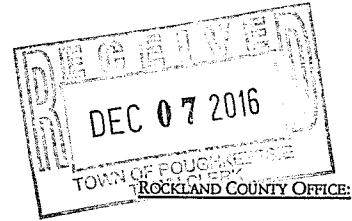


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December 7, 2016

Town Board
Town of Poughkeepsie
1 Overocker Road
Poughkeepsie, New York 12603

Attn: Neil Wilson, Esq.
Director of Municipal Development
Town of Poughkeepsie

Re: Fairview Fire District Comments on Draft Environmental
Impact Statement for Hudson Heritage Project

Dear Supervisor and Board Members:

As you are aware, I represent the Fairview Fire District and its Board of Fire Commissioners in regard to the Hudson Heritage Project. Following are the comments of the Fairview Fire District and Board of Fire Commissioners on the Draft Environmental Impact Statement ("DEIS") of the Hudson Heritage Project. These comments are submitted to you in your role as the State Environmental Quality Review Act ("SEQRA") Lead Agency for the Project. The DEIS is lacking in several respects in regard to Human and Health Safety and Community Character, specifically in regard to the impact the Project will have on the Fire District.

There are several deficiencies in the DEIS that must be addressed by the Project in the Final Environmental Impact Statement ("FEIS") that are noted below. However, the most glaring and critical issue presented by this Project is that, by dint of the significant adverse impacts it will visit upon fire and ambulance services, this Project has transformed the nascent need for a new fire station into a pressing and immediate need. Without this Project, the Fire District would gradually address its needs over time. This Project changes everything in this regard, owing to the tremendous scope and intensity of the proposed development, and the immediacy of its demands on fire and ambulance services.

The DEIS acknowledges, as it must, that the existing fire station is presently insufficient to meet even current demands:

“The existing fire station was originally built in the 1940s, with two additions completed in 1983 and 1985. As detailed in a 2006 report prepared for the Fire District by CT Male Associates, the station has insufficient bunk room, washroom, and storage facilities for on-duty personnel with no room for expansion within the present structure. Office spaces for the administrative functions of the department are crowded, and the apparatus bays require apparatus to be placed in tandem.” (DEIS p. 184)

Indeed, this only begins to describe how the present fire station is not capable of absorbing the significant growth in personnel and equipment that will be required to safely accommodate the increased demands upon it solely by virtue of the large and intense development of this Project.

The woefully inadequate response to this undeniable impact that is proffered by the DEIS is that the Project sponsors will be paying taxes, and so no mitigation is necessary. Paying taxes is not a mitigation measure; it is a civic obligation to address a wide variety of public needs that are provided by the taxing entity. “Taxes are the price we pay for a civilized society” (Oliver Wendell Holmes Jr.). There is a dire need for true SEQRA mitigation measures that are warranted solely by virtue of this Project’s development.

Paying these generally applicable taxes is clearly insufficient in this particular case for two reasons. First, these taxes are to support a small fraction of the general ongoing costs of all of the fire and ambulance services generally available to the entire Fire District. These taxes do not address the outsized adverse and immediate impact upon the Fire District services that will be occasioned by this Project in particular. Second, the taxes are based upon an assessed valuation that, with a development project like this, may lag for up to two years between the time when the property improvement is made (even in phases) and the actual receipt of the monies by the Fire District.

Accordingly, the FEIS must address, at a minimum, the most critical mitigation measure necessary – the construction of an addition onto the Fire District’s fire station or, alternatively, the construction of a fire substation on the Project’s premises. The FEIS must set forth specific alternate mechanisms to achieve this most critical mitigation measure of constructing the bricks and mortar infrastructure necessary for the Fire District to have the personnel and equipment to address those fire and ambulance needs that are the direct result of the construction of this significant Project. Of course, the FEIS alternate mechanisms must be provided in the context of a time frame that addresses the practical needs of constructing such a fire station addition or substation. A realistic timeline for achieving the necessary construction is that the planning, design and bidding must be accomplished in 2017, construction to commence and be substantially complete in 2018, and final work and occupancy to occur in the first quarter of 2019.

In addition to the impact of the Project on the need for a fire station expansion, the following addresses other deficiencies in the DEIS.

The mutual aid statistics given in the DEIS are misleading and do not reflect the current operations of the Fairview Fire District. When comparing the mutual aid given and received by the Fire District, when the time period is adjusted properly to include January 2012 to November 2016, there is a net zero in the mutual aid given and received. The net zero mutual aid given and received by the Fire District for January 2012 to November 2016 is the result of assignment changes within the mutual aid departments, in addition to reflecting how the Fairview Fire District manages its response to the number of alarms. Accordingly, because the January 2012 to November 2016 time period more accurately reflects the current operation of the District with regard to mutual aid statistics, it must be included in the FEIS, as well as a study of the impact of resorting to mutual aid for responses.

Another deficiency of the DEIS is in its assessment of call volume. The call volume analysis provided (DEIS pp. 181-182) fails to take into account the instances of overlapping calls, *i.e.*, the times where there are multiple alarms happening at the same time. It is a distortion of the data to ignore overlapping calls and the additional personnel needed as a result. Presently, the Fire District receives multiple calls within the District between 16 and 18 percent of the time. Accordingly, as the call volume increases, so will the number of overlapping alarms, and the corresponding need for more personnel on-duty or additional mutual aid response. Additionally, in the Fairview Fire District Capacity Assessment, the DEIS cites the 2014 study prepared by the Center for Governmental Research (“CGR”) and acknowledges the claim that the Fire District is currently at maximum capacity with respect to its ability to respond to call volume and that additional staff would be needed to accommodate future demand. However, despite that conclusion, the DEIS does not realistically look at the needs of the District because there will be an increased potential for call volume and emergencies the day that the development work begins, potentially a year or more before occupancy. This pre-occupancy need is ignored in the DEIS, and must be addressed in the FEIS. Already, the call volume for 2016 is 5 percent ahead of 2015’s numbers, and is not sustainable under the District’s current manpower situation. Therefore, the FEIS must account for the overlapping calls, the District already being at call volume capacity, and the Project’s need for pre-occupancy fire and ambulance services upon commencement of development activities.

Another issue to be addressed in the FEIS is the traffic impact on responding to the Fire District’s service calls. While the DEIS addresses the emergency access to the Project and other potential impacts as a result of the proposed Project, with corresponding proposed mitigating measures, neither analysis addresses the traffic increase on the overall response time for fire calls. Additionally, emergency access to the property should be addressed to include an access road from Route 9G via Paint Shop Road so as to improve the ability to service the Project and improve response times, which have suffered as a result of the narrowing of Fulton Street. The access road should be wide enough for easy driving of all fire apparatus. In addition, the Paint Shop Road and West Cottage Road surfaces should be improved, with input from the Fire District.

Another significant deficiency of the DEIS, noted generally above, involves delayed tax revenues in relation to the necessary time and ability of the Fire District to meet the demands of the Project. Largely, the DEIS does not address the dichotomy between the time the District will

incur the costs required to respond to the demands of the Project and the time it receives the new revenue from the Project. This arises because the DEIS states the Project would result in requiring additional resources from the Fairview Fire District, but the only mitigation for these potential impacts is through new tax revenues generated by the project. The hiring of firefighters, the planning and procurement of equipment, and the necessary expansion of the firehouse, is a timely process that requires advanced planning with a significant investment in time and money prior to the available utilization of these revenues. Thus, there is a real and pressing need for immediate revenue to meet the demands created by the project during the planning stages. None is being provided for in the DEIS.

To address concerns about the need of the District to plan for the necessary expenditures, and the uncertainty of anticipating future fire tax revenue that will be received from the Project, the District suggests a tax stabilization period. Pursuant to such period, the applicant's annual fire tax payment shall be established by the base assessed value, allocated pro rata to each phase of the Project, for a period of seven years following the completion and issuance of a certificate of occupancy for the first unit in the Project. Furthermore, the base assessed value shall be independent and separate from any lower assessed value that may be established during that time. Thus, even if the property owner successfully obtains a reduction in the assessed value of the Project, the applicant will continue to pay the same annual fire tax payment during the seven-year tax stabilization period. This is needed for continuity and predictability of critical revenue streams.

On behalf of the Fairview Fire District, I request that the proposed FIES be modified to address the issues noted above. This Project presents a tipping point for the Fairview Fire District. If the Project sponsor does not adequately address the dire need for additional fire station space to accommodate the additional personnel and equipment necessitated by this Project, severe safety issue consequences will be visited upon Fire District personnel, residents and property owners in the District, and the general public.

The Fire District requests that the Project sponsor and Town officials meet with us as soon as possible to facilitate an early and meaningful dialogue regarding the building needs of the District.

Thank you.

Very truly yours,



Richard B. Golden