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Memorandum

To: Neil Wilson, Esq. – Director of Municipal Development
From: AKRF, Inc.
Date: December 21, 2016
Re: Hudson Heritage DEIS – Substantive Review
cc: David Cooper, Esq. – Zarin & Steinmetz

AKRF has reviewed the Hudson Heritage DEIS accepted as complete by the Town of Poughkeepsie Town Board at their regular meeting on November 2, 2016. This preliminary draft comment memo provides AKRF's substantive review on the technical analyses and conclusions presented in the DEIS. Morris Associates is preparing the substantive review of the following sections under separate cover: Geology – Soils, Topography and Steep Slopes; Surface Water Resources; Stormwater Management; Ground Water Resources; Wastewater; Solid Waste; Construction; and the Engineering Plan Set.

We appreciate the opportunity to provide review services to the Town for this Application and will continue to offer comments on subsequent submittals related to this Application.

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GENERAL

1. Alternate road design requires waiver(s) from applicable provisions of the Town of Poughkeepsie Town Code and input from Town Highway Superintendent. Please confirm and provide relevant correspondence that the Town Highway Superintendent has reviewed the proposal.
2. Providing the site plan set within the body of the DEIS is helpful, however, the drawings should be provided at a legible scale with a legend on all sheets.
3. For the Site Plan Set please label additional features including: Retaining Walls, Garage Parking (Building J2 seems to be either all garage or storage), underground detention areas and lighting. Key Map and/or match lines should be provided on each sheet. Clarify limits of disturbance (L-O-D) and silt fence placement. With regard to the road profiles, the vertical curve length is below standard distance of 100'. Some road grades are less than the standard of 1%.
4. Please provide substantive support in the form of a programmatic analysis and where available, a structural condition report, which confirms buildings to be demolished are "deteriorated beyond repair" and/or not suitable to be repurposed for use by this project.

1.0 – EXECUTIVE SUMMARY

5. The text indicates that fifty (50) buildings have been in a "prolonged state of disrepair that their rehabilitation is no longer feasible." Please provide substantive support for this statement..
6. The note (1) describing the calculation for existing and proposed impervious surface is confusing. We strongly suggest that the analyses throughout the DEIS be revised to quantify calculation of existing impervious coverage and proposed impervious coverage consistent with the definition in the Town code 210-9{134}.
7. As stated throughout the document and as a requirement of the HRDD, the goal of the Project is to create a traditional, pedestrian-oriented community. The narrative states better integration of the residential and commercial components would create a "more significant visual impact" however the description of *Alternative 4 – "Integration of residential uses into the commercial area"* in Section 4.0 states the opposite. The description of Alternative 4 in Section 4.0 also states that better integration would require eliminating more than 100K SF of commercial space due to parking requirements, however the description herein does not state this. Please reconcile the actual components of Alternative 4. Additional comments are offered in Section 4. Alternatives.
8. Description of Alternative 2 - Development Under Existing HRDD Zoning states: "This Alternative would require reuse of the existing HRPC buildings." This is not accurate.
9. At the DEIS Public Hearing, the Applicant stated that the project will reuse six (6) buildings. Please clarify throughout.
10. The alternatives comparison table should compare not only quantitatively calculated impacts, but all impacts and mitigation associated with the various alternatives.
11. Per Section 2.1, the Project contemplates Special Permit uses. Please revise Description of the Proposed Action to include Special Permit Approval, and note which uses would require a Special Use Permit.
12. Please reconcile the differences in the Approvals listed in Table 1.1.1 versus Table 2.0.

2.0 – PROJECT DESCRIPTION

13. The various roadway designations are difficult to follow. Color designations and names should be reconciled with the Roadway Cross Section plan included in the Site Plan set (which would be extremely helpful if made legible as an FEIS graphic)
14. Please clarify: "There would be a main access road that would allow traffic to move in a north-south direction to access both the commercial stores and would also create a connector to Hudson View Drive, which traverses across the Site."
15. Table 2.4.1 presents current "permitted" (allowed) uses in the HRDD. The table and the narrative should discuss and analyze the proposed revisions to the HRDD zoning text required for the Proposed Project to proceed. The DEIS is an analysis of the impacts of the Proposed Action, which includes the zone text amendment, therefore the document needs to provide a meaningful analysis of this impact.
16. The Developer's Agreement and the HRDD zoning require connections between the commercial and residential components and phases to achieve an integrated plan. The Applicant has opined that such integration between uses would not be feasible, primarily for economic reasons. As such, the FEIS needs to disclose that the Proposed Project does not meet this requirement and provide an analysis of the impact thereof.
17. The quantity of all on-street (and off-street) parking for each use and any contemplated shared parking arrangements should be provided.
18. At the Public Hearing, the Applicant discussed reusing additional portions of the Main

Administration building. Please describe.

19. Please provide the contemplated project phases and start/completion date for each phase.
20. At the Public Hearing, the Applicant stated the project will rehabilitate and reuse six (6) on site buildings. The DEIS states 5. Please clarify.
21. Please describe in detail the nature of the trail segment, which runs along the western edge of the project site - in front of the retail component.
22. Please clarify what is meant by "Block Boundary." Is this for subdivision purposes?
23. A legible lighting plan graphic should be provided in the FEIS.
24. Please update all relevant figures and narratives to clarify that the Project proposes to reuse six (6) on site buildings.
25. The Applicant identifies the Great Lawn, Great Lawn Lookout and North Green Buffer as "publicly accessible, privately maintained" open space to be maintained by the Applicant, a homeowner's association, a governmental entity, or a non-profit agency. In the event that these areas are maintained by a private entity, what measures will be undertaken to ensure that the public use of the open space does not adversely impact the residents occupying the units located on the Project Site? For example, would the Applicant record a conservation easement over the Open Space Features containing limitations on the use, hours of public operation, and perpetual maintenance as a historic resource? Where will the public park to access the Great Lawn and North Green Buffer? In the event that maintenance responsibilities are transferred to a governmental agency or a non-profit organization, what measures will be undertaken to ensure that the public use of the open space does not adversely impact the residents occupying the units located on the Project Site?
26. For the Site Plan set, one black and white legend is provided though the plans are in color. Please either provide a detailed legend on each plan or provide a colored legend as sheet 1 of the site plan package.
27. The statement "The Project will therefore not have an adverse stormwater impact on adjacent or downstream properties or receiving water courses" is not substantiated herein. Please provide additional narrative to support this statement. Please also see Morris Associates comments
28. Additional detail on the location of site remediation activities should be provided. The narrative herein states the project is seeking tax credit from various sources, however, Chapter 3.15 indicates: "Tax Exemptions and Abatements: The Applicant is not seeking real property tax exemptions, historic tax credits or abatements at this time" which contradicts this statement. Please clarify and provide an analysis of the impact of such credits must be analyzed in the document.
29. On-street parking is assumed to accommodate project generated demand and therefore must be quantified to definitively determine whether sufficient parking exists.
30. Currently contemplated project phasing and components of each must be disclosed in the document.
31. The landscape plan provided in the engineering plan set is difficult to read. Please provide a graphic of this plan that is legible/reproducible at a size and scale appropriate for the FEIS.
32. We suggest that the Roadway Cross Section plan included in the Site Plan set, be reformatted and provided in the FEIS
33. It is not clear how exactly the proposed internal site trail network would "connect" to adjacent trails. Simply ending the trail at the property line does not provide a connection. Please clarify. Please also provide evidence of consultation with adjacent property owners for "connection"
34. Please include a detailed discussion of need for Special Permit (what for) as part of the required approvals.
35. Please note that five foot setbacks are not sufficient to accommodate foundation plantings/yards/gardens. Please clarify.

3.1 – 3.4 LAND USE, ZONING, PUBLIC POLICY, COMMUNITY CHARACTER/VISUAL IMPACTS

36. The DEIS does not describe the access to the site in terms of land use. How will visitors arrive at the site? What land uses will they pass upon entry and how do they transition once within the site?
37. Table 3.2.2 includes the proposed changes and "rationale," but does not offer a side by side comparison of existing versus proposed. Nor, does it show how the project would comply/not comply with the existing regulations. Instead, the existing regulations are simply listed in Table 3.2.1. Furthermore, the "rationale" in Table 3.2.2 indicates why the zoning change is proposed, but makes no statements as to the Project Project's compliance or consistency.
38. A description of the process for review of the Proposed MDP, and process for review and approval of site and subdivisions plans for the Project should be more fully discussed in this chapter. This discussion should include a detailed description of the proposed amendment to Section 210-30.C(7) and analyze the impacts of the proposed amendment.
39. The Proposed Project may not be entirely consistent with several adopted policy documents including Hudsonia's Significant Habitats, the adopted Zoning ordinance, and the Route 9 Land Use and Transportation Study. This includes impacts to protected species, necessity to amend the zoning code to accommodate the Proposed Project and implementation of the Route 9/9G connector among other potential inconsistencies. The Applicant should explain how the Project will be consistent with these policies, or, in the alternative, why compliance with these policies is not reasonably achievable and provide mitigation therefor.
40. While it is understood that a detailed lighting plan will be prepared and reviewed as part of Site Plan review, to the extent that a conceptual lighting plan can establish a maximum footcandle level across the site, as well as at the property line, that should be provided to give the public a greater understanding of potential night time visibility.
41. The statement on page 96, "Commercial buildings in the simulations are shown in blue while residential units are shown in green. These colors have been chosen so as not to exaggerate the proposed units' visibility unnecessarily, as would be the case by using typical land use colors, red and yellow/orange, respectively," seems to conflict with the statement on page 98, "These simulations show building massing but not design details because such details have not yet been developed. Bright colors are used for proposed buildings to enhance visibility." The statement on page 98 seems more accurate as the shades of blue and green used in the analysis are not muted.
42. Overall, the analysis demonstrates that the Proposed Project, in particular the commercial buildings would be less visible from distant locations (such as the Walkway Over the Hudson) than the existing Cheney Building, Administration Building, and smokestack, as the proposed buildings would generally be lower in height. However, the Proposed Project would still have some visibility from distant locations due to the clearing of existing vegetation, grading, and proposed massing of the buildings. As shown in the photo-simulations from Viewpoint 3, the Proposed Project will be more visible from NYS Route 9 than the existing HRPC buildings. The narrative should be revised to disclose and evaluate the visual impact.
43. Because the buildings have not yet been designed, the analysis utilized building.
44. The DEIS does not provide any analysis of the impact of the proposed zone text amendment, nor the proposed revisions to the allowed uses within the HRDD.

3.6 – SUBSURFACE AND SURFACE WATER RESOURCES

45. There appears to be a substantial discrepancy between envelope massing to demonstrate potential visibility. It important to note that an essential element to avoiding and mitigating visual impacts will be the implementation and enforcement of design guidelines, landscaping, and lighting regulations. Potential guidelines should be provided in the FEISChazen's wetland report and Ecological Services wetland report, both in species composition and quality. Please provide an explanation.
46. Please provide information about how the proposed design will preserve stream quality and keep

connectivity intact between wetlands.

47. Culverts and underground conveyances need to be identified, as required by the city code. In addition it should be identified if Wetlands A, B, and C are connected in the southwestern corner of the property. A larger buffer area is recommended in this corner, so as not to disturb connectivity.

3.11 VEGETATION AND WILDLIFE

48. As now designed, the Project proposes encroachment beyond the areas mapped as “Human Habitat/Landscaped Area”, including disturbance to approximately 10 acres of wooded land, 12.5 acres of meadow habitat, and additional undeveloped areas. Referring to the Site Plan, the proposed Single Family Unit development area extends into wooded and meadow habitat and the Commercial Development areas would displace undeveloped land in close proximity to the stream corridor and wetlands in the southern and southeastern portions of the Site. The project footprint need not encroach beyond the formerly developed areas occupied by buildings and landscaping into the largely undeveloped areas of forest/field to achieve the requested density. Substantial increase in development density and preservation of the more valuable and contiguous habitats can both be accommodated within the existing 81 acres of previously development/landscaped areas with modest changes to the proposed site plan. Please describe the design process and programmatic requirements, which necessitate disturbing previously undeveloped areas.
49. There is disparity between the Chazen findings (2 day wetland delineation/site investigation in 2015) and the Ecological Solutions LLC (12 days of field work in 2008, over several seasons) with respect to the prevalence of native/non-native plant species (mugwort etc.) and value of the onsite habitats overall. Please substantiate the variability in the findings and provide mitigation for impacts, some of which are identified below
50. While we agree that the Project Site currently offers *less* potential for habitat-specialist wildlife species to frequent the Site due to its past history of use, the Ecological Solutions LLC findings demonstrate the existence of native species, the meadow habitats now transitioning to old-field represent a regionally declining habitat type with potential for use by a range of meadow-specific species, and the Site is adjacent to Town- recognized and largely intact forested habitats, which add ecological value to the project site, as discussed in comments below. The areas of contiguous meadow and wooded land also provide the potential for effective habitat restoration, which would improve future ecological functions, especially if linked by habitat corridors to undeveloped lands to the east and north.
51. Regarding forested habitat, the Project Site is contiguous with the largely intact and roughly 250 acre forested region to the east, identified by Hudsonia, and additional forested lands immediately north. This close proximity of larger blocks of forested land adds value to the Project Site itself and increases its potential for use by a range of species. The DEIS describes forested patches as small, only 4.5 acres in the northwest portion of Site. Although undoubtedly fragmented, the interconnected areas of wooded land in the northwest portion of the site appear to be 20 acres or more in total. Potential for area-sensitive forest breeding birds, or other forest interior species, to use the site for nesting may be low, but some forest-interior nesting species were identified onsite – including the scarlet tanager, eastern wood peewee, and wood thrush (all identified onsite by Ecological Solutions LLC). These and other species may nest onsite owing to the presence of the surrounding larger forested parcels offsite. (Rosenberg, K.V. Rohrbaugh, Jr., S.E. Barker, J.D. Lowe, R.S. Hames and A.A. Dhondt. 1999. A land managers guide to improving habitat for scarlet tanagers and other forest-interior birds. The Cornell Lab of Ornithology.) Furthermore, the undeveloped portions of the Project Site provide corridors for the movement of wildlife to surrounding less-developed lands. For these reasons, consideration should be given to preserving the wooded areas onsite. Birds found by Ecological Solutions were identified during breeding periods, and Chazen's assessment was during migration. Furthermore, the undeveloped portions of the Project Site provide corridors for the movement of wildlife to surrounding less-developed lands. For these reasons, consideration should be given to preserving the wooded areas onsite, or the Applicant should provide a description of the programmatic need to disturb portions of this area.
52. Regarding meadow habitat, the Project Site's undeveloped meadows (formerly maintained/mowed

during the site's use as a hospital), are mapped by Hudsonia as part of the Town's Significant Habitats (Significant Habitats in the Town of Poughkeepsie, Hudsonia, 2008). The Site itself contains one of the larger extant meadow habitats in the Town. The Hudsonia Report identifies this habitat type, once common, as now accounting for only 4% of the total land area in the Town of Poughkeepsie. The value of this onsite habitat and the potential for it being adversely affected by the proposed project have not been adequately assessed in the DEIS.

53. In its description, Hudsonia says: "Upland meadows can be used for nesting by wood turtle, spotted turtle, eastern box turtle, painted turtle and snapping turtle. Grassland-breeding birds such as northern harrier, upland sandpiper, grasshopper sparrow, vesper sparrow, savannah sparrow, eastern meadowlark, and bobolink use extensive meadow habitats for nesting and foraging. Upland meadows often have large populations of small mammals (e.g., meadow vole) and can be important hunting grounds for raptors, foxes and coyote." While all of these species and benefits may not currently be met onsite, many undoubtedly are and there is potential to offset Project impacts to regional ecology if these habitats are maintained and improved onsite. The current site plan and landscaping goals do not achieve this. To avoid impacts to existing meadow habitat would require devoting these areas and managing them as habitat for grassland-dependent species rather than devoting them to mowed/landscaped areas for recreation as is proposed. The Town of Poughkeepsie Significant Habitat report (Hudsonia, 2008) includes meadow maintenance/mowing recommendations for the benefit of meadow wildlife. This mitigation could be accommodated within the historic "Great Lawn", if restored as meadow/grassland habitat to offset adverse ecological impacts.
54. Habitats should be described in terms of dominant species, percent cover, and percentage of invasive species rather than number of trees/shrub species. In addition, the description of "human habitat" is confusing as is the inconsistent calculation of impervious plus non- impervious coverage. In particular "Non-impervious" human habitat misleads calculated impacts due to the fact that the habitat description, as addressed in the DEIS and in Appendix K, Section 7.1, seems quite similar to meadow habitat. Also please clarify confusing comment in the Executive Summary: "There may be some degree of overlap between land that is calculated as 'existing impervious surface' and land that is calculated as 'open space,' as some of the impervious surface land coverage is slated for transition into open space."
55. Appendix K, Section 7.4 describes "danger trees". Generally described as "Hazard trees", this terminology is generally applied to risk assessment and a potential target (ie. person, vehicle, or building). Snag trees have high ecological value when located in conservation areas, and should not be "removed under any scenario", but rather should remain unless located in proximity to proposed development and only removed if deemed hazardous by a certified arborist's risk assessment report.
56. Appendix K, Section 8.3 "Plant Species": The description of plant species as being lower value is inaccurate. Describing the plant species composition as common and ubiquitous to disturbed areas, should be reserved for specific habitats or habitat areas (i.e. human habitat). Whereas the descriptions of forested, shrub, and potentially portions of the meadow habitat areas in the DEIS highlight their higher ecological value. The FEIS should highlight differences in habitat quality across the site, where valid, to characterize impacts, propose required mitigation or justify the current lack of mitigation, provided a clear effort has been made to avoid those higher quality habitat areas.
57. Chazen's on-site review (Section 7) provides no field methodology. Please provide.
58. The Great Lawn and North Green Buffer Report (Appendix C) contained in the DEIS is presented as a guideline for future renovation of natural habitat. However, this report is largely a discussion of the historical uses of the open meadow areas with general guidelines for their maintenance for public use by future residents. Mowing and clearing of vegetation as generally described in the report would not improve the ecological functions of these habitats, but rather would have the potential to degrade floral density/diversity and the habitat's use by meadow-dependent animals. An alternative, to nod to history while maintaining some ecological function, would be to use a portion of the "Great Lawn" as mowed lawn in passive recreation, and manage the remainder and all of the "North Green" for Meadow ecology.
59. The ecological "footprint" of residential development extends larger than the simple footprint of

bldgs/yards. Please describe methods of excluding residential pets from protected meadow/grassland restoration habitats and measures to ensure compliance to avoid impacts to meadow habitat.

60. The characterization of the potential for Blandings Turtle to occur onsite is reasonable – that this species is unlikely to occur. However, the Project Site is within the Hudsonia-mapped Blandings Turtle nesting habitat “area of concern”, and contains the Hoosic soils this species prefers. Therefore, to maintain consistency/conformity with the Town’s adopted policy document (Hudsonia’s Significant Habitats) the Town may wish to obtain Hudsonia’s input on potential impacts to this turtle species.
61. The site plan shows little or no land set aside for surface treatment of stormwater runoff. Considering the substantial increase in developed area/surfaces, some surface stormwater practices would benefit water quality and minimize impacts to the onsite stream quality but may necessitate some reduction in buildable area. As opposed to sub-surface treatment, surface treatment practices (stormwater wetlands, retention/detention) may also provide wildlife benefits if designed and maintained properly. The "No impact" declaration for water resources seems inaccurate given the increase in impervious surfaces, and the lack of discussion about stormwater treatment or any evident stormwater management practices on the site plan.
62. The chapter indicates that the New England cottontail (*Sylvilagus transitionalis*) would not occur due to lack of habitat. However, the early successional habitat preferred by this species appears to be met on portions of this site. Although the species is no longer federally listed, management of a portion of the remaining early successional habitat should be considered for the benefit of this species.
63. A wider buffer should be considered for the stream/wetlands that run along the east and south borders of the project site. A 25’ buffer will not offer appreciable protection for the aquatic resources and hydrology of this stream corridor. We also note that this stream is part of a larger riparian system that is surrounded by undeveloped land offsite to the east, increasing the need for its protection. Hudsonia recommends 50m (160’) stream buffers. The FEIS should provide a substantive discussion detailing why these protective buffers cannot be provided.
64. The technical studies do not support the DEIS conclusions that no habitat/wildlife mitigation is required. The encroachment within forest, shrubland, meadow, and stream/wetland buffer habitat is unmitigated and inconsistent with recommendations in the Town’s adopted policy documents. Keeping the new development to the previously disturbed 81 acres areas (buildings, roadways, and incidental maintained landscaped areas can be achieved with minor revisions to the proposed site plan. (buildings, parking, etc.)
65. The eastern box turtle (*Terrapene carolina carolina*) is a NYS “special concern” species. The approximate location where the individual of this species was found onsite should be disclosed and provisions to provide for the species’ continued use of the undeveloped areas of the site should be explored in more detail. It is still unclear in which habitat and site quadrant the box turtle was found and thus unclear which area(s) are to be preserved to maintain this species onsite. In addition, a street run-off drainage ditch does not qualify as a box turtle habitat enhancement. Impact to the eastern box turtle requires more exploration and potential mitigation.
66. The DEIS should provide a discussion of the means and methods the project will use to minimize noise and light pollution for the protection of wildlife. Impacts to wildlife and vegetation from light and noise, requires its own, separate assessment rather than a reference to the general summary text, in the DEIS Light and Noise section, which does not provide any impact analysis.
67. The Town may want to consider retaining its own wetlands ecologist to verify the delineated wetland boundaries onsite (Town Code Chapter 116 Aquatic Resource Protection).
68. The two existing habitat types described by Ecological Solutions LLC in their 2008 report, mixed upland forest and successional old field, list an abundance of native plant and animal species. These include numerous forest interior dependent birds (tanager, vireo, ovenbird, etc.), one NYS special concern reptile, the eastern box turtle (*Terrapene carolina Carolina*) and one federally-listed and forest dependent bat species, the long-eared bat (*Myotis septentrionalis*). It should be the goal of the site plan to preserve the large areas of these two habitat types - the mixed upland forest and

successional old field types - onsite in an undisturbed condition and to centralize all new development in areas currently occupied by pavement and buildings. We recommend that a greater amount of forested buffer be preserved along the stream/wetland corridor that runs along the eastern/southern border of the property than is proposed. In addition, the north-central area of forest and old field (meadow) should be preserved to a greater degree by relocating the single family units proposed in this area (colored yellow on site plan). Preservation of these areas will increase the likelihood that the native species that currently occupy the site will continue to make use of it. Revisions to the site plan to accommodate both the development density and natural resource protection can be accommodated within the existing disturbed areas. The project must comply with the Federal Endangered Species Act for potential impacts to Indiana and Northern Long-Eared bats, and must share it's communication with the USFWS with the Town as lead agency. Avoiding the forested areas of the site with these proposed modifications to the site plan would assist this goal.

69. "Mixed Harwood Forest" should be changed to "Mixed Forest", due to the presence of evergreens. Also, justification for characterizing a habitat as lower habitat value due to the presence of Norway spruce (non-invasive) and White Pine (native) seems inappropriate. The Mixed forest description simply seems to describe a forest in transition from deciduous to evergreen. Many species noted by Ecological Solutions LLC, such as club moss, ferns, and mature white oak make the case for a higher-quality, less degraded habitat. Negative characterization seems misplaced.
70. The DEIS conclusions that impacts are avoided by design to the extent practicable should be supported with substantive consistent analyses and survey including more explanation behind design process and strategies to minimize footprint of development and impervious surfaces upon habitats should be clearly illustrated.

3.12 – TRAFFIC AND TRANSPORTATION

71. Please confirm which on site uses in the residential area will also be open to the public and confirm whether parking to accommodate these uses would be provided. DEIS (pg 134, 156) and TIS (pg. 35) do not identify which areas will be open to the public.
72. The accident data should be summarized by location and any trends identified. Where necessary identify improvement measures to address safety issues.
73. The references to Tables and Figures in the TIS should be much more specific (i.e. include a page number). Navigating through the 1200 page document to locate the referenced materials is difficult.
74. The TMC data for Intersections 5 & 6 (listed on page 5 of the TIS) is missing from the Appendix.
75. Reference can be updated to "section G.2 of Appendix G of the TIS".
76. Please be mindful of grammatical and typographic errors, including, "Accident data *were* compiled..."
77. This chapter should be organized and numbered to match the adopted Scoping Document. Appropriate sub-headings, bullets, and indenting should be added to the DEIS text to make the chapter easier to read. Text currently all runs together. It is currently very difficult to follow.
78. Please provide the assessment of the relevant emergency service providers regarding site access and circulation from an emergency response perspective.
79. The TIS needs to discuss in more detail on-site circulation and traffic control devices to be employed at internal intersections.
80. The existing roadway names should be numbered/renamed so they are consistent with the adopted Scoping Document and the names in the TIS.
81. Some 2014 count data is lower than the 2015 count data (see Table V-2). Please confirm.
82. "Dutchess County Loop" should be mentioned by name in the discussion on page 145.
83. Please locate and quantify on-street parking spaces. Are these spaces available 24/7/365 to anyone year-round? What about snow plow access/street cleaning? Please clarify whether the

development will allow non-residents to park on the street.

84. Please locate on a map and quantify contemplated parking spaces to be provided for the hotel and restaurant uses.
85. Please provide a map for the pedestrian/bicycle plan, including striping/bicycle storage/rack locations, etc.
86. Four intersections (Rt. 9 & Fulton St., Rt. 9 & Marist Dr./Route 9G, Rt. 9G and Fulton St., and Rt. 9G and North Road) are shown to have a high number of accidents. A discussion should be provided on how the Proposed Project would impact safety at these locations along with recommendations to improve safety at these locations. A Highway Safety Investigation (HSI) should be considered based on consultation with NYSDOT.
87. On page 12 of the TIS, the discussion on the Intelligent Transportation System (ITS) equipment for the City of Poughkeepsie Transit system should be expanded to provide a description of the ITS equipment and system and what it would comprise.
88. Impact criteria for LOS, which remains at LOS F from No Build to Build conditions and queue lengths, which exceed storage capacity should be identified and described.
89. All unsignalized locations operating at LOS F should be monitored for the potential installation of a traffic signal (for a \$10,000 fee per location). If a traffic signal is found to be warranted, the applicant should bear the cost of the signal.
90. Existing pedestrian and bicycle facilities should be assessed at all analyzed study area intersections. The need for pedestrian and bicycle improvements should be identified and evaluated at all analyzed study area intersections along with identifying proposed improvement measures.
91. An explanation of what the New York State Advanced Traffic Management System (ATMS) is should be provided in the text for the reader.
92. In the Mitigation section, for the intersection of Route 9 and Quiet Cove Road (pg. 31 of the TIS), the purpose of the listed improvements needs to be more clearly explained. Is the applicant making the improvements as part of the project?
93. Did the applicant have discussions with representatives from the Dutchess County LOOP system regarding providing LOOP service internally on-site?
94. Did the applicant reach out to Town emergency service agencies to discuss and assess internal circulation on-site by emergency vehicles? Were the Town's largest sized emergency vehicles turning path templates modeled?
95. At what percent occupancy of the residential component will jitney service be required?
96. The assessment of internal on-site intersection performance, and possibly Synchro analyses, should be conducted at key intersection locations on-site.
97. The text of the DEIS/TIS should identify and describe the internal roadway classifications, descriptions, and cross-sections to summarize the information presented in Drawings C101, C180, and C181.
98. A discussion should be provided which describes ADA requirements and how the project will be constructed to comply with ADA requirements.
99. Intersection names for Int. 5 & 6 in Table 3.12.1 in the DEIS (LOS Table) should match those listed in the TIS (Table 2). Intersections labeling should be consistent between the DEIS and TIS.
100. Table 3.12 of the DEIS: The delay for Sat. No-Build conditions for Intersection 9 should be 24.2, not 42.2 (as per the Synchro report)
101. Table 3.12 of the DEIS: Signalized results for Intersection 12 (Rt. 9G & Cedar Street) for the Sat. 2035 Build condition are not shown in the LOS Table.
102. Table 3.12: LOS results from Intersections 15 and 16 from the TIS (Table 2) are not included in

Table 3.12. These should be added.

103. DEIS, pg. 142. The discussion for the North Rd & Route 9G intersection should state that "the available storage lengths currently accommodate all queues during each of the peak hours".
104. DEIS, pg. 145. A summary of the accident experience for Intersection 16 from the TIS should be added.
105. Accident data has only been provided for intersection locations. Accident data should also be reported for road segments between intersections to identify high accident locations at non-intersection locations in the study area.
106. A figure clearly depicting the pass-by trips should be provided.
107. Are project-generated trips arriving from Mid-Hudson Plaza entering Route 9 or cutting through directly to Winslow Gate? The trip distribution paths are not clearly depicted in that area in the trip distribution figures.
108. TIS, Table 1. The combined Residential and combined Commercial trip generation subtotals should each be presented in the table.
109. TIS, Table 1. Footnote 2 should better clearly explain which credits were applied to which land uses during which peak hours. Calculations do not match the rates in the footnotes. Calculations for credits taken should be incorporated into the table.
110. TIS, Table 1. Please explain why no credits were taken for the Retail AM trips.
111. TIS, Table 1. Footnote 1 states that rates for all uses are based on trips per 1,000 SF, however many of the rates are based on different independent variables (e.g. Restaurant is based on # of seats, hotel # of rooms, etc., residential per dwelling unit). This footnote should be updated accordingly.
112. TIS, Table 1. The most conservative trip generation rates were not utilized in some cases (Peak hour generator vs Peak Hour adjacent street traffic) for each land use. Please justify use of less conservative rates where that is the case.
113. A figure should be provided which shows the total number project generated trips combined (commercial plus residential).
114. Traffic Impacts based on LOS are only identified based on overall LOS. Impacts for individual intersection movements should also be identified.
115. TIS, Table 2. There are locations/movements that experience declines in LOS, which meet the impact criteria but are not flagged as impacts (e.g. Int. 4, WB LR movement, PM peak hour). These should be identified as impacts and mitigation should be proposed.
116. TIS, Table 2. The Mitigation/Improvement analysis results are missing from the LOS Table for Int 9 (Rt. 9 & Marist Drive/Route 9G) during the PM peak hour. The results are described in text, but not shown in Table 2 and should be included.
117. The impacts should be discussed in a separate section rather than combined with the improvements/mitigation discussion. In addition, the improvements section should clearly state which improvements are mitigation for impacts and which are simply improvements that will be part of the Proposed Project.
118. TIS, Table 2. The mitigation for Int. 8 (Fulton Street and Rt. 9) will result in new impacts to the Northbound U-turn movement during the Sat. peak hour. Mitigation should be developed that does not directly result in new project related impacts.
119. TIS, Table 2. The impacts at Int. 4 (Rt. 9 and Big Meadow Lane) are not identified in the LOS table or the text.
120. TIS, Table Q-1. The Queue table should be updated to include the queue results with the Mitigation/Improvement measures in place.
121. The Official State/Town Signal timing plans need to be provided in the TIS Appendix to verify the signal timing coding in Synchro.

122. Backup for the No Build project's trip generation and trip distribution patterns should be provided in the Appendix of the TIS.
123. The traffic study area should be expanded to include the intersections of St. Andrews Road with both US Route 9 & NYS Route 9G and Fulton Street & Beck Place (recently signalized).
124. A background growth rate of 0.5% should be utilized.
125. A signal warrant analysis should be conducted for the site driveways.
126. Some of the speed limits, lane configurations, and lane widths coded into Synchro are inconsistent with the Speed Limits, lane configurations, and lane widths presented in Figure 1A of the TIS. These should be checked and updated as needed.
127. The volumes for the northbound U-Turn movement at the intersection of Route 9 and Fulton Street should be coded under the U-Turn movement in Synchro. They are currently coded to the left-turn movement, which is not permitted.

3.13– DEMOGRAPHICS AND COMMUNITY FACILITIES

128. Please explain difference between census terms, "family" and "household" so that the statement, "[there was growth in] non-family households" can be understood by the public.
129. Please include a description of the various open space and park resources that are listed in Table 3.13.4. The description can be brief, but should generally include size, facilities available, whether the facility is open to the public or not; approximate distance (range is acceptable) to Project Site.
130. Using the methodology outlined in the adopted Scoping Document, please calculate the projected number of school-age and public-school age children.
131. The DEIS presents a very limited analysis of existing and proposed on-site recreational resources that would be available to meet the recreation demand created by the Proposed Project. Further detail should be provided, such as the type of any active recreational resources planned, as well as potential passive recreational uses provided other than the walking/bike paths.

3.14 – HUMAN HEALTH AND SAFETY

132. The DEIS states that the tax rate for the Fire District is set by dividing the amount needed to be raised from tax revenue by the total taxable assessed real property valuation. Please discuss the role of the State's 'Tax Cap' on this process.
133. The statement that in 2016 two new paid firefighters would be added during peak periods (p. 183) is attributable to a November 15, 2015 letter from the Fire District, which is included in Appendix O. It should be noted, however, that the letter states that "it is hopeful" that these additional firefighters will allow the District to serve its current daytime call volume and does not say, as is reported in the DEIS, that the two firefighters "should" accommodate the volume.
134. Please provide a source for the Police Department's estimate of increased staffing resources required to serve the Proposed Project.
135. Please explain how you estimated that the District would need 1 new full-time firefighter for each 115 additional calls?
136. Please explain how the population-dependent line items of the library's budget were determined. In addition, why is it not appropriate to use other budget trends for the library district to evaluate the no-build condition?
137. Please provide a description of how the No Build (and Build) methodologies for estimating impacts to the Fairview Fire District varies from that used in the CGR report.
138. Please show the proposed property tax or other revenue from the No Build projects and the impact of that revenue on increasing expenses to the FFD?
139. The note regarding STAR payments under Table 3.15-56 is confusing. What is the impact to the

estimates provided in the analysis? Doesn't the State reimburse the School District for reductions in taxes collected due to STAR? (And, aren't future STAR applications going to receive a tax credit from the State, rather than a rebate on their bill?)

140. The FEIS should more clearly indicate whether or not labor is included in the cost of vertical construction.
141. Please describe the methodology (model) used to calculate the number of jobs and wages created during the construction and operation period, including a definition of indirect jobs. Does the earnings estimate for the jobs created take into account the various sectors in which the employment would be generated?
142. The narrative in the Project Description states the project is seeking tax credit from various sources, however, this chapter states: "The Applicant is not seeking real property tax exemptions, historic tax credits or abatements at this time" which contradicts this statement. Please clarify and provide an analysis of the impact of such credits must be analyzed in the document.
143. The FEIS should more clearly explain the methodology and approach used to estimate future change in expenses.
144. The FEIS should more clearly explain the methodology and approach used to estimate future change in revenues.
145. The analysis of County Sales Tax Distribution assumes there would be no population growth elsewhere in the County. The methodology for estimating the increase in County sales tax should be more clearly explained, and perhaps provided as a range. In addition, the text references the 2030 census - should it be the 2020 census?
146. The FEIS should provide more information on the historical trends in budgets as it relates to assumptions in the No Build analysis.
147. How were population-dependent "variable" expenses of the Town determined? Please clarify why other methodologies (historic growth rate, tax cap, etc.) were not appropriate here? The analysis underestimates future No Build increases in the Town budget by only increasing certain line items 1.1% over 10 years and not increasing any other line items for any other factors.
148. Table 3.15.32 does not account for increases in property taxes or other revenues associated with No Build projects.
149. Table 3.15.61, 68, and 76 appear to have the wrong value with respect to Project impacts to the Fairview Fire District.
150. Table 3.15.68 and 69 do not account for the \$100,000 additional contribution to the Fire District from Marist. In addition, this table does not account for increases in property taxes or other revenues associated with No Build projects.
151. Table 3.15.68 and 69 assumes that the full cost of a new fire station is needed in 2019. While consistent with the text, this was not presented in previous tables in the No Build section of the Chapter.
152. The summaries of net fiscal impacts on service providers, beginning with Table 3.15.76, does not take into account the current property taxes paid to each taxing jurisdiction when deriving the 'net fiscal benefit'.
153. The DEIS states that a new or expanded fire department building would be needed when Phase 2 of the Project is operational (pg 211). The DEIS estimates the annual cost of a new/expanded firehouse, both in total and on an annual basis assuming the building is financed, and concludes that the increase in property taxes from the entire Proposed Project would be sufficient to cover the increased costs to the Fire District of the new building. The need for a new/expanded firehouse appears to be attributable to the demand associated with certain No Build Projects, as well as the demand attributable to the completion of Phase II of the Project. The Applicant should identify the increment of this increased demand attributable to the Project, as distinct from the No Build Projects. In

addition, the Applicant should identify the increased tax revenue attributable to Phase I of the Project, including during construction. ?

154. On page 224, the data in Table 3.15.82 assumes that 25 percent of sales leakage is recaptured. Please provide a description of how/why the capture rate is 25 percent. Why is it not more or less?
155. On page 224 and in Table 3.15.82, the growth potential of new retail opportunities is presented as the number of potential new businesses (ie - 2.5 new Auto Parts, Accessories & Tire Stores). This methodology does not provide a thorough description of the amount of retail that can be supported. Rather than using average sales per business, use average sales Per Square Foot. This way, you can divide the capture by the sales per square foot to show how much square feet of new retail can be supported. There are several sources that provide regional sales per square foot data, including ULI Dollars and Cents and ICSC.
156. On page 225, define what "direct employment" is as opposed to "indirect employment." While it is defined in a footnote on page 228, it needs to be more apparent and thoroughly explained especially when it is first used.
157. On Page 226 in the "Operations Phase Employment" section, all of the employment are noted to be 'net new.' Please add a footnoted disclaimer stating that while all the employment could be net new, there could be instances where employment is not net new but rather moved from somewhere else in the Town. For example, Employee 'A' from another shopping center in the study area may move to work in the project area and, thus, Employee 'A' is not 'net new.' It could be the case that Employee A's old job is taken over by Employee B and B may be net new, but need to provide disclaimer.
158. On page 226, it is stated that "based on price points, the average household income for residents is...." There needs to be more explanation of the methodology of how one moves from housing sales prices or rental prices to an estimate of the person's income. Is it based on HUD's 30% of income spent on housing threshold? How was average household income calculated from price points?
159. On page 227, Table 3.15.87 incorrectly notes that the sum of Aggregate Net New Town Spending is \$16,769,175, but the correct sum is \$16,769,176. Please note if this is due to rounding.
160. On page 227, Table 3.15.87 notes that the percentage of household spending spent in the town is based on ESRI and retail patterns in the Town of Poughkeepsie. This methodology of determining the percentage of household spending spent in the Town needs a more thorough explanation. Even if the MarketPlace profile was run for just the Town rather than the retail trade area, the reader needs to know the methodology.
161. On page 227, the discussion of Emsi results begins. For the layperson, using words like 'inputs' and 'outputs' can get confusing. As an Appendix to the FEIS, please provide a brief summary of the Emsi economic modeler, its measures of economic impact (direct vs indirect jobs, earnings, sales), the data it uses, and what year the dollars are in. A helpful resource will be the actual Emsi website
162. On page 228, the last sentence of the Annual Economic Impacts - Phase 1 section incorrectly notes \$57.8 million in annual sales whereas Table 3.15.89 correctly notes \$52.8 million in annual sales.

3.16 – HISTORIC AND CULTURAL RESOURCES

163. There needs to be some reconciliation between the DEIS text saying that the North Tower may also be retained and the 10/22/16 letter from EFG/DRA Heritage to SHPO saying the North Tower will be retained and renovated to which SHPO responded in a 10/23/16 letter stating they were encouraged to see that the team "has committed" to the retention and possible restoration of the North Tower. The figure number has not been corrected. It still says Figure 2.8.2. Also if the figure appears in Historic and Cultural Resources chapter, it should get a figure that corresponds with that chapter, e.g. 3. X.X.
164. Please remove this portion of the new text: "which is a component of the environmental review (SEQR) process." The NYS Historic Preservation Act (14.09) is separate from SEQRA. Also, it's not clear what Building 28 is. It doesn't appear on Table 3.16.1. Has it been demolished?

165. It appears on SHPO's 1991 District Building Data List which was provided in their July 16, 2015 letter. Furthermore the July and August 2015 letters have not been included in Appendix O, the correspondence appendix.
166. As per Section N.4 (e) of adopted Scoping Document, discuss the review of archaeological and historic issues during preparation of the SWPPP.

3.17 – HAZARDOUS MATERIALS

167. On p. 238, in discussing the 2011 AST Closure, the reference should be to regulatory guidelines rather than applicable standards.
168. On p. 239, UUSCOs should not be referred to as standards. Please also explain the basis of UUSCOs and their use/relevance for comparison.
169. On p. 239 explain briefly the NYSDEC BCP (regulatory program and steps involved) and clarify the portion/acreage of the project site to which it applies.
170. Please provide a modified Figure 3.10.1 that includes labels for the VCP areas.
171. In first paragraph, references to Appendix numbering system appear incorrect.
172. In discussion of PCBs, note that the word "banned" should be replaced with "their production and use severely restricted".
173. On p. 243, replace "unregulated" with "universal/regulated".
174. It should be noted for the understanding of the reader that a Phase I ESA is a "paper study" based on historical usage data, regulatory databases and a site visit.
175. Please discuss the areas not subject to one of the NYSDEC programs and specifically outline the procedures, e.g., health and safety and contingency, should contamination or potential contamination be encountered during development.
176. Please clarify that while the areas not subject to one of the NYSDEC programs are not expected to be contaminated, they are subject to applicable regulatory programs relating to health and safety should contamination or potential contamination be encountered.
177. It appears that Phase 1 will export earthwork instead of stockpiling the material for use in Phase 2, which requires a large amount of imported earth. Using the surplus from Phase 1 would appear to reduce the earth import amount for Phase 2 by about 40%. The DEIS should expand on the quantity shown on the plan sheets of material for soil covering/capping activities. The DEIS should clarify how such work will conform to the Declaration of Covenants and Restrictions for the Area 6 landfill and possibly the other waste disposal area on site.
178. The full lead report appears to not be included as an Appendix to the DEIS. Please provide.

3.18 NOISE RESOURCES

179. AKRF will need to review TNM modeling used in the analysis, either in the form of TNM model files or traffic input tables, model screenshots, and noise level output tables
180. It is not explained where this Leq would occur, the Leq is not compared to existing noise level to determine an increment, and the Leq and increment are not evaluated based on NYSDEC noise impact criteria. For the sensitive receptors identified, the construction noise analysis should establish construction Leq, and incremental change in Leq resulting from construction and evaluate both to determine the potential for impact.
181. Explicitly state the Build-Condition Leq noise level (or noise levels) at the Project Site and whether they exceed the recommended level for residential use per NYSDEC guidelines
182. Table and some text references still say "decibels" not specifying the A-weighting
183. Specific noise control measures to be implemented during construction must be made explicit. The enforcement of such measures must be described so that the Town can be confident the measures will

in fact be implemented.

3.19 AIR QUALITY

184. The Air Quality Appendix contains the information required to properly analyze the potential impacts of the Project. However, the summary of that Appendix in the DEIS Chapter is not complete. The Chapter references incorrect information and/or tables throughout and does not provide an accurate summary of the potential impacts described in the Appendix. Please provide a revised Air Quality Chapter. After this has been provided, a substantive review of the content can be completed.

4.0 - ALTERNATIVES

185. The DEIS is required to provide an objective technical analysis of the impacts of the Proposed Project and Alternatives to the Proposed Project. This chapter should be revised to be consistent with conclusions presented in other sections of the DEIS and substantive in its review of the various Alternatives.
186. The discussion of the feasibility of constructing the 9G connector road should be expanded, including a discussion of property ownership. Additionally, it is not clear why such a connector would be considered if the addition of the connector would not change traffic patterns. The narrative is contradictory and incomplete.
187. Alternative 4 would be consistent with the HRDD zone, the Development Agreement and the Applicant's stated project goal. Integration of the residential and commercial components of the project – in a traditional neighborhood design – is key to the approval of the project. Further explanation of why 100,000 sf of commercial space would have to be eliminated should be provided. In the DEIS, the Applicant states that it is because of parking concerns; however, this is not fully explained. Would a shared parking system allow for the retention of some of the commercial space? In the Executive Summary this Alternative is eliminated because it would have greater visual impact, though in this section, the narrative states it would have the same visual impact as the Proposed Project.
188. The tables detailing the water demand and wastewater flow from the alternatives are illegible.
189. Alternative 1 limits more of the proposed development to previously developed areas of the site and is preferred from a habitat protection perspective. Alternative 1 preserves the most habitat, and with some modest modifications to the layout, would produce the least amount of impacts to the site's ecology. The big box and parking components on the southernmost portion of the site remain similar to the Applicant's chosen alternative and are located too close to the wetland buffer there; ideally a 50 meter buffer should be preserved. Also, the yellow residential lots should be relocated to avoid woodland disturbance. The impacts and benefits should be fully disclosed in this chapter.
190. Alternative 2 adds additional wetland buffer disturbance and additional woodland loss as compared to Alternative 1. It would result in marginally less meadow/wooded habitat loss as compared to applicant's chosen alternative. The impacts and benefits should be fully disclosed in this chapter.
191. Alternative 3 is essentially identical to the Applicant's Proposed Project but adds a roadway on the southern property boundary requiring additional wetland buffer disturbance. It therefore requires slightly more habitat disturbance, and is not preferred from a habitat protection perspective. As discussed in the substantive comments to Section 3.11, this Alternative and the Applicant's chosen alternative unnecessarily impact meadow and woodland habitat and provide insufficient wetland buffer protection.

5.0 – SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED

192. While a table has been provided, it is hard to read and follow. Consider reiterating the column headers and make sure rows end at the end of the page instead of spilling onto a new page.
193. Please List the FHWA Noise Mitigation Techniques to be implemented by the project during construction and operations
194. Please provide detail on habitat loss and how the impacts have been avoided.

195. Please provide detail on vegetation and wildlife impacts and how these impacts have been avoided.
196. Please describe the Geology mitigation measures.
197. Please describe impacts during the demolition phase of the construction?
198. Please remove "Construction impacts on traffic, air quality, and stormwater are addressed in each respective chapter previously in this table" and provide the detail herein.
199. Please add description of the mitigation for the traffic analysis rather than listing where the mitigation text is located.
200. The bullet list on the first page is difficult to read. Please revise.

6.0 – GROWTH INDUCING IMPACTS

201. Please substantiate the statement: "most employees are expected to come from the local and regional workforce." Will there be hiring preferences?
202. Please describe what is meant by "indirect jobs" and how/why it is assumed they will be spread out over a wide geographic area.
203. It is not clear why the increase in assessed value would result in the increase of surrounding property values and subsequent additional development/conservation interest. With the exception of the property to the east of the site, all other land is currently developed. Please provide analysis to support this statement.
204. Please make the bullet list easier to read.

7.0 – EFFECTS ON THE USE AND CONSERVATION OF ENERGY

205. Please describe the conservation practices and LID techniques to which the Applicant will specifically commit.
206. Please clarify how "construction of the Project will change as it progresses..." does this refer to phasing, construction techniques and what impact does this have on energy resource utilization?
207. Describe the measures that will be taken to how the project and procedures will address unnecessary will address unnecessary uses of energy during construction and long term operations.

8.0 – IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

208. Please provide a calculation or estimate for the quantity of water and energy resources proposed to be expended. Describe the conservation measures to be incorporated into the project to mitigate impacts.

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