

Memorandum:

To: Peter Dolan, Supervisor, Town of Tuxedo
Members, Tuxedo Town Board

From: Bonnie Franson, AICP

Date: August 24, 2009

Subject: Completeness Review - Tuxedo Reserve Draft DSEIS

Cc: Elaine Laurent, Town Clerk
Larry Wolinsky, Esq., Town Board Attorney
Jeff Marsden, P.E., H2M, Town Engineering Consultant
Andrew Dance, Related Companies (applicant)

I am in receipt of a draft Tuxedo Reserve Draft Supplemental Impact Statement (“DSEIS”) dated July 29, 2009. The purpose of this review is to determine whether the document is “complete”. As per the regulations implementing SEQRA, the lead agency, i.e., the Town Board, must determine whether to accept the draft EIS as adequate with respect to its scope and content for the purpose of commencing public review.

Subsequent to a determination of completeness, a substantive review of the accepted DSEIS will be conducted by the Town’s consultants and others.

Based on our review of the document, we have the following comments regarding completeness.

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Executive Summary

- E1. S-2, Under Proposed Modifications, the DSEIS indicates the project acreage is 2,366 acres...elsewhere, it is noted as 2,341 acres. Please make consistent throughout.
- E2. The “Purpose and Need” Section described in 1-4 is less explanatory than what is contained on S-2. The entire discussion should be carried over.
- E3. S-3, second full paragraph, should approval of the proposed modifications also note Sloatsburg approval of the farm market and NYSDEC waiver for fourth order streams? These are approvals that appear to be specific to the project modifications.
- E4. S-4, with regard to boulder quarrying, the document should note this is the Mountain Lake area, since changes to phasing have occurred.
- E5. S-4, with regard to the Phase II investigations, will they not be required as per NYSOPRHP protocol?

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E6. S-5, with regard to Sediment Criteria, please state what specific exceedances (by constituent) were noted.

Chapter 1 **Description of the Proposed Modifications**

I.1 I-2, Although minor, the “I” after Smart Code should be superscript.

I.2 I-3, first paragraph after “Review of the Proposed Modifications to Date”, the narrative states that six workshops were held, although five are referenced.

I.3 I-5, first paragraph, only Figure I-5 provides a comparative diagram.

I.4. I-5, regarding the first bullet, since the land has already been acquired or excluded, these are not “proposed modifications” - the bullet could be deleted.

I.5 I-7, regarding the first bullet, should refer to “neighborhood center” not village center. Tuxedo Reserve is not a proposed village. Also note same language in the Executive Summary.

I.6 I-9, Table I-4. The phasing time frames in this chart do not coincide with the narrative. Also, the start and end times for each subphase do not appear to match the duration. Should Phase I-D be included under the heading “Phase I”? Lastly, Table I-4 does not appear to match Table I-7 as far as the proposed buildout. For example, a 6 month time frame is provided for I-A as per Table I-4. According to that table, 25 single family dwellings would be constructed. However, on Table I-7, 25 dwellings would be constructed only after 2 years.

I.7 I-10, under “The Commons”, should “activated” read “active”?

I.8 I-11, in general, the narrative should be compared to Table I-4. The DSEIS states that the active adult component would be constructed by the end of 2016 - Table I-4 indicates age restricted units would be complete by 2017.

Chapter 2 **Land Use, Zoning, and Public Policy**

2.1 2-1, Under project site, the acreage is noted as 2,341 acres. See Comment 1 above with regard to variations in the project acreage. Table 2-2 indicates the acreage is 2341.7 acres. Table 2-4 indicates the total acreage is 2336 acres.

2.2 Figure 2-1, the black outline of the property needs to be scaled to the drawing. The project site outline includes land that is not part of Tuxedo Reserve, e.g., neighborhood north of Park Avenue.

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2.3	2-2, references to the Tuxedo Comprehensive Plan should note that it is a “draft”.
2.4	2-3, add “Light Industry Office” before “(LIO)” in first paragraph. Zoning district names should be capitalized and referenced as “zones”, not “categories”.
2.5	2-4, should note that a 3,000 square foot market is proposed in Sloatsburg.

Chapter 3 Economic and Fiscal Analysis

3.1	3-4, Table 3-3 should include all taxes being paid presently by the property, including school district and any other special districts that may apply.
3.2	3-8, in Table 3-8, Notes, please add the following at the end of the note “...rental income approach “: “...as described in the Technical Memorandum”.
3.3	3-9, in Table 3-10, the DSEIS provides an analysis of the cost/revenues without the proposed modifications. Are the same market values identified in Table 3-9 used in the analysis? If there is any variation in assumed market values, please note. Alternatively, please add a statement indicating that the same market values have been used.

Chapter 4 Archaeological Resources

4.1	4-3, the DSEIS states: “During the survey, an area of iron mines was observed outside the Project’s area of disturbance. The location of the mines and their primary features were noted on the site plan.” What site plan is being referenced? Note that my copy of the archaeological study does not appear to include a site plan, so this cannot be confirmed. We specifically raised the question as to whether the features may be in proximity to trails, etc. This has not been addressed. Note that Appendix C, Figure 3, is difficult to read.
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Chapter 5 Natural Resources

5.1	5-2, the heading “Other Vegetative Communities” is misleading as it suggests that these communities are in addition to those noted in the preceding text, i.e., Hemlock Stands and Northern Hardwoods. The section “Other Vegetative Communities” supplements and provides specificity to the narrative that precedes it. An introductory paragraph needs to be added describing what this section addresses, and the subject heading should be revised.
5.2	5-3, with regard to “Disturbed Young Hardwoods”, we question whether Figure 5-1b has been misread. It appears that the area along the western shore of Mountain Lake is “Cliff and Talus Forested”.

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	(cont) Reviewing Figure 5-1a, disturbed young hardwoods appear to be in areas such as the Quail Road entry from Route 17. The narrative may need to be revised.
5.3	As a general comment, we noted that there should be a description of the potential impacts associated with forest habitat fragmentation. An analysis is not provided. Literature exists that discusses minimum habitat patches that support varying levels of biodiversity. For example, a 10-acre undeveloped parcel otherwise surrounded by development would have a different biodiversity than a 1,000 acre contiguous undeveloped area. There should be a quantitative analysis that addresses the impacts of habitat fragmentation, specifically as it relates to the Mountain Lake area, e.g., what is the change in patch size with and without modifications and what are the potential impacts?
5.4	Figure 5-6, although this graphic is provided in support of the project modifications, there is no descriptive narrative indicating how it was arrived at and what the terms “primary”, “secondary”, etc. signify. In the absence of any narrative, it does not provide much support to the project modifications. Since mitigation measures such as those noted in 5-7 relate to the findings of 5-6, additional narrative explaining how the corridors were determined should be provided.

Chapter 6 Hydrology and Stormwater Management

We rely on the Town’s consultants for review of this section. In addition to H2M’s comments, we have the following completeness comments.

6.1	6-3, on this page there is a discussion of the groundwater’s depth in relation to Mountain Lake. Although depths are provided for drilled wells in the project vicinity, no data are provided for depths of wetlands or Mountain Lake for comparison. Are these data available (Appendix K of tech memo)? The conclusions may be different if Mountain Lake had a depth of 60 feet when compared to well depths of 50 feet. If depths are known from previous studies, the data should be provided.
6.2	6-5, the narrative regarding “exceedances” of NYS Sediment Criteria should be more specific and note the constituents that exceeded the criteria. The statement is made that the constituents are naturally occurring. Please confirm that semi-volatile compounds can be naturally occurring.

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6.3	6-5, it is recommended that the paragraph beginning “As discussed in Chapter 5...” While the statements may be relevant to the Natural Resource analyses, the paragraph is out of place and provides no support to the analyses related to Hydrology and Stormwater Management.
6.4	6-6, the narrative should not only address impacts associated with impervious surface but overall disturbances. Not only will 1.3 acres of impervious surface be added to Mountain Lake, an area of 5 acres will be disturbed. Total disturbance is important to note to ensure that potential soil erosion and sedimentation is addressed as part of the overall construction-related stormwater management techniques.
6.5	6-7, in the third paragraph, should “communication” read “connection”?
6.6	6-7, the total disturbance within the Tuxedo Lake watershed should be noted, in addition to impervious surface area.
6.7	6-8, Future Use of Mountain Lake, this needs to provide specific discussion regarding constituents found and impact or no impact on health.
6.8	Figure 6-3, please add a label noting the location of Mountain Lake on this graphic.

Chapter 7 Construction Impacts

We rely on the Town’s consultants for review of this section. In addition to H2M’s comments, we have the following completeness comments.

7.1	Figure 7-1a, additional arrows should be added to reference all Phase 1A areas. The Commons specifically should be noted.
7.2	Figures 7-2, 7-3, and narrative - should there be some discussion of any Sloatsburg modifications?
7.3	7-5, with regard to the characterization of the Town planners comments, we agree that the townhouse bulk standards were in error regarding the townhouse lot. However, there was no tuck-under townhouse lot in the 2004 plan, so these represent new standards.
7.4	In general and regarding review of Figure 7-5, have the emergency access roads and utility roads (e.g., to water tower) been addressed in the analyses?

Chapter 8 Alternatives

8.1	8-3, we believe the reference should be to the Palisades Interstate “Park” Commission.
8.2	8-6, very minor - “revues” should be “revenues”.

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- 8.3 8-7, should the references to amounts noted in the paragraph below Table 8-7 have a period rather than a comma, i.e., \$2.08 million rather than \$2,08 million?

- 8.4 8-6, Maplebrook is situated immediately south of the utility right-of-way shown on this map. We suggest highlighting the right of way lines and noting the width of the right-of-way to provide the reader with a sense of the distance between the development and Maplebrook. A label “Maplebrook” should be added for way finding purposes.

Appendices

- A.1 Please provide a Table of Contents and up-to-date list of appendices for the Technical Memorandum.

- A.2 Based on a review of the CD we received, all of the appendices included with the most recent Tech Memo have not been included, e.g., Appendix K, with the Tech Memo. Please include all appendices that were submitted and relied upon for the Town Board’s SEQRA determinations and update the list of appendices as appropriate. There is no need to duplicate appendices that are part of the Tech memo and DSEIS - this can be addressed by making an appropriate note in the Tech Memo list of appendices.