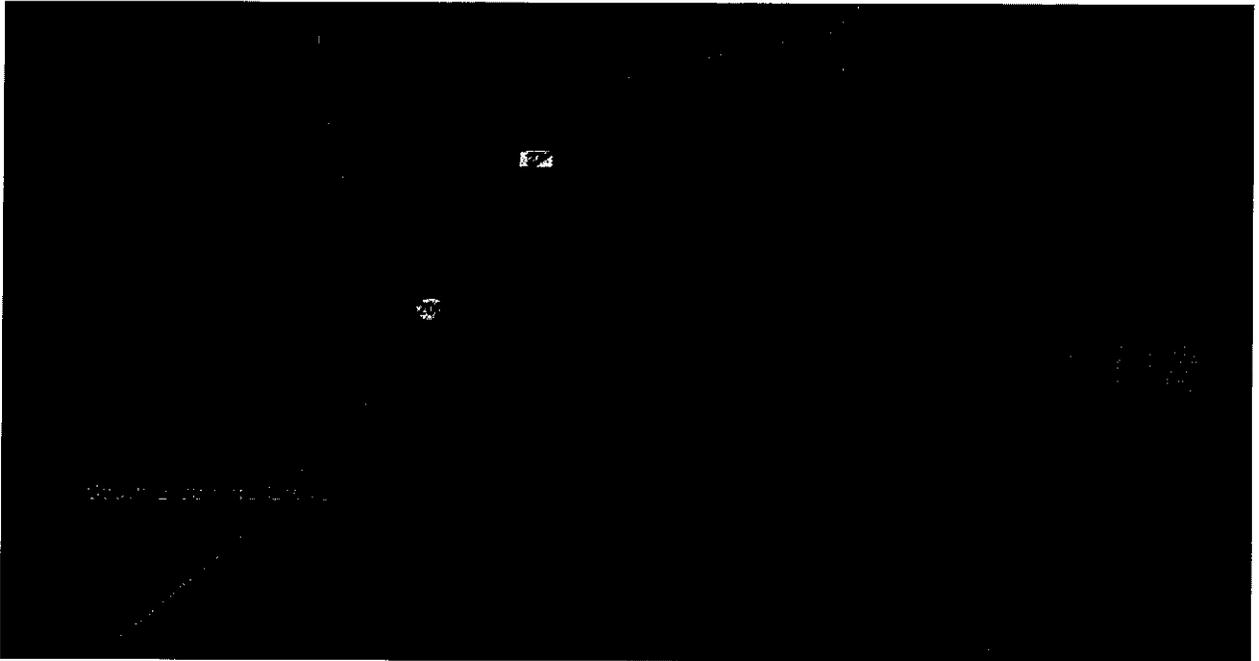


Figure 1: CITY/SCAPE Phase IA APE (blue line)

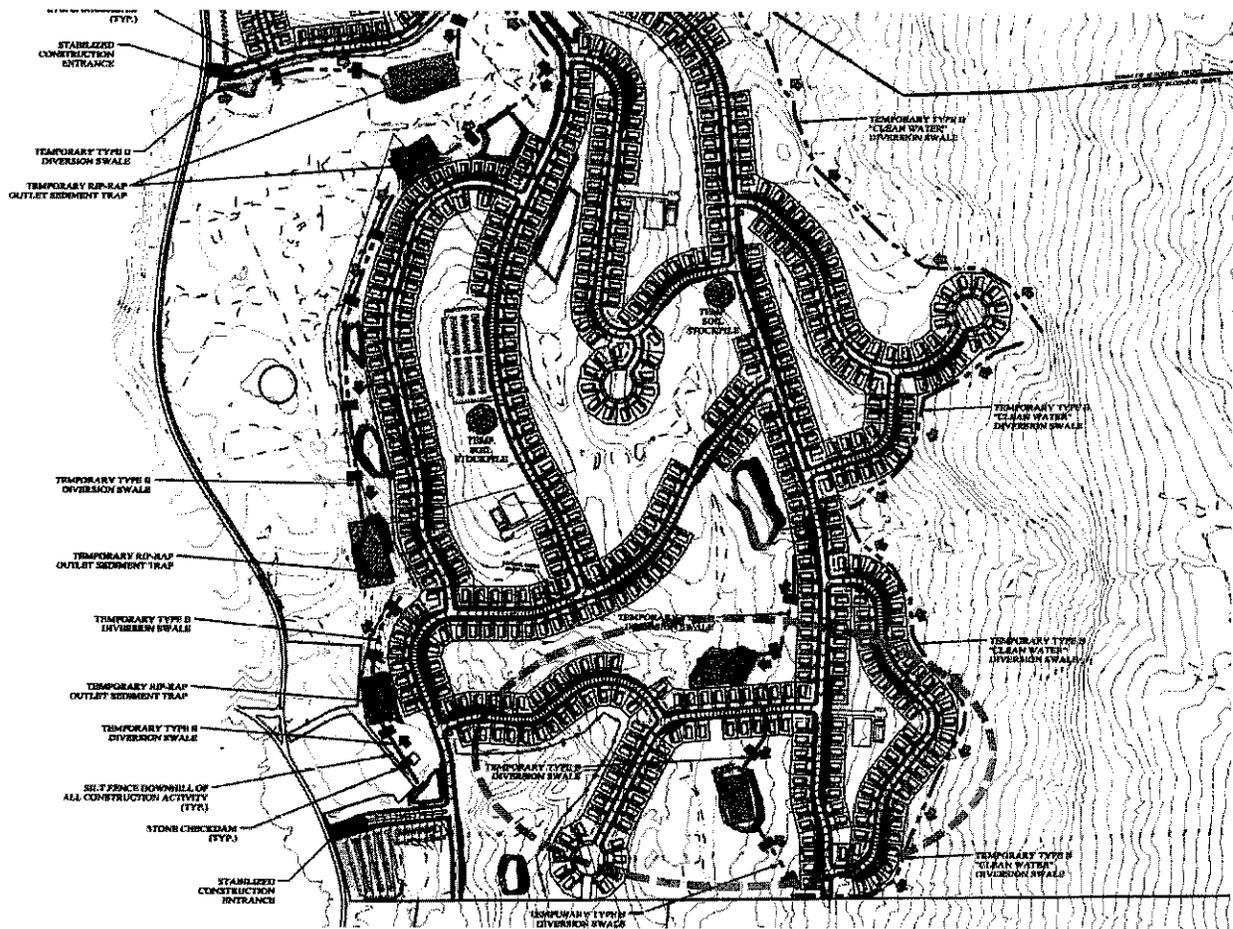


Figure 2: Area of Current Site Plan Not Included in the APE for Previous Cultural Resources Studies

12. Once the APE is updated, the cultural resources technical studies need to be reevaluated by the Applicant's consultants. This may require additional Phase IB testing because the previous shovel test plan was based on the old APE (see in particular Appendix C to the Phase IB, showing no shovel tests in the southern portion of the site now proposed for development). The updated conclusions should be provided to OPRHP for review.
13. The Phase IB Report documents that development of test wells and access roads on the site have impacted prehistoric archaeological resources, specifically the Schunemunk site. The applicant should disclose these presumably unintentional impacts in the DEIS, and propose mitigation measures. Although no residential development is proposed for the Schunemunk site, it should be included in the APE because of the test well infrastructure that has already resulted in impacts.
14. Reports containing information on the location of specific archaeological sites should not be included in the DEIS for public review.

Vegetation and Wildlife

15. Section 3.6.1 references three reports, one of which appears to be included in Appendix C. If the reports were relied in preparing the DEIS, the other two reports should be provided in the appendix as well.
16. The DEIS fails to provide a clear map of the existing vegetative communities present on the project site. This information also lacking in the report included in Appendix C. The need for this mapping was specified in several locations in the Scoping Document, which stated: "Mapping of significant natural communities for species of special concern and vegetative communities should also be provided. ..."Small Whorled Pogonia (*Isotria medeoloides*), chestnut oak forest community, and acidic talus slope woodland community will be evaluated and occurrences mapped."
17. The DEIS fails to quantify the size of the existing vegetative communities and the project impacts to each community type. A table summarizing the impacts to each community type in acres needs to be added to the DEIS. This information is critical to full disclosure of the impacts of the project on wildlife habitat. The impact analysis must include all permanent and temporary infrastructure included on the site plan (as modified based on other comments).
18. Appendix C does not document the date of the field review for the Small Whorled Pogonia (*Isotria medeoloides*), or the surveys of mammals, birds (breeding and migratory species), reptiles/amphibians, and aquatic species. This information is needed to determine if an adequate survey was conducted at the appropriate time of year.
19. The DEIS does not provide an overview of the regulatory programs that protect floodplains, wetlands, wildlife, threatened or endangered species, aquatic resources, or other natural resources within the Project Site. This information was required by the Scoping Document.
20. The DEIS does not provide an adequate assessment of impacts to wildlife. There is no discussion of forest fragmentation or potential indirect effects of the development (such as lighting and traffic/noise).
21. The DEIS acknowledges the potential for impact to bat roosting habitat. Mitigation measures (such as time of year tree removal restrictions) should be incorporated in the project.

Geology, Soils and Topography

22. The DEIS does not provide data to demonstrate the possibility for infiltration features on the Project Site to meet potential Runoff Reduction (green infrastructure) requirements, as was required by the scoping document.

23. The Geotechnical Report (Appendix D) provides detailed and specific soils mitigation measures that are not mentioned in the text of the DEIS. The DEIS should be updated to be consistent with the recommendations of the Geotechnical Report.
24. The DEIS does not provide the change in impervious surface cover, this is required to be provided in this section per the Scoping Document.
25. There is no discussion of soil erosion potential of each soil type on the project site. This information needs to be presented to fully evaluate impacts.
26. The scoping document required presentation of specific temporary and permanent erosion and sediment control measures, and a monitoring plan to measure effectiveness of these measures during construction. This information is lacking from the soils section.

Surface Waters, Wetland and Groundwater

27. The EIS states that there will not be any impacts to USACE and NYSDEC regulated wetlands. The statement does not address regulated waters of the U.S. which collectively includes open water bodies such as lakes, ponds, river and streams and wetlands. A review of the plan sheets indicates that a "clean water" diversion swale will be constructed through wetlands and possibly intermittent streams, and may well divert water away from downstream wetlands, altering their hydrology. There will also need to be several road culverts to allow drainage to flow underneath the proposed roads. These would be considered impacts and would require permits. The EIS does not appear to address these impacts and incorrectly states that permit approvals would not be required.
28. A revised impact analysis for wetlands/waters is required to incorporate all permanent and temporary infrastructure and disturbance footprints associated with the project. These project details should be overlain on the wetland/water features and the total acreage and linear feet of impacts summarized in the DEIS. This analysis must include stormwater treatment areas, temporary erosion control measures, roadway culverts, and other infrastructure/utilities with potential impacts to regulated resources.
29. The wetland maps in appendix are unclear and difficult to read. Color mapping of wetland/waters in the DEIS main text (showing both NYSDEC and USACE-jurisdictional areas) should be provided to enable adequate reader understanding of the information.
30. The presence of wood frogs on the site strongly suggests that vernal pool wetland habitats are present on the site. The EIS does not appear to document any specific survey or evaluation conducted to assess the presence/absence of these habitats. If present, the proposed project would certainly alter the vernal pool hydrology and water quality, rendering them unsuitable for wood frogs and other vernal pools dependent

species. The DEIS needs to be revised to include an appropriate vernal pool inventory effort and impact analysis for any vernal pools identified.

31. The existing conditions section for water resources lacks any information on existing water quality data, which was required by the Scoping Document.
32. The wetland delineation as shown on the plans does not clearly define the width of the intermittent stream channels. What approach was used to define channel size and potential impacts to streams?

Solid Waste

33. Quantification of the number of additional truck trips associated with refuse disposal for the project site has not been provided.
34. Project features to encourage recycling have not been provided.

Transportation

35. The Traffic Impact Study does not provide a comprehensive overview of the study process in a manner consistent with the Scoping Document. Specifically, the text skips many steps in the explanation of the No Action condition traffic, and does not use the Scoping Document trip generation numbers.
36. Table 3111 on page 3-234 provides trip rates for two of the six scenarios required in the scoping form, but does not apply the correct ITE land use codes or the correct ITE procedures (See comment #39-#41). There is mention of two other scenarios covered in the scoping form on page 3-235, but no other supporting tables or text to support the results.
37. The Scoping Document provided six scenarios and trips generation values to follow. These were not clearly followed. On Table 3112A , there is a column in the LOS tables that indicates 2030 600 DU + 600 accessory apartments. It is unclear if this is this first scenario (all the same resident type) or the fourth scenario (resident type matching South Blooming Grove). Scenario with only 600 DU should be deleted as that is not an approved scenario to assess.
38. Need to justify why there is a proposed 50/50 split for trip distribution at NY 208/Mountain Road intersection. Will 50% of all new residents work in Kiryas Joel? The existing flows do not support that pattern.

39. Trip distribution does not indicate that any trips would use Merriewold Lane or Mangin Road to access the development via the backdoor access proposed through Virginia Avenue.
40. Table NO 1 in Appendix J: This is not a scenario contained in the Scoping Document
41. Table NO 1-G in Appendix J: This table does not use the correct method for calculating trips - a regression method was used when average method should be used for 1,200 unit independent variable. This will result in over 100 more trips that should be added to the study area.
42. Table NO 1-S in Appendix J: This table does not use the correct Land Use Category for the accessory apartments. The Scoping Document required the use of Land Use Code 220 (Apartments) and the table reflected the use of Land Use Code 221 instead. This will result in over 50 more trips that should be added to the study area.
43. The text did not mention or propose a pedestrian or bicycle plan to help the new residents access Kiryas Joel.
44. There is no information supporting how the background development trips were developed.
45. There is no text or tables to explain how the background growth figure of 1.062% was developed.
46. The use of grade percentage in Synchro should be avoided for this terrain. The intersection approaches flatten out by the stop line; therefore, the advantage of a downhill or disadvantage of an uphill Stop-controlled approach would not really affect the traffic operations. This is both helping the results by lowering the impact for downhill approaches and hurting the results by raising the impact for uphill approaches. In some cases the difference in elevation appears to be caused by new pavement on the main road, not an actual grade change.
47. Truck percentages were assigned by turning movement and did not follow the scoping document. A uniform average value was supposed to be assigned by approach.
48. The text does not summarize the arterial analysis results to ascertain if the proposed development would impact NY 208 operations.
49. The text mentions the use of Synchro 8 software being used for the traffic analysis. This is a dated version with most analysis being conducted using Synchro 10.

50. Estimated truck trips or assessment of truck traffic impacts were not conducted as part of the DEIS (Page 3-255 states this). Page 3-342 indicates no adverse impacts from construction. What is that based on? Constructing all these homes will generate truck trips, worker trips, food vendor trips to serve the workers, and other misc. trips by town inspectors? There is also the impact of trucks wearing the pavement.
51. The text repeatedly states this community will generate a different number of trips than a typical community based on the resident type. The proposed development does not contain a self-sustaining mix of land use to serve the specific population such as a kosher grocery store, place of worship, community center, shopping areas, etc. Most of the residents will have to travel back and forth between Kiryas Joel and the development to fulfill their daily needs whether it is employment, worship, shopping, or other activity and the distance and travel conditions will not be safe for pedestrian or bicyclist. If a shuttle is proposed to fulfill that need, the traffic impacts for the shuttle need to be studied. Given the number of residents, the shuttle will need to accommodate a large number of residents on a frequent basis. The DEIS did not cover this issue in the analysis or who would pay for such a shuttle system.
52. Unable to find the Auto turn analysis to support that emergency vehicles could maneuver through the proposed street grid.

Noise

53. Existing conditions noise monitoring data is incomplete, see Table 3125 showing "TBD" noise monitoring data.

Air Quality

54. Table 3131 contains a number of significant errors, such as presentation of federal NAAQS no longer in place (Total Suspended Particulates), and presentation of outdated information on current NAAQS (the federal 24-hr PM_{2.5} standard is 35 µg/m³, not 65 µg/m³. The annual PM_{2.5} standard is 12 µg/m³, not 15 µg/m³). All the information in the table needs to be checked, revised, and referenced.
55. The presentation of the carbon monoxide intersection screening per NYSDOT procedures is unclear. A summary table presenting the volumes for the No Build and Build, LOS, and the intersection type (stop controlled or signal) should be added so the reader can more easily follow the narrative.
56. The DEIS does not comply with the scoping document requirement to quantify "total Project-generated emissions of criteria pollutants and greenhouse gas emissions,

including stationary sources.”

57. The DEIS construction impacts section does not comply with the scoping document requirement to quantify construction air quality impacts.

58. The construction air quality subsection of the DEIS (3.16.2E) is labeled as pertaining to “Air Quality”, but the text actual consists of greenhouse gas emissions information. No construction air quality impact discussion is presented.

tel 845-358-8400

203-354-3874



PO Box 700, 9 N. Mill St, Ste. 113, Nyack NY 10960

407 Newtown Av, Norwalk CT 06851

MEMORANDUM

DATE: August 21, 2018

TO: Village of South Blooming Grove Board of Trustees and Planning Board

FROM: Jan Degenshein

RE: Our Project #1502: Village of South Blooming Grove, Clovewood Estates DEIS
Completeness Report

0.0 Introductory Comments

We have been asked to prepare a completeness report for the applicant-submitted DEIS on the areas assigned to our firm. Those comments are below and - where applicable - reference text in the DEIS. We also have included what we believe are additional necessary comments regarding traffic, water supply, waste treatment, and storm water management. For the most part, we seek clarity and completeness where it might be deemed lacking.

1.0 Executive Summary

Data concerning the impact on community character was not adequately provided so that all conclusions reached in the DEIS can be properly reviewed and commented upon by the public. Without having the data to support the impacts, the mitigation measures cannot be properly reached.

Dwelling unit density: It should be made clear to the reader that the full development of 600 single family residences, each with an accessory apartment, will total 1200 dwelling units; and that such density approaches three units per acre zoning. This ratio has been calculated under conventional subdivision standards - before lands will have been subtracted for environmentally sensitive areas and other municipal dedications (parkland and road widening, for example). In the subject development, of the remaining 136 acres after open space preservation and parkland, the potential dwelling unit density calculates to approximately nine units per acre. In assessing community character, it is important for the reader to understand the gross density of development as well as the visual impact of the net densities that will be experienced within the developed areas.

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Water supply: It is not acceptable to proclaim satisfaction of water supply demand due to the ability to draw the required amount from on-site wells and water storage structures. Water in the sub-terrainian aquifer is migratory. Due in part to rock fracturing and fissuring - it is nearly impossible to identify its untapped source into or its direction out of the development area. The water supply to be drawn by well for use on this site will diminish that available for upstream as well as downstream supply. This will ultimately diminish water capacity anticipated for use by other undeveloped properties. It will also diminish available supply for existing wells. It has been our experience that the NYS DEC and PSC each require available water to be calculated based upon the most severe recorded drought condition. It also takes several years of "normal" rainfall thereafter for an aquifer to replenish. This not only affects availability of potable water for drinking, cooking and other household uses; it also affects process water required of industrial uses, water cooled mechanical systems, and firefighting - in this and surrounding communities. These supply-related issues must be addressed more fully.

Sanitary Sewer: Waste water treatment will continue, even in times of drought. The tributaries into which the effluent enters will be of lesser volume. Loss of dilution in tributaries will have a greater impact on the surrounding ecosystem. This must be addressed.

Storm Water run-off: There are many engineering solutions to filter and diminish flow rates of run-off; as well as to divert storm water run-off back to the aquifer (thus potentially replenishing water supply sooner.) Include such measures in the DEIS sections addressing those issues.

1.1 Project Identification:

Please expound upon what makes this development equatable to "three similar properties" (last paragraph of this section).

1.2 Project purpose and need:

Based on historic data, project population growth in Kiryas Joel to the up-coming two generations. Is it likely that other properties in the Village will be purchased by the Satmar Hasidic community to satisfy anticipated need?

1.4 Minor edit: Abbreviation for Community Design Review Committee should be CDRC.

1.5 Project Improvements:

See general comments above. We remain concerned about the anticipated water usage for the development. Household size seems to have been estimated lower than we would have anticipated. This could create a health issue critical to the proposed development and the surrounding affected communities if services, utilities and improvements are not adequate for a larger population.

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1.5.3 Public Parkland:

Will the dedicated public park within the project site be accessible to the public on Sabbath and other religious holidays?

1.5.5 We note the environmentally responsible measures being undertaken to derive LEED for Houses certification. Please list the measures anticipated.

1.5.7 Driveway space will be available for "up to" three or four vehicles. Please indicate the minimum number of spaces available per dwelling unit (assuming an accessory dwelling unit is provided). Based on the typical unit site plans, demonstrate how emergency service vehicles and personnel would access the rear of properties to serve a given need. Will front yards be devoted to vehicular parking, or can the preponderance of the front yard be covenanted to maintained green space? The size of each anticipated parking space should be identified. Since elsewhere in the text, multi-generational use of homes are characterized, access by the physically disabled to dwelling units should be fully described. Where will park and ride facilities be located? How will drainage of impervious surfaces be engineered?

1.6 Required approvals:

Add: "building permit for each dwelling unit and accessory apartment".

1.7.2 Socio-economic.

Federal, State, County, and Town services will be required in addition to Village and school services. The costs to provide uncompensated state mandates such as Medicaid must be addressed. Costs attributable to welfare recipients (if any) should be identified.

1.7.4 Community Character.

Notwithstanding local zoning, the Village of South Blooming Grove was established substantially to retain the rural character of the area, which continues to be surrounded, and over-ridden within, by more intense suburban development. Rural charm continues to be endangered. (Average density, to which the applicant avails itself, can be one way to salvage some aspects of the natural environment). The second paragraph of this sub-section is somewhat misleading at face value. Expound upon it.

Table 12

Infrastructure capacity:

Reference the most severe recorded drought condition, its projected affect on the proposed development, on existing development, and upon future growth beyond this development, should this most severe condition recur.

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Adjacent properties.

Please review the estimated household size. The estimate average of 3.2 people per household (1,200 households, 3,862 people) seems extremely low - even considering that the accessory apartment may be dedicated to couples beyond child-bearing years. Will existing service facilities be able to accommodate the burgeoning growth and demands of the community?

Roadway Connections.

Ascertain whether direct roadway connection to KJ will increase traffic where the new road system outlets onto Route 208 and onto Clove Road.

Attachment 22 Bulk Requirements.

In addition to prior comments, it is noted that rear yards are extremely shallow. Are accessory structures such as decks anticipated? Are seasonal structures, such as Sukkah's, anticipated? Both privacy and fire spread are concerns.

3.4 Community Character

3.4.2 Is the 10 mile and 20 minute driving distance to the outer reaches of the secondary study area? Please clarify.

3.4.3 Define "hamlet" for the reader (paragraph 1).

Paragraph 3 is somewhat misleading. Whereas the parcels/dwelling units suggest a gross density of 2 dwelling units per acre, the subject property has a net developed area density of 9 dwelling units per acre.

Paragraph 4: "small lot" is a subjective term. Please describe what you mean - and compare to the 1/6 acre lots proposed for Clovewood.

Paragraph 6: Is Satmar purchase and occupancy of residences in the Village a trend that is anticipated to continue - even after Clovewood is fully developed?

Paragraph 11: We again question the estimated population increase that is anticipated. How were these figures derived?

3.4.4 b) add: "Medical Emergency Services" as an example (later discussed regarding Hezbollah).

Will the additional parkland proposed for the development satisfy the need that will be generated for additional parkland?

Existing community character includes the rural nature of undeveloped land. How does the proposed development address this Village policy goal?

Please revisit the draft EAF contention that Affordable Housing will have little or no impact. Firstly define "affordable housing". Then a projection of the number/percentage of dwelling units that will be "affordable" should be identified. "Market rate" housing should also be defined and reference cited. A comparison of property tax revenue generation from the resultant breakdown of affordable v. market-rate should then be established.

This is also meaningful from the standpoint of a population's impact on other public subsidy programs - be they local, county, state (or even federal). Those in need of housing subsidy may also contribute less to other economic benefit in the larger community, and draw more from limited financial and service resources of that community.

3.4.5 Communities and Characteristics not Impacted.

Surrounding communities are impacted by more than that which is visually generated. As mentioned elsewhere in these comments, storm water management, water supply, treated sanitary effluent distribution, and deforestation may have significant impacts on surrounding communities.

Table 342: Potential for Community Impacts by Element

In general, we wonder why impacts in the Village of South Blooming Grove were omitted from this matrix. It is unclear how the applicant concludes that the proposed action will generate no socioeconomic impact in all five affected villages identified. Similarly, there should be some traffic impacts (perhaps minor) in each of these communities. Population increase may also have an impact (on available services and fund distribution, as two examples).

3.4.6 In describing a "2-1/2 story . . . home" define a "1/2 story" and cite the source of the definition. We have reviewed the floor plans previously submitted and count up to seven potential bedrooms in each dwelling unit, depending upon the name ascribed to a room. This does not include potential bedrooms associated with any accessory apartments. The design intent may very well be 4 bedrooms; but we believe it more accurate to describe each unit as having "up to 7 bedrooms". Should other rooms be used as bedrooms, it will modify the base population from which public utility assessment has been derived.

Sample accessory apartment unit floor plans should be provided.

Each reference to on-site water supply and sewer treatment should be accompanied by a notation as to the potential impacts to the secondary study area. Surrounding communities will absolutely be affected by those services developed for the sole benefit of Clovewood.

To the degree that community services include mandated education-related programs, the financial impacts not only to the school districts but also to NYS should be calculated.

(c) Affordable Housing. Define and posit the number/percentage of affordable du's anticipated in the subject development. Balanced growth is the desired outcome that triggers the call for affordable housing. Shelter must be provided for all who contribute to the well-being of a community.

(e) Architectural Scale. Whereas the floor plans and volumes of homes constructed in Clovewood may be similar to those constructed in other nearby developments, the proximity of one house to another in Clovewood is totally out of proportion to other referenced developments. This significant visual impact should be expressed in the text. For further clarity, housing density should also be expressed in terms of units per net disturbed/developed acre - not just in terms of gross acres.

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The conclusion drawn in this section as a comparison of architectural scale with extant residential developments is not supported by fact. It may be misleading.

(f) Natural Landscape. Paragraphs 3 and 4 should be re-stated in a more comprehensible form. It is only stated now in generalities. In the context of this Section of the DEIS, it is unclear what percentage of total forested land will be disturbed. What part of the "natural landscape" will remain undisturbed?

(g) Land Use: 1/6 to 1/9 acre lots are not consistent with detached house lots in other subdivisions in the Village. Please provide comparative lot sizes existing in other developments.

(h) Visual Resources. We agree with the applicant that ridge line views are a valuable resource. Describe how these identified views may be enhanced at various viewpoints.

Potential Significant Adverse Impacts Under Scenario No. 1

We note that the DEIS fiscal analysis concludes that in all respects the improvements would yield a net economic benefit to the taxing body. Since we believe there may be more school-aged children than represented in the DEIS in other sections, this may lead to inaccuracy. Population growth should be better anticipated. We refer forward to Table 346, where population growth is not included for Kiryas Joel (KJ) because its physical formation took place after the 1970 census. A table should be advanced indicating population growth in each surrounding municipality in the Secondary Study Area from 1980 to 2010, so that a comparison can be made for past, present and future population growth inclusive of KJ. We believe that the social and economic impacts on the Village may diverge significantly from that reported. Any U.S. Census projections prepared subsequent to 2010 should be referenced and entered into discussions and charts of comparative population growth.

Regardless, it appears that the cost to educate a student is based on the school district's share of cost. If so, the contribution of State Education funds for each student should be introduced into the equation.

(j) Traffic Generation. It is unclear if the calculations for traffic generation were determined before or after the collector street connection of Route 208 to KJ was planned. This should be clarified, and figures adjusted if necessary.

(k) Noise. Mitigating measures should be explored.

(l) Public Policy. See previous comments regarding lot size. A community can offer a variety of housing types (including lot size) as long as costs attendant to a particular lot size and mitigating measures are identified. Figure 347a should have a slice of pie indicating the number of existing lots that are 0.2 acres or less, which would be closer to comparable to that being offered by Clovewood. We believe that such a chart will indicate the stark divergence in lot size from existing developments.

Figure 348: Orange County Priority Growth Areas. Discuss "home rule" as it affects county planning policy issues.

It is inarguable that the County has identified the area inclusive of the Village as such an area; however, this is the **total** area of priority growth. It does not conclude that every acre of land within must be densely developed - only that the aggregate area should be of priority growth. To offer variety, some areas should be less dense than others. And the areas of greatest densities might best be located at existing commercial nodes like the Villages of Washingtonville, Harriman and Monroe - where more complete infrastructures exist. When one considers that the stated goal of the Village is to retain its rural character, it might not be best to attribute growth therein. Notwithstanding, the Village zoning permits alternative development patterns; and discussion should center around the development choice that best serves its stated goal. Certain areas within the county-identified priority growth areas may have already reached a critical mass. For objective comparison, Figure 3410 should thus include a column for KJ. This discussion should also be incorporated in this section of the DEIS. In general, there needs to be a variety of degrees of development and housing choices; otherwise a region would be over-ridden with visual (and perhaps social) homogeneity. Within the study area, no other municipality has incorporated the stated goal of retaining rural character as the Village. Once the Village is fully developed per its master plan, it will generate more "parcels per square mile" than presently indicated. Please provide a comparison of full build-out of all municipalities in the study area.

Table 345. We reiterate that an average household population of 5.62 seems extremely low. This figure should be reviewed.

Based on representations in the DEIS that members of the Satmar Hassidim are already occupying housing within the VOSBG, is this trend expected to continue? What are the implications?

The villages within the Secondary Land Use Study Area may have grown 60% faster than the surrounding towns. This may be explained by the lack of physical infrastructure outside the villages. (This is just an observation, but its application to Clovewood might be of interest.)

Table 346 should be adjusted to allow the inclusion of measurement of KJ growth, as previously discussed.

The first paragraph on Page 3-148 is an example of "Planning Determinism". The DEIS should first investigate the cause of population loss in the village to establish if it is - in this particular case - a bad thing. Then it should determine what a "reasonable population increase" is, and why.

Marriage before the age of 18 is not unheard of in the Satmar Hasidic Community. As such, generation to generation follows a shorter time-line than in other local communities. What impact will this have on population growth and required services in the decades to come?

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3.7 Visibility and Aesthetics

Indicate how visibility of houses within the site may be mitigated. If mitigated by covenanted landscape buffer, for example, what means of enforcing maintenance is proposed?

Although floor plans were provided for proposed primary dwelling units, no elevations, alternate elevations, colors, or materials of construction have been provided. Please provide examples of building elevations.

X.O Summary

The above are issues with regard to that which is needed to make the DEIS as complete as possible for public review and comment.

Respectfully Submitted,
Jan Degenshein
ARCHITECT-PLANNER, PC

bae urban economics

The following memorandum presents an initial review of the socioeconomic analysis found in the Clovewood Draft Environment Impact Statement (the "DEIS"), submitted on April 27, 2018. BAE continues its review, in particular the verification that the analysis sufficiently responds to socioeconomic concerns raised in the Scoping Document.

Existing Conditions

The DEIS presents background data describing primary and secondary study areas. The report states that the data were derived from "municipal records and U.S. Census data from the 2010 Census and the 2010-2014 American Community Survey (the "ACS"). The data are presented in Tables 321a through Table 323. The tables use at least one additional source, Esri. Esri is a leading provider of GIS software and data, including estimates of demographic and economic data and repackaged Census and American Community Survey data.

The numbers shown are generally what was available at the time of the analysis (2016). However, more current data were available as of the date of the DEIS publication (April 27, 2018). At that time, American Community Survey data from 2012-2016 were available, as were 2017 data from Esri.

BAE attempted to verify the 2010 Census and ACS 2010-2014 data used in these tables, and found several issues with incorrect or incomplete data. Esri no longer offers 2016 data, so for these data points BAE generally used the most recent ACS information from 2012-2016 to get a general idea if there was some problem with the data.

Average household size was calculated incorrectly. It appears that household size was calculated by taking total population and dividing by number of households. This is incorrect, as it doesn't account for persons in group quarters, rather than households, and thus leads to a modest overstatement of household size. This error is repeated in Table 323. However, the difference between the numbers shown and the correct numbers is trivial.

San Francisco
2600 10th St., Suite 300
Berkeley, CA 94710
510.547.7380

Sacramento
803 2nd St., Suite A
Davis, CA 95618
530.750.2195

Los Angeles
448 South Hill St., Suite 701
Los Angeles, CA 90013
213.471.2666

Washington DC
700 Pennsylvania Ave. SE, 2nd Floor
Washington, DC 20003
202.588.8945

New York City
215 Park Ave. S., 6th Floor
New York, NY 10003
212.633.4166

Housing cost burden percentages incorrect in some cases. The owner cost burdens were consistently incorrect, and the renter cost burdens were incorrect in Table 321a and for the Total Primary and Secondary Market area in both Table 321a and 321b. For most areas shown, the DEIS estimate of the proportion of owners facing high cost burdens was overstated. Cost burden information is key to understanding affordability issues.

Problems with local government expenditure and tax levy data. These are not clearly sourced (especially in Table 321a). Data from New York state sources indicates some data points are likely incorrect. In particular, the tax levy data for Harriman and Kiryas Joel may be transposed, and the expenditure and tax levy data from Village of Chester appears to be that for South Blooming Grove or vice versa (numbers shown in Table 321b match exactly).

Missing data for Villages. Table 321b is also missing numerous data points for the Village subareas of the Towns, showing them as N/A; however, these numbers are available in the American Community Survey, providing a more detailed look at South Blooming Grove as well as the key comparative community of Kiryas Joel used as a benchmark for Scenario 1.

Data not necessarily reflective of 2014 as a “point in time.” One key point about the ACS data is that it represents a survey sample collected over a five-year period¹; thus the 2014 estimates do not reflect 2014 conditions, but rather a sort of “rolling average” of the 2010 through 2014 period. As a result, Table 322 does not precisely represent change between 2010 and 2014. The Census Bureau does provide official estimates for cities, towns, villages, and counties; these numbers are available on the Census website. Table 322 could be updated to use these numbers, except for the Primary Market Area (which consists of Census tracts). Alternatively, Esri one-year estimates could be used.

Potential Impacts

Population multipliers for Scenario 1 may be too low. The multiplier used for housing units for Scenario 1 is based on the average household size of 5.62 for Kiryas Joel. This household size, however, is based on all households, in all sizes of units for both owners and renters. ACS data for 2010-2014 indicate that the average owner household size in Kiryas Joel is higher, at 6.21.

Additionally, at 1.22 persons, the population multiplier for the Accessory Apartments may also be understated. While the units are limited to 750 square feet, according to the final scoping document, “for impact analysis purposes each home is assumed to have an accessory dwelling unit of 2 bedrooms in size” [P. 6]. It should be noted that ACS data from 2012-2016

¹ While the ACS releases data for one-year periods it is only provided for larger places than the towns and villages shown here.

reported only 157 single-person households in Kiryas Joel. Higher population multipliers and estimates would indicate a larger service population for local government services.

Source of some multipliers is incorrect, unclear, and possibly dated. Table 324 cites the Rutgers University Center for Urban Policy Research (CUPR), June 2006, and the 2010 US Census. It is not clear exactly where the cited numbers (e.g., the school multipliers) came from since the CUPR publishes numerous reports regarding these kinds of multipliers. It does not appear that the 2010 Census was actually used; the household size number for Scenario 1 are from ACS 2010-2014 rather than the decennial Census. The other multipliers appear to rely on CUPR numbers derived from Census 2000 data.

It is unclear what time period the age structure pyramid in Table 323 refers to, and how it was calculated. This section of the report estimates growth out to 2030, but according to the text, the age structure data is derived from the U.S. Census and Esri. Neither of these sources provides long-term projections of population and age distribution for small jurisdictions; Esri provides projections out only five years beyond the current date (2016 per the date of analysis). It appears that additional calculations regarding age cohorts was completed, or the age pyramid is actually for current or the near-term future. Changes in the age distribution might result in different government service needs.

The future population growth section presents an assertion that is not based on substantial facts. On page 3-47, the DEIS states

The Village's population is already tilted very heavily toward seniors, with far too few younger households to provide for older members of the community. Under Scenario No. 1, however, the proposed Project would create a substantial influx of younger members into the Village, who would be able to support services.

There is no evidence presented in the DEIS that the seniors in the Village is in need of additional younger households to "provide" for them; the assertion that there are "far too few younger households" is an unsupported statement of opinion. Furthermore, it is possible instead that a "substantial influx" of children might necessitate additional support, as evidenced by high poverty levels and use of government support in Kiryas Joel.²

The DEIS appears to incorrectly assume that some accessory units would be occupied by "newly weds and young families" (page 3-49). In fact, the Village only permits occupancy of accessory units by the owner, or parents or grandparents of the property owner, so these units would not "directly assist" in meeting housing demand from the younger households.

² Based on ACS 2010-2014 data, 57 percent of Kiryas Joel households receive food stamps, and 57 percent of the population also lives below the poverty level. Over 60 percent of children younger than 18 live in households that received Supplemental Security Income, (SSI), cash public assistance Income, or food stamps in the last 12 months.

There are multiple issues with the assumed house sales price of \$495,000, which is a critical assumption supporting the economic and fiscal impact analysis.

1. The price of \$495,000 is reported to be based on “a review of current market conditions for new single-family home construction, including the option of adding accessory apartments”³ [page 3-49 of the DEIS). There is no further substantive discussion documenting the market analysis that leads to the use of that price point.

To analyze this key issue, BAE obtained sales data from 2016 through July 2018 for single-family home and condominium sales in South Blooming Grove and ascertained that recent sale prices in South Blooming Grove are generally below the assumed price point for Clovewood. The median sale price for this period was found to be \$310,000. Out of 243 sales, only nine were for \$495,000 or more. For four-bedroom homes, the median sale price was \$350,000 for 75 properties; only four sold for \$495,000 or more.

2. The DEIS socioeconomic analysis incorrectly states that all proposed housing units would be market rate. Because of the use of a density bonus, as discussed on page 2-13 of the DEIS, 34 of the units are required to be affordable to households at 80 percent or below of the Village median household income as defined by the US Census. Affordability is defined in the Village Code as paying 30 percent or less of gross household income to a mortgage and property taxes. This error affects all the calculations derived from house sale price and market value, including those for the economic and fiscal impacts of the project. BAE estimates that the maximum house price associated with this level of income and affordability is approximately \$225,000, well below the \$495,000 figure used in the DEIS (see Table 1 below).

3. Estimates of annual household incomes required to support \$495,000 average house value appear to be too low. These are stated as a range from \$85,000 to \$115,000 with the analysis assuming an average of \$100,000. BAE calculations, using conventional assumptions regarding down payments, interest rates, and property taxes, indicate that an annual household income of over \$140,000 would be required (see Table 1).

³ It should be noted that the option to add an accessory apartment is not limited by the Village Zoning Code to new construction.

Table 1: Household Income and Affordable House Price

	Income Category	
	80% Local Median Household Income (a)	Market Rate Household Income
Household Income	\$65,696	\$145,440
Max. Monthly Amount Available for Housing (b)	\$1,642	\$3,636
Monthly Payments	\$1,642	\$3,636
Principal and Interest	\$906	\$2,006
Property Taxes	\$736	\$1,629
One-Time Payments	\$44,710	\$99,000
Down Payment	\$44,710	\$99,000
Maximum Affordable Home Price	\$223,549	\$495,000
Ownership Cost Assumptions		
% of income for housing costs	30%	of gross annual income
Down payment	20.00%	of home value
Annual interest rate	4.50%	fixed
Loan term	30	years
Annual property tax rate (c)	3.95%	of home value

Notes:

- (a) Per most recent information from the US Census American Community Survey, from 2012-2016.
- (b) Per Village ordinance, assumes 30% of income goes toward mortgage and property tax payments.
- (c) Based on estimated per unit market value of \$495,000 and estimated property taxes of \$11,729,532 per Table 327 in DEIS.

Sources: U.S. Census American Community Survey, 2012-2016; Village of South Blooming Grove Municipal Code; Clovewood DEIS; BAE.

4. The target market for Scenario 1 (Kiryas Joel households seeking ownership single-family homes) is very limited in terms of households with incomes that could support the assumed price, even at the income levels assumed in the DEIS. Kiryas Joel is characterized by extremely low household income levels, as shown in Table 2. Per ACS data from 2012-2016, less than 700 households have incomes of \$75,000 or more, and only approximately 425 have incomes of \$100,000 or more. The Clovewood project would have to achieve implausibly high capture rates at the assumed price level. At the affordable levels as calculated by BAE (\$140,000 or more), only about 160 Kiryas Joel households could afford to purchase a house in the Clovewood project.

Table 2: Kiryas Joel Household Income by Tenure, 2016

Income Category	Owners		Renters		Total	
	Number	Percent	Number	Percent	Number	Percent
Less than \$15,000	59	5.8%	1,024	34.8%	1,083	27.4%
\$15,000-\$24,999	160	15.7%	641	21.8%	801	20.2%
\$25,000-\$34,999	97	9.5%	460	15.6%	557	14.1%
\$35,000-\$49,999	142	13.9%	283	9.6%	425	10.7%
\$50,000-\$74,999	149	14.6%	261	8.9%	410	10.4%
\$75,000-\$99,999	136	13.3%	123	4.2%	259	6.5%
\$100,000-\$149,999	145	14.2%	117	4.0%	262	6.6%
\$150,000 or more	131	12.9%	31	1.1%	162	4.1%
Total (a)	1,019	100.0%	2,940	100.0%	3,959	100.0%
Median HH Income	\$56,488		\$21,124		\$26,341	

Incomes presented in inflation-adjusted 2016 dollars.

Source: U.S. Census American Community Survey 2012-2016 5-Year Data.

5. Existing ownership patterns of single-family detached houses in Kiryas Joel also do not support the assumption that the units in the Clovewood project would be owner-occupied. Based on ACS data, the majority of single family detached houses in Kiryas Joel are not owner-occupied. Additionally, contrary to the assumption of owner occupancy for the new Clovewood development, an analysis of ownership trends for recent home sales in South Blooming Grove shows that a substantial number of housing units being bought in South Blooming Grove are buyers purchasing multiple homes, perhaps as investment/rental properties rather than owner-occupancy. Approximately 20 buyers account for 50 of the 243 house purchases since the beginning of 2016, with eight persons or business entities owning three or more units. It should be noted that most of the purchases, including those involving multiple-property ownership, are from buyers with mailing addresses in Kiryas Joel or the Williamsburg area of Brooklyn, an area with a substantial Satmar Hasidic population.

The Economic/Employment Impacts analysis using IMPLAN overstates construction impacts, including jobs sustained during the construction period. The analysis uses a "Build Year," but the detailed schedule found elsewhere in the DEIS estimates an 18 to 24-month construction period (see P 2-20). When IMPLAN models an event, it assumes that it is not a multi-year event; the numbers to be entered and the output are on an annual basis. Thus, for the construction analysis, the output/value needs to be spread across the entire construction period of more than one year. For instance, if the construction period is 24 months, the average value per year would be half of the total value, and the employment impacts would be half the value shown in the DEIS.

Additionally, the analysis assumes these are full time jobs, while IMPLAN does not separate out FTEs and PTEs. While not entirely clear, it is unlikely that the DEIS has adjusted the numbers using factors available from IMPLAN.

Finally, these impacts are driven in large part by the house value and the assumed income of the occupants of the new units. If the house value is lower, and the incomes are lower, the ongoing (induced) impacts due to household spending will also be diminished.

The Economic Impact Analysis based on NAHB Data is substantially incorrect, due to errors in the application of the model. As stated in the DEIS, this analysis is based on *The Economic Impact of Home Building in a Typical Local Area*,⁴ produced for the National Association of Home Builders (NAHB). The basic methodology involves calculating the direct, indirect, and induced impacts on a local area of the construction of 100 homes. The NAHB model alternative used for the DEIS is for the construction of single-family homes. The DEIS takes the numbers in the NAHB model and adjusts them to account for the construction of 600 homes, i.e., multiplies various factors by six. The numbers are presented in Tables 326a, 366b, and 326c. Setting aside whether the use of this model is appropriate, there were multiple errors made in the application of the NAHB model in the DEIS.

1. As with the IMPLAN, the model uses a construction period limited to one year, while the schedule in the DEIS assumes a longer period. Thus, the construction impacts may be overstated, particularly with respect to jobs supported.
2. The size adjustment for the Clovewood project was applied inconsistently or incorrectly. The best evidence of this is the wages/salaries per full time job for construction workers, which is shown in all three tables as \$330,000. This is clearly incorrect. A review of the original NAHB report indicates that this is their wage estimate (\$55,000) multiplied by six, as is everything else on the construction line of each of the three tables.
3. While the line for the construction industry was adjusted, the lines for other industries were not changed for the Clovewood project size, with the exception of the number of local jobs supported. This is evident in the much smaller size of the numbers for other industries, or by examining the source data in the NAHB report found on pages 6-8.
4. Additionally, except for jobs, the numbers for all other non-construction industries in Tables 326b and 326c are exactly the same as in Table 326a. This would imply that the induced dollar impacts from construction (Phase 2) and the ongoing annual impacts (Phase 3) are exactly the same as the direct plus indirect impacts in Phase 1. It appears that aside from construction and jobs, the DEIS incorrectly used the first NAHB table (for Phase 1) for all phases, rather than the correct Phase 2 and Phase 3 tables.

⁴ <https://www.ncsha.org/resource/national-association-of-home-builders-report-on-the-economic-impact-of-home-building-in-a-typical-local-area/>, published April 2015.

5. In the NAHB data, many sectors showed limited local income and wages, e.g., there is only \$1,500 in local income in manufacturing. Likely due to rounding, the number of local jobs shown is zero even though some amount of local wages is shown. The DEIS multiplies these numbers to again result in zero; if it had been calculated correctly based on fractional jobs, using the local wages and the wages per job, there would have been additional jobs shown.
6. Table 326c shows a “bottom line” grand total. This is misleading as it combines the initial jobs that are not permanent with the ongoing jobs. The NAHB report does not combine the results in this manner.
7. Finally, as with the IMPLAN analysis, these impacts are driven in large part by the house value and the assumed income of the occupants of the new units. If the house value is lower, and the incomes are lower, the ongoing (induced) impacts due to household spending will also be diminished.

Fiscal revenues are dependent on the property values, and if the values are not as strong as assumed in the DEIS, the fiscal benefits of the project will be lower than assumed in the DEIS. This review raises questions regarding the assumptions for sale prices, based on recent home sales in South Blooming Grove as well as whether the incomes of Kiryas Joel households can support the new Clovewood development at the stated prices for the assumed number of total units.

C • P • C

P.O. Box 2020, Monroe, New York 10949 | Tel. (845) 774-8000 | cpcnynj@gmail.com

March 27, 2019

Village of South Blooming Grove
Planning Board and Village Board Members
811 NYS Route 208
Monroe, NY 10950



Re: Clovewood Draft Environmental Impact Statement ("DEIS")

Dear Board Members,

Enclosed please find the responses to the comments on the Clovewood DEIS received from the Village's consultants McGoey, Hauser and Edsall (MHE); Louis Berger (LB), Nelson, Pope and Voorhis (NPV); Degenshein Architects (DA), and BAE Urban Economics (BAE) in August 2018 as follows:

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<u>Responses to MHE Comment</u>	1
<u>Responses to LB Comment</u>	20
<u>Responses to NPV Comment</u>	36
<u>Responses to DA Comment</u>	104
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The revised Clovewood DEIS addresses the comments received from the Village consultants.

Respectfully,


Simon Gelb

Responses to Comments Received 8/20/18 from Village Engineer MHE

I. General

Comment 1

“The DEIS is very difficult to review in that there are multiple appendices with the same name. Reports are segmented and spread across multiple volumes, etc. Sections in the main DEIS reference figures, attachments, etc. but do not cite specific section. The DEIS in general requires significant reorganization. Use of the clovewood.com website is very difficult, download of an individual doc takes nearly an hour.”

Response 1

The DEIS and its Appendices have been reorganized, and the website now includes separate links for each section so that downloads should not take long.

Comment 2

“The provided plan set is not adequate to assess impacts associated with project development. It is our opinion that preliminary design plans depicting all information required by the subdivision code are required for review at this level. The current plans are provided at a scale of 1"=300' and are entitled "Conceptual"

Response 2

The DEIS has been revised to include a full set of detailed preliminary design plans in Appendix A which was also submitted to the Village as 24 x 36 plates.

II. Project Description

Comment 3

“22 Acres is noted for future development. Does a use need to be evaluated as a part of the DEIS to avoid segmentation. Opinions from the Village Planner and Attorney should be considered. The base lot count proposed for the subdivision is subject to approval by the Planning Board. A complete Land Conservation Analysis has yet to be submitted to the Planning Board as part of a subdivision application. The calculations in this section are not consistent with the requirements set forth in the Zoning Code as it relates to the Land Conservation Analysis. For example base lot count calculations are to be calculated from determination of buildable acreage. This has not been completed.”

Response 3

There would be no segmentation since no development is proposed for the 22 acres. Any development of that acreage, if it ever is to occur, would require a separate review under SEQRA as stated in the Village's Scoping Document. Please also refer to Response 8 to NPV comment in reference to segmentation. In technical review comments received previously, MHE indicated that since, at the time, a 72-Hour Water Well Pumping Test had not yet been conducted, it was premature to establish the base lot count. Now that this has been completed, the Planning Board should approve the Project's

base lot count of 600 single-family homes. A complete Land Conservation Analysis was submitted to the Planning Board on August 27, 2015 and is updated and summarized in Section 3.1.1 of the DEIS in both tabular and text formats. The Project's base lot count has been calculated from the determination of the buildable acreage as established in Step 2 as required by the Village Zoning Code.

Comment 4

“The applicant notes that there are 6.2 Acres in the RC-1 zone, and that per 235-14.2 (J) density permitted as part of this zoning district MAY be permitted beyond the RC-1 zoning boundary. This will require specific approval by the Planning Board to permit this, yet the proposal has assumed that this will be granted.”

Response 4

Transferring the RC-1 Zoning District yield to the RR Zoning District land on the Project Site has been discussed with the Planning Board since 2014. Initially, the Project proposed a transfer of 54 two-family homes (108 dwelling units) because the RC-1 Zoning District allows one two-family home per 5,000 sq. ft. ($5,000 \times 54 = 270,000$ square feet = 6.2 acres). However, the Planning Board recommended the transfer should include a use that is permitted in the RR Zoning District such as single-family homes. Accordingly, the Project revised its plans to propose only 90 single-family homes ($3,000 \times 90 = 270,000$ square feet = 6.2 acres) instead of 108 dwelling units, which reduced the totaling dwelling units transferred by 18.

Comment 5

“The applicant has based its lot count on a certain requirement regarding open space. This open space must be protected by Restrictive Covenant or other means. This is not discussed in the DEIS.”

Response 5

The DEIS has been revised to include this discussion.

Comment 6

“Village Code 235-14.1A. (2)(d) requires that yield testing demonstrates 120% water needed to support lot count is available. No reference made to Code section, nor is number included in calculation for lot count.”

Response 6

The 120% (additional 20%) is required when interconnecting with the Village's wells, in which case the Project's best well (234,720 gpd) would be in service, as NYS requires only one best well per water system be out of use. The DEIS has been revised to include this discussion in Section 3.8ii.2.

Comment 7

“Demolition of approximately 50 structures will be demolished. Have environmental studies been completed regarding hazardous materials?”

Response 7

This is discussed in Section 3.15 and Appendices L and M. In addition, all demolition would be

consistent with applicable requirements and regulations.

Comment 8

“This section indicates that roadways will be constructed in compliance with Village Code Section 163-24.D and 235-14.1.A(4)(c). No reference is made to Village Code Chapter 110.”

Response 8

The DEIS has been revised to reference Village Code Chapter 110.

Comment 9

“There is no discussion regarding Pedestrian circulation and access.”

Response 9

The DEIS has been revised to address this in Section 3.11 and in Appendix J. The Project’s Plans in Section 2.20 illustrate pedestrian sidewalks, and pedestrian circulation and access locations.

Comment 10

“The section indicates that the roadway design has been completed to minimize cuts and fills and to follow existing topography. The roadway design plans are not detailed enough, and do not include profiles. Roadway design plans including all horizontal and vertical geometry are required.”

Response 10

These plans were submitted to the Village in July 2018, and resubmitted with the revised DEIS as 24 x 36 plates as well as in Appendix A (11 x 17 format).

Comment 11

“Water Supply and WWTP Treatment. Three sentences provided. No information here. Additional information relative to the infrastructure required.”

Response 11

The DEIS has been revised to include additional information relative to the water supply and WWTP Treatment infrastructure in Sections 3.8 and 3.9.

Comment 12

“The report portion of the SWPPP appears in DEIS Appendices Volume I (A-H). The SWPPP appendices (the required storm water calculations, water quality calculations, maps, and NOI, etc.) appear in DEIS Appendices Volume II "Appendix H Attachments". It would make more sense to keep the SWPPP and the SWPPP attachments and appendices all in one Volume of the DEIS.”

“The pre-development and post-development drainage study maps are printed on 8 ½" x 11", and are presented in Appendix F, of the SWPPP. These study maps are too small to be useful; larger study maps are required. As a result, the following comments apply:”

- A. ***“The Pre-Development Watershed Areas cannot be verified. The text reports that six areas were analyzed.”***

- B. *“The Post-Development Watershed Areas could not be verified.”*
- C. *“The offsite design points could not be verified. The report notes six design points were used. However, a table in the text of the SWPPP indicates that four (4) design points were analyzed.”*
- D. *“The watershed areas for the reported fourteen (14) proposed wet ponds could not be verified.”*
- E. *“The watershed areas to reported twelve (12) bio-retention basins could not be verified.”*

“A separate, appropriate sized study plan should also be provided in the SWPPP that shows where Runoff Reduction Volume (RRV) storm water features are located on the site and within the appropriate watershed.”

“The storm water modeling, and hydraulic analysis were not reviewed as a result of the lack of useable Stormwater Study Maps.”

“The Erosion and Sediment (E&S) Control Plan is a requirement and an integral part of the SWPPP. The applicant's engineer prepared an E&S plan and presented it as Sheet EC1 in the plans. However, it is presented at a scale that is too small for review.”

“The cover of the plans should include an index of sheets that are included in the plan set. In general, the plans are presented at a scale that are too small to be useable or readable.”

“Generic storm water basins are shown on the plans. It is not clear if the basins meet the requirements of the NYSDEC storm water requirements. No details or sections of the basins were provided.”

“On Sheet U3 of the plans, there appears to be several NYSDEC wetland disturbances from road culverts and the pipe discharges from storm water ponds.”

“There were no details of the storm water management features or sections of the storm water features provided on the plans.”

Response 12

The revised DEIS included the SWPPP as one volume (Appendix H) and includes all attachment. Included in the SWPPP, are full-size maps of the pre- and post-developed drainage condition. All watershed areas are labeled and their respective acreages and time-of-concentration paths identified. The off-site design analysis points are also labeled accordingly.

There are six off-site analysis pointed identified; however, proposed development would only occur in four of the six respective sub-catchments. Accordingly, two of the six analysis points would be unaffected by the Project's development.

The post-developed drainage map depicts the area tributary to the 14 proposed stormwater detention ponds.

A water quality area map depicts the drainage catchment that is tributary to each of the respective run-off reduction and water quality components. These include on-lot rain gardens, bio-retention areas, areas of

disconnected impervious surfaces, riparian buffer areas and areas slated for infiltration via highly infiltrative soils.

A preliminary Erosion and Sediment control plan has been prepared and is a part of the drawing in Appendix A. The Erosion and Sediment Control Plans are depicted at a scale of 1" = 60 ft. Included are applicable Erosion Control Detail sheets. Sizing of the temporary features such as the erosion control sediment traps can be found in the Sediment Trap Detail.

Appendix A has been revised to include a cover sheet with an index of the full-size sheets that are included in the plan set, which was also submitted as 24 x 36 plates.

It is confirmed that there would be permanent and temporary disturbances to existing watercourses from road crossing and their associated culverts as well as from the installation of utilities. These disturbances have been quantified and are presented in the SWPPP. A discussion of same can be found in Section 3.8 of the DEIS. A typical bio-retention area and dry stormwater management pond detail can be found on the detail sheets in Appendix A. Final details and grading of the permanent and temporary stormwater management and erosion control practices will be developed upon confirmation of the subdivision plan layout.

Comment 13

“Section references 235-14.1A(4) which we believe to be an incorrect reference.”

Response 13

The DEIS has been revised to correct the reference.

Comment 14

“The area proposed as public parkland appears to consist of the NYSDEC wetlands.”

Response 14

The area proposed as public parkland consists of approximately 40 acres of uplands and approximately 20 acres of wetlands, which includes a pond and would serve to add to public enjoyment, offering beautiful, serene lake-views.

Comment 15

“The private open spaces discussed in this section is also the same areas being considered as permanent open space for purposes of determining lot count. This use of this space must be permanently restricted as required by VSBG ZO 235-14.1C.”

Response 15

The DEIS has been revised to state this space would be preserved as required by the Village Zoning Code.

Comment 16

“The site plans do not depict room for 3-4 parking spaces on each residential lot. The site plans are not adequately detailed to depict this.”

Response 16

Parking space to park up to four vehicles per lot is provided. Refer to the lot plans in Section 2.20.

Comment 17

“This section also indicates that on street parking will be provided, however Section 2.7 Circulation Plan indicates that roads will be 30' in width which is not adequate width for on street parking. Additional road design, site design, and details are necessary to demonstrate compliance with parking.”

Response 17

The Project would not have on-street parking, and this language has been removed from the DEIS.

Comment 18

“The report indicates that there will be 6 bus stops. These do not appear to be indicated on the site plans.”

Response 18

Bus stops/shelters are found in the Master Plan (Figure 12 of Section 1.0) depicted with a B, in the Site Plans included in Appendix A, and in the Regulatory Compliance Map in Section 2.20.

Comment 19

“Two park and ride facilities are proposed with a total of approximately 600 parking spaces. This seems excessive for use of the 600 dwelling units. Provide further documentation support the need for this many spaces associated with the development.”

Response 19

The proposed 600 parking spaces are divided between the two proposed park and ride facilities. Approximately 300 parking spaces in the Park and Ride facility located within the Project development (accessed by proposed Road B) would be for residents of the Project (one parking spot per two homes) and the other approximately 300 parking spaces in the Park and Ride facility located at the entrance of the development (accessed by proposed Roads C and D) off of NYS Route 208 would be for use by the public as the nearby park and ride lots A and B, located on Orange and Rockland Road off of Museum Village Road, are often filled to capacity. Therefore, it was the professional opinion of the Project's Traffic Engineer that proposing 300 parking spaces in the public park and ride would be appropriate to address a current parking issue in the Village, independent of the Project, which would concurrently reduce traffic on NYS Route 208. Please also refer to Response 29 to NPV Comment.

Comment 20

“Lighting plans provided are in inadequate detail to review. The landscaping plan provided indicates typical plantings, and does not represent a full plan for the entire development. Full detailed landscaping plans are required.”

Response 20

Full detailed landscaping plans are included in Appendix A, which were also submitted to the Village as 24 x 36 plates.

Comment 21

“The schedule is grossly over simplified for the disturbance of 136 acres and 600 dwelling units and associated improvement. The SWP Plan indicates that a 5 acre disturbance waiver will not be sought. The construction schedule and construction sequence shall be detailed enough to demonstrate how earth disturbance will be minimized.”

Response 21

A more detailed construction sequence has been prepared and is included in the DEIS. A plan depicting the phasing of the areas of disturbance can be found in the plan set in Appendix A in plan E-14. The Village of South Blooming Grove is an MS-4 community; therefore, a waiver of the five-acre maximum area of disturbance at any one time must be granted by the Village. A waiver allowing 15 acres of disturbance at any one time will be requested, however, a plan depicting five-acre disturbance limits has been prepared in the event the Village does not grant the requested waiver.

Comment 22

“The schedule references items on E&S plans that are not provided.”

Response 22

The items referenced in the construction schedule have been checked for consistency against the proposed Erosion and Sediment control plan and revised as needed.

Comment 23

“Sustainable Design Measures. Measures are discussed, including requirements for restrictive covenants, yet no specific design criteria or draft restrictive covenants are provided. Will this criteria be part of HOA by-laws?”

Response 23

The measures discussed will be part of the HOA by-laws to consist with the Village Zoning Code.

III. Attachment 21

Comment 24

“Attachment 21 (Last revised 1/12/15), Exhibit C - Land Conservation Analysis”

“Maps as required to support the Land conservation Analysis (LCA) are not included. Complete review of this section is not possible.”

“Wetlands. Wetlands on the property shall be mapped by a qualified professional and wetland delineation report referenced here. References to total wetland acreage must be consistent with wetland delineation report. This section indicates that the wetlands are not under NYSDEC yet the

Wetland Delineation report notes that there are 23+/-Acres that fall under NYSDEC jurisdiction.”

“Identified Habitat. The rattlesnake report provided indicates that there are areas of rattlesnake habitat on the property. This conflicts with the text provided in the LCA. Additionally Northern Long eared and Indiana Bat habitat was identified, as well as the potential for small-whorled Pogonia, and Slender Pinweed, and other flora. These habitat areas must be considered in the LCA.”

“LCA appears to be missing the majority of the analysis. Only Step 1 of the analysis is provided in Exhibit C.”

Response 24

Maps as required to support the Land Conservation Analysis are included in Section 3.1. The DEIS has been revised to use consistent references to total wetland acreage. The LCA summarized in the DEIS has been revised to appropriately consider all relevant habitat, which is discussed in further detail in Section 3.6. Tree cutting measures are included as part of the Project to protect bats and surveys conducted during the appropriate times of year and season(s) did not identify any small-whorled Pogonia or Slender Pinweed on the Project Site. The LCA summarized in Section 3.1 includes all steps of the analysis.

IV. Attachment 22

Comment 25

“Buildings as proposed consume the majority of the building envelope on the proposed lots. Additions of decks, accessory apartments, and garages may likely require variances for encroachment into setbacks.”

Response 25

The Project, as proposed, would not require variances, as there is space within the proposed building envelope should a property owner choose to add a garage, deck and/or accessory apartment as shown in Section 2.20.

V. Land Use, Zoning and Public Policy

Comment 26

“The DEIS discusses existing density of the Village areas developed for residential use, and makes parallels to the proposed Clovewood Development in terms of lot density. Additional discussion is required to evaluate the size of the homes on the existing developed lots as opposed to the home size proposed in Clovewood.”

Response 26

The size of the homes on the existing developed lot vary. For example: the first home on Shannon Lane is 1,320 square feet while the second home on Shannon Lane is 6,192 square feet; 4 Holland Court is 4,027 square feet while 7 Holland Court is 1,968 square feet; 74 Duell Avenue is 960 square feet, while 79 Duell Avenue is 3,776 square feet. The Project’s floor plan designs of 25’ x 50’ or 30’ x 62.6’ are an approximate standard for single-family homes, which may be smaller depending on the end users’ design specifications. The Village Scoping Document did not require additional detailed discussion of the specific home sizes

and final floor plan designs/layouts, which are typically addressed when applying for building and construction permits.

Comment 27

“Paragraph C.6. states that the new private street system (yet elsewhere the Roads are offered for Dedication) meets Village Road Specifications. Inadequate information has been provided to demonstrate this statement.”

Response 27

The DEIS has been revised to provide adequate information to demonstrate compliance with the Village Road specifications. In addition, roads would be private while constructed and public once dedicated to the Village. If the Village does not accept dedication, the roads would be maintained by the HOA, but the DEIS has been revised to be consistent regarding street dedication and ownership.

Comment 28

“There is a statement that electricity usage for residential usage has been trending downward yet no documentation to this fact has been provided.”

Response 28

The DEIS has been revised to remove this language.

Comment 29

“There is a statement that the local utility provider is aware of the project and is able to supply the project, yet there is no documentation from the utility provider of this statement.”

Response 29

We are in communication with Orange and Rockland Utilities and will provide appropriate documentation to confirm.

Comment 30

“The project description has noted that all homes will be designed to LEED standards, yet there is no discussion of how the homes will be constructed, if by the Clovewood developer, or by individual property owners. Furthermore how will the developer require construction of LEED homes? The project claims to encourage solar equipment, heat pumps and other energy saving measures.....how will this be accomplished.”

Response 30

There is no discussion of how the homes would be constructed, if by the developed or by individual property owners as it is unknown at this time and would have no impact on SEQRA. The HOA would require adherence to LEED standards. The Project would encourage solar equipment, heat pumps and other energy saving measures through informational brochures.

Comment 31

“Paragraph 3 includes a statement that the layout exhibit a curvilinear street design that follows the

natural topography and minimizes cuts and fills. There is inadequate design information provide to substantiate this statement.”

Response 31

The Site Plan package in Appendix A provides adequate information to substantiate this statement.

Comment 32

“Paragraph 4 states that proposed housing aligns with boundaries of wooded areas and will result in minimal disturbance. Plan documentation is required to support this statement. The statement is made that building coverage is minimized by requiring by restrictive covenants the construction of two story homes. The draft restrictive covenants shall be included in the DEIS.”

Response 32

Figure 342 in Section 3.4 includes an aerial which illustrates that some of development would align with boundaries of wooded areas to result in minimal disturbance. The DEIS has been revised to state that coverage would be minimized through compliance with the Village Zoning Code. Moreover, restrictive covenants are not required for the DEIS and such covenants are typically drafted after project approval and are required as a condition of issuance of a certificate of occupancy.

Comment 33

“Paragraph 6 states driveways will be minimized by constructing joint accesses. The site plans to not depict this.”

Response 33

Joint access had initially been proposed; however, it no longer is as per Village comment requiring driveways contain 10 foot setbacks from the proposed lot lines. We have changed the language in the DEIS accordingly.

VI. Attachment 311

Comment 34

“This appears to be the "Neg Dec" Resolution relating to the adoption of the current Village Zoning Code. Paragraph e. states that all water and sewer infrastructure constructed as part of any development project shall be dedicated to the Village.”

Response 34

The “Neg Dec” Resolution (previously Attachment 311) is now found in Appendix O-7. The option of connecting the Project with the Village’s water supply system and dedicating the infrastructure to the Village is discussed in Sections 3.8, 3.9 and 4.5, as well as throughout the DEIS. However, connection to the existing Village sewer system by new out-of-district users was discouraged by the Village, although the Village has excess sewer capacity (see DEIS Section 3.9ii.4).

VII. Community Facilities and Services

Comment 35

“It does not appear that an evaluation of the Village services has been evaluated. IE Tax collector, building inspector, etc.”

Response 35

The DEIS has been revised to include an evaluation of the Village services in Section 3.2.

Comment 36

“Police - The text indicates that according to ULI 1.5 officers are required per population of 1,000. Based on a population of 3,800 this result in 6 new officers. The report states less than 5 additional.”

Response 36

The DEIS has been revised to clarify how many officers would be necessary.

Comment 37

“The report states that there is a need for 9 additional fire fighters, yet there is no basis for this statement. Back up is required.”

Response 37

The DEIS has been revised to include a source for the number of additional firefighters needed.

Comment 38

“Ambulance Services -No analysis is provided for the impacts to the Ambulance Corps.”

Response 38

The DEIS has been revised to include an analysis of potential impacts to the Blooming Grove Ambulance Corps. Please also note that the Blooming Grove Ambulance Corp did not cooperate with request to provide information regarding their services and did not respond to the Project survey as indicated in Section 3.3.

VIII. Community Character

Comment 39

“This section contains multiple statements that significant portions of the Village are currently under Satmar Hasidic ownership, yet there is no documentation to support these statements. In general the DEIS should not be opinion based, all statements should be support with citations and references to support the statements.”

Response 39

This information is based on information from the Hudson Gateway Multiple Listing Service and Orange County Real Property Records, and the citation has been added to the DEIS.

Comment 40

“Paragraph (g) indicates that "As analyzed in Section 3.1, the project would fully confirm to the requirements of these overlay districts,". there is no analysis provided that details how the project will conform to the zoning requirements associated with the overlay districts.”

Response 40

The DEIS has been revised to include details of how the Project is Zoning Code compliant in Section 3.1.1, including compliance with the Overlay District regulations.

IX. Vegetation and Wildlife

Comment 41

“There is a statement - "Because the project is residential and not commercial, industrial, or recreation, there is no proposed use of herbicides or pesticides in significant quantities." Residential development will include the use of these chemicals for maintenance of lawns.”

Response 41

The use of such chemicals for the maintenance of lawns is not a significant quantity and would therefore not present any potential significant adverse impacts according to the expertise of the Project biologist.

X. Geology, Soils and Topography

Comment 42

“Paragraph D. indicates in very general terms that there will be excavation and grading there will be minimal impacts. An analysis indicating the extent of cut and fill shall be completed which identifies the quantity of earthwork required, including if the site balances of it material will be imported/exported. Paragraph F. states that an Erosion and Sedimentation Plan will be prepared. Preparation of this plan is required as part of the DEIS.”

Response 42

Excavation and grading is such that it will be the minimum necessary to develop the Project. The extent of cut and fill can be found on the grading plans depicted on the Site Plans included in Appendix A. It is not expected that there would be any import or export of soil.

A cut and fill analysis was not required as per the Scoping Document. Without preliminary sketch approval from the Planning Board, it is not feasible to conduct an extensive cut and fill analysis. Once the Planning Board issues such approval, we would conduct the analysis. In addition, due to the size of the Project Site (over 700 acres) compared to the size of the area that would be disturbed (approximately 140 acres), it would not be necessary to import or export material to the Project Site. The erosion and sediment control plans were prepared and added to Appendix A, as well as 24 x 36 sheets submitted to the Village.

XI. Surface Water, Wetlands and Groundwater

Comment 43

“The report indicates that there is no earth disturbance proposed within the NYSDEC wetland buffer, yet the plans provided show installation of stormwater improvements within the buffer area.”

Response 43

The plans have been revised and the installation of stormwater improvements are outside of the buffer area.

Comment 44

“Full size drawings of the delineated wetlands shall be provided.”

Response 44

A full size drawing of the delineated wetlands is provided in Appendix H.

Comment 45

“Paragraph (a) indicates that there is no construction proposed that is within or adjoins a waterbody, yet the conceptual site plans appear to depict development crossing areas noted on the existing conditions plans as ‘existing watercourses’.”

Response 45

The crossing of ephemeral streams and watercourses by the proposed roadways would be covered under either Nationwide Permit #29 or Nationwide Permit #33.

Comment 46

“Road C near the intersection with Road D appears to cross the unnamed tributary to Satterly Creek.”

Response 46

This road does not cross the unnamed tributary to Satterly Creek.

Comment 47

“The above notes highlight the fact that plans with significantly more detail than a 1" to 300' scale are required to assess impacts.”

Response 47

More detailed large-scale plan sheets have been included in Appendix A and submitted to the Village as 24 x 36 plates.

Comment 48

“Two wells appear to be located within the limits of DEC wetlands. Discuss the potential for impacts.”

Response 48

These wells (7a and 7b) would not be used to provide water for the Project, as illustrated in the well maps in Appendix F.

Comment 49

“Scoping Documents 8. ii. requires that an analysis to connect the proposed water system to the Village system is required, including dedication of infrastructure to the Village.”

Response 49

The DEIS has been revised to include this analysis throughout, specifically in Sections 3.8 and 3.9, as well as 4.5 under Water Supply Alternative.

Comment 50

“Project proposes the use of 71.0 GPO/Bedroom based on a letter from NYSDOH. NYSDEC and Village of South Blooming Grove also has jurisdiction relative to calculation of water demand. Scoping Document. cites use of 110 GPO/Bedroom. Use of 71.0 GPD/Bed is questionable, and requires significant additional review.”

Response 50

The Project’s water demand has been revised to propose the use of 110 gpd per bedroom as cited in the Scoping Document.

Comment 51

“Report indicates that well field has demonstrated capacity of 785,520. This does not reflect regulatory requirement to have best well out of service.”

Response 51

785,520 gpd is the total yield of the six wells proposed for the Project’s use. With the best well out of service, the yield of the five remaining wells is 550,800 gpd, which is documented in the DEIS.

Comment 52

“Last paragraph indicates that water quality samples were collected. There is no discussion on failing results or how water will be treated to meet DOH criteria.”

Response 52

This information is found in Appendix F, and a discussion has been included in Section 3.8.

XII. Sewer and Water Infrastructure/Utilities

Comment 53

“This section should identify the infrastructure required to serve the subdivision. Water supply, treatment, storage, distribution, etc. A hydraulic model was required to analyze system pressure and a fire flow analysis. This section indicates that it was completed but it is not provided. Fire flow of 1000 gpm is noted, however calculations are not provided.”

Response 53

A hydraulic model was prepared by the Project’s engineer and is included in Appendix G-2, which includes detailed calculations.

Comment 54

“The first Paragraph indicates that an analysis was conducted to evaluate two alternatives for sewage disposal. This analysis shall be included as a part of DEIS.”

Response 54

This analysis is included in Appendix I as well as in Sections 3.8, 3.9 and 4.5 of the DEIS.

Comment 55

“There is no discussion, planning, design, etc. of the required infrastructure for the sewage collection and conveyance system, including gravity sewer mains, sewage pump stations and sewage force mains. Discussion should be provided regarding utility stream crossings, wetland encroachments and construction methods.”

Response 55

The DEIS has been revised to include discussion of the above-mentioned topics in Sections 3.8 and 3.9.

XIII. Solid Wastes

Comment 56

“This section indicates that landfills utilized by County Solid Waste Haulers have adequate capacity for the increased solid waste. Documentation shall be provided to support the statement.”

Response 56

The DEIS has been revised to include a source for this statement.

XIV. Transportation

Comment 57

“It is unclear whether traffic impacts at the intersection of Merriewold Drive and Route 208 include the proposed interconnection of Arlington Drive with the Clovewood road network.”

Response 57

The Traffic Impact evaluation assumed all Project generated traffic destined to and from the south was assigned immediately from the site access connection directly to the Route 208 corridor. The Arlington Drive connection if used for normal traffic in lieu of just emergency vehicles would reduce the resulting volumes on NYS Route 208 as addressed in Section 3.11, generally lessening any potential impacts along Route 208 north of Merriewold Drive. If some of the southbound traffic did use the Arlington Drive connection to access the Merriewold Drive intersection to enter and exit Route 208, this would generally reduce a portion of the through traffic from the development on Route 208 but likely add to the left turn exiting traffic from Merriewold Drive. An analysis of the peak periods shows that similar Levels of Service would be obtained under this condition with delays during peak hours for left turn movements exiting Merriewold Drive onto Route 208. The intersection would have to be monitored for potential signalization to determine if signal warrants would be satisfied in the future based on actual volumes (see Attachment 1 added to Appendix J-2 of the DEIS). Please also refer to Response 39 to LB Comment.

XV. Noise

Comment 58

“Table 3125 appears incomplete.”

Response 58

The DEIS has been revised to complete this table.

XVI. Visual Impacts and Aesthetics

Comment 59

“Balloons were all set at a height to approximate the eave or ridge line of the proposed dwelling units. The locations chosen all fell within generally wooded areas, which resulted in the balloons typically being flown at an elevation below the tree canopy. Due to this the balloons were generally not visible at any of the viewing locations.”

“The Visual Assessment provided as an attachment does not appear to meet the requirements set forth in the Zoning Code for Overlay Zoning Districts.”

Response 59



Left is a photograph of a balloon taken during the Project’s balloon test showing the height, setting and general location of balloons in relation to wooded areas, as well as their approximate elevations flown in relation to the tree canopy. The fact that it was not visible from any of the viewing locations set forth by the Village Board, Planning Board and Village consultants proves that the Project would not result in any significant adverse impacts upon visual and aesthetic resources.

In addition, balloon test and visual assessment were conducted in full compliance with all Village Scoping Document requirements and with explicit approval from the Village Boards and Village Attorney. Furthermore, the balloon testing was overseen on-site by Village official/professionals to ensure compliance with Village protocol, and these officials/professionals visited the Vantage Points during the Balloon Test. The visual

assessment also meets all of the requirements set forth in the Village Zoning Code for Overlay Zoning Districts. Please also see Response 208 to NPV Comment.

XVII. Construction Impacts

Comment 60

“This sections indicates that former traffic generation of the site will exceed that of the proposed construction traffic. Provide trip generation calculations for the site during construction, identifying construction employee traffic, deliveries, truck traffic etc.”

Response 60

The DEIS has been revised to include this information.

Comment 61

“Paragraph 2 notes that noise impacts are discussed in more detail in Section 3.12, yet we see no discussion in regards to noise generated as a result of construction activities in Section 3.12. This section generally indicates that there will be noticeable impacts associated with Noise during construction. There is no Mitigation proposed as a result of these impacts.”

Response 61

The DEIS has been revised to include more information regarding potential construction noise impacts.

Comment 62

“The text provided does not discuss the potential Air Quality impacts during construction. It only discusses air quality after the development is complete. This section must address the potential impacts on air quality as it relates to construction operations.”

Response 62

The DEIS has been revised to address the potential impacts on air quality as it relates to construction operations.

Comment 63

“This discussion appears to be related to Noise impacts, but it is under the Air Quality heading.”

Response 63

The DEIS has been corrected in accordance with this comment.

XVIII. Alternatives

Comment 64

“There is no discussion under water resources as it relates to the reduction of impacts on the groundwater supply for drinking water.”

“There is no scientific basis for the comments made under Sewer and Water Services. The paragraph

suggests that there are minimal differences in the impacts associated between the two alternatives. Additional supporting documentation is required to support these statements.”

Response 64

The DEIS has been revised in accordance with this comment.

XIX. Appendix H - SWPPP

Comment 65

“The project description indicates that there will be four community centers constructed as a part of the development. These community centers are not referenced elsewhere in the body of the DEIS. Additional information on these facilities are required to assess potential impacts.”

Response 65

The DEIS has been revised to reference these community facilities wherever applicable.

Comment 66

“Section 8 Operation and Maintenance indicates that maintenance of the stormwater ponds will be conducted by the Village of South Blooming Grove Department of Public Works. These impacts have not been analyzed in the community facilities section of the DEIS. This section also presumes the creation of a Drainage District for the purpose of this maintenance. This is not noted elsewhere in the DEIS, nor has it been discussed with the VSBG VB.”

Comment 66

Section 8 of the SWPPP has been revised to indicate that Operation and Maintenance of the stormwater management facilities would be performed by the Project’s Homeowners Association. It is our experience that municipalities will often ask for a backup means of ensuring that the required maintenance of the stormwater manage facilities is accomplished. This typically involves the creation of a Drainage District with easements to the benefit of the municipality in which case the municipality can perform the required maintenance and offset the cost of same to the District. The Project defers to the Village of South Blooming Grove as to what arrangement they will ultimately wish to pursue.

XX. Appendix I - WWTP

Comment 67

“The WWTP has been designed based on flow parameters as may be approved by the NYSDOH. The WWTP will be reviewed and approved by NYSDEC. Provide documentation that NYSDEC will accept the design flow as provided in the design report. The data used to justify the water consumption rate per bedroom should be presented and evaluated for seasonal or other trends. Effluent limits contained in the SPDES Permit are not in annual averages, but 30 day averages or daily maximums. The need for influent equalization based upon any trends should be evaluated.”

Response 67

Please refer to Response 50 above.

Comment 68

“The plan set in Attachment 2 indicates that the WWTP is located in an active recreation area. Security measures for the WWTP should be addressed. Additionally, a discussion regarding noise associated with WWTP equipment should be provided and mitigation measures discussed in consideration of the adjoining property.”

Response 68

Security measures and noise abatement measures would be developed in the final design after receiving NYSDEC approval. Potential noise impacts associated with the WWTP are provided in Section 3.12.

Comment 69

“The plan set indicates potable water use for polymer mixing. A discussion should be provided and potable water use estimated.”

Response 69

The estimated potable water use for polymer mixing would be less than 1,000 gpd and a discussion would be provided as part of the final WWTP design plan after NYSDEC approval.

Comment 70

“Storage and disposal of influent screenings should be discussed in regards to location, odors, etc.”

Response 70

Screenings would be removed by two WesTech Model TSF6-0 and Huber Rotamat RPPS Perforated Plate Screen with integrated screening washing systems to reduce odors. This information is provided in Appendix I. Screenings would be collected in a dumpster which would be hauled off-site for disposal when it is filled.

Responses to Comments Received 8/20/18 from Village Consultant LB

I. General Comments

Comment 1

“The DEIS is presented in a format that hinders public review and understanding of the document contents. Attachments and detailed technical information is interspersed throughout the main text of the document. This material must be removed from the main text of the DEIS and placed in appendices to make the DEIS readable. As an example, the project description is followed by 24 pages of backup attachments and exhibits (attachments 21 through 23). The relevant information from these attachments must be integrated and summarized in the DEIS itself. The level of confusion for the reader is exacerbated by references to outdated exhibits (such as attachment 21, exhibit E and F, where a coversheet directs the reader to yet a different technical appendix to find the latest wastewater and water supply information). We recommend eliminating the use of "attachments" and "exhibits" in the DEIS and simply integrate all supporting information into appendices.”

Response 1

The revised DEIS has been reorganized to relocate attachments and exhibits to applicable Appendices and integrate a summary of their relevant information into the main text.

Comment 2

“The DEIS fails to use a consistent system of in-text citations or footnotes. This makes it impossible to verify the statements in the DEIS are based on appropriate information sources.”

Response 2

The revised DEIS uses a consistent system of in-text citations and footnotes.

Comment 3

“Overall, the review/comments identify substantial deficiencies which render the DEIS inadequate for public review per 6 CRR-NY 617.9(a)(2).”

Response 3

The revised DEIS is adequate for public review per 6 NYCRR 617.9(a)(2).

II. Water Supply

Comment 4

“Drinking Water Supply lot count Article VA§ 235-14.1.A.2 (d) per the Rural Residential District regulations was not determined. The Village requires all developments to submit for approval the Site Analysis process, detailed therein in support of the proposed lot count. Please note that the water supply lot count requires the applicant to demonstrate 120% of the water needed to support the "residential units based on the New York State Department of Environmental Conservation's (NYSDEC's) March 2014 "New York State Design Standards for Intermediate Sized Wastewater Treatment Systems" residential water usage multiplier of 110 gallons per day (gpd) per bedroom" (Clovewood EIS Scoping

Document), and should also meet the required NYSDOH 2x multiplier with best well out of service.”

Comment 5

“The Water Supply analysis improperly calculates total demand based on 71gpd/bedroom. Please revise the DEIS (All Sections) to a proper lot count based on the residential water use multiplier of 110 gpd/bedroom with a 120% safety factor, plus additional uses described in the EIS (swimming pools, accessory apts). In addition, the final lot count should also meet the required NYSDOH 2x multiplier with best well out of service.”

Comment 6

“The alternate evaluation of water supply demand (Scenario No. 2) should be revised to either include the actual number of bedrooms and accessory apartments planned for construction, not the existing average bedroom count in the Village of South Blooming Grove, or be presented as a per capita alternate where the subdivision population density matches that of the existing Village demographic.”

Responses 4, 5 and 6

The Project’s water supply has been revised in accordance with the 2014 NYSDEC Design Standard of 110 gpd per bedroom and is based upon the actual number of proposed bedrooms, which is the same regardless of scenario. A discussion of the 120% safety factor is found in Section 3.8ii.

Comment 7

“Section 3.9A.1 (water supply infrastructure, existing conditions) fails to provide any information on existing water supply infrastructure and begins discussing the water demand calculations for the project. This section should be revised to explain there is no water supply infrastructure on the site currently.”

Response 7

The existing water supply infrastructure, if any, is unknown as only one of the abandoned 50 structures are currently in use by a caretaker, who uses Well C-3 as a water supply for his single-family residence.

III. Sustainable Design Measures

Comment 8

“The applicant proposes to require LEED for Homes certification through the use of restrictive covenants on the buildable lots. If this approach is retained with the revised DEIS, the proposed restrictive covenant language should be provided in this section for public review.”

Response 8

The DEIS has been revised to indicate that LEED for Homes standards would be incorporated according to the Village Zoning Code §235-14.1.A(3)(c) and included in the HOA bylaws.

Comment 9

“The DEIS approach to sustainable design measures appears to defer consideration of specific measures until a future date when individual homes are being designed. This approach misses the intent of the Scoping Document and the Orange County Department of Planning through 239-1, m, and n review

letter dated February 17, 2016. Sustainable design should also be considered for the development as whole, not just the design of individual homes. The sustainable design measures section of the DEIS should be revised to specifically address consideration of the following green building elements such as:

- *“Gray water recycling. Explain if this is included in the project, or if not included, the reasons why it is found to be not practicable.”*
- *“Orienting buildings toward the southern exposure to maximize solar access. Please document how solar access was considered in the building layouts and landscaping plan.”*
- *“Using geothermal systems. Document the consideration of including geothermal systems in the project.”*
- *“Using recycled and local materials. Explain how these materials could be integrated into the project, the specific recycled materials planned for use in the project and how these commitments would be integrated into the contractor's scope.”*

Response 9

The DEIS has been revised to include the Project’s consideration of these elements in Section 2.0.

IV. Socioeconomics

Comment 10

“The validity of assuming an average household income of \$100,000 for the development for purposes of estimating local economic impacts needs to be justified in light of the \$25,795 median household income in the Village of Kiryas Joel. With a price of \$495,000, the homes may not be affordable to the populations in greatest need of additional housing options.”

Response 10

The average household income is based upon relevant US Census data. Also, the Village of Kiryas Joel offers a variety of housing options such as single-family homes, two-family homes, townhouses and multi-family homes, including apartments and condominiums, and therefore, its median incomes is driven by the majority of individual households living in multi-family housing whose incomes are generally lower. However, the Project as proposed with only single-family homes would attract households with higher median incomes, such as those who have purchased approximately 400 single-family homes near the Project Site within the Village of South Blooming Grove since 2016. Please also refer to Responses 18 and 114 to NPV Comment and Responses 10 and 12 to BAE Comment.

V. Historic and Cultural Resources

Comment 11

“Delineation of the Area of Potential Effect (APE) large enough to account for all direct and indirect impacts of the project is critical to the evaluation of cultural resources. In this case the 136 acre APE determined in the 2015 CITY/SCAPE report (Figure 1) does not match the current site plan limits of disturbance. Specifically, as shown in Figure 2, the site plan has been modified to include additional development along the southern portion of the site that was previously proposed for parkland. The APE needs to be updated to reflect the current project. We request that a figure be prepared illustrating the

revised APE in relation to the current site plan (as modified to address comments by others), specifically to include utilities work, the water tower and stormwater treatment areas. This will document that the APE boundaries are reasonable.”

Comment 12

“Once the APE is updated, the cultural resources technical studies need to be reevaluated by the Applicant's consultants. This may require additional Phase 1B testing because the previous shovel test plan was based on the old APE (see in particular Appendix C to the Phase 1B, showing no shovel tests in the southern portion of the site now proposed for development). The updated conclusions should be provided to OPRHP for review.”

Comment 13

“The Phase 1B Report documents that development of test wells and access roads on the site have impacted prehistoric archaeological resources, specifically the Schunemunk site. The applicant should disclose these presumably unintentional impacts in the DEIS, and propose mitigation measures. Although no residential development is proposed for the Schunemunk site, it should be included in the APE because of the test well infrastructure that has already resulted in impacts.”

Response 11, 12 and 13

A Supplemental Phase 1B (see Appendix B-3), which includes the Project's updated APE, was conducted and submitted to NYS OPRHP for review, and it is summarized in Section 3.5, including those mitigation measures applicable to the Schunemunk Precontact Site.

Comment 14

“Reports containing information on the location of specific archaeological sites should not be included in the DEIS for public review.”

Response 14

Please indicate the specific locations this comment is referring to so we may consult with NYS OPRHP to determine if such locations should be redacted for public review.

VI. Vegetation and Wildlife

Comment 15

“Section 3.6.1 references three reports, one of which appears to be included in Appendix C. If the reports were relied in preparing the DEIS, the other two reports should be provided in the appendix as well.”

Response 15

Section 3.6.1 has been revised to include the report found in Appendix C of the DEIS which is an updated version of the three reports previously listed.

Comment 16

“The DEIS fails to provide a clear map of the existing vegetative communities present on the project site. This information also lacking in the report included in Appendix C. The need for this mapping was

specified in several locations in the Scoping Document, which stated: "Mapping of significant natural communities for species of special concern and vegetative communities should also be provided "Small Whorled Pogonia (Isotria medeoloides), chestnut oak forest community, and acidic talus slope woodland community will be evaluated and occurrences mapped."

Response 16

The DEIS has been revised to include a clear map of the existing vegetative communities present on the Project Site (see Figures 361a and 361b in Section 3.6) in accordance with the Village Scoping Document.

Comment 17

17. "The DEIS fails to quantify the size of the existing vegetative communities and the project impacts to each community type. A table summarizing the impacts to each community type in acres needs to be added to the DEIS. This information is critical to full disclosure of the impacts of the project on wildlife habitat. The impact analysis must include all permanent and temporary infrastructure included on the site plan (as modified based on other comments)."

Response 17

The DEIS has been revised to include this information.

Comment 18

18. "Appendix C does not document the date of the field review for the Small Whorled Pogonia (Isotria medeoloides), or the surveys of mammals, birds (breeding and migratory species), reptiles/amphibians, and aquatic species. This information is needed to determine if an adequate survey was conducted at the appropriate time of year."

Response 18

The DEIS has been revised to include information on the survey dates and times, during which both resident and migratory species of birds, reptiles, amphibians, and mammals were noted on the property and recorded. All of the field reviews that are relevant to Threatened, Endangered, or rare species were conducted during the appropriate time period when that species is most visible and/or encounters are likely, including those for Small Whorled Pogonia, which were conducted in late May through June and corresponded with the Timber Rattlesnake survey.

Comment 19

19. "The DEIS does not provide an overview of the regulatory programs that protect floodplains, wetlands, wildlife, threatened or endangered species, aquatic resources, or other natural resources within the Project Site. This information was required by the Scoping Document."

Response 19

The DEIS has been revised to include this information in Section 3.6.1 as required by the Scoping Document.

Comment 20

20. “The DEIS does not provide an adequate assessment of impacts to wildlife. There is no discussion of forest fragmentation or potential indirect effects of the development (such as lighting and traffic/noise).”

Response 20

The DEIS has been revised to provide an adequate assessment of impacts to wildlife, as well as well forest fragmentation or potential indirect effects of the development in Section 3.6.2.

Comment 21

21. “The DEIS acknowledges the potential for impact to bat roosting habitat. Mitigation measures (such as time of year tree removal restrictions) should be incorporated in the project.”

Response 21

The DEIS has been revised to indicate the Project would include time-of-year tree removal restrictions etc.

VI. Geology, Soils and Topography

Comment 22

22. “The DEIS does not provide data to demonstrate the possibility for infiltration features on the Project Site to meet potential Runoff Reduction (green infrastructure) requirements, as was required by the scoping document.”

Response 22

The DEIS has been revised to provide data to demonstrate the possibility for infiltration features and the proposed infiltration area is depicted on the subdivision plan drawings in Appendix A and is just one of several measures the Project would use to accomplish the Runoff Reduction objectives required by the Stormwater SPDES Permit.

Comment 23

23. “The Geotechnical Report (Appendix D) provides detailed and specific soils mitigation measures that are not mentioned in the text of the DEIS. The DEIS should be updated to be consistent with the recommendations of the Geotechnical Report.”

Response 23

The DEIS has been updated to be consistent with the recommendations of the Geotechnical Report.

Comment 24

24. “The DEIS does not provide the change in impervious surface cover, this is required to be provided in this section per the Scoping Document.”

Response 24

The revised DEIS provides the change in impervious cover that can be found in by comparison of the pre and post-developed Hydrocad model. These values have also been added in the Project Description section of the SWPPP in Appendix H.

Comment 25

25. “There is no discussion of soil erosion potential of each soil type on the project site. This information needs to be presented to fully evaluate impacts.”

Response 25

Discussion of soil erosion potential of each soil type on the Project Site has been added to Section 3.7.

Comment 26

26. “The scoping document required presentation of specific temporary and permanent erosion and sediment control measures, and a monitoring plan to measure effectiveness of these measures during construction. This information is lacking from the soils section.”

Response 26

A preliminary Erosion and Sediment Control Plan depicting permanent and temporary erosion control measures has been prepared and can be found in the Site Plan Review Package Appendix A. Additional discussion of these measures is found in the SWPPP narrative (see Appendix H). A discussion about the monitoring and effectiveness of the temporary erosion control measures during construction has been added to the Erosion Control section of the SWPPP and Section 3.7 of the DEIS.

VIII. Surface Waters, Wetland and Groundwater

Comment 27

27. “The EIS states that there will not be any impacts to USAGE and NYSDEC regulated wetlands. The statement does not address regulated waters of the U.S. which collectively includes open water bodies such as lakes, ponds, river and streams and wetlands. A review of the plan sheets indicates that a “clean water” diversion swale will be constructed through wetlands and possibly intermittent streams, and may well divert water away from downstream wetlands, altering their hydrology. There will also need to be several road culverts to allow drainage to flow underneath the proposed roads. These would be considered impacts and would require permits. The EIS does not appear to address these impacts and incorrectly states that permit approvals would not be required.”

Response 27

The DEIS has been revised to address potential impacts and state which permits would be required in this regard.

Comment 28

28. “A revised impact analysis for wetlands/waters is required to incorporate all permanent and temporary infrastructure and disturbance footprints associated with the project. These project details should be overlain on the wetland/water features and the total acreage and linear feet of impacts summarized in the DEIS. This analysis must include stormwater treatment areas, temporary erosion control measures, roadway culverts, and other infrastructure/utilities with potential impacts to regulated resources.”

Response 28

A summary of the impacts to protected waters, including the linear feet of stream disturbance, the square footage of stream bed disturbance and the square footage of wetland disturbance is described in detail in the SWPPP in Appendix H as well as in Section 3.8 of the DEIS.

Comment 29

29. “The wetland maps in appendix are unclear and difficult to read. Color mapping of wetland/waters in the DEIS main text (showing both NYSDEC and USACOE-jurisdictional areas) should be provided to enable adequate reader understanding of the information.”

Response 29

A full-size copy of the delineated wetland map is included in Appendix H and a colored wetland map has been included in Section 3.8 of the DEIS.

Comment 30

30. “The presence of wood frogs on the site strongly suggests that vernal pool wetland habitats are present on the site. The EIS does not appear to document any [sic] specific survey or evaluation conducted to assess the presence/absence of these habitats. If present, the proposed project would certainly alter the vernal pool hydrology and water quality, rendering them unsuitable for wood frogs and other vernal pools dependent species. The DEIS needs to be revised to include an appropriate vernal pool inventory effort and impact analysis for any vernal pools identified.”

Response 30

Although not required by the Scoping Document, Section 3.6 has been revised to include discussion related to wood frogs and other vernal pool inventory.

Comment 31

31. “The existing conditions section for water resources lacks any information on existing water quality data, which was required by the Scoping Document.”

Response 31

The DEIS has been revised to include existing water-quality data in Section 3.8ii.

Comment 32

32. “The wetland delineation as shown on the plans does not clearly define the width of the intermittent stream channels. What approach was used to define channel size and potential impacts to streams?”

Response 32

The wetland delineation plans were drafted in accordance with the specific requirements from the USACOE and NYSDEC. The calculation of stream channel size was based on field measurements conducted by the wetland biologist. Potential impacts due to road and utility crossings are based on the dimensional sizes depicted on the approved wetland maps.

IV. Solid Wastes

Comment 33

33. “Quantification of the number of additional truck trips associated with refuse disposal for the project site has not been provided.”

Response 33

The DEIS has been revised to provide this information.

Comment 34

34. “Project features to encourage recycling have not been provided.”

Response 34

The DEIS has been revised to provide these features.

V. Transportation

Comment 35

35. “The Traffic Impact Study does not provide a comprehensive overview of the study process in a manner consistent with the Scoping Document. Specifically, the text skips many steps in the explanation of the No Action condition traffic, and does not use the Scoping Document trip generation numbers.”

Response 35

The Traffic Impact Study in Appendix J-1 describes the overall study procedures (page 2) and indicates that the background growth factor as well as the specific other development traffic was included in the No Action under “No-Build Condition Evaluation” (pages 6 and 7). The background growth factor was applied to the existing turning movement volumes to obtain the 2030 Projected Volumes. The Total Other Development Traffic Volumes shown on the DOT figures were then added to the 2030 Projected Volumes to obtain the 2030 No-Build Volumes (No Action). Additional information on the traffic generation for each of the specific other developments considered is contained in Attachment 2 added to Appendix J-2.

Comment 36

36. “Table 3111 on page 3-234 provides trip rates for two of the six scenarios required in the scoping form, but does not apply the correct ITE land use codes or the correct ITE procedures (See comment #39-#41). There is mention of two other scenarios covered in the scoping form on page 3-235, but no other supporting tables or text to support the results.”

Response 36

The trip generations for Scenario No. 1 (Satmar Hasidic) were based on ITE data and data obtained from other studies for this type of community and those for Scenario No. 2 (Conventional Residential) were based on ITE methodology for typical single-family residential. The trip generation for the other remaining six scenarios shown on Pages 31 through 33 and in Appendices G and H of the Traffic Impact Study in Appendix J of the DEIS are based on ITE and/or other data for that type of development. The procedures are consistent with ITE procedures for calculating trip generation. See also Response 41 below.

Comment 37

37. “The Scoping Document provided six scenarios and trips generation values to follow. These were not clearly followed. On Table 3112A, there is a column in the LOS tables that indicates 2030 600 DU + 600 accessory apartments. It is unclear if this is this first scenario (all the same resident type) or the fourth scenario (resident type matching South Blooming Grove). Scenario with only 600 DU should be deleted as that is not an approved scenario to assess.”

Response 37

Table 3112A (2030 – 600DU + 600 Accessory Apartments) is for Scenario No. 1. In addition, an analysis of only 600 dwelling units was included to assess conditions for the proposed development without the accessory apartments as the Project’s application does not propose accessory apartments, and they are being evaluated as mandated by the Scoping Document.

Comment 38

38. “Need to justify why there is a proposed 50/50 split for trip distribution at NY 208/Mountain Road intersection. Will 50% of all new residents work in Kiryas Joel? The existing flows do not support that pattern.”

Response 38

The traffic distribution utilized at the NYS Route 208 and Mountain Road intersection is based on the anticipated origin and destination of residents traveling to and from Kiryas Joel and is not based on existing traffic patterns which reflect a more regional distribution of existing traffic. Accordingly, the distributions used in the analysis reflect a considerable amount of traffic using Mountain Road to and from Kiryas Joel as anticipated for this Project.

Comment 39

39. “Trip distribution does not indicate that any trips would use Merriewold Lane or Mangin Road to access the development via the backdoor access proposed through Virginia Avenue.

Response 39

There is no connection proposed through Virginia Avenue, but rather with Arlington Drive, which is discussed in Section 3.11. The Traffic Impact Study did not take any credit for a connection to Arlington Drive because it may only be an emergency access and thus, all vehicle trips to and from the south were assigned directly to the Route 208 corridor. If used for normal traffic in lieu of just emergency vehicles, there would be a reduction in through movements on NYS Route 208 and a corresponding increase in left turn movements on Merriewold Lane and/or Mangin Road, but the total intersection volumes would be comparable or possibly less if any of the site traffic using the Arlington Drive access were to continue further south through the local street network. Please also refer to Response 57 to MHE Comment.

A sensitivity analysis with these additional left turn movements at Merriewold Drive was completed if such diversion of trips did occur and since it would increase the side road volumes. The intersection would have to be monitored for potential future signalization to determine if a traffic signal would be warranted at that time. (See Attachment 1 in Appendix J-2 of the DEIS).

Comment 40

40. “Table NO 1 in Appendix J: This is not a scenario contained in the Scoping Document”

Response 40

Table No. 1 in Appendix J-1 is included in the Traffic Impact Study since it represents the potential proposed scenario for the development even though it was not identified in the Scoping Document.

Comment 41

41. “Table NO 1-G in Appendix J: This table does not use the correct method for calculating trips - a regression method was used when average method should be used for 1,200 unit independent variable. This will result in over 1 DO more trips that should be added to the study area.”

Response 41

Based on the ITE Trip Generation Manual, the use of the regression equation method for estimating trip generation is acceptable since, as indicated on Page 26 of the ITE Manual (Attachment 3 of J-2)

“Use the Fitted Curve Equation when:”

- *“A fitted curve equation is provided and the data plot has at least 20 data points”*
- OR*
- *“A fitted curve equation is provided, the curve has a R^2 of at least 0.75, the fitted curve falls within data cluster, and the weighted standard deviation is more than 55% of the weighted average rate.”*

Note that the Single-Family Land Use category, there are between 292 and 321 data points that are used to generate the Fitted Curve Equation and the R^2 value is between 0.89 and 0.91. Thus, the ITE requirements are satisfied for using the Fitted Curve Equation as was done in the Traffic Impact Study.

Also, as noted in the Manual, as the R^2 value (coefficient of determination) increases towards a value of 1, the better the fit with actual data. In this case, for the single unit residential units with the high R^2 values of 0.89 and 0.91, it is appropriate for estimating trip generation for larger developments as opposed to just using the average rate. This basis of computing trip generation is also in conformance with NYSDOT requirements.

Comment 42

42. “Table NO 1-S in Appendix J: This table does not use the correct Land Use Category for the accessory apartments. The Scoping Document required the use of Land Use Code 220 (Apartments) and the table reflected the use of Land Use Code 221 instead. This will result in over 50 more trips that should be added to the study area.”

Response 42

The description for the Land Use Code 220 – Apartment is for a higher density and higher number of dwelling units in each structure type facility, i.e., “same building with at least three other dwelling units...” (see Attachment 4 in Appendix J-2 of the DEIS). The Land Use Code 221, i.e., low-rise, is more consistent with type of units that would be expected for this type of development, i.e., 1 or 2 units (see Attachment 5 in Appendix J-2).

It should also be noted that as indicated in Section III.H.4 of the Traffic Impact Study in Appendix J-1, a post-construction traffic volume monitoring study is proposed after 300 dwelling units are built and occupied to determine the actual trip generation from the Project and make any adjustments, if necessary.

Comment 43

43. “The text did not mention or propose a pedestrian or bicycle plan to help the new residents access Kiryas Joel.”

Response 43

It is anticipated that a combination of shuttle bus service, taxis and other vehicle trips will be used to transport Project residents to and from the Village of Kiryas Joel as reflected in the traffic distribution. It is not proposed to have a complete sidewalk system for a pedestrian connection due to the extensive distances involved. Furthermore, if an access connection through Arlington Drive is provided with a future connection to Mountain Road, bicyclists could then use those roadways to access Mountain Road and subsequently Kiryas Joel. See Attachment 6 in Appendix J-2 for a general idea of the distance involved relative to existing pedestrian and bicycle facilities.

Comment 44

44. “There is no information supporting how the background development trips were developed.”

Response 44

The background development trips were obtained from the individual studies prepared for those specific other developments and/or estimates of traffic for them based on the ITE Land Use for the development as described on Page 7 of the Traffic Impact Study (see Attachment 2 of Appendix J-2 for additional Other Development information).

Comment 45

45. “There is no text or tables to explain how the background growth figure of 1.062% was developed.”

Response 45

The background growth factor, exclusive of the specific other development traffic, was developed based on a review of historical NYSDOT data. The NYSDOT indicated that general traffic growth along the corridor was generally flat over the last 10 years with little or no growth in the Route 208 corridor. However, in the other areas of the County, growth rates of between 0.25 and 0.50% per year have been used in other studies in addition to including the specific Other Development traffic. Thus, to account for some other possible growth, a factor of 0.45% per year was used which relates to the total growth factor of 1.06% used in the Traffic Impact Study. In addition, recent peak hour traffic counts collected by the Project’s traffic engineer on NYS Route 208 at Stonegate Drive in February 2019 indicate actual similar traffic volume levels along the corridor to those contained in the DEIS and Traffic Impact Study.

Comment 46

46. “The use of grade percentage in Synchro should be avoided for this terrain. The intersection approaches flatten out by the stop line; therefore, the advantage of a downhill or disadvantage of an uphill Stop-controlled approach would not really affect the traffic operations. This is both helping the

results by lowering the impact for downhill approaches and hurting the results by raising the impact for uphill approaches. In some cases the difference in elevation appears to be caused by new pavement on the main road, not an actual grade change.”

Response 46

The approach grades utilized in the Synchro analysis were based on field observations and current contour information available. These approach grades were consistently used for the Existing, No-Build and Build conditions to provide an “apples to apples” comparison. While the immediate approach to the intersections would tend to be flatter right at the intersection since they tend to flatten out at the stop line, as per NYSDOT requirements, the overall approach grades are included in the Synchro analysis since it would provide the most accurate representation of any approach grade effect on operations. As noted in the comment, some intersections with downhills would actually be slightly better, where some intersections with uphills would be slightly worse, thus, the use of actual approach grades provides a more accurate result of conditions. The Existing, No-Build and Build conditions all use the same grade adjustments and thus represent the “apples to apples” comparison and are consistent with the requirements of the Highway Capacity Manual and as required by NYSDOT.

Comment 47

47. “Truck percentages were assigned by turning movement and did not follow the scoping document. A uniform average value was supposed to be assigned by approach.”

Response 47

As part of the traffic data collection, where truck percentages were identified for each of the individual movements at a particular intersection, the truck percentages by movement were used in the analyses. Applying the percentages to individual turning movements is more exact than using an average value for the overall approach and thus provides a more accurate representation of actual operations. The use of an average truck percentage value in the analyses would likely improve the results slightly. Note that the same methodology for Existing, No-Build and Build conditions were utilized, which is considered appropriate and is also in accordance with NYSDOT requirements.

Comment 48

48. “The text does not summarize the arterial analysis results to ascertain if the proposed development would impact NY 208 operations.”

Response 48

The arterial analysis was completed as described on Page 30 of the Traffic Impact Study. An overall description of the results is now provided in Attachment 6 of Appendix J-2.

Comment 49

49. “The text mentions the use of Synchro 8 software being used for the traffic analysis. This is a dated version with most analysis being conducted using Synchro 10.”

Response 49

At the time of completion of the Traffic Impact Study, Synchro 8 was the version utilized by NYSDOT. Note that a sensitivity comparison of the Synchro 8 with Synchro 10 results was prepared for the key intersection of NYS Route 208 and Mountain Road and the results were generally consistent for each version (see Attachment 8 of Appendix J-2).

Comment 50

50. “Estimated truck trips or assessment of truck traffic impacts were not conducted as part of the DEIS (Page 3-255 states this). Page 3-342 indicates no adverse impacts from construction. What is that based on? Constructing all these homes will generate truck trips, worker trips, food vendor trips to serve the workers, and other misc. trips by town inspectors? There is also the impact of trucks wearing the pavement.”

Response 50

Section 3.16 of the DEIS has been revised to include more detailed information regarding construction traffic as well as the basis for why there would not be any adverse impacts in this regards.

Comment 51

51. “The text repeatedly states this community will generate a different number of trips than a typical community based on the resident type. The proposed development does not contain a self-sustaining mix of land use to serve the specific population such as a kosher grocery store, place of worship, community center, shopping areas, etc. Most of the residents will have to travel back and forth between Kiryas Joel and the development to fulfill their daily needs whether it is employment, worship, shopping, or other activity and the distance and travel conditions will not be safe for pedestrian or bicyclist. If a shuttle is proposed to fulfill that need, the traffic impacts for the shuttle need to be studied. Given the number of residents, the shuttle will need to accommodate a large number of residents on a frequent basis. The DEIS did not cover this issue in the analysis or who would pay for such a shuttle system.”

Response 51

The Project as proposed contains locations for all facilities that would be needed in a residential development, including community facilities, and passive and active recreational areas. The existing shopping strip (Blooming Grove Plaza) located at the corner of NYS Route 208 and Clove is surrounding by the Project Site on three sides and is therefore easily and safely accessible from the Project, including by pedestrians and bicyclists who would not need to cross NYS Route 208. This shopping strip contains multiple vacant commercial storefronts, and it is reasonable to assume the Project’s residents would lease space and/or shop at this plaza for whatever needs the residents of the Project may have such as kosher or other grocery shopping, etc. The existing Blooming Grove Shuttle currently has two buses, which transport its members to and from South Blooming Grove and Kiryas Joel as shown in Image 3111 from Section 3.11. It is funded by monthly membership fees paid by its riders. The addition of one or two more buses for the Project, if necessary, would not generate any significant traffic impacts.

Comment 52

52. “Unable to find the Auto turn analysis to support that emergency vehicles could maneuver through the proposed street grid.”

Response 52

The site plans would contain the Auto Turn analysis for emergency vehicles as shown in Attachment 9 of the Traffic Impact Study in Appendix J-1.

VI. Noise

Comment 53

53. “Existing conditions noise monitoring data is incomplete, see Table 3125 showing “TBD” noise monitoring data.”

Response 53

Table 3125 of the revised DEIS includes complete noise monitoring data.

VII. Air Quality

Comment 54

54. “Table 3131 contains a number of significant errors, such as presentation of federal NAAQS no longer in place (Total Suspended Particulates), and presentation of outdated information on current NAAQS (the federal 24-hr PM_{2.5} standard is 35 µg/m³, not 65 µg/m³. The annual PM_{2.5} standard is 12 µg/m³, not 15 µg/m³). All the information in the table needs to be checked, revised, and referenced.”

Response 54

Table 3131 of the revised DEIS has been updated in accordance with this comment.

Comment 55

55. “The presentation of the carbon monoxide intersection screening per NYSDOT procedures is unclear. A summary table presenting the volumes for the No Build and Build, LOS, and the intersection type (stop controlled or signal) should be added so the reader can more easily follow the narrative.”

Response 55

The revised DEIS presents this summary table in Section 3.13 as Table 3135.

Comment 56

56. “The DEIS does not comply with the scoping document requirement to quantify “total Project-generated emissions of criteria pollutants and greenhouse gas emissions, including stationary sources.”

Response 56

The revised DEIS includes this data in Section 3.13.

Comment 57

57. "The DEIS construction impacts section does not comply with the scoping document requirement to quantify construction air quality impacts."

Response 57

The Construction Air Quality Section (3.16.5) provides a qualitative analysis of potential air quality impacts and has been revised to add additional data. However, given the variability in the type and number of construction equipment that would be on-Site over the 18 to 24-month construction period depending on the activity being conducted, air quality impacts from construction equipment cannot reasonably be quantified.

Comment 58

58. "The construction air quality subsection of the DEIS (3.16.2E) is labeled as pertaining to "Air Quality", but the text actual consists of greenhouse gas emissions information. No construction air quality impact discussion is presented."

Response 58

This section of the DEIS has been revised accordingly.

Responses to Comments Received 8/13/18 from Village Planner NPV

I. General Comments

Comment 1

1. "Revised Project Layout. The Scoping Document was developed and based on a subdivision layout submitted to the Boards in 2016, as shown on p. 8 of the DEIS. We reviewed the files that preceded submission of the DEIS, and previous plans are generally consistent with the version that is shown on p. 8. However, the DEIS introduces, for the first time, an alternative layout which departs from the approved scoped layout as follows"

- a. "the introduction of three cul-de-sacs;"*
- b. "connection to Arlington Drive;"*
- c. "development along the southerly border of the project site;"*
- d. "the elimination of roundabouts;"*
- e. "the relocation of areas proposed for open space and active recreation, including parkland to be donated to the Village which consists primarily of regulated NYSDEC wetlands;"*
- f. "a park and ride where open space was located;"*
- g. the previous plan was color-coded to clearly define the two types of lots proposed. This submission does not identify the two types of lots on the plan."*

"This raises a general question as to whether this project needs to be "re-scoped". Of particular concern is the new connection to Arlington Drive, which was not anticipated by homeowners residing along that thoroughfare, and who would not have specifically commented on this potential impact as it was not part of the project."

"While a comparison map was submitted previously by prepared by Kirk Rother, P.E. (dated 1- 12-15), no new maps were submitted to the Planning Board for them to evaluate the new layout prior to submission of the DEIS. The Planning Board office is not in receipt of any revised plans in 2017 or 2018 as per a review of the Village files."

Response 1

The DEIS does not show a subdivision layout on page 8. The Project's 2016 subdivision layout map was further revised in 2017 to incorporate comments received from the Village, NYSDEC and other governmental agencies. The subdivision layout submitted with the DEIS differs in minor aspects from the previous subdivision layout map as it includes appropriate revisions in response to agency comments.

- a. Cul-De-Sacs: The current subdivision layout submitted with the DEIS does not introduce three new cul-de-sacs. The Road L cul-de-sac is shown on the subdivision layout submitted to the Village on December 18, 2015, as well as in September, November and December of 2016. Road I is proposed to connect with a nearby property. Road G replaced the road connecting Road F to Road B, and a walking trail is proposed in its place.

- b. Arlington Drive: The Arlington Drive extension is not new. In 2013, the Village requested the Applicant include interconnectivity between the Project and adjacent roads in order to divert traffic away from NYS Route 208 and Clove Road, and therefore, a proposed connection to Arlington Drive was included in the Project's Conceptual Master Plan submitted to the Village in 2014. Subsequently, this connection to Arlington Drive was replaced with a connection in the eastern portion of the Project Site in order to divert traffic not only from NYS Route 208 and Clove Road, but from the intersection at Mountain Road and NYS Route 208 and other roads directed towards Kiryas Joel. However, the NYSDEC rejected that road connection and the Project reincorporated the Arlington Drive connection into its layout, which is shown on all three subdivision layout maps submitted to the Village in 2016.
- c. Development on Southerly Border: In 2016, the Village asked the Applicant to increase the area of each proposed lot in order to maintain a 10-foot setback for the driveways and a 30-foot front setback. Development is proposed along the southerly border of the Project Site to make up for the lots lost as a result of the increase in lot sizes. This location was chosen to minimize environmental impacts as this area is already proposed to have a road connection to Arlington Drive and had been previously disturbed by the Lake Anne Country Club golf course.
- d. Roundabouts: Initially, the Project proposed its four-way intersections as roundabouts. However, the Project's layout progressed to include only three-way intersections, which were never proposed as roundabouts, in accordance with Village Code §163-24.C which provides, "*cross (four-cornered) street intersections shall be avoided insofar as possible.*"
- e. Open Space Location: The location of the public parkland was originally divided into two areas and has now been combined into one location to create 60 acres of contiguous parkland with approximately 0.6 miles of frontage on Clove Road, which would allow for easier access by Village residents. The acreage proposed as public parkland would contain lands appropriate for passive and active recreational uses. The proposed public parkland does not primarily consist of NYSDEC wetlands, rather it consists of approximately 40 acres of uplands and approximately 20 acres of wetlands, including a pond, which would serve to add to public enjoyment, offering beautiful, serene lake-views.
- f. Park and Ride Locations: The public park and ride is proposed at this particular location because it is near the Project Site entrance, just off of NYS Route 208. Since the purpose of this park and ride facility is for the public to park vehicles, it is logical and a matter of good planning to locate it near the Project entrance so commuters would have easy access to it. The other park and ride facility, proposed for use by residents of the Project, is located internally in the center of the Project. Regardless, the location of the park and ride facility has no impact on the overall number of acres allocated for open space, and the amount of open space did not change due to the addition of the proposed park and rides as it was relocated elsewhere.
- g. Color Coding: This submission does identify the two types of lots on the plan and includes a color-coded plan in the Regulatory Compliance Map in Section 2.20. The Heartwood Models within the Ridgeline Overlay District are shown in light brown and the Sapwood Models outside of the Ridgeline Overlay District are shown in dark brown.

Projects naturally incorporate changes throughout their conception and the changes to this Project since the issuance of the Village's Scoping Document were not nearly significant enough to warrant a re-scoping of the Project. The Arlington Drive extension is clearly indicated on all plans included in the DEIS, and the public will be able to review and comment on the connection during the public hearing and public comment period.

Comment 2

2. "Obsolete or inadequate studies and reports. Several studies are inaccurate as to the impact area analyzed, or present obsolete information. For example:"

- a. "A review of the Phase IA and Phase IB archaeological reports indicate that the APE studied matches the former layout approved for analysis in the Scoping Document and does not analyze the areas proposed to be disturbed under the new layout. These documents must be updated to reflect the current APE. However, this should not be done until all proposed infrastructure disturbances are shown, to ensure the DEIS evaluates all impacts."**
- b. "The Visual Assessment balloon test was based on the layout approved in the Scoping Document. Given the revised layout, it is unclear whether the balloon test locations still represent locations where the project would be most visible from the vantage points examined."**
- c. "The consultation with NYSDEC during the natural resource review dates to 2014. As per the Natural Heritage Program response letters, these need to be updated as they are obsolete."**

Response 2

- A. Phase 1A & 1B Cultural Resources Surveys: A Supplemental Phase 1B, which includes the Project's complete APE was conducted and is summarized in Section 3.5 and included in B-3 of Appendix B.
- B. Visual Assessment/Balloon Test: The Visual Assessment protocol was developed in coordination with the Village and was based on the subdivision layout plan submitted to the Village in November of 2016. The Project's Visual Assessment and Balloon test were conducted in accordance with the multiple technical review comments and discussions between the Project and Village professionals for more than two years. The balloon test locations still represent locations where the Project would be most visible from the vantage points examined.

The four Balloon Test locations were approved by the Village and included: Balloon No. 1, centralized at the elevation of 728 AMSL, with a floating ranging area from 704 – 750 AMSL; Balloon No. 2, centralized at 822 AMSL, with a floating area ranging from 802 – 842 AMSL; Balloon No. 3, centralized at 673 AMSL, with a floating area ranging from 648 – 674 AMSL; and Balloon No. 4, centralized at 702 AMSL, with a floating area ranging from 706 – 743 AMSL.

These locations accurately analyze potential visual impacts from the updated, existing subdivision layout, as the homes on the current layout are not proposed at higher elevations. Homes located at the highest elevation are found on Road L and are adjacent to Balloon No. 3 and analyzed from Vantage

Point No. 8; therefore, all potential impacts from the revised and updated subdivision layout submitted with the DEIS have been analyzed in the DEIS.

- C. NYSDEC Natural Resource Review: The natural resources and biodiversity system of the Project Site was thoroughly researched throughout the period of 2013 through 2015. In addition, North Country Ecological Services conducted a Timber Rattlesnake Assessment on the Project Site in coordination with the NYSDEC. Consultation with the NYSDEC is not outdated and did not stop in 2014. The most updated report was revised in 2017 and is included in Appendix C of the DEIS. This report was submitted to the NYSDEC in 2018. Correspondence from the NYSDEC and USFWS from 2019 has been included at the end of Appendix C.

Comment 3

3. “Conceptual level of layout. The proposed layout does not show the full extent of proposed disturbances associated with utilities (roads to access wells, the need for standpipes, etc), such as driveways for access, specific layouts for the recreation areas. To the extent that the specific locations of facilities are not shown, and the full limits of disturbance are not provided, it raises a question as to whether this DEIS should be considered a “generic” DEIS. The limits of disturbance required to create a buildable lot need to be shown.”

Response 3

This DEIS is not a generic DEIS, and detailed large-scale plans of all utilities are included in the revised Appendix A. The drawings found on these plan sheets would ultimately be developed into the full design drawings. There is appropriate detail on these plan sheets for a site-specific DEIS, including the Road Profiles, Concept layouts of water and sewer including pipes, valves, structures, hydrants, etc. plus preliminary grading of stormwater management ponds with associated outlets, a more detailed erosion control plan, five-acre phasing, etc. Access roads to the well locations, the proposed water storage tank, conceptual plans for Community Centers with associated parking and access drives are also shown on the plan sheets. The total area of disturbance associated with build-out of the entire project has been computed and is depicted on the subdivision drawing set. The disturbed area includes temporary disturbances associated with utility installations. No additional levels of design would be necessary for assessing environmental impacts for a DEIS.

Comment 4

4. “Format. In general, the DEIS format and structure is inadequate. Standalone reports, letters and other documents need to appear in the appendices, and the main text needs to summarize all of the results in the reports. It is not acceptable to refer to an appendix only in the documentation of impacts - the impacts need to be described in the main text. Also, the document should follow the Scoping Document as closely as possible in order to readily determine that the subject matter has been addressed. Many sections, for example visual resources, skips back and forth in the analysis of vantage points, instead of presenting the results in a logical sequence, e.g., numerical order. In general, there is a lack of sources referenced in the DEIS, including tables and figures. Sources need to be added to all tables and figures.”

Response 4

The DEIS follows the Scoping Document as closely as possible, in an organized manner. The text of the

DEIS has been updated where appropriate to include summaries of the reports and appendices and to ensure sources are included on tables and figures. All figures have sources and almost all tables include sources at the bottom of the table, except for those with sources found in the proceeding text. As to DEIS Section 3.14 (Visual and Aesthetic Resources), the section presents the Vantage Points in numerical order. First, there is an introduction for vantage points 1 through 4 numerically, then Vantage Points 5 through 8 numerically, followed by Vantage Points 9 and 10 numerically. The subsequent pages summarize the findings, grouping the vantage points together according to their potential visibility, or lack thereof, in a logical fashion.

Comment 5

5. “Various attachments are irrelevant and not germane to the analysis. Specifically, eliminate Attachment 321 regarding the accessory apartment law as it was not adopted and is not the subject of this DEIS.”

Response 5

The DEIS has been revised to remove Attachment 321 and ensure any documentation included is germane to the analysis.

Comment 6

6. “Appendix P should be eliminated, as it only includes only one written comment and omits all comments raised during the two scoping sessions. Alternatively include the full transcripts of both scoping sessions and any other correspondence or emails received on the scope.”

Response 6

The DEIS has been revised to eliminate Appendix P.

Comment 7

7. “No further disturbance. No further disturbances should occur to the site during the SEQRA review process in accordance with the regulations governing SEQRA: a project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been compiled with. The only exception to this is provided under section 617.5(c)(18), (21) and (28) of this Part. It is evident that the wellhead disturbances resulted in impacts to a prehistoric site. Further analyses which would result in disturbances should be discussed prior to any more alterations.”

Response 7

We are not aware of any disturbances to the Project Site during SEQRA review. The 72-Hour Water Well Pumping Test did not result in any additional disturbances. The avoidance plan detailed in Figure 351 of Section 3.5 would ensure there would be no future disturbance to this Site.

Comment 8

8. “The initial application before the Village included nonresidential development. This development was eliminated from the plan. However, land has been set aside for future development and the DEIS indicates it is for future purposes. SEQRA states that: “(1) Considering only a part or segment of an action is contrary to the intent of SEQR. If a lead agency believes that circumstances warrant a

segmented review, it must clearly state in its determination of significance, and any subsequent EIS, the supporting reasons and must demonstrate that such review is clearly no less protective of the environment. Related actions should be identified and discussed to the fullest extent possible." A general question is raised as to whether segmentation is occurring in this review. The traffic impacts associated with future buildout are especially important, given the limited capacity of the major transportation corridors in the area. The Board, as required by SEQRA, should assess this procedurally. In fact, the December 12, 2016 letter from Kirk Rother, P.E., indicates that the road width design was developed to take into consideration future additional development (Attachment 23 of the DEIS)."

Response 8

The Project is not segmented as there is currently no development of any kind planned for the 22 acres. Although development was initially proposed for this area as part of the Project, such plans were eliminated and no development is being contemplated. Since nothing is planned for this acreage, there is no issue of segmentation. Should any use be proposed in the future, such use would be entirely independent of the proposed Project, and potential environmental impacts would be assessed and analyzed at that time. The Co-Lead Agencies acknowledge this in the Scoping Document by affirming, *"The remaining 22 acres of the site is reserved for future development; however the Applicant has no specific plans for its development at this time. Any future development on the 22 reserved acres would require a separate review under SEQRA" (p. 6)* and, *"22 acres of land reserved for future development (requiring separate review under SEQRA if development is proposed in the future)." (page 36)*

The proposed road fronting the 22 acres is designed according to collector road classification (namely 30' wide versus 24' wide minor roads) in response to a comment received from the Village, which advised that the road should be designed as a collector road as a matter of good planning, since the future plans, if any, of the area are unknown at this time and may later be developed for commercial use. This road's design was not the Applicant's decision, but rather in conformity to a request from the Village. There is no segmentation when the Applicant follows Village design revisions and comments.

The Project contains locations for all facilities that would be needed in a residential development, including community facilities, and passive and active recreational areas. The community facilities and associated nondenominational rooms and pools/bathhouses may be used for any purpose the residents find appropriate, including birthday parties, speeches, social and religious events and/or any other community activity. Furthermore, Blooming Grove Plaza, located at the corner of NYS Route 208 and Clove Road near the entrance to the Project Site contains multiple vacant commercial storefronts, and it is reasonable to assume the Project's residents would lease space and/or shop at this plaza. The Blooming Grove Shuttle reference in Section 3.11 would provide Project residents transportation to the Village of Kiryas Joel's retail shopping areas. As a result, there is no immediate or foreseeable need for additional development on the remaining 22 acres.

Comment 9

9. "Project data. Project data need to be made all consistent throughout the document. For example, on p. 2-1, the 600 dwellings are to be located on 140 acres, while on p. 1-1, reference is made to the 136 acres. The Applicant may want to create a table with relevant data to be included in the Project

Description section with a complete set of calculations such as these, which can be referred to in other sections.”

Response 9

The DEIS has been revised to ensure the Project’s data is clear and consistent.

Comment 10

10. “Please provide all permit applications, correspondence with outside agencies to the Village for its files.”

Response 10

We provided all permit applications: the Commercial Access Highway Work Permit Application Package, the Water Withdrawal Permit Application Package, and the Revised SPDES Permit Application Package to the Village on 7/16/18. In addition, correspondence with outside agencies to date is included in Appendix N and will continue to provide the Village with copies of future correspondence and applications.

II. Cover Sheet, List of Preparers, and Table of Contents

Comment 11

“The DEIS will need to include a revision line on the cover sheet. Orange County Department of Planning is an interested agency, not an involved agency. That is an error in the scoping document.”

Response 11

The DEIS has been revised to include a resubmission date on the cover sheet and to indicate the Orange County Department of Planning is an interested agency.

Comment 12

“The list of preparers is to follow the cover sheet. Please locate it behind the cover sheet and in front of the Table of Contents.”

Response 12

The DEIS has been revised accordingly.

III. Executive Summary

Comment 13

“The Executive Summary does not follow the adopted Scoping Document. Environmental impacts and mitigation measures are not presented in a systematic fashion - in some categories, the Executive Summary only describes existing conditions and impacts. The Executive Summary refers back to other sections of the DEIS and fails to provide the requires summary of impacts and mitigations. In general, the Executive Summary will need to be updated as project studies are updated.”

Response 13

The Executive Summary has been revised accordingly and updated in accordance with the most recent Project studies.

Comment 14

“Public comments will be received during the public comment period, not just the hearing.”

Response 14

The DEIS has been revised accordingly.

Comment 15

“If the DEIS is to be made available at libraries, it should state this.”

Response 15

The DEIS has been revised to state that once accepted by the Co-Lead Agencies it will also be made available for the public at the Moffat Library in Washingtonville, NY.

Comment 16

“Project Description. Please indicate that the Village of South Blooming Grove is an incorporated village within the Town of Blooming Grove in addition to the Village of Washingtonville. The last two paragraphs in this section are unclear.”

Response 16

The DEIS has been revised to clarify these paragraphs.

Comment 17

“Project Purpose and Need. The DEIS does not provide any source or study documenting that there is a critical need for housing and that the demand is predominately from the Satmar Hasidic community. Please reference supporting documents or provide supporting data. Statements such as “irrefutable fact” are not appropriate in a DEIS document in the absence of supporting data. Otherwise, indicate that this statement is in the opinion of the Applicant.”

Response 17

Supporting documentation includes the CGR Report prepared for Orange County (pages 1 – 9) and the KJ Annexation Actions FEIS Section 3.2.10 and Findings Statement.

Comment 18

“Affordable housing. The document states that the housing units would be \$495,000 per dwelling unit. There is no analysis or support within the DEIS to indicate this is in fact “affordable”. Please provide support, or indicate the project is a conventional subdivision of market rate dwellings. See also BAE comment letter”

Response 18

The DEIS has been revised to clarify that the \$495,000 price would be for market-rate housing. The price

of an affordable home would be \$282,600 in 2018 and 302,750 in 2023 based on Annual Median Income as prepared by Esri based on data from the U.S. Census Bureau for the Village. This estimated price was calculated in accordance with the Village Zoning Code Code §235-4, which defines affordable housing as, *“Housing units for which occupants of a household earning up to 80% of the Village of South Blooming Grove median income (as defined by the latest United States Census Bureau data) would pay less than 30% of total gross income for mortgage and property taxes.”* This price has been based upon the latest data available; however, updated data and a different median income may change the price of an affordable home at the time of sales. Please also see Response 10 to BAE Comment.

Comment 19

“Project Site History. The statement that nothing of historical significance was found on the Project Site is incorrect and the statement needs to be deleted. The Phase 1B report states that there is nothing of historical significance within the Area of Potential Effect (APE). The APE associated with the 2018 submission has not been revised to reflect the new layout. In addition, the Phase 1B study states that the M.H. Howell Farm complex is historically significant. The revised layout appears to place development within the farm area. This has not been evaluated.”

Response 19

The DEIS has been revised to indicate that there is nothing of historical significance within the Area of Potential Effect. Please also refer to Response 2.A above and 228 following.

Comment 20

“Wastewater Treatment, Indicate the water quality classification of the stream to which the facility would discharge, and the design elements of the plant which ensure it will meet water quality standards.”

Response 20

The DEIS has been updated to incorporate this information.

Comment 21

“Sustainable Design Measures. The DEIS does not include a carbon sequestration analysis, thus it is unknown if there are carbon sequestration benefits. Provide a calculation or state that it is in the opinion of the applicant that carbon sequestration will occur.”

Response 21

The DEIS has been revised to remove this reference.

Comment 22

“Project Parking. This section should include the total number of spaces being provided by land use, and a summary of the parking requirements from the Village Code.”

Response 22

The DEIS has been revised to include the total number of spaces being provided by land use and a summary of the parking requirements from the Village Code.

Comment 23

“In addition, the section states that there are four proposed active recreation structures, but there is reference to six playgrounds. The document is unclear on how it categorizes various types of passive and active open space and recreation areas.”

Response 23

The DEIS has been revised to indicate there are four proposed active recreation structures and six separate playgrounds, as well as to clarify the differences between active and passive open space, as well as recreation areas.

Comment 24

“Required Approvals. Reference to HOA creation should be added. Also, how is the open space to be protected. Reference to any review and approval of those documents should be added. On p. 1-8, there is a semicolon and "and" after the last approval- is something missing?”

Response 24

The DEIS has been revised to include the approval for the creation of the Project’s HOA (this was the approval that was missing after the “and” referenced in this comment). Open space would be protected by restrictive covenants included in the HOA bylaws and in compliance with the Village Zoning Code.

IV. Project Description

Comment 25

“No support is provided to conclude the Village is densely populated. Within the primary and secondary area, the persons per square mile or persons or dwelling units per acre should be calculated for each municipality to determine if this is a reasonable conclusion. The Village is rural to suburban in character.”

Response 25

The language stating the Village is densely populated has been removed. Persons and parcels per square mile for the Primary and Secondary Study Areas are analyzed in Section 3.4. The Village is not classified as rural, but urban cluster as discussed in Section 3.4.3.

Comment 26

“Indicate the Village is an incorporated Village within the Town of Blooming Grove for proper context.”

Response 26

The Village is an incorporated Village within the State of New York, located within the Town of Blooming Grove and where appropriate the context is provided. Although the Village is located within the Town, the Town of Blooming Grove and the Village of South Blooming Grove are separate governmental entities.

Comment 27

“The Village has a commercial center across from Duellk Avenue.”

Response 27

The DEIS has been revised to indicate the Village has a commercial center across from Duell Avenue.

Comment 28

“A statement is made that homes will have an “average” of four bedrooms. For purposes of the wastewater and water supply analyses, additional data on bedroom ranges, including maximum, needs to be disclosed if four bedrooms is an average.”

Response 28

The DEIS has been revised to clarify that the Project’s proposed bedroom count for the primary units would not exceed 2,400 bedrooms (average of four-bedrooms per single-family home), which are the numbers upon which the wastewater and water supply analyses have been based. However, there would still be the possibility of an individual purchasing two homes, one with five bedrooms and another with three.

Comment 29

“All maps show a connection to the Arlington Drive. If the connection to Arlington Drive is relied upon for the traffic impact analysis, then it should not be stated as a future “possible connection” in the DEIS.”

Response 29

The Traffic Impact analysis assumed all Project generated traffic destined to and from the south was assigned directly from the Project Site access connection to the NYS Route 208 corridor and did not rely upon a connection to Arlington Drive.

However, the analysis of potential traffic impacts if the Arlington Drive connection is relied upon is included in J-2 of Appendix J. The Arlington Drive connection if used for normal traffic in lieu of just emergency vehicles would reduce the resulting volumes on Route 208, generally lessening any potential impacts along Route 208 north of Merriewold Drive. If some of the southbound traffic did use the Arlington Drive connection to access the Merriewold Drive intersection to enter and exit Route 208, this would generally reduce a portion of the through traffic from the development on Route 208 but likely add to the left turn exiting traffic from Merriewold Drive. An analysis of the peak periods shows that similar Levels of Service would be obtained under this condition with delays during peak hours for left turn movements exiting Merriewold Drive onto Route 208. The intersection would have to be monitored to determine if signal warrants would be satisfied in the future based on actual volumes.

Comment 30

“Figure 28 is inadequate to conclude that all dwellings will be constructed between 500 and 900 AMSL. Please superimpose the layout on the topographic map. In addition, will any standpipes, water storage tanks or other appurtenances be located at higher elevations? The Project Description requires that a map illustrating all site improvements be submitted.”

Response 30

This Figure (now Figure 13 in Section 1.0) has been revised to superimpose the layout on the topographic map. In addition, the Overall Development Plan illustrating all Project Site improvements has been added

to Section 2.20 and more detailed maps are included in Appendix A.

Comment 31

“Please indicate how access will be maintained to the cemetery. A description has not been provided. Does an easement exist to access the property.”

Response 31

The cemetery is not a part of the Project Site and is an out-parcel owned by Round Hill Cemetery with its own Section, Block and Lot Number (208-1-1). The property surrounding the cemetery is proposed to be public parkland dedicated to the Village and is not part of the proposed Clovewood Development. Plan C-1 in Appendix A indicates a proposed access easement to the cemetery.

Comment 32

“The word “casino” commonly meant “clubhouse” during the referenced time period. Please clarify that what was proposed was or was not a gambling casino.”

Response 32

The DEIS has been revised to confirm this was not a gambling casino.

Comment 33

“While the commercial element was withdrawn, areas of the site are set aside for future use. Additional narrative is required to determine what the potential use of this land would be, and whether it should still be evaluated in the SEQRA document. Further, the Scoping Document indicates that the need for religious places of worship was to be discussed.”

Response 33

Please refer to Response 8 regarding the 22 acres of reserved lands. The Project is not proposing religious places of worship. The community facilities and associated nondenominational rooms and pools/bathhouses may be used for any purpose the residents find appropriate, including birthday parties, speeches, social and religious events and/or any other community activity.

Comment 34

“Again, references to studies or data are required to conclude that a critical need for affordable housing is needed, and that dwelling units at a price point of \$495,000 satisfy the affordability requirement.”

Response 34

Please refer to Response 17 regarding housing demand and 18 regarding the Project’s affordable housing.

Comment 35

“Proximity of the development site to the Village of Kiryas Joel is not confirmation of the Village's obligation to provide affordable housing, in the absence of specific support to confirm this conclusion. Further, an analysis of affordability relative to \$495,000 price points is not provided. Lastly, there are a number of other village's and locations equally proximate to the Village of Kiryas Joel which could accomplish this objective. These statements are so speculative that they should be deleted.”

Response 35

The Village's Zoning Law provides that the village is to encourage "the development of an appropriate variety and quantity of sound housing to serve various age and economic groups, in accordance with local, County and regional considerations" (§235-3 (A) (4)), and "encourage the development of affordable housing" (§235-14.1 (A)(3)). The Village Zoning Law further mandates that "[a]ll residential developments within the RC I and RC II Districts shall include at least 10% of the dwelling units as affordable" (as calculated in accordance with the Village Zoning Law). (§235.14.2 (H)). These code provisions confirm the Village's and the Applicant's obligation to provide affordable housing.

The Village cannot prevent the Applicant from providing housing, including affordable housing, when there is a documented regional need (see Response 17) simply because other municipalities may also provide housing to partially address this need. In Berenson v Town of New Castle, 38 N.Y.2d 105 (1975), the New York Court of Appeals made clear that each municipality has an obligation to address regional housing needs. Consequently, regardless of the role other municipalities play, the Village has its own responsibility to address regional housing needs. Please refer to Response 18 regarding the Project's affordable housing attributes.

Comment 36

"An analysis of the viability of the 60 acres for public parkland has not been provided. A discussion of parkland's ability to provide the recreational needs of the community, within the context of the developable area of land within the 60 acres should be provided. Wetlands are present throughout this area, including those regulated by NYSDEC."

Response 36

This public parkland would be the only Village parkland in the Village of South Blooming Grove and as such would be a vast improvement in terms of meeting the recreational needs of the existing Village population. The area proposed as public parkland consists of approximately 40 acres of uplands and approximately 20 acres of wetlands, which includes a pond that would serve to add to public enjoyment, offering beautiful, serene lake-views. The Project would provide its own areas for active and passive recreation for its residents. Thus, the proposed public parkland would address a long unmet need for a Village parkland and significantly improve public recreational amenities in the Village. It would be easily accessible by all Village residents, with much frontage on Clove Road, and would dedicate the lands most appropriate for Village parkland use. Also refer to Response 6.

Comment 37

"Table 21 is missing a source."

Response 37

The source was in the proceeding paragraphs; however, this table has been removed from the DEIS

Comment 38

"The Regional Plan Association did not make any specific observations of the Project relative to Smart Growth. The study preceded the submission of an application for this project - this statement is misleading. Rather, the statements should be reworded to indicate how the project is consistent with the

findings of this study, to the extent a proposed conceptual layout is shown on the property. Further, all components of the study which bear on the project site need to be summarized. For example, P. 19 of the study shows a significant greenbelt on the property, which is not disclosed. Most of the area proposed for development in the Smart Growth Study is located in the RC-1 district with some limited RR area used. In general, the DEIS fails to provide a full discussion of how the project is consistent or inconsistent with regional plans, and only discloses the conclusions which are favorable to the proposed layout as shown, rather than objectively disclosing all information relevant to the project.”

Response 38

The DEIS has been revised to reword this statement and a discussion summarizing how the Project is consistent with regional plans is found in Section 3.1.3.

Comment 39

“A rationale should be provided as to why the proposed capacity of the park and ride lots are for 600 commuter spaces.”

Response 39

The approximately 600 parking spaces are divided between the two proposed park and ride facilities. Approximately 300 parking spaces in the Park and Ride facility located within the Project development (accessed by proposed Road B) would be for residents of the Project (one parking spot per two homes) and the other approximately 300 parking spaces in the Park and Ride facility located at the entrance of the development (accessed by proposed Roads C and D) off of NYS Route 208 would be for use by the public as nearby park and ride lots A and B, located on Orange and Rockland Road, are often filled to capacity. Therefore, it was the professional opinion of the Project’s Traffic Engineer that proposing 300 parking spaces in the public park and ride would be appropriate to address a current parking need in the Village, independent of the Project, which would concurrently reduce traffic on NYS Route 208. Please also refer to Response 19 to MHE comment.

Comment 40

“As a general comment, the maximum residential yield of this proposed project has not been confirmed. The Planning Board has not issued findings that the conservation analysis for the site is accurate. Specifically, habitat is present for the timber rattlesnake and other species, and the NYSDEC and the Boards need to determine the extent to which the habitat is present on the site, for purposes of excluding this area as a primary conservation area. This area needs to be determined to arrive at the net buildable acreage, and assess whether this is lower or higher than the one dwelling unit per two gross acres provision of the code.”

“The total habitat area associated with the timber rattlesnake which would be defined as a primary conservation area should consider the NYSDEC letter dated March 14, 2016. It indicates that staff consider the property within 1.5 miles of the den to be occupied habitat...even with the large amount of open space depicted in the proposed plans, the development does enter into the foraging habitat.”

Response 40

The maximum residential yield of the Project has been discussed at length during multiple Planning Board Meetings and was finally accepted before the Planning Board issued its Notice of Intent to be Lead-Agency. In addition, the Scoping Document affirms, *“The base number of dwelling units allowed by existing zoning on the Project Site is 430 (340 in RR district and 90 in RC-I district); the applicant proposes to achieve 600 dwelling units utilizing density bonuses for affordable housing, Leadership in Energy and Environmental Design (LEED) construction standards, and open space. No change in existing zoning is proposed.”* In addition, the first Land Conservation Analysis was submitted to the Planning Board in 2014 and was revised in accordance with Planning Board comments and it was resubmitted to the Planning Board on August 27, 2015, after having incorporated all comments from the Village Planning Board and its professionals.

Timber rattlesnake habitat was discussed at length with the Village Planning Board and the NYSDEC, and studies conducted on the Project Site in coordination with the NYSDEC concluded the habitat area consists of approximately 182 acres present above 940 MSL and not in the vicinity of any proposed construction and/or development. Habitat area was included in the approximately 220 acres (35.36 acres wetlands + 2.12 acres watercourses/streams + 182.3 acres above 940 MSL = 219.78 primary conservation area lands to be deducted) subtracted from the total Project Site acreage in the revised Land Conservation Analysis submitted to the Village on August 27, 2018. In addition, this information has been detailed in Section 3.1 of the DEIS.

The allowable yield for the Project’s RR Zoning District lands is higher after deducting the primary conservation area than the provision in the RR zoning authorizing one dwelling unit per two gross acres. The comparative calculation, per the Code, is as follows:

- 702 acres RR Zoning District Lands @ 1 dwelling unit per two acres = yield of 351 dwelling units
- 702 acres RR Zoning District Lands minus 220 acres primary conservation area = 482 acres @ 1 dwelling unit per one acre = yield of 482 dwelling units
- 482 dwelling units is greater than 351 dwelling units

The NYSDEC letter dated 3/14/16, which is also included in Appendix N of the DEIS, states the NYSDEC considers property within 1.5 miles of a den to be occupied habitat and areas outside the basking/gestating habitats to be foraging habitat. The word property does not refer to the Project Site, but to property in general as part of a definition provided by the NYSDEC. Aside for concern over the road previously proposed in the eastern portion of the Project Site, which has since been removed, the NYSDEC has no concerns with the subdivision layout as proposed.

The Land Conservation Analysis summarized in the DEIS has been updated to appropriately consider all relevant habitat, which is discussed in further detail in Section 3.6. Tree cutting measures are included as part of the Project to protect bats and surveys conducted during the appropriate times of year and season(s) did not identify any small-whorled Pogonia or Slender Pinweed on the Project Site.

Comment 41

“RC-1 zone. The RC-1 zone requires that dwellings be specifically located on a lot with a minimum lot area of one dwelling unit per 3,000 square feet. A conventional layout showing how many dwelling units can be constructed needs to be shown before this density can be transferred elsewhere on the site - the yield has not been properly determined. A map of the RC-1 district, showing the environmental constraints and a feasible conventional layout needs to be submitted. Further, the RC-1 district requires that ten percent of the dwelling units be affordable. The application only makes reference to the affordable housing units associated with the density bonus in the RR district, but does not set forth the required affordable dwelling units required as per the RC-1 district.”

Response 41

There is no mention in the Village Zoning Code of requiring a conventional layout in the RC-1 Zoning District prior to transferring its yield, nor has this ever been requested from the Planning Board during the approximately five years in which the Project has been before the Village. The Village Zoning Code §235-14.2.J. states once the Planning Board has established density (not reviewed a conventional layout), the Planning Board may allow the placement of RC-1 uses beyond the district line. In the Project’s case, the Planning Board established density when reducing the number of dwelling units from 108 to 90 as detailed below.

Transferring the RC-1 Zoning District yield elsewhere on the Project Site is an issue we have addressed with the Planning Board since 2014. The Project Site includes 6.2 acres, or 270,072 square feet, of land in the RC-1 Zoning District. As properties with the RC-1 Zoning District may contain two-family homes on 5,000 sq. ft. lots, the Project proposed to transfer the yield of 54 ($270,072 \div 5,000$) two-family homes, totaling 108 dwelling units to be transferred. However, the Planning Board determined that although the RC-1 Zoning District allows the construction of two-family homes, since the yield is being transferred to the RR Zoning District lands, the transfer should be of the type of residential development permitted in the receiving district: single-family homes (not two-family homes). Accordingly, we revised the plans and proposed to transfer the yield of only 90 ($270,072 \div 3,000$) single-family homes from the RC-1 Zoning District as part of the Project, which reduced the total dwelling units transferred by 18. Such discussion between the Applicant and the Planning Board is also evident in Village technical review comment from the Village Engineer and Planner.

The Scoping Document also acknowledges this by stating, *“The base number of dwelling units allowed by existing zoning on the Project Site is 430 (340 in RR district and 90 in RC-I district); the applicant proposes to achieve 600 dwelling units utilizing density bonuses for affordable housing, Leadership in Energy and Environmental Design (LEED) construction standards, and open space. No change in existing zoning is proposed; however discretionary Planning Board approval is required for utilizing the RC-I district bulk requirements outside the boundaries of the RC-1 district per Chapter 235-14.2 J of the Village Zoning Code.”* This language confirms the transfer of 90 units, and the Village Planning Board already decided that the RC-1 transfer to the RR land should consist of just 90 single family homes and not 54 two-family homes.

In addition, per Village Zoning Code §235-14.2.H, 10% of the yield transferred from the RC-1 Zoning District would be affordable; therefore, the Project would include 9 additional affordable housing units.

Comment 42

“A map showing the existing conditions (with topo) with the zoning districts shown on same (base and overlay districts) needs to be submitted for evaluation.”

Response 42

The DEIS has been revised to include this map in Section 3.1 as Figure 315a, which illustrates the existing conditions (with topo) with the zoning districts shown on the same (base and overlay districts).

Comment 43

“A map showing the layout with the zoning districts (base and overlay districts) needs to be submitted for evaluation. Inadequate data are submitted to evaluate the impact on the areas contained within the overlay districts, which are also secondary conservation areas.”

Response 43

The DEIS has been revised to include this map in Section 3.1 as Figure 315a, which illustrates the layout with the zoning districts (base and overlay districts).

Comment 44

“Under other lot area calculations, what is “plate” area?”

Response 44

The DEIS has been revised to indicate this is the overall property area.

Comment 45

“The Scoping Document requires a discussion of compliance with each of the requirements of the subdivision code. This has not been provided.”

Response 45

The DEIS has been revised to include a discussion of compliance with the requirements of the subdivision code.

Comment 46

“Please indicate the location of the capped fill area on a map to confirm that it will not be impacted during project construction and disturbances.”

Response 46

The location of the capped fill area, which accounts for less than 1% of the Project Site, is behind lots between Road B and Road H and is shown in the Maps in Appendix M. It would not be impacted during Project Construction and from any disturbances.

Comment 47

“The Heartwood and Sapwood housing prototypes were submitted with the application in August 2104. These prototypes have not been updated, and the prototypes should be incorporated into the DEIS.”

Response 47

The DEIS has been revised to include these prototypes in Section 2.20.

Comment 48

“Suggested speed limit - this statement should reference Village Code.”

Response 48

The DEIS has been revised to reference the Village Code.

Comment 49

“The description of wastewater and water supply is inadequate. Provide details with regard to the wastewater treatment plant location, discharge location, treatment train, water quality classification of stream to which it will discharge, total number of wells on the site, which wells will be utilized, water pressure and need for storage tank, total water supply demand and wastewater generation, etc. Mere reference to other sections does not comply with the Scoping Document.”

Response 49

This section of the DEIS is a brief description and the Scoping Document requires this section only provide a “description of water supply and wastewater treatment facility plans, as well as other utility connections required as part of the Project,” and not the detailed list found in this comment. Such detailed information is intended for the specific chapters dedicated to each resource area. However, the DEIS has been revised to include additional language related to wastewater and water supply, which addresses the Scoping Document requirements in greater detail.

Comment 50

“Stormwater measures are inadequately described. There is no discussion of the types, green infrastructure techniques, etc.”

Response 50

The DEIS has been revised to include a more detailed description of stormwater measures.

Comment 51

“Provide a map of the public parkland, and proposed access relative to wetlands and other limiting environmental features in the 60-acre area.”

Response 51

The DEIS has been revised to include a map of the public parkland in Section 2.20. According to the Village Zoning Code §120-2.A, adequate road access to the public parkland must be shown (the Project’s public parkland has over 0.6 miles of frontage on Clove Road); however, it does not require an Applicant propose specific access to the public parkland, but rather the Village, to whom the public parkland would be dedicated, would do so where the Village Boards feels is most appropriate for public use. Nonetheless, Plan C-1 in Appendix A indicates a proposed access easement to the cemetery.

Comment 52

“Provide calculations for all open space and ensure they are consistent with the site plan.”

Response 52

The calculations for all open space are consistent with the Project Site Plan and provided in Section 3.1.

Comment 53

“Active recreation areas should be further described per §235-14.1.C(m). Three areas indicated as active recreation on the site plan contain wetlands.”

Response 53

There is only one small ACOE wetlands less than one acre in size located within all of the proposed active recreation areas (also see Figures 381 and 382 in Section 3.8) and it would not be impacted because the area where it is proposed is passive recreational space.

Comment 54

“There is no discussion of the ownership structure for the private open space and measures to ensure its conservation.”

Response 54

Please refer to Response 24.

Comment 55

“A full narrative of each component of the required parking is not provided. It needs to be discussed in terms of residences, guests, community services, and parking for public parkland.”

Response 55

The DEIS has been revised to include a full narrative in this regard.

Comment 56

“How much of the “active recreation” areas will be dedicated to structures such as swimming pool/bathhouse?”

Response 56

Please refer to the Regulatory Compliance Map in Section 2.20, which illustrates active reaction areas in a different color. In addition, these areas would not exceed the 10% as allowed by the Village Zoning Code as discussed in Section 3.1.

Comment 57

“Please indicate the types of buses that would come into the development. Is the DEIS referring to school buses, public transportation buses? If these roads are in HOA ownership, describe whether buses can utilize the roads.”

Response 57

All types of buses would be allowed to enter the Project's roads under HOA ownership, including school and public transportation buses. If decided to the Village, the types of buses allowed would be subject to and in compliance with the Village Code.

Comment 58

"A phasing plan is not described. We are certain that not all areas of the development will be constructed at the same time, but that development will progress from one "neighborhood" to another. Please provide."

Response 58

There will be a sequence of construction, but it will all be part of the Project being constructed as a single phase. Therefore, a phasing plan is not described and no phasing is proposed from a neighborhood perspective. The Project's build-out would be in 5-acre increments in order to comply with SPDES requirements as shown in plan sheet E-14 in Appendix A. The construction sequence would begin at the highest elevation and proceed towards lower elevations.

Comment 59

"The Regulatory Compliance Report and Land Conservation Analysis need to be included as Appendices. A summary only should be provided in the Project Description."

Response 59

The DEIS has been revised to summarize these reports in the text of Section 3.1.

Comment 60

"Habitat for endangered species is not quantified and subtracted to determine buildable area. Trees over 12 inches are not shown, steep slopes, and overlay districts are not mapped as part of the conservation analysis. The Regulatory Compliance Report is incomplete. Please refer to the zoning regulations which state: "Five-percent increase over the base lot count for provision of each additional 10% (calculated from net area) of open space beyond the fifty-percent requirement[§ 235-14.1A(4)]." It is not worded as stated in the report."

"Step two shows 38 acres as preliminary conservation area. Acreage identified within the DEIS as noted in Land Conservation Analysis totals 36.86 acres. This number (38 or 36.86) does not appear to be subtracted from the total acreage to determine buildable acres on the site plan."

"It should be made clear whether the 22 acres not planned for development could be developed with residential uses, or whether these would only be used for nonresidential uses. The development would need to be accounted for in the lot count. At a minimum, a statement should be made that no further residential development will be constructed."

"A discussion of how the development is laid out as a "traditional neighborhood development" as per Step 4 is not provided."

Response 60

Habitat for endangered species has been quantified and subtracted from the buildable acreage in Table 311 of Section 3.1. Steep slopes and overlay districts are mapped in Figures 315a of Section 3.1. Large trees have been inventoried, a map had been submitted to the Village together with the Project's Land Conservation Analysis, and discussion regarding these trees is included in Section 3.1.1. The language regarding open space referenced in this comment has been included in the DEIS as written in the Village Zoning Code. The Project's Land Conservation Analysis is accurately quantified in Table 311 and 312.

No use is proposed for the reserved 22 acres because there are no plans for development of this land. Therefore, it is impossible to state what would or would not be proposed in the future. Please refer to Response 8.

Finally, according to the Village Zoning Code §235-14.1.A.(4)(d), *"The general arrangement of lots and houses on lots should be consistent with rural design principles or hamlet design principles, also referred to as 'traditional neighborhood development.'"* The Project is consistent with the traditional neighborhood developments in the Village such as Worley Heights, Capitol Hill and Merriewood Lake, which are immediately adjacent to the Project Site and would be interconnected via the Project's proposed Arlington Drive connection. The Project's cluster design, use of sidewalks, creation of active recreation areas and community facilities which can be accessed by foot, etc. are all indicators of a traditional neighborhood development.

Comment 61

"As mentioned previously, the lot yield for the RC-1 has not been calculated properly, as it relies on demonstrating a layout with 3,000 square foot lots."

Response 61

The lot yield from the RC-1 has been calculated properly in agreement with the Planning Board and Village Planner. Please review Response 4 to MHE comment. The Village Zoning Code does not require the demonstration of a layout with 3,000 square foot lots.

Comment 62

"The overlay districts need to be mapped, and the proposed layout overlaid on same, to assess how the layout complies with the intent of the conservation analysis. As stated in the Zoning Code: "When lots and access streets are laid out, they shall be located in a manner that avoids or minimizes adverse impacts on both the primary and secondary conservation areas." This cannot be determined."

Response 62

A map including the overlay districts has been added to the DEIS in Section 3.1 as Figure 315a. The Project's subdivision layout would avoid all primary conservation areas and would minimize adverse impacts on secondary conservation areas.

Comment 63

“Delete the definition of Recreation as per 235-4, as it is not relevant to the analysis and type of recreation set forth for the RR district. The applicant has not specifically defined that these forms of recreation will be developed.”

Response 63

The DEIS has been revised to define the forms of recreation which would be developed.

Comment 64

“Numbers given in the last paragraph of page 4 of the Regulatory Compliance Report are different from the site plan calculation which shows 340 acres Base open space (50%); and 204 acres ABLC (60% of net 50%). The Site plan shows 142.2 acres of development area where the Regulatory Compliance Report shows 141.6.”

“The site plan subtracts 22 reserved acres from development area which is incorrect. Total development acreage will therefore be 164 acres by the assumptions given which totals 23% development area.”

“A map and table should be included for this section.”

Response 64

The DEIS has been revised to consistently refer to the calculations with the same number. A map and table have been included for this sections (Tables 311 and 312 and Figures 315a and 315b in Section 3.1). There are no plans for the development of the 22 acres and its development, if it ever occurs, is not part of the Project. Therefore, the 22 acres is appropriately not included in the percentage of development area.

Comment 65

“See conservation map attached” does not give a location for said map.”

“The statement in part A “these wetlands represent fairly important conservation values, notwithstanding the lack of DEC designation ... ” is misleading as the majority of wetlands identified (23 of the 36 acres) are DEC wetlands and three of these wetland complexes are considered “active recreation space” on the site plan.”

Response 65

The DEIS has been revised to include this map in Section 3.1 and properly reference it. “Notwithstanding the lack of DEC designation” refers to the fact that the NYSDEC had not included these wetlands on their maps prior to our having delineated them. However, wetland acreage and classification is detailed in Section 3.8 and illustrated in Figures 381 and 382.

Comment 66

“Regardless of whether the habitat areas for threatened and endangered species is to be preserved as open space, it needs to be subtracted from the gross lot area as it is a primary conservation area.”

“Section G states that Robert Torgersen indicates there is not identified habitat area for threatened or endangered flora or fauna on the property or within one half mile. This is not supported within Appendix C, Natural Resources Site Survey (Clovewood DEIS Appendices Volume I (A-H))” which includes the Endangered and Threatened Species Report prepared by North Country Ecological Services, Inc. This report reviews habitat and presence on site for ten species of endangered or threatened flora or fauna, and determines:

- ***Indiana and Long Eared Bat roosting habitat present on site (pdf p 298, "Clovewood DEIS Appendices Volume I (A-H))"***
- ***Timber Rattlesnake basking, foraging and shedding habitat present, and noted physical presence of snakes during field visits (pdf p 298)***
- ***Small Whorled Pogonia habitat present on site (pdf p 305)***
- ***Slender Pinweed habitat present on site (pdf p 306)***
- ***Virginia Snakeroot habitat identified on site (pdf p 307)***
- ***Drummonds Rock Cress and Green Rock Cress habitat present on site (pdf p 308) - Woodland Agrimony habitat present on site (pdf p 309)***

The Planning Board should note that §235-14.1A does not specify that the presence or absence of the species be included in the primary conservation area calculation, simply the presence of "Identified habitat areas for threatened or endangered flora or fauna."

“Additional comments on part G- "Upper portion" is not descriptive enough to identify the location being referenced.”

“The letter from Torgersen is referenced but it's location within the document is not - is it included as an appendix or exhibit?”

Response 66

We have summarized the Regulatory Compliance Report in the text of Section 3.1. The initial preliminary biological report was conducted by Torgersen in 2014; however, the final (two-year) biological report was conducted by North Country Ecological Services (“NCES”). The reference to Torgersen’s preliminary report has been removed from the DEIS. The findings from NCES in coordination with the NYSDEC is the data upon which the DEIS is based. The suitability of possible habitat on the Project Site does not constitute confirmed “identified habitat area” to be subtracted from the gross lot area as Primary Conservation Areas, as if this would be the case, the entirety of the Village of South Blooming Grove and the majority, if not entirety, of the State of New York would need to be wrongfully subtracted to not allow development under the misnomer of Primary Conversation Areas.

Comment 67

“Areas of steep slopes, overlay districts, historic and archaeological sites, buffer areas, and large trees are not depicted on any map to assess the consistency of the layout with the 235-14.1.A.(4)(a).”

Response 67

This is illustrated in Figure 315b of Section 3.1.

Comment 68

“Exhibits D and E and Attachment 22 need to be incorporated into the main text, and letters and other exhibits placed in appendices.”

“Attachment 22 needs to be incorporated into the land use and zoning analysis, not incorporated as a separate Exhibit.”

Response 68

The DEIS has been revised to incorporate this information in Section 3.1.

Comment 69

“The maximum building coverage is proposed to be 50 percent, which does not coincide with what is shown on the illustrations that follow this page. If 50 percent is proposed, the DEIS needs to examine the impacts associated with a maximum 50 percent building coverage (and additional impervious surfaces). This would affect visual, stormwater, and other topics in the DEIS. The illustrations do not represent what could be constructed as per the bulk requirements proposed.”

Response 69

The coverage shown on the illustrations and Project Plans are approximately 40%. However, it is a reasonable planning practice to propose a 50% maximum coverage in the table of bulk requirements for flexibility.

Comment 70

“These illustrations are specific to lots within and outside of the ridgeline overlay areas. The ridgeline overlay district needs to be shown on the layout plan, and the specific lot types called out on the map. Collector and minor roads also need to be defined on the map.”

Response 70

Collector and Minor roads are illustrated in Map C-1 of Appendix A, as well as in the Road Classification Map (Figure 24 in Section 2.7). The Regulatory Compliance Map in Section 2.20 illustrates the different lots proposed according to the overlay districts: the Heartwood Models within the Ridgeline Overlay District are shown in light brown and the Sapwood Models outside of the Ridgeline Overlay District are shown in dark brown.

Comment 71

“The road classification letter should be included as an appendix. In addition, it is unclear whether the letter is still valid, based on the fact that the subdivision design has been substantially revised since the date the letter was issued (December 12, 2016)”

Response 71

The DEIS has been revised to remove this letter.

V. Land Use Planning, Zoning and Public Policy

Comment 72

“This section would be better organized if it included subsections that specifically address land use, land use policies, and zoning under Existing Conditions, Impacts, and Mitigation Measures.”

Response 72

This section has been reorganized to include subsections for land use, zoning and public policies.

Comment 73

“The conclusion that the Village is densely developed is not supported by the DEIS data. Further, Figure 311 which is referenced does not illustrate the boundaries of the Village to support this conclusion. Delete this sentence, or provide an analysis of development densities for the various municipalities within the primary and secondary land use area to support this conclusion. Specifically, compare the Village of South Blooming Grove to Kiryas Joel with regard to total number of dwelling units to acreage of each municipality.”

Response 73

The DEIS has been revised to delete this sentence. The comparison of the Village of South Blooming Grove to Kiryas Joel with regard to the total number of dwelling units to acreage of each municipality has been included in Figures 348a, 348b, 3411a and 3411b from Section 3.4.

Comment 74

“The DEIS skews the analysis by stating the RR district has been developed with a total of 996 units on parcels less than one acre in area - what is the density with all residential properties included regardless of parcel size? The information on p. 3-3 regarding 130 single family homes on lots larger than one acre needs to be included for a comprehensive analysis of density. Further, delete the word "underdeveloped land" as it suggests that lots at larger than one acre should be developed further, when the zoning may not allow further development. The term is being used subjectively.”

Response 74

The DEIS does not skew the analysis, and states factual information. There are three density categories with regard to the residential properties within the Village’s RR Zoning District. Category No. 1 consists of existing developments on approximately 457 acres of land, which is a density of 1 unit per 0.45 acre; Category No. 2 consists of properties proposed for development, namely the Project, which has 702 acres of RR Zoning District land proposed to have a density of one unit per 1.33 acres; and Category No. 3 consists of approximately 1,880 acres undeveloped and underdeveloped land, which currently contains approximately 130 dwelling units, and according to the extant Village Zoning Code, these lands have the potential to be developed with between 1,200 to 1,400 dwelling units should their landowners choose to exercise their right to develop their lands in accordance with the Zoning Code. In fact, the ratio of the developed land (Category No. 1) to the undeveloped and underdeveloped land (Category No. 3) is approximately 22% developed to approximately 78% undeveloped and underdeveloped. This ratio is consistent with the overall proposed development plans of the Project

(Category No. 2) which would develop approximately 20% of the Project Site, leaving approximately 80% of undeveloped land. Therefore, the Project's ratio of developed to undeveloped land is consistent with that of the extant Village's overall RR Zoning District lands.

The densities of all residential properties within the Village's RR Zoning District are illustrated in Figure 345 of Section 3.4, which provides a comprehensive analysis of density. In addition, please see Response 76 below.

The terms "undeveloped" or "underdeveloped land" are appropriate because the Village Zoning Code allows development of such property; therefore, these properties may potentially be, at some point in the future, developed to meet present and future local and regional housing needs.

Comment 75

"The DEIS is focused, in the Existing Conditions section, of making a case for why the proposed project is consistent with the density of other portions of the Village and adjoining Town areas. However, it does not provide the basic discussion of surrounding lands uses as required in the Scoping Document and the project's impact on same."

Response 75

The DEIS has been revised to provide a basic discussion of surrounding land uses and potential impacts on the same.

Comment 76

"The comparison of land use development, density and intensity is incomplete. Figure 312 does not provide a full assessment of land use density and intensity. First, Figures 344 and 345 need to be amended to show the following lot ranges: 0-4,999 square feet; 5,000-9,999 square feet; 10,000 square feet to 14,999 square feet; 15,000-19,999 sf; 20,000-29,999 sf; 30,000 - 39,999 sf; 40,000-79,999 sf; and 80,000 square feet and larger for a better, refined analysis of lot sizes."

"Further, please provide information on the average size of dwellings located on each lot. In Mountain Lodge Park, most of the dwellings remain one story in height, and are very small compared with other neighborhoods in South Blooming Grove."

"A comparison needs to be made between the FAR, and all bulk requirements based on lot size, before any conclusion can be made that the proposed project is consistent with the residential neighborhoods within the study area. Also, please indicate whether Mountain Lodge Park was platted and constructed prior to zoning regulations."

Response 76

The Village Scoping Document did not require an assessment of those eight lot size ranges, size of dwellings on each lot, number of stories, building heights, FAR and bulk requirements based on lot sizes or information whether Mountain Lodge was platted and constructed prior to zoning regulations. Furthermore, the Scoping Document required an analysis of surrounding land uses and zoning, which

the DEIS provides as it relates to residential, commercial and development type, and a time period of when a structure was constructed has no impact upon its present land use and zoning classification.

The analysis and summary detailed in Figure 345 of Section 3.4 assesses six lot size ranges most appropriate to the Village's Zoning Code as follows:

Range 1: Less than 3,000 square feet. The minimum lot size in the Village's RC-I and RC-II Zoning Districts is 3,000 square feet. Therefore, it is appropriate to analyze developments with densities less than one dwelling unit per 3,000 square feet. 21.6% of the Village's RR Zoning are within this range.

Range 2: 3,000 square feet to 0.49 acre. The minimum lot size in the Village's ORI Zoning District is 20,000 square feet (builder's half acre). Therefore, it is appropriate to analyze developments with densities between the minimum lots sizes of RC-I and RC-II Zoning District's (3,000 square feet) and the minimum lot size in the ORI Zoning District (half acre). 56.9% of the Village's RR Zoning parcels are within this range.

Range 3: 0.5-acre to 1.0 acre. Step Two of the RR Zoning District's Site Analysis Process provides a density of one dwelling unit per one acre. Therefore, it is appropriate to analyze developments with densities between the minimum lot size in the ORI Zoning District (half acre) and the minimum lot size from the RR Zoning District's Site Analysis Process's Step Two (one acre). 10.6% of the Village's RR Zoning parcels are within this range.

Range 4: 1 acre to 1.99 acres. The minimum lot size of the RR Zoning District's Step 5 of the Site Analysis Process is one dwelling unit per two acres; however, the adjusted base lot count allows an applicant to increase the development density to up to 1.5 times, which equals a density of one dwelling unit per 1.33 to 1.99 acres. Therefore, it is appropriate to analyze developments with densities in this range. 2.8% of the Village's RR Zoning parcels are within this range.

Range 5: 2 acres to 9.99 acres. The RR Zoning District's provides a density of one dwelling unit per 10 acres if an applicant chooses to not perform the Site Analysis Process. Therefore, it is appropriate to analyze developments with densities equal to or greater than the minimum density established during Step 5 of the Site Analysis Process, but less than one dwelling unit per 10 acres. 5.7% of the Village's RR Zoning parcels are within this range.

Range 6: 10 acres and greater. It is appropriate to analyze development with densities equal to or greater than the minimum density allowed in the RR Zoning District should an applicant choose to not perform the Site Analysis Process. 2.4% of the Village's RR Zoning parcels are within this range.

Accordingly, the six ranges analyzed in the DEIS for the Village's RR Zoning District land include lot sizes and densities that are most applicable and relevant to the extant Village Zoning Code. The Village adopted a Zoning Code with regulations applicable to the RR Zoning District lands which conflicted with approximately 90% of the developed parcels (1,031 of the 1,157 parcels) in this specific Zoning District.

Comment 77

“There is no discussion of the compatibility of 7,000 square feet lots with buildings with a massing of 3,750 square feet compared to existing residential lots in the village and study area. Ultimately, the Planning Board determines the lot area and bulk requirements for lots.”

Response 77

The Project is simply proposing what is allowed according to the extant Village Zoning Code, without the need for variances, waivers or zoning changes. Therefore, it is the type of development, density and net lot area or home site contemplated by the Village for the Project. The Project’s development is not a massing of 3,750 square feet per 7,000 square feet of land, rather it is a 1,250 or 1,875 building footprint per approximately 51,500 square feet of land. The Village Zoning Code requires 50% of a Project Site be preserved as open space, which is increased to up to 80% when adhering to the requirements for the adjusted base lot count. In the Project’s case, this totals approximately 40,000 square feet of open space conservation for each dwelling unit, and after deducting lands for roads and other Project utilities, each of the Project’s homes would net approximately 9,000 square feet of net development lot area or home site, as the Project proposes 510 homes with a minimum home site area of 8,625 square feet and 90 homes with 7,350 square feet of home site. This home site size is the outcome of adhering to the Village Zoning Code regulations for developing property in the RR Zoning District. Consistency with the Zoning Code is the best indicator of appropriate lot layout and development.

In addition, the Zoning restricts the building footprint of a one-story home to 5,000 square feet and of a two-story home to 2,500 square feet, which the Project would comply with and not exceed. The Project would also comply with the height restrictions in the applicable Overlay Districts as detailed in Section 3.1. Accordingly, the Project’s proposed bulk requirements would be consistent with the requirements in the Village Zoning Code and its homes would be consistent with the specific footprint, lot coverage and height requirements currently detailed in the Zoning Code. On the other hand, over 90% of the existing residential lots in the Village are not in compliance with the ordinances as articulated in the extant Zoning Code (see Section 3.4) and can be classified as non-conforming uses, unlike the Project, which would be consistent with all Village Codes and regulations as detailed throughout the DEIS. Section 3.4 of the DEIS provides the most reasonable, applicable comparison of the Project’s proposed lots and homes to existing residential lots in the Village and study area. Lastly, we have already submitted a formal request to the Planning Board to make a determination regarding these bulk requirements, which were verbally accepted by the Board.

Comment 78

“Existing Conditions does not discuss the existing bulk requirements, zoning districts, overlay districts, and all zoning provisions that apply to the development. A map has not been provided showing the base and overlay zoning districts superimposed on the site with and without the development (including topography and wetlands). There is no quantification of the extent of each district on the project site. All of this information could be provided in tabular format.”

Response 78

The DEIS has been revised accordingly.

Comment 79

“The DEIS only describes the Orange County Comprehensive Plan. No discussion is provided of the Town of Blooming Grove Comprehensive Plan, Open Space Plan, Orange County Water Master Plan, and Mid-Hudson Regional Sustainability Plan.”

Response 79

We have revised the DEIS to provide discussion related to all of these plans in Section 3.1.3.

Comment 80

“A more detailed discussion of the project site's consistency with the Blooming Grove Rural Crossroads development is required. What specific area and acreage of the site is shown on the plan? Also, please indicate what areas of the site are shown as greenbelt as per other sections of that same study.”

Response 80

This Figure is a copy of a figure from page 24 of the Southeast Orange County Traffic and Land Use Study. This study chose the area of the Project Site to illustrate an example of a development in a Priority Growth Area and is not a detailed plan with specific calculations of acreage for greenbelts, etc. The Project is proposed similarly with greenbelts, as shown in the Master Plan in Section 2.20.

Comment 81

“The DEIS has not included a full analysis of the zoning in this section to conclude it is consistent with the Village's zoning. The conservation analysis and regulatory compliance report need to be summarized in this section. The conservation analysis, as stated previously, is incomplete. It is inappropriate for this site-specific analysis to rely on the adoption resolution of the overall Zoning Code and Map. The analysis of zoning is incomplete.”

Response 81

The DEIS has been revised to include a full analysis of the zoning in this section (3.1.1) and its consistency with the Village Zoning Code, including a summary of the conservation analysis and regulatory compliance report.

Comment 82

“It is unclear why population increase is described here. Remove as it is irrelevant to the land use and zoning analysis.”

Response 82

The DEIS has been revised to remove this discussion from the land use and zoning analysis.

Comment 83

“The DEIS states the road system will be private. Elsewhere the DEIS states it will be public. Please make consistent.”

Response 83

The DEIS Section 2.0 states that *“the Project’s internal road network would either be dedicated to the Village or be private and maintained by a homeowners’ association or similar entity to which the lot owners would be members.”* Nonetheless, the DEIS has been revised to be consistent.

Comment 84

“The DEIS does not discuss whether the Howell Farm complex, considered historically significant, will be buffered.”

Response 84

This complex would be buffered as stated in the revised Section 3.5 and shown in Figure 351.

Comment 85

“The DEIS does not include an evaluation of the project relative to the overlay districts. It cannot be concluded it meets the requirements of them.”

Response 85

The DEIS has been revised to include an evaluation of the Project relative to the overlay districts in Section 3.1.1.

Comment 86

“The term rural, from a land use and zoning perspective, is related to the appearance of the landscape in addition to population density. Further, in terms of population density, DEC defined rural as follows:

... “rural area” means those portions of the state so defined by Executive Law section 481(7). SAPA section 102(10). Under Executive Law section 481(7 ... in counties of two hundred thousand or greater population, ‘rural areas’ means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein.”

Response 86

Section 3.4 of the revised DEIS addresses the term rural, specifically citing the NYSDEC definition mentioned in this comment.

Comment 87

“A discussion is not provided of 2018-2028 no action projects in this section as per the Scoping Document. No discussion of recent zoning actions is described.”

Response 87

The DEIS has been revised to provide discussion of 2018-2028 no actions in accordance with this comment. We are unaware of any recent zoning actions and therefore there is no discussion of them.

Comment 88

“It is unclear why the discussion of infrastructure in this section. Please remove.”

Response 88

The DEIS has been revised to remove this discussion of infrastructure in this section.

Comment 89

“It is inconsistent to state the project would not induce demand, as that is inconsistent with the determinations of the socioeconomic analysis. Further, the DEIS states that the project could accommodate nonresidential development, although same was previously removed from the initial layout.”

Response 89

The DEIS has been revised accordingly; however, the section to which the comment refers had initially addressed secondary impacts, not socioeconomic impacts.

Comment 90

“Would the revised layout impact the Howell farm complex which is determined to be historically significant? Section H states no historical sites will be disturbed.”

Response 90

The Project would not result in significant adverse impacts to sites of historical significance as detailed in Section 3.5 and in Appendix B.

Comment 91

“No substantive information or analysis is provided to substantiate the claim that the project will be architecturally consistent with the Village in terms of scale and character. Please compare the proposed scale of the buildings (floor area and setbacks) on the proposed lot sizes with those in existence in the Village.”

Response 91

Please see Response 76 above.

Comment 92

“Please make clear whether the accessory apartments are in addition to the 2,500 and 3,750 square foot dwellings or is the accessory apartment square footage included in the 2,500 and 3,750 square foot dwellings.”

Response 92

The floor plans for both the Heartwood and Sapwood models total 3,750 square feet as shown in Section 2.20, and the accessory apartments are not in addition to this square footage. As illustrated in the floor plans, the dwelling units possess 750 square feet of unfinished space included in the 3,750 square feet, which a homeowner could use for an accessory apartment in the future with Planning Board approval should there be sufficient water supply. The difference between the Heartwood and

Sapwood models is not total square footage, but that the Heartwood model is proposed in the Ridgeline Overlay District and is therefore proposed in accordance with the height restrictions of 25 feet applicable to this Overlay District, while the Sapwood Model is proposed outside of the Ridgeline Overlay District and not restricted to 25 feet in height and may include a basement (not to be exposed more than an average of 50%). The Regulatory Compliance Map in Section 2.20 shows the locations of the different models. There are no illustrations of 2,500 square foot dwelling units.

Comment 93

“Community character should be included in the community character section.”

Response 93

The DEIS has been revised to include community character in the community character section (3.4).

Comment 94

“I. Open Space and Recreation: Narrative should specify 60 acres of public parkland and ensure this is done throughout the document”

“The statement that the project site is not used for recreational activities should be expanded as Schunnemunk Ridge is used for passive recreational purposes, particularly bird watching as indicated by the 2016 NY Audubon IBA designation and the Long Path running along the Schunnemunk Ridge.”

Response 94

The narrative has been revised to specify 60 acres of public parkland throughout the DEIS. Furthermore, the Project Site is privately owned and is not used for any active recreational uses. Here, the DEIS was not referring to passive recreational uses, but active recreational uses. These passive uses, such as bird watching, which may potentially occur from those observing the Project Site from another location would not be impacted as no development is proposed on the ridgeline.

Comment 95

“The sentence that ends “the value of this information open space would not be not significant” is unclear. “Further, the Visual Assessment is based on the previous lot layout. It cannot be concluded at this time that the site will not be visible from public roads. Connection to Arlington Drive will certainly open up views of the development from existing roads.”

Response 95

That sentence was a typographic error and has been revised in the DEIS. Please refer to Response 2.B regarding the Visual Assessment.

Comment 96

“Who will staff active recreation facilities such as pools, etc? What are the hours and terms of use?”

Response 96

The HOA would be responsible for interviewing and hiring staff, as well as deciding the hours and terms of use.

Comment 97

“Citation to the National Recreation and Park Association report is inaccurate and misleading and must either be removed or significantly amended. The narrative positions this publication as a set of standards however, the title of the report is "National Recreation and Park Association: Agency Performance Review" and states in the introduction "You will note that this report does not include 'national standards.' The reason is simple: no two park and recreation agencies are the same" (emphasis added)”

-“We note that this document also seems to focus on active recreation facilities, and that there is a functional difference between active recreation which provides safety, exercise, programming and team sports; and open space, which more often provides passive recreational opportunity with a focus on the enjoyment of nature and therefore a healthy and functioning habitat for a wide range of species.”

-“The 9.6 acres per 1,000 residents referenced in paragraph 2 of this page appears to be the median person per acre of parks surveyed in jurisdictions of 20,000 to 49,000 people. (p 9 NRPA 2018). The Village of South Blooming Grove has a little over 3,000 people as of 2014, as identified in the DEIS, Table 322.”

-“This DEIS section does not include a discussion of existing recreational facilities within the Village of South Blooming Grove and the Town of Blooming Grove which should include: acres and population per acre, agency funding, programming, staffing and park facilities. A comparison study of South Blooming Grove to another local municipality may provide the kind of comparison the applicant is attempting to make through reference to the NRPA Agency Performance Review”

-“The point being made in the last paragraph that approximately 1,600 square feet of privately-owned protected open space is unclear. This has not been discussed until this point, and privately-owned open space does not satisfy any open space requirements as part of this development.”

Response 97

The DEIS has been revised to remove the citation to the NRPA Report and associated discussion. This section now also differentiates between active and passive open space. Moreover, the Village of South Blooming Grove currently has no public parkland, and the Project’s 60 acres of public parkland, which is consistent with the Village Zoning Code requirements to be 8.5% of the Project Site, would serve to offer all residents of the Village, including those of the Project, enjoyment. The Project’s proposed open space satisfies the Village requirements as part of this development and the active open space referenced in the last part of this comment is discussed in Section 2.0 and shown in the Regulatory Compliance Map in Section 2.20.

Comment 98

“The figure does not show prime farmland soils or soils of statewide significance. Please superimpose the development over those soils which are identified as agricultural soils and quantify reduction resulting from development.”

Response 98

This Figure, which shows all soils on the Project Site has been moved to Section 3.7 to be consistent with the Scoping Document requirements for that section.

Comment 99

“What soils are in Soil Groups 1 through 4? List and indicate acreage. Show them on a map with the development superimposed, and quantify amount to be used for development.”

Response 99

The DEIS has been revised to address all soil types with acreage in Section 3.7.

Comment 100

“The statement that there are far more prevalent and better soils should be deleted, unless substantiated with facts. Further, no analysis of soil conversion is provided for the site itself to make this conclusion. There appear to be several smaller agricultural properties in the vicinity, including adjoining the site. Please review aerials to determine if there are agricultural activities occurring in the vicinity of the Project Site.”

Response 100

The DEIS has been revised to remove this statement, and a map is provided illustrating a lack of agricultural properties in the Project’s vicinity in Section 3.7.

Comment 101

“K. Critical Environmental Areas:”

“Please reference maps specifically. “Map from Chapter 1” is not a sufficient reference.

“Designated Critical Environmental Areas may not be present on the site but sensitive habitats and an “Important Bird Area” is designated on the site by NY Audubon. These are relevant to the Land Conservation Analysis and should be further discussed in this section.”

Response 101

Critical Environmental Areas are those designated as CEAs by the NYSDEC. Sensitive habitats and important bird areas are not CEAs. There are only three designated CEAs in Orange County, none of which are proximate to the Project Site. Section 1.3 addresses CEAs and contains a table which lists them. In addition, the Village Scoping Document specifically states the following in regards to CEAs *“the following environmental areas would not require detailed analysis for the Project in the EIS: Critical Environmental Area and Open Space/Recreation.”*

Comment 102

“It is unclear why Energy Use is included in the land use and zoning section. Please relocate discussion.”

Response 102

The DEIS has been revised to remove discussion of energy use from the land use and zoning section.

Comment 103

“Guideline (1) response- The site plan states that 142 acres of the site will be developed, not 136. As per above comments, this 142 does not include future development area of 22 acres totaling 134 acres. This constitutes 23% of the site, not 19.2%”

Response 103

The DEIS has been revised to state the correct acreage to be developed globally. There are no plans for the 22 acres and it is unknown what type of development, if any at all, would be proposed on this land.

Comment 104

“Would the project “allocate” or “build” sidewalks?”

Response 104

The Project includes sidewalks and would allocate space on both sides of the street for the sidewalks it would build.

Comment 105

“Attachment 311 is irrelevant and cannot be substituted for a site-specific consistency analysis for this project. Please remove this attachment from the DEIS main text.”

Response 105

Attachment 311 is not irrelevant. It is appropriate for a zoning analysis to include the Village Zoning Adoption Resolution and Negative Declaration, which was adopted for the specific zoning applicable to the Project Site and with which the Project conforms. Accordingly, when the Village adopted its Zoning Code and Zoning Map and issued the Negative Declaration, it had first determined the Village’s new zoning would not have the potential to generate any significant adverse environmental impacts, including but not limited to with respect to land use, zoning, public policy, and community character. While the negative declaration is not a substitute for a site-specific consistency analysis, it is also not proper to ignore the negative declaration. The Co-Lead Agencies cannot disregard or minimize the fact that the Project conforms to the very Village zoning district and map regulations which the Village Board adopted and made applicable to the Project Site after issuing a negative declaration. The attachment has been removed from the DEIS main text and appears in Appendix O.

VI. Socioeconomics

Comment 106

“Municipal costs have not been examined in any detail.”

Response 106

Municipal costs have been examined in detail separately for the Village, Town, County and School District in Section 3.2.

Comment 107

“The impacts associated with changes in real property value has not been examined in any detail.”

Response 107

The impacts associated with changes in the real property value of the Project Site have been examined in Section 3.2.2 and Table 329 of the DEIS.

Comment 108

“The DEIS states that several of the items required as per the Scoping Document will not be analyzed. The Village Attorney needs to review this statement to determine whether the omission of these items results in the DEIS being deemed incomplete for same.”

Response 108

The DEIS has been revised to address these items in Section 3.2.2.

Comment 109

“Impacts related to houses of worship are not analyzed.”

Response 109

It is not anticipated that the Project would generate any impacts to existing houses of worship. The future residents may choose to utilize some or part of the proposed nondenominational community facilities as houses of worship so there would be no impact to any off-site houses of worship.

Comment 110

“Table 321a includes asterisks, but no discussion of what they signify is provided.”

Response 110

The DEIS has been revised to address this.

Comment 111

“It is unclear for what years each topic is provided, e.g., 2000? 2010? Are they the same as in Table 321a?”

Response 111

The DEIS has been revised to clarify this.

Comment 112

“Statistics are available for types of units, mortgage status, and other data shown as n/a on this table. The table needs to be updated.”

Response 112

Tables 321, 322 and 323 of Section 3.2 have been updated with the available and applicable data.

Comment 113

“The statement “that since 2016, Kiryas Joel's growth has begun to spill over into the Village” - unless the applicant has migration statistics, it is not clear where the newer population into the village emanates from. This should be stated as opinion in the absence of statistics.”

Response 113

This was based upon Orange County Real Property data and the Hudson Gateway Multiple Listing Service. Also see page 6 of the comments received from Village Consultant BAE Urban Economics. Nonetheless, this statement has been omitted.

Comment 114

“Data are required to support the statement that dwellings will be priced at \$495,000, given the average housing values in the primary and secondary area. Further, that price point is not “affordable” given it is higher than those averages. See BAE comment letter.”

Response 114

The price of \$495,000 is based upon Orange County Real Property data, the Hudson Gateway Multiple Listing Service and the Town of Blooming Grove and Village of South Blooming Grove Tax Assessor. Moreover, refer to Responses 10 and 12 to BAE Comment and Response 10 to LB Comment, which includes recent comparable home sales in the Village averaging over \$495,000. This price, however, would not be the price for the affordable housing units, and the DEIS has been revised to clarify this. The Project’s affordable housing price would be calculated in accordance with the Village Zoning Code Code §235-4, which defines affordable housing as, “Housing units for which occupants of a household earning up to 80% of the Village of South Blooming Grove median income (as defined by the latest United States Census Bureau data) would pay less than 30% of total gross income for mortgage and property taxes,” which would be calculated using the applicable data at the time of build-out.

Comment 115

“There is no basis for the apartments housing 1.22 persons. Please provide source. This is inconsistent with the Scoping Document analysis which indicates two bedrooms will be constructed for each accessory apartment.”

Response 115

The DEIS has been revised to include a different multiplier for the accessory apartments based upon and consistent with the Village Zoning Code restrictions related to accessory apartments.

Comment 116

“It is not customary for the analysis to assume a vacancy rate, especially for new dwellings. This analysis should be based on 100 percent occupancy. The source of the multipliers needs to match the housing type. An average household size of 5.62 does not appear to be reasonable, when the bulk of the housing units are renter occupied housing units in the Village of Kiryas Joel. Only 1.9 percent of all housing units in Kiryas Joel are single-family detached dwellings. A reasonable estimate of household size needs to be provided for detached dwellings or additional support provided for the 5.62 person multiplier.”

Response 116

The assumptions in an analysis need to match the source of the data. Therefore, the DEIS assumes a vacancy rate only where it is applicable in reality (i.e., household sizes derived from the population in occupied housing); however, where vacancy is not applicable (i.e., projected property taxes, which are paid even when a home is vacant) a vacancy rate is not utilized so the assessment is based on 100% occupancy. This allows the most accurate, truest assessment.

In this manner, estimated household sizes for the Project are consistent with the household sizes of the villages of Kiryas Joel (Scenario No.1) and South Blooming Grove (Scenario No. 2), which are derived from occupied housing units only, implying vacancy. Household sizes cannot be based upon data including unoccupied housing units because vacant, unoccupied units do not contain households. Accordingly, it is unreasonable to apply household sizes without including the same values as the source. In fact, population calculations derived utilizing household sizes based upon occupied housing units with a vacancy rate are equivalent to population calculations derived utilizing occupied and unoccupied housing units without a vacancy rate where the household size would be lower, but the total population would be the same. Asking a Project to not utilize a vacancy rate when its source appropriately considers one is statistically inaccurate.

Although it is unreasonable to estimate population using a household size based on occupied housing without a vacancy rate, if calculated at a 100% occupancy rate there would be additional cost to the Village, Town, County, and School District totaling \$340,216 under Scenario No. 1 and \$216,802 under Scenario No. 2, which would still result in an overall net benefit to the taxing jurisdictions and their taxpayers of \$7,693,640 under Scenario No. 1 and \$7,590,444 under Scenario No. 2, and is a trivial difference since the surplus is comparably great with or without the utilization of an occupancy rate.

The demographic characteristics for Scenario No. 1 are based upon those of the Village of Kiryas Joel from 2016 and are reasonable, as multifamily housing in the Village of Kiryas Joel is not smaller than single-family housing and rental units are not necessarily smaller than owner-occupied units. The multiplier in the DEIS under Scenario No. 1 is a true representation of reality and, moreover, is conservative since, according to the CGR Report¹ the average household size for the Village of Kiryas Joel is actually decreasing as a result of changes in demographic characteristics from an average household size in 2015 of 5.9 to about 4.8 persons over the next few years. Accordingly, the household size of 5.47 persons presented in the revised DEIS for this scenario gives the broadest real perspective of future population growth based upon actual growth trends without underestimating the anticipated population.

¹ At the request of the Orange County Planning Department, the Center for Governmental Research (“CGR”) and the Chazen Companies conducted an independent assessment dated August 21, 2015, analyzing the circumstances surrounding the Kiryas Joel Annexation.

Comment 117

“Please provide a calculation for the assumed population of 9,321 persons in the Village by 2030. It is not apparent how the estimate was derived.”

Response 117

The DEIS has been revised to estimate population according to the Village’s demographic characteristics.

Comment 118

“The last sentence of this page is conjecture. It should be stated as an opinion.”

Response 118

The DEIS has been revised to include a source for this sentence.

Comment 119

“What is the year of the project pyramid? What is the source of the data?”

Response 119

The data source is cited in the text of the DEIS and is based upon a projected growth calculation derived from the U.S. Census. The Figure has been updated to include the source and text to include the year.

Comment 120

“Under Housing Impacts, the statement regarding support for seniors newlyweds and young families is unclear, as the accessory apartments are limited to parents and grandparents.”

Response 120

The DEIS accurately states that accessory apartments are not limited to parents and grandparent only under all circumstances. Accessory apartments would directly assist in addressing the acute need for both seniors and newlyweds or young families. This assumption is consistent with the Village Zoning Code, as the seniors referred to in the DEIS would be parents/grandparents occupying an accessory unit of a property belonging to a child/grandchild, and in the case of newlyweds or young families, they would themselves be the owners of the property occupying the accessory unit, as the principal unit would be too large for these smaller, young new families.

Wealthy parents of young couples may purchase a home with an accessory unit for their newly-wed children. The newly-weds/young families would reside in the accessory unit and rent out the principal unit to cover the mortgage payment, form of income, etc.

Zoning Code §235-45.6.A.(1) states, “The owner of the property shall occupy one of the two dwelling units on any lot with an accessory apartment.” According to this, the owner of a property may occupy either the principal or the accessory unit and there are no limits on who may occupy the other.

Subsequently, §235-45.6.A.(9) limits the occupancy of an accessory unit to parent(s) and grandparent(s) when the owner occupies the principal unit: “Occupancy of the accessory apartment shall be limited to

parent(s) or grandparent(s) of an owner-occupant of the principal dwelling unit.” This limits the occupation of the accessory unit when the principal unit is occupied by the property owner.

However, the Village Code does not limit occupation of the principal unit in any way when the accessory unit is occupied by the property owner. See also Response 9 to BAE Comment.

Comment 121

“What is the basis for the housing unit cost? Please quantify how this would be “affordable” to the population anticipated to reside in the units, based on median household incomes for those families.”

Response 121

Please refer to Responses 18 and 114 above for a discussion on affordable housing prices and to Response 10 to BAE Comment.

Comment 122

“Please provide an estimated timeframe for the short-term employment generation.”

Response 122

The short-term employment estimate is based upon the value added to the economy as a result of the value of the new development and how that increased value translates into opportunities for short-term employment based upon the need for goods and services including construction of the Project; however, it is premature to provide an exact timeframe, however, it is assumed it would be for a duration of approximately three years.

Comment 123

“Supporting data is not provided for the long-term employment estimate. Is this based on household spending? Please explain.”

Response 123

The long-term employment estimate is based upon the value added to the economy as a result of the value of the new development and how that increased value translates into opportunities for employment based upon the need for goods and services including increased household spending.

Comment 124

“The anticipated impacts calculated from IMPLAN versus the NAHB model are significantly different. The methodology for the NAHB model and how the findings are calculated needs to be explained especially given the very different outcomes”

Response 124

The DEIS has been revised to remove the alternative method for estimating the economic impacts in accordance with the NAHB, as the IMPLAN assessment thoroughly presents the data in and of itself. Still, the DEIS has included an alternative way of estimating economic spending through percent of average income spent in the local economy.

Comment 125

“An acceptable methodology for fiscal impact analysis needs to be used. The DEIS should review the acceptability and applicability of specific methods presented in the Burchell and Listokin Fiscal Impact Handbook. The per capita impact method is specifically not appropriate for the size of the community and the scale of the development. A Case Study or Comparable City methodology would be appropriate. Also, any analysis need to assign the costs to each taxing jurisdiction on a nonresidential and residential basis.”

“Lastly, the tax assessor and tax receiver should be contacted to vet the assumptions utilized in the analyses.”

Response 125

The Village Scoping Document specifically required, *“the socioeconomics chapter will present the fiscal impact analysis results based on a per capita multiplier approach.”* This is the method appropriately utilized in the DEIS, as well as the majority of fiscal impact analyses. Moreover, the Burchell and Listokin Fiscal Impact Handbook acknowledges the Per Capita Multiplier Method is the most commonly used method in approximately 70% of assessments, versus the Case Study Method, used in just 15% of assessments and the Comparable City, used sparingly in less than 5% of assessments. Moreover, in the CGR Report, mentioned above in Response 116, the Chazen Companies also conducted their fiscal assessment utilizing the per capita method, as it is an effective method to assess potential and current fiscal conditions.

Furthermore, the DEIS has been revised to assign the costs to each taxing jurisdiction on a residential and non-residential basis, and we have contacted the Town of Blooming Grove and Village of South Blooming Grove Tax Assessor to vet the assumptions utilized in the analyses.

Comment 126

“Do the revenues to the school district consider: STAR exemptions? Does this analysis consider any school tax rate cap?”

Response 126

The school tax revenues do not consider STAR exemptions. The STAR exemption has been terminated by the State. Instead the State now offers a STAR credit. It is wholly administered by the State and is dependent on the School District. The persons qualifying for the Basic STAR credit in the Washingtonville School District currently receive a check in the amount of \$927. The money is sent to the homeowner directly from the State of New York and would therefore have no impact upon a socioeconomic analysis.

The analysis does not project any increase in the school tax rates. The analysis is based on existing tax rates in order to provide an “apples-to-apples” comparison of the potential increase in assessed valuation of the school district between existing conditions and future built conditions of the Project.

Comment 127

“Remove Attachment 321 as it is irrelevant to the discussion of socioeconomics.”

Response 127

This attachment has been removed from the revised DEIS in accordance with this comment.

VII. Community Facilities

Comment 128

“The analysis is incomplete. Responses are not provided for many of the service providers, and it does not appear that a concerted effort was made to contact them based on Table 331. The letters were mailed in March 2017- it is one year later, and it does not appear further communications were made with them as only 5 out of 20 surveys were returned.”

Response 128

A concerted effort was made to contact all of the service providers. Although we only received written responses from three, we conducted in-person meetings and phone conversations with others (i.e., the State Police, Ezras Cholim, etc. as stated in Section 3.3). The few from whom we were unable to receive responses from (i.e., South Blooming Grove Fire Company) were, in addition to being mailed the Project survey, contacted several times via e-mail, telephone and on-site visits. During one on-site visit to the Fire Station, one of the fire station personnel stated that the department had no intention of responding because the department did not want the Project Site to be developed. Nonetheless, the analysis is complete and appropriate for evaluating potential impacts for public review.

Comment 129

“The introduction is incomplete. It should include:”

a. “A description of the unique needs and tendencies of the Hasidic population versus a secular population in terms of community facilities and services (including public versus private services)”

b. “A methodology for the selection of service providers interviewed, particularly ambulance, hospitals and “other health care facilities” and day care centers, including which districts or service areas serve the project site”

c. “A map identifying these community services and a table indicating distance from the site”

d. “Schools” should indicate how many/which schools are within the Washingtonville Central School District and a map should show the schools, districts and relative location to the Village and the project site.”

Response 129

a. The court ruled in the Village of South Blooming Grove v. the Village of Kiryas Joel. “SEQRA cannot be used to insure what they believe to be the correct composition of housing occupants in a neighborhood. (*Matter of Hare v Molyneaux* , 182 AD2d 908 [3d Dept 1992] [consideration of receipt of public assistance of occupants as a negative social or environmental impact was precluded under SEQRA]). However, we have analyzed difference between Scenario No. 1 and No. 2 in accordance with the Scoping Document requirements where applicable. Moreover, the Scoping Document defined

community facilities and services as “*public or publicly-funded facilities such as police protection, fire protection, ambulance services, schools, hospitals and other health care facilities, libraries, and day-care centers,*” which are analyzed in the DEIS.

- b. The community facilities analyzed are those that would service and be used by the Project’s residents, as indicated in the DEIS.
- c. The DEIS has been revised to include a map illustrating the locations of the facilities and a table indicating the driving distances to the facilities from the Project Site.
- d. The DEIS has been revised to indicate how many/which schools are within the WCSD and to include a map showing the schools relative to the Project Site.

Comment 130

“Describe current capacities of the Town Police Department, County Sheriff’s Department and NYS Police Troop F. This, and all sections to follow, should be organized in a way that shows “Police Protection” as a heading formatted differently than the subheadings for each individual service. The information should be complete for each individual service”

-“ What is the service range of each? (map)”

-“How many officers are employed, how many are staffed at one time?”

-“What is the operating budget? What portion of taxes go toward this service?”

-“How many calls to the Village do they receive per year? What is the response time?”

-“How is each service different from the others?”

Response 130

The DEIS has been revised to include separate headings for the different service facilities with subheadings under each where applicable (i.e., Police, Fire, Ambulance with subheadings State Police, County Sherriff and Town Police, etc.) and incorporate as much information regarding their services as possible. In addition, the DEIS has added a map showing the service ranges of each. We included information regarding the number of officers and those staffed according to the details received from the police departments. We have also added the operating budget and the portion of taxes that are allocated towards this service. The Town, County and State Police are all law enforcement officers and their difference are primarily limited to the color of their vehicles and uniforms.

Comment 131

“The Town of Blooming Grove Police department appears to have two non-sworn employees operating under three separate roles- does this impact their level of service?”

Response 131

In our opinion, this would not impact their level service. In addition, as indicated in Section 3.3 and the survey filled out by the Town of Blooming Grove Police Department, the non-sworn employees operate as dispatchers and records clerks, performing administrative assistant work so the sworn police officers are able to focus on serving the community.

Comment 132

“Kiryas Joel Public Safety- How are "Public Safety Officers" trained? What is their capability compared to municipal police?”

-“Does KJ public safety respond to calls outside of KJ?”

-“How are they funded?”

Response 132

In accordance with Comment 143 below, since the Project Site is not coterminous with Kiryas Joel, we have removed the evaluation of the Kiryas Joel Public Safety from the revised DEIS.

Comment 133

“Fire Protection is incomplete.”

“The information should be complete for each individual service:”

-“What is the service range of each? (map)”

-“How many firefighters are employed, how many are staffed at one time? Volunteer versus paid?”

-“What is the operating budget? What portion of taxes go toward this service?”

-“How many calls to the Village do they receive per year? What is the response time?”

-“How is each service different from the others?”

“The South Blooming Grove Fire District response calls are detailed within the 2016 NYS Office of Fire Prevention & Control report and should be included in this section.”

Response 133

The DEIS has been revised to include as much complete information as available for the South Blooming Grove Fire Company, including a map illustrating the service area. In addition, as above-mentioned in Response 128, the fire company did not respond to the Project’s survey or to any communication. As no other fire company is evaluated, there are no service differences.

Comment 134

“Please write out SCBA”

Response 134

SCBA stands for self-contained breathing apparatus and the DEIS has been revised to write it out.

Comment 135

“Ambulance Services- The information detailed should be the same categorically for each service provider, the same questions should be answered for each (see above for questions).”

Response 135

SCBA stands for self-contained breathing apparatus. The DEIS has been revised to include as much complete information to the above question as possible. Like the South Blooming Grove Fire District, Blooming Grove Ambulance Corp did not respond to the Project Survey. However, the DEIS has been revised to add some information from Kiryas Joel EMS because it also currently serves the Village and has members who currently reside in the Village.

Comment 136

“Schools:”

“This section is incomplete. Please include:”

-“A map showing each school within the Washingtonville School District”

-“Enrollment numbers for each school for the most recent school year (2016-2017) including teachers for each school:”

- ***“Total students; special education students; ESL students and the cost of educating each student***
- ***“ This information can be found at <https://data.nysed.gov/lists.php?start=87&type=district>***

-“The number of classrooms and average classroom size for each school”

-“Equipment utilized by WCD: do they use smart boards? Provide textbooks? Projector screens? Special classroom equipment for gym, art and technical courses such as wood shop?”

-“The existing budget, the amount received from taxes and the projected tax increase”

-“What this change in taxes and change in student population means for classroom size and capacity”

Response 136

The DEIS has been revised to include as much of the above information as possible. We tried to obtain information from the WCSD regarding smart boards, textbooks, projector screen, gym and wood shop, pencils, erasers, etc. but we did not receive a response. However, since property tax revenues to the School District would result in a surplus under either scenario as detailed in Section 3.2, WCSD would have the necessary funds to cover expenses related to these items, as well as those related to pencils, erasers, etc.

Comment 137

- “How does the Hasidic population utilize public school district resources?”

-“What is the traffic impact of private school busses?”

Response 137

The DEIS has been revised to discuss how Scenario No. 1 would utilize public school district resources in Section 3.2. The use of private school buses would generally lessen the number of automobile trips and would lessen the number of additional potential public school buses utilizing the roadway facilities. Based on this, the traffic impact of private buses is not expected to have any additional traffic impacts from those related with the use of all public school buses.

Comment 138

“KJSD-what is the per student tuition that Monroe-Woodbury School District pays to KJSD? Please explain how this works.”

“For KJSD and UTA please include the number of classrooms, classroom size, teachers per students/classroom”

Response 138

As indicated in Comment 143 we have eliminated KJ School District information, as the Project Site is not located in the Kiryas Joel School District.

Comment 139

“Hospitals and healthcare facilities need to include information on emergency care capacity, ambulance services, specific specialties and any unique elements of use by the Hasidic Population.”

Response 139

The DEIS has been revised to include more information under hospitals and health care facilities; however, please refer to Response 129.a above as to why unique elements of use by the Hasidic Population is inappropriate and not relevant to SEQRA’s analysis of potential impacts.

Comment 140

“Public Library tax rate can be found on the Village or Town tax bill and should be included in this analysis.”

Response 140

The DEIS has been revised to include this information.

Comment 141

“Day Care- How many children attend BG daycare, are Hasidic children expected to attend this facility?”

“How does the Hasidic community utilize secular resources?”

Response 141

Reference to this day care has been removed from the DEIS as it is privately funded by tuition and the Scoping Document defines community facilities and services for this evaluation as those which are public or publicly funded. Please refer to Response 129.a above as to why unique elements of use by the Hasidic Population is inappropriate and not relevant to SEQRA’s analysis of potential impacts

Comment 142

“Potential Impacts;”

- a. ***-“The potential impacts section requires numeric data to back up statements such as “could incur impacts.”***
- b. ***-“All relevant data from the fiscal impact analysis and population projections should be included within this section, not referenced by section, the information is directly related to the anticipated impacts.”***
“Police protection impacts: what is the change in population, taxes and budget and how might this translate to capacity?”
- c. ***-“Statements such as “the additional tax revenue generated ... would more than offset the increased demand for services” needs to be demonstrated through in-text data tables.”***
- d. ***-“The claim that less than five additional police personnel will be required does not equate with the reference which refers to an addition of 7-13 personnel”***

Response 142

- a. The language quoted is the language that particular service used as shown in their response; however, the DEIS has included a detailed analysis which concludes the department would not be significantly adversely impacted.
- b. The DEIS has been revised to include all relevant data from the fiscal impact analysis. In addition, a table with the Project's population projections has been added to this section. However, although we have revised this section, since the Scoping Document requires public and publically funded community facilities and services be evaluated, such a fiscal analysis is already provided in the socioeconomics section, thereby making the majority of this section redundant.
- c. The DEIS has been revised to demonstrate this.
- d. The DEIS has been revised to adequately discuss the number of potential additional police personnel that would be required. In addition, see MHE Comment 36, which indicates six (not seven to thirteen) officers may be required. However, the DEIS has been revised to include the accurate numbers with an explanation.

Comment 143

"The project site is not coterminous with the Kiryas Joel Fire District. This does not appear to be feasible, and should be deleted."

"Fire protection impacts: citation needed for "nine additional firefighters"

-"This section is incomplete. The addition of firefighters would require the construction of a new fire station?"

-"How will this be funded? Which fire service is being discussed here? Who will fund the new ladder truck and from what surplus?"

-"Data is needed regarding the Blooming Grove Fire District to complete this section."

Response 143

The DEIS has been revised to remove references to Kiryas Joel community facilities and services in accordance with this comment as the Project Site is not coterminous with Kiryas Joel. In addition, the DEIS has been revised to include discussion regarding the potential additional firefighters. A new fire station, ladder truck, etc. would not be needed as a result of a few additional volunteers would service the Project Site. While the DEIS has been revised to include more detailed information regarding the Fire Department in this Section, the South Blooming Grove Fire District did not respond to any of our attempts to contact them (also see Response 128 above).

Comment 144

"The project site is not located in the Blooming Grove Fire District, but is served by the Village. Why would they respond?"

Response 144

This had referred to the South Blooming Grove Fire District, which should have responded to the questions because the Project Site is located in their fire district boundaries and they would serve the Project. Please refer to Response 128 above. The remainder of the Town of Blooming Grove is served by the Salisbury Mills or Washingtonville Fire Districts.

Comment 145

“There is no evidence supporting the conclusion that taxes would pay for the additional needs of the Washingtonville CSD. Please quantify the cost of the impacts.”

Response 145

The DEIS has been revised to quantify the costs of the impacts.

Comment 146

“Schools. This section still needs more elaboration:”

- “What are the plans to expand Hasidic schools? What is the quantifiable increase, is this demand already there and will the addition accommodate this project? This needs numeric evidence”

- “There needs to be elaboration about actual capacity of each school: which students utilize the public school system and which don't, how exactly resources are shared between KJ and WCSD”

Response 146

Hasidic schools are private schools and are not publicly funded; therefore, it is beyond the scope required to assess potential environmental impacts to these schools since the Scoping Document defines community facilities for this assessment as those that are “public and publicly funded.” There is no way to know if those residents of the Project who would choose to send their children in private schools would utilize schools in Kiryas Joel, Rockland County or Bloomingburg, etc.

Comment 147

“Hospitals and healthcare facilities. Again there needs to be numeric evidence in-text to support the claims made in this section.”

“Libraries- needs more data: “unlikely the project would have any impact” needs numeric evidence.”

“Day Care Centers- It is unclear how an appropriate solution to over enrolled day care facilities is to keep children home. This does not solve the issue of over enrolled day care facilities and needs further data and explanation.”

Response 147

Please refer to Response 139 regarding hospitals and other health care facilities and Response 140 regarding libraries. In addition, the Blooming Grove Day Care is a privately funded day care and analysis of this day care has therefore been removed from the DEIS.

Comment 148

“Mitigation: ‘The naturally growing population should provide an ample resource for additional fire prevention and emergency service volunteers;- Is the naturally growing population made predominantly of children? Please prove this with numeric data.’”

Response 148

The DEIS has been revised to clarify this statement in accordance with this comment.

Comment 149

“Please detail tax revenues from the project by taxing district, cost and surplus”

Response 149

The DEIS has been revised to detail tax revenues from the Project by taxing district, cost and surplus.

Comment 150

“Please place Attachment 331 in the appendices.”

Response 150

Attachment 331 has been incorporated into Section 3.3.7 where it is germane to the analysis.

VIII. Community Character

Comment 151

“Why do Figures 349, 3410, and 3411 not include estimates for the Village of Kiryas Joel? Please add.”

Response 151

The relevant Figures have been revised to include the Village of Kiryas Joel.

Comment 152

“The discussion of the adoption of the Town's zoning map and text is irrelevant to a discussion of community character. This DEIS is examining the site-specific community character impacts of the development. The statements need to be removed.”

Response 152

The discussion of the adoption of the Town’s zoning map was removed. However, the Village Zoning Code is relevant to community character, in part because the Scoping Document itself begins its discussion of community character by quoting the Village Zoning Code. In addition, the Zoning Code is relevant to the site-specific community character impacts of the development as the zoning regulations determined the type and scale of development that would be allowed on the Project Site and were adopted without there having been any finding that such development of the Project Site would have the potential to generate any significant adverse community character impacts. Thus, the history of the adoption of the Village’s Zoning Code, including the Negative Declaration, is relevant to the community character analysis in the DEIS. Since the Project does not include any variances from the Village’s Zoning Code, the Project is consistent with the community character which the Village Zoning Code intended to create. Under SEQRA,

consistency with the Zoning Code and Comprehensive Plan is the best indicator of consistency with existing community character.

Comment 153

“It is unknown if the development is consistent with the Zoning Code, as all primary areas have not been mapped, and the DEIS does not provide any detailed analysis of the zoning as required in the Scoping Document. See previous comments.”

Response 153

The DEIS Section 3.1 has been updated to summarize a detailed analysis of the zoning, which includes mapping of all primary areas, and illustrate that the development proposed by the Project is consistent with the Zoning Code.

Comment 154

“The zoning does not “recognize a growing housing demand” - no such statements are made in the Zoning Code. Rather, the zoning districts allow residential development and regulate said uses.”

Response 154

The Village Zoning Code § 235-3.A.(4) states a goal of *“The accommodation of South Blooming Grove's present and future population by encouraging the development of an appropriate variety and quantity of sound housing to serve various age and economic groups, in accordance with local, County and regional considerations.”* This constitutes a recognition of housing demand, and we have added language to the DEIS Section 3.1.1 to clarify this. The zoning has been adopted with future population of the Village in mind, which is certainly associated with housing demand because otherwise there would not be any need for the development of new housing.

Comment 155

“This section fails to examine the impacts of architectural scale within this section.”

Response 155

The Scoping Document did not require the DEIS examine the impacts of architectural scale within this section; however, it is now examined in Section 3.4.

Comment 156

“The Villages of Harriman and Monroe both have historic traditional downtown areas, in addition to suburban type shopping center. Please revise.”

Response 156

The DEIS has been revised to indicate this information in accordance with this comment.

Comment 157

“A discussion of Kiryas Joel is not provided, although included in the study area.”

Response 157

The DEIS has been revised to include a discussion of Kiryas Joel.

Comment 158

“Under Existing Conditions, specifically identify the Town referred to in the first paragraph.”

Response 158

As identified in the Abbreviations and Acronyms as well as in Section 1.0 of the DEIS the “Town” refers to the Town of Blooming Grove.

Comment 159

“This section, along with most of the DEIS, focuses on analyses comparing the proposed project with the existing residential neighborhoods in the Village and Mountain Lodge Park. It fails to conduct any analysis of the areas that are not developed with suburban residential uses that make up the study area and are within the Village of South Blooming Grove. A more robust discussion of community character in and around the proposed project site is necessary.”

Response 159

The existing neighborhoods in the Village and Mountain Lodge are the communities located within the Primary Study Area, which is why they are analyzed in the DEIS. Moreover, as stated in NPV Comment 178 indicating that the Project Site is large and “*makes up most of the remainder of the Village's undeveloped residentially zoned land,*” so most of the undeveloped residential lands in the Village are within the Project Site itself. In addition, the DEIS has been revised to include a more robust discussion of community character in and around the proposed Project Site.

Importantly, the ratio of developed to undeveloped land area in the Village would not be impacted by the Project, as the Project, would preserve approximately 80% of the Project Site as open space, and in fact, the ratio of developed to undeveloped land in the Village current would be approximately the same as the ratio of developed to undeveloped land in the Project as illustrated in Figure 344b from Section 3.4.

In addition, the majority of the Village’s undeveloped land is zoned RR, which allows the same residential development as the Project. Accordingly, the character and/or the potential character of such undeveloped land would be consistent with the Project. Since the Project complies with the Village Zoning Code and no variances are required, it would consist with any future development proposed on such undeveloped land as they are, like the Project Site, located in the RR Zoning District.

Comment 160

“This section makes general comparisons of lot sizes only. To address architectural scale, this section needs to document existing and proposed dwelling sizes, dwelling sizes relative to lot sizes, floor area ratio, building heights etc. Further, the specific lot sizes within each neighborhood described should be specifically identified in the DEIS.”

Response 160

The Scoping Document did not require the DEIS examine the impacts of architectural scale within this section; however, architectural scale is briefly examined in Section 3.4, including information regarding the general comparison of the Project's gross and net lot sizes, as well as the dwelling sizes, with those existing in the Village, including the Stonegate Condominiums.

Comment 161

"Provide a source for the statement that 200 residences are occupied by Satmar Hasidic households. Newspapers sources are anecdotal."

Response 161

The DEIS has been revised to include sources, which include the Hudson Gateway Multiple Listing Service and Orange County Real Property Tax Records.

Comment 162

"Please provide statistics for the unincorporated areas."

Response 162

The DEIS has been revised to provide general statistics for the unincorporated areas in its text. In addition, specific data related to the community within the unincorporated area in the Project's Primary Study Area, Mountain Lodge, has been added.

Comment 163

"The Cultural Resource evaluations examined a different Area of Potential Effect (APE) than proposed. It cannot be concluded there will not be historic impacts, as the Howell Farm complex is within the general area now proposed for development."

Response 163

Please refer to Response 2.A. The Supplemental Phase 1B in B-3 of Appendix B evaluated the Project's complete APE. The Howell Farm Complex would be buffered in order to prevent potential adverse impacts to this historic Site.

Comment 164

"The FEAF was prepared based on a different layout. The EAF is no longer relevant and statements of "no impact" should be removed, especially with regard to historic impacts."

Response 164

Reference to the EAF has been removed accordingly.

Comment 165

"The first three paragraphs under 3.4.5 are non-responsive. This discussion addresses "views" and no other topics to be included in the evaluation of community character. A chart is provided with subjective conclusions with regard to impacts (3-127) without any narrative describing how the conclusions are arrived at."

Response 165

The DEIS has been revised to remove these paragraphs and the associated chart, and includes narrative describing topics included in the community character evaluation.

Comment 166

“It has not been determined that the project is zoning compliant. Ultimately, the Planning Board determines the bulk requirements for the development. This has not occurred.”

Response 166

The Project complies with the Village Zoning Code and no variance would be required, as detailed in Section 3.1 of the DEIS, and the Project complies with the technical review comments, including those related to zoning compliance, received from the Planning Board and its professional consultants. At no point in the process has the Planning Board determined that the Project as proposed requires any variances and the Applicant is not requesting any. A request for a determination on the bulk requirements has been submitted several times to the Planning Board, and the bulk requirements are shown in the Site Plan Sheets submitted to the Village. These bulk requirements had been verbally accepted by the Planning Board and the proposed bulk requirements illustrated in the DEIS have been designed in accordance with Planning Board recommendations.

Comment 167

“The DEIS states that 22 acres are reserved for future development. Again, the Boards need to determine whether an evaluation needs to be conducted of these areas. At a minimum, if the Applicant is maximizing the total number of dwelling units on the site, the DEIS should state that no further dwelling units would be constructed.”

Response 167

The future use of the 22 acres is unknown and there are no current plans for its development and the Co-Lead Agencies already determined an evaluation does not need to be conducted for these areas and acknowledged any future development on the 22 reserved acres would require a separate review under SEQRA (see pages 6 and 36 of the Scoping Document). Moreover, it is inappropriate for the DEIS to speculate about what would or would not be developed in the future on the 22-acre site as this information is unknown. Please refer to Response 8.

Comment 168

“Again, the cultural resource investigation reviewed a different APE, so it cannot be concluded there is no impact.”

Response 168

Please refer to Response 2.A. Please refer to Response 2.A. The Supplemental Phase 1B in B-3 of Appendix B evaluated the Project’s complete APE.

Comment 169

“A detailed analysis of community service impacts has not been provided.”

Response 169

A detailed analysis of community service impacts has been provided in DEIS Section 3.3.

Comment 170

“As mentioned previously, there is no detailed analysis of architectural scale. Previously, renderings of the dwellings were provided to the Planning Board, but they are not included with this DEIS.”

Response 170

The renderings have been included in Section 2.20.

Comment 171

“None of the overlay districts referenced on this page have been analyzed in detail as noted previously.”

Response 171

The DEIS has been revised to include information regarding the overlay districts in Section 3.1.

Comment 172

“Again, the DEIS fails to provide a complete zoning analysis, so it cannot be concluded that community character is not impacted as it has not been determined that it is code compliant.”

Response 172

The DEIS provides a complete zoning analysis in Section 3.1, which concludes the Project is code compliant, which, as above-mentioned, is acknowledged by the Village Board and Planning Board in the Scoping Document.

Comment 173

“The breakdown of lot sizes provides the appearance that the proposed lots are comparable to other lots in the Village. This is due to the ranges selected for the mapping. As mentioned, actual lot sizes in each neighborhood should be identified, housing sizes identified, and then compared to what is proposed. Our review indicates that the smallest lot size in the existing South Blooming Grove neighborhoods is 12,500 sf, which is substantially larger than the Clovewood lots.”

Response 173

The DEIS has been revised to include details regarding the Project’s gross and net lot sizes, which are compared to those in the Village. Moreover, the smallest existing lot size in the Village of South Blooming Grove is approximately 3,000 square feet. In addition, the 250 homes in Stonegate Condominiums are located on just 17 acres and is approximately one-quarter of the existing residential dwelling units in South Blooming Grove with a density of 15 units per acre, which is substantially higher than the Project’s density.

Comment 174

“The analysis omits Kiryas Joel, Tuxedo Park, and Woodbury. Their status is irrelevant. Please include the results in Figures 349, 3410, and 3411.”

Response 174

These Figures have been revised to include data from Kiryas Joel; however, Tuxedo Park and Woodbury have been omitted due to the unusual nature of the two: only part of Woodbury is located within a Priority Growth Area (and the Figure illustrates data from villages located entirely within the Priority Growth Area) and Tuxedo Park is not a comparable village because it is a gated community.

Comment 175

“Please specifically show the land area on the project site included in the Smart Growth Study, and illustrate the area shown on the project site as “greenbelt”. The description is too generic.”

Response 175

The DEIS has been revised to include the Smart Growth Study in Section 3.1 with a more detailed description.

Comment 176

“A generic discussion regarding “the least” parcels is not appropriate to this DEIS. Further, do not exclude other communities as there is no basis for said exclusion - the DEIS can explain why it believes the calculations are not appropriate rather than excluding them. Parcels per square mile could be a factor of community size, land devoted to other uses, and is an inappropriate study to make conclusions.”

Response 176

The Scoping Document required this Section analyze community character impacts, which includes those related to population and housing units, in the Primary and Secondary Study Areas and in order to present a comparison, it is necessary to establish a baseline. Therefore, when analyzing population and housing units in the Primary and Secondary Study Areas in relation to the Village, the facts themselves conclude that the Village has the least parcels and persons per square mile. Moreover, Figures 347 and 348b illustrate that even with the Project, the Village would still contain less persons and parcels per square mile than the Primary and Secondary Study Area village averages. The DEIS includes an explanation as to why Tuxedo Park and Woodbury were omitted: Woodbury is located only partially within a Priority Growth Area (and the Figure illustrates data from villages located entirely within the Priority Growth Area) and Tuxedo Park is not a comparable village because it is a gated community.

Comment 177

“There is no explanation as to why certain multipliers are identified as “n/a” in Table 345.”

Response 177

The DEIS has been updated and “n/a” has been removed.

Comment 178

“The statement that the Village is not playing its part in accommodating regional housing demand is speculative and opinion. Please state so. There are many factors which can explain why a community is not growing including area zoned for residential purposes, environmental constraints, availability of sewer and water, and other factors. Each community has its own unique carrying capacity which is not discussed. Further, the DEIS discusses regional housing demand without providing a reference

demonstrating what the regional housing need is. In fact, because the Lake Anne site is so large and makes up most of the remainder of the Village's undeveloped residentially zoned land, it is the primary reason why significant growth has not occurred. Figure 3414 is not based solely on population growth, and is not a rational basis for determining "fair share".

Response 178

This statement has been removed from the DEIS. Nonetheless, whether the Village has accommodated regional housing demand is not an opinion but a fact based on data since its incorporation confirming the Village has decreased in population and households. It is unreasonable to suggest the Village should be the only municipality unable to accommodate additional housing and population, especially since it contains parcels zoned for residential development which are currently vacant. Each community has its own environmental constraints, but the Village of South Blooming Grove is not unique and does not face any peculiar challenge and/or constraint that would prevent it from providing such housing. In fact, the Village of South Blooming Grove has an excess sewer capacity of approximately 250,000 gpd (see 3.9ii.4).

The DEIS clearly establishes where the regional housing need is, and this need is documented in Orange County's CGR report as well. Since the Project Site is zoned residential, the Project would provide housing, including affordable housing, thereby causing the Village to partially meet local and regional housing needs, including for affordable housing. Providing housing as allowed under the Village's Zoning regulations is appropriate and is what is proposed by the Project. There is nothing irrational about using factual population data as a basis for determining fair share housing. In addition, refer to Response 17.

Comment 179

"A significant portion of the Satmar Hasidic community outside Kiryas Joel reside in the northern area of the unincorporated Town of Monroe. Would the development be consistent with this neighborhood?"

Response 179

The northern area of the unincorporated Town of Monroe is not located within the Primary Study Area, but is generally analyzed in the DEIS and the Project would not have the potential to generate any adverse community character impacts in this portion of the Town of Monroe. Because the Project's density and other characteristics are what is authorized by the Village's Zoning Code without the need for variances and because the Village found no adverse community character impacts when it adopted its zoning, there is no factual basis for the size of the Project, its density, etc. to have an adverse community character impact on any community, including the northern area of the unincorporated Town of Monroe. Moreover, since the Project's design and location on the Project Site do not make it visible from any community in the unincorporated Town of Monroe, there is no possibility of adverse community character impacts from the layout, location, and configuration of the Project. Thus, the Project would not have the potential to generate any adverse impacts on community character with respect to the northern area of the unincorporated Town of Monroe.

IX. Natural Resources Report and Section

Comment 181

“In general, the DEIS does not provide an Identification of the regulatory programs that protect floodplains, wetlands, wildlife, threatened or endangered species, aquatic resources, or other natural resources within the Project Site as per the Scoping Document.”

Response 181

The DEIS has been revised to provide an identification of the regulatory programs that protect floodplains, wetlands, wildlife, threatened or endangered species, aquatic resources or other natural resources within the Project Site. Please also refer to Response 19 to LB comment.

Comment 182

“Please provide a matrix of the dates and times when the surveys were done in the DEIS, and each of the regulated species discussions should indicate whether the survey was done at the appropriate time frame when the species would be present, as set forth in the Scoping Document.”

Response 182

The DEIS has been revised to provide a matrix of the dates and times when the surveys were done in the DEIS and includes language indicating whether the survey was done at the appropriate time frame.

Comment 183

“3 reports are listed and only one is referenced as an appendix in 3.6.1 Existing Conditions”

Response 183

Three reports are not listed, rather three studies. The report prepared by Torgerson (“Clovewood Biological Report: Native Flora and Fauna”) was a preliminary walk-through report. The report placed in Appendix C of the DEIS is a more comprehensive report, prepared in coordination with the NYSDEC, and upon which the analysis in the DEIS relies upon. This report takes into consideration the third study mentioned and its results are incorporated into the report found in Appendix C.

Comment 184

“Note again: Suitable habitat was noted as found within Appendix C and this section, Vegetation and Wildlife, for threatened and endangered species identified above. This habitat area was not subtracted from the net buildable acreage of the site per §235-14.1A of the zoning code.”

Response 184

The applicable habitat was subtracted as per the Village Zoning Code and detailed in Section 3.1.

Comment 185

“Sterling Forest Bird Conservation Area paragraph 3 "With respect to the Project, the SFBCA is 8± miles to the southwest of the SFBCA." Please clarify this sentence.”

Response 185

This sentence has been clarified to state, “The Project Site is located 8.0± miles from the Sterling Forest Bird Conservation Area (SFBCA).”

Comment 186

“The last paragraph of this section seems to indicate that the habitat on the site is consistent with the habitat found in Southern Orange County where the SFBA is located yet states that “the biological assessment... did not identify the habitat richness when compared to the SFBCA”. This statement should be further clarified and checked for grammatical error.”

Response 186

The SFBCA is a designated area located in the Towns of Tuxedo, Warwick and Monroe within Orange County, New York. It encompasses approximately 16,833 acres of a variety of habitats including upland forest, wetland complexes (such as the Cedar Pond area), lakes, and patches of early successional habitat. The NYSDEC also identified significant ecological community types include Appalachian oak-hickory forest, hemlock-northern hardwood forest, inland Atlantic white cedar swamp, dwarf shrub bog, and successional old field habitat. The biological assessment of the Project Site did not identify the habitat richness when compared to the SFBCA. The landscape of the Project Site was consistent with habitats found in the southern portions of Orange County.

Comment 187

“If it is shown that endangered/threatened species were not found in the proposed development area- are there any anticipated impacts from construction? (noise or vibration related?)”

-“Though some areas of Indiana and Northern Long eared Bat habitat will be impacted, a significant amount of habitat be preserved as open space on the Site.” Again see §325-14.1.B(2)(a)[i][a][vii] primary conservation area includes identified habitat areas for threatened or endangered flora or fauna”

“Paragraph 4: reference to 136 acres of project site developed inconsistent with 142 on the site plan”

Response 187

No impacts are anticipated from construction. Wildlife species would have substantial suitable habitat within the approximately 80% of the Project Site that would be undeveloped and preserved as open space. The Project would not have the potential to substantially interfere with nesting/breeding, foraging, or overwintering habitat of any endangered or threatened species, or any species of special concern.

Furthermore, the NCES bat survey identified trees that appeared suitable for use by both species for roosting activities, of which some are located immediately adjacent to the Palustrine wetland areas and others are sporadically located throughout the forested upland components of the Project Site. Accordingly, the Project would conduct tree clearing activities between November 1 and March 31 of a given calendar year. Wetlands and an additional approximately 180 acres of upland habitat suitable for bats would not be impacted by the Project. The DEIS has been revised to reference approximately 140 acres of development consistent with the Site Plan.

Comment 188

“Furthermore, the Project Site is located approximately eight miles from the NYSDEC designated SFBCA. As this area is located far away from the Project Site, the Project would not impact any bird species in the BCA and would have no impact on that area's status as a National Audubon Important Bird Area.”

“The above statement ignores the presence of the Hudson Highlands West Important Bird Area designated by the NY Audubon in June of 2016. This addition to the Hudson Highlands IBA is 10,324 acres, approximately 384 of which are within the project site as per an NP&V GIS analysis.”

-“Further research should be done regarding birds on the project site. There is a list of birds identified on the site in Appendix I (A-H):”

-“What is their range, habitat and alternative habitat?”

-“How rare are each of these species?”

-“How will they be impacted by development, noise, litter and other human impacts?”

Response 188

The DEIS complied with the requirements found in the Scoping Document, which did not include an analysis of the presence of the Hudson Highlands West Important Bird Area or the other items listed in this comment. Moreover, based on the overall acreage of the Hudson Highland West Important Bird Area and the impacts to forested areas, the Project would not have a direct impact on bird populations the Hudson Highlands Bird Area.

The evaluations completed by NCES were specific to those species that were individually referenced by the NYSDEC and USFWS as being either state or federally listed as endangered, threatened or rare as indicated in correspondence found at the end of Appendix D. The evaluations included a general habitat assessment to determine if suitable habitat conducive to the existence of the listed species is present. If suitable habitat was documented, then species-specific surveys were conducted in an attempt to identify actual species presence/absence on the property. During the endangered and threatened species evaluations, NCES staff compiled a list of all species of flora and fauna identified on the property. These species were identified by direct observation, by sound, or by physical remains (ie, tracks, scat, fur, feathers, bones, etc.). With respect to the birds identified on the property, it does not appear that any are currently listed on the state or federal endangered species list as either endangered or threatened. Therefore, no further studies have been deemed required by the NYSDEC or USFWS and no further information is provided.

Comment 189

“A response has not been provided from NYSDEC that it concurs with any mitigation measures described in the DEIS.”

Response 189

The DEIS does not propose mitigation measures besides for time-of-year tree clearing to avoid impacts to bats because the Project would not have the potential to generate any significant adverse impacts on threatened or endangered species. The response from NYSDEC will be provided to the Village.

Comment 190

“The following reports are mentioned in the DEIS, but not submitted: Timber Rattlesnake Survey and Assessment.”

“Include DEC's Guidelines for Reviewing Project for Potential Impacts to the Timber Rattlesnake as an appendix and elaborate on the actions that will be taken to mitigate impacts in-text.”

Response 190

This report is included in the DEIS as Section 3.2-2b of the report found in Appendix C. Furthermore, The Scoping Document did not require these documents be included in the DEIS. There would be no potential significant adverse impacts as there would be no development within Timber Rattlesnake habitat.

Comment 191

“Paragraph 3: Residential homes may use herbicides or pesticides at whim as seen fit, how can a developer ensure the residential community does not use these chemicals?”

Response 191

The use of such chemicals for the maintenance of lawns is not a significant quantity and would therefore not present any potential negative impacts according to the Project biologist. This is especially so given the size of the lots and the modest amount of area within each lot for lawns and plantings.

Comment 192

“Soil types should be discussed for the entire property not just the portion slated for development.”

“There is no discussion in this section of geology. Geology, i.e, bedrock and solid earth that the site is composed of, is different than the soil, which is the layer of earth in which plants grow, including a mix of organic materials and rock particles.”

Response 192

Table 371 lists all soils on the Project Site and Figures 371 and 372 in Section 3.7 illustrate and map the soils on the entire Project Site. The DEIS has been revised to address geology.

Comment 193

“B. Land with Steep Slopes - A map detailing the areas of steep slopes is needed for this and other sections.”

Response 193

This map is included in Section 3.1.

Comment 194

“Mitigation: This section does not contain sufficient information. It must include maps, tables, figures and relevant plans as appendices (such as erosion control plan, building and utility design and stormwater management infrastructure)”

Response 194

The DEIS has been revised to contain this information in this section.

Comment 195

“Wetlands and Surface Water Existing Conditions”

- a. ***-“Note that the Moodna Creek is an impacted stream”***
- b. ***-“Please confirm the number of acres or wetlands here and elsewhere in the document per comment on page 123 above.”***
- c. ***-“Appendix E2 includes a letter dated April 12, 2018 noting discrepancy in how the wetland area is calculated, has this been resolved?”***
- d. ***-“A wetlands map has been included elsewhere in the document, why not in this section?”***
- e. ***-“Discussion of the impacts to wetlands specifically should follow the description of wetlands on the site and should be a separate discussion from surface water.”***

Response 195

- a. Noted.
- b. Table 381 of Section 3.8 lists and calculates all Project Site wetlands, totaling 35.36 acres.
- c. Yes. A revised JD has been issued and has been added to Appendix E. This had no impact upon the total wetlands on the Project Site, which total 35.36 acres.
- d. Wetlands maps have been added to Section 3.8 as Figures 381 and 382, as well as in Appendix H as a 24 x 36 plate.
- e. The extant discussion is organized and logical.

Comment 196

“The analysis was conducted when a different layout was proposed. It cannot be concluded that the applicant specifically investigated those areas now proposed to be disturbed. Field surveys were performed in 2015 and 2015 based on the old layout.”

Response 196

The analysis was based on the entire Project Site, as we needed to establish locations of habitat for the Project’s Land Conservation Analysis. The minor changes to the subdivision layout have no impact upon the validity of these studies.

Comment 197

“The NYSDEC Natural Heritage Program response is almost 4 years old (2014). A new letter should be submitted.”

Response 197

An updated response letter from 2019 is included at the end of Appendix C.

Comment 198

“Please indicate the total number of person-days/hours that the site was field surveyed”

Response 198

This information has been added to the revised DEIS.

Comment 199

“Please provide a map of the ecological communities and their location on the site.”

Response 199

DEIS Section 3.6 has been revised to provide maps of the ecological communities and their location on the Project Site.

Comment 200

“Comprehensive ecological studies indicate what species could be present even if not observed, based on the habitat present. Please indicate what species could be potentially present.”

Response 200

The DEIS has been revised to indicate this information in Section 3.6 and in Appendix C.

Comment 201

“There is limited analysis of bird species on this site - it is within the Hudson Highlands West IBA.”

Response 201

The bird analysis conducted complies with the Scoping Document requirements.

Comment 202

“It does not appear that any aquatic (stream and pond) species were surveyed -please indicate what species may be within these communities.”

Response 202

The DEIS has been revised to include a list of aquatic species.

Comment 203

“The discussion and analysis for bats is incomplete. Was a bat mist survey conducted? Given the amount of acreage to be disturbed, and the potential presence of bat habitat, it is recommended that a mist survey be conducted.”

Response 203

The assessment was conducted in coordination with the NYSDEC. Neither the NYSDEC nor the Village Scoping Document required a mist survey. In accordance with both NYSDEC and USFWS protocol, the Applicant has assumed presence of the listed bat species and has incorporated into the Project appropriate measures, such as time-of-year tree clearing restrictions to preclude any potential significant adverse impact upon listed bat species. Consequently, by complying with time of year restrictions and not removing trees when bats are present, specific studies are not required. Mist net surveys are only required if/when an Applicant wishes to develop or clear a site during the Spring/Summer and early Fall months, when listed

bat species may be present in summer habitats. The Project would conduct tree clearing activities between November 1 and March 31 of a given calendar year.

Comment 204

“The Ecological Report appears to be an inventory, not an assessment, as an impact assessment is not included in the report.”

Response 204

The report documents the existing on-site conditions, define the habitats and ecological community types present, and identify those species that were confirmed present by NCES during the reviews. The reports also document that NCES conducted species-specific evaluations for those deemed as endangered, threatened or of special concern by the DEC and USFWS. The Proposed Impacted Ecological Community map is included in Section 3.6 as Figures 362a and 362b to assess potential impacts to the existing ecological communities present on the Project Site. Since the Project would leave the vast majority of the Project Site as open space and development would occur on lands that are mostly already disturbed, there would be little disturbance and no significant adverse impacts to ecological communities and ample habitat space for potentially displaced wildlife.

Comment 205

“With regard to the Wetland Report, it appears to be missing sections. There is a map, and attachments commencing with Attachment 4. The first three attachments are missing.”

Response 205

Nothing is missing from this Appendix.

X. Visual and Aesthetic Resources DEIS Section and Technical Report

Comment 206

“The balloon test and selection of points to analyze is based on a different layout - the test was conducted in Dec 2016 and the locations approved by the Planning Board by Resolution 12 of 2016 - this layout is new, and the study may not be reflective of a worst case analysis, especially as it pertains to the southerly area of the Village.”

Response 206

Please refer to Response 2.B.

Comment 207

“Please provide the specific methodology used for the photographs taken (millimeter film or digital lenses used, etc.) and how the simulation of the layout was created.”

Response 207

A professional company, AJ Ross Creative Media, took the photographs and simulations were created in coordination with Ecological Analysis, LLC, as approved and accepted by the Village.

Comment 208

“The DEIS does not include a comprehensive viewshed analysis of all potential areas within the viewshed from which the development is visible, and sensitive resources within same. Map showing the area from which the site will be viewed needs to be submitted, using Arc Analyst or similar program.”

Response 208

The Visual Assessment was conducted in accordance with all Village Scoping Document requirements with explicit approval from the Village Boards over the course of over two years (see Response 2.B). Furthermore, the balloon testing was overseen on-site by the Village officials and professionals to ensure compliance with Village protocol, and Village officials and professionals visited the Vantage Points during the Balloon Test. No balloons were visible from any of the Vantage Points.

Comment 209

“In general, the discussion is disorganized and jumps around, in terms of the vantage points, and photos, rather than presenting them numerically. Should be better organized, with headers providing a summary of each vantage point.”

Response 209

DEIS Section 3.14 (Visual and Aesthetic Resources) presents the vantage points (VP) in numerical order. Subsequently, findings are summarized by grouping the vantage points together according to their potential visibility, or lack thereof, in a logical fashion. This section is based upon the report in Appendix K, which is also well organized.

Comment 210

“An analysis of views from public roads has not been conducted. This is especially an issue with the proposed connection to Arlington Drive.”

Response 210

The analysis did include views from public roads and included an analysis of the proposed connection to Arlington Drive, which is located adjacent to Balloon No. 1 and views from Vantage Point No. 7.

Comment 211

“The DEIS does not provide a comprehensive analyss [sic] of views from residential properties in the vicinity.”

Response 211

An analysis was conducted as per the Vantage Points approved by the Village Boards and Village professionals.

Comment 212

“An analysis is not provided from Mountain Lodge Park as required by the Scoping Document.”

Response 212

The analysis, specifically Vantage Point No. 6, included views from Mountain Lodge Park.

Comment 213

“Please provide a layout of the project superimposed on the images showing the vantage points. Provide on legible topographic map with 2-foot contours.”

Response 213

A layout of the Project Superimposed on the images showing the balloon test locations and vantage points was included in Figures 3141 and 3142 of Section 3.14 and in Appendix K.

Comment 214

“The conclusions that a project is not within the line of sight due to intervening trees is incorrect. They are in the line of sight but screened by trees. Remove “Not Within Line of Sight” from the applicable images.”

Response 214

According to the assessment conducted by the Project professionals from Ecological Analysis, LLC, “Not Within Line of Sight” is the appropriate way to define this.

Comment 215

“Please provide a comprehensive list of all potential sensitive vantage points in tabular format that in the viewshed that have been studied.”

Response 215

This was not required by the Village Boards nor in the Village Scoping Document.

Comment 216

“Please document the visibility of all historically significant resources that were examined. The Howell Farm complex is identified as historically significant. Will the development be visible from it? Will the original Howell dwelling attached to the Quonset hut be demolished?”

Response 216

The Howell Farm Complex would not be adversely impacted by the Project, which would probably not be visible from the historic Site as the Project would include a buffer to protect this Site. The H. Howell House and Quonset hut, which is part of the former Lake Anne development are not National Register eligible, due to the condition of the structures, and details regarding which structures would be preserved and which would be demolished are included in Appendix B.

Comment 217

“E/T /C line - do not abbreviate - this will be confusing to the public readers.”

Response 217

Noted.

Comment 218

“A discussion of facade materials is not presented.”

Response 218

The DEIS has been revised to include language regarding the facade materials. See Section 3.1 which details that the colors and materials would be used as per requirements of the Village Zoning Code. In addition, Section 2.20 contains renderings of the potential homes.

Comment 219

“The landscape plan is not to be representative - it is supposed to include the entirety of the project.”

Response 219

The DEIS has been revised to include more detailed landscaping plan sheets in the Site Plan Package in Appendix A.

XI. Historic and Cultural Resources Section and Phase IA and 1B Surveys

Comment 220

“The maps should be submitted in color if they are referencing data shown in color.”

Response 220

The maps have been submitted in color.

Comment 221

“As mentioned previously, the APE does not match the proposed layout for either Phase IA or Phase 1B.”

Response 221

Please refer to Response 2.A.

Comment 222

“A photolog of where the photos are taken needs to be included.”

Response 222

Under each photograph is an explanation of what is pictured and the location of where it was photographed. In addition, there is a List of Photographs, which also includes the locations of where the photographs were taken.

Comment 223

“On p. 8, reference is made to an Architectural Report which has not been submitted for the record.”

Response 223

This is a reference to the Archaeological Report a/k/a Phase 1A, which is included as B-1 of Appendix B.

Comment 224

“Provide a comprehensive single map showing the shovel tests and the areas referenced in the Study (e.g., Area A, B, C, etc). The 8.5" x 11" images are difficult to read and reference.”

Response 224

A comprehensive single map showing the shovel tests and areas referenced in the Study has been provided in color in the Phase 1B and Supplemental Phase 1B reports of Appendix B. The 8.5 x 11 image's purpose is to act as an index, referencing the subsequent map numbers, which consist of 20 blown up 8.5 x 11 maps from each area that are easy to read and reference, and clearly illustrate the shovel tests.

Comment 225

“Please superimpose the areas that were shovel tested on a map with the new layout to assess what was not studied in the APE.”

Response 225

This map is found in the Supplemental Phase 1B in B-3 of Appendix B.

Comment 226

“It appears there is an incomplete building survey of the H. Howell building.”

Response 226

The building survey of the H. Howell building is complete, and a summary is found on pages 31 through 33 of the Phase 1B Cultural Resources Survey in B-2 of Appendix B.

Comment 227

“Is the prehistoric site outside the APE? Is this well a test well or permanent well? Will access to this well be provided from time to time? If so, it is within the APE and needs to be completely evaluated.”

Response 227

The Supplemental Phase 1B evaluates this Prehistoric Site. The well referenced is well 21 (the best well which is out of service). An avoidance and preservation plan for this well site was prepared and submitted to the NYS OPRHP for evaluation and is included as Figure 351 in Section 3.5.

Comment 228

“Is the APE accurate? It appears all disturbances for the development, including utility connections and the need for a storage tank, are not shown. A complete and comprehensive limits of disturbance area must be established prior to any additional shovel testing.”

Response 228

The current APE is accurate. Complete and comprehensive limits of all disturbance areas for the development, including utility connections and the storage tank (included in the Site Plan Package in Appendix A), had been established prior to the additional shovel testing as part of the Supplemental Phase 1B included in B-3 of Appendix B and summarized in Section 3.5.

XII. Growth-Inducing Aspects

Comment 229

“The DEIS should discuss the potential to induce growth on the parcel the Applicant owns in the Town of Blooming Grove.”

Response 229

The additional 159 acres owned by Keen Equities consists of adjacent lands in the Town of Blooming Groves and is identified as Tax Parcel Section 4, Block 1, Lot 1.13. There are no plans to develop this parcel at this time. In addition, Chapter 7.0 of the DEIS addresses all items outlined by the Scoping Document; however, the Scoping Document did not require these adjacent lands be evaluated. Since the Project would not be developing excess sewer or water capacity beyond that needed for the Project, the Project would not induce growth on Keen’s additional contiguous lands.

XIII. Maps

Comment 230

1. “The adjoiner maps do not show current ownership.”

Response 230

Surveys of the Project Site showing current ownership of adjoining properties have been submitted to the Village on multiple occasions.

Responses to Comments received 8/21/18 from Village Consultant DA

I. Executive Summary

Comment 1

“Data concerning the impact on community character was not adequately provided so that all conclusions reached in the DEIS can be properly reviewed and commented upon by the public. Without having the data to support the impacts, the mitigation measures cannot be properly reached.”

“Dwelling unit density: It should be made clear to the reader that the full development of 600 single family residences, each with an accessory apartment, will total 1200 dwelling units; and that such density approaches three units per acre zoning. This ratio has been calculated under conventional subdivision standards - before lands will have been subtracted for environmentally sensitive areas and other municipal dedications (parkland and road widening, for example). In the subject development, of the remaining 136 acres after open space preservation and parkland, the potential dwelling unit density calculates to approximately nine units per acre. In assessing community character, it is important for the reader to understand the gross density of development as well as the visual impact of the net densities that will be experienced within the developed areas.”

Response 1

The DEIS has been revised to adequately provide the data concerning the impact on community character so that all conclusions reached in the DEIS can be properly reviewed and commented upon by the public, and since the assessment based upon the data concludes there would be no adverse impacts to community character, there would be no mitigation necessary.

The Project’s overall density is one dwelling unit per approximately 1.2 acres and not three or nine dwelling units per acre. Three dwelling units per acre would total 2,125 dwelling units and nine dwelling units per acre would total 6,374 dwelling units. The comment equating the Project’s density to three or nine units per acre is erroneous as it ignores the Village Zoning Code requirements to preserve open space, lot layout, etc.

Moreover, the Project is an application for development of 600 single-family dwelling units on 708.2 acres of land. The DEIS analyzes the potential impacts from future potential accessory apartments, in order to comply with the Scoping Document, which states *“The Applicant has not proposed accessory apartments; however the co-lead agencies consider the construction of such apartments a reasonably foreseeable consequence of the Project.”*

The Project’s development would disturb only approximately 140 acres, which would be interspersed among greenbelts and other open space areas throughout the 708.2-acre Project Site, as Figure 342 and 344b illustrate. The density of the Project is based upon the Project Site not just the disturbed development area.

Comment 2

“Water supply: It is not acceptable to proclaim satisfaction of water supply demand due to the ability to draw the required amount from on-site wells and water storage structures. Water in the subterranean

aquifer is migratory. Due in part to rock fracturing and fissuring -it is nearly impossible to identify its untapped source into or its direction out of the development area. The water supply to be drawn by well for use on this site will diminish that available for upstream as well as downstream supply. This will ultimately diminish water capacity anticipated for use by other undeveloped properties. It will also diminish available supply for existing wells. It has been our experience that the NYS DEC and PSC each require available water to be calculated based upon the most severe recorded drought condition. It also takes several years of "normal" rainfall thereafter for an aquifer to replenish. This not only affects availability of potable water for drinking, cooking and other household uses; it also affects process water required of industrial uses, water cooled mechanical systems, and firefighting -in this and surrounding communities. These supply-related issues must be addressed more fully."

Response 2

The Village Zoning Code states the "Production of test wells shall be documented by a qualified hydrogeologist familiar with conditions specific to Orange County," and the Project's water well testing was done by a qualified hydrogeologist familiar with conditions specific to Orange County and is detailed in Appendices F and G. The testing for the Project's well was conducted in accordance with NYS "Pumping Test Procedures for Water Withdrawal Applications" and Sanitary Code Part 5, Subpart 5-1, Appendix 5D for testing public water supply wells and in accordance with all NYSDEC, NYSDOH, OCDOH and Village standards and comment. The results of the pumping tests demonstrated that the six on-site wells proposed for Project use have the capacity to generate over 785,000 gallons of water per day and can support the Project water demand of less than 275,000 gpd and is detailed in Section 3.8ii. As required by the Scoping Document, the DEIS includes a drought assessment conducted based on conditions which occurred during the 1960's extreme drought in the region, which is detailed in Section 3.8ii and Appendix F.

Comment 3

"Sanitary Sewer: Waste water treatment will continue, even in times of drought. The tributaries into which the effluent enters will be of lesser volume. Loss of dilution in tributaries will have a greater impact on the surrounding ecosystem. This must be addressed."

Response 3

Low flows are considered in developing the SPDES limits. A Waste Assimilation and Capacity (WAC) Analysis was performed in compliance with the NYSDEC Division of Water Technical and Operational Guidance (TOGS) to develop preliminary SPDES limits and is found in Appendix I-2. That analysis considers MA7CD10 flow, which is the minimum average seven consecutive day flow with a statistical recurrence interval of 10 years. A summary of the analysis is found in Section 3.8i.

Comment 4

"Storm Water run-off: There are many engineering solutions to filter and diminish flow rates of run-off; as well as to divert storm water run-off back to the aquifer (thus potentially replenishing water supply sooner.) Include such measures in the DEIS sections addressing those issues."

Response 4

Run of reduction measures, including measures to filter and diminish flows, such as disconnection of impervious areas, preservation of riparian buffers, utilizing vegetated flow channels and infiltrating runoff are discussed in detail in Appendix H. A discussion of these items has been added to the text of the DEIS in Section 3.8.

Comment 5

“Please expound upon what makes this development equitable to ‘three similar properties’ (last paragraph of this section).”

Response 5

This paragraph is not referring to the development of the Project and is stating that there is a mix of residential and commercial properties in the area of NYS Route 208 and Clove Road and that there are three properties that cut into the Project Site and are surrounded by the Project Site on the sides and rear with frontage on NYS Route 208 and/or Clove Road, which also follow the residential and commercial manner of development, including the commercial/retail Blooming Grove Shopping Plaza property on NYS Route 208 and two other residential properties on Clove Road.

Comment 6

“Based on historic data, project population growth in Kiryas Joel to the up-coming two generations. Is it likely that other properties in the Village will be purchased by the Satmar Hasidic community to satisfy anticipated need?”

Response 6

The Scoping Document did not require population growth in Kiryas Joel be projected up to the up-coming two generations; however, this is addressed in the Orange County Center for Governmental Research (“CGR”) Report¹, which estimates its population through 2040. Since the Village of South Blooming Grove and other municipalities have opposed Kiryas Joel’s annexations, Kiryas Joel’s residents have needed to seek housing outside of Kiryas Joel, which is likely to continue to result in Satmar Hasidic community members purchasing homes in communities surrounding Kiryas Joel such as the Village of South Blooming Grove, in order to satisfy their housing needs. Should the Village of South Blooming Grove and other surrounding municipalities allow Kiryas Joel to expand its borders to provide additional housing for its residents, it is possible residents would not need to move outside of Kiryas Joel’s boundaries.

Comment 7

“Minor edit: Abbreviation for Community Design Review Committee should be CDRC.”

Response 7

The DEIS has been revised accordingly.

¹At the request of the Orange County Planning Department, the Center for Governmental Research (“CGR”) and the Chazen Companies conducted an independent assessment dated August 21, 2015 analyzing the circumstances surrounding the Kiryas Joel Annexation.

Comment 8

“See general comments above. We remain concerned about the anticipated water usage for the development. Household size seems to have been estimated lower than we would have anticipated. This could create a health issue critical to the proposed development and the surrounding affected communities if services, utilities and improvements are not adequate for a larger population.”

Response 8

Please refer to Response 2 above in reference to water. The Project would not pose any critical health issues to the proposed development or to surrounding communities, just as is the case with any other 600 homes/lots in NY State, as the Project complies with the NYSDOH, NYSDEC and other applicable government agency regulations. These governmental agencies and their regulations exist to protect public health and through consistency with these regulations, the Project fundamentally would not create any critical health issues than any other Project which complies with such regulations. Furthermore, the restrictions with regards to the design and treatment of infrastructure facilities are more stringent today than when the other similar, but older, homes in NY State were constructed, and therefore, the Project’s infrastructure would actually be even safer and less likely to result in a health issue than the extant infrastructure within older communities in NY State.

In addition, water and sewer household sizes have been estimated conservatively higher than the existing Village and future household sizes under both scenarios, as the water and sewer demand calculations and applications have been based on four bedrooms per home, resulting in a demand calculation of 4,800 people (eight people per unit x 600) which is greater than the Project’s estimated population of 3,052 under Scenario No. 1 and 1,568 under Scenario No. 2.

Comment 9

“Will the dedicated public park within the project site be accessible to the public on Sabbath and other religious holidays?”

Response 9

The Village Board would determine the operational dates and times, including access on Sabbath and other religious holidays, as the public parkland would be dedicated to the Village.

Comment 10

“We note the environmentally responsible measures being undertaken to derive LEED for Houses certification. Please list the measures anticipated.”

Response 10

These measures would be included in the HOA bylaws and conform with those in the Village Zoning Code § 235-14.1A(3)(c).

Comment 11

“Driveway space will be available for "up to" three or four vehicles. Please indicate the minimum number of spaces available per dwelling unit (assuming an accessory dwelling unit is provided). Based on the typical unit site plans, demonstrate how emergency service vehicles and personnel would access

the rear of properties to serve a given need. Will front yards be devoted to vehicular parking, or can the preponderance of the front yard be covenanted to maintained green space? The size of each anticipated parking space should be identified. Since elsewhere in the text, multigenerational use of homes are characterized, access by the physically disabled to dwelling units should be fully described. Where will park and ride facilities be located? How will drainage of impervious surfaces be engineered?"

Response 11

The driveways would have space available for up to four vehicles. Section §235-23.C. of the Village Zoning Code requires two parking spaces per primary unit and one parking space for each accessory dwelling plus ½ space per each accessory bedroom. Thus, if each lot is developed with a single-family home and a two-bedroom accessory unit, each lot would require four parking spaces in total.

Emergency service vehicles and personnel would access the rear of properties to serve a given need in the same manner they access the rear/backyards of any given home or development in the Village and all other communities in Orange County. In addition, the Project proposes a minimum of 30 feet between homes, a minimum of 20 feet between driveways, and a minimum of 25 feet between driveways and neighboring homes (driveways are offset by 10 feet from the lot line and homes by 15 feet) even when cars are parked in the driveway, which would provide ample space for emergency service providers to access backyards. Moreover, in a given need, emergency service providers and their vehicles are allowed to park in or pass the driveway. In the event of fire, the Project's homes, which are proposed at a maximum of 25 feet high, have ample space in the above-mentioned setbacks to place ladders and to fight fires.

Front yards would not be devoted to parking and would be covenanted to maintain green space as shown in the Regulatory Compliance Report in Section 2.20. The size of the parking spaces is identified in the lot layout plans in Section 2.20. How the respective homeowners decide to provide potential access for potential physically disabled family members will be at their discretion, and may include ramps, etc. The location of park and ride facilities are shown on all of the Project's maps, including the Project's Master Plan (see Figure 12 of Section 1.0) and other Project plans in Section 2.20, as well as in Appendix A. Lastly, a stormwater management system which captures and treats runoff from all impervious surfaces has been designed and is described in Appendix H and depicted on the plans in Appendix A.

Comment 12

"Required approvals: Add: "building permit for each dwelling unit and accessory apartment".

Response 12

The lot/homeowners and/or their developer(s) would apply for building permits for each dwelling unit in the future, and this is not part of the Clovewood subdivision and Site Plan application.

Comment 13

"Federal, State, County, and Town services will be required in addition to Village and school services. The costs to provide uncompensated state mandates such as Medicaid must be addressed. Costs attributable to welfare recipients (if any) should be identified."

Response 13

DEIS Section 3.2 addresses County and Town service costs, as well as Village and School District service costs. According to the U.S. Congressional Budget Office (2017 figures), the Federal Budget of the U.S. exceeds 4.1 trillion dollars in expenditures and 3.7 trillion dollars in revenue. The Project would not have any significant impact upon the Federal budget and was not required to be analyzed by the Scoping Document. Likewise, New York State's budget spent in excess of 150.1 billion dollars, and the Project would not have any significant impact upon the State budget and was not required to be analyzed by the Scoping Document. Orange County Medicaid costs are capped, after which point they are covered by the State. Accordingly, when the County has already reached its maximum out of pocket cost for Medicaid recipients, any potential additional recipients of Medicaid living in Orange County would not result in more expenses to the County. In addition, the DEIS has been revised to include details related to social services in Section 3.2.3(d).

Comment 14

“Notwithstanding local zoning, the Village of South Blooming Grove was established substantially to retain the rural character of the area, which continues to be surrounded, and over-ridden within, by more intense suburban development. Rural charm continues to be endangered. (Average density, to which the applicant avails itself, can be one way to salvage some aspects of the natural environment). The second paragraph of this sub-section is somewhat misleading at face value. Expound upon it.”

Response 14

Although since revised, the second paragraph of this subsection (formerly DEIS Section 1.7.4) had stated, *“By designing the Project in accordance with the extant zoning, the Project would be significantly less dense than the established subdivisions located adjacent to the Project in the Village of South Blooming Grove, as well as in the vicinity of the Project Site in the Town of Blooming Grove, and the neighboring Village of Kiryas Joel.”* This is not misleading. The relevant provisions of the Village Zoning Code governing development on the Project Site were enacted following issuance of a negative declaration. Thus, the Village Board, as lead agency, concluded that development in accordance with the Village Zoning Code would not have the potential to generate any significant adverse environmental impacts, including community character impacts. Since the Project is in accordance with the Village's Zoning Code there are no possible significant adverse impacts on community character. Furthermore, the Project would indeed be less dense, and therefore, possess more rural charm, than the extant communities within the Village containing over 90% of the Village's housing units. These existing communities are not in compliance with the Village Zoning Code and would not have been permitted to be constructed today, as outlined throughout Section 3.4. Moreover, according to the CGR Report (page 70) the creation of the Village of South Blooming Grove appears *“to have been expressly designed to prevent the creation of another Orthodox Jewish village outside Kiryas Joel's boundaries.”*

Comment 15

“Reference the most severe recorded drought condition, its projected affect on the proposed development, on existing development, and upon future growth beyond this development, should this most severe condition recur.”

Response 15

Please refer to Response 2.

Comment 16

“Please review the estimated household size. The estimate average of 3.2 people per household (1,200 households, 3,862 people) seems extremely low -even considering that the accessory apartment may be dedicated to couples beyond child-bearing years. Will existing service facilities be able to accommodate the burgeoning growth and demands of the community?”

Response 16

The Project is not proposing 1,200 homes. The Project proposes 600 homes and the DEIS evaluates the potential for accessory apartments as required by the Village Scoping Document which states, *“The Applicant has not proposed accessory apartments; however the co-lead agencies consider the construction of such apartments a reasonably foreseeable consequence of the Project.”* The Village Zoning Code restricts accessory apartments in size to 25% or less of the primary unit, not to exceed 750 square feet, and does not allow 3.2 persons (as stated in this comment) to occupy an accessory apartment as per §235-45.6.A(9). Please refer to Table 327 of the DEIS, which clearly outlines the population estimates per household under both scenarios. Moreover, the estimations for the Project Under Scenario No. 1 is also conservative since, according to the CGR Report the average household size for the Village of Kiryas Joel is actually decreasing as a result of changes in demographic characteristics from an average household size in 2015 of 5.9 to about 4.8 persons over the next few years. Accordingly, the household size of 5.47 persons presented in the revised DEIS for this scenario gives the broadest real perspective of future population growth based upon actual growth trends without underestimating the anticipated population. Community facilities and services are analyzed in Section 3.3 of the DEIS and the analysis concludes the Project would not result any significant adverse impacts upon community facilities and services.

Comment 17

“Ascertain whether direct roadway connection to KJ will increase traffic where the new road system outlets onto Route 208 and onto Clove Road.”

Response 17

The Project is not proposing a direct roadway connection to KJ.

Comment 18

“In addition to prior comments, it is noted that rear yards are extremely shallow. Are accessory structures such as decks anticipated? Are seasonal structures, such as Sukkah's, anticipated? Both privacy and fire spread are concerns.”

Response 18

Decks are anticipated and are shown in the plans in Section 2.20. Sukkahs would probably be indoors, as most newly-constructed single-family homes for religious observers of the Jewish holiday of Sukkos contain indoor sukkas; however, should a lot/homeowner propose an outdoor sukkah, which would be utilized for just 8 days out of the 365 days in a year, the sukkah would conform with applicable standards.

Privacy is not a concern as almost all rear yards are lined with greenbelts, and please refer to Response 11 above in reference to fire safety.

II. Community Character

Comment 19

“3.4.2 Is the 10 mile and 20 minute driving distance to the outer reaches of the secondary study area? Please clarify.”

Response 19

The 10-mile and 20-minute driving distances are not to the furthest outer reaches of the Secondary Study Area (for example, the driving distance from the Project Site to the Village of Cornwall on Hudson is even greater than 20 minutes), but the approximate times from the Project Site to the outer boundaries of the Secondary Study Area. This has been clarified in the revised DEIS.

Comment 20

“Define “hamlet” for the reader (paragraph 1).”

Response 20

The definition of “hamlet” is common knowledge and is a community area within a larger government municipality - this word is also referenced in the Town of Blooming Grove Comprehensive Plan.

Comment 21

“Paragraph 3 is somewhat misleading. Whereas the parcels/dwelling units suggest a gross density of 2 dwelling units per acre, the subject property has a net developed area density of 9 dwelling units per acre.”

Response 21

This comment is incorrect. The Village Zoning Code calculates density according to the amount of dwelling units per acres of the entire Project Site and encourages a clustered development layout in order to preserve open space. The Project Site is 708.2 acres of land and the density is one unit per approximately 1.2 acres and not nine dwelling units per acre.

Comment 22

“Paragraph 4: “small lot” is a subjective term. Please describe what you mean -and compare to the 1/6 acre lots proposed for Clovewood.”

Response 22

Small lots refer to those on less than 0.5 acres of land, which is designated as the smallest lot area group in Figure 345 of the DEIS. These are also compared to the Project’s lots throughout the DEIS, which have approximately 51,500 square feet of land area per each single-family lot (approximately 1.2 acres) as the Project’s open space follow the lot layout requirements of the Village Zoning Code. Moreover, the Project’s net lot sizes are greater than one-sixth of an acre.

Comment 23

“Paragraph 6: Is Satmar purchase and occupancy of residences in the Village a trend that is anticipated to continue -even after Clovewood is fully developed?”

Response 23

It is reasonable to assume that the recent trend of Satmar Hasidic community members purchasing properties within the Village will continue with or without, and before and after, the development of the Clovewood Project. Please also refer to Response 6.

Comment 24

“Paragraph 11: We again question the estimated population increase that is anticipated. How were these figures derived?”

Response 24

As documented in the DEIS, the population estimated are based upon data from the U.S. Census Bureau 2012-2016, ACS.

Comment 25

“add: ‘Medical Emergency Services’ as an example (later discussed regarding Hezbollah).”

Response 25

We believe this comment mistakenly referenced Hezbollah instead of Hatzolah, which is addressed in Section 3.3 as KJ-EMS.

Comment 26

“Will the additional parkland proposed for the development satisfy the need that will be generated for additional parkland?”

Response 26

The Project Site’s private permanent open space and active recreation areas will meet all of the Project’s needs for recreation and parkland. In addition, the 60 acres of public parkland conform to the 8.5% of a property as required by the Village Zoning Code. No other parkland need would arise from the Project.

Comment 27

“Existing community character includes the rural nature of undeveloped land. How does the proposed development address this Village policy goal?”

Response 27

The Village Zoning Code is in accordance with this Village policy goal and since the Project conforms to the Village Zoning Code, the Project is consistent with the Village’s policy goal. In addition, as the Project would include approximately 566 acres of undeveloped land with the preservation of approximately 80% of the Project Site as open space meets the Village’s policy goal.

Comment 28

“Please revisit the draft EAF contention that Affordable Housing will have little or no impact. Firstly define ‘affordable housing.’ Then a projection of the number/percentage of dwelling units that will be “affordable” should be identified. “Market rate” housing should also be defined and reference cited. A comparison of property tax revenue generation from the resultant breakdown of affordable v. market-rate should then be established.”

Response 28

The Project’s Final EAF was executed by the Village Planner and is included in Appendix O of the DEIS. The Project would include a total of 43 affordable housings units (10% of the base lot count = 34 and 10% of the RC-1 Zone = 9). The Project’s affordable housing units would comply with the requirements of the Village Zoning Code, which define affordable housing as *“Housing units for which occupants of a household earning up to 80% of the Village of South Blooming Grove median income (as defined by the latest United States Census Bureau data) would pay less than 30% of total gross income for mortgage and property taxes.”* Market rate housing prices are based upon average sales according to the Orange County Real Property Tax Records and Hudson Gateway MLS listings. According to the Village Tax Assessor, the property tax revenue would be no different for affordable housing units as it would for market rate, as property taxes are generally based upon house size and number of rooms.

Comment 29

“This is also meaningful from the standpoint of a population's impact on other public subsidy programs -be they local, county, state (or even federal). Those in need of housing subsidy may also contribute less to other economic benefit in the larger community, and draw more from limited financial and service resources of that community.”

Response 29

This comment is addressed in Section 3.2.2(d) of the revised DEIS.

Comment 30

“Surrounding communities are impacted by more than that which is visually generated. As mentioned elsewhere in these comments, storm water management, water supply, treated sanitary effluent distribution, and deforestation may have significant impacts on surrounding communities.”

Response 30

Stormwater management, water supply and treated sanitary effluent are addressed in Sections 3.8 and 3.9 and potential deforestation in Section 3.6 of the revised DEIS. In addition, please refer to Response 2 regarding water, Response 3 regarding wastewater and Response 4 regarding stormwater management, as well as to Response 8. The Project as proposed would not have the potential to generate any significant adverse impacts on surrounding communities; however, the Project would help address the regional housing needs of the surrounding communities.

Comment 31

“In general, we wonder why impacts in the Village of South Blooming Grove were omitted from this matrix. It is unclear how the applicant concludes that the proposed action will generate no socioeconomic

impact in all five affected villages identified. Similarly, there should be some traffic impacts (perhaps minor) in each of these communities. Population increase may also have an impact (on available services and fund distribution, as two examples)."

Response 31

The revised DEIS addresses each of these resources in their respective sections: socioeconomics in Section 3.2; traffic in Section 3.11; available services in Section 3.3; and population increase in Section 3.4.

Comment 32

"In describing a "2-1/2 story ... home" define a "1/2 story" and cite the source of the definition. We have reviewed the floor plans previously submitted and count up to seven potential bedrooms in each dwelling unit, depending upon the name ascribed to a room. This does not include potential bedrooms associated with any accessory apartments. The design intent may very well be 4 bedrooms; but we believe it more accurate to describe each unit as having "up to 7 bedrooms". Should other rooms be used as bedrooms, it will modify the base population from which public utility assessment has been derived."

Response 32

The ½ story refers to a cellar/basement, which may be partially visible from the outside ground level (usually less than 50%) and the source is common knowledge in real estate frequently used by appraisers, MLS, etc. In addition, the Project's application is for four bedroom single-family homes, and this comment's projection of seven bedrooms is not accurate.

Comment 33

"Sample accessory apartment unit floor plans should be provided."

Response 33

This was not required by the Scoping Document and if or when a homeowner may propose a potential accessory apartment, the homeowner would, at that point, submit a plan to the Village for approval.

Comment 34

"Each reference to on-site water supply and sewer treatment should be accompanied by a notation as to the potential impacts to the secondary study area. Surrounding communities will absolutely be affected by those services developed for the sole benefit of Clovewood."

Response 34

Surrounding communities, especially those in the Secondary Study Area that are remotely physically removed from the Project Site, would not be adversely impacted by those services developed for the sole benefit for the Project because the Project is proposed and designed to protect any and all health, safety and environmental concerns as required by Village, County, State and Federal regulations, including those related to on-site water supply and sewer treatment. A notation as to the potential impacts to the Secondary Study Area would not be necessary because, as detailed throughout the DEIS and in the previous sentence, there would be no significant adverse impacts to these areas as a result of the Project.

Comment 35

“To the degree that community services include mandated education-related programs, the financial impacts not only to the school districts but also to NYS should be calculated.”

Response 35

The revised DEIS addresses impacts to the School District and NYS in Section 3.2. Please refer to Response 13 and 42.

Comment 36

“Affordable Housing. Define and posit the number/percentage of affordable du's anticipated in the subject development. Balanced growth is the desired outcome that triggers the call for affordable housing. Shelter must be provided for all who contribute to the well-being of a community.”

Response 36

The Project would include 43 affordable housing units, which is over 7% of the total homes proposed. The Project would provide housing/shelter opportunities to all, including those who contribute to the well-being of the community. Indeed, the best way to address housing affordability is to develop more lots/homes on any given property as addressed in Section 4.2 of the revised DEIS. If the Village would allow higher density zoning, it would enable the Village to better address housing affordability and provide more affordable housing opportunities for all. Still, the Project, while complying with the Village Zoning Code and generally providing homes in the Village, including some affordable housing, would absolutely promote housing affordability through creating more homes available for purchase, which is consistent with the principle of “supply and demand.”

Comment 37

“Architectural Scale. Whereas the floor plans and volumes of homes constructed in Clovewood may be similar to those constructed in other nearby developments, the proximity of one house to another in Clovewood is totally out of proportion to other referenced developments. This significant visual impact should be expressed in the text. For further clarity, housing density should also be expressed in terms of units per net disturbed/developed acre - not just in terms of gross acres. The conclusion drawn in this section as a comparison of architectural scale with extant residential developments is not supported by fact. It may be misleading.”

Response 37

The Village Zoning Code defines a project’s housing density in terms of units per gross acres and not per net disturbed/developed acre. Rather, the Village Zoning Code requires a project’s lot layout minimize disturbance and include open space, etc. In fact, the proximity of one house to another in the Clovewood Project is totally not out of proportion to other referenced developments as shown in Figures 342. The Project is consistent with the neighboring communities, and moreover, it is not designed to have all 600 homes right next to one another, instead incorporating open space and greenbelts interspersed throughout the development. The conclusion drawn in the DEIS as a comparison with extant residential developments is supported by real facts and is not misleading. In addition, because the Project is not visible or barely visible from any location outside the Project Site, there would be no significant adverse impacts on any pre-existing development. Whatever views are visible show a visual character consist with the surrounding

communities as detailed in Section 3.14. Moreover, over 20% of the Village's existing housing in the nearby developments have almost no yard space, consisting of 249 dwelling units located in 9 buildings on 17 acres of land, which is a density of approximately 15 dwelling units per acre. Please also refer to Response 1 above.

Comment 38

“Natural Landscape. Paragraphs 3 and 4 should be re-stated in a more comprehensible form. It is only stated now in generalities. In the context of this Section of the DEIS, it is unclear what percentage of total forested land will be disturbed. What part of the “natural landscape” will remain undisturbed?”

Response 38

These paragraphs have been revised to be re-stated in a more comprehensible form.

Comment 39

“Land Use: 1/6 to 1/9 acre lots are not consistent with detached house lots in other subdivisions in the Village. Please provide comparative lot sizes existing in other developments.”

Response 39

The Project does not propose 1/6 acre (7,260 square feet) to 1/9 acre (4,840 square feet) lots, although the Village's Stonegate/Rolling Hills community consists of 249 dwelling units on approximately 17 acres of land, which is between 1/14 and 1/15 of an acre per unit. The overall density of the Project would be one unit per approximately 51,500 square feet, of which approximately 8,500 square feet per unit would be under individual ownership and the remaining approximately 43,000 square feet per unit would be under common ownership. The Project would be consistent with the Village Zoning Code and its land use regulations which encourages clustering to preserve open space and no rezoning, zoning changes, waivers and/or variances would be required and none are proposed - accordingly, the Project as proposed, is a representation of the development envisioned by the Village for the RR Zoning District lands. Regardless, the Project's lot sizes/areas are compared to the existing subdivisions in the Village in Section 3.4, which includes Figure 345 detailing the existing lot sizes in the Village's RR Zoning District.

Comment 40

“Visual Resources. We agree with the applicant that ridge line views are a valuable resource. Describe how these identified views may be enhanced at various viewpoints.”

Response 40

These would be enhanced through adhering to the Village Zoning Code with regards to housing color, material, etc., as addressed in Section 3.1.1 under Overlay Zoning Districts.

Comment 41

“Potential Significant Adverse Impacts Under Scenario No. I. We note that the DEIS fiscal analysis concludes that in all respects the improvements would yield a net economic benefit to the taxing body. Since we believe there may be more school-aged children than represented in the DEIS in other sections, this may lead to inaccuracy. Population growth should be better anticipated. We refer forward to Table 346, where population growth is not included for Kiryas Joel (KJ) because its physical formation took

place after the 1970 census. A table should be advanced indicating population growth in each surrounding municipality in the Secondary Study Area from 1980 to 2010, so that a comparison can be made for past, present and future population growth inclusive of KJ. We believe that the social and economic impacts on the Village may diverge significantly from that reported. Any U.S. Census projections prepared subsequent to 2010 should be referenced and entered into discussions and charts of comparative population growth.”

Response 41

Table 341 in the DEIS contains more detailed data specific to KJ. The data included in the DEIS was based upon the U.S. Census Bureau 2012-2016, ACS projections and was the basis of the population data used throughout the DEIS. The above comment’s assumption that there may be more school-aged children than represented in the DEIS is not correct.

Comment 42

“Regardless, it appears that the cost to educate a student is based on the school district's share of cost. If so, the contribution of State Education funds for each student should be introduced into the equation.”

Response 42

Please refer to Response 13. In addition, the CGR Report notes that the Satmar Hasidic community of KJ’s usage of private parochial schools and yeshivas has resulted in a savings in excess of \$150 million of funds, which would have otherwise been paid to the KJUSD. In the Project’s case, this would result in a benefit and savings of over \$25 million annually to NYS under Scenario No. 1 because of the community’s choice to send their children to private schools and yeshivas.

Comment 43

“Traffic Generation. It is unclear if the calculations for traffic generation were determined before or after the collector street connection of Route 208 to KJ was planned. This should be clarified, and figures adjusted if necessary.

Response 43

The Project does not propose a street connection of NYS Route 208 to Kiryas Joel or any roadway interconnectivity to Kiryas Joel. The Traffic calculations shown in the figures included in the Traffic Impact Study in Appendix J and summarized in Section 3.11 of the DEIS are accurate and were not based upon an interconnected road to Kiryas Joel.

Comment 44

“Noise. Mitigating measures should be explored.”

Response 44

There are no significant adverse noise impacts that would be generated by the Project. Therefore, mitigation is not required. See Section 3.12.

Comment 45

“Public Policy. See previous comments regarding lot size. A community can offer a variety of housing types (including lot size) as long as costs attendant to a particular lot size and mitigating measures are identified. Figure 347a should have a slice of pie indicating the number of existing lots that are 0.2 acres or less, which would be closer to comparable to that being offered by Clovewood. We believe that such a chart will indicate the stark divergence in lot size from existing developments.”

Response 45

The Project includes the preservation of open space, as required by the Village Zoning Code. Accordingly, the land area of the Project Site which corresponds to each of the proposed units of the Project is approximately 51,500 square feet of Project Site area per lot. The existing lot sizes of the extant communities in Village are not within communities with preserved open space. The DEIS has revised the pie chart (Figure 345, previously Figures 347a and 347b) to include lots less than 0.1 acres in size. This chart indicates the opposite of a stark divergence, illustrating that the Project Site’s overall amount of land per clustered lot, of over one acre, is consistent with, and in fact larger than, the majority (approximately 80%) of those in the extant Village communities.

Comment 46

“Orange County Priority Growth Areas. Discuss “home rule” as it affects county planning policy issues.”

Response 46

“Municipal home rule” is a legal concept under which municipalities and localities are given local input and/or control over certain decisions, including certain local land use decisions. Home rule considerations will be given full import herein that, as reflected in the Section 3.1, the Project is consistent with local zoning.

Comment 47

“It is inarguable that the County has identified the area inclusive of the Village as such an area; however, this is the total area of priority growth. It does not conclude that every acre of land within must be densely developed -only that the aggregate area should be of priority growth. To offer variety, some areas should be less dense than others. And the areas of greatest densities might best be located at existing commercial nodes like the Villages of Washingtonville, Harriman and Monroe -where more complete infrastructures exist. When one considers that the stated goal of the Village is to retain its rural character, it might not be best to attribute growth therein. Notwithstanding, the Village zoning permits alternative development patterns; and discussion should center around the development choice that best serves its stated goal. Certain areas within the county-identified priority growth areas may have already reached a critical mass. For objective comparison, Figure 3410 should thus include a column for KJ. This discussion should also be incorporated in this section of the DEIS. In general, there needs to be a variety of degrees of development and housing choices; otherwise a region would be over-ridden with visual (and perhaps social) homogeneity. Within the study area, no other municipality has incorporated the stated goal of retaining rural character as the Village. Once the Village is fully developed per its master plan, it will generate more “parcels per square mile” than presently indicated. Please provide a comparison of full buildout of all municipalities in the study area.”

Response 47

The Village's extant zoning for the Project Site and the Project's proposed density which is allowed as of right thereunder are consistent with the Orange County's designation of the Village (and therefore the Project Site) as a priority growth area. Orange County Priority Growth Areas are specific areas identified as priority locations to accept, cater and provide housing to the region's natural growth. These areas are specific to those exact designated locations shown in Figure 313, and the region's growth should be directed towards these designated areas, which are intended to and capable of accommodating to the housing needs of the natural growth of the region. Arbitrarily suggesting an area specifically identified as a Priority Growth Area as a place where "*it might not be best to attribute growth therein,*" is an attempt to rewrite the Orange County designation solely for the purpose of hindering the Project and such a suggestion is unreasonable.

The Project is located in a designated Priority Growth Area and does not propose "*that every acre of land within must be densely developed,*" as only approximately 142 acres out of 708.2 acres would be developed at the density authorized by the Village Board in the Zoning Code for the entire Project Site. Therefore, the comment is erroneous and an attempt to create a community character impact where none exists.

Additionally, it may be that the villages of Washingtonville, Harriman and Monroe should contain the greatest densities from the designated Priority Growth Areas; however, that does not relieve the Village of South Blooming Grove of its designation as a Priority Growth Area and instead indicates the Village of South Blooming Grove should be developed similarly to Washingtonville, Harriman and Monroe. Furthermore, the Village also possesses infrastructure to accommodate the growth and development with its existing approximately 250,000 gpd surplus wastewater sewer capacity (see DEIS Section 3.9ii.4) etc.

The comment reiterates that the Village has a stated goal of retaining its rural character. However, since the Project is in conformity with the Village Zoning Code, which also states this same goal, the Project is therefore consistent with the stated goal of the Village to maintain its rural character. Moreover, preservation of approximately 80% of the Project Site also achieves that stated goal.

Indeed, the Project as proposed would accommodate both growth and maintain the character, as its density is greater than one acre per dwelling unit and is designed to be developed on only approximately 20% of the Project Site, which would maintain the rural character in accordance with the Village Zoning Code, even more so than that of the existing Village developments.

In addition, State Executive Law does not define the Village as rural, as the DEC defines a "*rural area*" as "*those portions of the state so defined by Executive Law section 481(7). SAPA section 102(10). in counties of two hundred thousand or greater population, 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein.*" Orange County has a population of greater than 200,000 and the Town of Blooming Grove has a population of greater than 500 people per square mile (the Village of South Blooming Grove has a population of approximately 650 people per square mile). As a result, the Town of Blooming Grove and the Village of South Blooming Grove are not classified as rural areas. Please review DEIS Section 3.4.3, which references Federal Guidelines, which also do not define the Village as rural.

Hence, the Village comment that moves from suggesting the Village priority growth area should not be developed like areas of the greatest densities such as the Villages of Washingtonville, Harriman and Monroe to suggesting that “it might not be best to attribute growth” in the Village is not consistent with the Village’s zoning and is therefore not reasonable. The Village’s zoning as currently adopted is already consistent with the goal of retaining the Village’s character and that is why the vast majority of the Project Site will be preserved as open space. The Village does not have the power to redirect growth and development to other municipalities. To the extent that the Village Zoning Code allows alternative development patterns, it is the right of the Applicant and property owner to decide how it desires to develop its property and the Village does not have the right or the power to force the applicant to choose a different as of right development scenario. Having determined what is allowed as of right under the applicable zoning, the Applicant has every right to propose the development which is allowed by the extant zoning as written. There is no adverse community character impact when the Applicant proposes what the applicable zoning allows, especially following a determination by the Village Board that the establishment of such zoning had no potential to generate any significant adverse community character impacts. Whether or not certain areas may have already achieved a critical mass, the zoning allows the density proposed which by any objective measure is not high-density given the very large size of the Project Site.

Moreover, this Village comment states “*Certain areas within the county-identified priority growth areas may have already reached a critical mass,*” which further indicates why South Blooming Grove is an appropriate area for development, as it currently contains the least persons and parcels per square mile of all of the other comparable villages within the Priority Growth Areas as illustrated in Figures 3410a and 3411a of the DEIS. In fact, even with the proposed Project under both scenarios, the Village would still have less persons per square mile than the averages from all of other priority growth areas, as shown in Figures 3410b and 341b of the DEIS. Relevant discussion regarding KJ is included and detailed in the DEIS Section 3.4.3.

This Village comment also states, “*there needs to be a variety of degrees of development and housing choices; otherwise a region would be over-ridden with visual (and perhaps social) homogeneity.*” The Applicant is not required to compare its development plan with developments in other communities because of some sort of hidden desire to prevent “social homogeneity.” Projects are not lawfully evaluated in a DEIS as to whether they would “override” an area with social homogeneity -- or translated into plain language, create a predominantly Hasidic Jewish community. Nor is the Project to be evaluated to determine whether it would create too much visual homogeneity. The Project is not visible from outside the Project Site and its design can have no such significant community character impacts even assuming that the degree to which a project’s development pattern is similar or dissimilar to existing development is a potential community character impact. This is not a historic district. Moreover, as to visual uniformity, it is the Village which rejected the Applicant’s initial proposal to include two-family homes and a mixed-use development, instead requiring that all development proposed must be of the same class – single family homes. Also, a discussion centered around alternative development patterns and choices is found in DEIS Section 4.0.

Also, the statement that the Village will generate more parcels per square mile once the Village is fully developed per its master plan is baseless, as the Village has no Master Plan. Finally, the comment states, “*Please provide a comparison of full build out of all municipalities in the study areas.*” Such a request is

unreasonable and designed solely to place obstacles in the path of the Project's review. The analysis of persons and parcels per square mile provided in the DEIS is based upon current conditions and provides a factual comparison of the existing people and parcels within the Orange County Priority Growth Areas, including the Village with and without the proposed Project. This analysis illustrates the Village is not only an appropriate location for growth, but capable of accommodating it as well, and the Project would accomplish this while still consisting with the Village Zoning Code and its goals.

The Scoping Document required the DEIS analyze the Project's consistency with the Orange County Comprehensive Plan, which specifically identifies the Village as a Priority Growth Area, as detailed in the DEIS and did not require we analyze full build-out densities of the thirteen municipalities within the study areas. However, the comment above is suggesting we disregard the Orange County Comprehensive Plan identified in the Scoping Document while adding unreasonable analyses not mentioned by the Scoping Document.

Comment 48

"We reiterate that an average household population of 5.62 seems extremely low. This figure should be reviewed."

Response 48

This figure was reviewed and was revised in the DEIS to be based upon more updated data from the U.S. Census 2012-2016. This is an accurate estimation for the Project under Scenario No. 1 as it is based upon the real population of KJ and the Scoping Document specifically states that each scenario should be evaluated according to data from similar communities. Moreover, it is conservative since, according to the Orange County CGR Report the average household size for the Village of Kiryas Joel is actually decreasing as a result of changes in demographic characteristics from an average household size in 2015 of 5.9 to about 4.8 persons over the next few years. Accordingly, the household size of 5.47 persons presented in the revised DEIS for this scenario gives the broadest real perspective of future population growth based upon actual growth trends without underestimating the anticipated population.

Comment 49

"Based on representations in the DEIS that members of the Satmar Hassidim are already occupying housing within the VOSBG, is this trend expected to continue? What are the implications?"

Response 49

See Responses 6 and 23 above. There are no implications other than adhering to the U.S. Constitution and not discriminate on the basis of race, religion, belief or other protected status etc. There would be less traffic (approximately 65 days out of the year) due to Satmar Hasidic community members not driving on Sabbath and Jewish religious holidays and that there would be a net tax benefit because Satmar Hasidic children do not attend public schools (also see Responses 13 and 42 above).

Comment 50

"The villages within the Secondary Land Use Study Area may have grown 60% faster than the surrounding towns. This may be explained by the lack of physical infrastructure outside the villages. (This is just an observation, but its application to Clovewood might be of interest.)"

Response 50

The villages within the Primary Study Area of the Village of South Blooming Grove (one-mile radius) have grown 25%, versus the Village of South Blooming Grove, which has decreased 7% during the same period (see Table 326 in Section 3.2.1) and the Project's application might be of interest since it would help to remedy this decrease. The Project would include its own infrastructure in compliance with applicable regulations and standards, although the Village of South Blooming Grove has sufficient infrastructure, including excess sewer capacity which it has to-date been unwilling to provide to the Project (see 3.9ii.4).

Comment 51

"Table 346 should be adjusted to allow the inclusion of measurement of KJ growth, as previously discussed."

Response 51

Table 341 of the DEIS has been adjusted accordingly.

Comment 52

"The first paragraph on Page 3-148 is an example of "Planning Determinism". The DEIS should first investigate the cause of population loss in the village to establish if it is -in this particular case -a bad thing. Then it should determine what a "reasonable population increase" is, and why."

Response 52

The decrease in Village population is based upon data from the U.S. Census Bureau. The Project represents a reasonable population increase because it is what is contemplated by the Village's Zoning Code and would yield a population density for the Village that would be significantly less than all of the other the communities in the Priority Growth Areas in Orange County. A reasonable population increase has been added to Section 3.2.2.

Comment 53

"Marriage before the age of 18 is not unheard of in the Satmar Hasidic Community. As such, generation to generation follows a shorter time-line than in other local communities. What impact will this have on population growth and required services in the decades to come?"

Response 53

Marriage before the age of 18 does not occur in the Satmar Hasidic Community. Specific to this comment as well as to other comments addressing this general topic, the requirement that analysis of the Project as a Project to be occupied by Satmar Hasidic individuals is particularly outside the scope of SEQRA in the context of analysis of potential environmental impacts since the composition of the occupants of the Project is outside of SEQRA's purview. See Decision and Order at 69, n.3, *Village of South Blooming Grove et al. v. Village of Kiryas Joel et al.*, No. 7410/2015, *Preserve Hudson Valley et al. v. Town Board of the Town of Monroe et al.*, No. 8118/2015 (N.Y. Sup. Ct., Orange Cnty. Oct. 11, 2016) "SEQRA cannot be used to insure what they believe to be the correct composition of housing occupants in a neighborhood (Matter of Hare v Molyneaux , 182 AD2d 908 [3d Dept 1992]."

III. Visibility and Aesthetics

Comment 54

“Indicate how visibility of houses within the site may be mitigated. If mitigated by covenanted landscape buffer, for example, what means of enforcing maintenance is proposed?”

Response 54

The Project would include a 100’ foot buffer on Clove Road, as required by the Village Zoning Code, outlined in the Section 3.1.2. In addition, the Project’s lots propose 30’ foot front yards covenanted to be maintained as green space, as indicated in Response 11 above. The Project’s HOA would be responsible for its maintenance. There is no need for mitigation of visibility of houses within the Project as the Project cannot generate a significant adverse visual impact on itself.

Comment 55

“Although floor plans were provided for proposed primary dwelling units, no elevations, alternate elevations, colors, or materials of construction have been provided. Please provide examples of building elevations.”

Response 55

These are included in the Project’s Plans in Section 2.20.

Responses to Comments Received 8/26/18 from Village Consultant BAE

I. Existing Conditions

Comment 1

“Existing Conditions. The DEIS presents background data describing primary and secondary study areas. The report states that the data were derived from “municipal records and U.S. Census data from the 2010 Census and the 2010-2014 American Community Survey (the “ACS”). The data are presented in Tables 321a through Table 323. The tables use at least one additional source, Esri. Esri is a leading provider of GIS software and data, including estimates of demographic and economic data and repackaged Census and American Community Survey data.”

“The numbers shown are generally what was available at the time of the analysis (2016). However, more current data were available as of the date of the DEIS publication (April 27, 2018). At that time, American Community Survey data from 2012-2016 were available, as were 2017 data from Esri.”

“BAE attempted to verify the 2010 Census and ACS 2010-2014 data used in these tables, and found several issues with incorrect or incomplete data. Esri no longer offers 2016 data, so for these data points BAE generally used the most recent ACS information from 2012-2016 to get a general idea if there was some problem with the data.”

“Average household size was calculated incorrectly. It appears that household size was calculated by taking total population and dividing by number of households. This is incorrect, as it doesn't account for persons in group quarters, rather than households, and thus leads to a modest overstatement of household size. This error is repeated in Table 323. However, the difference between the numbers shown and the correct numbers is trivial.”

Response 1

The Village Scoping Document stated the DEIS should use Data from the U.S. Bureau of Census 2010 and the 2009-2013 American Community Survey (ACS). The initial DEIS used data from the U.S. Bureau of Census 2010 and 2010-2014 ACS, which is more updated than the 2009-2013 ACS data referenced in the Scoping Document and was the most updated, current available data at the time of the analysis and DEIS preparation (2017). The difference between the data used in the DEIS and the data available at the time of the DEIS publication is less than 1% (approximately 0.07%) which does not rise to the level of “incorrect or incomplete data,” however, the revised DEIS includes data from the U.S. Bureau of Census, 2012-2016 ACS as recommended by this comment.

According to the CGR Report¹ the average household size for the Village of Kiryas Joel is actually decreasing as a result of changes in demographic characteristics of the Village of Kiryas Joel population. The CGR report rigorously analyzed the methods used to calculate and project the Village of Kiryas Joel’s

¹ At the request of the Orange County Planning Department, the Center for Governmental Research (“CGR”) and the Chazen Companies conducted an independent assessment dated August 21, 2015 analyzing the circumstances surrounding the Kiryas Joel Annexation.

population, including the various methods conducted by Tim Miller Associates, AKRF, Inc., Orange County Planning and Fromaget. The CGR report provides a realistic population projection and concludes the average household size in the Village of Kiryas Joel is decreasing from the average household size in 2015 of 5.9 to about 4.8 persons over the next few years.

The DEIS based the population projection under Scenario No. 1 upon current household sizes in the Village of Kiryas Joel in order to provide a conservative assessment of the worst-case scenario for potential impacts. Nonetheless, the household size of 4.8 persons found in the CGR report, which uses real fertility and mortality rates, represents the most accurate estimation of population growth within the Village of Kiryas Joel and similar Satmar Hasidic communities. Thus, the household size of 5.47 persons for Scenario No. 1 as set forth in the revised DEIS is appropriate and accurate.

Comment 2

“Housing cost burden percentages incorrect in some cases. The owner cost burdens were consistently incorrect, and the renter cost burdens were incorrect in Table 321a and for the Total Primary and Secondary Market area in both Table 321a and 321b. For most areas shown, the DEIS estimate of the proportion of owners facing high cost burdens was overstated. Cost burden information is key to understanding affordability issues.”

“Problems with local government expenditure and tax levy data. These are not clearly sourced (especially in Table 321a). Data from New York state sources indicates some data points are likely incorrect. In particular, the tax levy data for Harriman and Kiryas Joel may be transposed, and the expenditure and tax levy data from Village of Chester appears to be that for South Blooming Grove or vice versa (numbers shown in Table 321b match exactly).”

“Missing data for Villages. Table 321b is also missing numerous data points for the Village subareas of the Towns, showing them as N/A; however, these numbers are available in the American Community Survey, providing a more detailed look at South Blooming Grove as well as the key comparative community of Kiryas Joel used as a benchmark for Scenario 1.”

Response 2

The DEIS has been revised accordingly; however, the updated figures did not change the outcome of the analysis in any way and did not result in a change to the conclusions in the DEIS.

Comment 3

“Data not necessarily reflective of 2014 as a “point in time.” One key point about the ACS data is that it represents a survey sample collected over a five-year period; thus the 2014 estimates do not reflect 2014 conditions, but rather a sort of “rolling average” of the 2010 through 2014 period. As a result, Table 322 does not precisely represent change between 2010 and 2014. The Census Bureau does provide official estimates for cities, towns, villages, and counties; these numbers are available on the Census website. Table 322 could be updated to use these numbers, except for the Primary Market Area (which consists of Census tracts). Alternatively, Esri one-year estimates could be used.”

Response 3

The Scoping Document required the DEIS be prepared using data from the U.S. Bureau of Census 2010 and the 2009-2013 ACS, which is why ACS data was included in the DEIS. Additionally, The Table is meant to provide information on general population trends. Esri data, also based upon the US Census, was utilized to more specifically assess project-related impacts to the Primary and Secondary Study areas. The DEIS analysis provides an estimate of project-related impacts and provides a basis for a comparison of the impacts of Scenario 1 compared to Scenario 2 in the primary and secondary study areas. However, as mentioned above, the revised DEIS used the 2012-2016 Census Data.

II. Potential Impacts

Comment 4

“Population multipliers for Scenario 1 may be too low. The multiplier used for housing units for Scenario 1 is based on the average household size of 5.62 for Kiryas Joel. This household size, however, is based on all households, in all sizes of units for both owners and renters. ACS data for 2010-2014 indicate that the average owner household size in Kiryas Joel is higher, at 6.21.”

Response 4

The Project under Scenario No. 1 would include owner-occupied and rental units and it would not be appropriate or realistic to solely utilize owner-occupied household sizes from Kiryas Joel. The multiplier in the DEIS represents owner-occupied and rental units. In this manner it gives the broadest perspective of future population growth based upon actual recent growth trends without overestimating or underestimating the anticipated Project population. Also, refer to Response 1 above.

Comment 5

“Additionally, at 1.22 persons, the population multiplier for the Accessory Apartments may also be understated. While the units are limited to 750 square feet, according to the final scoping document, “for impact analysis purposes each home is assumed to have an accessory dwelling unit of 2 bedrooms in size” [P. 6]. It should be noted that ACS data from 2012-2016 reported only 157 single-person households in Kiryas Joel. Higher population multipliers and estimates would indicate a larger service population for local government services.”

Response 5

The DEIS has been revised to include a different multiplier for the accessory apartments based upon and consistent with the Village Zoning Code restrictions related to accessory apartments.

Comment 6

“Source of some multipliers is incorrect, unclear, and possibly dated. Table 324 cites the Rutgers University Center for Urban Policy Research (CUPR), June 2006, and the 2010 US Census. It is not clear exactly where the cited numbers (e.g., the school multipliers) came from since the CUPR publishes numerous reports regarding these kinds of multipliers. It does not appear that the 2010 Census was actually used; the household size number for Scenario 1 are from ACS 2010-2014 rather than the decennial Census. The other multipliers appear to rely on CUPR numbers derived from Census 2000 data.”

Response 6

The multipliers, including those for household size and school-age children, in the DEIS have been updated and are based upon data from the U.S. Bureau of Census for 2016 as found in Table 321 of the DEIS. The multipliers for Scenario No. 1 are based on Census data for the Village of Kiryas Joel for and the multipliers for Scenario No. 2 are based on Census data for the Village of South Blooming Grove.

Comment 7

“It is unclear what time period the age structure pyramid in Table 323 refers to, and how it was calculated. This section of the report estimates growth out to 2030, but according to the text, the age structure data is derived from the U.S. Census and Esri. Neither of these sources provides long-term projections of population and age distribution for small jurisdictions; Esri provides projections out only five years beyond the current date (2016 per the date of analysis). It appears that additional calculations regarding age cohorts was completed, or the age pyramid is actually for current or the near-term future. Changes in the age distribution might result in different government service needs.”

Response 7

Table 323 of the DEIS is not a pyramid and we believe this comment had intended to refer to Figure 324, which is a pyramid, whose data source and year is cited in the body of DEIS and is based upon a projected growth calculation derived from the U.S. Census Bureau and Esri for the Village through 2030. The DEIS concludes the Project would create a substantial influx of younger members into the Village, who would generate greater income to support services than an older population would.

Comment 8

“The future population growth section presents an assertion that is not based on substantial facts. On page 3-4 7, the DEIS states”

“The Village’s population is already tilted very heavily toward seniors, with far too few younger households to provide for older members of the community. Under Scenario No. 1, however, the proposed Project would create a substantial influx of younger members into the Village, who would be able to support services.”

“There is no evidence presented in the DEIS that the seniors in the Village is in need of additional younger households to “provide” for them; the assertion that there are “far too few younger households” is an unsupported statement of opinion. Furthermore, it is possible instead that a “substantial influx” of children might necessitate additional support, as evidenced by high poverty levels and use of government support in Kiryas Joel.”

Response 8

The Age Pyramid is included as Figure 324 in the Section 3.2 illustrates the Village’s population under its current demographic will tilt heavily towards seniors; however, under Scenario No. 1, the Project would add an influx of younger members. The benefits of such younger residents is described in the DEIS body. In addition, please refer to Section 3.2.2(d) which addresses the use of government support in the Village of Kiryas Joel, as well as to Responses 13 and 42 to DA Comment.

Comment 9

“The DEIS appears to incorrectly assume that some accessory units would be occupied by “newly weds and young families” (page 3-49). In fact, the Village only permits occupancy of accessory units by the owner, or parents or grandparents of the property owner, so these units would not “directly assist” in meeting housing demand from the younger households.”

Response 9

The DEIS accurately states that accessory apartments are not limited to parents and grandparent only under all circumstances. Accessory apartments would directly assist in addressing the acute need for both seniors and newlyweds or young families. This assumption is consistent with the Village Zoning Code, as the seniors referred to in the DEIS would be parents/grandparents occupying an accessory unit of a property belonging to a child/grandchild, and in the case of newlyweds or young families, they would themselves be the owners of the property occupying the accessory unit, as the principal unit would be too large for these smaller, young new families.

Wealthy parents of young couples may purchase a home with an accessory unit for their newly-wed children. The newly-weds/young families would reside in the accessory unit and rent out the principal unit to cover the mortgage payment, form of income, etc.

The Village of South Blooming Grove Zoning Code §235-45.6.A.(1) states, “The owner of the property shall occupy one of the two dwelling units on any lot with an accessory apartment.” According to this, the owner of a property may occupy either the principal or the accessory unit and there are no limits on who may occupy the other.

Subsequently, §235-45.6.A.(9) limits the occupancy of an accessory unit to parent(s)/grandparent(s) when the owner occupies the principal unit: “Occupancy of the accessory apartment shall be limited to parent(s) or grandparent(s) of an owner-occupant of the principal dwelling unit.” This limits the occupation of the accessory unit when the principal unit is occupied by the property owner.

However, the Village Code does not limit occupation of the principal unit in any way when the accessory unit is occupied by the property owner. See also Response 120 to NPV Comment.

Comment 10

“There are multiple issues with the assumed house sales price of \$495,000, which is a critical assumption supporting the economic and fiscal impact analysis”.

1. “The price of \$495,000 is reported to be based on “a review of current market conditions for new single-family home construction, including the option of adding accessory apartments”³ [page 3-49 of the DEIS}. There is no further substantive discussion documenting the market analysis that leads to the use of that price point.”

“To analyze this key issue, BAE obtained sales data from 2016 through July 2018 for single-family home and condominium sales in South Blooming Grove and ascertained that recent sale prices in South Blooming Grove are generally below the assumed price point for Clovewood. The median sale price for

this period was found to be \$310,000. Out of 243 sales, only nine were for \$495,000 or more. For four-bedroom homes, the median sale price was \$350,000 for 75 properties; only four sold for \$495,000 or more.”

2. “The DEIS socioeconomic analysis incorrectly states that all proposed housing units would be market rate. Because of the use of a density bonus, as discussed on page 2-13 of the DEIS, 34 of the units are required to be affordable to households at 80 percent or below of the Village median household income as defined by the US Census. Affordability is defined in the Village Code as paying 30 percent or less of gross household income to a mortgage and property taxes. This error affects all the calculations derived from house sale price and market value, including those for the economic and fiscal impacts of the project. BAE estimates that the maximum house price associated with this level of income and affordability is approximately \$225,000, well below the \$495,000 figure used in the DEIS (see Table 1 below).”

3. “Estimates of annual household incomes required to support \$495,000 average house value appear to be too low. These are stated as a range from \$85,000 to \$115,000 with the analysis assuming an average of \$100,000. BAE calculations, using conventional assumptions regarding down payments, interest rates, and property taxes, indicate that an annual household income of over \$140,000 would be required (see Table 1).”

4. “The target market for Scenario 1 (Kiryas Joel households seeking ownership single-family homes) is very limited in terms of households with incomes that could support the assumed price, even at the income levels assumed in the DEIS. Kiryas Joel is characterized by extremely low household income levels, as shown in Table 2. Per ACS data from 2012-2016, less than 700 households have incomes of \$75,000 or more, and only approximately 425 have incomes of \$100,000 or more. The Clovewood project would have to achieve implausibly high capture rates at the assumed price level. At the affordable levels as calculated by BAE (\$140,000 or more), only about 160 Kiryas Joel households could afford to purchase a house in the Clovewood project.”

5. “Existing ownership patterns of single-family detached houses in Kiryas Joel also do not support the assumption that the units in the Clovewood project would be owner-occupied. Based on ACS data, the majority of single family detached houses in Kiryas Joel are not owner-occupied. Additionally, contrary to the assumption of owner occupancy for the new Clovewood development, an analysis of ownership trends for recent home sales in South Blooming Grove shows that a substantial number of housing units being bought in South Blooming Grove are buyers purchasing multiple homes, perhaps as investment/rental properties rather than owner-occupancy. Approximately 20 buyers account for 50 of the 243 house purchases since the beginning of 2016, with eight persons or business entities owning three or more units. It should be noted that most of the purchases, including those involving multiple-property ownership, are from buyers with mailing addresses in Kiryas Joel or the Williamsburg area of Brooklyn, an area with a substantial Satmar Hasidic population.”

Response 10

The DEIS has been revised to clarify the \$495,000 price range is for market-rate housing. The price of an affordable home would be \$282,600 in 2018 and 302,750 in 2023 based on Annual Median Income as

prepared by Esri based on data from the U.S. Census Bureau for the Village.

1. The DEIS has been revised to include the sources of this data: Orange County Real Property Records and the Hudson Gateway MLS. It is not appropriate to include the sales of condominiums and homes with less than four bedrooms as comparable sales because the Project would consist of new approximately 2,500 - 3,000 square foot single-family homes with a total of four bedrooms.

At the time of the DEIS preparation (2017), the average price of a true comparable home was approximately \$495,000, an estimate which the Town of the Blooming Grove and Village of South Blooming Grove Tax Assessor validated. In fact, Table 1 below illustrates comparable 4-bedroom home sales in the Village of South Blooming Grove from 2018 with an average sales price of approximately \$562,000.

Table 1: Comparable Sales for the Clovewood Project			
Distance from Project Site	Address	Purchase Price	Square Feet Total
1.7 mi	331 Lake Shore Drive	\$407,000	2,284
1.7 mi	370 Lake Shore Drive	\$450,000	2,282
1.1 mi	18 Arlington Drive	\$459,000	2,328
1.5 mi	22 Pennsylvania Avenue	\$550,000	2,676
1.6 mi	8 Pennsylvania Avenue	\$565,000	2,309
1.1 mi	39 Virginia Avenue	\$575,000	2,400
1.7 mi	43 Merriewold	\$579,000	2,216
1.3 mi	28 Virginia Avenue	\$580,000	2,421
1.5 mi	6 Pennsylvania Avenue	\$590,000	2,314
1.1 mi	55 Virginia Avenue	\$595,000	2,290
1.1 mi	45 Virginia Avenue	\$600,000	2,488
1.0 mi	49 Virginia Avenue	\$655,000	3,458
1.5 mi	26 Pennsylvania Avenue	\$700,000	2,200
Average Sales Price:		\$561,923	
Source: Hudson Gate MLS Sales from 2018 (1/1/2018-12/31/2018) in the Village of South Blooming Grove			

Nonetheless, even though the market value for comparable homes has increased 13.5% in 2018, we will not be updating the DEIS to reflect an increased asking price as it may fluctuate according to additional home sales and market trends. Furthermore, the comment from BAE suggesting \$310,000 as a comparable price is inaccurate and not based upon true comparable data from actual property sales according to Orange County Real Property Records and the Hudson Gateway MLS.

2. The DEIS has been revised to clarify that the \$495,000 price would be for market-rate housing. The price of an affordable home would be \$282,600 in 2018 and \$302,750 in 2023. The comment from BAE suggesting an affordable home would cost approximately \$225,000 is inaccurate and not supported by real data. The Project’s affordable housing price of \$282,600 in 2018 and \$302,750 in 2023 has been calculated in accordance with the Village Zoning Code §235-4, which defines affordable housing as, “*Housing units for which occupants of a household earning up to 80% of the Village of South Blooming Grove median income (as defined by the latest United States Census Bureau data) would pay less than 30% of total gross income for mortgage and property taxes.*” This price has been based upon the most recent data available; however, updated data and adjusted median income may change the price of an affordable home at the time

the Project’s homes are marketed and sold.

<u>Table 2: Household Income and Affordable Housing Price</u>			
	Income Category		
	80% Local 2018 Annual Median Household Income (a)	80% Local 2023 Annual Median Household Income (a)	Market Rate Household Income
Household Income	\$82,579	\$88,449	\$144,680
Max. Monthly Amount Available for Housing (b)	\$2,064	\$2,211	\$3,617
Mortgage Payment: Principal and Interest	\$1,146	\$1,227	\$2,006
Monthly Property Taxes (c)	\$918	\$984	\$1,611
One-Time Down Payment	\$56,520	\$60,550	\$99,000
Maximum Affordable Home Price	\$282,600	\$302,750	\$495,000
Ownership Cost Assumptions			
% of Income for Housing costs		30%	of gross annual income
Down Payment		20%	of home value
Annual Interest Rate		4.5%	fixed
Loan Term		30	years
Annual Property Tax Rate (c)		3.9%	of home value
(a) Per most recent information from the U.S. Census and Esri (Environmental Systems Research Institute) - 2018			
(b) Per Village ordinance §235-4, assumes 30% of income toward mortgage and property tax payments			
(c) Based on estimated per unit market value of \$495,000 and estimated property taxes in Tables 326 & 327 in DEIS			
Sources: U.S. Census and Esri; Village of South Blooming Grove Municipal Code; Clovewood DEIS; BAE & CPC			

The 2018 annual median income as prepared by Esri (Environmental Systems Research Institute based on data from the U.S. Census Bureau) for the Village for 2018 is \$103,224: 80% of that is \$82,579 annually or \$6,882 monthly, and 30% of that is \$24,774 annually or \$2,064 monthly. The projected annual median income as prepared by Esri for the Village for 2023 is \$110,561: 80% of that is \$88,449 annually or \$7,371 monthly, and 30% of that is \$26,535 annually or \$2,211 monthly.

Therefore, an affordable home in the Village would cost \$282,600 today as detailed in Table 2 above, which at a mortgage rate of 4.5% would result in a monthly mortgage payment of \$1,146 and when combined with the monthly property taxes of 3.9% of the home value, the total monthly housing cost would be \$2,064 equaling the 30% of 80% of the median Village income as defined by the Village for affordable housing. An affordable home in the Village would cost \$302,750 in 2023 as detailed in Table 2 above, which at a

mortgage rate of 4.5% would result in a monthly mortgage payment of \$1,227 and when combined with the monthly property taxes of 3.9% of the home value, the total monthly housing cost would be \$2,211 equaling the 30% of 80% of the median Village income as defined by the Village for affordable housing.

3. The current Annual Average income as prepared by Esri based on data from the US Census for the Village is \$122,810 for 2018 and \$141,330 for 2023. These average incomes are within the estimated \$140,000 range to be able to afford a home at \$495,000 as estimated by BAE. In fact, there is a market for households to purchase homes at the \$495,000 asking price, which is also evidenced by the Village of South Blooming Grove sales included in the Table 1 in Response 10 1.

4. There is a market for households who are able to afford the \$495,000 price point, including some investors intending to rent the homes for income and those higher income parents and grandparents purchasing homes for their children and grandchildren, as evidenced by the real home purchases in the Village over the last three years, including those individuals from the Scenario No. 1 demographic.

5. The Project's homes are expected to be both owner and renter-occupied, similar to those characteristics in the Village of Kiryas Joel. Indeed, many existing homes in the Village are also rented. This fact also supports the importance of calculating the average household size for Scenario No. 1 according to the actual trends in the Village of Kiryas Joel, including owner-occupied and rental units, as described in Response 1 above.

Furthermore, this Village comment mentions "approximately 20 buyers account for 50 of the 243 house purchases since the beginning of 2016, with eight persons or business entities owning three or more units;" however, this data still illustrates that approximately 200 house purchases were made by other individuals and/or may be owner-occupied.

Comment 11

"The Economic/Employment Impacts analysis using IMPLAN overstates construction impacts, including jobs sustained during the construction period. The analysis uses a "Build Year," but the detailed schedule found elsewhere in the DEIS estimates an 18 to 24-month construction period (see P 2-20). When IMPLAN models an event, it assumes that it is not a multi-year event; the numbers to be entered and the output are on an annual basis. Thus, for the construction analysis, the output value needs to be spread across the entire construction period of more than one year. For instance, if the construction period is 24 months, the average value per year would be half of the total value, and the employment impacts would be half the value shown in the DEIS."

"Additionally, the analysis assumes these are full time jobs, while IMPLAN does not separate out FTEs and PTEs. While not entirely clear, it is unlikely that the DEIS has adjusted the numbers using factors available from IMPLAN."

Response 11

The IMPLAN economic and employment analysis represents the impacts of the Project. The anticipated revenue generated is a single value derived as a result of the total cost of Project construction and does not need to be split to identify which month or year the spending occurs in. Similarly, the number of

construction jobs is a fixed number based upon the valuation of the Project, not a number of jobs per year. The DEIS does not utilize the IMPLAN Economic and Employment results on an annual basis, only when estimating the Project's increase in a household spending to the local economy.

Comment 12

“Finally, these impacts are driven in large part by the house value and the assumed income of the occupants of the new units. If the house value is lower, and the incomes are lower, the ongoing (induced) impacts due to household spending will also be diminished.”

Response 12

The household incomes used to project future economic conditions have been somewhat understated specifically so as not to overstate the potential future household spending as a result of development of the Project. Furthermore, as evidenced above in Response 10, recent data for sold comparable homes in the Village from Orange County Real Property Records and the Hudson Gateway MLS illustrate a 13.5% higher home value of \$495,000 for the homes the Project proposes. Notably, over 75% of these home purchases from 2018 were significantly more expensive than the \$495,000 presented in the DEIS.

Comment 13

“The Economic Impact Analysis based on NAHB Data is substantially incorrect, due to errors in the application of the model. As stated in the DEIS, this analysis is based on The Economic Impact of Home Building in a Typical Local Area, 4 produced for the National Association of Home Builders (NAHB). The basic methodology involves calculating the direct, indirect, and induced impacts on a local area of the construction of 100 homes. The NAHB model alternative used for the DEIS is for the construction of single-family homes. The DEIS takes the numbers in the NAHB model and adjusts them to account for the construction of 600 homes, i.e., multiplies various factors by six. The numbers are presented in Tables 326a, 366b, and 326c. Setting aside whether the use of this model is appropriate, there were multiple errors made in the application of the NAHB model in the DEIS.”

1. “As with the IMPLAN, the model uses a construction period limited to one year, while the schedule in the DEIS assumes a longer period. Thus, the construction impacts may be overstated, particularly with respect to jobs supported.”

2. “The size adjustment for the Clovewood project was applied inconsistently or incorrectly. The best evidence of this is the wages/salaries per full time job for construction workers, which is shown in all three tables as \$330,000. This is clearly incorrect. A review of the original NAHB report indicates that this is their wage estimate (\$55,000) multiplied by six, as is everything else on the construction line of each of the three tables.”

3. “While the line for the construction industry was adjusted, the lines for other industries were not changed for the Clovewood project size, with the exception of the number of local jobs supported. This is evident in the much smaller size of the numbers for other industries, or by examining the source data in the NAHB report found on pages 6-8.”

4. *“Additionally, except for jobs, the numbers for all other non-construction industries in Tables 326b and 326c are exactly the same as in Table 326a. This would imply that the induced dollar impacts from construction (Phase 2) and the ongoing annual impacts (Phase 3) are exactly the same as the direct plus indirect impacts in Phase 1. It appears that aside from construction and jobs, the DEIS incorrectly used the first NAHB table (for Phase 1) for all phases, rather than the correct Phase 2 and Phase 3 tables.”*

5. *“In the NAHB data, many sectors showed limited local income and wages, e.g., there is only \$1,500 in local income in manufacturing. Likely due to rounding, the number of local jobs shown is zero even though some amount of local wages is shown. The DEIS multiplies these numbers to again result in zero; if it had been calculated correctly based on fractional jobs, using the local wages and the wages per job, there would have been additional jobs shown.”*

6. *“Table 326c shows a “bottom line” grand total. This is misleading as it combines the initial jobs that are not permanent with the ongoing jobs. The NAHB report does not combine the results in this manner.”*

7. *“Finally, as with the IMPLAN analysis, these impacts are driven in large part by the house value and the assumed income of the occupants of the new units. If the house value is lower, and the incomes are lower, the ongoing (induced) impacts due to household spending will also be diminished.”*

Response 13

1. through 7. The DEIS has been revised to remove the alternative method for estimating the economic impacts in accordance with the NAHB, as the IMPLAN assessment thoroughly presents the data in and of itself. Still, the DEIS has included an alternative way of estimating economic spending through percent of average income spent in the local economy.

Comment 14

“Fiscal revenues are dependent on the property values, and if the values are not as strong as assumed in the DEIS, the fiscal benefits of the project will be lower than assumed in the DEIS. This review raises questions regarding the assumptions for sale prices, based on recent home sales in South Blooming Grove as well as whether the incomes of Kiryas Joel households can support the new Clovewood development at the stated prices for the assumed number of total units.”

Response 14

The projected market price for housing is considered to be a reasonable projection for future conditions when the Project would be fully built out and occupied. It is the Applicant’s intent to build homes that would command this market price. The \$495,000 price point is presently supported by Orange County Real Property Records and home sales from the Hudson Gateway Multiple Listing Service for the Village of South Blooming Grove and has been vetted by the Town and Village Tax Assessor. As indicated in Responses 10 and 12 above, notably, over 75% of these home purchases were significantly more expensive than the \$495,000 presented by the Project.

Furthermore, in BAE's comment 12 above, BAE indicates four-bedroom homes may be priced at \$350,000. Although this estimated price is not supported by property sales, even if the Project's homes sold for this price, there would still be a net benefit in taxes to the Village, Town, County, School District and their taxpayers ($\$350,000 \times 18.6\% = \$65,100$ assessed value \times $\$210.08$ tax rate per $\$1,000 = \$13,676$ in taxes per parcel versus the cost of $\$6,520$ under Scenario No. 1 and $\$6,704$ under Scenario No. 1, resulting in a net benefit of $\$6,840$ per parcel or $\$4,104,000$ overall under Scenario No. 1 and $\$6,972$ per parcel or $\$4,183,200$ under Scenario No. 2). Moreover, even if the Project's homes were valued at half that price for $\$175,000$, the taxes to the Village, Town, County and Washingtonville Central School District would about equal the cost produced by the Project. This confirms the analysis detailed in this socioeconomic assessment is conservative and would account for any potential fluctuation in market values, assessment rates, tax rates and/or municipal budget adjustments. Accordingly, even utilizing BAE's home value of $\$350,000$, the Project would still result in a net tax benefit to the Village, Town, County, Washingtonville Central School District and their taxpayer.