

II. RESPONSES TO DEIS COMMENTS
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COMMENT NUMBER	COMMENT/RESPONSE
	<u>INVOLVED AND INTERESTED AGENCIES</u>
6001	<p>The first of these regards the Village of Tarrytown's official status in the environmental review process. The DEIS and the reports by Adler Consulting and BFJ Planning conclude that Lighthouse Landing will have significant traffic and parking impacts in Tarrytown. The Applicant has described physical road improvements in the DEIS to mitigate some of these impacts, many of which require approval of the Village of Tarrytown. Given these circumstances, we have been advised that, as defined in Section 6 of the New York Codes Rules and Regulations (NYCRR), since the Village of Tarrytown is "an agency that has jurisdiction by law to fund, approve or directly undertake an action" [§617.2(s), also page II-100 of the DEIS], we are an "involved" agency. The DEIS should be corrected on Page I-5 and in Section ID to reflect this status.</p> <p>At its request, the Village of Tarrytown has been included in the FEIS as an "involved" agency.</p>
	<u>ALTERNATIVES</u>
PM2203	<p>An the other issue that I really just heard tonight is about the flex building. I just looked at this table one here, one, one and it says it's not just a flex building, it's a flex office building. Is that correct? Now, office buildings generate much more traffic than residential unit buildings. And you have in the chart the alternatives without the railroad, but you don't have, I believe, an alternative without the station, but with an office building on that site. So, I suggest you include figures that would cover putting in a flex office building. I don't know the size of it. And without a station.</p> <p>Also I would suggest that you consider, if you do not have mass transit there, that you don't put in a flex office building and leave that all open space.</p> <p>The alternatives presented in DEIS Table I-1 conform to the Lighthouse Landing DEIS Scoping Outline. This comment pertains to Column 7 of DEIS Table I-1, which evaluates an alternative program with the same residential and commercial components as the DEIS Plan, but with the addition of a 50,000-square foot flex office building located in the southwestern portion of the East Parcel rather than the 400-space commuter parking lot included in the DEIS Plan. The flex office alternative does not include a new train on the Site. DEIS Section IV provides discussion of each alternative presented in DEIS Table I-1. DEIS Figure IV-4 illustrates the flex office space alternative.</p>

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<u>SITE LAYOUT AND BUILDING DESIGN</u>	
2203	The Board also voted to request that a greater attempt be made to make the buildings look like an authentic part of Sleepy Hollow rather than a series of mall-like structures with fake facades hung from them.
3406	Aesthetically, I applaud Roseland's interest in making the project look consistent with existing architecture in the area. However, I have to agree with comments at the public hearings that the proposed rooflines were insufficiently varied. The overall appearance was akin to a suburban sprawl mall, compromising the desirability of the units.
4302	2. The Village Board is generally satisfied with the design concept and treatment for Beekman Place, although the Applicant will need to identify how loading and refuse removal would be accommodated. However, the interior residential blocks have not yet received the same level of detail and basically represent potential building templates. Additional analysis regarding scale, massing, and place-making for the multi-family residential buildings is necessary, including the precedent examples of multi-family development (e.g., Bronxville, Scarsdale and Forest Hill Gardens were cited as examples). The Applicant is encouraged to work with Village staff and their consultants in preparing an alternate neighborhood design concept(s). This would include such issues as roadway design, façade treatments, use of materials and relationship to landscape treatments and open space.
4303	3. The Village Board is particularly concerned about the uniform four-story bulk throughout the site. The project should be designed to include much more variety in building height, something that is allowed for in the RF District regulations and is in keeping with the Village character which contains many varied building heights from two to five stories. For instance, the area along the railroad tracks has zoning limitations that need to be reconsidered given the lack of development activity along the East Parcel. In some instances, such as the area abutting Ichabod's Landing, there needs to be a different scale of development (see also comments raised by the Planning Board), the selected use of five stories and other signature vertical elements needs to be evaluated.
4304	4. It will be vitally important for the interior residential buildings to exhibit variety. Additional discussion or visuals of how this effect will be achieved are necessary. The Village Board also notes that there may be the potential for different architects to execute the different blocks. This could be a method to produce the minor variations that will create a place that feels "real". The use of unifying elements through the development such as building materials consisting of wood, stone and brick would be consistent with the "old Hudson River Village" theme identified in the LWRP and RF District, and subsequently illustrated in the Waterfront Linkage Study. The Applicant has indicated that they intend to use EIFS as a building material. Comments raised during design sub-committee meetings indicated the inappropriateness of this material in

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certain instances and its potential inability to hold up over time. The Village needs to require that the Applicant be very specific about the use of this material, if at all, as part of the design palette.

4305

5. The consensus of the Village Board was that design concept relative to the “spirit of an old Hudson River waterfront community” does not necessarily preclude the use of more modern features. While the residential area should generally have a historic style, the Village Board feels that it is important that some contemporary elements be introduced in the residential blocks to provide emphasis or visual interest. Hudson River communities developed over time and it is not necessarily out of character to have these different elements.

4308

8. During the course of the discussions, it was generally recognized that the hotel offers an opportunity to create a “jewel” for the site and the Village; the design concept for this building should be fleshed out in greater detail; the architectural treatment of the façade facing the Hudson River is of particular importance. We recommend the Applicant review historic hotel precedents from the region to identify elements that could create a distinctive architecture for this building. There have been some general concerns regarding hotel related uses such as conference space and events. Given that the RF District allows for valet parking arrangements for hotel uses, the Applicant should provide some indication of how those types of hotel related functions could be accommodated on site, even if in a limited format.

5014

Roseland has done a commendable amount of work in preparing the DEIS, and the study of the GM site. The level of attention by Street-Works Development and Consulting, is a valuable contribution to the analysis of the site. Further, and analysis comparable to that of Streetworks, needs to be set forth with respect to the structural engineering aspects of this challenging and unique former industrial site, and the architectural aspects of the interior residential units. With the reconfiguration of the over-all project that adherence to these and other comments will necessitate, the missing details and data can be set forth in the FEIS sufficient to permit the Village Board of Trustees to make the findings it will need to make in order to determine whether and on what conditions to grant the Special Permit for the development of the site.

5615

Architectural Treatment, Residential Types and Mix of Uses

Concerning the architectural treatment of the facades, we recommend a greater variety of treatments than is proposed. While a variety of treatments are proposed for buildings 1 through 9 along Beekman Place, the other facades of these and all the other buildings are virtually identical. The Palette of colors illustrated in Figure II.c-17 for examples shows how even a change of color could help provide greater variety. Additional variety in height, roof treatment and details could also be applied throughout. We also recommend the application of the most advanced conservation materials and technologies better known as ‘green architecture’. To make this development accessible to the widest range of people, we also recommend that there be a wider mix of building types and sizes and there be a larger number of affordable units. Currently this is limited to 100 senior units and 21 ‘incentive-priced’ condominiums. This is well below the 10 to 15% that is commonly provided in developments today.

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- 6201 1. It has been noted during the review process that some consideration should be provided regarding the introduction of vertical elements, so as to avoid a somewhat monotonous roofline throughout the development. The zoning for the RF district allows for architectural features to extend beyond the zoning limits for building height. The Applicant should consider introducing a vertical element(s) that rises above the roofline to provide a signature statement to the development (spire, clock, tower, bell tower).
- 6510 g. Architectural standards – We commend the applicant’s efforts in compiling the extensive examination of the proposed architectural standards for the project. However, we encourage the applicant to employ a greater amount of depth variation with the various buildings to prevent them from looking like singular structures with varying applied facades. In addition, as much attention should be focused on all buildings as has been placed on the building facades along Beekman Place.
- PM203 And in regard to the designs, I think 1,350 as I said might be an acceptable number. The design, I think I saw a lot of references to French influence. Now, I haven’t got anything against the French, but this town was based on Dutch characters. I would hope that you would include enough Dutch influence in the architect, in the styles of the parks and whatever else, that we can stay historically correct.
- As Phil has said many times, this is a once in a 100-year opportunity. And if we blow it, we blow it big. I hope we would include more of a Dutch influence into the over all appearance of what is going on.
- PM302 Furthermore, we would like a greater attempt be made so that the buildings would look like an authentic extension of Sleepy Hollow rather than a series of mall like structures with fake facades hanging from them.
- PM1210 And finally, number ten, taste. The structures that I’ve seen do look pretty much like a mall, and there is no variety and not enough of the essence of what we have here in the community. What we develop over the years, whether it be Dutch or French influence, I don’t think it’s as important as that it has some versatility. Thank you very much.
- PH3504 Figure Number II.C-14 shows a four-story building, probably in Troy. The caption says, “There are often taller five and six story buildings found in Troy, New York, but also elsewhere up and down the Hudson River. In fact, Sleepy Hollow on upper Beekman Avenue also includes five and six story buildings,” Page C-14.
- Yes, the stately Van Tassel Apartments where I grew up is impressive, halfway up the avenue. But that is no reason to invite structures almost as tall on the shoreline on the Village’s riverbank that we will get only one opportunity to make beautiful for who knows how many lifetimes to come.
- PH5708 Redesign the residences in a more tasteful manner.
- To develop a vocabulary of residential architectural design treatments,

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materials and colors relating to Sleepy Hollow and historic Hudson River villages, the Applicant's architect, RTKL, and one of the Village's Consulting Planners, Beyer Blinder Belle, have prepared a set of Architectural Design Guidelines for Lighthouse Landing. These guidelines, which are included at the end of FEIS Section I, derive from a Precedent Analysis of historic residential and other building types prepared by BBB (see FEIS Appendix 2), similar to the analysis of historic Hudson River village downtowns prepared by the Applicant for the DEIS (see DEIS II and DEIS Appendix 2). They also incorporate and expand upon the Beekman Place design guidelines included in DEIS Section II. The Design Guidelines provide an architectural framework within whose visual and functional parameters the Lighthouse Landing buildings will be individually designed and presented to the Village during site plan review.

PM1809

I also, having read the whole thing, noticed that there is nothing in there about handicap access and universal design in the development. As the Chairman of the Mayor's Advisory Committee on the Handicapped, it is a particular concern of mine, and I would like that addressed.

All buildings and open space areas will comply with the Americans with Disabilities Act (ADA) accessibility guidelines as well as other applicable accessibility regulations.

BUILDING HEIGHT

4234

d) How do the proposed heights of the buildings compare to the heights of existing buildings along Beekman and Broadway?

The proposed three, four and five story buildings at Lighthouse Landing comply with the RF District height regulations established by the Village of Sleepy Hollow for the Site and are similar in height to existing two to six story buildings located along Beekman Avenue and Broadway in Sleepy Hollow. See description and photographs of Sleepy Hollow buildings at DEIS Figure No. II.C-7.

PH4302

The other is the height. The five stories, I know your zoning has 35 feet. So I would like you to take a closer look at the height.

PH5108

And finally, here is my request to Roseland's fine architects when they go back to their drafting tables. Try two-story buildings, show us two-family homes or even single-family homes with front yards or side yards like the ones in town on Washington Street, Beekman Avenue, Ceder, Elm, College and Depeyster Streets.

PH5711

Limit the height of all structures.

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7. The application of the RF zoning district height regulation results in a situation where buildings with lower heights are located nearer the railroad tracks. We understand that this provision was created to allow for views from development on the east side of the tracks. Now that circumstances have changed (i.e., no development proposed on the east side) it seems that having shorter buildings near the tracks does not make as much sense. The Village, along with the Applicant, needs to reconsider the appropriateness of the height regulations for this part of the site. The buildings along the tracks could be of a different configuration/use such that they could be used for business incubator type uses, live/work lofts and the like. This would introduce the potential for opportunities for increased employment and tax generation. Any residential uses proposed along the railroad tracks needs to have a landscaped buffer. In the even that the proposed senior housing is moved away form the currently proposed location along the tracks, other potential locations need to be identified, such as the South Parcel.

The Sleepy Hollow zoning regulations establish zones of maximum building heights ranging from 15 feet to 65 feet (and greater, when such additional height is determined to be consistent with the LWRP) within the RF District and the Lighthouse Landing site. See DEIS Figure No. II.C-6 and accompanying description. All proposed Lighthouse Landing buildings have been designed to meet these requirements, with the exception of several buildings along Road Four which are parallel to the railroad tracks. (See FEIS Figure No. II-2.) As noted in Comment 4307, the maximum height (42 feet) permitted in the zone beginning at the Metro-North railroad tracks and extending 300 feet to the west appears to have anticipated the placement of buildings on the east side of the tracks from which views could be important. As the only buildings currently proposed on the East Parcel are those that will be within the Sleepy Hollow Department of Public Works yard, both the Village Board (the author of Comment 4307) and the Applicant believe the 42-foot height limitation in this area should be reconsidered. The Applicant will petition the Village Board to permit additional height within the 300-foot zone west of the railroad tracks to accommodate the proposed heights for four of the buildings along Road Four (Buildings A, E, I and N). One means of doing this would be to amend Section 62-5.1(x)(s)(g) of the Village Code to provide the Village Board with the same discretionary authority to increase the building height in the area extending 300 feet west of the railroad tracks that it already has with respect to height in other areas within the RF District.

As shown in the FEIS Alternative Plan (Figure No. II-2), the proposed live-work apartments (Buildings I and N) and multi-family

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buildings A and E are proposed to be 5 stories and approximately 55 to 60 feet in height. They will be separated from the railroad tracks by on-grade parking with landscaped islands. Section 62-5.1W[2](c)[1] of the Village Code allows for building bulk incentives to increase the maximum permitted building height by up to 10 percent in the RF District in exchange for the provision of public benefit features. As such, for the aforementioned 42-foot height limitation within the 300-foot zone west of the tracks at Lighthouse Landing, building height could be increased by up to 4 feet from 42 feet to 46 feet. This code provision would not be sufficient for four of the buildings along Road Four (Buildings A, E, I and N) as they are proposed for heights of up to 60 feet. For this reason, the Applicant will not exercise the option discussed above under Section 62-5.1W, but rather will submit a petition to the Village requesting an amendment to the building height regulations of the RF District to permit the proposed heights of Buildings A, E, I and N “as-of-right.” As an alternative, the Village may consider amending Section 62-5.1W to increase the maximum building height permitted as a development incentive.

STREET SYSTEM AND STREETScape

2309

A discussion with responsible MTA personnel indicated that if Roseland were to propose a second access involving a track crossing, that this would be considered and not rejected out-of-hand.

Due to extent of ramping and land that would be taken up on the East and West Parcels, and the undesirability of routing traffic to the West Parcel through the Continental Street neighborhood, the Applicant is not proposing a new track crossing as part of Lighthouse Landing.

4231

c) How will you separate the public access to the river from the residential units along the river?

The riverfront open space is separated from the proposed residential units by new streets that will be dedicated to the Village of Sleepy Hollow. Public streets have been proposed along the riverfront open space in order to ensure public access. See Road A and Road One on FEIS Alternative Plan, Figure No. II-2.

4309

9. The Applicant should present street designs that introduce a few minor shifts to the grid or flaring that could introduce variation and interest. A narrower roadway pattern could be explored for certain sections of the site, particularly in the areas serving the townhouses. This could be viewed as a consistent design approach for a historic Hudson River village development pattern.

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PM904 To me, just looking at the drawings, I think the open space, the public green space could be enlarged. There is no reason why it shouldn't be enlarged except to – the only negative would be it would limit the profits of the developer. The community interest overrides that.

PM2104 Instead of the straight-forward grid, cul-de-sac style proposal, I suggest mirroring the rest of our village. With the exception of one neighborhood, Philips Manor, we have curvy roads, nooks and crannies, low profile buildings and smaller, diverse homes. Chunks of four and five story buildings are unacceptable no matter how varied their facades. Let Roseland site down with local architects who would be happy to provide a more appropriate look.

PH4207 Many residents last week mentioned the character of Sleepy Hollow. A grid development certainly doesn't fit in with that character. So take the opportunity and rethink the space with more than more character, streets with more curbs, surprise views, wider view sheds. Open up the project at least in theory as one of your alternatives.

The proposed street grid has been revised to provide a more gradual transition between Beekman Place and the railroad tracks and to interject a wedge-shaped linear park extending from the riverfront open space into the development north of Road C that opens up views to the river and increases the amount of proposed public open space. See FEIS Figure No. II-2. The perimeter roadway adjoining the proposed landscaped buffer to Kingsland Point Park (Road One) has been made more curvilinear to reflect the open space setting. In the Applicant's opinion, this modified street grid reflects the street pattern of Sleepy Hollow and a downtown historic Hudson River village as described in the Village's RF District zoning regulations.

5616

Street Definition, Widths and Layout

While we agree with and support the layout of streets as a grid that essentially reflects the existing streets in the Lower Village, we do not believe that there is any justification for any travel lanes to be 14 feet wide. A width of 10 to 12 feet should suffice in all instances and would contribute to keeping the development compatible with pedestrian use. We support the concept of parallel on-street parking on most of the streets and particularly along the waterfront. This makes the use of sidewalks more secure for pedestrians while also providing needed parking, particularly for the waterfront. Additionally we strongly support the recommendation in the Village's Open Space Framework Plan that the Beekman Avenue extensions to the waterfront include a loop along the northern side of the Ichabod's Landing development defining a landscaped space. This additional roadway and landscaped space will not only provide an appropriate terminus to the protected visual corridor of Beekman Avenue but we believe that it is essential to creating a seamless connection with that smaller development. Otherwise it will remain isolated from the Roseland development segmenting a waterfront that should function as a whole into unrelated fragments. Additionally we believe that this loop should be extended

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to the river's edge to provide access to a public pier as discussed below under Consistency with the LWRP.

The Beekman Place travel lanes were shown in the DEIS Plan to be 14 feet wide to provide more maneuvering space for stopping or parking vehicles along the main retail street. Under the FEIS Alternative Plan, the Beekman Place lanes have been reduced to 12 feet in width, consistent with the majority of the other site roadways. See FEIS Figure No. II-8, Typical Roadway Cross-Sections.

As shown in the FEIS Alternative Plan (Figure No. I-2) and FEIS Figure No. II-7, Beekman Avenue and River Street Extensions, a large landscaped island or village green is proposed at the intersection of Beekman Avenue and Beekman Place to separate that linked roadway from the linkage of River Street and Road A and maximize the distance between the two roadways to facilitate emergency access to the Site.

6503

The proposed site plan makes good use of the traditional grid street pattern for the creation of a transit oriented development that would be an extension of the village. However, it is difficult to fully envision the overall impact of a development of this scale and to appreciate all of its aspects based on a review of site plans. We encourage the Village to request the applicant to prepare a model that could provide a three dimensional view of the project along with other forms of elevations and perspectives. Part of this effort should include means to show how the new development will relate to the existing village uphill of the site and address sightlines and viewsheds, such as the view from Barnhard Park.

The Applicant will prepare a scale model of the Site and surrounding area for use during subsequent presentations of the proposal during the site plan review process.

6504

a. Location and features of train station access – As shown on the plans, the proposed Metro-North station platform access point is located behind Building 13, tucked away from view. This location will prevent residents from having a direct walk to the station as, in all cases, they will be required to walk around Building 13 and through a parking area in order to access the trains. In addition, beyond the construction of platforms, the draft EIS does not discuss the construction of a station building or the provision of station amenities such as a newsstand or coffee bar.

We recommend that the proposed train platform access point be relocated and placed at a new formal east end of Road Three so that it – and some type of station building – could form a prominent anchor at the end of this street. One alternative means to accomplish this anchor concept would be a switch in the locations of Building 13 and Building 14 (the proposed community center). Building 14 could be integrated with, or expanded to serve as, a new station building. This combination of community center/train access point could be

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ideal as such a building would become a natural focal point for residents. We note that train stations and community centers are focal points for many Hudson River communities.

In the proposed FEIS Alternative Plan, the train station drop-off is now at the bend in Road Four (see FEIS Figure No. II-2). Short-term parking is available along either side of the green space fronting the drop-off, station platform and stair to the overpass connecting the north and south bound platforms. As described in the DEIS and discussed preliminarily with Metro-North, station facilities such as ticket and newspaper machines and enclosed waiting shelter would likely be located on the pedestrian overpass connecting the platforms.

6505

b. Location of Bridgeview Boulevard (Road Two) – The site plan shows the layout of a long boulevard-style street (named “Bridgeview Boulevard”) located in the west section of the site where it would be flanked by town homes for the majority of its length. This type of boulevard would create an axis and provide views of the river and the Tappan Zee Bridge through Lighthouse Landing. However, the north end of the boulevard will not have a defining feature as it is show to end with an entrance to a parking lot for Kingsland Point Park. In addition, a wide boulevard may not provide the most appropriate road frontage for low-rise town homes.

We recommend that consideration be given to switching the location of “Bridgeview Boulevard” to Road Three. By moving the boulevard layout eastward one block, the axis discussed above with regard to the train station/ community center at the north (east) end. Furthermore, the use of a boulevard layout may be more appropriate with the higher density buildings shown to be located along Road Three. The wide boulevard would serve to break up the larger building masses presented by the multi-family apartment buildings and would make Road Three more suitable for ground floor retail uses. Placing additional, local-oriented retail along this relocated boulevard would allow residents to purchase basic goods and services without needing use of a car. Stores located along Road Three would be within a short walk of all of the proposed dwelling units and would be on the walking path to the train station.

In the proposed FEIS Alternative Plan, the new entry to Kingsland Point Park would be located at the intersection and termini of Road One, which runs along the riverfront open space and Kingsland Point Park, and Road Four, which runs parallel to the railroad tracks. See FEIS Figure No. II-2. Road Two (Bridgeview Boulevard) still has a landscaped median on either side of Beekman Place, but is less prominent than in the DEIS Plan.

6506

c. Streetscape features – The streetscapes along Beekman Place and a relocated Bridgeview Boulevard warrant additional attention to maximize their “walkability”. The proposed building cut-throughs in buildings 2n, 3n, 6s and 7s should be designed to be prominent pedestrian friendly places that are wide

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and inviting. In addition, we recommend that sidewalk bump-outs be placed on Beekman Place at those locations with mid-block pedestrian crosswalks to connect the cut-through on each side of the street. Such revisions would create a more pedestrian friendly environment.

We note that the site drawings show proposed tree-pits for street trees measuring six feet by twelve feet in size. If these tree pits were to be constructed as above ground pits and double as bollards, their large size could create obstacles for pedestrians. The applicant should be requested to provide more information about these features and the type of plantings. (If the proposed tree pits are to be flush with the sidewalk surface, then they should not present a problem.)

In the Applicant's opinion, the provision of crosswalks at the Beekman Place intersections with Road Two and Road Three where sidewalk bump outs are planned would facilitate more organized pedestrian circulation patterns than mid-block crosswalks on Beekman Place at the Building G and L "vias". Mid-block crossings would also result in the loss of several of the proposed on-street parking spaces along Beekman Place. The proposed crosswalk locations are illustrated on FEIS Figure I-2.

The street tree pits are proposed to be at grade or bordered by a low curb, dependent on their size and the types of low plantings to be provided therein.

6207

Since the project is intended to be a transit-oriented development, it should include a comprehensive set of features to accommodate and encourage bicycling. The Applicant should discuss to what extent bicycling amenities will be installed for both residents and visitors to Lighthouse Landing, including possible features such as bike lanes connecting the residential to the open space and Beekman Place, secure storage areas at the train station and/or residences, shower facilities, bike racks along Beekman Place, etc.

PM1602

Bike lanes would help a lot. Pedestrian, make sure pedestrian walkways are usable. Right now there is no way to bicycle safely on Route 9. IF I want to take my bicycle up on my sidewalks, they are decrepit, big holes over by the base of 448, on the foot of Beekman Avenue – the top of Beekman Avenue. Basically anything that helps, anything that makes alternatives to people driving a car.

As described in the Village Consultant's report on the Village Open Space Master Plan (DEIS Appendix 9), the riverfront open space will include pathways for both pedestrians and bicyclists, and it is anticipated that bike racks can be provided at multiple locations within that open space. Bike racks can also be provided as part of a coordinated street furniture plan for Beekman Place and the linear park and mews north of Road C. Within the public streets of

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Lighthouse Landing, it is anticipated that bicyclists will share the roadway with motor vehicles as they do throughout the Village.

6215

15. The Applicant should indicate what types of paving and road surface treatments are anticipated, particularly for crosswalks and courtyards. Consideration should be given to the placement and use of materials to provide pedestrian safety and reflect a historic Hudson River community.

Roadways and sidewalks within the proposed public rights-of-way will generally be paved in asphalt and concrete respectively per Village of Sleepy Hollow standards. Crosswalks may be paved in modular pavers and/or imprinted concrete or asphalt to increase visibility and driver and pedestrian awareness. Accent paving at building entries and within courtyards may also have a modular surface to reflect the architecture and function of adjoining buildings. Specific proposals for the type, extent and color of paving materials will be presented during the site plan approval phase of the project.

6216

16. The Applicant should provide more detail of the proposed lighting plan and examples of the type of lighting proposed for use in the residential and riverfront portion of the development.

As described in DEIS Section II and illustrated in FEIS Figure No. II-17, the Applicant proposes to use the Village of Sleepy Hollow “shepherd’s crook” street lighting fixtures along the roadways in Lighthouse Landing. Lighting for the residential building facades and courtyards will be presented during the site plan approval stage of the Project. Lighting within the riverfront open space will be selected by the Village Consulting Planners to complement the various facilities and improvements within this area. See FEIS Appendix 7A, Village of Sleepy Hollow Waterfront Use Master Plan.

5018

Within the site on the west parcel, loading bays and access for commercial vehicles to service the commercial areas, stores, restaurants and hotels will need to be shown. The truck access to the site will limit the amount of parking that the DEIS now shows. As discussed below, there should be provision for 2 cars per residential unit, and not 1.5 as in the DEIS, as is now required for such developments in the rest of the Village.

PH2813

Secondly, if you take a look at the interior parking off the commercial street Beekman Place, there is no loading ramps provided. Loading ramps are a very important part of running a viable commercial setting. And we are going to have to provide for loading ramps. And it won’t be from the Main Street where cars are all parked and people are pedestrians.

So it is going to have to be probably from the back or from underneath where you have the capacity to put in a lower level. That’s going to reduce the parking

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on those interior parking lot areas which is going to mean you are going to have to put some of that commercial parking into perhaps a different structure therein.

As is typically the case in Sleepy Hollow and main streets in other small village downtowns, loading spaces for the individual Beekman Place retail stores within Buildings G, H, L and M will be provided along each block's frontage on Beekman Place. The market and office in Building B and the cinema in Building C will be served by loading areas within their off-street parking areas. See FEIS Section I for discussion of parking proposed for the different Lighthouse Landing residential units. Roseland has identified the residential parking ratios necessary by product type based on actual experience with their other projects in the region. The adequacy of the proposed on-site residential parking supply is further supported by Walker Parking's experience locally and nationally and with consideration of data from the Urban Land Institute as outlined in DEIS Appendix 11, Parking Analysis. In addition to providing reserved garage spaces for all the residential units, the project offers a number of shared parking opportunities within convenient walking distances and will provide approximately 455 on-street parking spaces interspersed throughout the site. These on-street spaces will be available to a variety of users including visitors to the residential units.

LANDSCAPING

4310

10. A general question was raised as to the appropriate time to install landscaping and street trees; the Applicant needs to outline an installation program relative to other site improvements, including Beekman Place.

Landscaping and street trees will be installed at the completion of site work in each particular area or block; detailed plans for landscaping and site improvements associated with each building will be submitted during site plan review for each portion of the Site. FEIS Figure Nos. II.L-1 through II.L-6 of this document present the Applicant's anticipated project construction sequencing between Year 1 and Year 6. The section of the waterfront open space area located between the property line with Ichabod's Landing and Road Two is expected to be substantially complete by the beginning of Year 2, while the remaining waterfront area up to the juncture with Kingsland Point Park is slated for completion by the beginning of Year 3. As for the central park, construction of the western section between Road One and Road 2 is expected to be completed by the beginning of Year 4 with the balance to occur by the beginning of Year 5.

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4516 I would like to petition for a community garden somewhere in the 'green crescent'. Produce could be sold at the green market to benefit local endeavors.

The Village's Consulting Planners have prepared a Waterfront Use Master Plan that illustrates the various water-dependent and water-related uses existing and envisioned along the Sleepy Hollow waterfront. See description in FEIS Section I and FEIS Appendix 7A. The plan does not currently include a community garden in this area.

6206 6. The applicant should provide more detail on the proposed landscaping plans and the measures taken to ensure plant diversity and reduce maintenance needs. This should include a more detailed evaluation of the selected planting materials and their appropriateness for a location on the Hudson.

4517 In reference to the landscaping use within the new development, I ask that you consider xeriscaping techniques, harvested rainwater, expanded use of recycled green materials and alternative power sources. Sleepy Hollow has the opportunity to be a forerunner in green building/living technologies. It is my hope that sustainable energy practices can be incorporated into the construction concepts, in addition to low flow water fixtures. 'Tax dollars "lost" by downsizing the residential and retail aspects of the development could be made up for with energy credits and grants supporting ecological restoration and green building. Wind and solar power could be harnessed and built on green space discreetly or quite overtly as ornamental sculptures. I am very proud of this Village's efforts in recycling. I applaud Roseland's proposals for the use of indigenous plants on the site. I hope we can catapult this into a much more comprehensive environmental effort.

Detailed landscape plans, including descriptions of selected plant materials and their suitability for the riverfront site, will be submitted as part of the site plan application review process for all individual buildings and phases of the Project. See also response to Comment 6203 below related to energy efficiency.

PROPOSED BUILDINGS

4311 11. There should be some comparison relative to the typical size for different units such as apartment vs. condominium.

The Applicant is proposing that the condominium apartments will be generally 20 to 30 percent larger than the rental apartments of the same bedroom type as presented in the table below. The net floor area of the rental apartments will generally range from approximately 725 to 1,300 square feet, while the condominium apartments will range from 850 to 1,500 square feet. Net floor areas for the condominium apartments will be approximately 10 percent to 15

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percent greater than the rental apartments on average.

Unit Type FEIS Alternative Plan		No. of Units	Net Floor Area (SF)
Rental Apartments	1 BR	314	725 – 750
	2 BR	254	1,050 – 1,150
	2 BR w/Den	<u>61</u>	1,250 – 1,300
Subtotal		629	
Condominiums	1 BR	22	850 – 900
	2 BR	313	1,150 – 1,300
	2 BR w/Den	<u>38</u>	1,300 – 1,500
Subtotal		373	
Townhomes	3 BR	<u>248</u>	2,250 – 3,350
Subtotal		248	
Total		1,250	

4512

I have concerns about the types of retail space mentioned in the plan. I see no need for a supermarket, movie theatre, or hotel. The Village may benefit more from a market place (similar to the one in Grand Central Station) for local vendors of Hudson Valley produce and a modest Bed and Breakfast. Visitors to Philipsburg Manor often request 18th century-style food and lodging – this could be a way to incorporate appropriate themes into the development without involving large chains. Disproportionately sized commercial properties would increase un-welcome traffic and compromise the integrity of our Riverfront Village façade. The installation of a movie theatre would detract from the great efforts that the Tarrytown Music Hall has made in its restoration of their space and facilities.

4608

South Parcel – We believe that the concept of a small fine arts cinema on the south parcel is an idea that has merit. We would request that the architecture and siting of any building on this parcel be carefully evaluated since this is a “gateway” location. We also would request that the driveway from River Street be shifted as far southward as possible to improve the separation from the Ichabod’s Landing entrance and to avoid having the parking entrance directly across River Street from the residences in our Building 1.

PM2304

The movie theater that is proposed here I think is inappropriate for a number of reasons. I think that a much better use of that space would be a cultural community center or perhaps a children’s museum or something like that. The reason why I say this is because, first of all, there is a number of movie theaters in the area on 9A and in Hawthorne. There are two large movie theaters. I don’t think there is a need for it. But, I think that the problem that can come up with something like this – I was raised in a riverfront, Westchester riverfront water community on the other side of Westchester. Nevertheless, we had a large riverside park, not a riverside, the Long Island Sound park there. So, I know something about how people react to these places. And they’re vital and important.

But I’m concerned with the movie theater, because what happens, what can happen in this situation is you’ve got a movie theater and the late show, 9:30 or

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10:00 o'clock, you get a lot of teenagers on a Friday or Saturday night. You'll have teenagers going in there. They will get out at 11:30, 12:00 o'clock. And where the theater is situated is right at the top of the business district (pointing), right down to the park. And these kids at 11:00 or 12:00 o'clock on a Friday or Saturday night will go right down to the waterfront. I think it could be a problem and not the way that you want the riverfront to be. So, I think there will be better uses for that than a movie theater, like a community cultural center would be more appropriate.

The "fine arts cinema" located on the South Parcel was proposed by the Applicant as a result of early planning discussions held with the Village Board and other interested parties and was seen to be a desirable facility that would be frequented by new and current residents of the area. In the FEIS Alternative Plan, the cinema has been reduced in size to 18,000 square feet, which could accommodate three screens or theatres and approximately 400 seats. The entry to the parking area has been shifted to the south end of the South Parcel off River Street. See FEIS Alternative Plan, Figure No. II-2.

6214

14. The operation of the hotel should be clarified. Will it include limited conference and formal functions? Has valet parking been considered to increase parking efficiency? Section 62.5.1.V.12 of the zoning code includes valet parking as one of the suggested alternate methods to meet the site parking requirements.

The hotel in the FEIS Alternative Plan has been reduced to 140 rooms and will not be marketed as a conference center. It will have dining and gathering rooms for guest functions. It will also include valet parking in its lower level to maximize parking efficiency.

6507

d. Layout of supermarket - The site plan appears to show that the proposed supermarket (Building 8) will have its primary entrance from the second level of a parking structure at the rear of the building. It is not clear if there would be any pedestrian access from either Beekman Place or Road Four. An orientation of this store toward a parking structure and not toward the new streets would undermine the overall Lighthouse Landing design concept. While it is probably necessary to maintain a rear vehicular-oriented entrance and drop-off area for the supermarket (since many supermarket trips involve carrying large amounts of groceries), easier access to the supermarket should be provided for people who wish to walk to the store.

In addition to access, we are concerned that the architectural renderings appear to show that the supermarket will have either a blank wall or window treatments with no pedestrian access along the street frontages, creating a dead streetscape. As an alternative, we recommend that consideration be given to placing supermarket entrances on both Beekman Place and Road Four either as direct entrances or as entrances via specialty shops (e.g. floral department, pharmacy) that may be part of the supermarket. The appearance and visual impact of the two-story parking garage, which is shown to extend 400 feet

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along the south side of Road Four, should also be carefully considered. Blank facades could be enhanced with art work, murals, window displays or similar type improvements.

PH5302

I heard the gentlemen speak earlier concerning the supermarket. I am not sure that the marketplace is a supermarket but I hope that it is. Because it's been shared that it will not be as large as Stop and Shop but I would like you to consider making it as least double the size of the frequently used C-Town. It's congested on a daily basis and Sleepy Hollow at this time does not have our own supermarket. And so with the growth I believe, I ask you to consider that.

As shown in the FEIS Alternative Plan (Figure No. II-2), the market is located at the intersection of Beekman Avenue and Beekman Place. The primary entrance to the market will be from the parking area to the rear, which is accessed from Road Four. A second entrance, possibly to a market café or coffee shop, would be located at the corner of Beekman Place and Road Four. The market building facades facing Beekman Avenue, Beekman Place and Road Four will all have display windows or other architectural treatments to enliven those streetscapes. As discussed in Section I of this document, the 25,000-square foot market is planned to operate as a specialty grocer.

6903

3) The location of the trash and recycling bin areas should be provided for both the residential and commercial buildings.

With the exception of the townhomes and retail uses along Beekman Place, refuse and recyclables for the residential and commercial buildings at Lighthouse Landing will be stored in central interior collection areas within individual buildings for ease of pickup. Refuse and recyclable collection for the townhomes and the retail uses along Beekman Place will be provided on an individual house-to-house and business-to-business basis. If applicable, any outdoor refuse storage containers would be appropriately screened (e.g., with walls, fencing or landscape treatment) so as to be unobtrusive and hidden from public view. As indicated in DEIS Section III.D, the Sleepy Hollow Department of Public Works currently provides refuse and recyclable collection to residential and commercial properties within the Village, and will also provide these services for the Lighthouse Landing project. Refuse and recycling areas for all buildings will meet the requirements of the Village of Sleepy Hollow for municipal pickup as applicable.

PM905

I see, with respect to one of the maps, legends or the site plan, community building is on one of these, and it's number 14 in one of these things. And, I mean, you look at this project and you say that's it for a community building. That little tiny thing. It seems inadequate.

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PM1808

Another concern I have is that it seems like it's going to be a closed community. All along we had been promised new neighbors. New neighbors that we as friendly people in Sleepy Hollow would welcome. This sounds like a closed community to me.

Section 2, Page 13, Building 14, activity center for residents of Lighthouse Landing. We were promised that there would be amenities there for everyone in the Village to enjoy. They are also going to have a shuttle bus for their residents, all right. May not have gates, but they're setting themselves aside. They're not going to be an integral part of the Village. The only thing they're doing is extending the Beekman Avenue corridor, which is one of our urban corridors, down into that site and making the whole rest of it that height, that density, that urban.

The community building (number 14) shown in the DEIS plan was to contain activity rooms and exercise facilities for the residents of Lighthouse Landing. In the FEIS Alternative Plan (Figure No. II-2), these functions are proposed to be located in a resident clubhouse and pool area within Block J and two tennis courts and a small activity building between Buildings I and N. The riverfront open space, with lawns, paths, plazas, docks for small craft and temporary tie-ups, a fishing pier, land for an interpretive center and other public uses, will be constructed by the Applicant for the Village of Sleepy Hollow and will be accessible and available for all to enjoy.

3410

My request would be for Roseland to refurbish the Boat House at Kingsland, which would become a hub for all areas of the Village. The reconstructed, expanded Boat House could include boat launches, as it does now, for sailboats and kayaks out of the garage areas. It could also include some sort of refreshments and/or light restaurant fare, and working bathrooms. Finally, it would incorporate multi-purpose rooms for Seniors to meet, dance and exercise classes to take place (You may recall that the former dance classes were so popular that they went to double-shift when held in the central fire house, but they were kicked out!), non-profit community groups to meet and sports facilities such as basketball courts and ping-pong, pool and foosball or air hockey tables on the first floor to help develop a safe, youth program. Such a facility would greatly enhance sales of the Lighthouse Landing units, and create a much more desirable living environment throughout the Village.

As described in DEIS Appendix 9 and FEIS Appendix 7A, the future restoration and use of the Kingsland Point Bath House is part of the Village's Waterfront Use Master Plan as prepared by the Village's Consulting Planners, but is not part of the Applicant's proposal for Lighthouse Landing. According to the Village Administrator, the Village of Sleepy Hollow has applied for grants to refurbish the

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Kingsland Point Park Bath House.¹ As indicated in the response to Comments PH4302 through 4307 above, the Applicant does not intend to exercise the option available under Section 62.5.1W of the Village code regarding building bulk incentives in exchange for the provision of off-site public improvements. The Applicant will submit a petition to the Village requesting an amendment to the building height regulations of the RF District to permit the proposed heights of Buildings A, E, I and N "as-of-right." As an alternative, the Village may consider amending Section 62-5.1W to increase the maximum building height permitted as a development incentive.

3414

The recreation center outlined above would naturally be free-standing. However, I'd expect the police/fire substation that is intended to serve this new epicenter to also be included by Roseland in their construction design.

As shown in the FEIS Alternative Plan (FEIS Figure No. II-2), the Applicant proposes to donate land to the Village on the South Parcel at the corner of Beekman Avenue and Hudson Street for construction of a Fire/Ambulance station to serve both the western portion of the Inner Village and Lighthouse Landing.

PH5601

As a draft proposal, this is based on a document that I wrote representing a handful of people, a grass roots organization at the time called, a local community group for Lighthouse Landing Development...

Thank you for your recent comments on the creation of the Cultural Center on the former General Motors property site at Sleepy Hollow. This document is based on a prior proposal from 1997. The draft proposal is to the developer of Streetscapes and the architects and I had entered this into the scoping session in May, May 20th, 2003.

Lighthouse Landing Cultural Community Center and River Stage; this document is based on the prior proposal September 1997 requested by Phyllis Rina and Marsha Magee of General Motors. ...

Overview: Consider a flexible community space to accommodate all Sleepy Hollow organizations and institutions and programs. ...

Benefits: Provide national recognition for vision in site redevelopment and community relations and establish Roseland Streetscapes, General Motors and the Village of Sleepy Hollow at national patrons of the arts.

Create a multi-purpose magnet attraction for the site and Sleepy Hollow. We do not have one at this moment for the site and for our Village of Sleepy Hollow.

¹ Per July 12, 2006 discussions between the Village Administrator and the Applicant, the Village has applied for grants.

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Increase the site's value, attracting to it a diversity of business interests to blend with the arts complex and the tourist, corporate and residential elements. You have to understand, this is coming from a local resident. I'm not speaking on behalf of somebody from the outside, I'm speak form someone that was born and raised here.

Restore the property as originally designated in the LWRP to the tax roles. ...

But the facility would be a multi-purpose facility as slated in the Roseland proposal for a cinema but what we are saying here is to expand the idea to make it a smaller cinema, a smaller stage, a stage that would be used for local groups on some kind of a part-time or sliding scale basis, not to conflict or compete with the music hall...

To expand commerce trade, encourage tourism in the area by providing an attractive business link. Make Lighthouse Landing an integral pat of the greater area by providing a dedicated community center facility for the Village of Sleepy Hollow's recreational seniors, young and adult programs. ...

Establish a community lobby for the Village of Sleepy Hollow residents to congregate, enjoy the magnificent view sheds and community meeting area equipped with fireplace, pool tables and comfortable chairs. ...

Establishing a visitors center/environmental mini-museum, children's museum. An environmental mini-museum will provide an environmental and historical educational venue for youth t6 develop direct links with Hudson River Educator, Scenic Hudson, the Riverkeeper, the Clearwater, ferry sloops in conjunction with area schools and colleges.

When the Applicant has a commitment from an operator for the proposed cinema, a request could be made by community entities for community use of the facility. As discussed in DEIS pages III.A-48 through III.A-49, the Applicant is providing significant land donations to the Village and will construct a broad range of amenities for public use as outlined in Section I of this document.

PARKING

4228

Public walking access to the waterfront is limited except by car.

a) How will parking be made available? Is there going to be public parking available?

The proposed project will offer both pedestrian and vehicular access opportunities to the waterfront as illustrated in Figure No. II-2. Sidewalks are planned along the roadways leading to the waterfront park, and the project will include approximately 455 public on-street parking spaces interspersed throughout the site including approximately 58 spaces along Road One running parallel to the

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riverfront park.

4369

69. It was noted that the development provides approximately 1.5 spaces per unit. Should the Applicant provide 2 per unit, or conversely would it be better to try to limit parking to a more commuter-oriented focus with 1 car per unit? The parking areas for the mixed-use portion can also potentially be used as a shared parking resource for residents/guests although there needs to be more details provided, such as how would the retail lots operate – municipal lots, metered, permits, Applicant owned?

5605

3) The applicant proposes separate parking areas for each use in the project. This typical suburban pattern is inconsistent with the objectives of transit-oriented developments and would undermine the advantages of Lighthouse Landing's proximity to transit, as well as its mix of uses.

The project's design should maximize opportunities for shared parking and encourage a "park-and-walk" philosophy" on the site. Parking should be provided to capitalize on sharing space with residents, commuters, office employees, shoppers and movie patrons. For instance, the parking areas for the residential buildings 13, 14 and 17 would be ideal for commuters. Since some of the parking spaces will become available during the day, these could be leased on a monthly or quarterly basis to commuters.

Parking spaces should not be individually assigned. Rather, parking spaces should be restricted to permit holders and accessed with a magnetic card. The shared parking policy would reduce the overall number of parking spaces needed on the site.

PM1601

Parking. The residential units, and we know that there are probably way too many in this proposal, need parking at night. I came here about ten minutes after 8:00. Could not find a spot. I actually ended up almost near my house again to park. It was crazy. I drove around longer than if I just walked. It's not going to get any better when we add 1,500 units.

I don't see any parking facility anywhere except the Metro – the new proposed Metro North station, which we are not allowed to park there anyway until its Friday, after Friday night and before Monday morning. So, that doesn't help anyone anywhere, empty spots sitting there at nights when we could use those or some spots.

Some alternative might be a parking lot up by Route 9 with public transportation, free shuttles to go to and from south and north, down to the river and back again.

As noted above, Roseland has identified the residential parking ratios necessary for the project based on actual operating experience at their existing projects in the region. The adequacy of the proposed on-site residential parking supply and the parking interplay between the mixed uses is further supported by Walker Parking's experience locally and nationally as outlined in DEIS Appendix 11, Parking Analysis.

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The project has been designed to offer shared parking opportunities among complementary uses such as retail employee use of the office parking facility on weekends. As discussed in Section I of this document, the project will include a total of approximately 4,025 parking spaces, almost 50 percent of which will be publicly accessible in on-street spaces and at-grade parking lots adjacent to the retail buildings and on the East Parcel.

SHUTTLE BUS

4229

b) Will you make a shuttle bus available to the public?

6210

10. The Applicant should provide additional information regarding the shuttle bus operations. Who will operate the shuttle and when will it run (hours of operation/days of the week)? Will the project include shuttle bus shelters to protect riders during inclement weather?

The Applicant has proposed a shuttle service to the Tarrytown and/or Philipse Manor stations if the new station is not constructed to serve residents and workers of the Lighthouse Landing Project. The Village Waterfront Linkage Study discusses the possible creation of a municipal trolley/jitney bus loop route connecting the Sleepy Hollow waterfront with the Tarrytown, Beekman Avenue and Route 9 corridor for area residents, workers and visitors. The Applicant would be amenable to creating a transportation interface between the proposed Lighthouse Landing shuttle service and such a potential municipal trolley/jitney loop.

The Applicant would initially operate the shuttle service, but it would eventually be operated by the Lighthouse Landing Master Homeowners/Condominium Association. The hours and days of operation of the shuttle bus would initially be geared toward weekday morning and evening commuting hours, but service could be expanded or varied as necessary subject to the needs of the Project's residents and workers. To accommodate train ridership levels among Lighthouse Landing residents, it is anticipated that three shuttle buses will be provided, each with a seating capacity for approximately 20 to 25 passengers as discussed in the response to Comments 6120 and 6517 in FEIS Section II.H. If determined to be necessary, the Applicant could consider the provision of bus shelters on the Site during the site plan review process.

PUBLIC SAFETY PROVISIONS

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4312

12. The Applicant has indicated during the sub-committee meeting process that a potential location for a fire/ambulance/police substation could be the lower level of the proposed parking garage just off of Beekman Avenue and adjacent to the proposed train station. The Village should have some general indication of what that would look like, conceptually. Further, the Applicant may want to explore a design concept that would have residential units built along the face of the parking garage, providing a screen to the balance of the parking facility and potentially to capitalize on views given existing elevation. Additionally, the potential for a free standing "civic" building should be considered. Said building would provide support facilities such as a kitchen and bunkroom and be designed to serve future potential full time/part time paid fire and ambulance personnel.

As noted in the Response to Comment 3414 above, the Applicant proposes to donate land to the Village on the South Parcel at the corner of Beekman Avenue and Hudson Street for a Fire/Ambulance station to serve both the western portion of the inner Village and Lighthouse Landing.

BEEKMAN AVENUE BRIDGE

4313

13. As part of the site development and construction sub-committee, there is an opportunity to replace the existing Beekman Avenue Bridge with a bridge designed to handle heavier loads necessary for site construction purposes. This also presents an opportunity to create a gateway feature as part of the new bridge design. The Applicant needs to provide precedent examples of bridge designs for the Lead Agency's consideration and indicate how the bridge replacement will be factored into the construction-phasing plan.

6508

e. Beekman Avenue train station access - The site plan shows the provision of stairways from Beekman Avenue to the new train station platforms as a means to facilitate pedestrian to the trains. While we consider this a necessary component of the new station, we are concerned about how this section of Beekman Avenue will function when used as a drop off/pick up location for train passengers. We encourage the Village to require the applicant to address this aspect. One possible solution could involve creation of a pull-off area or half-circle driveway where vehicles - and buses - could drop-off or pickup passenger out of the flow of Beekman Avenue traffic. In addition, consideration needs to be given to improvements that meet ADA requirements.

PM801

First question has to do with the Beekman Avenue bridge. I understand from the DEIS that the capacity of the bridge is limited, and that there is a recommendation that the superstructure be replaced. If that's the case and the bridge is owned by, according to the McClaren report, Metro North, I think that there should be more information provided concerning what the plans are, what the schedule is and what the level of repair or replacement of that bridge will be. I have a few questions that address that.

The Beekman Avenue bridge will be upgraded to current highway

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design loading (i.e., AASHTO HS25 truck loading, 45 tons). The Applicant anticipates seeking public funding for the bridge replacement work. Roseland will cover the cost of the Metro-North Force Account that will be required during construction. The bridge reconstruction is anticipated to occur at the early phase of the overall project schedule to allow construction vehicles to access the Site as discussed in Section II.L of this document. Precedent examples of bridge design elements have been compiled by the Village's Design Consultant and are presented in FEIS Appendix 2.

A passenger drop-off/pickup area for the new train station is planned adjacent to the commuter/resident lot as shown in the FEIS Alternative Plan (Figure No. II-2). The proposed improvements will comply with the Americans with Disabilities Act (ADA) accessibility guidelines. While the aforementioned train passenger area is expected to handle the majority of pick-up and drop-off activity, a supplemental no parking zone is also proposed along the north side of Beekman Avenue adjacent to the planned stairways leading to the station platforms to augment drop-off and pickup options. The no parking zone would not require any physical widening of Beekman Avenue since it would be accommodated along the existing northern curb line. The current two-way traffic pattern on Beekman Avenue and the on-street parking along the south side of the street would continue to be provided along the no parking zone.

RIVERFRONT OPEN SPACE IMPROVEMENTS

4230

There is a navigation channel along the east shoreline.

Question(s):

- a) Where are you planning to put the fishing pier?
- b) How will the public access it?

As shown in the FEIS Alternative Plan (FEIS Figure No. I-2), the L-shaped fishing pier is proposed to be located along the south frontage of the Lighthouse Landing riverfront, just west of Ichabod's Landing. The public can access the pier from the walkways within the riverfront open space that connect to the south to Ichabod's Landing and Horan's Landing, and to the north to Kingsland Point Park. See additional discussion at FEIS Section I.

4306

6. There is a small cove below Kingsland Point Park. The possibility for adding some water-related use in this area should be further explored, including a possible boathouse for hand launching. Precedent examples of boathouses need to be provided for further evaluation.

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PM2404

The last thing is in Yonkers, which is where I work, they have the Hudson River Museum and they have the Beczak Center, which are great places for all different age people to really use the river. And I was just hoping it might be part of the plan already. I don't know if we could have something down there where people could fall in love with the river as much as all of us here in Sleepy Hollow. Something active, like the Beczak Center. You know, the kids can go down and take soil samples and do all kinds of science work. The museum has a planetarium, go down and look at the stars at night.

As shown in the FEIS Alternative Plan (FEIS Figure No. I-2), a T-shaped pier and floating dock is proposed to be located along the south face of the referenced cove to provide a hand launch area for small craft such as kayaks and canoes. Additionally, the existing beach at the juncture of Kingsland Point Park and the Site will be widened and provide a place where canoes and kayaks could be walked into the river. A 3,000-square foot interpretive center is also proposed at this location to be operated by the Village that could focus on the history of the Sleepy Hollow waterfront and the ecology of the Hudson River. The Village's Design Consultant has compiled examples of boathouses which illustrate possible design themes for the center – see FEIS Appendix 2.

4607

Waterfront Features – It is apparent that the Village is very focused on making the best use of its waterfront and in an effort to do so has developed its initial conceptual comprehensive plan. As you know, we have always suggested that a pier on the River, at a straight line extension of Beckman Avenue, should be a feature that the Village seriously considers. We offered to provide the vessel tie up at Ichabod's Landing to accommodate smaller river excursion boats and even the Sloop Clearwater to re-introduce a connection between the River and the Village. A pier would significantly enhance that connection by possibly accommodating a ferry stop that could bring tourists, shoppers and other visitors to Sleepy Hollow. The feasibility of providing this pier, which can take advantage of the existing Federal Channel, deserves to be investigated further. GDC believes that every village and town on the Hudson River should have a ferry pier. Surely, Sleepy Hollow, with one of the most significant riverfront projects, should have one.

To ensure that the new waterfront is adequately accessible to all Village residents, adequate on street and /or off street parking should be provided in close proximity to the water. On-street parking is proposed along the riverfront road and its adequacy should be verified.

The Village's Consulting Planners have prepared an overall Waterfront Use Master Plan for the entire Village extending from Kingsland Point Park to Horan's Landing as presented in FEIS Figure No. I-5. The FEIS Alternative Plan will augment the Village plan by providing a variety of water dependent uses including, but not limited

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to a “dock and dine” dock, a small craft launch pier, and a fishing pier. While these proposed on-site facilities will enhance boating opportunities, they are not designed to accommodate a large ferry or excursion boat. As discussed in the DEIS at page IV-16, while it is the Applicant’s opinion that the proximity of the Federal Navigation Channel adjacent to the project site is not ideally suited for a ferry dock, as the water depth in this area is too shallow. However, it appears that it would be technically feasible for a ferry to access the Lighthouse Landing site, since ferries were accommodated at the Ichabod’s Landing bulkhead during the Village-hosted ferry-go-round event in the Fall of 2005. The Village contemplates that ferry service could be associated with day use as opposed to more intensive commuter service operations.

As illustrated in FEIS Figure No. I-2, the FEIS Alternative Plan will offer an ample supply of on-street parking spaces proximate to the waterfront including approximately 105 spaces directly adjacent to the riverfront park. In addition, the publicly accessible surface parking lots located behind the mixed use buildings along Beekman Place will be available to people visiting the waterfront.

6213

In an effort to further activate the contemplated open space area, the Applicant should investigate the potential for creating an additional pier or vessel tie-up area at the point near the hotel for potential ferry, excursion boat, and/or transient boat use.

See the response to Comment 4607 above.

6219

19. Is there potential to incorporate a visual attraction as part of playground space for children and at an elevated position to view out over the open space? (e.g., Belvadere Castle, Central Park)

The Village Waterfront Use Master Plan (see FEIS Figure No. I-5) shows an existing newly-expanded playground area in Kingsland Point Park and a possible location for an additional location northeast of the lighthouse. Slightly elevated views to the waterfront open space will be available from the walkways along and from Roads One and A, as the open space slopes gradually from those locations to the river.

6511

a. Westchester RiverWalk – It is anticipated that the Village will agree that a portion of the eight-acre waterfront area will be used for a segment of the Westchester RiverWalk. We note, however, that the concept of RiverWalk is not specifically mentioned in the draft EIS.

...

The funding, timing and responsibility for implementing improvements along the waterfront should be discussed as part of the EIS process. This discussion

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should include a focus on increasing activity, particularly water and river based activities, along the riverfront, including the potential of a dock(s). The applicant should be expected to make a major contribution to this effort that goes beyond the setting aside of land. In addition, the RiverWalk component should incorporate appropriate recommendations of the RiverWalk Guidelines manual. Consideration should be given to bicycle route linkages to the waterfront from nearby neighborhoods including the designation of bicycle lanes.

As further described in FEIS Section I, the Applicant has proposed to construct under the FEIS Alternative Plan an extensive array of water-dependent uses – including a fishing pier, small craft launching area, widened and lengthened beach area, and “dock and dine” facility, as well as walkways, plazas and sitting areas, that fit within the Sleepy Hollow Waterfront Use Master Plan prepared by the Village’s Consulting Planners (see FEIS Figure No. I-5 and FEIS Appendix 7A). As noted in the description of the Waterfront Use Master Plan, it “would be consistent with the State and County’s master plan for continuous and accessible open space along the Hudson River; and facilitate the activation of these public spaces with public amenities and uses directly related to the waterfront.” See FEIS Appendix 7A for full description.

As presented in the Design Guidelines (FEIS Figure No. I-10), the FEIS Alternative Plan promotes both pedestrian and cyclist uses of the public spaces and amenities, including access to the waterfront. A series of interconnected trails, mews, and pathways provide opportunities for cyclists to travel throughout the entire site or directly to the waterfront and trail network. Traffic calming design elements such as narrower roadways and travel lanes and shorter blocks also provide a safer environment for activities such as cycling.

PM204

The next issue. When I was growing up in this village, there was a real bay around the lighthouse. I would hope that as a part of this overall project we can put more water between the lighthouse and the land, because as I was growing up, the land kept creeping up and up, to the point all you have to do is jump over and you’re right on the lighthouse. Again, this is just give us back what we gave up in order to have General Motors in our town.

As included in FEIS Appendix 7A, the Sleepy Hollow Waterfront Use Master Plan prepared by the Village’s Consulting Planners does not envision removal of the existing land adjacent to the lighthouse that will become the riverfront open space described in that Master Plan. Thus, in the Applicant’s opinion, Roseland is making contributions that are well beyond the contribution of land – although such a contribution is, itself, quite significant.

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PH5714

And the final point, when you mention about waterfront activity and recreation, I don't think anybody had in mind putting one's toes in the river. I think the first time somebody falls off that thing with the lawsuits that they are going to ensue you'll close that down pretty quickly so that's not what's meant by waterfront recreation.

The DEIS proposal to include steps to the river at the riprap adjoining the hotel has been eliminated. Under the FEIS Alternative Plan, access to the river will be available from a floating dock for launching small craft such as kayaks and canoes, a temporary boat tie-up dock for "dock and dine" use, a fishing pier, and a widened and lengthened beach area at the juncture between the Site and Kingsland Point Park.

RELATIONSHIP TO KINGSLAND POINT PARK

404

1) Aesthetics – Section III.F-13 discusses the impact of the Lighthouse Landing on views from various vantage points around Sleepy Hollow. We are concerned with the development's impacts on all of these views. Particularly, we do not want to see a monolith extending upwards as we try to enjoy walks in Kingsland Point Park. Buildings of different heights should be mixed together. We suggest a significant buffer of green and open space between the development and Kingsland. This will best be effectuated by the restoration of the Pocantico River to its original form as suggested by the Organization of Scenic Hudson.

4301

1. The site layout should respond differently to Kingsland Point park (KPP). There should be more of a buffer between KPP and the proposed development, including the potential idea of allowing the green space to penetrate somewhat into the development, breaking up the parallel parking, and altering the character of the roadway and landscaping so that it has a more natural feel that responds to the Park and provides a contrast to the formalized boulevards. Any additional buffer provided should be set aside and plantings or other suitable screening installed as part of the initial stages of site development so as to better protect the park from the effects of site development.

5632

Impacts to Kingsland Point Park

As currently proposed, this project would include a significant number of substantial four story buildings directly adjacent to Kingsland Point Park. While these are referred to as townhouses they are in fact the height and size of the apartment buildings in the adjoining blocks. As shown by the photo simulations included in the DEIS, they present a dominant visual element as viewed from the Park. We believe this project would actually diminish rather than enhance use of the park. We believe that these massed buildings, directly adjacent to and looming over this vital public resource, create a significant adverse impact, and should be mitigated. At a minimum, we believe that the buildings should be lowered and set back from the edge of the Park, and a buffer zone of at least 200 feet should be mandated.

6513

c. Transition to Kingsland Point Park – The site plans show that the West

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Parcel's boundary with Kingsland Point Park will be paralleled by "Road One" and on the opposite side will be blocks of town homes. The town homes are shown to face in towards each other in entry courtyards with garage entrances placed in alleys running perpendicular to the park border. The northernmost corner of the West Parcel is shown developed with a new entry point to Kingsland Point Park and an expanded parking area.

...

The relationship of Kingsland Point Park to the new development requires discussion, particularly between the Village (the park operator) and the County (the park owner). The function of the park and its role in the community should be defined. While many passive urban parks meet the neighborhood at the street line and serve as open extensions of the community and walkways, in other situations certain park uses may warrant separation from development. Views from the park are as important as views to the park. The treatment of the long, shared border should reflect the outcome of this discussion. The current site plan does not appear to reflect an acceptable approach. In addition, if the environmental review results in a reduction of density for the development, we would recommend that buildings be moved away from the border of Kingsland Point Park as well as along the riverfront so as to create broader expanse of riverfront open space.

In response to these comments and in coordination with the Village's Waterfront Use Master Plan (see FEIS Appendix 7A), the Applicant proposes as part of the FEIS Alternative Plan to provide a curvilinear vegetated buffer adjoining Kingsland Point Park that will separate the park from the Lighthouse Landing roadway and townhomes to the east. See FEIS Figure Nos. II-2 and II-15. The vegetated buffer will generally range between 75 and 175 feet in width. The on-street parking and sidewalk formerly proposed along the west side of Road One opposite Kingsland Point Park under the DEIS Plan have been eliminated, thus allowing the buffer to be widened by approximately 10 to 15 feet. The townhomes proposed opposite the park will be setback approximately 50 feet from buffer at their closest point to provide additional physical separation from the park. The buffer will be graded and landscaped so as to visually remove the straight line boundary between the park and Lighthouse Landing, and it is the Applicant's understanding that the existing chain link fence along that boundary will be removed.

5021

The parking from Kingsland Point Park should not be in the Park, nor adjacent to it. The original site for the parking was across the railroad tracks from the park, and should be reinstated there. This would leave the park for pedestrians only. The historic pedestrian bridge linking Kingsland Point Park and Devries Park should be restored and put into use. The Kingsland Point Park Footbridge and the bathhouse were built together and are eligible for listing on the National Register of Historic Places. Provision should be made for their restoration, in connection with the increase in the numbers of users for Kingsland Point park that will result from the development of Lighthouse

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Landing. The project proposal should explain alternatives for how to eliminate cars from Kingsland Point Park and the areas adjacent to the park, and restore the park to his original and intended design as purely pedestrian use. The DEIS suggestion that a road could be built through the park, for access to the GM site, should be discarded as an unacceptable adverse environmental impact, and a violation of Section 4(f) of the federal Transportation Act. It would be incompatible with the park uses for the applicant to propose that a shuttle bus for commuters should run through the park. While Westchester County did build some road access was built into the Park, here is presently no road through the Park to the GM site. Not only should there be no such road, but the existing vehicular access should be eliminated (except for disability access, maintenance and emergency vehicles from across the existing Palmer Avenue bridge). Dedicated park lands are not to be used for non-park purposes under New York law.

In coordination with the Village's Consulting Planners Waterfront Use Master Plan (see FEIS Appendix 7A) and as suggested by the Village Board of Trustees, the Applicant is providing land at the north end of the West Parcel for construction of a new parking area and gateway entrance to Kingsland Point Park. As shown in FEIS Figure No. I-2, FEIS Alternative Plan - Illustrative Plan, there will be two driveway connections between this new gateway parking area and the existing lower lot at Kingsland Point Park. The Waterfront Use Master Plan anticipates the minimization of the use of the existing upper lot at Kingsland Point Park for accessible parking and service only.

The Waterfront Use Master Plan also describes the future use and rehabilitation of the Kingsland Point Park pedestrian bridge and the Kingsland Point Park bathhouse. According to the Village Administrator, the Village of Sleepy Hollow has applied for grants to repair the pedestrian bridge and to refurbish the bathhouse².

In the DEIS, the Applicant did not propose the construction of new roadways through the park, but described the potential use of existing service roads for use by a shuttle vehicle to the Philipse Manor train station. The Applicant also recognized that permission for such a use would be required from the Westchester County Department of Parks and the Village of Sleepy Hollow, and would be subject to any and all conditions and restrictions imposed by those agencies or New York law.

RELATIONSHIP TO ICHABOD'S LANDING

² Per July 12, 2006 discussions between the Village Administrator and the Applicant, the Village has applied for grants.

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- 4601 Lighthouse Landing/Ichabod's Landing Interface at Beekman Avenue Corridor
As you know, when we first proposed Ichabod's Landing some four years ago, the manner in which our project related to the future development of the GM site was one of the Village's paramount considerations. After a collaborative effort, we believe that the final design for Ichabod's Landing is setting a high standard of architectural quality and site design and we are sure that you and Roseland will seek to build on that precedent. We would request that the same level of attention be given to the area of the Lighthouse Landing site where it interfaces with Ichabod's Landing. This is important not only to the future residents of Ichabod's Landing, but also because the area is a significant gateway to the River from the Village's Beekman Avenue corridor.
- 4602 Also, an important consideration, from a practical standpoint, is the fact that although the DEIS refers to Ichabod's Landing as a "future" project, the reality is that Ichabod's Landing will most likely be fully occupied by new residents before construction is commenced on the GM site. Since Building 4 at Ichabod's Landing, which is closest to Lighthouse Landing, is already well along in its construction, it will undoubtedly be fully occupied prior to the start of construction of Lighthouse Landing. Therefore, any design or construction activity to be done in proximity to the common boundary must consider that residents will be directly effected.
- 4603 We believe that the general configuration of the area adjacent to Ichabod's Landing, with the proposed open space that preserves the important river view corridor down Beekman Avenue, and with the proposed roadway extension located northward, is the appropriate approach to the development of this area. We appreciate Roseland's and the Village's sensitivity to Ichabod's Landing in this regard. Since Building 4 will no longer have retail space at the lower level there is no longer the need for a roadway in close proximity to that building. The lower level will either be used for residential purposes or for home offices, with pedestrian access afforded by a sidewalk on Ichabod's Landing along our common boundary with Lighthouse Landing. The concept of a formal garden in the area just north of Ichabod's Landing, that had been proposed on the Village's open space plan, also has merit. However, rather than bordering, and potentially isolating, that garden by an additional road on its southerly side, the Village might instead consider expanding the sidewalk that is being provided at Ichabod's Landing to create a promenade, by widening it onto the Lighthouse Landing site and thereby enhance pedestrian access to the gardens and to the waterfront. Grading of this area also needs to be carefully done to ensure that no adverse drainage impacts result. We would also request that the proposed trees to be planted in this "garden area" and along the waterfront in immediate proximity to Ichabod's Landing, be selected so as to have a minimal impact on River views from the new residences and from Beekman Avenue.
- 4604 Architecture and Scale – We know firsthand of the Village's high expectations for architectural quality, and in order for Lighthouse Landing to be all that it should be, attention to the details is paramount. We appreciate that Lighthouse Landing is a large project and arriving at all of the details so early on can seem like a daunting task. But critical elements and details of the site's architecture style and scale, landscape architecture and streetscapes all should be addressed early in the design process. For example, very little information was provided

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with respect to the architecture that will face the southwesterly riverfront or face to the south toward Ichabod's Landing, where we were encouraged to provide mercantile/wharf style architecture. Careful consideration should be given as to the appropriate architectural approach for this gateway corridor from the community via Beekman Avenue to the River and how it relates to Ichabod's Landing. Detailed information regarding the scale of the proposed buildings along this corridor has not yet been provided, but it appears that the buildings closest to Ichabod's Landing could be as high as 5 stories toward the River (4 stories over parking). We believe that the buildings should step down the topography from Beekman Avenue to the River so as not to exceed the four stories (three stories over parking) that was permitted on the south side of this corridor and to better relate to and not adversely effect Ichabod's Landing.

5012

The Village Board of Trustees' Special Permit, and the Planning Board's Site Plan approvals, for the Ichabod's Landing development, need to be more harmoniously reflected, so that the compatibility of the Lighthouse Landing site can be clearly ascertained with respect to the density of residential development on the site (Ichabod's Landing is much less dense than the proposed project in the DEIS), to the esplanade, the waterfront along the federal navigation channel, and the maintenance of the bulkhead along the Hudson, as well as the scale of the adjacent buildings in relation to the town houses in Ichabod's Landing.

5030

The buildings next to Ichabod's Landing should reflect the Village Board of Trustees' decisions to have town houses along the Hudson, not large apartment blocks. The frontage along the Hudson should be townhouses of 2 - 4 stories, to provide some variety in design, and not make a monolithic wall along the River. The residential spaces on the interiors should be more varied in design, to reflect the inner village, and some single family residential units such as found along Beekman Avenue or as found along Andrews Lane, should be included, along with the larger buildings such as found on Cortland Street. Alternatives should be provided to the choice in the DEIS of large apartment blocks for the interior space. The space should also mix "affordable" units throughout the site, so as not to make a single area for only "affordable" units. Some indicated from the real estate brokers in the region should be given as to what the market for a condominium, an apartment, or a town house.

6204

4. The Applicant should provide a description of the design treatment for the rear of Building 4 and the parking entrance. Since this side of the building faces an adjacent residential development, it should have an appropriate and compatible treatment. In order to further explain the relationship of Ichabod's to the balance of the development, a cross section from Ichabod's Landing through to Building 3S would also be helpful.

6211

11. The site plan and the open space plan depict a different street pattern surrounding the formal garden area near Ichabod's Landing. The layout and circulation pattern for this area should be clarified.

PH2815

We also think that the design of the project as it faces the Hudson is one of the major impacts of this project, and right along the esplanade which the applicant Roseland/GM have very carefully provided for, a very large esplanade.

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I would point out they provided for some apartment blocks next to Ichabod's Landing. Ichabod's Landing are four-story townhouses, and we think those apartment blocks basically should they provide sort of a clunk of two styles in densities. And if you have townhouses along there, you would basically continue the lower height of the flow perhaps and you could show a more modulated evolution.

In response to these comments, and in conjunction with the FEIS Alternative program and layout revisions described herein, the Applicant has adjusted the proposed roadway and building configurations in the portion of the West Parcel adjoining Ichabod's Landing. River Street and Road A fronting on the Ichabod's Landing (IL) buildings have been linked in a curvilinear alignment that increases the IL eastern building group's setback from River Street. The IL northern building group will face the large landscaped island at the intersection of Beekman Avenue and Beekman Place that will remain permanently open so as to preserve the vista from Beekman Avenue to the Hudson River. Along the land side of Road A, Lighthouse Landing townhouses will front on the riverfront open space, similar in scale but further setback from the river than the IL townhouses. See FEIS Figure No. II-16 showing the relationship between the Ichabod's Landing buildings, the Village Green and Lighthouse Landing. As previously proposed in the DEIS, the walkways within Lighthouse Landing riverfront open space will connect directly to the Ichabod's Landing pathways that connect further south to the Village's Horan's Landing park. As discussed in Section I of this document, the Applicant will provide 61 affordable rental units (21 Village workforce rental apartments and 40 affordable senior rental apartments) as part of the project's total 1,250 dwelling units. The affordable units will be distributed throughout the rental buildings.

INVOLVED AND INTERESTED AGENCIES

6101

Given that the Project will have impacts in Tarrytown and that the Applicant has identified physical improvement measures to mitigate these impacts, some of which may require Village of Tarrytown approval (page III.I-44), the DEIS should recognize the Village as an involved agency in Section II.D.

At its request, the Village of Tarrytown has been included in the FEIS as an involved agency.

ENERGY EFFICIENCY

6203

3. The Applicant should provide additional detail regarding the potential to

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incorporate innovative green building concepts and high performance building designs. (e.g. high albedo paving and rooftops and shading of impervious surfaces to reduce heat island effect, use of rooftops for gardens or water collection, stormwater reuse for landscape irrigation. Source: University of Buffalo High Performance Building Guidelines, a portion of which is attached hereto.)

6604

I would encourage the Lead Agency to urge Roseland to adopt and incorporate environmentally sustainable and green building technologies into the construction and operation of the buildings. These could include the use of environmentally friendly materials used for construction, to the use of smart energy technologies such as photovoltaic roofing systems and fuel cells for energy needs.

PM403

Additionally we have submitted comments on air quality, on the potential that we have here to include environmentally friendly building products. We suggest something called green rooftops initiative that is provided by EPA. I mean, this is an opportunity to build a community that is unprecedented, trend setting. And we would like you to include us in the process, and we hope that you will.

PH2806

We can develop this site using state of the art energy efficiency...

So we expect as energy efficiency comes, the footprint of this site will be a very energy efficient footprint. And we will not produce excess costs for those who have to pay their energy bills, but will also keep green house gases down and so on.

The Applicant will consider all aspects of the LEED (Leadership in Energy and Environmental Design) conservation and sustainability categories during the design of the individual buildings. Potential LEED strategies and measures to be employed include brownfield redevelopment, stormwater management, water-efficient landscaping, reuse of construction debris, use of recycled, renewable and local/regional materials, use of low-emitting materials, insulating wall and roof materials and systems, ozone protection and CO₂ monitoring. Green roofs may be considered at the time of initial building designs as part of the site plan approval application process.

AFFORDABLE HOUSING

6208

8. The Applicant has indicated that it will provide 21 condominium units with pricing incentives for community service workers. Is there an indication of what level of incentive will be provided, and whether it will be sufficient to allow the targeted employees to afford the units? The Village Board should also consider whether this provides for affordability in perpetuity and a long-term method to promote volunteerism. Conceivably, once the units are sold, the Village would no longer have that resource to offer as an incentive. Would it be desirable to have some of the affordable units as rentals?

PH5304

Last and certainly not least, the senior have been given the consideration for

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100 affordable units and absolutely, rightfully so. Our Village employees have also been respectfully taken into consideration for affordable units and that is also affordable. ...

This list, however, is not all inclusive from my perspective. ...

But, you know, what I would ask is that a number of affordable housing be in a lottery, fair housing lottery or something of its kind for native residents who meet reasonable guidelines.

Under the FEIS Alternative Plan, the Applicant will provide 21 Village workforce rental units available to local employees and volunteers in addition to 40 affordable senior rental units both in conformance with Westchester County affordability guidelines at 80 percent of the County's median income as part of the project's 1,250 dwelling unit total. In coordination with the Village, the Applicant would establish deed restrictions and/or a Village-overseen procedure for regulating any future transfers of the affordable units.

EAST PARCEL IMPROVEMENTS

5019

If a parking garage, designed to resemble an historic Hudson town warehouse or past manufacturing building, were built near the existing viaduct, it could be designed to fit into the scale of the hillside, and could provide ample parking for persons visiting the site adjacent to the fixed rail shuttle, to move individuals to the parklands at the far end of the eastern parcel, Kingsland Point Park and Devries Park, and the existing MetroNorth railway stations.

Since the viaduct to the east parcel from Beekman Avenue may need to be rebuilt if used for access, and there may need to be a new bridge across the railroad tracks, as well as possibly rebuilding the Beekman Avenue railroad bridge, some consideration should be given in the FEIS to alternative financing for these projects. If a parking garage was built, the Village could operate the garage through the Village Parking Authority and collect fees sufficient to help to retire any bonds needed to finance these vehicular access projects.

Under the FEIS Alternative Plan, the Applicant proposes to construct, operate and maintain a 550 on-grade commuter/resident parking area on the East Parcel to serve the proposed on-site railroad station. On-grade parking has been proposed rather than structured parking given the substantially higher construction and operating costs associated with parking garages and the availability of land on the East Parcel for public uses. Construction costs for structured parking can be three to five times higher than on-grade parking. On-grade lots are generally the norm for parking facilities serving the Metro-North Railroad in settings similar to Sleepy Hollow. Parking garages along the Metro-North line are typically limited to more urban settings with land

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constraints (e.g., the Metro-North Yonkers station). As further discussed at FEIS Section I, the Applicant also proposes to contribute \$1.7 million to the Village to repair the existing viaduct from Beekman Avenue to the East Parcel to its original design loading (H15 or 19 tons) to accommodate passenger car and limited truck use, and to replace the superstructure of the Beekman Avenue bridge over the railroad to accommodate truck traffic. All commercial vehicles except those exceeding the 19 ton loading will be able to access the East Parcel from the viaduct. Heavy trucks and equipment with weights in excess of 19 tons will access the East Parcel from Continental Street. The Applicant would be responsible for the cost of this repair to the extent that public funding is not available. Alternatively, the \$1.7 million contribution could be used by the Village for another access alternative to the East Parcel.

5501

Enclosed please find two 11" x 17" schematic plans for the location and construction of DPW facilities on the East parcel. These plans have been reviewed by the Board of Trustees and we are now desirous of having them analyzed as part of the FEIS review, particularly as it concerns surface conditions which might impact on our proposed schematic plan.

The design prepared by Richard Alan Daley Architects, Village architectural consultant, for the Department of Public Works facility on the East Parcel has been incorporated into the FEIS Alternative Plan (see Figure No. I-2) It includes a main DPW garage building with facilities for vehicles, offices and storage; a separate salt storage building with an internal salt recovery system; material bins and composting area; fueling facilities for Village vehicles; and exterior parking for DPW vehicles and staff. These facilities are described in greater detail in Appendix 7B. The preliminary grading for the facility has been designed so as not to restrict or reduce the existing floodway capacity of the East Parcel relative to the Pocantico River.

6512

b. Devries Park Expansion - Within the East parcel, 7.6 acres are envisioned by the Village for the expansion of the Village's Devries Park while 7.6 acres are contemplated by the Village for other public uses. The plans show that the Devries Park expansion would contain two soccer fields and two basketball courts along with a parking area. The draft EIS does not discuss financial responsibility for the construction of new facilities or the timing for construction.

With the exception of the land under the proposed commuter/resident parking lot, Roseland proposes to donate all of the East Parcel to the Village for municipal use, a portion of which will be allocated for the Devries Park expansion.

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PH3903

Another earlier speaker said that marinas bay should be considered especially, I believe, transient marina slips for heritage tourists who are visiting Lyndhurst, Philipsburg Manor, Kykuit and all of the other historical sites. There are grants available for those slips from the federal government because that is something that is lacking.

We have this wonderful river. We have heritage tourists who tend to be well to do. We have boats larger than 26 feet. And they have got no place to park. They have got no place to stop. So I think that is something that could and should be included as well as in the ferry dock.

As indicated in the response to Comment 4607 above, the FEIS Alternative Plan provides a “dock and dine” dock area suitable for use by motor boats, but it is not designed to handle a large ferry. In addition, as presented in FEIS Figure No. I-5, the Village Waterfront Use Master Plan proposes a mooring field near the northern section of Kingsland Point Park and a potential marina at Horan’s Landing that would provide boat space.

RESTORATION OF POCANTICO RIVER

3301

The Lighthouse Landing project has many aspects; however, we wish to speak to only one aspect at this time. Since the project will change the Sleepy Hollow waterfront for years to come, FCWC urges your careful consideration of this development proposal as a unique opportunity to restore a wetland estuary and reduce Pocantico River flooding. This is an opportunity to restore wetlands and create a buffer between Kingsland Point Park boundary and the proposed development to allow further investigation of the potential ecological restoration of the area.

One major benefit of such restoration would be to better handle Pocantico River flooding, which has been disastrous in recent years, causing economic losses. Proposals to create a small biologically active estuary stream that can connect with the Pocantico and the Hudson River should be carefully considered and implemented. It could not only potentially restore valuable ecological systems and natural habitats, but would also provide important recreational, cultural and educational benefits for the community and the proposed development.

If obtaining the benefits of the wetlands restoration requires a small reduction in the number of housing units proposed, we recommend that the village require this reduction to be able to further investigate the rest as a separate undertaking. This opportunity is unique and very significant.

6308

Moreover, under the Public Trust Doctrine, a rule of law with roots in the Roman Empire, the state has a responsibility to ensure that use of traditionally public lands benefits the public. IN this case, the public land at issue is that formerly underwater area of the 95-acre parcel west of the railroad tracks that

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GM created by dumping “fill” material into the river. Unfortunately, the development as currently proposed confers limited benefits on the public.

At the hearings, local residents offered a number of thoughtful suggestions for the site, including a cultural, more affordable housing and expanded recreational opportunities. The proposal for restoring part of the Pocantico River to its historic route through what is now the northwest corner of the GM site, voiced by many, also warrant serious consideration.

The developer has no choice but to sit down with the lead agency and interested parties to figure out how to move their project forward while complying with the law. They should work with the community to devise a plan that dedicates a significant portion of the waterfront to public uses. This would involve, at a minimum, substantially increasing river access and open space along the shore, including a buffer corridor between the development and Kingsland Point Park. It would also include returning ecological function to the site by, for instance, replacing the existing bulkhead with riprap (i.e. rocks) and restoring wetland habitat.

As discussed in Section II.B of this document, the goals of the requested restoration of the Pocantico River are primarily to reduce flooding from the Pocantico, lower Project density, provide an increased buffer between the development and Kingsland Point Park, allow for linkage of the Horseman’s Trail from the Hudson River to Philipse Manor Restoration, establish an estuary and biological restoration, and generate additional water dependent uses from the relocated Pocantico River.

As explained in Section II.B, the Project does not impact flooding and is not adversely affected by the existing flooding from the Pocantico. The FEIS Alternative Plan reduces density, decreases site impervious coverage and provides a vegetated buffer adjacent to Kingsland Point Park ranging from approximately 75 feet to 175 feet in width. To avoid impacts on the Pocantico River, the Applicant proposes to maintain the current floodplain capacity of the East Parcel in regrading the proposed municipal uses.

In coordination with the Village Waterfront Use Master Plan (see FEIS Appendix 7A) and as described in FEIS Section I of this document, the Applicant proposes to provide land for and construct various water-dependent uses, including a fishing pier, small-craft launch dock, and temporary tie-up “dock and dine” dock for Village use within the 10.6-acre riverfront open space bordering the Hudson and Kingsland Point Park. The Applicant also proposes to provide land for an interpretive center within the riverfront open space. The existing riprap along the shoreline will be maintained in conjunction

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with the placement of these improvements.

HHV/PHILIPSBURG MANOR EXPANSION

3407 Finally, I have not heard enough from Roseland about community “givebacks”, for lack of a better term. Yes, there is much talk of 33 acres of the site returning to the Village or the Historic Hudson Valley organization. However, there is also talk of high methane levels on at least 27 of those acres.

See Section II.B of this document regarding methane on the East Parcel.

4916 5. Alternatives (DEIS Section IV): During the public scoping process on the proposed DEIS, HHV submitted two alternative site plans for the GM East Parcel (labeled Exhibits B-1 and C in a letter dated June 5, 2003 from Arnold & Porter). Exhibit B-1 depicted HHV’s original concept for expansion of the Philipsburg Manor site as of 2001. Exhibit C was prepared in 2003 following additional consultations with the Village concerning its desire to expand DeVries Park and relocate the existing DPW Site to a portion of the GM East Parcel. HHV requested that those plans be considered in the “Alternatives” discussion of the DEIS. While the DEIS includes a copy of Exhibit B-1 (labeled DEIS Figure III.A.7A) and a brief narrative discussion of that site plan, it does not include a copy of or any discussion of Exhibit C. It is noted that the alternative site plan concept identified on Exhibit C depicted land areas for the prospective DeVries Park expansion and the new Village DPW Site that were consistent with the Village’s objectives as expressed at that time. It also identified a 9.9-acre site for the proposed expansion of Philipsburg Manor, consistent with HHV’s objectives. The site plans prepared for the Proposed Action (labeled DEIS Figure II.C-1) and in connection with the Village’s open space master planning efforts (labeled DEIS Figure II.C-54) depict the further expansion of DeVries Park and the proposed DPW Site beyond what was contemplated in 2003. It is noted that a reduction in the amount of land that might be available for expansion of Philipsburg Manor could jeopardize HHV’s longstanding plan to re-create an authentic 18th century tenant farmstead on that land.

4511 I support the donation of land to Historic Hudson Valley, the public benefits from its presence in Sleepy Hollow. With the addition of a few more acres they could expand their presentation of pre-Revolutionary colonial life and increase visitation in the Village. Philipsburgh Manor is not only a preservation of historic land, but also a major link to other heritage trails. A donation to H.H.V. would protect this property and subsequent tidal flat marsh, in the event that future administrations are not as historically and ecologically minded as this one.

4917 a. The conceptual plan that has been prepared for the future development of the GM East Parcel reflects changes to the Village’s previously expressed “vision” for that property. Included among those changes are increases in the amount of land associated with the proposed Village DPW Site (from an area of about 5.0 acres as identified by the Village in 2003 to a currently proposed size

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of 7.4 acres) and the proposed DeVries Park expansion (from an area of about 4.3 acres as generally illustrated in the Village's Linkage Study to a currently proposed size of about 7.6 acres¹). The effect of those changes is to shrink the amount of land that might be available for expansion of the Philipsburg Manor site. Although the proposed site plan for the Proposed Action (DEIS Figure II.C-1) does not specifically identify the boundary of a prospective Philipsburgh Manor Expansion Site, the Village's open space master plan (DEIS Figure II.C-54) depicts an area of 7.6 acres that might be available for that purpose in the northeasterly portion of the GM East Parcel. As previously discussed, a total of 9.9 acres will be needed by HHV to re-create an authentic 18th century tenant farmstead, including all of its essential elements. Those elements include the features identified in attached Table 7. Historical records show that the tenant farms originally ranged in size from 70 to 300 acres. HHV believes it can re-create a plausible tenant farmstead utilizing approximately 10 acres. Even at this size, it will be necessary to substantially modify the size of the agricultural features that would have actually existed as part of such a tenant farm. If the land available for the proposed tenant farmstead is smaller than that, the establishment of an authentic 18th century tenant farmstead may no longer be viable because it will be historically inaccurate and compromise HHV's ability to present an important aspect of local history to the highest standards of interpretation.

¹ These figures are identified on page I-4 of the DEIS. However, it is noted that the DEIS contains discrepancies in these figures, with one set of numbers sometimes appearing on the graphic illustrations and a different set of figures being identified in the text. It is recommended that these discrepancies be corrected in the FEIS.

4921

2. It has been HHV's hope all along that the land needed for expansion of Philipsburg Manor would be donated to HHV by General Motors Corporation since neither GM or the developer have any plans to develop the GM East Parcel with the exception of the area identified for the construction of the 400-space commuter parking lot. It is therefore of some concern to HHV to see that the site plan for the Proposed Action (DEIS Figure II.C-1) identifies the entire eastern half of the GM East Parcel as an "Area for Other Village Uses." HHV would like some further assurance that its plans for expansion of the Philipsburg Manor site can and will be taken into account as part of the future planning for the GM East Parcel.

4922

3. In order to effectively plan for and implement the proposed re-creation of the tenant farmstead on an adjacent portion of the GM East Parcel, HHV needs to own that land. It will be necessary for HHV to raise substantial funds in order to undertake and execute this ambitious proposal, and it is anticipated that some of those funds would come from bond financing. HHV may not be able to raise sufficient funds to undertake this project if it does not own and have control over that land. In addition, HHV needs to be able to operate and manage its facilities without the need to secure approvals from a landlord.

4923

4. HHV believes that its proposal to re-create an authentic 18th century tenant farmstead on land adjacent to its existing Philipsburg Manor site represents a unique opportunity that should not be lost. It will become a public/private amenity that will serve the public interest by preserving land and by providing public access to that land. It will also serve the Village by allowing for the

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linkage of “green space” and by drawing more people to local commercial establishments as part of a trip to Philipsburg Manor.

Based on its review of the information included in the DEIS, HHV has undertaken additional independent site planning work for the purpose of identifying a new conceptual site plan for the GM East Parcel that would address HHV’s need for a 9.9-acre site on which to re-create authentic 18th century tenant farmstead, including all of the essential elements identified in attached Table 7, while still accommodating the facilities that are identified in the DEIS as being part of the proposed DeVries Park expansion and the proposed DPW Site. The plan that resulted from that new initiative and its relationship to the larger GM East Parcel is presented in Exhibit E.² A plan that depicts the details of the proposed Philipsburg Manor Expansion Site is presented in Exhibit F. HHV requests that both of these plans be included and discussed in the FEIS for the Proposed Action.

As illustrated in Exhibit E, the DeVries Park expansion would continue to accommodate two new soccer fields, two new basketball courts and a new 100-space parking lot. To make more efficient use of the available land, reduce the amount of unnecessary impervious surfaces, and minimize potential adverse traffic and noise impacts on the adjacent proposed Philipsburg Manor Expansion Site, the location of those facilities would be slightly reorganized and the new parking lot would be further to the south and closer to the extension of Continental Street. HHV expects that it will also be possible to accommodate the facilities that have been identified for the proposed DPW Site under this revised conceptual site plan. In order to accommodate all the facilities that are identified for the proposed DeVries Park expansion in DEIS Figure II.C-54 and still create the opportunity for a 9.9-acre Expansion Site for Philipsburg Manor, the revised conceptual site plan shows a more southerly realignment of the proposed extension of Continental Street.

The details of the revised conceptual site plan for the authentic 18th century tenant farmstead that HHV hopes to re-create on a 9.9-acre portion of the GM East Parcel are illustrated on a site plan that is identified as Exhibit F. This new plan includes the essential features of the tenant farmstead: a tenant farmhouse, a barn, a stable and a smokehouse as well as the minimum amount of land necessary to establish a garden, an orchard, a grain field, and a pasture and hay field containing appropriate ancillary structures, such as a sheepcote and hay barracks. Based on historical research, it has been determined that the tenant farmstead should also include a salt marsh and fish flakes, where freshly caught fish from the river was historically placed to dry outdoors. The revised site plan includes both of those features as well.

Because of the essential need to preserve the visitor experience of being able to travel back in time to an earlier century with as few 21st century intrusions as possible, HHV would propose to create a substantial woodland buffer and berm along the southerly and westerly boundaries of the proposed 9.9-acre Expansion Site. This buffer/berm would be designed to mitigate visual and noise impacts from the proposed DeVries Park expansion and the increased number of facilities now proposed for that site as well as from the proposed DPW Site. In addition, the Philipsburg Manor Expansion Site would contain a similar feature for the purpose of creating an internal buffer for a relocated parking lot that

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would accommodate approximately 100 spaces.

The revised site plan also identifies a new seasonal/special events entrance to the Philipsburg Manor site at the southwestern corner of the Expansion Site. The revised site plan could also accommodate the proposed wetlands mitigation area identified in the DEIS (Figure II.B-8) if determined to be required or desirable. The DEIS states that several existing drainage ditches on the GM East Parcel are proposed to be filled for the construction of a new 400-space commuter parking lot and the new recreational facilities in the expanded DeVries Park. While those drainage ditches apparently do not have any ecological value, the Applicant has proposed a "wetlands creation area" on the GM East Parcel in an area located adjacent to the Pocantico River. The "mitigation salt marsh" identified on Exhibit F would represent that same feature and would be large enough to satisfy the 2:1 wetlands replacement ratio that is discussed in the DEIS.

² The exhibits included in this report begin with the letter "E" so as to avoid confusion with other exhibits that have previously been submitted by HHV and were included in a letter dated June 5, 2003 from Arnold & Porter. The June 5, 2003 letter contained Exhibits A through D inclusive.

5008

For further cultural and historic presentation values, akin to those of the biodiversity values, the Planning Board also finds the proposals of Historic Hudson Valley, to expand its interpretive site and to restore and safeguard a small further portion of the original agricultural land uses of the area, to be an important and reasonable alternative for the development and use of a part of the site. Historic Hudson Valley (HHV) has proposed expanding its Philipsburg Manor Upper Mills site (presented by Waddell W. Stillman at the public hearing on February 22, 2005). The Village should enthusiastically embrace this expansion offer and endeavor to accommodate the full proposal on the east parcel. ...

Given the substantial archaeological and documented evidence of hundreds of tenant farms that existed on the Philipses' 52,000 acre land grant, strong consideration should be given to Historic Hudson Valley's proposal for a portion of the GM land to portray a tenant farmstead.

As discussed in Section I of this document, with the exception of the land under the planned commuter parking lot, Roseland proposes to donate the entire East Parcel to the Village for municipal purposes. The Village will determine whether the land adjoining Historic Hudson Valley's Philipsburg Manor Restoration will be provided for expansion of that facility, consistent with any restrictions or conditions on the use of that land accompanying the Applicant's donation (i.e., accommodation of wetland improvements along the Pocantico River). The Village's Consulting Planners' plan for the East Parcel contemplates a tenant farm in the northern portion of the East Parcel as a westerly expansion at Philipsburg Manor Restoration (see FEIS Figure I-6 and Appendix 7). Historic Hudson Valley's Exhibits

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C, E and F for expansion are presented in FEIS Figure Nos. II.II-12 through II.II-14. The Applicant has offered to contribute this portion of the East Parcel to Historic Hudson Valley for this prospective use, provided that organization agrees to meet the conditions for the Applicant's donation of land to the Village described above. If Historic Hudson Valley accepts the land and subsequently cannot meet these conditions, the property would revert to the Village.

4920

d. HHV has historically benefited from a neighborly and cooperative arrangement with General Motors Corporation, which has permitted the use of the GM East Parcel for overflow parking needed by HHV on a limited number of days during the year when very popular events are held at Kykuit or Philipsburg Manor, such as "Legend Weekend" in late October. HHV hopes to be able to continue this practice on the GM East Parcel and would like some assurance that such an arrangement can be accommodated, particularly since it appears that the 400-space commuter parking lot is proposed to be privately-owned and it is likely that the proposed 100-space parking lot on the expanded DeVries Park would be frequently occupied by soccer and/or basketball players as well as spectators.

The Applicant would be amenable to discussing this matter with the Village and HHV. It is anticipated that the proposed 550-space commuter lot would have unused capacity on weekends, which could potentially accommodate overflow parking during special events.

GENERAL – MISCELLANEOUS ISSUES

101

I am pleased that Sleepy Hollow is taking positive steps toward revitalizing its waterfront. There are many aspects of the Lighthouse Landing project that reflect our commitment to the preservation of open space and public access to the Hudson River.

Comment noted.

102

I believe that this is a project of major proportions that will change Sleepy Hollow's waterfront for generations. As a Sleepy Hollow-area resident I have concerns about the project that I would like to see the Village address during the environmental review process.

I request that special attention be paid to the following issues:

- Linkage of the site to the Village
- Density and traffic
- Site contamination
- Use and design of open space
- Flooding of the Pocantico River

201

I believe that this is a project of major proportions that will change Sleepy Hollow's waterfront for generations. As a Sleepy Hollow-area resident I have

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concerns about the project that I would like to see the Village address during the environmental review process.

I request that special attention be paid to the following issues:

- Including a community center & pool for Village residents
- Linkage of the site to the Village – I do not want to see a connection to any street in Philipse Manor
- Density and traffic
- Site contamination/site stability – I know of residents with family members who worked at the GM site and they said the old course of the Pocantico River was never fully stabilized and required constant new pilings be driven in to help shore up the factory
- Use and design of open space
- Flooding of the Pocantico River

304

I ask you to listen to the residents of Sleepy Hollow, those of us who will be permanently affected once the developers have gone. Let us be pioneers in creating a revitalization effort that sets a trend to lower density, better the environmental and provide more open space for my own children and for generations to come.

1801

I request that special attention be paid to the following issues:

- Linkage of the site to the village – Density and traffic – Site contamination – Use and design of open space – Flooding of Pocantico River -- Architectural aesthetic as a Historic River Town - Termination of litigation against Village of Tarrytown – Outreach to the immigrant community of Sleepy Hollow

6306

The GM-Roseland proposal to construct a “Lighthouse Landing; a dense riverfront project packing in a 147-room hotel, 180,000 square feet of retail space, 50,200 square feet of office space and 1,562 residential units, will increase by 25 percent the existing population of around 9,000 residents. The developers boast that 30 percent of the 95-acre site will be devoted to open space, but most of it – except for a sliver of parkland squeezed between the condos and the river – is in a floodplain on the upland side of the railroad tracks, thus denying the public a meaningful amount of open space along the waterfront. These are many problems with the GM proposal related to traffic, sewage and storm water controls, schools and the possibility that the added infrastructure costs will overwhelm any tax revenue, causing local property taxes to increase.

PM202

Second issue, on the density issue. Fifteen thirty-two in my opinion is too big. What that’s going to generate is like a mini Hoboken on the river for us. I lived in Hoboken for five years and it was just a bit too crowded.

The style of the buildings was way too similar. It’s a very pretty village. It’s actually a city, but it’s going to look too much of the same of the designs I’m seeing.

PM205

I need to also make a couple more comments, one being acknowledgement of the commitment of the Mayor, Roseland and the trustees both past and present to giving open space a major part of the deal. Far too many places give up all their open space in the name of progress, and they just totally obliterate all the

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things that really made that village an important and pleasant place to live. I hope that you do not in any way do this, because it's very important. Because when you lose the green space, you lose your history and you lose the soul of your village.

PM401

We prepared a letter dated February 3rd that we would like included in the record. You must have received it. And those comments are specific to the draft EIS, and some of them include comments on specifically the number of residential units which our organization believes should be reduced. We think it's too many. And that also goes to specific impacts on traffic, air quality.

PM1103

The scope of the project, like I said before, it way too large. Less density is needed for the village. The village at this point is way too dense. A hotel up by Beekman Avenue would be nice, not down by the river.

PM1308

Housing, it's too much housing down there. I own four homes in the village, and I have rentals. And half the time they're empty. And they're well taken care of and well preserved. But the parking situation is very bad.

PM1603

A gentleman earlier spoke about the village looking like Hoboken. I can actually see that. I see his reference, and it makes a lot of sense that that's what it will look like.

PM1901

We are pleased that you are taking action to revitalize our waterfront. However, we have reservations about the Lighthouse Landing development. These concerns reflect our commitment to the preservation of open space, public access to the Hudson River and the architectural heritage of our village.

This project will change the waterfront and the village, and we would appreciate the Board addressing the following concerns as part of the environmental review process. Density of housing units and population; traffic impact on the village streets and Route 9; site contamination; use and design of open space; flooding of the Pocantico River; architecture that is not in keeping with village traditions.

PM1903

We specifically request that a buffer area be set aside between Roseland's development site and Kingsland Point Park. This buffer area be preserved for the potential ecological restoration of the Pocantico River and the linkage of the Horseman's Trail to the Hudson waterfront; the density of dwelling units be substantially reduced, and the height and architectural style of the buildings be more in keeping with the traditions of our village.

PH3402

Just to contextualize this, you have an additional 30 percent of housing units to the present size of the Village being contemplated added to the housing stack.

Of a different nature, there is going to be magical people living there that don't have children, that have don't have discretionary income, that don't use cars. There is an endless supply of them because they are being sold also in Yonkers in Haverstraw and New York City and Ossining and all over the place.

And, you know, either there is an infinite supply or when this is built out over the next ten years, you are going to run out of them. And people with four

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kids will be living in these units and three cars. And so the problems that you have now will be exacerbated by at least 30 percent.

And the funding probably won't cover it because the bulk of this is residential. That does not sell finance.

PH3501

Mayor Zegarelli and Members of the Board, please drastically downscale the proposed Lighthouse Landing project.

PH3902

I agree with others that a reduction of the overall density is something that should be seriously considered. I know that every one is looking at that. I think I understand also that there is always a balance. There is no right or wrong answer. You need tax revenues here in Sleepy Hollow. You are providing – you have got an enormous amount of public open space in the entire village.

On the other hand, something that would be a little, you know, substantially less dense, I think, the architectural work that you have worked out is phenomenally successful.

PH4001

I am for building the project down there and respect of our Village needing funds, needing tax revenue. But I'm against it in a lot of means and a lot of ways, in ways as far as the units that are being built. I can see dropping at least 40 units in there, bringing it down to at least 40 percent lower in density.

PH5401

I, too, would like to reiterate some of the comments that people are making. I believe the parking, traffic, density are crucial points.

PH5501

Most of the issues do revolve around the density and the assumptions that are being made in terms of the number of students, terms of traffic, impact on parking and those assumptions are going to basically dictate what we live for basically for the rest of our lives in this town.

In response to the DEIS comments, the Applicant has prepared an FEIS Alternative Plan as described in Section I (Introduction) of this document. Under this alternative plan, the number of residential dwelling units has been reduced from 1,562 to 1,250 units, representing a reduction of 312 units or approximately 20 percent in comparison to the DEIS Plan. The FEIS Alternative Plan also provides for a reduction in the proposed commercial floor areas in comparison to the DEIS Plan with the retail space (retail store, food market, restaurants, cinema) reduced by 26.7 percent from 180,000 square feet (SF) to 132,000 SF and the office building reduced by 30.3 percent from 50,200 SF to 35,000 SF. The program for the proposed hotel has also been scaled back by eliminating the conference center component, and reducing the number of rooms from 147 to 140 and the restaurant space from 10,000 SF to 5,000 SF. Traffic generated by the residential and commercial components of the FEIS Alternative Plan would be approximately 17.2 percent,

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18.0 percent and 14.8 percent less than the DEIS Plan during Weekday AM, Weekday PM, and Saturday Peak Hours, respectively as discussed in Section II.I of this document.

As shown on FEIS Figure No. II-2, the FEIS Alternative Plan incorporates several design elements in the form of buffer areas, flared boulevards separated by wedge parks, enhanced pocket parks opposite residential buildings and a plaza at the foot of Beekman Place near the hotel, which increase the publicly accessible open space on the West Parcel in comparison to the DEIS Plan. A total of approximately 14.7 acres of publicly accessible open space are provided on the West Parcel, including a vegetated buffer generally ranging from 75 feet to 175 feet in width adjacent to Kingsland Point Park. Approximately 3.3 acres of open space will also be provided within the interior portion of the West Parcel for project residents, thus bringing the West Parcel open space total to approximately 18.0 acres. As such, the FEIS plan would result in a significant increase in open space over the DEIS Plan.

As noted above, the FEIS Alternative Plan provides a vegetated buffer adjacent to Kingsland Point Park, ranging from approximately 75 feet to 175 feet in width. To avoid impacts on the Pocantico River basin, the uses on the East Parcel would be graded to maintain the current floodplain capacity of the East Parcel.

Site environmental and remediation issues associated with the FEIS Alternative Plan, are discussed in Section II.B and FEIS Appendix 3 of this document.

- 401 Sleepy Hollow Families for a Legendary Waterfront is a grassroots organization comprised of numerous concerned families in Philipse and Sleepy Hollow Manors. We are committed to the preservation of our community, our environment, and our way of life. We view the Lighthouse Landing project as an opportunity to revitalize our waterfront while maintaining the “charm” and “small-town” character that is “Sleepy Hollow.”
- 402 Second, we ask that you proceed with this development with the following “overarching theme”: SLEEPY HOLLOW AS A MODEL COMMUNITY FOR ENVIRONMENTALISM, DIVERSITY, AND HISTORIC PRESERVATION. Already residents of Philipse and Sleepy Hollow Manors walk to the train station to get to work rather than getting in cars – look at us as a model from which to “spring”.
- 403 2) Overall, we believe that 1,562 residential units must be reduced to effectuate the kind of development that our organization stands for – that is, one that is environmentally friendly and affords Sleepy Hollow the ability to maintain

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its character and charm while preserving the Hudson River's ecological integrity.

506

6) Village Character – Sleepy Hollow is a charming and historical village. The redevelopment must reflect this character in its style and use of building materials.

1605

I beg you to carefully consider the huge changes that this proposed development would bring upon the Village of Sleepy Hollow. The future of a great village is at stake. I believe the vision for Lighthouse Landings in Sleepy Hollow will bring great things for the village. It would like to be sure that the vision is not clouded by a developer's gluttony. Please consider my apprehension with due diligence. I am not entirely against this project but I believe wise, well thought out decisions made today will shape the future of the Village of Sleepy Hollow. One cannot erase a mistake of great magnitude.

1702

We have an unprecedented opportunity to create a riverfront that is beautiful, natural, adds to the village's special character and economy, and is accessible to everyone. Let's work together to create a waterfront worthy of the river we love.

PM1209

Number nine, too tall. I mean, I saw in this report that one building is going to be 65 feet tall. That's about a six story structure. It seems to be too large a facility.

PM1904

We are not against growth or development, but we ask that you insure that any development preserve the character of the wider village and not increase the few examples of urban architecture which exists in the inner village.

PM2101

Our elected Mayor and elected Board of Trustees will make final decisions. These decisions may or may not be what Roseland has put forth. We should not feel pressured by what the developers have presented. They have done research and crated many visuals for use. This is their business. They seem to sincerely want to create a great site. However, they do not live here nor do they really know the flavor and feel the history of our village. They will develop, make money and leave, and we will be left to live and raise our families with what is left.

PH3602

So the question is the intent you guys have however wonderful it may be because it is a beautiful site. I agree. The buildings are nice, very well planned, developed, laid out; just doesn't fit, okay.

The integrity of this project just doesn't fit with the people who thought of the community. There is no way that you can install something that large in such a small area and not have negative effects. Positive maybe so, but however so, I see more of a negative impact here than I do a positive.

Simple fact is you can take a 300 story building and put it in the middle of C Central Park where you have 200 acres, yet there is one way in, one way out. Try to get on an elevator that morning at 9:00. It just isn't going to happen. You won't reach your office until three in the afternoon.

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PH3603

My point being is that however nice this project may be, the development may be, it is not going – I just don't think it is going to work. I don't think it's going to work for the community.

You know, it is almost like you are saying well the community is going to benefit. The Village is going to benefit. But most of all you guys are going to benefit. I understand hey, make a dollar where you can, but don't do it at the peoples' expense. It really shouldn't be that way.

The FEIS Alternative Plan reduces the number of residential housing units and the commercial floor areas as discussed above herein, thereby further reducing site impervious coverage by approximately 5 acres or 7.7 percent and allowing for an increase in open space areas in comparison to the DEIS Plan.

Architectural Design Guidelines, which are preliminary, have been developed for the project by the Applicant's architect and the Village's Design Consultant, which detail how elements of the Project will capture the character of a Hudson River Village (see FEIS Appendix 2). The FEIS Alternative Plan has been designed in accordance with the objectives of the RF Riverfront Development District to provide a mixture of residential, commercial, and water dependent uses with significant open space components as discussed in Section II.A of this document. The FEIS Alternative Plan will enhance the offering of publicly accessible water dependent uses on-site, with an interpretive center for the lighthouse, small craft launch pier, fishing pier, widened and lengthened beach area, and a "dock and dine" dock. These water dependent uses will be set within and/or adjacent to a 10.6-acre riverfront park connecting Kingsland Point Park on the north with the Ichabod's Landing riverfront path and Horan's Landing on the south.

1601

I am pleased that the 94.5-acre site will have a new life on its soil. It will be refreshing to see beautifully landscaped grounds on the barren eyesore as it sits today. I am thrilled about the 33 acres of open space slated for parkland in this project.

Comment Noted.

2104

- What are the possible uses for the area labeled "area for other Village uses"

This comment appears to reference a label shown on DEIS Figure No. I-2, Illustrative Plan, for the East Parcel. With the exception of the land under the proposed commuter parking lot, Roseland

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proposes to donate all of the East Parcel to the Village for municipal purposes. The Village will determine how much of the land will be allocated for each Village use and will determine whether to make land available for to Philipsburg Manor Restoration for expansion of that facility.

2105 With over 5000 parking spaces planned, the quality of life will be affected.

4518 We have, in effect, paved paradise and put up a parking lot. This IS a truly “once in a hundred year” chance leave our impression on the future of our village and the next generation. Our green space is rapidly being absorbed, creating a situation where wildlife has become a nuisance rather than a part of the ecological system – please don’t exacerbate this condition. We have enough “McMansions” defacing our hillsides. We don’t need a city within the Village or a gated ‘bedroom’ community, segregating our citizenship further. It is my sincerest wish to see this project come to fruition, with minimum or reverse impact to the environment and significant impact on the betterment of the Village and its people.

As discussed in Section I of this document, the FEIS Alternative Plan provides for a reduction in the number of housing units and the commercial floor areas with corresponding decreases in the number of parking spaces and site impervious coverage. In addition, public open space areas on the West Parcel would total approximately 14.7 acres with the FEIS Alternative Plan, and 3.3 acres of open space are planned within the interior portion of the West Parcel for Project residents. As such, approximately 18.0 acres or 28 percent of the West Parcel will be comprised of open space areas with the FEIS Alternative Plan.

5601 Through a collaborative process involving Scenic Hudson, Sleepy Hollow, GM and Roseland, village residents, Historic Hudson Valley, and other stakeholder several objectives were identified and illustrated in a concept plan (see Illustration: Conservation and Community Based Development Concept). The objectives include but were not limited to:

- 1) A world-class development that provides public access to the Hudson through a green crescent of interconnected open spaces and trails.
- 2) The development of a transit-oriented, pedestrian-friendly neighborhood that functions as an extension of the lower Village.
- 3) The development of a commercial district that is integrated into the existing village and Beekman area corridor.

In the Applicant’s opinion, the FEIS Alternative Plan (see Figure No. II-2) achieves the objectives expressed in this comment. The Project has been carefully planned and designed in consultation with the Village in response to comments received on the DEIS as a reduced density, mixed-use development consistent with the objectives of the

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Riverfront Zoning District to address many of the Village's design concerns. The proposed 10.6-acre riverfront park along the Lighthouse Landing shoreline will include a variety of publicly accessible water dependent uses and a network of pedestrian and bicycle paths connecting Kingsland Point Park on the north with the Ichabod's Landing riverfront path and Horan's Landing on the south.

As a transit-oriented development, the Project will offer convenient access to Metro-North rail and Westchester County Bee Line bus services, and include shuttle bus service for Lighthouse Landing residents and workers commuting by rail. The project design includes a network of sidewalks and crosswalks, and a coordinated street furniture plan for Beekman Place fostering a pedestrian-friendly environment. The proposed retail uses along Beekman Place are anticipated to complement the inner Village along the Beekman Avenue as discussed in Section II.C of this document.

The design modifications reflected in the FEIS Alternative Plan further enhance the project's compact, mixed-use design. Offering a variety of rental and ownership residential products with significant amenities located adjacent to the Metro-North Hudson line, the project is expected to have a strong market orientation toward NYC commuters. The components of the FEIS Alternative Plan have been designed to optimize transit availability and convenience either through the use of the shuttle to the Philipse Manor and/or Tarrytown stations or with a new station on-site (e.g., platform design, stairs leading from Beekman Avenue, pedestrian overpass). As shown on the FEIS Alternative Plan, passenger pick-up and drop-off areas are planned adjacent to the commuter/resident lot on the East Parcel, and opposite the proposed pedestrian overpass and southbound station platform (between Bldgs. A and I) on the West Parcel. (See the Transit Utilization Analysis presented in FEIS Appendix 9 for additional discussion as to how the project's physical design encourages transit usage.)

As discussed in DEIS Appendices 7B (RIMS Analysis) and 7C (Socioeconomic Technical Report) by Economic Research Associates, the existing retail and commercial establishments located in the Inner Village along Beekman Avenue tend to be small, independent businesses focusing on neighborhood and convenience uses that typically draw their patrons from the immediate vicinity and the rest of Sleepy Hollow. Currently, few customers venture off Route 9 onto Beekman Avenue to shop. By comparison, the types of retailer

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. II · Description of Proposed Action

planned at Lighthouse Landing will be significantly different than and complementary to those found in the Inner Village in that the majority will be national, regional or local chains rather than small independently-owned neighborhood-serving retailers. The new retail space along Beekman Place is expected to be a strong draw to pull drivers/patrons down Beekman Avenue.

As discussed in DEIS Appendix 7B, a spillover effect to Beekman Avenue in retail spending of 5 percent from retail productivity at Lighthouse Landing would have a positive economic impact on the Inner Village. The shops along Beekman Avenue, which are mostly convenience retail and neighborhood services, largely cater to both the local resident market as well as the ethnic consumer market in the area. The proposed Lighthouse Landing development could fill the retail gap currently not available in the market and appeal to a wider base of consumers. These consumers would provide an additional source of potential revenue for the interesting restaurants, bodegas and services that are part of the thriving Beekman Avenue retail corridor. Together, retailers at Lighthouse Landing and the Inner Village would provide a varied retail experience that would be unique to the region.

The Applicant is supportive of the Village's initiatives to strengthen the economic vitality of the Beekman Avenue corridor and its existing retailers, and would be willing to participate in assisting the Village in future efforts.

6309

We underscore the fact that, as noted at the outset of our comments, the Mayor and the Village Board of Trustees are responsible for the preparation and content of the FEIS, even if the applicant is the sponsor of the project.¹¹ It is the lead agency which "must prepare or cause to be prepared and must final a final EIS," which makes it ultimately responsible for the preparation and content of the FEIS.¹² The FEIS must assemble all relevant and material facts upon which the lead agency's decision will be made. It must analyze the significant adverse impacts and evaluate all reasonable alternatives, and the possibilities for ecological restoration at the site.¹³ Thus, the Mayor and Village Board of Trustees have control over the process and must ensure that the application complies with SEQRA, the LWRP and other local laws.

¹¹ ECL § 8-0109 (2), (3); 6 NYCRR §§ 617.2(u), 617.9(a)(5)(6).

¹² 6 NYCRR § 617.9(a)(5).

¹³ 6 NYCRR § 617.9(b)(1)

PM1003

The last item that I wanted to mention is the public notice to the immigrant community of the Village of Sleepy Hollow. You have quite a large population of Latino residents. I don't see representation here. I might be incorrect, but I

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. II · Description of Proposed Action

think that it is important to promote. You know, if we are talking about promoting a public forum, there has to be more outreach to that community.

PM1203

Tarrytown has to be brought into this. What cooperation do we have between the two governments? Because we have to work cooperatively with them, more to make sure these things advance properly.

PM1501

I came here to listen and to ask a few questions. However, I was struck by the City taking the position, I'm sorry, the Village taking the position that some questions would not get answers until the very end of the process. And I believe some comments can wait until the end, but some questions that are important about how the applicant has reached certain figures are important. So that the public, you know, gets some answers and can contribute better in producing better comments.

This is massive, very important project. And we are full of questions, and we deserve some answers. For example, the guy, the fellow that preceded me earlier had a question about how the applicant reached a figure of 200 students. That deserves an answer. We wait until the end of the process, then, you know, I think it's going to be frustrating for many and it's not going to help.

So, other planning boards, other villages have established mechanisms of trying to resolve certain questions that are helpful. So, I commend you and urge you to reconsider. And since you're establishing certain groups, you may figure out a way of resolving it. I think it's going to be helpful for that process. That's all I have for tonight.

PH3401

There is a thing that will be very useful to people in the community that the people working on this should do, and that's to put the DEIS on the Internet, make it available.

PH4201

My first few comments will be directed toward the process. Mayor Zegarelli spoke at the last meeting about his reverence for SEQRA which I applaud but which is also why I'm deeply troubled by the swift inevitability conveyed in a document labeled Lighthouse Landing Lead Agency SEQRA Review, which is this item.

Could Sleepy Hollow be through with the DEIS process in two short months for a 1500 unit project? You are creating a small city within a village. I have witnessed much lengthier public DEIS terms for much smaller parcels of land.

Has the public digested all your hard work? And there was the issue, of course, of putting it on the Web at the end of the DEIS process may not be the time in which to do that. Have the continuous communities who are going to suffer mightily by this project been reached out to?

PH4203

Also I would suggest that the Village hold multiple public FEIS hearings. I know SEQRA doesn't require that, but having gone through the concerns we have had in Tarrytown, I would recommend it.

PH4204

Will the residents who have made substantive comments in your DEIS phase have an opportunity to make certain comments that be adequately addressed

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. II · Description of Proposed Action

before the lead agency accepts FEIS? I urge Sleepy Hollow to make FEIS copies available as the Board considers the FEIS for completeness so that those of us who have commented can also review the document with respect to the level of completeness in terms of our participation.

PH5710

Eleven, establish a cooperative approach with Tarrytown on new developments.

The Lighthouse Landing project is being reviewed and processed by the Village of Sleepy Hollow in accordance with NYS SEQR regulations. Although not required under SEQR, it is anticipated that the Village will conduct a public hearing on the Final Environmental Impact Statement.

The DEIS was posted on the Applicant's website (www.roselandproperty.com) after the DEIS public hearings.

PH3206

They talk about the convention center maybe, maybe and hotel and whatever. This is my suggestion, all right. That GM was there since somebody mentioned 1898, whatever, so it was ninety some years ago. And I think in one of those buildings perhaps in the convention center they should been – I guess GM would supply with that – pictures, at least pictures of first cars, first airplane wings, first all the pictures of the cars and the trucks that we built down there.

The Applicant would consider creating a suitable tribute to the site's history.

PM2201

But I did want to note that in the aerial photograph you do not show the proposed Ferry land in here, and I couldn't see any indication in the –

FEIS Figure No. II-9, Existing Aerial Photograph, labels the proposed Ferry Landings site and is presented in Section II.II of this document.

PM2501

Primarily the first thing I would like to submit is a letter requesting that Sleepy Hollow and Roseland consider cease, terminating the litigation against Tarrytown, particularly in light of the fact that the Village of Tarrytown has agreed to work to remove the asphalt plant, which was a major, major issue of contention between the two villages. I might add that this kind of litigation promotes animosity between the villages, and that's something that certainly doesn't help anyone.

Comment noted.

PH3204

Open space. I know there was beautiful open space, parks and recreations and whatever. Yeah, it's good. But you know what? On the open space we have enough. Quite a few parks – I'm not going to mention every one – in this Village. Open space, we don't get taxes. We spend money, okay. So if you have too much or extra, you will spend extra money.

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. II · Description of Proposed Action

I think Roseland and GM whatever they want to build, you know, I like it the way they building.

Comment noted.

PH3205

Like housing, somebody proposed 30, 40 percent reduction? Are they in business to build to sell to make money? I would do the same thing. I will not build something to lose money, okay. So I think they are not going to go with a closed mind, all right. They deserve to spend money and to earn money.

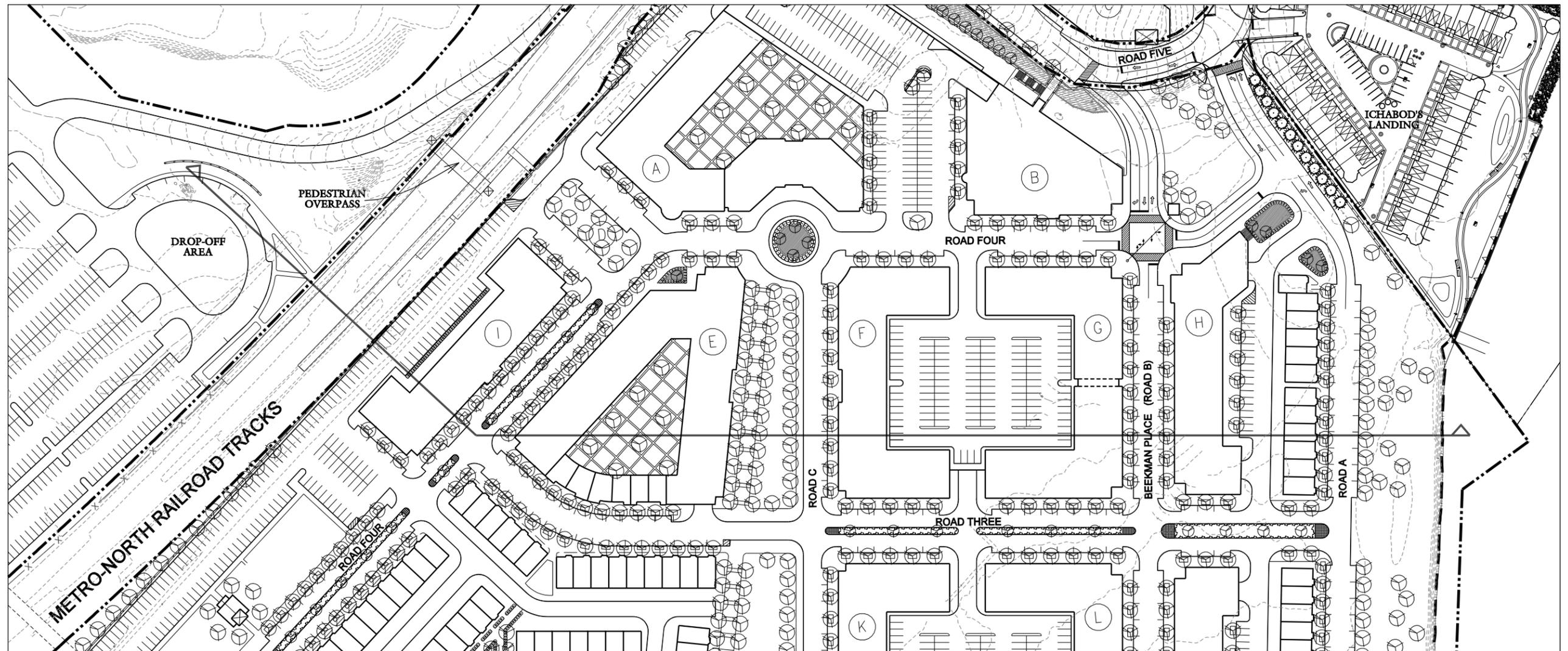
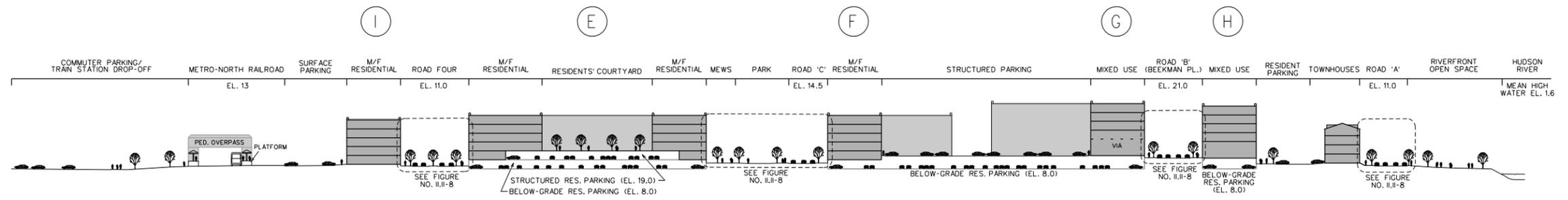
Comment noted.

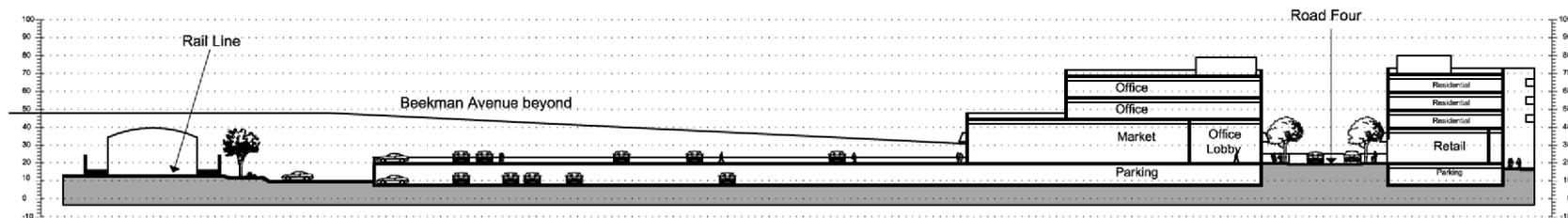
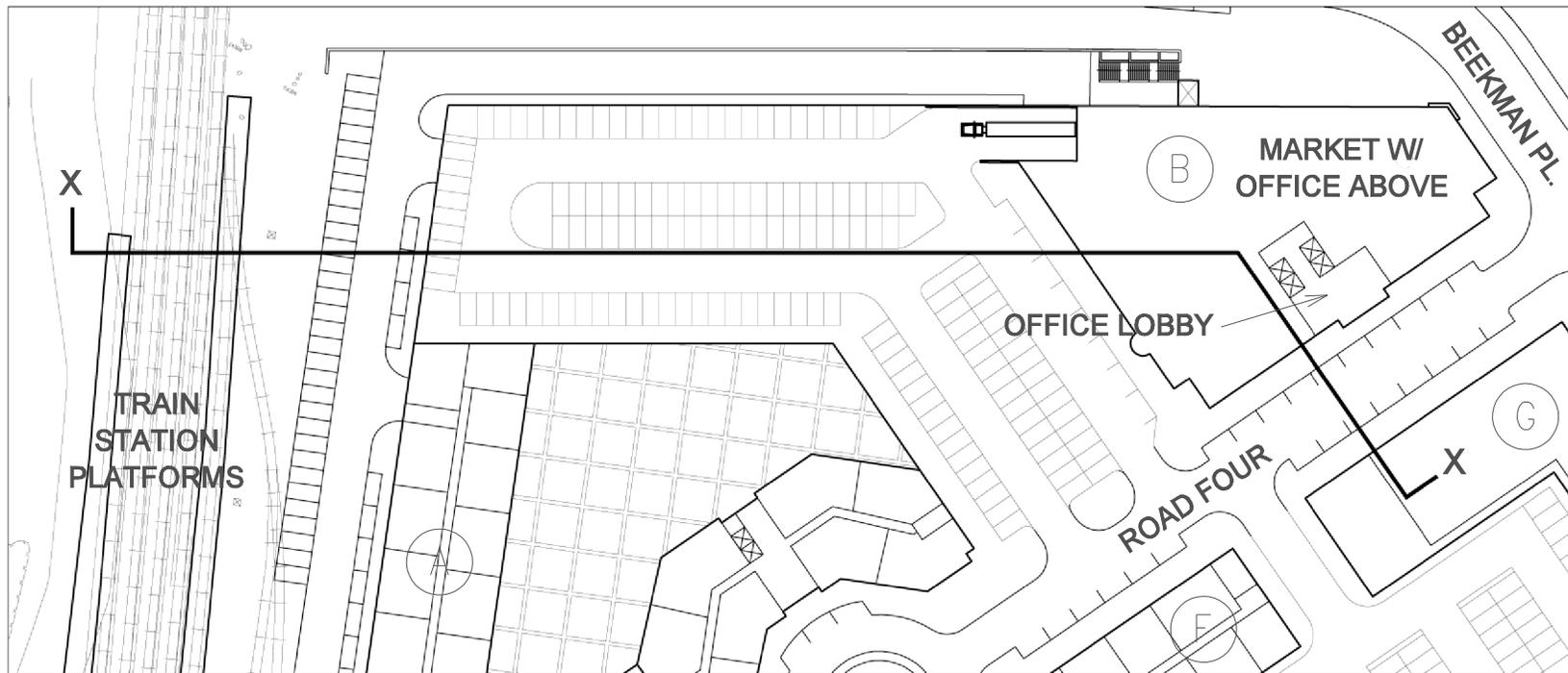


LEGEND

- RESIDENTIAL - TOWNHOUSES
- RESIDENTIAL - APARTMENT BUILDINGS
- R RENTAL
- C CONDO
- SC SENIOR CONDO
- RETAIL
- MIXED USE (RESIDENTIAL ABOVE RETAIL)
- OFFICE
- HOTEL
- LL RESIDENTS' COMMUNITY BUILDING
- OPEN SPACE





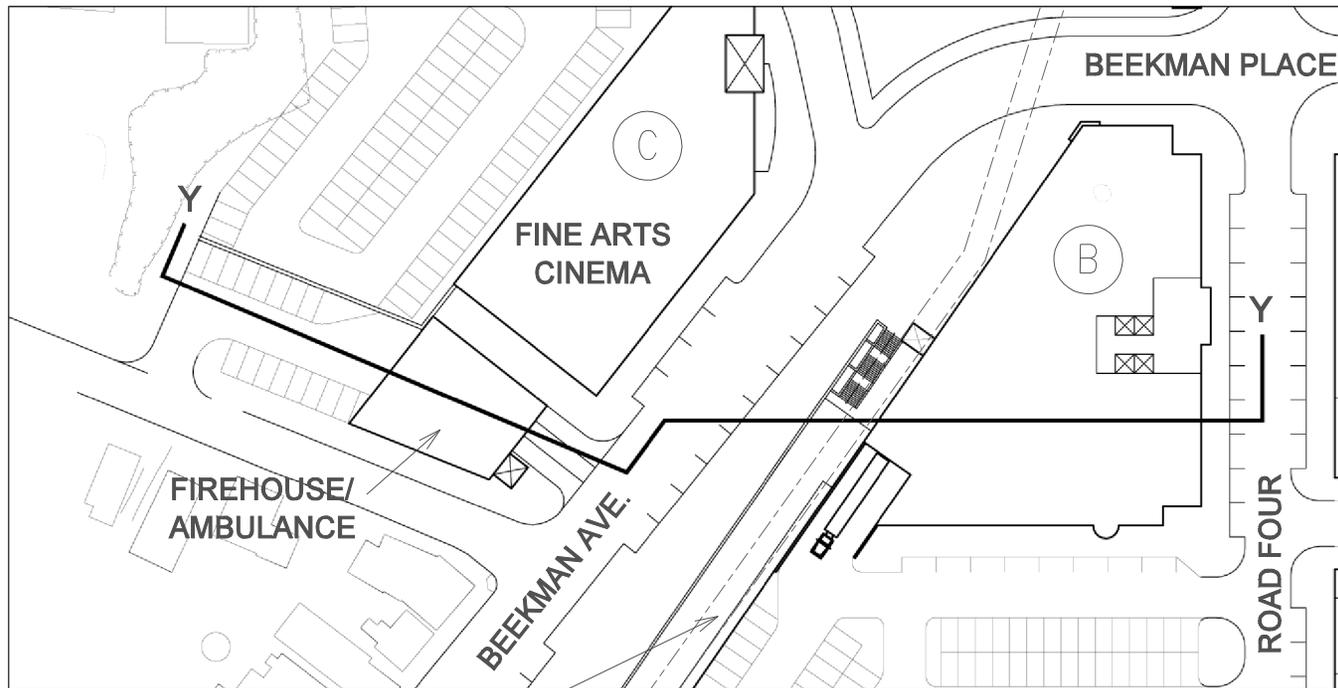


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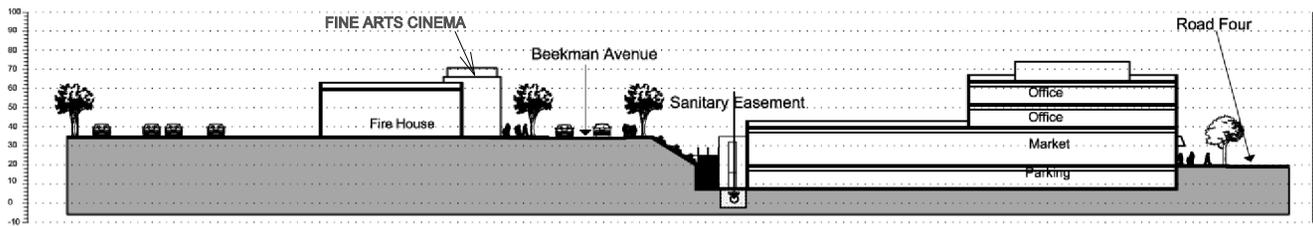


FEIS ALTERNATIVE PLAN - SECTION X-X
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II-4

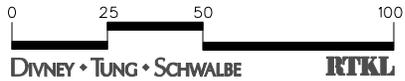
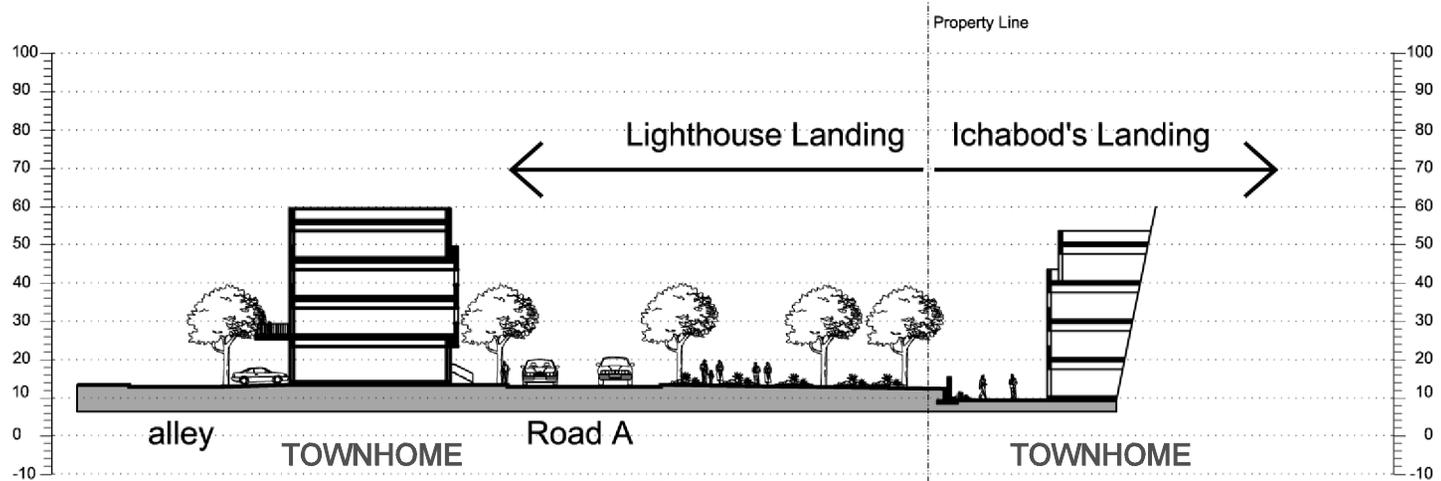
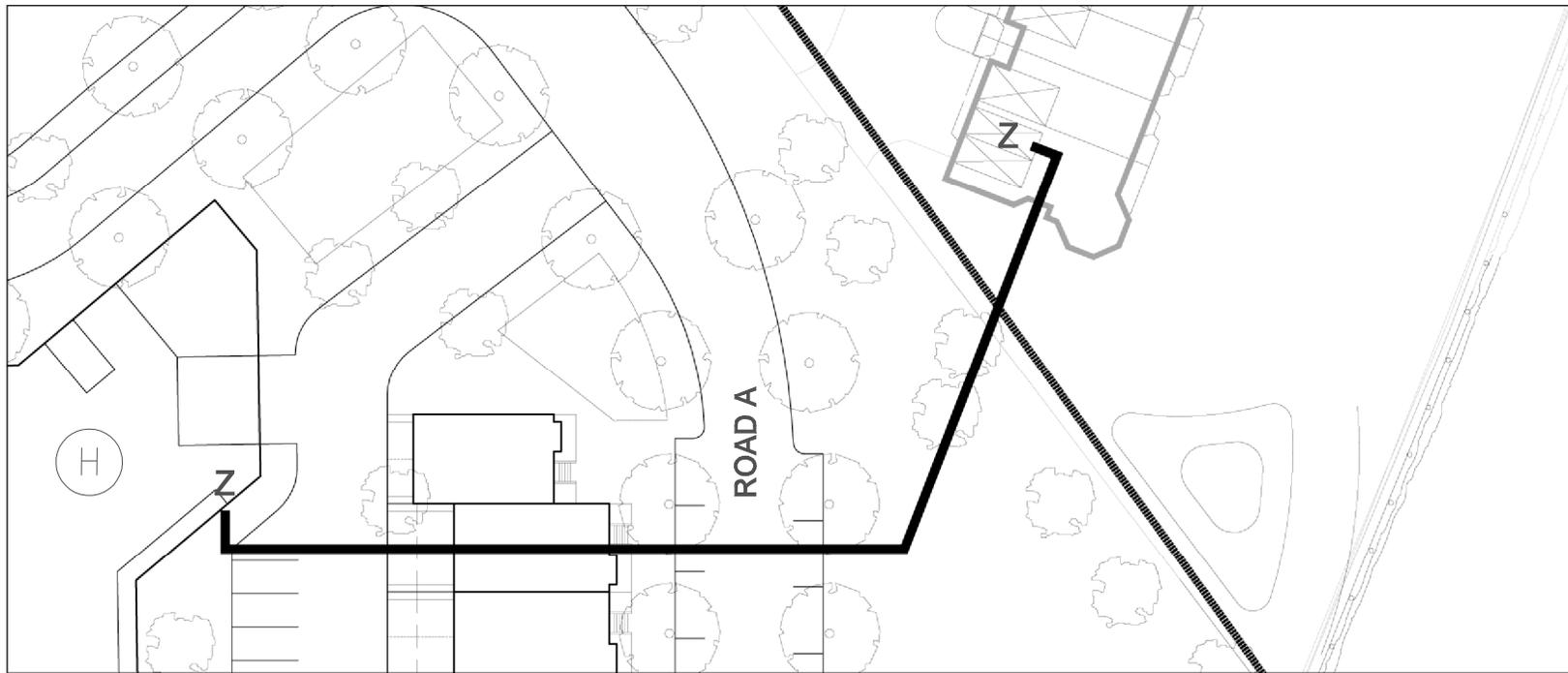


SANITARY EASEMENT



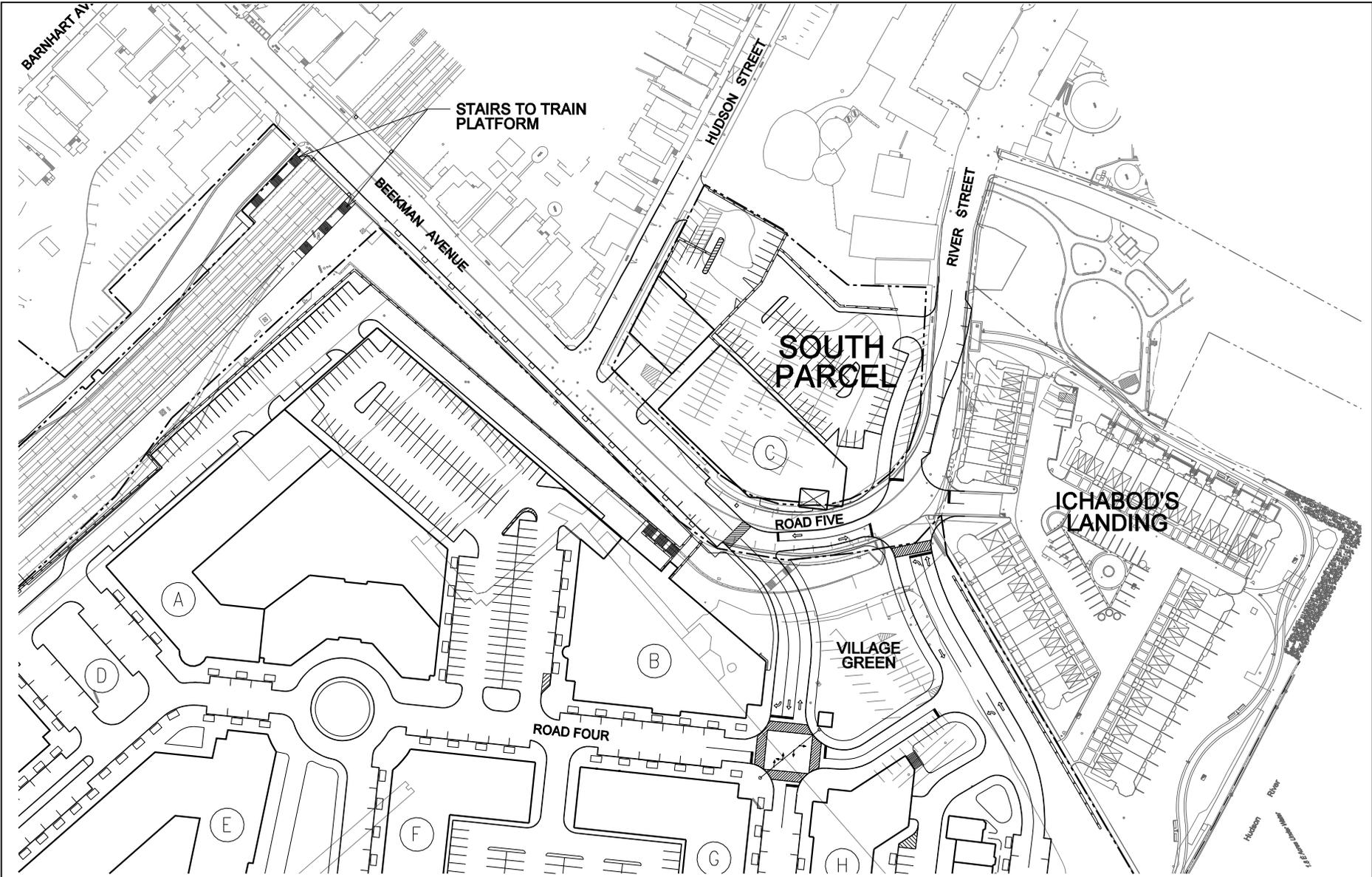
FEIS ALTERNATIVE PLAN - SECTION Y-Y
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II-5



FEIS ALTERNATIVE PLAN - SECTION Z-Z
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II-6



ROSELAND
PROPERTY COMPANY



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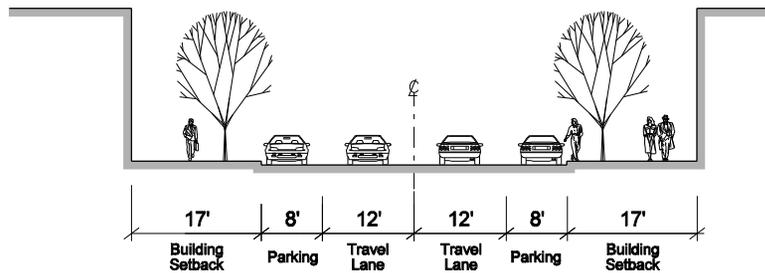
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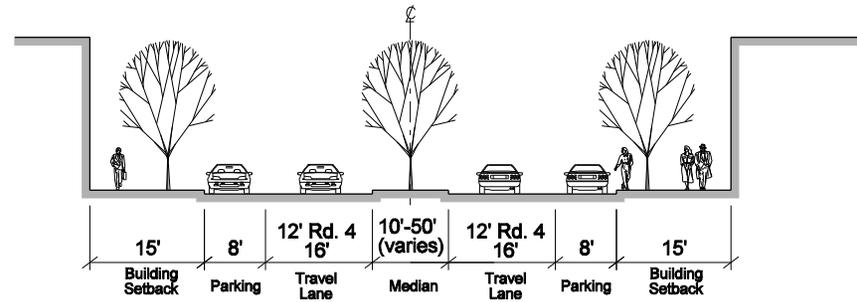


FEIS ALTERNATIVE PLAN - BEEKMAN AVENUE AND RIVER STREET EXTENSIONS
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

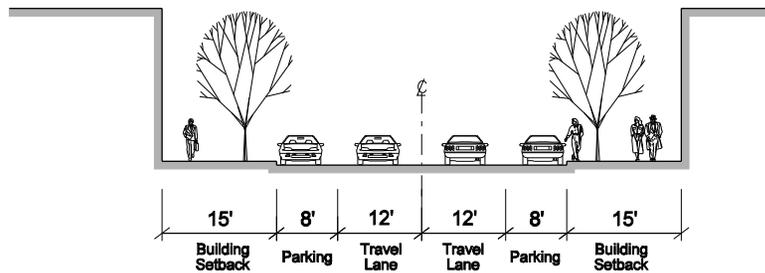
FEIS FIGURE NO. II-7



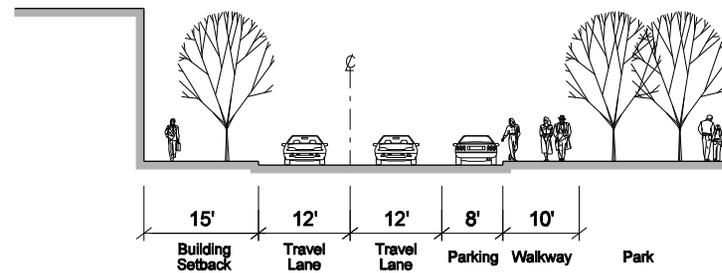
SECTION A
BEEKMAN PLACE (ROAD B)



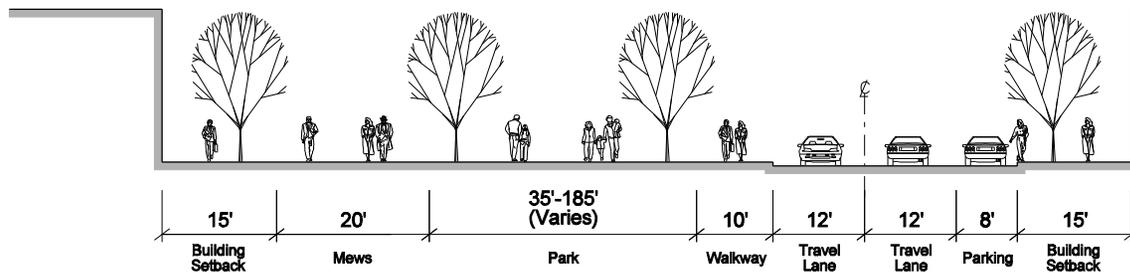
SECTION B
ROADWAY WITH MEDIAN
(PORTIONS OF ROADS 2, 4, AND B)



SECTION C
ROADWAY WITH PARALLEL PARKING BOTH SIDES
(ROAD A, PORTIONS OF ROAD 3 AND 4)



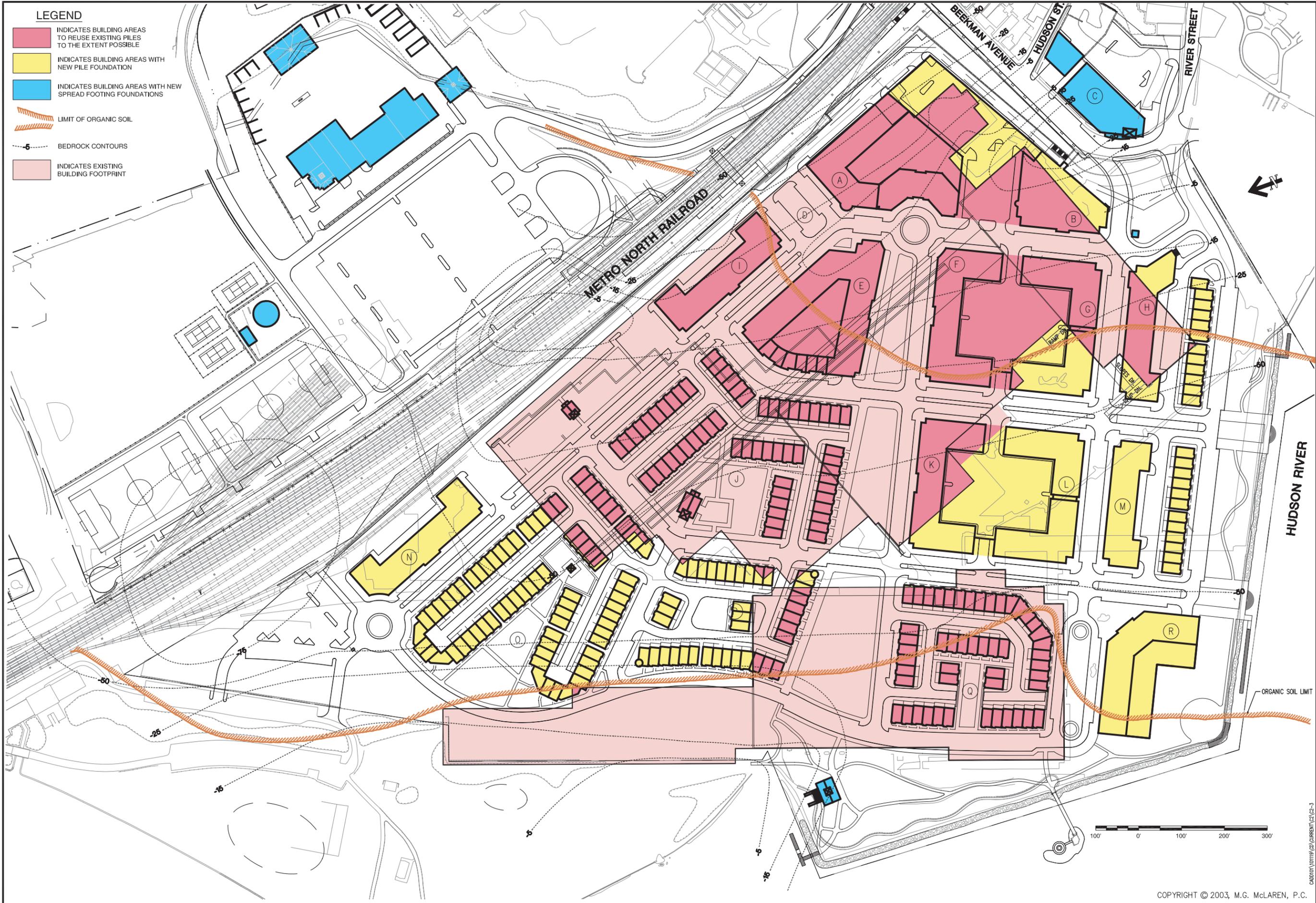
SECTION D
ROADWAY WITH PARALLEL PARKING ONE SIDE
(ROAD 1)



SECTION E
MEWS AND PARK SPACE
(BETWEEN ROADS 1, 2, 3, AND 4)



SOURCE: EARTH ATTRIBUTES
 DATE OF PHOTOGRAPH: APRIL 24, 2000



- LEGEND**
- INDICATES BUILDING AREAS TO REUSE EXISTING PILES TO THE EXTENT POSSIBLE
 - INDICATES BUILDING AREAS WITH NEW PILE FOUNDATION
 - INDICATES BUILDING AREAS WITH NEW SPREAD FOOTING FOUNDATIONS
 - LIMIT OF ORGANIC SOIL
 - BEDROCK CONTOURS
 - INDICATES EXISTING BUILDING FOOTPRINT

NO.	DATE	REVISION
3	10/27/06	UPDATE BLDGLAYOUT
2	9/16/06	UPDATE BLDGLAYOUT & FOUNDATION TYPES
1	9/21/05	NEW BLDGLAYOUT & FOUNDATION TYPES

McLaren
ENGINEERING GROUP

E-mail: mcmclaren@mcmclaren.com
100 Snake Hill Road, West Nyack, NY 10994
Tel. (845) 353-6400 Fax. (845) 353-6509

PROJECT
GM SITE DEVELOPMENT

SHEET TITLE
NEW FOUNDATION PLAN FOR INFRASTRUCTURE AND BUILDINGS

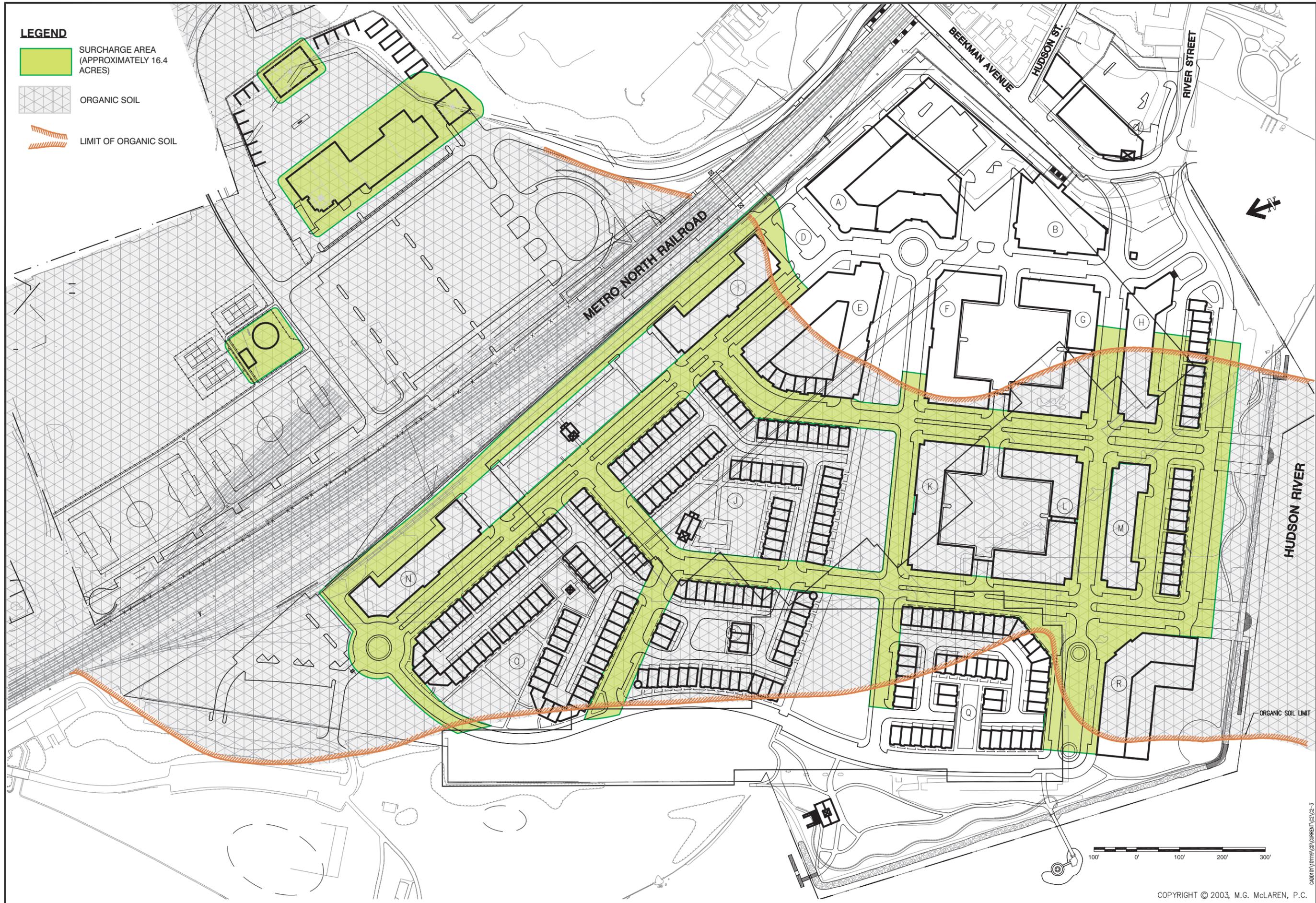
PROJECT NO. 101119
SCALE 1" = 100'
DATE OCT 27 2006
DRAWN BY JPM
CHECKED BY SLG

DRAWING NO.
C2-3
OF 3 SHTS

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LEGEND

-  SURCHARGE AREA (APPROXIMATELY 16.4 ACRES)
-  ORGANIC SOIL
-  LIMIT OF ORGANIC SOIL



NO.	DATE	REVISION
2	10/27/06	NEW BLDG LAYOUT
1	9/21/05	NEW BLDG LAYOUT & SURCHARGE AREA

McLaren
ENGINEERING GROUP

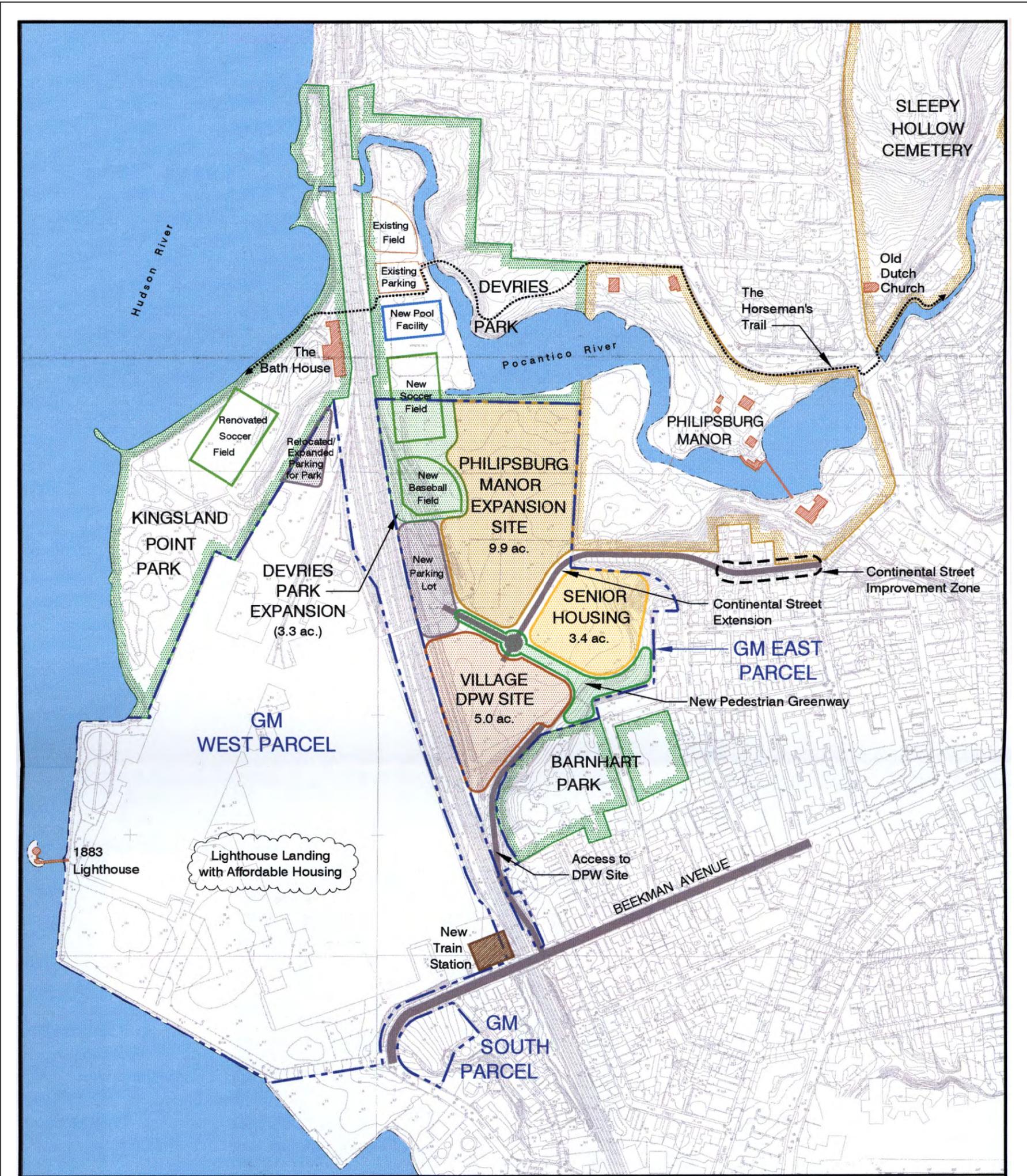
E-mail: mcmclaren@mcmclaren.com
100 Snake Hill Road, West Nyack, NY 10994
Tel. (845) 353-6400 Fax. (845) 353-6509

PROJECT
GM SITE DEVELOPMENT

SHEET TITLE
GRADE STABILIZATION PLAN

PROJECT NO.	101119
SCALE	1" = 100'
DATE	OCT 27 2006
DRAWN BY	CSL
CHECKED BY	SLG
DRAWING NO.	

S-11
OF _____ SHTS



Village of Sleepy Hollow Objectives

- Senior housing
- Affordable housing
- DPW site
- DeVries Park expansion
 - New soccer field
 - New swimming pool
- Dual vehicular access but no through traffic
 - DeVries Park
 - DPW site
- Walking trails (GM site, Kingsland Point Park, DeVries Park, Philipsburg Manor, etc.)
- Shared parking (DeVries Park, DPW, Philipsburg Manor and train commuter facilities)
- Pedestrian bridge over Metro-North R.R. tracks connecting parks
- Pedestrian linkage between GM site and Barnhart Park
- New Metro-North train station

Historic Hudson Valley Objectives

- Contiguous land for Philipsburg Manor expansion (9.9 acres)
- Viewshed protection and buffer screening
- Mitigation of noise impacts
- Adequate parking for visitors
- Continued easy access to Philipsburg Manor

Note:

The total area of the GM East Parcel includes 28.3 acres, a portion of which would also be allocated to shared amenities serving the multiple land uses shown above (e.g., vehicular and pedestrian circulation features, parking, and open space and greenway elements). Approximately 6.7 acres would be available for those purposes based on the above conceptual site plan.

GM East Parcel - Alternative Conceptual Site Plan for Philipsburg Manor Expansion Site and Additional Village of Sleepy Hollow Uses

LIGHTHOUSE LANDING
Sleepy Hollow, New York



FREDERICK P. CLARK ASSOCIATES, INC.
Planning/Development/Environment/Transportation

Exhibit C

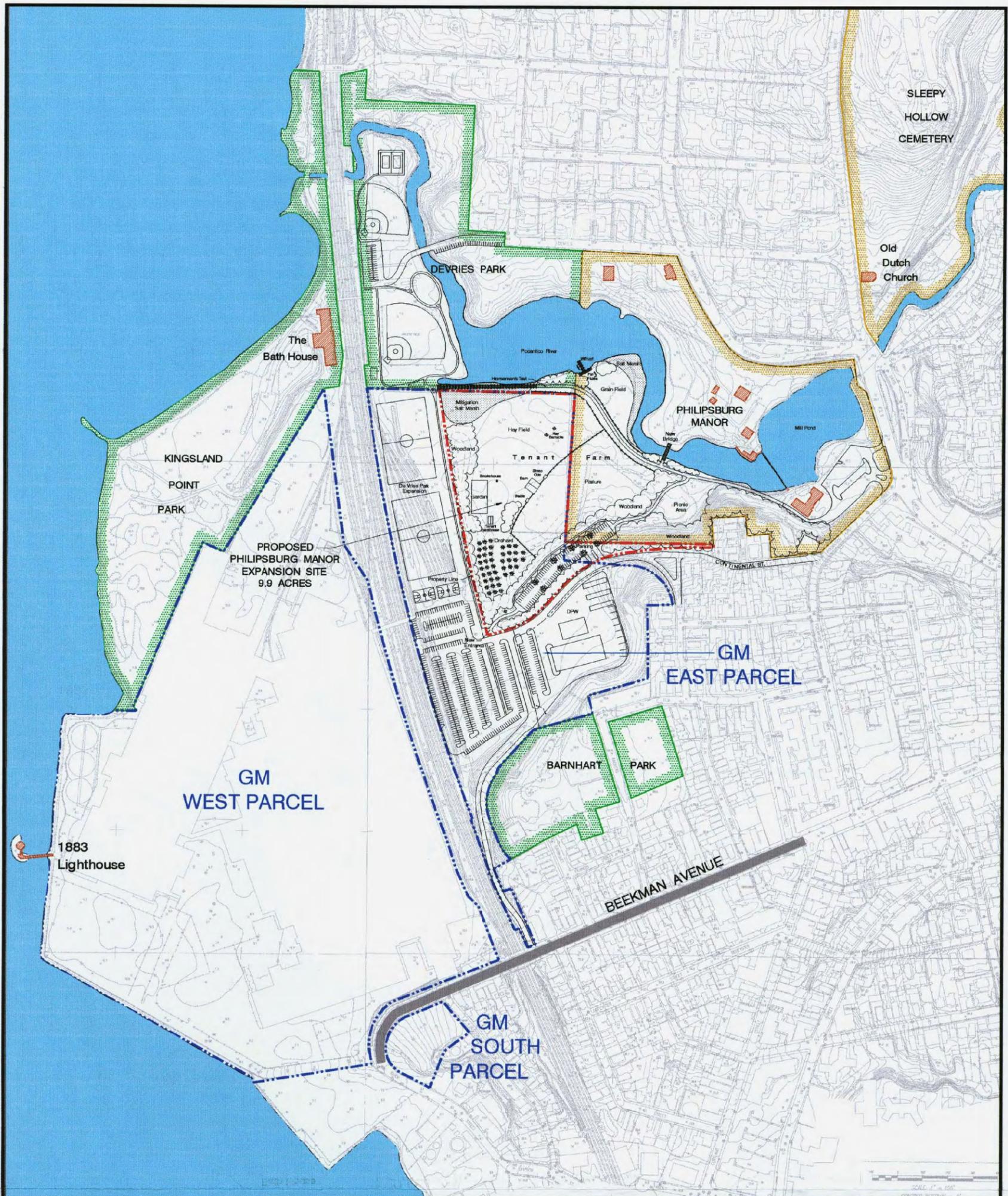
Scale in Feet

6/4/03



File: C:\Documents and Settings\PAV\My Documents\AUTOCAD_Drawings\HistoricHudsonValley\GM_EastParcel.dwg

Source: Historic Hudson Valley DEIS Comment Letter as submitted by Arnold & Porter, LLP, June 5, 2003



Programmatic Requirements for Expansion Site to Accommodate Proposed 18th Century Tenant Farmstead

Specific Features & Functions of Importance

- 9.9 acres for representational c. 1750 tenant farmstead (scaled to minimal size for authentic re-creation)
- Land components as follows (based on relative proportions in historical lease documents):
 - 3.0 acres for cattle and sheep pasture with sheepcote
 - 2.0 acres for woodland
 - 1.0 acre for hay meadow with hay barracks
 - 1.0 acre for wheat field
 - 1.0 acre for salt meadow
 - 0.8 acres for orchard (e.g., apple and pear trees)
 - 0.5 acres for grain field (e.g., flax, rye, other grains and corn)
 - 0.2 acres for vegetable garden
 - 0.4 acres for tenant farmhouse, barn, stable and smokehouse
- Seasonal demonstrations of plowing, planting, harrowing, haying, harvesting, food preservation and other typical activities
- Walking trail with interpretive signage
- Wharf on Pocantico River for possible future Hudson River Sloop anchorage

- Horseman's Trail Improvements
- Entrance along Village Greenway providing pedestrian access within walking distance to Lighthouse Landing Train Station

Overall Site Planning Objectives

- Contiguous land for Philipsburg Manor expansion
- Viewshed protection and buffer screening
- Mitigation of noise impacts generated by surrounding 21st century land uses
- Adequate parking for visitors for daily usage and special events
- Continued easy vehicular access to Philipsburg Manor

GM East Parcel Alternative Conceptual Master Plan Including Proposal for Philipsburg Manor Expansion Site	
LIGHTHOUSE LANDING Sleepy Hollow, New York	
FREDERICK P. CLARK ASSOCIATES, INC. Planning/Development/Environment/Transportation Scale in Feet	
	 3/31/05

File: C:\Documents and Settings\FV\My Documents\AUTOCAD Drawings\HistoricHudsonValley\PhilipsburgManorExpansion\A113.dwg

Source: Historic Hudson Valley DEIS Comment Letter as submitted by Arnold & Porter, LLP, April 1, 2005



Source: Historic Hudson Valley DEIS Comment Letter as submitted by Arnold & Porter, LLP, April 1, 2005



GM

ROSELAND PROPERTY PARTNERS



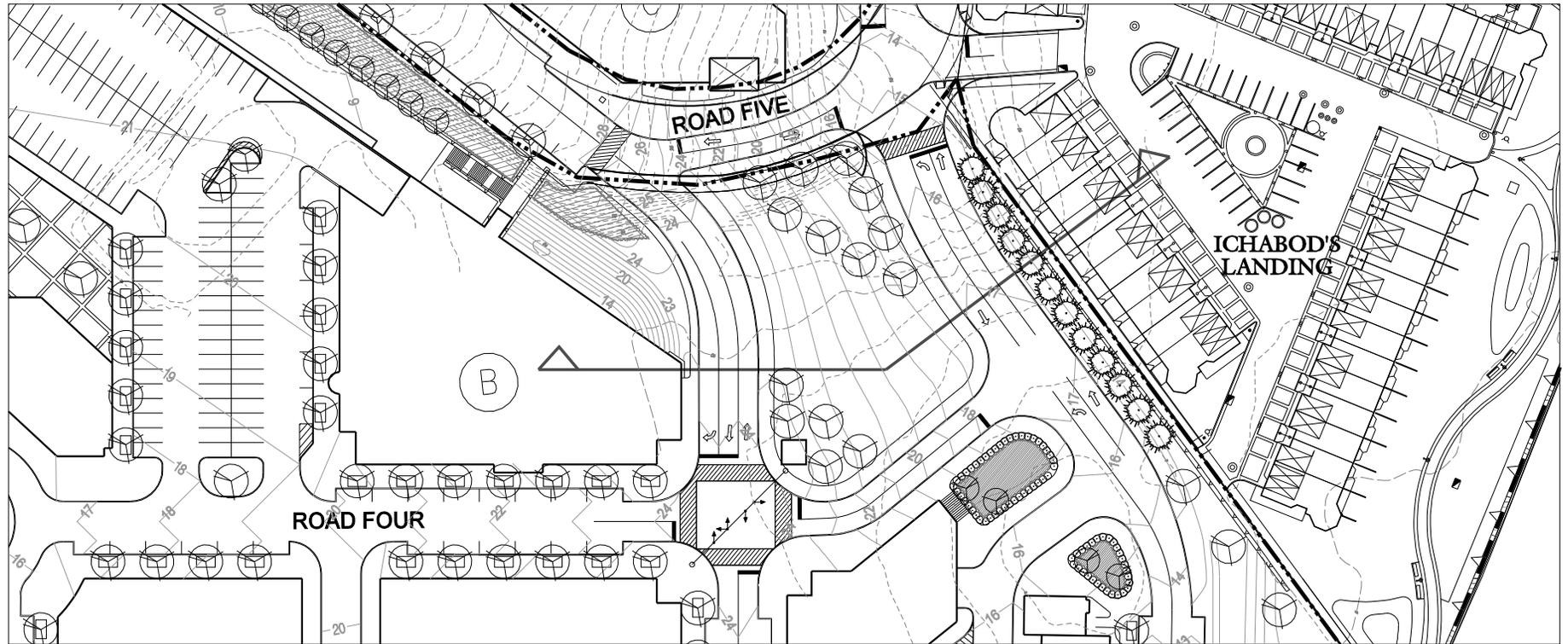
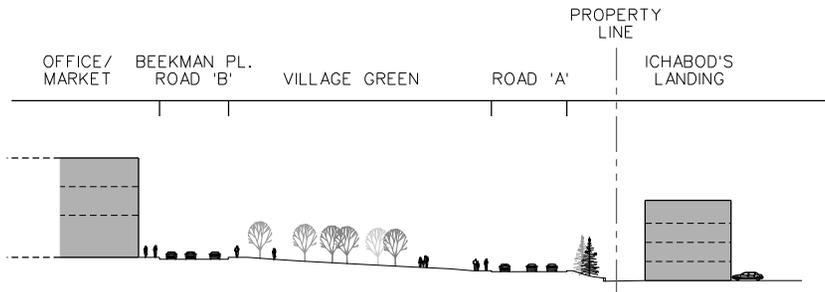
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RTKL



KINGSLAND POINT PARK BUFFER AREA DETAIL
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK
 FEIS FIGURE NO. II-15



GM
ROSELAND
PROPERTY COMPANY

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FEIS ALTERNATIVE PLAN
SECTION THROUGH ICHABOD'S LANDING & VILLAGE GREEN
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II-16



II. RESPONSES TO DEIS COMMENTS
DEIS Sec.III.A · Land Use, Zoning and Public Policy

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.A · Land Use, Zoning and Public Policy

COMMENT NUMBER	COMMENT/RESPONSE
	<u>PROJECT DENSITY – SITE PLAN & DESIGN</u>
3501	The most important issue is density. Roseland’s proposal would overwhelm our village, in terms of size, traffic, services needed, and views. I hope that the <i>only</i> Roseland proposal you will consider is the second alternative they mention – the lowest density alternative of 1362 dwelling units, with the height of any of the buildings (including the hotel) to be <i>three stories at most</i> and some buildings to be two stories high. And I urge you to negotiate with Roseland to further decrease the number of units, using the 1362 number as a starting point.
3603	<ul style="list-style-type: none"> The buildings are too high and close together. Roseland stated that they looked at other river towns such as Cold Spring, but Cold Spring and other local river towns don’t have buildings on this scale and density. What about separate buildings and single family homes?
3801	It will also substantially change the town’s view of the river. The buildings are too high and close together. Roseland stated that they looked at other river towns such as Cold Spring, but Cold Spring and other local river towns don’t have buildings on this scale and density. What about separate buildings and single family homes?
4501	I have concerns about the density of Lighthouse Landing as proposed. I support the idea of reducing residential units by <u>at least 40%</u> . Please extend the courtesy of offering the proposed housing for seniors and Village volunteers in a more desirable location, with a bit more distance from the Metro North train line.
PH5702	Reduce the 180,000 square feet of retail space by 30 percent, bringing it to 126,000.
PH5703	Reduce the 50,000 office space by 30 percent, bringing it to 35,140.
	In response to the DEIS comments, the Applicant has established an FEIS Alternative Plan for further evaluation as described in Section I (Introduction) of this document. The proposed number of residential dwelling units has been reduced from 1,562 to 1,250 units, representing a reduction of 312 units or approximately 20 percent in comparison to the DEIS Plan. The 1,250 units would consist of 629 rental apartments (inclusive of 216 live-work loft apartments, 21 rental affordable Village workforce apartments for local public employees and volunteers, and 40 rental affordable senior apartments), 373 condominiums and 248 town homes. As shown in the following table, the FEIS Alternative Plan displays a significantly lower residential density than permitted in the underlying RF District, and is also lower than the existing Inner Village area and the DEIS

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.A · Land Use, Zoning and Public Policy

Plan. Detached single-family dwellings of any type cannot be constructed on the Site pursuant to the Brownfield Cleanup Program.

	Residential Density ¹ (Dwelling Units Per Acre)
• RF District ²	19.8
• Existing Inner-Village ³ (Sleepy Hollow)	17.1
• DEIS Plan (1,562 dus)	16.5
• FEIS Plan (1,250 dus)	13.2

The FEIS Alternative Plan also results in a reduction in the ratio of residential rental units to ownership units. Specifically, whereas under the DEIS Plan, 72 percent of residential units were rental apartments (1,122 of the 1,562 du total) and 28 percent were ownership units, the FEIS Alternative Plan would consist of 51 percent rental units (629 of 1,250 du total) and 49 percent ownership units. As discussed in Section III.C herein, ownership units result in greater net fiscal benefits to the Village of Sleepy Hollow and the school district than the rental units given their corresponding valuations and applicable tax rates.

The FEIS Alternative Plan also provides for a reduction in the proposed commercial floor area in comparison to the DEIS Plan with the retail space (retail store, food market, restaurants, cinema) reduced by 26.7 percent from 180,000 square feet (SF) to 132,000 SF and the office building reduced by 30.3 percent from 50,200 SF to 35,000 SF. The program for the proposed hotel has also been scaled back by eliminating the conference center component, and reducing the number of rooms from 147 to 140 and the restaurant space from 10,000 SF to 5,000 SF.

As shown on Figure I-2, the FEIS Alternative Plan incorporates several design elements in the form of buffer areas, flared boulevards separated by parks, enhanced pocket parks opposite residential

¹ Based on the 94.5-acre site area.

² The RF District permits a maximum overall residential density of 1 dwelling unit per 2,200 square feet of site area.

³ The existing density of the inner-village has been evaluated using U.S. Census 2000 block data for Census Tract 116. FEIS Figure No. II.A-1 depicts the census block numbers and land areas located north and south of Beekman Avenue, while FEIS Table No. II.A-1 identifies the density in dwelling units per acre for each block.

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.A · Land Use, Zoning and Public Policy

buildings and a plaza at the foot of Beekman Place near the hotel, which increase the publicly accessible open space on the West Parcel in comparison to the DEIS Plan. A total of approximately 14.7 acres of publicly accessible open space are provided on the West Parcel, including a vegetated buffer of up to 175 feet in width adjacent to Kingsland Point Park. As such, the FEIS Plan would increase the West Parcel open space by approximately 28 percent relative to the 11.5 acres provided under the DEIS Plan.

PROJECT DENSITY - POPULATION & HOUSING GROWTH

- 2201 The Philipse Manor Improvement Association (PMIA) is deeply concerned about the density of the Roseland proposal for the GM site. The DEIS contains a projection of renters and owners which will increase the village population by over 30%.
- 2202 At our meeting on February 7, 2005, the Board of the PMIA voted to insist that the number of residential units be reduced by at least one-third with most of the reduction coming from the number of rental units. It is clear from the tax numbers published in the recent DEIS, that the rental units produce less tax income to the village and to the School District and yet will generate a greater demand for police and educational services because of the density of renters and their often transient nature.
- 2702 My second comment, on behalf of the PMIA, was that the proposed 1,562 housing units was heavily skewed towards rental units (1,122) and against owner units (440). The board's feeling was that owned units tend to encourage longer term involvement in the village community, as opposed to rented units which tend to be more transitory. Our feeling was that when the density is reduced that the reduction of units should result in fewer rental units and not fewer owned units.
- 3601 My main concern is the proposed density of the buildings and subsequent population growth.
- It is like a separate town on the waterfront with its own commercial center.
- 3602
- It would change the character of the town substantially by increasing Sleepy Hollow's population by a huge percentage increase.
- 4227 The size of this project will increase the number of homes in Sleepy Hollow by about 50%.
Question:
a) How will this increase in population be accommodated within the community?
- PM1001 There are a number of areas, particularly three that are of major concern. Certainly the one is the proposed 1,500 units. The first being that the Village of Sleepy Hollow, I believe, has 3,000 units existing. So, you're maximizing the

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number of units. That's a substantial increase.

PM1004

And the last certainly is the 50 percent increase in housing, which I mentioned, which is part of that 1,500 increase in total units.

PH5701

One, reduce the number of residential units by 60 percent from 1,562 to 625. And by my calculations that 625 will generate the 217 students.

The FEIS Alternative Plan proposes a total of 1,250 housing units in comparison to the 1,562 housing units under the DEIS Plan, and results in a reduction in the ratio of residential rental units to ownership units. As noted in the response to Comment 3501, etc. above, whereas under the DEIS Plan, 72 percent of residential units were rental apartments (1,122 of the 1,562 du total) and 28 percent were ownership units, the FEIS Alternative Plan would consist of 51 percent rental units (629 of 1,250 du total) and 49 percent ownership units. As discussed in FEIS Appendix 4A, ownership units result in greater net fiscal benefits to the Village of Sleepy Hollow and the school district than the rental units given their corresponding valuations and applicable tax rates. Further, the 312 unit reduction in the total number of housing units between the DEIS Plan and the FEIS Alternative Plan, would result in a 16.2 percent reduction in the total resident population of the project from 2,999 to 2,514 persons, thereby reducing potential demand on community services. In comparison to the DEIS Plan, the number of workers from the Project's commercial uses (retail, office and hotel) would be reduced by approximately 13.5 percent from 675 to 584 persons under the FEIS Alternative Plan. Although the FEIS Alternative Plan results in a reduction in the resident population, the project will increase the Village's existing population, reported at 9,212 persons in the 2000 Census. However, the project Site consists of approximately 94.5 acres, and the Village of Sleepy Hollow LWRP and the applicable RF zoning district contemplated over 1,800 units on the site, representing a dwelling unit total approximately 44 percent higher than the 1,250 units currently proposed. The Village of Sleepy Hollow has requested that its design consultant prepare a concept study as discussed in Section II.IV of this document.

PROJECT DENSITY - VARIOUS IMPACT ISSUES

1604

The 180,000 square feet of retail and 50,200 square feet of office space also proposed for this project seems exorbitant. I implore you to also reconsider downsizing that number as well. People will not be willing to shop or do business with an association that is not convenient to get to. Who willingly wants to sit in traffic? Commuters and shoppers will take the path of the least

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resistance. If it is not convenient to travel to, shoppers will go elsewhere. It is a fact.

As discussed above herein, the retail and office square footages proposed in the DEIS Plan have been significantly reduced in the FEIS Alternative Plan. Whereas the DEIS Plan contained a total of 180,000 square feet of retail (inclusive of retail stores, food market, restaurants and cinema) and 50,200 square feet of office space, the FEIS Alternative Plan proposes 132,000 square feet of retail uses and 35,000 square feet of office space. As such, the FEIS Alternative Plan provides for a 26.7 percent decrease in retail floor area and a 30.3 percent decrease in office space resulting in reductions in peak hour traffic generation from the Site as discussed in Sections I (Introduction) and II.I (Traffic and Parking) of this document.

Additionally, the Lighthouse Landing project has been designed to both physically and visually connect with the existing Inner-Village in an effort to provide convenient access between the Site and the existing commercial area. Beekman Place has been designed with sidewalks, streetlights, street trees and various streetscape improvements to enhance the walkability of the street in an effort to encourage visitors and commuters to the Village center and the Site to park in one convenient location and patronize a variety of shops without moving their cars. Further, the FEIS Alternative Plan includes additional water dependent uses as described in Section II of this document, which when combined with the waterfront paths connecting Kingsland Point Park and Ichabod's Landing and adjoining open space will serve as a linkage with Beekman Avenue and the Inner-Village and provide opportunities for Village residents to access the waterfront. The proposed siting of the Beekman Place main commercial street would also provide visual and physical access to the historic lighthouse from Beekman Avenue. Visual access to the waterfront will be enhanced by additional open space area, a plaza area and pathways. Physical access to the waterfront will be enhanced by the proposed on-site water-dependent uses.

2204

We would like to see the DEIS reworked with this reduced number of units.

2706

In summary please consider:

- reducing the density to approximate the existing density without the three tall buildings
- reduce the amount of rental units and maintain the owned units
- provide for disposal of dredge spoil from the Beach Club marina
- downplay the value of school tax coverage of proposed bond interest charges
- provide alternate access via Continental Street for emergencies

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5701

1. Background Context for Comments

We have reviewed the DEIS for Lighthouse Landing quite differently from our comments for the Ferry Landing waterfront project within the Village of Tarrytown. Lighthouse Landing is totally within an adjacent municipality. Therefore, we have viewed detailed design and site plan review issues as primarily issues for the Village of Sleepy Hollow. What is of primary importance to Tarrytown and to the greater region are issues that affect the adjacent municipalities and the surrounding environment. These primarily fall into four general areas: (1) traffic (2) the school district, which serves both municipalities (3) the input of Lighthouse Landing retail on the existing downtowns and (4) viewsheds in as much as the proposed development can be seen from the surrounding area. All four of these concerns are directly affected by density.

5702

2. Lower Density Alternative

The Chairman of the Sleepy Hollow Planning Board, Nick Robinson, has done a fairly detailed site review of the proposed development. The net result of his site planning concerns is the call for a development alternative that is approximately 40% less in density than what is proposed. Since Mr. Robinson's analysis, John Canning has undertaken a detailed traffic analysis of road impacts, particularly in the Village of Tarrytown. Mr. Canning's analysis indicates that impacts cannot be reasonably mitigated without a 50% reduction in density. This is particularly important with retail development which has a higher traffic generation number than residential development. This alternative should be formally developed in the Final Environmental Impact Statement (FEIS) for the project. This is perhaps the single most important mitigation that can be developed. A 50% reduction in density will have a commensurate reduction in traffic, public school students impacts on existing downtowns in Tarrytown and Sleepy Hollow and building scale (e.g. most heights could be reduced from five stories to four stories).

Lighthouse Landing is on 94.5 acres. However, only 66.2 acres are developable consisting of the west parcel (64.5 acres) and the south parcel (.7 acres). The 28.3 acre east parcel has wetlands and methane gas issues (the site was formerly a land fill). As a result, the table below lists figures for the next developable acreage for the Lighthouse Landing proposal. The net developable acreage is the realistic measure of the project. We read the present proposal as follows:

Existing Proposal:

<u>Use</u>	<u>Units/Sq. Ft.</u>	<u>Net Unit/Acre</u>
Residential	1,562	24 units/acre
Commercial		
- Retail	180,000	
- Office	50,200	
- Inn	<u>147,000</u>	
	377,200	5,698 sq. ft./acre

A 50% reduction in density at Lighthouse Landing could mean the following:

50% Reduction Alternative:

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here is the density of this project and I attended the first two public hearings but I was unable to attend Saturday's in which I subsequently heard that the Chairman of your Planning Board, Nick Robinson, recommended the 40 percent reduction in density which we also cheer and what I think how it should be viewed though is not as a starting point for negotiation but rather it should be viewed as the maximum that would be allowed.

PH4601

Again, I think the density of the project is a major concern. Everything is related to density, whether it's the number of school children or the levels of our road service. If the density of the project is reduced as is pointed out by the earliest speakers then those other factors will be mitigated simply by doing so.

In response to comments received during the DEIS comment period, the Applicant has prepared an FEIS Alternative Plan, which is intended to be responsive to community concerns regarding density and impacts such as traffic and population growth. FEIS Table No. I-1 in Section I (Introduction) of this document compares programmatic elements and impact characteristics of the DEIS Plan with the FEIS Alternative Plan. As discussed in the response to Comments 3501 through PH5703 above, the FEIS Alternative Plan reduces the total number of residential dwelling units by 20 percent from 1562 to 1250 units representing a density of 13.2 dwelling units per acre. The proposed density (13.2 dus/acre) is significantly lower than permitted in the RF District (19.8 dus/acre) or currently exhibited in the Inner-Village (17.1 dus/acre) or formerly proposed under the DEIS Plan (16.5 dus/acre). The FEIS Alternative Plan also reduces the ratio of residential rental units (49%) to ownership units (51%) in comparison to the DEIS Plan (72% rental units, 28% ownership units). With respect to the proposed commercial floor areas, the FEIS Alternative Plan reduces the retail square footage by 26.7 percent from 180,000 SF to 132,000 SF and the office floor area by 30.3 percent from 50,200 SF to 35,000 SF. The hotel program is also scaled back under the FEIS Alternative Plan by eliminating the conference center, reducing the number of rooms from 147 to 140, and cutting the restaurant space in half from 10,000 SF to 5,000 SF.

The FEIS Alternative Plan has been designed to be fully compliant with the dimensional requirements of the RF District, with the exception of the building height in the portion of the Site between the west side of the Metro-North tracks and 300 feet to the west which encompasses the loft apartments in Blocks I and N, and a portion of the apartment buildings in Blocks A and E⁴. The maximum building

⁴ The Applicant will submit a petition to the Sleepy Hollow Board of Trustees to amend the RF District zoning regulations to permit a building height of up to 65 feet along the west side of the Metro-North tracks

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height under the FEIS Alternative would be 5 stories and less than 65 feet, consistent with the DEIS Plan. Through the incorporation of additional buffers, parks and landscaped areas, the FEIS Alternative Plan provides approximately 14.7 acres of publicly accessible open space on the West Parcel as compared to 11.5 acres under the DEIS Plan. As indicated FEIS Table I-1, the FEIS Alternative Plan results in a reduction in total site impervious coverage.

The overall decrease of 312 residential units with the FEIS Alternative Plan would have the effect of lowering the potential impacts (e.g., traffic, population, school children, utility demands etc.). A review of FEIS Table I-1 shows that traffic generated by the reduced density residential and commercial components of the FEIS Alternative Plan would be approximately 17 to 18 percent less than the DEIS Plan during Weekday AM and PM peak hours and approximately 15 percent less during the Saturday peak hour. See Section II.I (Traffic and Parking) of this document, for discussion of projected traffic operations at the study intersections under the FEIS Alternative Plan. As discussed in Section II.I, it is important to note that peak hour trip generation from the Lighthouse Landing project could be further reduced by decreasing the parking capacity of the proposed train station commuter lot or by eliminating the new train station and transporting project residents by shuttle bus to the existing Metro-North Tarrytown and/or Philipse Manor stations. See the response to Comments 3403 and PM2301 in Section II.H of this document regarding shuttle efficiency from similar existing projects.

The FEIS Alternative Plan also reduces the Project's total resident population by approximately 16.2 percent from 2,999 to 2,514 persons, while the number of retail, office and hotel workers is reduced by approximately 13.5 percent from 675 to 584 persons. The FEIS Plan's smaller residential program would also have the effect of decreasing the number of school-age children residing at Lighthouse Landing by approximately 3 percent from 217 to 211 children. It is anticipated that the Tarrytown Union Free School District will have sufficient capacity to accommodate future enrollments from Lighthouse Landing with the expansion plan approved under the recent bond referendum as outlined in Section II.C of this document. The net annual fiscal impact of the FEIS Alternative Plan (i.e., the difference between the project-generated

with the West Parcel, which is consistent with the Board of Trustees' statement related to building height in Comment 4307.

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service costs and the project –contributed revenues) results in projected surpluses of approximately \$1.5 million for the school district, \$0.63 million for the Village of Sleepy Hollow, \$0.96 million for Westchester County and \$0.03 million for the Town of Mount Pleasant.

This comment incorrectly assumes that the East Parcel could not be developed due to methane, and thus the density should be limited to the West and South Parcels. Methane can be vented and otherwise addressed in redevelopment projects. Commercial projects are often built on top of landfills, which generate methane...and probably generated methane far longer than would the small landfill operated by the Village between 1920 and 1930. With respect to the comment regarding providing for disposal of dredge spoil from the Beach Club marina, see the response to Comments 2703 through PH3803 in Section II.B of this document under the subheading “Grading Operations”.

The FEIS Plan also includes a reduction in the retail component from 180,000 SF to 132,000 SF.⁵ The potential impacts of the Proposed Action related to the commercial viability of existing downtowns and commercial areas were studied as part of the Socioeconomic Conditions analysis of the DEIS and have been updated based upon the FEIS Plan in Appendix 4B *Retail Character Assessment* of this FEIS. The Site has been designed as a mixed use development that would be served by both the existing Inner -Village retail area and the proposed neighborhood retail area located primarily along Beekman Place as a continuation of Beekman Avenue. The proposed neighborhood retail is intended to serve those residents living at Lighthouse Landing, train commuters, and local residents in surrounding neighborhoods. The ULI definition of neighborhood shopping in the range of 50,000 to 75,000 SF is a guideline. The 132,000 SF retail component includes only 89,000 SF of traditional retail shops, with approximately 23,000 SF of that being restaurants. Traditional commercial shop fronts would only be 66,000 SF.

The proposed Lighthouse Landing development has characteristics that are similar to a “Lifestyle Center”, a type of “specialty” shopping center. This type of center, as noted in the 3rd edition of the Urban Land Institute’s Shopping Center Handbook, does not have a

⁵ The 132,000 sf retail component proposed under FEIS Alternative Plan is comprised of 66,000 sf of general retail, 23,000 sf of restaurants, a 25,000 sf food market and an 18,000 sf cinema.

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traditional anchor tenant (such as a department store), but rather has groupings of tenants that together fill the role of an anchor tenant or have other large tenants that also draw customers to the center. According to a 2004 study conducted by the International Council of Shopping Centers (ICSC), on *average* the tenant space/square foot allocations at lifestyle centers was distributed as shown in the table below. The representative tenant space allocation at the proposed Lighthouse Landing development compares favorably to the tenant space allocation resulting from the 2004 ICSC study.

Lifestyle Centers Tenant Space Allocation

<u>Tenant Categories</u>	ICSC Lifestyle Centers	Lighthouse Landing	
	<u>As a Percentage of Total GLA</u>		
Cinema/Entertainment	9.5%	13.6%	(18,000 SF)
Supermarkets	6.2%	18.9%	(25,000 SF)
Restaurants	13.2%	17.4%	(23,000 SF)
General Merchandise	63.0%	50.0%	(66,000 SF)
Other	8.1%	---	
Total	100%	100%	(132,000 SF)

Source: International Council of Shopping Centers, 2004; Economics Research Associates.

ULI also recommends that successful neighborhood shopping include a mix of office and entertainment uses, as well as a variety of residential components. The office and residential uses provide activity throughout the daytime, while the entertainment and residential uses provide activities into the evening hours. The remaining 48,000 SF of the retail component includes a cinema, food market and restaurant associated with the hotel.

Under the FEIS Alternative Plan, the East Parcel will contain a commuter/resident parking lot and Village municipal uses, including recreational facilities and a Department of Public Works yard. The East Parcel will be accessible via both Continental Street and the viaduct (by passenger vehicles and light trucks) from Beekman Avenue that is to be repaired by the Applicant. The Applicant proposes to repair the existing viaduct to its original design loading (H15) or 19 tons. All commercial vehicles except those exceeding the 19 ton loading will be able to access the East Parcel from the viaduct. Heavy trucks and equipment with weights in excess of 19 tons will access the East Parcel from Continental Street. See further discussion at FEIS I.

6501

a. Density – The provision of 1,562 dwelling units for the site translates to 16.5 dwelling units per acre, a figure which is in the general range recommended by *Patterns*, assuming potential impacts can be addressed.

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Beyond the provision of municipal services, an obvious impact of density is often traffic. However, in determining appropriate density, a balance is required. While a development on this site with much lower density would likely equate to fewer residents driving into and out of the site, the lower number of residents could have negative effects on the viability of the retail element to serve a local market that may be in walking distance. For example, fewer customers in the immediate area would require retailers to sell higher-order goods and services to reach a wider geographic market area in order to make a profit. This would then necessitate people from other parts of the region to drive in to shop at these stores and thus add to the local traffic. The success of Lighthouse Landing will rely on matching a density with a mix of retail that can minimize automobile trips. The optimal density approved for the project should be one that addresses these impacts most efficiently.

In the Applicant's opinion, while the FEIS Alternative Plan will result in reductions in both the residential and commercial components of the project, the floor area allocations and planned mix of uses (offering shopping, dining, entertainment, passive recreation and lodging) have been programmed to create the synergies necessary to attract the proper balance of patrons within walking distance of the Site as well as locally from within the community and surrounding areas. As discussed above herein, peak hour traffic generation from the Project's residential and commercial components will be reduced under the FEIS Alternative Plan.

PM1801

I'm very concerned about the density of this development. There is no reason for it to be that large. In fact, one of the things I would like to do is submit a document to the Board of Trustees that I received when I was a member of the Board. It is dated June 24th, 1996. It is a document prepared by Arthur Anderson for General Motors on reuse of this site. There is volume one, and the estimated financial returns.

What's interesting about this document is that at that time they were proposing 410 housing units for young couples and empty nesters and 222 units for senior citizens. This would minimize the impact on the demographics of the Village and the schools and provide very healthy financial return to General Motors and any developer who was involved. The data is in the Arthur Anderson study.

The Arthur Anderson Reuse study was prepared in 1996 following the closing of the GM auto assembly plant to broadly identify potential redevelopment options for the Site prior to initiating detailed studies. The broad nature of the Reuse study was not intended as a detailed program for the Site. Instead, in 1997, the Sleepy Hollow Village Board undertook to develop more specific guidelines for the development of sites such as the GM property and created the RF Riverfront Development zoning district. The RF District encompasses the Site and provides design standards and

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specific dimensional requirements that proposed projects must meet. Unlike the Reuse study, the RF District rezoning included a SEQR review and numerous public hearings. The RF District zoning is part of the Village Zoning Law and regulates the development within the district. The Lighthouse Landing DEIS Plan as well as the FEIS Alternative Plan have been planned and designed in accordance with the RF District requirements to provide a mixed use waterfront development with significant public open space areas.

PH2812

Now one of the ways to address the density on this site is in fact to require an element of code compliance with respect to parking. The DEIS calls for 1.5 parking places per unit on the theory that not every one will want two cars. Well our code requirement requires two parking spots per unit. We believe, and the Planning Board IS unanimous on this, that this code requirement should be followed, and if followed, it would reduce the density on the site by approximately 25 percent. We think that's manageable within the scope of this project and should be done.

As noted in the Introduction section of this FEIS, the FEIS Alternative Plan reduces the overall density of the project, and reduces the residential portion of the project from 1,562 dwelling units to 1,250 dwelling units and increases the number of ownership units. The project has been designed using many "new urbanist" principles and transit design guidelines. Mixing uses, providing commuter train access, coordinating shared parking and designing a walkable community may reduce the resident's dependence upon multiple automobiles. The Applicant has identified the residential parking ratios necessary by product type based upon actual experience with their other projects in the region. The adequacy of the proposed on-site residential parking supply is further supported by Walker Parking's experience locally and nationally with consideration of data from the Urban Land Institute as outlined in DEIS Appendix 11, Parking Analysis.

In addition to providing dedicated spaces for all the residential units, the Project offers a number of shared parking opportunities for uses that require parking at different peak times within convenient walking distances of each other. The 550-space commuter lot on the East Parcel will be available for Lighthouse Landing use by residents and others during weeknights and weekends. The project also will provide approximately 455 on-street parking spaces interspersed throughout the Site. These on-street spaces will be available to a variety of people including visitors to the residential units. Section 62.5.1V.12.g of the Village code provides alternative methods of meeting off-street

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parking requirements including: 1) shared parking among various uses within riverfront developments, 2) parking off-site, in private or municipal lots where appropriate arrangements can be made, 3) parking incorporated within buildings, 4) valet parking, and 5) other such parking methods deemed appropriate by the Village.

ZONING COMPLIANCE

4237

- a) What are all the zoning changes and the variances that will be required for this project?
- b) Put together a comprehensive list or table that is easily understood.

6205

5. The zoning table should be completed to indicate conformance for building coverage and impervious surface coverage. The amount of impervious coverage is listed as TBD in the table and as 67.59 acres later in the document. This would result in a coverage of 71.5%, slightly over the permissible maximum. This should be clarified. The RF district also requires a perimeter buffer of 75' required except along Beekman Avenue, River Street and the Hudson River. The plan's conformance with this requirement should also be confirmed. The zoning table should also be adjusted to indicate conformance for height within the 20' and 100' of the Hudson River categories based upon the open space plan and the revised site plan.

PH3404

So the question of blowing out the zoning on parking, you know, I heard in one spot the - I think it was Mr. Weingarten said no one is looking for any zoning changes here or variances or any thing; that's at odds with your Village's plan. I think one parking space per unit for the magical people is a big variance.

...

1500 units with only one parking space per unit if each of the people have two cars, only two cars, means you are going to have another 1500 cars floating up and down this street fighting for the three spaces across the street.

FEIS Table II.A-2 identifies the FEIS Alternative Plan's zoning conformance with the RF District. A review of the table indicates that with the exception of building height in the portion of the Site between the west side of the track and 300 feet to the west⁶, the FEIS Alternative Plan is fully compliant with the dimensional requirements of the RF District. See the response to Comment PH2812 above regarding the basis for the residential parking supply.

⁶ The current RF District maximum building height within this portion of the Site is 42 feet, as compared to a maximum of 65 feet high in the area between 200 feet from the river and 300 feet to the west of the Metro-North tracks, and within the entire East Parcel. Under the FEIS Alternative Plan, the Applicant will seek a zoning amendment to apply the 65 foot maximum height to this portion of the Site as well to permit four of the buildings along Road Four (Buildings A, E, I and N) to be constructed to a five-story (approximately 55 to 60 feet) height.

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6220

20. Based on comments raised during the subcommittee review process, it is likely the concept plan will include changes that may affect building height. The Applicant and the Village Board should consider how these changes might relate to the incentive provided for Section 62.5.1.W.

The Applicant will submit a petition for a zoning amendment to accommodate the additional height along Road Four, consistent with the Village Board's statement related to building height in this area of the Site in Comment 4307.

PM2601

There was some comments early on basically about the zoning. And there was a reference from the standpoint of being less than the permissible zoning in that area, 16 and a half versus 21, which is an eight percent density. What I'm wondering here is when did the - I got the impression, we know the where of it, basically this whole area has been rezoned from industrial to general water district area?

My main question, was there, at that point in time, from the standpoint 21, was there an Environmental Impact Statement of notification at the 21 level?

From the standpoint of zoning, which is a separate legal zoning action, from the standpoint of zoning as well as the Village as a whole, meaning Village Board, did the Village Board approve or neg dec the 21 level at the waterfront at that point in time?

From what I'm gathering from tonight, there is a permissible level of 21.

Sixteen and a half. Twenty-one, was there ever an environmental assessment that was approved by the Village of Sleepy Hollow from a standpoint of a neg dec at the 21 level?

PH4102

The other aspect of this thing I brought up the issue regarding the density of 21, permissible level, 21 single family units what the origins were the last time around. I was somewhat misquoted or misunderstood, I'm not sure which, with regards to the origins of this from the standpoint of LWRP, from the zoning.

A letter from Donald Stever, former Village trustee, responding to this comment was read into the record by Mayor Zegarelli during the February 19, 2005 public hearing. That letter stated in part,

"...More importantly at the time the Andersen study was done, the Village had not yet begun work on the Local Waterfront Revitalization Plan. I was a member of the committee responsible for drafting that plan. As the LWRP evolved, more information concerning the site was developed, and there was a considerable input from experienced and expert land use planning experts. The Waterfront Development District was a component of the LWRP, and that concept, which envisioned a "new

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urbanism" style development containing as many as 1600 residential units site wide was subjected to broad public input within the Village, including an unprecedented mailing of what amounted to a straw poll to all Village residents.

The concept behind zoning districts like the Waterfront Development District is what is called "planned unit development". The basic parameters of the development were provided in considerable detail in the local law, giving potential developers what amounts to a road map as to how the Village wants the site developed. This effectively removes much development discretion from the developer, putting the Village effectively in the driver's seat. It benefits the owner who's essentially told by the local law "If you meet these criteria, you will have an approvable development". In this case, the LWRP and the adjunct Waterfront Development District Zoning specified that the GM site must be developed as a reasonably dense, mixed commercial and residential development that mimics the style of a classic Hudson River town streetscape. The law projects the type of density that is allowable, and it is very specific concerning building heights.

Subject, LWRP and SEQRA. A member of the public inquired whether the LWRP had been subjected to the SEQRA process. Since the LWRP was adopted prior to the time when the current Mayor and Trustees took office, and before Mr. Douglas became the Village Administrator, understandably none of the current local officials had an answer to that question at the information session. I was involved in that process in an official capacity, and the answer to that question is that SEQRA was complied with. The LWRP, which included Riverfront Development District Rezoning, was supported by a Generic Environmental Impact Statement. The EIS and LWRP and associated zoning changes were subjected to at least six public hearings in various locations around the Village, because the Village Officials wanted the maximum possible public input prior to formal adoption of the LWRP. I personally attended each public hearing, and as a member of the drafting committee carefully explained that Waterfront Development Concept and what it meant for the future of the Village. The legislation was adopted at the conclusion of that process and was subsequently agreed to by the secretary of state, as required under New York coastal zone management enabling legislation."

WATER DEPENDENT USES

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- 4335 35. The Applicant has, to date, and in the opinion of the Lead Agency proposed limited public water dependent uses as part of the proposed plan. In an effort to address this issue, the Applicant needs to explore: a. onsite amenities such as a boat house in the vicinity of the cover area between KPP and the GM site, creation of wharf/pier that could be used during the site development process and then turned over to the Village for use as a fishing pier or dockage for excursion ferries, interpretive/support facility for the 1883 Lighthouse, and replacement of a portion of the existing rip-rap with bulkhead to accommodate a potential area for transient boat tie ups; b. efforts to promote water dependent uses off site such as at Horan's Landing where the Village may need some assistance is disposing of dredged material; and c. exploring with the County and the Village improvements to Kingsland Point Park such as: the creation of dingy docks that would support a potential mooring field for transient boat traffic, restoration of the beach area and expanding the park to serve the park facility. Further the Applicant should explore further the concept of the temporary use of the existing bathhouse at KPP for project offices (construction, sales) and then turning it over to the Village for park support activities.
- 4510 Low impact, non-motorized recreational boats should be welcomed on our shores. Inviting type of water craft to our riverfront could also lead to participating in other river related venues such as the Hudson River Ferry-Go-Round and the Clearwater Revival Festival.
- 5026 The DEIS does not provide for water dependent uses. The walking path and new parkland esplanade along the Hudson is a commendable feature permitting open space for the appreciation of the views from the site of the Hudson and Tappan Zee, but does not facilitate use of the Hudson River. The design of a new mouth of the Pocantico River and the design of water dependent uses to such an estuarine river area at an expanded Kingsland Point Park would provide some such uses.
- The availability of the Hudson's federal navigation channel at the end of Beekman would permit the design and provision of a significant pier. This could be designed like the historic pier in Yonkers, and accommodate ferries, and other vessels. It could have a pedestrian viewing area, and even provide an area for recreational fishing. The availability of a pier or wharf should take into account the mooring at Ichabod's Landing that has been provided for the Clearwater or other ships, to dock and have access to the esplanade walkway. The applicant's own project title, "Lighthouse Landing" suggests that a landing will be provided, but none is shown. As a key water dependent use, providing water landing access for ferries and larger vessels, using the navigation channel, as well as small craft, access by water to the site needs to be set forth. The Planning Board had not had presented to it any of the preliminary studies by the Village's open space planners, and to the extent such thinking is relied upon by the applicants, this reliance may well be premature. The views of the Village's consultants needs to reflect the views of the Planning Board and the Waterfront Advisory Committee, and ultimately the Village Board of Trustees, before the applicant can rely on such views to the exclusion of examining reasonable alternatives.

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The relationship of the site to the possible moorings and expanded small craft access at Horan's Landing needs to be discussed. The options of providing such moorings for visiting smaller craft (there is no navigation channel at this location to accommodate larger craft) at the small bay off the tip of Kingsland Point Park on the north-west edge of the GM site (where the paint shop was), needs to be considered, both with and without locating a new estuary from the Pocantico River. The availability of marinas in Tarrytown and elsewhere, or along a part of the shore where the new estuary for the Pocantico River might be established, should be considered.

PH5001

I'm going to show you just a few examples of sections or pieces that have not been fulfilled. For example, regarding the project design, the scope calls for water related uses including riverfront esplanade, potential boat docks or moorings. For the record, that's on Page 5 of the scoping document.

There are no, there is not really a riverfront esplanade, there is just a walkway which is now being the standard for all projects that are being proposed or developed along the Hudson on this side or even on the Jersey Shore.

There are no boat docks or moorings proposed and moving on to the site access, the scoping document calls for riverfront access for recreational tourism and emergency. We don't see any real riverfront access in their proposal for any of these purposes, not even for commuting, for water taxis and also emergencies, very important.

We are a few, about twelve, 13 miles from Indian Point and that could be, that's one of the considerations that has to be, that's important in these times. I'll move on.

Page 8 of the scoping document, the applicant must require to discuss waterfront uses and measures, including water dependent uses. There is not one water dependent uses in that proposal.

The Village's Consulting Planners, in conjunction with the Applicant, have prepared a Waterfront Use Master Plan for the portion of the Village extending from Kingsland Point Park on the north to Horan's Landing on the south as discussed in FEIS Section I and in FEIS Appendix 7A. In coordination with the Village's plan, the FEIS Alternative Plan will provide for a variety of water-dependent uses along the Lighthouse Landing shoreline including a small craft launch pier, a widened and lengthened beach area, a fishing pier, a "dock & dine" dock, and a site for an interpretive center related to the historic lighthouse and Hudson River. Other waterfront uses mentioned in the comments (including the excursion ferry dock at Ichabod's Landing and the reuse of the Kingsland Point Park bathhouse) are located on adjoining properties within the Waterfront Use Master Plan. The components of the FEIS Alternative Plan in combination with the overall Village master plan will provide the public with water-dependent educational, cultural and recreational uses of the

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Hudson River waterfront. According to the Village Administrator, the Village of Sleepy Hollow has applied for grants to refurbish the Kingsland Point Park bathhouse⁷. See also response to Comment 302 regarding Scenic Hudson's Pocantico River proposal in FEIS III.B.

6324

GM was granted land-under-water by the state of New York at a time when the consequences of landfilling on the river were largely unknown or ignored. The location of the plan required the rerouting of the mouth of the Pocantico River to the north, and the filling of a bay. The Public Trust Doctrine, a rule of law with its roots in the Roman Empire, is very clear that land under water, up to mean high tide is held by the state for the benefit of the public.

Understandably, the public was benefited by the GM Plan, which brought the automobile industry to the state. When that use was discontinued the property was no longer used to benefit the public; the property owners are no longer making the beneficial use of the land that they were required to under the Grant; and the development proposed is in no sense, a public benefit. Former lands under water must be used to benefit the public.

For almost a century, GM used this parcel for an industrial water-dependent use. Since 1997, this coastal resource was designated primarily for water-dependent commercial, cultural, educational, entertainment and recreational uses. GM/Roseland's proposal disregards the nature of this unique natural/man-made coastal resource. This coastal resource is priceless, unlike upland real estate property. GM/Roseland and the Village and cannot view it as a moneymaker by or as a tax-generator. The developer must return the landfilled River to public beneficial uses with water-dependent, cultural, educational, entertainment and recreational elements and provide an access system to and along the Hudson River and the Pocantico River.

The Proposed Action has been designed to include uses with water-dependent, cultural, educational, entertainment and recreational elements and provide an access system to and along the Hudson River. Additional water dependent uses have been incorporated into the FEIS Alternative Plan including a small craft launch pier, a widened and lengthened beach area, a fishing pier and a "dock and dine" dock as illustrated in FEIS Figure No. I-2. The proposed on-site water dependent uses will augment the overall Village waterfront master plan being prepared by the Village's Consulting Planners as discussed in FEIS Appendix. 7A. The waterfront components of the FEIS Alternative Plan in combination with the overall Village waterfront master plan will provide the public with water-dependent educational, cultural and recreational uses of the Hudson River waterfront as described in Section I of this document.

⁷ Per July 12, 2006 discussions between the Village Administrator and the Applicant, the Village has applied for grants.

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The FEIS Alternative Plan includes approximately 10.6 acres of riverfront open space with a network of paths creating a continuous pedestrian connection between Kingsland Point Park on the north and the Ichabod's Landing riverfront pathway and Horan's Landing on the south. The project design creates new roadways providing public access to the waterfront and offers the opportunity for residents of the Village to interact with the waterfront in a variety of ways that were previously unavailable on the Site: walking and biking along the esplanade pathways; gathering at the plaza or belvederes; experiencing the waterfront by either living or working at the Site; fishing on the pier or launching non-motorized small crafts from the floating dock and the expanded beach area; and visiting the interpretive center near the historic lighthouse. The mix of land uses that is proposed for the project provides numerous opportunities for a diverse mix of people to physically or visually access the waterfront. The Village has contemplated the reuse of the GM Site with a mix of land uses since 1997 when they adopted the RF zoning that regulates proposed development on the Site.

The regulations of the U.S. Army Corps of Engineers, which has jurisdiction over navigable (or previously navigable) waters, provide that the filling of any previously navigable area prior to May 27, 1970 is considered to have been permitted, and therefore no public interest inquiry is required. See 33 C.F.R. §322.4(a). In any event, in the Applicant's opinion, the public benefits associated with the Project are numerous and substantial, including the donation to the Village of significant portions of the Site for open space, recreation and municipal use, including the Waterfront Park; construction of the esplanade that will provide public access to the Hudson River that has not been available for over a century; a variety of water dependent uses; remediation of the Site; substantial fiscal benefits for both the municipality and school district; and the reconnection of the Hudson River to the inner Village of Sleepy Hollow.

PHILIPSBURG MANOR EXPANSION

2303

My second comment at the February public hearing, which I am recording here, is regarding the use of the 7.6 acres of land at the border of the Development and the Philipsburg Manor Restoration property. The current plan appears to be to give this space for expansion to the PM Restoration. My comment is to use most or all of this space for an additional recreation area for the residents of the Development and Sleepy Hollow residents in general. The space could be used for athletic fields, regular tennis courts (I commend the plan for paddle tennis courts at another location) and even the consideration of a swimming

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pool.

The high density population planned for the Development should get all the recreational space that could be made available with a priority significantly higher than for the Restoration and its cows, goats and tourists that might wander through the area. Please give this your serious consideration and I look forward to your response.

As indicated in the response to Comment PH5901 below, the Applicant proposes to donate the majority of the East Parcel, except for the land under the commuter/resident parking lot, to the Village for municipal purposes. As currently proposed, the Applicant would own, operate and maintain the commuter/resident parking lot. The Village will determine whether land adjoining the Philipsburg Manor Restoration will be provided for expansion of that facility. As shown in the FEIS Alternative Plan, two soccer fields and three tennis courts with adjoining parking are shown on the East Parcel directly south and connecting to the Devries Park baseball fields.

4918

b. The conceptual site plan for the proposed DPW Site on the GM East Parcel (DEIS Figure III.A-9) depicts several features that could have impacts of concern to HHV. In comparison to a conceptual plan that was reviewed in 2003, the proposed composting area would be moved much further to the north rather than being more centrally located on the proposed DPW Site as previously shown. Because of its closer proximity to the Philipsburg Manor site, there is concern about odors that may emanate from that area. In addition, the latest proposed site plan for the DPW Site depicts a structure for the storage of salt, as did the earlier conceptual plan. It is important to recognize that the GM East Parcel is susceptible to flooding and the introduction of a salt storage facility on that site needs to be carefully evaluated since the salt, if spread by flooding, would potentially contaminate the GM East Parcel and cause severe damage to surrounding vegetation.

PH4901

We have two goals for Philipsburg Manor in this process. The first is to protect the historic site or more specifically, to preserve the visitor experience of being able to travel back in time to 1750 with as few 21st Century intrusions as possible.

The second is to expand our conversation about which I'll say more in a minute.

PH4902

We fixed ourselves up and grown stronger in the face of some challenges and with that newfound strength we want to propose an expansion to our site using some of the parcels of land adjacent to the existing property of Philipsburgh Manor. If approximately 10 acres of that land proved environmentally suitable we would like to acquire it for purposes of recreating a key aspect of Philipsburgh's history, that of the tenant farm.

PH4903

The east parcel of the General Motors property seems to present the opportunity. Very few other uses of this land seems possible, especially given its

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past contamination and its present tendency to flood.

The use we propose would add to the green space offered by the development and it would put the land in question to educational use under the stewardship of a nonprofit preservation organization with a long-term stake in this Village.

...

This sketch was submitted to the Village and I know has been a part of the record since the scoping process. But I do want to emphasize our continued interest in pursuing this project if it remains of interest.

PH5901

And one of the things I was most, that brought me to the area, I was living in Manhattan for ten years and I was first drawn here by the historic sites like Lyndhurst and Philipsburg Manor and I was excited about what was said about Philipsburgh Manor tonight because I think the expansion enhancement is a great thing for the area and they have always been an excellent steward of the land and my family has enjoyed immensely over the years and visiting members of my family, it's one of the first things they check out is the Philipse Manor site and I know they will be a great steward and it will be like a time capsule into the future and I think they need to be strengthened.

With the exception of the land under the commuter/resident parking lot, the Applicant proposes to donate all of the East Parcel to the Village for municipal use. The Village will determine whether the land adjoining Historic Hudson Valley's Philipsburg Manor Restoration will be provided for expansion of that facility, along with any restrictions or conditions on the use of that land.

The proposed donation of any property to be dedicated to the Village (the Donated Property) will be subject to certain restrictions to protect the Donor (Roseland/Sleepy Hollow, LLC and General Motors Corporation, also the Applicant). These restrictions are expected to include the following: (a) the uses of the Donated Property must be consistent with and not materially vary from those uses identified in the FEIS and approved in the Village's SEQRA Findings; (b) any material changes in such uses will require the consent of the Donor, and as a condition of any such consent the Donor must be indemnified against any claims arising from such new use, released from any liability arising from activities undertaken to create and from the operation of such new use, and the Donor must be named as an insured party on environmental and other insurance that the Donor determines in its discretion is appropriate; (c) except for utility-related work, landscaping-related activities, emergency work, and excavation required to construct the DPW facility on the East Parcel, excavation below the demarcation barrier to be placed over the Donated Property as part of the remedial process for the Site will be prohibited, except as consented to by the Donor, and as a

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condition of any such consent the Donor must be indemnified against any claims arising from such excavation, released from any liability arising from such excavation, and the Donor must be named as an insured party on environmental and other insurance that the Donor determines in its discretion is appropriate; and (f) a reversionary interest if there is a material breach of any of these provisions.

The design of the proposed Department of Public Works facility to be constructed by the Village on the East Parcel as prepared by Richard Alan Daley Architects, one of the Village Consulting Planners, has been incorporated into the FEIS Alternative Plan (see Figure No. I-2). It includes a main DPW garage building with facilities for vehicles, offices and storage; a separate salt storage building with an internal salt recovery system; material bins and composting area; fueling facilities for Village vehicles; and exterior parking for DPW vehicles and staff. These facilities are described in greater detail in Appendix 7B. The preliminary grading for the facility has been designed so as not to restrict or reduce the existing floodway capacity of the East Parcel relative to the Pocantico River. The salt storage building will be designed to protect against potential flooding. In addition, the need for a salt recovery system to be incorporated into the design of the building to collect any salt run-off (brine) within the building will be considered. These issues will be examined further during the Site Plan review process.

LWRP – GENERAL CONSISTENCY COMMENTS

5001

These written comments on the Draft Environmental Impact Statement supplement and are a complement to the oral comments presented on behalf of the Planning Board on February 19, 2005, by the Planning Board Chairman, Nicholas A. Robinson. The FEIS should respond to these comments as well as to the comments in the statement delivered orally. The Planning Board recommends that the applicants and the Village Board consider closely, and give the appropriate deference to, the findings and recommendations of the Village of Sleepy Hollow's Waterfront Advisory Committee's findings with respect to the Village's LWRP policies. The basic objectives for any development of the site are to be guided by the Village's LWRP, which any FEIS under SEQRA should discuss. Roseland's conclusory statement in the DEIS that the developer believes its plan conforms to the LWRP needs to be elaborated and explained.

5119

Separate Statement of Donald W. Stever, Dissenting in Part and Concurring in Part With Preliminary Consistency Findings, Lighthouse Landing

There Should Not Have Been a Straw Vote on Consistency with the Local Waterfront Revitalization Plan

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I abstained from participating in the Committee's straw vote on Lighthouse Landing because I do not believe that taking a straw vote at such an early stage of review of the project is either necessary or in the best interests of the Village. Procedurally, the purpose of early stage review is for the Committee to provide specific comments to the Applicant on the Applicant's initial proposal. In the case of a large scale development project such as Lighthouse Landing it is given that the scope and design of the project that emerges after completion of the State Environmental Quality Review Act (SEQRA) process will differ, in many ways materially differ, from the initial proposal. The Committee was asked to review and comment on the initial proposal, with respect to which the Board of Trustees, as the Lead Agency under SEQRA, has authorized the circulation of a Draft Environmental Impact Statement for comment. It is not necessary for the Waterfront Advisory Committee to make formal LWRP Consistency Findings in connection with review of a draft EIS. Neither SEQRA nor Village law require any such action and it amounts to nothing more than an academic exercise that is unfortunately subject to misuse.

Pursuant to the DEIS scoping document prepared for the Proposed Action, the Applicant reviewed the Village's LWRP and prepared an analysis outlining the policies relevant to the Site and how the Proposed Action complied with the individual policies. The Applicant's conclusion that the Proposed Action complied with the LWRP was supported by the analysis outlined in DEIS Table III.A-1, which provided a detailed summary of the policies related to the Project. As part of the review of the DEIS, the Waterfront Advisory Committee prepared comments on that DEIS analysis and the Proposed Action. The comment letter prepared by the Waterfront Advisory Committee outlined various policies of the LWRP that were not advanced by the Proposed Action and included numerous recommendations for complying with the LWRP policies.

As noted in Comment 5119 above, the scope and design of Lighthouse Landing may differ from the original DEIS Plan as it continues through the SEQR review process – in fact, the FEIS Alternative Plan described in this document evolved as a result of the public comments on the DEIS Plan. The Applicant has reviewed the comments made by the WAC, village representatives and the general public as part of the DEIS process and has prepared the FEIS Alternative Plan to address many of the concerns outlined by the WAC and noted throughout the public comment period. The revised FEIS Alternative Plan includes a reduction in overall project density, as well as increased water dependent uses, including a small craft launch pier, a widened and lengthened beach area, a fishing pier and a “dock & dine” dock.

The FEIS Alternative Plan is analyzed according to each policy as part

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of these FEIS responses. Detailed responses for each policy are provided in the following subsections.

5633

Consistency with the LWRP

Sleepy Hollow's adopted, approved and concurred Local Waterfront Revitalization Program (LWRP) is based on the premise that "uses requiring a location on the shoreline must be given priority in any development effort" (Explanation of Policy 1, page III-5). Likewise, this approach is consistent with New York State's Coastal Management Program.

Several aspects of Lighthouse Landing's design are inconsistent with policies contained in the Village's LWRP. However, the predominance of residential and retail uses not requiring a waterfront location, and relative lack of water-dependent uses, such as wharves, piers, boat docks, marinas, and fishing facilities, render the proposal wholly inconsistent with this critically important fundamental premise of the Village's LWRP.

Scenic Hudson believes that, as proposed in the DEIS, Lighthouse Landing is inconsistent with several policies contained in the Village's LWRP:

- Lighthouse Landing proposes few water dependent uses and many uses that do not require a waterfront location;
- Lighthouse Landing's site plan would encroach upon Kingsland Point Park;
- Uses in close proximity to the Kingsland Point Park would likely impose visual and noise impacts on the Park;
- Lighthouse Landing's site plan would preclude the possibility of a trail linking the Hudson River with Philipse Manor Restoration along the interface between the former GM site and Kingsland Point Park; and
- The design of buildings is inconsistent with the scale and character of existing development in Sleepy Hollow.

In the Applicant's opinion, the FEIS Alternative Plan enhances the consistency of the Project with the Village's LWRP. Additional water dependent uses such as a small craft launch pier, a widened and lengthened beach area, a fishing pier, and a "dock & dine" dock have been incorporated into the FEIS Alternative Plan. As the WAC notes in its comment letter (see Letter # 51), the Project would create a significant residential and commercial use for an underutilized and deteriorated site, as well as provide a customer base for the Village's commercial area. Significant waterfront park space and trails would link the Site to Kingsland Point Park to the north and the Ichabod's Landing waterfront path to the south. The siting of the Beekman Place main commercial street would provide visual and physical access to the Village's historic Lighthouse.

The FEIS Alternative Plan modifies the site layout to provide a vegetated buffer adjacent to Kingsland Point Park ranging from approximately 75 feet to 175 feet in width, which will be part of the

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project's public riverfront open space as presented in FEIS Figure I-6. A landscaped "wedge park" is planned for project residents in Block O between a grouping of town homes located opposite the narrowest portion of the buffer to provide additional open space in this area.

Architectural guidelines have been developed for the Project by the Applicant's architect and the Village's Consulting Planners, which detail how elements of the Project will capture the character of a Hudson River Village (see FEIS I and FEIS Appendix 2.) The FEIS Alternative Plan has been designed in compliance with the dimensional requirements of the RF Riverfront Development District as discussed in the response to Comments 4237 through PH3404 above.

5101

The Committee found the Project as currently envisioned by the DEIS to be consistent with some of the goals and policies of the Sleepy Hollow Local Waterfront Revitalization Plan ("LWRP") and inconsistent with others. The Committee determined that it would be advisable, in order to provide appropriate guidance to the Applicant, to the Lead Agency for the Project and to other Village agencies, boards and committees having oversight responsibility with respect to the Project, to consider whether the Project as presently contemplated by the DEIS was, on the whole, consistent or inconsistent with the LWRP. The Committee concluded that its concerns over elements of the Project that were found to be inconsistent with certain LWRP policies outweighed its findings of consistency with respect to other policies. The Committee advised that modifications to the Project would have to be made before the Committee could find it consistent with the LWRP. The principal policies forming the basis for the Committee's findings are described below, in numerical sequence as such policies appear in the LWRP. Findings explained below were unanimous, unless otherwise indicated below.

6305

Under the Public Trust Doctrine, which is recognized by the LWRP, the Village has a responsibility to ensure that use of traditionally public lands benefits the public. In this case, the public land at issue is that formerly underwater area of the 95-acre parcel west of the railroad tracks that GM created by dumping "fill" material into the river. Unfortunately, the development as currently proposed confers limited benefits to the public.

If the applicant cannot commit to major changes to the project necessary to address LWRP goals and significant adverse environmental impacts, the project cannot go forward. However, Riverkeeper believes it is still possible to incorporate alternative design and use elements to make the project consistent with the LWRP and other legal requirements. Below find Riverkeeper's vision for the GM site, with access to the Hudson, meaningful open space along the River, and other features.

Riverkeeper's Vision for the GM Site in Sleepy Hollow⁵

- Access:
 - Create a hand-held boat launch with public access and available nearby

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parking (LWRP-RF District);⁶

- Provide a fishing pier (LWRP – RF District); and
- Create fishing access points (LWRP – RF District).
- Open Space Along the River:
 - Increase buffer space along the river with public access and landscaping to 300 feet for the entire riverfront (LWRP – RF District).
- Ecological Restoration:
 - Soften the riverfront with riprap (NYS Grant);
 - Create an ecological/buffer corridor between the site and Kingsland Point Park (consider restoration of the Pocantico's original outlet); and
 - Restore wetlands to the northeast of the development (flood prevention) (LWRP).
- Sustainable Design
 - Use green roof technology where possible (LWRP);
 - Increase the permeable surfaces⁷ using more permeable landscaping materials⁸ (LWRP);
 - On-site (or otherwise adequate) sewage management;
 - BMP/Phase II storm-water management; and
 - Increase the permeable surfaces using permeable paving materials⁹ and techniques (LWRP – RF District).
- Water dependent uses
 - Marinas/boatyards/boathouses (with boat ramps) (LWRP-RF District);
 - Moorings (LWRP – RF District); and
 - Ferry boat uses/facilities or water taxi landings (LWRP – RF District).

⁵ Riverkeeper's vision for the GM site accommodates the Scenic Hudson proposal to restore the Pocantico, and the Village's green crescent mandate.

⁶ Nearby launching sites are: Washington Irving Boat Club Tarrytown and Ossining Municipal Launch Ramp Ossining. Source: <http://www.hrfanj.org/Ramps.htm> (accessed Mar. 10, 2005).

⁷ Although the developer claims that the surface is currently impermeable and that any change will improve permeability, based on visual observation, that is simply not the case. The concrete surface is rife with cracks and holes and the fill on the subsurface is a ready conduit to the River.

⁸ See <http://www.owencell.com/watershed3.html> (accessed Mar. 10, 2005).

⁹ See http://www.Ed-stormwater.net/permeable_pavers/permpavers_benefits.htm (accessed Mar. 10, 2005).

In response to public comments and the comments of the Waterfront Advisory Committee, the Applicant has prepared the FEIS Alternative Plan, which addresses many of the concerns outlined by the Village of Sleepy Hollow WAC in their comment letter (Letter #51).

Additionally, the FEIS Alternative Plan reduces the overall project density and includes many of the suggestions identified by Riverkeeper in their comment letter, including the following:

1. Water dependent uses will be provided on the Site including a small craft boat launch, a widened and lengthened beach area suitable for walking canoes and kayaks into the river, a fishing

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pier, a “dock and dine” dock, and an interpretive center (3,000 square foot, one-story building) and an adjacent 800 square foot boathouse, one-story building) for the historic lighthouse as illustrated in FEIS Figure No. I-2. The on-site water dependent uses will augment the overall Village waterfront master plan being prepared by the Village’s Consulting Planners as discussed in FEIS Appendix 7A. As discussed in Section I of this document, the proposed “dock and dine” dock will accommodate motorized craft and sail boats, but is not intended for ferry boats.

2. On-street public parking spaces will be located directly adjacent to the riverfront park. The proposed project also provides off-street public parking areas in the vicinity of Beekman Place.
3. The Project will include public streets leading to the riverfront park, which will offer a network of pedestrian and bicycle paths to enhance public accessibility to the waterfront.
4. The current shoreline is entirely riprap and will be retained, with the exception of a small area to be removed in connection with the widening and extension of the beach area adjoining Kingsland Point Park. The riprap is generally in good condition, but portions may be restored if determined to be necessary.
5. A newly proposed vegetated buffer will be provided adjacent to Kingsland Point Park. The buffer will generally range from 75 feet to 175 feet in width.
6. The existing drainage ditches constituting .23 acres of jurisdictional wetlands within the East Parcel will be relocated as vegetated water quality swales that will provide stormwater treatment for the East Parcel parking, roads and athletic facilities shown on the FEIS Alternative Plan.
7. The FEIS Alternative Plan will result in an approximate 34 percent reduction in impervious surface coverage on the Site (from 91 acres currently to approximately 60 acres).
8. Stormwater best management practices and measures will be provided including the installation of hydrodynamic separators and the deepening of catch basin sumps, which will comply with the New York State Department of Environmental Conservation’s Phase II stormwater regulations as applied to the Site.
9. The proposed buildings will be designed to comply with applicable building and fire prevention codes and will incorporate energy conservation measures and technologies as discussed in Section II.VII of this document. Energy conservation measures for the project will be addressed as part of the site plan approval application process.
10. Sanitary sewer service for the proposed project will be provided by

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connecting directly to the existing Westchester County Trunk Sewer which traverses the West Parcel.

6301

While the proposed project has the merit of returning the former GM industrial site to partial beneficial use, there are significant flaws in the proposed project which undermine the efforts of the Village to properly develop the site and make the Hudson River the focal point of the community.

The biggest problem with the proposed development is that it is illegal in that it violates a significant number of provisions of the Village's LWRP and various local laws meant to support it: The GM-Roseland proposal to construct "Lighthouse Landing", a dense riverfront project packing in a 147-room hotel, 180,000 square feet of retail space, 50,200 square feet of office space and 1,562 residential units which will increase by 25 percent the existing population of around 9,000 residents, violates the spirit and the letter of the LWRP (Policies 1, 2 and 5, among others), the Village's Waterfront Consistency Review Law ("WCRL")⁴ and the corresponding zoning for the waterfront - Riverfront Development District ("RF District" - Village Code §62-5.1 et seq).

⁴ Local Law No. 7, 1997, Waterfront Consistency Review Law (hereinafter "WCRL", adopted by the Village of Sleepy Hollow on 01/28/97, § 59A-1 et. seq.

6307

Yet, the biggest problem with the proposed development is that it is illegal in that it violates a significant number of provisions of the village's Local Waterfront Revitalization Plan and various local laws meant to support it. The Plan's chief requirement is that any development on the GM site place a priority on "water dependent use," - in other words, those activities that require direct access to, and use of, the water (e.g., marinas, moorings, boat ramps, boatyards, boathouses, ferry or water taxi landings, kayak outfitters). A desire to acquire river views for condominium owners that could be achieved from sites further upland doesn't count. With nearly the entire site devoted to residential and retail development, and only a few water-focused amenities - a small fishing pier and a single set of steps to the river's edge - the water-dependent use standard has not been met. The Village's Waterfront Advisory Committee corroborated our concerns in recently issuing an independent finding that the project, "overall", is inconsistent with the waterfront plan.

6325

...The project's inconsistency with the LWRP causes a violation of the RF District requirements.

Without LWRP consistency the lead agency cannot approve the Development Concept Plan or grant the Special Permit approval for projects with the RF District, requested by the applicant. Moreover, it fails the criteria for the RF District, the specific requirements for the special permit (it does not provide "meaningful permanent public access"), and the Riverfront development design standards.⁵⁵

⁵⁵ *Id.*, §62-5.1(B)(E)(V).

As described herein, the FEIS Alternative Plan reflects many changes

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to the Project to respond to the Village Waterfront Advisory Committee's preliminary findings of inconsistency with certain policies of the Sleepy Hollow LWRP. In response to the DEIS comments, the Applicant has established an FEIS Alternative Plan with a reduction of residential dwelling units from 1,562 to 1,250 units (312 units or approximately 20 percent) in comparison to the DEIS Plan. The FEIS Alternative Plan also provides for a reduction in the proposed commercial floor area in comparison to the DEIS Plan with the retail space (retail store, food market, restaurants, cinema) reduced by 26.7 percent from 180,000 square feet (SF) to 132,000 SF and the office building reduced by 30.3 percent from 50,200 SF to 35,000 SF. The program for the proposed hotel has also been scaled back by eliminating the conference center component, and reducing the number of rooms from 147 to 140 and the restaurant space from 10,000 SF to 5,000 SF.

As illustrated in FEIS Figure No. I-2, the FEIS Alternative Plan incorporates additional water dependent uses including a location for an interpretive center for the lighthouse, small craft launch pier, fishing pier, and "dock and dine" dock. The planned network of pedestrian and bicycle paths within the riverfront park will connect Kingsland Point Park on the north with Ichabod's Landing riverfront path and Horan's Landing on the south. In the Applicant's opinion, the FEIS Alternative Plan is consistent with the objectives of the RF Riverfront Development District as discussed in the response to Comments 4237 through PH3404 above. The Village of Sleepy Hollow Waterfront Advisory Committee (WAC) submitted a comment letter in April 2005 regarding Preliminary Consistency Findings for Lighthouse Landing (see Comment Letter No. 51 in FEIS Volume 2). The proposed project has been revised in response to many of the WACs comments in coordination with the Village's staff and consulting planners. On balance, the Lighthouse Landing project has been planned and designed to be consistent with the policies and achieve the objectives of the Sleepy Hollow LWRP. The Applicant has and will continue to review the project's LWRP consistency with the WAC. The WAC will make its final recommendation to the Village after acceptance of the FEIS.

PH5004

Let me move on to the second point I want to make here today. It is that we believe that the Roseland proposal violates both the spirit and the letter of the LWRP of the local waterfront plan and of the riverfront development district which we all know has been 20 years in the making and have been portrayed as examples of how this project must be conducted. And everybody is sending you the LWRP says, it says that. I say, let the LWRP, the waterfront planning

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speak for itself. ...

So basically, we believe the proposal is upside down. Huge massive residential complex and minimum waterfront access, basically you can get from the, out from the hotel and put your finger near the water, that's the only access that's being provided. This was designated as and it's the only possibility of connecting the Village to the Hudson River. ...

So, we believe that by bringing, that this is an opportunity to bring this site to beneficial use and including a lot of residential, including a lot of open space and we call for GM to take the proposal and restudy it and bring us back real amenities, real waterfront, we can work together with them and have something that benefits everyone.

The RF- Riverfront Development District provides for mixed-use development incorporating residential, commercial and open space components. The FEIS Alternative Plan reduces the overall density of the Project by approximately 20 – 30%, increases the land allocated for open space to approximately 30%, and includes additional water dependent features such as a small craft launch pier, a widened and lengthened beach area, a fishing pier and a “dock and dine” dock. With 1,250 dwelling units and a total site area of 94.5 acres, the FEIS Alternative Plan displays a residential density of 13.2 dwelling units per acre, or 33 percent less than the 19.8 dwelling units per acre permitted in the RF District.

LWRP - POLICIES 1, 1A, 1F, 1G, 1H

5102

LWRP POLICY 1 - RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.

POLICY 1A - RESTORE, REVITALIZE, AND EXPAND RECREATIONAL USES OF KINGSLAND POINT PARK AND THE TARRYTOWN LIGHTHOUSE, INCLUDING THE UNDEVELOPED PARK LAND ADJACENT TO THE POCANTICO RIVER BETWEEN PHILIPSBURG MANOR AND THE RAILROAD.

POLICY 1F - DEVELOP A WATERFRONT PEDESTRIAN ACCESS TRAIL ALONG THE WATERFRONT PERIPHERY OF THE GENERAL MOTORS PROPERTY THAT CAN SERVE TO LINK WITH OTHER TRAILS WITHIN THE VILLAGE AND OF ADJOINING MUNICIPALITIES AND GOVERNMENTS.

POLICY 1G - RESTORE, REVITALIZE, AND REDEVELOP THE VILLAGE'S CENTRAL BUSINESS DISTRICT WITH EMPHASIS ON STABILIZING AND STRENGTHENING EXISTING BUSINESSES, FURTHERING A WATERFRONT IMAGE FOR THE VILLAGE, AND PRESERVING ITS HISTORIC COMMUNITY CHARACTER.

POLICY 1H - ANY REDEVELOPMENT OF THE GENERAL MOTORS PROPERTY, AND THE WATERFRONT AREA IMMEDIATELY SOUTH OF THE GENERAL MOTORS PROPERTY ALONG THE WATERFRONT

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AND ADJACENT TO RIVER STREET, SHOULD BE A COMPREHENSIVELY PLANNED DEVELOPMENT THAT INCLUDES A MIX OF LAND USES AND ACHIEVES A HIGH STANDARD OF SITE PLANNING, ARCHITECTURAL DESIGN, AND IS IN KEEPING WITH THE EXISTING CHARACTER OF THE VILLAGE. THE MIX OF LAND USES SHOULD INCLUDE, AS A PRIORITY, WATER DEPENDENT COMMERCIAL, WATER DEPENDENT AND WATER RELATED PUBLIC RECREATIONAL USES, AND WATERFRONT RELATED PUBLIC EDUCATION AND ENTERTAINMENT. THE MIX OF USES MAY ALSO INCORPORATE RESIDENTIAL AND COMMERCIAL (WITH PREFERENCE FOR SMALL-SCALE COMMERCIAL RETAIL USES WHICH ARE IN KEEPING WITH A WATERFRONT IMAGE.)

The explanation of policies applicable to the Policy 1 group of policies emphasizes that “The intent, especially for areas along the Hudson River and Pocantico River, is to enhance and make the best use of the available visual and water resources, and to increase physical and visual access, increase recreational use and attract people to the waterfront and Beekman Avenue businesses. Waterfront walkways, green areas, connecting trails, and multiple use parks (with orientation or primary uses to the water), are all strongly encouraged.”

The site for the proposed development consists of a former industrial site that, for many years, has been paved over. The Project would create a significant residential and commercial use for this underutilized and deteriorated site. Significant waterfront park space and trails would link the site to Kingsland Point Park to the north and the Ichabod’s Landing waterfront path to the south and the siting of the Beekman Place main commercial street would provide visual and physical access to the Village’s historic Lighthouse. For these and other such reasons, the Committee’s found the Project to be consistent with Policies 1, 1A, 1F and, since the Project presents an opportunity for an expanded customer base for Beekman Avenue Businesses, 1G. With respect to Policy 1G, it was proposed that the Applicant consider a shuttle or similar public transportation system to facilitate access between new commercial operations at the Project site and established business enterprises on Beekman Avenue.

The Committee was, however, unable to find the Project consistent with Policy 1 H, one of the LWPR policies specifically addressing the General Motors property. While recognizing that the park areas included in the Project plan and the inclusion of a waterfront hotel facility would qualify as water related uses, the Committee was troubled by the failure of the Project to make water dependent commercial uses a priority as required by the policy. And although Policy 1H permits the incorporation of uses that are “residential and commercial”, these are permissive uses, not the priority uses contemplated by the LWPR. Essentially, the “mix” of uses for the Project as described in the DEIS consists of a large-scale housing plan of substantial density and physical, with a significant overlay of retail and office space. The single water dependent use presently contemplated by the DEIS is fishing pier of still-undetermined size at a still-undetermined location at the site. The Committee appreciated that the potential river access improvements to be afforded by the addition of riverside parkland would be a valuable water related use, but could not find that the principal land uses contained in the proposal would “maximize possible ties to

II. RESPONSES TO DEIS COMMENTS

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the water”, given priority to “uses which are dependent on a location adjacent to the water”, concentrate “on a mix of land uses that would include as a priority, water dependent commercial, water dependent and water related public recreation, and waterfront related public education and entertainment activities that serve residents of Sleepy Hollow as well as the region, and also develop the Village’s tourism potential” [Explanation of Policies]. The Committee also did not find that the scale and density of the proposed development would be “compatible with the character of the area” or would “foster and maintain the small scale historic character of the Village” [id], although the Committee was cognizant that the proposal did appear to comply with zoning requirements for the area.

5120

Policies 1 - 1A, 1F, 1G and 1H

I would concur in part and dissent in part with the Committee’s view on these policies. I am in agreement with the Committee’s views concerning policies 1, 1A, 1F and 1G. With respect to Policy 1H, I would concur with the Committee’s sentiment that the development, as proposed, provides inadequate water dependent use. There are significant opportunities for water dependent uses since the site is adjacent to Hudson River and a portion of the shoreline runs parallel to and not far from a federally maintained navigation channel. Commitment by the developer to construct a public pier providing access to the site from the vessels would satisfy this policy.

I dissent, however, from the Committee’s statement that the “scale and density of the proposed development” would not be “compatible with the character of the area” or would “foster and maintain the small scale historic character of the Village.” The development is large, to be sure, but so is the site and the developer is not utilizing the entirety of the site, but is in effect leaving more than 30% of the site undeveloped. The developer has carefully designed the streetscape to Village proportions and aesthetics. Finally, it is very important to understand that the proposal, except as noted above, precisely tracks the *mandate* of the Riverfront Zoning District development standards and guidelines. It is less dense than those standards and guidelines provide, and the guidelines were adopted in conjunction with, and must be viewed as inextricably tied to, the Village’s LWRP. As such, the specific development guidelines trump inconsistent, more general provisions, of the LWRP Policies.

5634

Policy 1A: Restore, revitalize, and expand recreational uses of Kingsland Point Park and the Tarrytown Lighthouse, including the undeveloped parkland adjacent to the Pocantico River between Philipsburgh Manor and the railroad.

As described in the DEIS, the tall, multi-story buildings proposed in close proximity to the site’s northern border are likely to loom over and encroach upon Kingsland Point Park. As such, the development would impose significant and adverse visual and noise impacts the park, and would likely diminish the public’s enjoyment of this critical recreational resource. These impacts directly contradict Policy 1A, which calls for the restoration and revitalization of the park and would undermine public investment in the park.

Scenic Hudson suggests that establishing an “ecological and recreational corridor” between the Lighthouse Landing project and Kingsland Point Park could mitigate these impacts. This corridor should be designed to serve as a

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.A · Land Use, Zoning and Public Policy

buffer between Kingsland Point Park and Lighthouse Landing to mitigate visual and noise impacts.

6302

The LWRP's chief requirement is that any development on the GM site place a priority on "water dependent uses," – in other words, those activities that require direct access to, and use of, the water (e.g., marinas, moorings, boat ramps, boatyards, boathouses, ferry or water taxi landings). In particular, the LWRP places emphasis on water dependent commercial, water dependent and water-related public recreational uses, and waterfront related public education and entertainment activities that serve residents of Sleepy Hollow as well as the region (LWRP Policy 1H). With the nearly entire site devoted to residential and retail development, and only a few water-focused amenities – a small fishing pier and a single set of steps to the river's edge – the water-dependent use standard has not been met.

The Village's Waterfront Advisory Committee (WAC) found the Project to be consistent with Policies 1, 1A, 1F and 1G. The WAC recommended that the Project include a form of shuttle service or public transit to facilitate access to and from the Village center. The Applicant will work with the Village to explore the feasibility of expanding the scope of the project's shuttle service during non-commuting hours to connect the Site with the Village center. Additionally, the Project has been designed to both physically and visually connect with the existing Inner Village in an effort to provide convenient access between the Site and the existing commercial area. Beekman Place has been designed with sidewalks, streetlights, street trees and various streetscape improvements to enhance the walkability of the street in an effort to encourage visitors and commuters to the Village downtown and the Site to park in one convenient location and patronize a variety of shops without moving their cars.

LWRP Policy 1H identifies the inclusion of water dependent commercial uses, water dependent and water-related public recreational uses, and waterfront related public education and entertainment activities that would serve residents of Sleepy Hollow as well as the region. The FEIS Alternative Plan includes additional water dependent uses such as a small craft launch dock, a widened and lengthened beach area suitable for walking canoes and kayaks into the river, a third belvedere, a fishing pier, and a "dock and dine" dock. These uses, combined with the waterfront paths connecting Kingsland Point Park and Ichabod's Landing and adjoining open space improvements shown in the Waterfront Use Master Plan prepared by the Village's Consulting Planners (see FEIS Appendix 7A), will serve residents of the Village and the region. These additional water dependent uses will provide the opportunity for Village residents and

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visitors to the Site to access the waterfront both visually and physically. Visual access to the waterfront will be enhanced by additional open space, plaza and pathways. Physical access will be enhanced with a fishing pier, small craft launch dock and beach and a dock for boats.

As discussed in the response to Comments 3501 through PH5703 above, the overall density of the Project has been scaled back under FEIS Alternative Plan. In the Applicant's opinion, the project design remains consistent with the objectives of the RF District. As indicated in the response to Comment 6305 above, the proposed project will provide a vegetated buffer adjacent to Kingsland Point Park. As further described in Comment 6305 above, a variety of water dependent uses will be provided on-site under the FEIS Alternative Plan.

5635

Policy 1F: Develop a waterfront pedestrian access trail along the waterfront periphery of the General Motors property that can serve to link with other trails within the Village and adjoining municipalities and governments.

While Lighthouse Landing proposes a waterfront walkway along the Hudson River shore along the western portion of the site, connections are not provided to other trails within the Village, as this policy requires. The Village's Linkage Study and the Open Space Study call for trail connections between the Hudson River and Philips Manor along the interface between the former GM site and Kingsland Point Park. As proposed, the design of Lighthouse Landing would preclude the possibility of this trail connection in the future.

As suggested above, the project could be made consistent with this policy by incorporating into its design an "ecological and recreational corridor" between the site and Kingsland Point Park. In addition to serving as a visual and noise buffer, the corridor should be designed to provide pedestrian and bicycle trail connection between the waterfront esplanade along the Hudson River and Philipsburg Manor and The Horseman's Trail.

As noted in Comment 5102 above, the WAC determined that the significant waterfront park space and trails would link the Site to Kingsland Point Park to the north and the Ichabod's Landing waterfront path to the south, and the siting of the Beekman Place main commercial street would provide visual and physical access to the Village's historic Lighthouse.

Philipsburg Manor and Devries Park are presently connected to Kingsland Point Park by the existing Horseman's Trail as illustrated on DEIS Figure II.C-54, Village Open Space Framework Plan. However, there is currently no active connection between these points

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since the Kingsland Point Park Pedestrian Bridge has been closed since 1986. According to the Village Administrator, the Village of Sleepy Hollow has applied for grants to repair the Kingsland Point pedestrian bridge.⁸

5636

Policy 1H: Any redevelopment of the General Motors property, and the waterfront area immediately south of the General Motor's property and adjacent to River Street, should be a comprehensively planned development that includes a mix of land uses and achieves a high standard of site planning, architectural design, and is in keeping with the existing character of the Village. The mix of land uses should include, as a priority, water dependent commercial, water dependent and water related public recreational uses, and waterfront related public education and entertainment. The mix of uses may also incorporate residential and commercial (with preference for small-scale commercial retail uses, which are in keeping with a waterfront image).

The DEIS' mix of land uses proposed at Lighthouse Landing includes very few water-dependent uses. No water-dependent commercial uses are proposed. With the exception of the public esplanade, which is a water-enhanced use, the remainder of the 99-acre site, including more than 1,500 residences and over 180,000 sf of retail space, are not water dependent. Indeed, despite the name of the proposed project, there is no "landing" at Lighthouse Landing. While a fishing pier is proposed in the DEIS, no further mention is made nor are plans shown as to where this could occur. We firmly believe that a pier at the end of Beekman Avenue is highly desirable component for the development of this site with water-dependent uses as required in the LWRP. Being adjacent to the federal navigation channel makes it possible to accommodate ferries and other commercial craft.

Further, the proposed layout of four- and five-story equivalent buildings would dominate much of the 99-acre site. In contrast, the Village of Sleepy Hollow consists of a predominance of 2-3 story building with an occasional building of five, six and in rare cases, more stories. The density, intensity, mass, and scale of development proposed in the DEIS, would, in effect, result in the construction of a new city on the waterfront, and would overwhelm the existing character of the Village.

In order to make the project consistent with this policy, the project's mix of uses should be expanded to include commercial uses, such as docking facilities for tour boats, marina, boat rentals, bait and tackle hop, etc., and recreational uses, such as fishing pier, fishing stations along the esplanade, transient dock, etc. In addition, building heights should be more varied – with lower two- and three-story structures sited around the site's periphery.

Further, the establishment of a second course of the Pocantico River in the aforementioned ecological and recreational corridor would provide an opportunity to expand the existing esplanade along the new watercourse, and provide additional opportunities for water-dependent uses, such as boating and

⁸ Per July 12, 2006 discussions between the Village Administrator and the Applicant, the Village has applied for grants.

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fishing, at the project site.

6310

1.3 Preliminary Consistency Review

The Village's Waterfront Advisory Committee ("WAC") conducted a preliminary consistency review based on the DEIS, as required by Local Law No. 14-2002.¹⁷ To review the DEIS, the WAC held two public sessions to carefully analyze the proposed project's consistency with the LWRP.¹⁸ The WAC made a policy-by-policy consistency review, reached an overall finding and made recommendations. It found the project to be inconsistent with the LWRP, in particular with the development policies (policies 1H, 2 and 5), and offered "suggestions concerning the modifications of the proposed action to make it consistent with LWRP policy standards and conditions or to better advance them," as required by the LCRL (Local Law No. 14-2002).¹⁹

The WAC is an involved agency and therefore its preliminary consistency determination must be incorporated in the FEIS. Moreover, the FEIS must explain whether the lead agency concurs or disagrees with the WAC's preliminary findings and recommendations, and develop a comprehensive waterfront consistency review to overcome the DEIS' deficient LWRP analysis.²⁰

1.4 Riverkeeper's LWRP Consistency Comments

Riverkeeper supports the WAC's overall conclusion that the proposed project is inconsistent with the LWRP, and respectfully submits additional comments on the applicant's failures to meet or advance the LWRP's standards and conditions for this particular site.

1.4.1 Revitalize the deteriorated and underutilized waterfront area (Policies 1, 1A, 1B, 1C, 1E, 1F, 1G, 1H, 1J and 1K).

The key development policies applicable to the redevelopment of the GM site are:

Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

The applicant seeks approval for a massive residential redevelopment and few non-water dependent commercial and retail uses along the Hudson waterfront. Policy 1, however, mentions explicitly the following uses: "commercial, industrial, cultural, recreational, and other compatible uses." As in the State's coastal policies, LWRP Policy 1 places clear emphasis on non-residential uses. Thus, the proposed project is flatly inconsistent with Policy 1.

Policy 1H: Any redevelopment of the General Motors property, and the waterfront area immediately south of the General Motors property along the waterfront and adjacent to River Street, should be a comprehensively planned development that includes a mix of land uses and achieves a high standard of site planning, architectural design, and in keeping with the existing character of the village.

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The mix of land uses should include, as a priority, water dependent commercial, water dependent and water related public recreational uses, and waterfront related public education and entertainment. The mix of uses may also incorporate residential and commercial (with preference for small-scale commercial retail uses which are in keeping with a waterfront image. (emphasis added.)

This policy, specifically tailored for the redevelopment GM site, categorically states that the mix of land uses must include, *as a priority, water dependent commercial, water dependent and water-related public recreational uses, and waterfront-related public education and entertainment.* In sharp contrast with this requirement, the proposed project does not feature any water dependent commercial uses, water dependent recreational uses, or waterfront related public education and entertainment.²² Instead, the community is given a riverfront walkway – a thin sliver of land the developer cynically hopes will universally fill every aspect of the LWRP’s waterfront demands.

Moreover, while the LWRP also allows a mix of uses that include some non-water depended uses such as residential, it indicates a preference for “small scale commercial retail uses.” The applicant proposes quite the opposite: a massive development dominated by an excessive and unsustainable number of residential units. Indeed, the large residential development, composed of 1,562 rental and condominium ownership units in three to five-story apartment buildings and townhouses, occupies all except 2 building blocks designated for retail (5 have residential above retail).²³ Affordable units are limited, in violation of the requirement that development on the GM site should “*appeal to a variety of age groups and economic levels.*”²⁴

¹⁷ WCRL, §59A-5(E)(1), *supra* note4 (Amended by Local Law No. 14-2003 on 10/18/2002).

¹⁸ On 03/02/05 and 3/20/05.

¹⁹ WCRL, §59A-5(E)(1), *supra* note4 (Amended by Local Law No. 14-2003 on 10/18/2002).

²⁰ As the WAC’s preliminary consistency determination shows, and is discussed further below, the DEIS did not offer a substantial analysis of consistency with the LWRP. In the DEIS, the applicant included a single paragraph on LWRP consistency – at page III-A-20 – and a summary table (Table I-A). Further, the applicant did not provide any analysis on many policy standards because it inappropriately assumed that many policies were inapplicable to the project.

²² See DEIS, Proposed Site Map, Figure II-C-1 & Section II-C-1.

²³ *Id.*

²⁴ LWRP, Policy 1, Condition (d) for the GM Site.

The mix of uses proposed for the Project includes water dependent and water related public recreational uses, and waterfront related public education and entertainment. The mix of uses also incorporates residential and commercial uses. As noted above in the response to Comment No. 6302 additional water dependent uses,

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including a small craft launch dock, a widened and lengthened beach area, a fishing pier and a “dock and dine” dock have been included in the FEIS Alternative Plan in coordination with the overall Village waterfront master plan being prepared by the Village’s Consulting Planners in conjunction with the Applicant. The L-shaped fishing pier has been located just west of the extension of Beekman Avenue, in order to provide some separation between it and the boat tie-up area along the Ichabod’s Landing bulkhead to the south. Due to the location of the federal navigation channel parallel to the Site’s southeast shoreline, and the open exposure of the Site’s west shoreline (and the location of the historic lighthouse), a marina would not be functionally or visually appropriate along the Site’s river frontage. The Village Consulting Planners have tentatively identified more protected sites for both a marina (adjacent to Horan’s Landing Park south of the Site) and a mooring field (adjacent to the Kingsland Point Park cove north of the Site) in the Waterfront Use Master Plan. See FEIS Appendix 7A; however, due to potential development constraints, other locations may be considered.

The Project includes a reduction in the retail component from 180,000 SF to 132,000 SF. Approximately 43,000 SF of the retail component would be comprised of a food market and cinema to serve the residents of the Site and surrounding neighborhoods, as well as visitors who may patronize restaurants, shops and entertainment facilities. The remaining 89,000 SF (5,000 SF for the hotel restaurant) of retail commercial use is provided as part of an overall mixed use development. The determination of specific tenants for the commercial uses (and thus, characterizing the uses as “water-dependent commercial”) is premature. By including a combination of land uses, the Project will likely be attractive in the marketplace for a variety of tenants. The retail commercial use in the shops along Beekman Place would be available for various tenants, including water dependent tenants such as bait and tackle shops, tour boat operators, kayak rentals, etc. The proximity of the available commercial space to the waterfront may draw specific tenants that would benefit from waterfront access. Water dependent commercial uses would not be precluded from the Site. Since tenancies are variable throughout the years and depend upon market forces, the inclusion of retail commercial space as part of the Project simply allows for the possibility of water dependent commercial uses to exist on the Site.

As indicated in the response to Comments 3501 through PH5703 above, the overall density of the Project has been scaled back under

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FEIS Alternative Plan. In the Applicant's opinion, the Project remains consistent with the objectives of the RF District and has been designed to reflect the feeling and character of a Hudson River Village as discussed in Section I of this document. Building heights under the FEIS Alternative Plan vary from three to five stories and include design features to create visual interest and variety while respecting the height and scale set by neighboring buildings. The proposed buildings will allow variety and interruptions in roof forms and skyline treatment that will enhance the sense of pedestrian scale while screening mechanical equipment. Of the 34 townhomes proposed along Road One opposite the waterfront park, it is anticipated that approximately one quarter will be 3-story units while the remainder to be 4-story units. Buildings located close to streets and roadways give definition to the street as a public realm, and create a comfortable sense of place for pedestrians. The streetscape and landscaping of the public spaces will visually organize Lighthouse Landing, linking common areas and important architectural features. The architectural inspiration of the project will draw upon local and regional styles and offer a variety of typologies distributed throughout the development contributing to a sense of diversity. (See the Architectural Design Guidelines presented in FEIS Appendix 2 for more detailed information.)

LWRP - POLICIES 2 & 2A

5103

POLICY 2 - FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.
POLICY 2A - DOCKS, BOATS RAMPS, MOORING FACILITIES, AND OTHER SIMILAR STRUCTURES OR FACILITIES WILL BE DESIGNED AND SITED TO PROTECT NAVIGATION, ASSURE ACCESS BETWEEN WATER AND SHORE, AND MINIMIZE VISUAL AND ENVIRONMENTAL IMPACTS.

The Committee found the Project to be inconsistent with Policies 2 and 2A, due to the failure of the Project to include, to any material extent, significant water-dependent uses adjacent to the Hudson River and the lack of any designs for docks, boat ramps, mooring facilities, and other similar structures or facilities.

5121

Policies 2, 2A
I would generally concur with the Committee's sentiment concerning the Project's consistency with these policies, as discussed in connection with Policy 1H above.

5637

Policy 2: Facilitate the siting of dependent uses and facilities on or adjacent to coastal waters.

As indicated in our analysis of Policy 1H above, the mix of land uses proposed

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at Lighthouse Landing does not include sufficient water-dependent uses. The vast majority of uses proposed for this 99-acre site – residential, retail and office – do not require a waterfront location and, thus, are not water dependent.

The project could be made consistent with this policy by expanding the scope and scale of water-dependent uses with the establishment of a new outlet for Pocantico River, which would flow through an ecological and recreational corridor between Lighthouse Landing and Kingsland Point Park. The new outlet of the Pocantico would create approximately 1,500 feet of new waterfront, thus expanding the opportunities for water-dependent uses, such as boating, fishing and nature observation.

6310.1

1.4.2 Retain and promote commercial and recreational water-dependent use (Policies 2 and 2A).

Water dependent use, as defined by New York's Executive Law, means an "activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water."²⁵ With nearly the entire site devoted to residential development, and only a few water-focused amenities – a small fishing pier and a single set of steps to the river's edge – the water-dependent use standard has not been met.

The LWRP states, "[w]ith redevelopment of the General Motors site in the future, the RF – Riverfront Development Zoning District provides a strong emphasis and encouragement for water-dependent commercial uses such as marinas. Thus, it is anticipated that associated with redevelopment of the General Motors site will be additional marina types of uses and related small retail boat service uses."²⁶ The plan contains no dock, no marinas or moorings – only the most minimal connection to the Hudson River, and no reason this development should be sited on this priceless piece of the Hudson River waterfront.

²⁵ Article 42 of New York Executive Law § 911 (7).

²⁶ LWRP, p. IV-7.

As illustrated in FEIS Figure No. I-2, the FEIS Alternative Plan does include numerous water-dependent recreational, educational and commercial uses. The new program includes a fishing pier, a small craft launch pier and a "dock and dine" dock adjacent to the hotel. As noted in the response above, the retail uses would be available for various tenants, including water dependent tenants. Water dependent commercial uses would not be precluded from the Site. The inclusion of retail commercial space as part of the Project simply allows for the possibility of water dependent commercial uses to exist on the Site. Additionally, an educational interpretive center to be operated by the Village to complement the historic lighthouse is also shown. As illustrated and discussed in FEIS Appendix 7A, the Village's

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Consulting Planners have prepared an overall waterfront master plan for the entire Village which evaluates the access opportunities and water dependent uses for the entire waterfront comprehensively.

See also response to Comment 302 in FEIS III.B related to Scenic Hudson Pocantico River proposal.

LWRP – POLICIES 5, 5A & 5B

5104

POLICY 5 - ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.

POLICY 5A - DISCOURAGE THE DEVELOPMENT OF USES WHICH, BY REASON OF THEIR DEMAND FOR NEW COMMUNITY SERVICES AND FACILITIES OR THEIR IMPOSITION OF BURDENS ON EXISTING SERVICES AND FACILITIES, WOULD REQUIRE DISPROPORTIONATE PUBLIC COST IN COMPARISON TO PUBLIC BENEFITS.

The Committee gave careful consideration to the impact of the proposed Project on existing services and facilities in the Village. The Committee was satisfied that sewer and gas and electric needs of the Project components could be adequately served by available facilities. The Committee noted, however, that points to be “considered in assessing the adequacy of an area’s infrastructure and public services” included the following: “Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development” and “Development’s water needs (consumptive and firefighting) can be met by the existing water supply system”. One member of the Committee observed that the adequacy of water resources for the site might be dependent on the Village’s still-unresolved efforts to find an appropriate location for the additional water storage facility recently mandated by the State of New York. Of still greater concern to the Committee was the fact that it could not find that, given the size and scale and resulting density of the proposed uses at the Project site, the existing Village streets would be adequate to serve the resulting demand if the Project were developed as outlined in the DEIS. The Committee was not convinced that the traffic studies conducted by or on behalf of the Applicant presented a realistic view of the likely impact of the Project on existing roadway facilities.

5122

Policies 5 & 5A

For the same basic reasoning behind my dissent from the Committee’s conclusions regarding Policy 1H, I would dissent from the Committee’s conclusions concerning Policy 5. The Riverfront Development District standards and density guidelines of necessity assume that traffic generated by a development that meets those standards can be assimilated by the available roadway capacity. The Committee possesses no traffic management expertise and is not in any position to criticize the Applicant’s traffic analyses. At the time the LWRP and the accompanying rezoning of the parcel in question by the Riverfront Development District impacts of traffic that resulted from multi-shift operation of a 3.5 million square foot automobile assembly plant

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employing more than 2,000 workers was considered the relevant comparison for future re-use traffic impacts. The impacts from the proposal are far less than those that resulted from the prior use. It is certainly the case that traffic impacts from this Project will have to be carefully studied, and that the SEQRA process may result in the imposition of some sort of mitigation requirement. However, that fact does not translate into a lack of consistency with Policies 5 and 5A.

The Committee's brief mention of the Village's water supply is simply premised on an erroneous set of a factual assumption on the part of Committee members.

6304

There are many problems with the GM proposal related to traffic, sewage and storm water controls, schools and the possibility that the added infrastructure costs will overwhelm any tax revenue, causing local property taxes to increase. (SEQRA, LWRP Policy 5).

6311

1.4.4. Ensure that development occurs where adequate public infrastructure (Policies 5, 5A and 5B).

As a former industrial site, the project site certainly has public utility connection and services that may be restored for redeveloping the site. However, public infrastructure for a massive mixed-use complex prioritizing residential uses requires a different set of conditions. In order to have adequate public infrastructure, access to/from the GM site, road networks, and traffic generation, have to be seriously factored and measured.²³ Also potable water demand and sewage output (including combines sewage overflow conditions – see discussion on sewage (G-14) below), must be looked at in that context.

The explanation of this policy sets forth standards to be used in making a determination that the infrastructure is adequate for a development on the coastal area, and provides must accomplish the following:

- Strengthen existing residential, industrial and commercial centers;
- Foster an orderly pattern growth;
- Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
- Preserve open space in sufficient amounts; and
- Foster energy conservation.

Further, as noted above, pursuant to the LWRP it is mandatory that any “[f]uture development of the site shall be designed and arranged in such a way as to promote energy conservation and efficiency to the maximum extent practicable for all buildings.²⁹ The DEIS does not adequately assess the project's compliance with these standards and conditions.

²⁸ Concerned with adequate access in and out of the site the LWRP established that “public access linkages to the rest of the Village, in particular to the downtown commercial districts and to the Philipse Manor Train Station should be established.” See LWRP, Policy 1, Condition (f) for the GM Site.

²⁹ LWRP, Policy 1, Condition (n) for the GM Site.

The Village's Waterfront Advisory Committee evaluated the Project

II. RESPONSES TO DEIS COMMENTS

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regarding the potential impacts associated with sewer, gas and electric needs and determined that the needs of the Project could be served adequately by existing services. A detailed traffic analysis was conducted for the DEIS Plan and potential mitigation measures were outlined as part of the analysis. Additional traffic studies were completed on the revised FEIS Alternative Plan (with a reduction in overall project density) and those results can be found in FEIS Section II.I (Traffic and Parking) and in the revised Traffic Study in FEIS Appendix 6. The traffic analyses were conducted by professional traffic engineers following accepted industry standards for modeling of traffic conditions.

The FEIS Alternative Plan considers the provision of a new water tank on the East Parcel sized to a capacity suitable to meet the water supply needs of the proposed project. The tank would be installed on-site in the event the Village's planned water storage facilities are not in place before the project is constructed. The reduction in the overall project density under the FEIS Alternative Plan will result in decreases in the on-site resident and worker populations. As such, utility demand loads and potential impacts on other public services will be reduced under the FEIS Alternative Plan.

As discussed in Section I of this document, the project has been designed as a mixed-use waterfront development consistent with the objectives of the RF zoning district. The FEIS Alternative Plan provides for approximately 14.7 acres of publicly accessible open space as indicated in the response to Comments 3501 through PH5703 above. Energy conservation measures planned for the project are discussed in Section II.VII of this document.

As noted in the comment, the Policy sets forth standards to be used in making a determination that the infrastructure is adequate for a development on the coastal area. The Project strengthens the existing residential and commercial areas by reusing a former industrial site that is within close proximity of the Village's downtown and its shops and services, locating it adjacent to a proposed train station, providing complementary retail, office and entertainment uses to the downtown, and providing additional office and residential market for the downtown commercial businesses. The Project is a planned development that provides for orderly growth near the center of the Village (rather than in outlying areas) by including a variety of land uses, public and private open space, proposed transit alternatives, and proposed infrastructure improvements (new roadways, stormwater

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management facilities, a site for an emergency service building, replacement of the Beekman Avenue bridge superstructure, and replacement of the northern span of the existing viaduct, concrete deck and guide rails) in order to mitigate potential impacts. The Project design also sets aside 30% of the Site as open space and provides numerous access points for visitor and residents to enjoy the waterfront.

LWRP - POLICIES 7A, 7B & 7D

5105

POLICY 7 A - THE PHILIPSBURG MANOR AND DEVRIES FIELD WETLAND/WATERCOURSE AREAS OF THE POCANTICO RIVER SHALL BE PROTECTED, PRESERVED, AND WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A LOCALLY SIGNIFICANT HABITAT.

POLICY 7D - THE HUDSON RIVER IMMEDIATELY ADJACENT AND WITHIN 1000 FEET OF THE VILLAGE'S SHORELINE SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A LOCALLY SIGNIFICANT HABITAT.

Policy 7D was found by the Committee to be relevant to a limited extent and the Project to be consistent with this policy in that the existing riprap along the edge of the Hudson River would be restored where necessary, with potential benefits to marine life in the River. The Committee did not find any inconsistency of the Project with Policy 7A since the Project as presently designed would not affect the Pocantico River. However, certain parties have suggested that the original course of the Pocantico River could be restored. The Committee urged the Applicant to continue to study the possibility, which would have the potential to re-create a locally significant habitat.

5123

Policies 7A and 7D

I would generally concur with the Committee's view, except that it is not the responsibility of the private developer Applicant to study creation of a new outlet for the Pocantico River. The proposal that is referred to suggest that the Project set aside additional open space southeast of Kingsland Point park between the Hudson River and the railroad right-of-way so that land would be available for future creation of an additional outlet for the Pocantico River should further studies *by third parties* and funding (presumably by some Government entity) make that feasible. Thus, I would clarify the statement.

5638

Policy 7B: The Philipsburg manor and Devries Field wetland/watercourse areas of the Pocantico River shall be protected, preserved and, where practical, restored so as to maintain its viability as a locally significant habitat.

With the exception of minor improvements to wetlands at Devries Field, the proposed development at Lighthouse Landing does not protect, preserve or restore the Pocantico River's watercourse or associated wetlands. In fact, as proposed, the redevelopment of this highly disturbed site, which for the most part was "created" by filling in of a bay, misses a critical opportunity to

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preserve, protect, and restore the Pocantico River.

The project's design should capitalize on this opportunity to seriously consider the benefits and costs of a restoration, where feasible, of the Pocantico River's original course. Such an approach would likely support far greater biological diversity and would better protect the floodplain below the dam at Philipsburg manor, including addressing existing flooding of Devries Park. This enhanced approach would be consistent with Policy 7B and would substantially advance this policy.

The WAC determined that the Project was consistent with policy 7D since the existing riprap along the edge of the Hudson River would be restored where necessary, with potential benefits to marine life in the River. The WAC did not find any inconsistency of the Project with Policy 7A since the Project as presently designed would not affect the Pocantico River.

Additionally, The FEIS Alternative Plan reduces the overall density of the project by 20 – 30% and modifies the site layout to provide a vegetated buffer adjacent to Kingsland Point Park ranging from approximately 75 feet to 175 feet in width. See also response to Comment 302 in FEIS III.B related to Scenic Hudson Pocantico River proposal.

LWRP – POLICIES 8 & 8A

5106

POLICY 8 - PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUB LETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

POLICY 8A - CONTROL THE INTRODUCTION OF NEW INDUSTRIES OR TECHNOLOGY WHICH COULD INCREASE THE PRESENCE OF HAZARDOUS MATERIAL WITHIN THE SLEEPY HOLLOW WATERFRONT AREA.

The Committee found that the reduction of the current impermeable surface at the site would reduce run-off to the River from the site and would tend to protect fish and wildlife resources. The Applicant has also undertaken to remove lead present at the site and to cap contaminated soil. The Committee found these actions to be consistent with Policies 8 and 8A.

5124

Policies 8, 8A, 9, 11, 13A, 13B, 14, 17, 17A, 18, 18A, 18B, 18C, 19, 19A, 19B, 19C, 19D and 19E

I would concur with the Committee's sentiment with respect to these policies.

6313

1.4.6 Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7, 7A, 7B, &c, 8, 8A and 8B).

II. RESPONSES TO DEIS COMMENTS

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Several measures must be taken to ensure this policy is complied with including measures to avoid site run-off. See discussion below for 1.4.13 and 1.4.14.

The Village Waterfront Advisory Committee found the Project to be consistent with Policies 8 and 8A. Stormwater measures for the FEIS Alternative Plan will utilize best management practices including the installation of hydrodynamic separators (sediment and oil removal), the deepening of catch basin sumps, and the creation of water quality swales on the East Parcel to comply with the NYS DEC Phase II stormwater regulations as applied to the Site. The proposed stormwater measures are described in further detail in FEIS Section II.B. The grading for the East Parcel Village improvements (soccer fields, tennis courts, DPW yard) and parking facilities will be undertaken so there is no change to the floodway capacity of the Site with regard to the Pocantico River.

LWRP – POLICIES 9 & 10

5107

POLICY 9 - EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCK, AND DEVELOPING NEW RESOURCES.

The Committee observed that the proposed inclusion of a fishing pier as part of the Project would constitute expansion of recreational use of fish resources in the coastal area. It was the recommendation of the Committee that the pier should be made as capacious as possible.

6314

1.4.7 Encourage and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9, 10).

In the DEIS, the applicant discusses the possibility of providing a small fishing pier, but does not make a firm commitment of its construction. We agree with the WAC's recommendation that a larger pier be required for this site.

As illustrated on FEIS Figure No. I-2 , the FEIS Alternative Plan includes an L-shaped fishing pier located along the southern portion of the Site's shoreline.

LWRP – POLICY 11

5108

POLICY 11 - BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIFE CAUSED BY FLOODING AND EROSION.

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.A · Land Use, Zoning and Public Policy

The Committee believed that the setbacks from the Hudson River and the elevations of the structures on the site were consistent with Policy 11.

6315

1.4.8 Minimize flooding and erosion hazards through nonstructural means, carefully selected, long-term structural measures and appropriate siting of structure (Policies 11, 13, 13A, 13B, 14, 15, 16, 16A, 16B, 17 and 17A).

Two issues must be considered with regards to these policies. First, the applicant (GM) is required, under a NYS letter patent, to have rip-rap along the shoreline.³⁴ Therefore, Village must enforce this condition at the approval stage.³⁵ Second, flooding control measures, including the opening of a second-mouth to the Pocantico must be analyzed. The DEIS does not provide enough information on the baseline condition or possibilities for minimizing impacts from flooding.

³⁴ NYS Letter Patent, December 21st, 1957.

³⁵ Rip rap is defined by the *Natural Resources Commission* in 312 IAC 11-2-20, Sec. 20, as follows: "Riprap" means angular, limestone rock that satisfies each of the following conditions: (1) No individual piece weighs more than one hundred twenty (120) pounds. (2) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve. (3) Between twenty percent (20%) and sixty percent (60%) of the material passes through a six (6) inch sieve. (4) Not more than ten percent (10%) of the material passes through a one and one-half (1 ½) inch sieve.

As described in Section III.B.2.(6) of the DEIS, the riprap along the Site's shoreline is to be maintained and repaired. The grading for the East Parcel Village improvements (soccer fields, tennis courts, DPW yard) and parking facilities will be undertaken so there is no change to the floodway capacity of the Site with regard to the Pocantico River. The existing impervious surface on the East Parcel is 21.6 acres. The proposed impervious surface is about 12 acres, representing a reduction of approximately 44 percent.

LWRP - POLICIES 13A-B & 14

5109

POLICY 13A - THE EXISTING BULKHEADS ALONG THE HUDSON RIVER SHALL BE MAINTAINED IN GOOD CONDITION. NEW OR EXPANDED WATERFRONT DEVELOPMENT SHALL BE REQUIRED TO RESTORE AND MAINTAIN EROSION AND FLOOD CONTROL STRUCTURES ALONG THEIR RIVER FRONTAGE

POLICY 13B - THE CONSTRUCTION OR RECONSTRUCTION OF DOCKS, BOATHOUSES, BOAT HOISTS, PUBLIC ACCESS FACILITIES AND OTHER SHORELINE STRUCTURES SHALL BE UNDERTAKEN IN A MANNER WHICH WILL, TO THE MAXIMUM EXTENT PRACTICABLE, PROTECT AGAINST OR WITHSTAND THE DESTRUCTIVE FORCES OF WAVE ACTION AND ICE MOVEMENT.

POLICY 14 - ACTIVITIES AND DEVELOPMENT, INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT

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THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.

It was noted that most riprap along the River was in good condition and that the Applicant would make repairs where necessary, making the Project consistent with Policy 13A. The placement of the proposed pier at the site has not been decided and other shoreline structures have not been proposed in the DEIS. The Committee therefore found the Project was conditionally consistent with Policies 13B and 14 subject to the Applicant's use of appropriate construction materials and placement of the pier and other shoreline structure at appropriate locations.

The proposed water dependent uses for the FEIS Alternative Plan, including the fishing pier, small craft launch pier, and "dock and dine" dock, have been sited and designed to avoid erosion of the shoreline and protect against wave action and ice movement. More detailed discussion of these waterfront elements is presented in Section I of this document.

LWRP - POLICIES 17 & 17A

5110

POLICY 17 - NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION SHALL BE USED WHENEVER POSSIBLE.
POLICY 17A - PROTECT THE STEEP SLOPES AND HILLSIDES THROUGHOUT THE VILLAGE THROUGH THE USE OF NONSTRUCTURAL MEASURES, WHERE PRACTICAL, TO PREVENT EROSION, ESPECIALLY THROUGH THE RETENTION, OR PLANTING OF VEGETATIVE COVERS.

The Committee noted that these policies were marginally applicable to the Project and found that the proposed use of vegetation to stabilize soil and mitigate run-off would make the Project consistent with Policies Policy 17 and 17A, conditional on Applicant's installation of appropriate vegetative cover at appropriate locations on the site.

Comment noted.

LWRP - POLICIES 18 & 18A-C

5111

POLICY 18 - TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.
POLICY 18A - PROTECT THE VITAL ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL INTERESTS OF THE VILLAGE

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IN THE EVALUATION OF ANY PROPOSAL FOR NEW ROADS, ROAD WIDENING OR INFRASTRUCTURE.

POLICY 18B - TO PROTECT THE SOCIAL INTEREST OF THE VILLAGE, PROPOSED ACTIONS MUST GIVE FULL CONSIDERATION TO THE IMPACTS OF SUCH ACTIONS ON COMMUNITY AND CULTURAL RESOURCES OF THE VILLAGE AND THE QUALITY OF LIFE SUCH RESOURCES SUPPORT.

POLICY 18C - TO PROTECT THE ENVIRONMENTAL INTERESTS OF THE VILLAGE, PROPOSED ACTIONS MUST GIVE FULL CONSIDERATION TO THE IMPACTS OF SUCH ACTIONS ON VALUABLE AND SENSITIVE NATURAL RESOURCES OF THE VILLAGE.

The Committee found no inconsistency between the project and these policies and noted, in particular, that the improved recreational access provided by the plan, including playing fields and public open spaces, and the reservation of part of the site for a new Village Department of Public Works facility were protective of the Village's social and environmental interests and quality of life. The Committee's findings on these policies were unanimous, except that the finding of consistency with respect to Policy 18B had one dissenting vote, based on the member's view that the Project's adverse impact on roads and traffic (see findings with respect to Policy 5 and 5A) would have an unacceptably adverse effect on the quality of life in the Village.

6316

1.4.9 Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18, 18A, 18B and 18C).

See discussion above for policies 1H (G-1) and 5 (G-4).

Comment noted.

LWRP – POLICIES 19 & 19A-E, 20

5112

POLICY 19 - PROTECT, MAINTAIN, AND INCREASE THE LEVELS AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS, AND WATERFRONT PARKS.

POLICY 19A - PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO THE PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES OF KINGSLAND POINT PARK AND ENCOURAGE THEIR INCREASED UTILIZATION AND DEVELOPMENT.

POLICY 19B - RECOGNIZE THE REGIONAL AND STATE-WIDE HISTORIC IMPORTANCE OF PHILIPSBURG MANOR, SLEEPY HOLLOW CEMETERY, THE OLD CROTON AQUEDUCT, THE OLD

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DUTCH CHURCH, PATRIOTS PARK, AND KINGSLAND POINT LIGHTHOUSE AND ENCOURAGE PROTECTION AND PUBLIC UTILIZATION OF THESE PROPERTIES AND RESOURCES.

POLICY 19C - ENCOURAGE, DEVELOP, PROTECT, AND MAINTAIN LINEAR PEDESTRIAN WATERFRONT ACCESS TO AND LINKAGES BETWEEN THE VILLAGE'S RIVERFRONT PARK ON RIVER STREET TO KINGSLAND POINT LIGHTHOUSE AND KINGSLAND POINT PARK.

POLICY 19D - ENCOURAGE, DEVELOP, PROTECT, AND MAINTAIN APPROPRIATE PUBLIC ACCESS TO AND LINKAGES BETWEEN KINGSLAND POINT PARK, DEVRIES FIELD, PHILIPSBURG MANOR, DOUGLAS PARK, SLEEPY HOLLOW CEMETERY, THE OLD CROTON AQUEDUCT, THE ROCKEFELLER STATE PARK PRESERVE LANDS, AND ALONG THE HUDSON RIVER AND RIVERSIDE DRIVE NORTH OF THE MOUTH OF THE POCANTICO RIVER.

POLICY 19E - THE CURRENTLY UNDERUTILIZED VILLAGE RIVERFRONT PARK PROPERTY ALONG RIVER STREET SHOULD REMAIN PUBLICLY OWNED WITH FUTURE IMPROVEMENTS PROVIDING FOR PUBLIC ACCESS TO THE RIVER AND WATER RELATED RECREATION.

POLICY 20 - ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED AND IT SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES.

At present, the General Motors site is fenced and there is no public access to the Hudson River from this property. The Project would include public parklands and walkways along the River with a possible opportunity to touch the River using a pedestrian stairway to the water's edge. New access to Kingsland point Park would be afforded by a new approach to the park from through the Lighthouse Landing site, with parking made available for Kingsland Point Park visitors. Access to the Kingsland Point Lighthouse would also be facilitated, with the new Beekman Place artery leading directly to the Lighthouse. The pedestrian access provided along the shoreline portion of the site would effectively provide linkages between the Village's park at Horan's Landing and the Ichabod's Landing development to the south of the Project site and Kingsland Point Park to the north of the site. The Committee recognized that, since the Project site is not publicly-owned, the Project would not itself provide access to publicly-owned foreshore or water's edge points, but noted that the improved access to the Kingsland Point Park, which is publicly-owned, would give better access to the waterside at that location.

5125

Policies 20, 21, 21A, 21B, 21C, 22 and 22A

These are highly significant policies to the site of the Proposal, and in my view the majority of the Committee, while finding the Project consistent with these policies, gives them far too little weight in the overall scheme of things. It is extremely beneficial to the public that the Project will restore full public access to the foreshore of the Hudson River. This policy should carry significantly more weight than the policies the majority of the Committee relied upon in its misguided attempt to balance the weight of consistency vs. inconsistency.

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6303

2) The developers boast that 30 percent of the 95-acre site will be devoted to open space, but most of it – except for a sliver of parkland squeezed between the condos and the river – is in a floodplain on the upland side of the railroad tracks, thus denying the public a meaningful amount of open space along the waterfront. This is another violation of the LWRP (Policies 19, 20 and 21) and the standards for the RF District.

The FEIS Alternative Plan includes 10.6 acres of riverfront open space with improvements to be provided to the Village and constructed by the Applicant. These improvements will include a network of paths creating a continuous pedestrian connection between Kingsland Point Park on the north and the Ichabod's Landing riverfront pathway and Horan's Landing on the south. The project design creates new roadways providing public access to the waterfront. In addition, the Project will include on-street and off-street parking areas which will be available for public use. The proposed riverfront open space includes pedestrian paths, bikeways, lawns and landscaped areas, a multi-use plaza, an L-shaped fishing pier, viewing platform or belvederes overhanging the River, a floating dock for transient boaters, a launch dock and expanded beach launch for non-motorized boats, and a location for an interpretive center near the historic lighthouse.

In the Applicant's opinion, the FEIS Alternative Plan will provide significant publicly accessible open space areas on both the East and West Parcels in addition to the 10.6 acres of riverfront open space. Two soccer fields, three tennis courts and adjacent parking are shown on the East Parcel, directly south of the Devries Park baseball fields. The placement of these recreational facilities adjacent to the Pocantico River and within its floodplain is consistent with good planning practice.⁹

LWRP – POLICIES 21, 21A-C; 22 & 22A

5113

Policy 21 – Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.

Policy 21A - Water-dependent and water-enhanced recreation shall be

⁹ “Some recreational uses, of course, are quite compatible with preservation [of natural features]: playing fields and tennis courts are very often located on floodplains.” The Subdivision and Site Plan Handbook, p. 232, D. Listokin and C. Walker (1989).

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.A · Land Use, Zoning and Public Policy

encouraged and shall be given priority over non-water related uses at the following publicly-owned sites:

- The Village's Riverfront Park property on River Street; and
- Kingsland Point Park and Lighthouse.

Policy 21B - Encourage the development of additional support facilities, and maintenance of existing facilities, at Kingsland Point Park to increase its attractiveness and its capacity as a waterfront park for passive and active recreational uses, including boating, swimming, and fishing.

Policy 21C - In association with any redevelopment of the General Motors property and the waterfront area immediately south of the General Motors property, water-dependent and water-enhanced recreational uses shall be encouraged and shall be given priority over non water-related uses.

Pursue establishment of a system of public access recreational trail linkages from and between the Tarrytown/Sleepy Hollow Village boundary, the Village's Riverfront Park property on River Street, Kingsland Point Park, Devries Field, Philipsburg Manor, Douglas Park, Sleepy Hollow Cemetery, The Old Croton Aqueduct, The Rockefeller State Park Preserve Lands, and along the Hudson River and Riverside Drive north of the mouth of the Pocantico River.

Policy 22 - Development, when located adjacent to the shore, will provide for water-related recreation, whenever such recreational use is compatible with reasonably anticipated demand for such activities and the primary purpose of the development.

Policy 22A - In association with any redevelopment of the General Motors property and the waterfront area immediately south of the General Motors property, water-related recreation shall be provided as a mixed use, provided such recreational use(s) is (are) compatible with the primary purpose of the development.

The impact of the Project in creating linkage trails as contemplated by Policy 21C has been noted in connection with the Committee's findings under prior policies. The Committee also noted that parks and fishing piers, as well as pedestrian trails and scenic overlooks (all part of the Project), are specifically recognized in the applicable Explanation of Policies for Policy 21 and its sub-policies as water-related recreational facilities. In general, the Committee found the Project consistent with the foregoing policies and Policies 22 and 22A because these policies did not explicitly create a hierarchy giving water-dependent uses priority over water-related uses but, rather, gave both types of use priority over non water-related uses. Nevertheless, several members of the Committee found that the Project paid insufficient attention to water-dependent recreation, such as "adequate boating services", "launch sites" and "docking facilities". Accordingly, the Project was found to be consistent with Policies 21, 21A and 21C with two dissenting votes.

5125

Policies 20, 21, 21A, 21B, 21C, 22 and 22A

These are highly significant policies to the site of the Proposal, and in my view the majority of the Committee, while finding the Project consistent with these policies, gives them far too little weight in the overall scheme of things. It is extremely beneficial to the public that the Project will restore full public access to the foreshore of the Hudson River. This policy should carry significantly more weight than the policies the majority of the Committee relied upon in its misguided attempt to balance the weight of consistency vs. inconsistency.

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.A · Land Use, Zoning and Public Policy

5639

Policy 21: Water-dependent and water-enhanced recreation will be encouraged and facilitated and will be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. Priority shall be given to areas where access to recreational opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.

Policy 21C: In association with any redevelopment of the General Motors property and the waterfront area immediately south of the General Motors property, water-dependent and water enhanced recreational uses shall be encouraged and shall be given priority over non water-related uses.

The Lighthouse Landing proposal described in the DEIS does not place a priority on water dependent and water enhanced recreational uses and, thus, is inconsistent with these policies. With the exception of the waterfront esplanade, and the fishing pier, which is briefly alluded to in the DEIS with no commitment to build, no other water-dependent or - enhanced uses are proposed at Lighthouse Landing. The explanation of this policy specifically identifies boating, swimming and fishing as water-dependent activities. This project's design should include some provision for these activities, particularly a fishing pier and docking facilities for tour boats.

5640

Policy 22A: In association with any redevelopment of the General Motors property and the waterfront area immediately south of the General Motors property, water-related recreation shall be provided for as a mixed use, provided such recreational use(s) is (are) compatible with the primary purpose of the development.

As indicated above, the Lighthouse Landing does not place a priority on water dependent and water enhanced recreational uses and, thus, is inconsistent with this policy. The explanation of Policy 21 specifically states boating, swimming and fishing as water-dependent activities; thus, the project's should be revised to include additional provisions for these activities.

The Village Waterfront Advisory Committee found the Project to be consistent with Policies 21, 21A and 21C in that trail linkages, parks and fishing piers, as well as pedestrian trails and scenic overlooks were proposed as part of the Project and are specifically recognized in the applicable Explanation of Policies for Policy 21 and its sub-policies as water-related recreational facilities. In response to the request for more sufficient water-dependent recreation, such as "adequate boating services", "launch sites" and "docking facilities", additional water dependent uses have been incorporated into the FEIS Alternative Plan including an interpretive center for the lighthouse, a small craft launch pier and expanded beach area suitable for walking canoes or kayaks in the river, a fishing pier and a "dock and dine" dock, thereby increasing the Project's consistency with the LWRP. Given the location of the Federal Navigation Channel approximately 130 feet off the southern

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shore of the project site, and given that the site's western shoreline is more exposed to the River, there are physical constraints (e.g., icing, wave action) which limit the ability to provide certain types of water-dependent uses on-site. The Village is preparing a Waterfront Use Master Plan for the entire Village which includes other water dependent uses already provided or planned for adjacent sites as discussed in FEIS Appendix 7A.

LWRP - POLICIES 23 & 23A

5114

POLICY 23 - PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.
POLICY 23A - PRESERVE AND ENHANCE THE STRUCTURES, AREAS, OR SITES WITHIN THE VILLAGE OF SLEEPY HOLLOW THAT ARE CURRENTLY LISTED ON THE STATE AND/OR NATIONAL REGISTER OF HISTORIC PLACES.

The Committee took note of the fact that the Kingsland Point Lighthouse is listed on the National Register of Historic Places and is considered to be of significance to the history of the Village. Although the Lighthouse lies outside the boundaries of the Project site and is not within the scope of the Project, so that the Applicant cannot take steps to protect, preserve or enhance the site, the Committee observed that the site configuration would direct public attention to the Lighthouse, which would be the focal point of the Beekman Place "main street". It was observed that the prominence thus given to the Lighthouse might encourage the public authorities responsible for the Lighthouse site to take steps to protect, preserve and enhance the Lighthouse and its site.

5126

Policies 23 and 23A

I would concur with the Committee's sentiment with respect to these policies.

6318

1.4.10 Protect and restore historic and archaeological resources (Policies 23, 23A, 23B and 23C).

The proposed project has to make a better job in protecting and enhancing the lighthouse and other historic sites in the coastal area.

Comment noted. A location for has been identified within the riverfront open space north of the historic lighthouse for an interpretive center, which could house or facilitate programs related to the history of the lighthouse and the Hudson River.

LWRP - POLICIES 25 & 25A-B

5115

POLICY 25 - PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING

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DEIS Sec. III.A · Land Use, Zoning and Public Policy

OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.

POLICY 25A - PROTECT OR ENHANCE VIEWS OF THE HUDSON RIVER, THE HUDSON RIVER VALLEY, AND THE OPPOSITE SHORE FROM THE IMMEDIATE RIVERFRONT AS VIEWED FROM PUBLICLY OWNED PROPERTY.

POLICY 25B - PROTECT OR ENHANCE THE FOLLOWING IDENTIFIED SCENIC RESOURCES AS AREAS AND VIEWSHEDS [citing the General Motors Plant Complex and Property as one of nine identified scenic landscape subunits and the Hudson River from the corner of Beekman Avenue and Hudson Street as one of twenty-three viewsheds of local importance].

The Committee acknowledged that, although the Project site has, since the demolition of the General Motors plant structures, afforded open views of the Hudson River, at the time of the adoption of the LWTP, the identified scenic resources and Hudson River views were significantly (and adversely) impacted by the then-existing plant structures. The Committee understood that any construction of the site will interrupt the current open views and, consequently, “diminish the scenic quality of an identified scenic resource [Explanation of Policies], but also recognized that the protection of River views and identified viewsheds contemplated by the LWRP was not intended totally prohibit development. The Committee noted the efforts of the Applicant to preserve and frame River views by use of the street layout developed for the site. In addition, the “scales, forms, and materials” proposed by Applicant for its Beekman Place development seemed “compatible with and [seemed to] add interest to the landscape” [*id.*]. The Committee concluded that the Project would be consistent with Policies 25, 25A and 25B, but encouraged the Applicant to consider alternative designs – both with respect to size and placement of structures – that would more fully provide visual protection for views of the River, the Hudson River Valley and the opposite shore and would more effectively enhance identified scenic resources.

5127

Policies 25, 25A and 25B

I would concur with the Committee’s sentiment with respect to these policies.

5641

Policy 25: Protect, restore or enhance natural and man-made resources, which are not identified as being of Statewide Significance, but contribute to the overall scenic quality of the coastal area.

The former GM site, on which Lighthouse Landing is proposed, is located in the Tappan Zee East Scenic District and, as such, development on this 99-acre site will have an impact on the scenic quality of the coastal area. The final provisions on Lighthouse Landing’s site plan and the design of its buildings will determine whether the project contributes – or detracts – from the Tappan Zee East Scenic District. As proposed, the scale and massing of buildings on the 99-acre site and the buildings’ close proximity to Kingsland Point Park would dominate the view of Sleepy Hollow and the project site from the Hudson River.

The project can be made consistent with this policy by reducing building height to two- and three-stories around the periphery of the site, planting large trees in

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the open space along the Hudson River and establishing an ecological and recreational buffer between Kingsland Point Park and the project site.

5642

Policy 25A: Protect or enhance views of the Hudson River, the Hudson River Valley, and the opposite shore from the immediate riverfront as viewed from publicly owned properties.

Policy 25B: Protect or enhance the following identified scenic resources as areas and view sheds of local importance: Hudson River from Kingsland Point Park.

The view from Kingsland Point Park of the Hudson River would include tall buildings proposed at Lighthouse Landing. This design is likely to degrade park visitors' quality of experience. Thus, this project's proposed design is inconsistent with this policy. Larger setbacks and a substantial buffer from Kingsland Point Park, as well as more variation in building height on the site, are needed to mitigate these impacts and bring the project into consistency with this policy.

6319

1.4.11 Protect and upgrade scenic resources (Policies 25, 25A, and 25B).

The LWRP contains visual standards and conditions for the GM redevelopment which have not been met. Particularly important, "Vistas of the Hudson River and its western banks from the site, and from other parts of the Village must be protected and maintained to the maximum extent possible. The site shall be developed in such a way as to maximize important views and to provide view opportunities at the river's edge and view corridors throughout the development."³⁹ The current design preserves partial views of the Hudson from the GM site, but it does not maximize views to the Hudson or protect view from the Hudson maximum extent possible to the maximum extent possible. Various alternative designs should be studied in order to ensure this standard is met.

³⁹ LWRP, Policy 1, Condition (c) for the GM Site (emphasis added).

The Village Waterfront Advisory Committee found the Project to be consistent with Policies 25, 25A and 25B in that the design of the Project attempts to preserve and frame River views by use of the street layout developed for the site. The WAC also found that the scales, forms, and materials proposed for the Beekman Place development seemed compatible with the Village. The FEIS Alternative Plan preserves and enhances the Beekman Avenue vista to the Hudson River. Major streets (Beekman Place, Road 2 and Road C) have been widened at the river to open up views under the FEIS Alternative Plan including the provision of a wedge-shaped park bordering Road C. Additionally, Road One, along the site's western frontage, has been curved and set further back to expand the riverfront open space and provide a vegetated buffer adjacent to Kingsland Point Park ranging from approximately 75 feet to 175 feet in width.

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LWRP – POLICIES 32A; 33; 37; 39; 41 & 41A

5116

POLICY 32A – FUTURE DEVELOPMENT IN THE VILLAGE SHALL BE REQUIRED TO USE STATE OF THE ART LOW FLOW WATER FIXTURES AND WATER SAVING DEVICES TO REDUCE THE DEMAND FOR WATER AND REDUCE THE FLOW TO THE SEWAGE TREATMENT FACILITIES. WHERE PRACTICABLE, THE GUIDELINES IN THE NEW YORK STATE MUNICIPAL MODEL WATER CONSERVATION PLAN SHOULD BE FOLLOWED.

POLICY 33 – BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORM WATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.

POLICY 37 – BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.

POLICY 39 – THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, RECREATION AREAS, AND SCENIC RESOURCES.

POLICY 41 – LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE FEDERAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.

POLICY 41A – LAND USE AND DEVELOPMENT IN SLEEPY HOLLOW SHALL NOT DEGRADE EXISTING AIR QUALITY OR CONTRIBUTE TO AN INABILITY TO MAINTAIN OR ATTAIN NATIONAL AMBIENT AIR QUALITY STANDARDS AND SHALL NOT GENERATE OR CAUSE MORE THAN ONE TON PER YEAR OF TOXIC AIR POLLUTANTS TO BE EMITTED INTO THE ATMOSPHERE.

The Committee recognized that, as a matter of law, the Application will be legally required to comply with Policies 32A, 37, 41 and 41A. With respect to Policy 33, it was noted that the Project will result in the replacement of part of the site's current impervious surface with green spaces containing permeable vegetation. Storm water will be adequately handled by use of the three existing General Motors outfalls. The Committee observed that waste collection and disposal is handled by the Village. However, the Committee noted that solid wastes, including hazardous wastes, could be generated during the Project's construction phase. The Applicant was advised that, in order to comply with Policy 39, it should give strict instructions to its construction contractors that no wastes are to be dumped in the Hudson River.

5128

Policies 32A, 33, 37, 39, 41, 41A

I would concur with the Committee's sentiment with respect to these policies.

6320

1.4.14 Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 33, 35, 35A, 35B, 35C, 35D, 35E, 36, 37, 38, 39A, 40, 40A, 41, 42, 43, and 44).

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The leading source of water quality impairments in surveyed estuaries in the United States is runoff from urban areas. The Hudson River Estuary is no exception. The majority of remaining pollution in the Hudson River and its tributaries is derived from stormwater runoff from impervious surfaces (compacted lawns, parking lots, roofs, driveways, etc.).⁴⁰

The project is located along the Hudson River shoreline and associated near shore habitat. The proposed development would impair such habitat by maintaining several acres of impervious area. It also fails to “minimize impervious surfaces to the maximum extent possible,” as required by the LWRP.⁴¹ Impervious surfaces transport high loadings of pollutants and pathogens to adjacent waterbodies by increasing rates of runoff, increase the scouring ability of run-off, and adding new sources of pollution. Roads, driveways and rooftops reduce the infiltration capacity of previously pervious surfaces, facilitate the concentration and scouring of pollutants to surface waters, and accelerate stormwater runoff velocities.

There is no meaningful discussion or analysis of the effects of the expected runoff or ways to reduce the amount of impervious surface. It is not sufficient for the applicant to rely on the reduction of impervious surface. It is not sufficient for the applicant to rely on the reduction of impervious surface from its current state. A meaningful Stormwater Pollution Prevention Plan should be incorporated into the FEIS which thoroughly examines anticipated stormwater impacts and utilizes green development alternatives and best management practices.⁴²

The applicant should be required to reduce the amount of planned imperviousness, both through alternative site design and use of pervious surfaces wherever possible. Various methods of reducing impervious surface area, including use of pervious surfacing, should be seriously considered.

⁴⁰ See Hudson River Estuary Program – Watershed Conservation and Stormwater Program at <http://www.dec.state.ny.us/website/hudson/watershed.html>.

⁴¹ LWRP, Policy 1, Condition (q) for the GM Site.

⁴² The DEIS refers to appendix for a “detail discussion of the stormwater management plan, but provides scant information in Appendix 5.

6322

1.4.17 Protect air quality (Policies 41, 42 and 43).

Air impacts have not been adequately studied in the DEIS; the FEIS must quantify air impacts and discuss ways to minimize traffic and other sources of air pollution on the site.

The Applicant will adhere to all local, state and federal regulations related to construction along the Hudson River, including prohibition against dumping. The Project will comply with the requirements of the New York State Department of Environmental Conservation General Permit for Stormwater Discharges from Construction

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Activities. As noted in the response to Comments 5647 and 5648 of FEIS Section II.B, the Applicant will prepare a Stormwater Pollution Prevention Plan (SWPPP) for the project in compliance with NYSDEC's SPDES permit program.

The FEIS Alternative Plan provides for additional open space, thereby increasing permeable vegetated areas. The proposed Project will result in a reduction in the total amount of impervious coverage from 91 acres currently to approximately 60 acres under the FEIS Alternative Plan. As such, there will be an overall reduction in the peak rate of stormwater runoff and the amount of pollutants from the Site.

Potential air quality impacts associated with the proposed Project have been thoroughly evaluated in DEIS Section III.J and DEIS Appendix 12. As discussed in Section II.I (Traffic & Parking) of this document, the FEIS Alternative Plan reduces peak hour trip generation from the Project's residential and commercial components, which will also serve to reduce air quality impacts. Supplemental air quality information is presented in Section II. J of this document.

LWRP - POLICY 44

5117

Policy 44 - Preserve and protect tidal and freshwater wetlands and wetland/watercourse complexes and preserve the benefits derived from these areas.

The Committee noted that the Pocantico River constitutes a tidal wetlands/watercourse and that the replacement of paved areas adjacent to the River with green open space would be beneficial for the area. The Committee observed, however, that the anticipated construction of a new Village Department of Public Works facility by the Village on the so-called "East Parcel" as part of the Project can affect the Pocantico River wetlands. Accordingly, the Committee's finding that the Project is consistent with Policy 44 is conditional with respect to the Department of Public Works portion of the Project and the Committee will retain jurisdiction to consider the Village's proposal for that construction when it is developed.

5129

Policy 44
I would concur with the Committee's sentiment with respect to this policy.

6323

1.4.18 Protect freshwater wetlands (Policy 44).

Riverkeeper believes wetlands protection and restoration for the GM site also deserves further analysis in the FEIS.

As discussed in the response to Comment PH5901 above, the

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proposed DPW facility on the East Parcel has been programmed and designed by the Village of Sleepy Hollow Consulting Planners and is illustrated on FEIS Figure No. I-2. See FEIS Appendix 7B for more detailed information regarding the DPW facility. As discussed in the response to Comment No. 4508 in Section II.B of this document, although the ditched wetlands on the East Parcel will be filled for the soccer fields, they will be recreated and expanded in other areas on the parcel. One swale (approximately 700 feet long) will be located east of the proposed soccer fields, and a second connected swale will run in the medians just south of the westward extension of Continental Street into the site (120 feet long adjacent to the DPW facility and approximately 300 feet long adjacent to the proposed commuter parking lot.) These newly created swales will provide for at least 0.46 acres of new wetland vegetation along the flat, bottom portion of the swales, representing a doubling of the areal extent of the 0.23 acres of existing ditched wetland to be filled. Although the lower portions of the side slopes of the new swales are also expected to support wetland vegetation, they have not been considered in the 0.46 acres of newly created wetland area referenced above to provide a conservative estimate of the proposed wetland mitigation ratio. The wetlands creation would provide additional water quality function since at least a 2:1 replacement ratio would be provided for the filling of the ditches.

LWRP – POLICY SUMMARY

5118

On the basis of its consistency review, the Committee found that the Project, as currently proposed in the DEIS, was consistent with some of the policies of the LWRP and inconsistent with other policies. The Committee, therefore considered whether the elements of the Project as outlined in the DEIS were, in the aggregate, consistent or inconsistent with the policies and goals of the LWRP. The Committee determined, by a vote of 6-0 with one abstention, that the Project, as a whole, was not consistent with the LWRP. The recommended to the Applicant that it modify its proposal by incorporation additional water-dependent uses and reducing the size and density of the Project, in order to achieve consistency with critical LWRP goals and policies. The Committee emphasized that its current findings were *preliminary* based on a *draft* environmental impact statement and that final consistency findings would be made by the Committee on the basis of a final environmental impact statement that might differ significantly from the DEIS. Mr. Stever abstained from the vote and signified his intention to submit a dissenting consistency finding.

5643

LWRP Summary

As discussed above, Lighthouse Landing is inconsistent with several policies contained in the Village's LWRP because the project proposes few water dependent uses, encroaches upon Kingsland Point Park, imposes visual and

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noise impacts on the park, precludes the possibility of a trail linking the Hudson River with Philipse Manor restoration, and is out of the scale and character with development in Sleepy Hollow.

Modification in design that would better buffer Kingsland Point Park, lower building heights at the site's periphery, and additional water-dependent uses would mitigate these inconsistencies.

Scenic Hudson has proposed an alternative that creates an ecological and recreational corridor between Kingsland Point Park and Lighthouse Landing. We hope that the Lead Agency and applicant will incorporate the key elements of this alternative into Lighthouse Landing's design. In addition to enhancing the project's consistency with the Village's LWRP, these modifications would provide additional benefits to the Village, its residents and visitors, the developer, and residents of and visitors to Lighthouse Landing. These benefits include:

- More water-dependent recreational uses;
- More effective mitigation of visual impacts;
- Enhanced habitat for flora and fauna;
- Enhanced water quality;
- Protection against flooding;
- Direct pedestrian and bicycle connection between the riverfront and Philipsburg Manor and site accessible by the Horseman's Trail; and
- Better buffering of Kingsland Point Park.

5652

Recreation of the historic route of the Pocantico could also provide significant benefits regarding the project's inconsistency with the Village's LWRP. As discussed above, Lighthouse Landing is inconsistent with several policies contained in the Village's LWRP because the project proposes few water dependent uses, encroaches upon Kingsland Point Park, imposes visual and noise impacts on the park, precludes the possibility of a trail linking the Hudson River with Philipse Manor Restoration, and is out of the scale and character with development in Sleepy Hollow. Restoration of the Pocantico provides the opportunity to mitigate these inconsistencies.

The restored River could, depending on its exact design, provide greatly enhanced water-dependent uses, including but not limited to recreational use by small hand powered craft, fishing and environmental education. Also consistent with the LWRP, Kingsland Point Park would be further enhanced with restoration of the original beach for swimming on the north side of the peninsula and restoration of the historic bathhouse as a bathhouse.

As described herein, many changes have been made in the FEIS Alternative Plan to respond to the Village Waterfront Advisory Committee's preliminary findings of inconsistency with certain policies of the Sleepy Hollow LWRP. As illustrated in FEIS Figure No. I-2, the FEIS Alternative Plan incorporates additional water dependent uses including an interpretive center for the lighthouse, small craft launch pier and expanded beach launch, fishing pier, and

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“dock and dine” dock, which, in the Applicant’s opinion, which will enhance the Project’s consistency with LWRP policies. Pursuant to Policy 1G, the Applicant is willing to work with the Village to expand the scope of the Project’s shuttle service to connect the Site with the Village center. The WAC expressed concerns regarding the Project’s traffic generation and the area’s roadway capacity pursuant to Policy 5 & 5A. As discussed in Section I of this document, the overall density of the Project has been scaled back in the FEIS Alternative Plan, and will reduce peak hour traffic generation from the Project’s residential and commercial components. See also response to Comment 302 in FEIS III.B related to Scenic Hudson Pocantico River proposal.

6317

1.4.12 Maintain and improve public access to the shoreline and the water-related recreational facilities while protecting the environment (Policies 1, 1A, 1B, 1D, 1E, 1F, 1H, 2, 2A, 4, 9, 19, 19A, 19B, 19C, 19D, 19E, 19F, 20, 20A, 20B, 21, 21A, 21B, 21C, 11 and 22A).

The LWRP provides precise definitions and standards in relation to these policies. It defines “access” as “the ability and right of the public to reach and use public coastal lands and waters.”³⁶ The proposed project fails to provide access to the Hudson, which is the first requirement for a redevelopment of the GM.³⁷ It also lack meaningful waterfront recreational areas. By providing a 250-300 buffer/recreational area along the Hudson River and Kingsland Point Park, the project would function as a true linkage of waterfront properties and continue the concept of a linear public waterfront.³⁸

³⁶ LWRP, at III-36. Public lands are lands “held by Federal, State, Village or County in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore. *Id.* At III-36. And “public water-related recreational resources or facilities” are “all public land or facilities that are suitable for passive or active recreation that requires either water or a waterfront location.” *Id.*

³⁷ *Id.*, Policy 1, Condition (a) for the GM Site.

³⁸ *Id.*, Policy 1, Condition (e) for the GM Site. *See also* LWRP, Policy 1, Condition (g), which states, “All future development of the site shall be undertaken in a manner consistent with the preservation and enhancement of other Village coastal resources as identified in the Village’s Local Waterfront Revitalization Program.”

The FEIS Alternative Plan includes 10.6 acres of riverfront open space with a network of paths and bikeways creating a continuous pedestrian connection between Kingsland Point Park on the north and the Ichabod’s Landing riverfront pathway and Horan’s Landing on the south. The project design creates new roadways providing public access to the waterfront. In addition, the project will provide on-street parking spaces, which will be available for public use including approximately 105 spaces along Road One and Road A directly adjacent to the proposed riverfront park. The project design also

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provides for publicly accessible off-street parking areas.

As previously described herein, the FEIS Alternative Plan will enhance the offering of water dependent uses on-site, including a small craft launch pier, a widened and lengthened beach area, a fishing pier, and a “dock and dine” dock, all of which will enhance the waterfront recreational areas linking the Site with Kingsland Point Park and Ichabod’s Landing.

LWRP - OTHER COMMENTS

6401

Sleepy Hollow’s Local Waterfront Revitalization Program (LWRP) provides a detailed comprehensive land and water use plan for the Village’s waterfront area. The Village’s vision for the redevelopment of the General Motors (GM) site, as presented in the LWRP, provides for a mix of uses which should include, as a priority, water dependent commercial, water dependent and water related public recreational uses, and waterfront related public recreational uses, and waterfront related public education and entertainment (see LWRP Policy 1H). The LWRP also calls for development on the waterfront to be compatible with the character of the area, with consideration given to among other things, scale, density and protection of nearby residential areas from traffic. This concept for the site is carried throughout the LWRP and is implemented, in large part, through the Village’s Riverfront Development (RF) zoning district.

The Lighthouse Landing project does not reflect the foregoing, and appears to conflict with this vision. The DEIS does not sufficiently justify redevelopment of the GM site without water-dependent commercial or a wider range of water-related public recreational uses. Table III.A-1 in the DEIS summarizes the LWRP policies and the proposed plan to redevelop the GM site, but neither the table nor any other part of the DEIS, adequately analyzes the effects of the redevelopment plan on, and its consistency with, the policies and purposes of the LWRP and the land and water uses plan contained in it. In addition to the policy statements themselves, the project must be evaluated for consistency with the LWRP policy standards and conditions included as policy explanations. This is important because the policies are implemented, in large part, through the proposed land and water use and zoning maps included in the LWRP. All specify that redevelopment of the GM site provide for some type and level of water-dependent uses. Alternatives providing for more water dependent uses should be included in the EIS.

The Village Waterfront Advisory Committee (WAC) found the Proposed Action to be consistent with the majority of the Village of Sleepy Hollow LWRP policies. As discussed in the response to Comments 5118 through 5652 above, many changes have been made in the FEIS Alternative Plan to respond to the WAC’s preliminary findings of inconsistency related to certain LWRP policies. The FEIS Alternative Plan incorporates additional water dependent uses including an interpretive center for the lighthouse, small craft launch

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pier, fishing pier, and “dock and dine” dock. These on-site improvements will augment the Village’s overall waterfront master plan as described in FEIS Appendix 7A.

6402

The Division of Coastal Resources is also concerned with the density and intensity of uses being proposed at the site. The project includes more than 1,500 residential units, 180,000 square feet of retail space, 50,200 square feet in office space and a 147-room inn. As proposed, we believe it is not in keeping with the existing character of the Village. Maintaining this existing character, as “in the spirit of an old Hudson River waterfront community image,” is required throughout the LWRP and is reinforced by the State’s Coastal Management Program policies.

As discussed in Section I of this document, the FEIS Alternative Plan reduces the number of residential dwelling units by 20 percent from 1,562 (per the DEIS Plan) to 1,250 units. The FEIS Alternative Plan also provides for a reduction in the proposed commercial floor area in comparison to the DEIS Plan with the retail space (retail store, food market, restaurants, cinema) reduced by 26.7 percent from 180,000 square feet (SF) to 132,000 SF and the office building reduced by 30.3 percent from 50,200 SF to 35,000 SF. The program for the proposed hotel has also been scaled back by eliminating the conference center component, and reducing the number of rooms from 147 to 140 and the restaurant space from 10,000 SF to 5,000 SF.

Architectural guidelines have been developed for the Project by the Applicant’s architect and the Village’s Open Space and Design Consultants, which detail how elements of the Project will capture the character of a Hudson River Village (see FEIS I and FEIS Appendix 2.) The FEIS Alternative Plan has been designed in compliance with the dimensional requirements of the RF Riverfront Development District as discussed in the response to Comments 4237 through PH3404 above.

6403

The DEIS also does not provide a satisfactory description and evaluation of the range of feasible, reasonable alternatives to redevelopment of the site primarily for residential uses. The lower density alternatives presented in the DEIS simply decreases the number of residential uses on the site by approximately 6% (100 units) or 12% (200 units) without any reconfiguration of the project or reduction in site building coverage. The FEIS should analyze more scaled back alternatives, with a greater reduction in residential units, a mix of commercial and other water-dependent and water-related uses, and increased open space, especially adjacent to Kingsland Point Park. Such alternatives may mitigate traffic issues and help to bring the development more in line with the existing community character of the Village. With a greater reduction in residential

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units at the site, and an increase in water-dependent uses, alternatives should be able to be identified that would advance implementation of the Village's LWRP.

If commercial water-dependent and water-related uses would not be appropriate at the GM site, the FEIS should include a detailed summary of assessment leading to, or supporting, such a conclusion.

See the response to Comment 6402 above regarding the reduction in the number of residential units and the commercial floor areas under the FEIS Alternative Plan. Benefits associated with the FEIS Alternative Plan include, but are not limited to a 28 percent increase in publicly accessible open space on the West Parcel, an approximate 13.5 to 16.7 percent decrease in the Project's resident and worker populations and reductions in peak hour traffic generation from the Project's residential and commercial components as discussed in Section II.I of this document.

As previously discussed herein, the FEIS Alternative Plan incorporates additional water dependent uses including a small craft launch dock, an expanded beach area, a fishing pier, and a "dock and dine" dock. These on-site improvements will augment the Village's overall waterfront master plan as described in FEIS Appendix 7A. See Section II.IV of this document for information regarding alternatives.

GENERAL - MISCELLANEOUS ISSUES

1801

I request that special attention be paid to the following issues:

- Linkage of the site to the village - Density and traffic - Site contamination - Use and design of open space - Flooding of Pocantico River -- Architectural aesthetic as a Historic River Town - Termination of litigation against Village of Tarrytown - Outreach to the immigrant community of Sleepy Hollow

See the response to Comments 3501 – PH5703 at the beginning of this section regarding the reduction in density and traffic generation associated with the FEIS Alternative Plan. As discussed in Comment 2303 herein, the Village's Consulting Planners have prepared a plan addressing the use and design of the open space. The Village Open Space Plan is discussed in Section I of this document as are issues related to the Pocantico River and architectural guidelines for the project. Comments related to Village litigation and outreach to certain community groups are not specifically related to the Proposed Action and are not evaluated as part of this SEQR process.)

3413

How are the village's new development recreation fees assessed to the Lighthouse Landing project? And the Icahbod Landing project, for that matter?

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.A · Land Use, Zoning and Public Policy

The Applicant anticipates that its dedication of land for park and recreation uses and provision of open space improvements under the FEIS Alternative Plan will be considered as satisfaction of the Village's recreation fee requirement.

6502

b. Public access – Part of what defines a community is the fact that much of the space within it is open to the public, including roads, walkways and parks. From the descriptions in the draft EIS, it is clear that the waterfront open space and the Devries Park expansion are to be placed under public ownership while the pocket parks are to stay privately owned. What is not discussed is ownership of, and access provisions for, roads within the development, walkways and other public-appearing facilities. This aspect should be addressed and defined.

The on-site roadways will be public streets owned and maintained by the Village of Sleepy Hollow. The only exceptions are the alleys planned behind the town homes, which will be private and maintained by the Lighthouse Landing Master Association. The new “central park” bordering Road C in the FEIS Alternative Plan will also be under Village ownership.

PM1806

I have other concerns as well with this document. I was on the Board of Trustees of the Village when the LWRP and the zoning was formulated. I find that if what they are proposing is in accordance with that, I was sold a bill of goods back then. Because when we said traditional Hudson River village, we did not envision the industrial core. That is not what we intended to replicate. That was not our intention. If the density is acceptable again, we were lied to.

In the Applicant's opinion, the proposed Project has been designed in accordance with the Village of Sleepy Hollow Local Waterfront Revitalization Plan and the RF District requirements. See the response to Comments 3501 – PH5703 at the beginning of this section, regarding the reduction in density under the FEIS Alternative Plan.

PERMITS AND APPROVALS

6404

Notwithstanding the above, please note that if any element of this proposal will require authorization from a federal agency, the proposed activity would be subject to the consistency provisions of the federal Coastal Zone Management Act and implementing regulations in 15 CFR Part 930. In that instance a complete copy of the application to the involved federal agency, a completed Federal Consistency Assessment Form and certification, and all necessary supporting data and information should be provided to the Department of State at the same time it is provided to the involved federal agency. Additional information regarding these requirements is available from the Department's web site at nyswaterfronts.com.

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.A · Land Use, Zoning and Public Policy

The Applicant will follow the process at the time federal permits for activities within the coastal zone are sought.

FEIS TABLE NO. II.A-1

LIGHTHOUSE LANDING
SLEEPY HOLLOW, NEW YORK

DENSITY ANALYSIS - INNER-VILLAGE⁽¹⁾

CENSUS BLOCK NO.	NO. OF DUS (APPROX.)	LAND AREA (AC.)	DENSITY DUS/ACRE
Area A (South of Beekman Avenue)			
1004	100	5.34	18.7
1005	59	2.92	20.2
1006	28	2.74	10.2
1007	1	2.08	0.5
2000/2001	86	3.78	22.8
2002	56	2.55	22.0
2003	53	2.45	21.6
2004	49	2.59	18.9
2005	68	4.61	14.8
2006 ⁽²⁾	141	5.28	26.7
2007 ⁽³⁾	164	3.36	48.8
3000	90	7.31	12.3
3001	127	8.37	15.2
3002	1	5.03	0.2
3003	135	4.87	27.7
3004	60	3.40	17.6
Total	1,218	66.68	18.3
Area B (North of Beekman Avenue)			
1002	46	4.62	10.0
1003	117	10.67	11.0
4004	35	8.20	4.3
4005	69	6.78	10.2
4006	41	1.51	27.2
4007	60	3.08	19.5
4008	4	0.64	6.3
4009	79	4.06	19.5
4010	48	3.11	15.4
4011	76	6.66	11.4
4012 ⁽⁴⁾	255	3.73	68.4
Total	830	53.06	15.7
Areas A & B Combined			
	2,048	119.74	17.1

⁽¹⁾ Based on US Census 2000 data for Tract 116.

⁽²⁾ Block 2006 includes the Margotta Courts Apartments (85± dus).

⁽³⁾ Block 2007 includes the College Arms Apartments (164± dus).

⁽⁴⁾ Block 4012 includes the Van Tassel Apartments (255± dus).

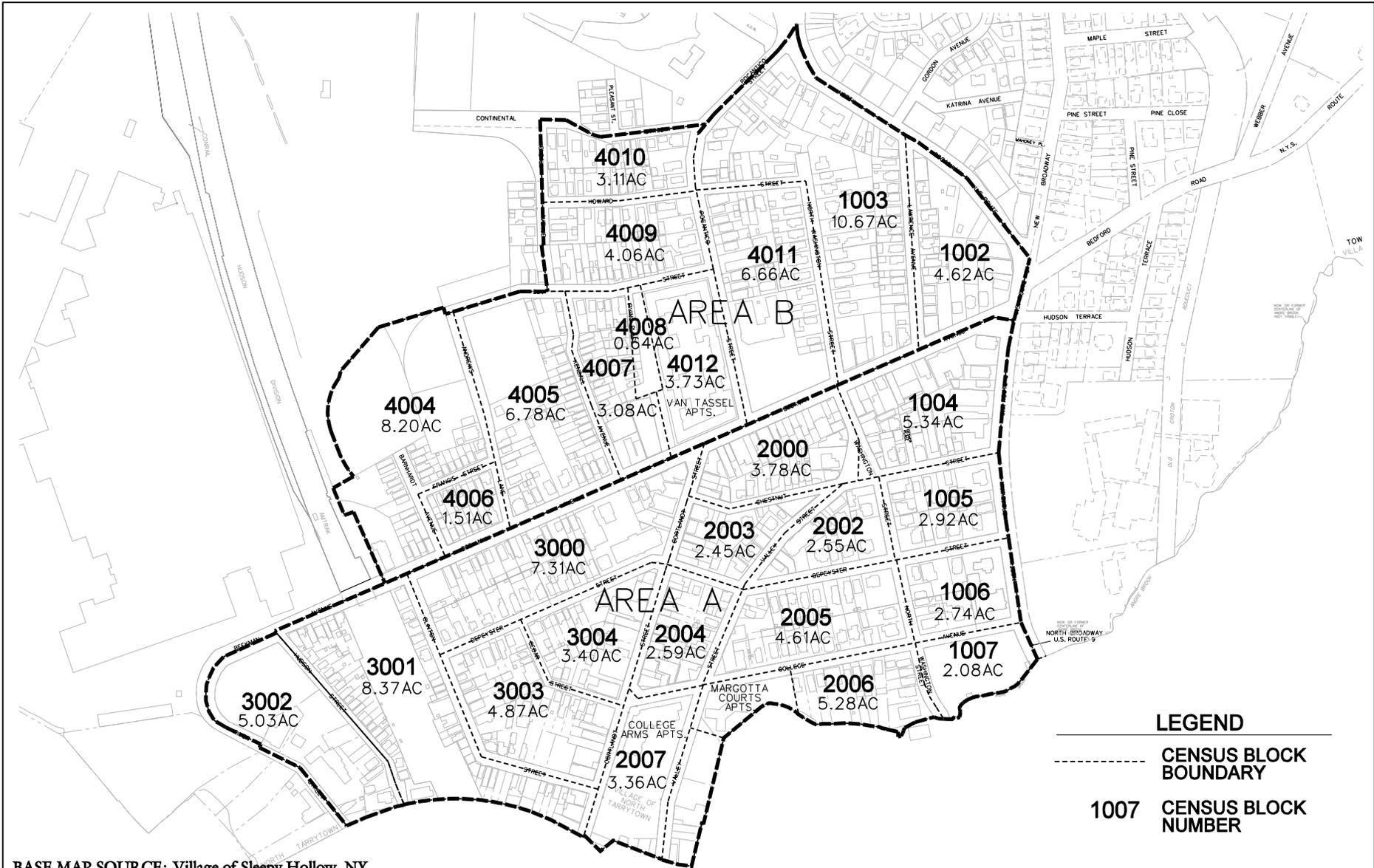
FEIS TABLE NO. II.A-2

LIGHTHOUSE LANDING
SLEEPY HOLLOW, NEW YORK

ZONING COMPLIANCE - FEIS ALTERNATIVE PLAN

RF District Zoning Requirements			RF-Riverfront Development District (All Districts)	FEIS Alternative Plan (Fig. I-2)
62-5.1	X.	RF District Regulations – Height and Setback		
		(1) South of Beekman Avenue		
		(a) Within 25' of Hudson River	Marina bldgs or water dependent uses only; max. height – 15 ft.	N.A.
		(b) Beyond 25' from river	Max. hgt – 35 ft.; 42 ft. if structured parking provided	35'
		(2) North of Beekman Avenue		
		(a) Within 25' of Hudson River	Marina bldgs. or water dependent uses only; max. height – 15 ft	To comply with zoning
		(b) Between 25-100' from river	Marina bldgs. or water dependent uses only; max. height– 25 ft	Village Interpretive Center within waterfront open space to comply with zoning
		(c) Between 100-200' from river	Max. height – 45 ft.	45'
		(d) Between 200' from river and 300' west of M-N RR property	Max. height – 65 ft.	65'
		(e) Between west side of M-N RR property and 300' to west	Max height - 42 ft.	60'*
		(f) To the east of the east side of M-N RR property	Max. height – 65 ft.	35' to 45'
62-5.1	Y.	RF District Regulations – General		
		Min. Lot Size	20 acres	94.5 acres
		Max. Bldg. Coverage of Gross Development Area	35%	22%
		Max. FAR (of Gross Development Area)	0.8	.60
		Max. Impervious Coverage of Gross Development Area	70%	63%
		Max. Height	35 ft., except as provided in X(1) and X(2) above	Varies –see above
		Min. GDA per Dwelling Unit	2,200 sf	3,290 sf
		Min. Frontage Along Public ROW	100 feet	700 feet
		Min. Perimeter Buffer	75 feet	75 feet
		Min. Open Space of GDA	15%	31%

**Zoning Amendment to be sought



BASE MAP SOURCE: Village of Sleepy Hollow, NY

INNER-VILLAGE CENSUS "BLOCKS" - TRACT 116
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II.A-1

II. RESPONSES TO DEIS COMMENTS
DEIS Sec.III.B · Land, Water and Ecological Resources

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.B · Land, Water and Ecological Resources

COMMENT NUMBER	COMMENT/RESPONSE
	<u>RESTORATION OF POCANTICO RIVER/CREATION OF BUFFER ADJACENT TO KINGSLAND POINT PARK</u>
302	Also, I support Scenic Hudson's recommendation to restore the original mouth of the Pocantico River. First, this restoration will provide a critical buffer of open space between the Philipse Manor and Kingsland Point Park and the new development. This is important environmentally as well as aesthetically. Second, the buffer of river will address the density issued by lowering the number of residential units. Third, it will ensure that the floodwaters will not flood the Devries Park area.
505	5) Pocantico River - I support the restoration of the Pocantico River to its original course as suggested by Scenic Hudson.
605	5) Pocantico River - I support the restoration of the Pocantico River to its original state as per Scenic Hudson's suggested plan.
1102	Also, I support Scenic Hudson's recommendation to restore the original mouth of the Pocantico River. First, this restoration will provide a critical buffer of open space between the Philipse Manor and Kingsland Point Park and the new development. This is important environmentally as well as aesthetically. Second, the buffer of river will address the density issue by lowering the number of residential units. Third, it will ensure that the floodwaters will not flood the Devries Park area.
1501	A widening and rerouting of the Pocantico (Mill) River is almost a MUST!
1701	I specifically request that: - A buffer area be provided between the Roseland development site and Kingsland Pt. Park - This buffer area be preserved for the potential ecological restoration of the Pocantico River and the linkage of the Horseman's trail to the Hudson River waterfront
3302	We wish to add for these written comments our specific support for studying the feasibility of reopening the branch of the Pocantico River, as proposed by Scenic Hudson, as this opportunity would undoubtedly have major flood control benefits, as well as providing new recreational and educational opportunities to the residents.
3503	The third issue is Roseland's not providing a buffer area between their development and Kingsland Point Park. This buffer area is very important, and should be used for the restoration of the Pocantico River to its original route to the Hudson. If Roseland provides for the Pocantico restoration, they will have a second waterfront to further enhance the value of their property. The buffer area will also add to the open spaces of the project, and I believe the project needs more open space than its proposal provides.

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.B · Land, Water and Ecological Resources

- 3609 Finally, I would like to add that I support Scenic Hudson's proposal to restore the Pocantico River, as this could alleviate flooding and increase wildlife habitat.
- 3701 Westchester Land Trust supports the restoration of the Pocantico River as part of the Lighthouse Landing project. The redevelopment of the site presents a unique opportunity to make real improvements to an ecosystem that has been impaired for decades. Public access, fish and wildlife habitats and flood control would all benefit if the Pocantico were restored.
- 3703 As Westchester's leading private land preservation organization and a strong supporter of smart growth, we applaud the Village of Sleepy Hollow for its careful approach to redeveloping the site, and we hope the village gives careful consideration to the Pocantico restoration.
- 3902 In addition, I support Scenic Hudson's recommendation that the village further investigate the potential of greater linkage between Philipsburg Manor, Devries Park, Kingsland Point Park, and the Hudson River as well as the Pocantico River restoration. We have an unprecedented opportunity to create a riverfront that is beautiful, natural, adds to the village's special character and economy, and is accessible to everyone. Please support the restoration of the Pocantico River to its original course.
- 4507 I would like to ask the Village to support Scenic Hudson's proposal to partially reestablish the path of the Pocantico River. This is our chance to reverse the exacerbated flooding and silting conditions caused by the river having been re-routed. The effects of a heavy rain, in conjunction with a full moon and high tide, have caused the river to, very rapidly, rage to the level of the water pipe that spans the river on the Philipsburg Manor property, swallow half of the pasture on its north shore and the Headless Horseman trail on its south. Ordinary flood situations, such as this, pale in comparison to the effects of natural disasters, such as the devastation caused by Hurricane Floyd. If the statutes of limitation on mitigation under the Wetlands Act extended historically to the time of G.M.'s initial impact on the river and its boundaries, restoration of the river would be mandatory. Partial restoration of the river would also necessitate addressing contaminants in the soil rather than recycling them back into the land as fill or simply paving over them.
- 5006 The SEQRA documents are ultimately the responsibility of the Village Board of Trustees. This is the Board's EIS and, although the applicants are preparing the DEIS and will prepare the FEIS, is it the Board that must adopt the FEIS. The public policy, normative choices, and legal compliance in adopting the FEIS, rests squarely under SEQRA with the Board of Trustees. In order to make such choices, the Board will need to consider thoroughly reasonable alternative development visions, such as the very plausible and even more conservative proposals made by Scenic Hudson, for the establishment of an additional outlet for the Pocantico River, near the bed through which it once flowed. The various alternative ways of restoring the Pocantico estuary, for enhancing biodiversity, for water-dependent recreation, as a buffer to Kingsland Point Park and certainly for flood control, should be identified, and studied and set forth in the FEIS. Scenic Hudson appeared before the Planning Board and

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.B · Land, Water and Ecological Resources

presented a detailed analysis of its proposal. This is the sort of imaginative restoration biology that the development of the GM site permits, and even invites given its environmental setting on the Hudson River and the preservation over the years of the geological wonder that is Kingsland Point.

5010

The Planning Board is concerned that not all of the statements contained in the DEIS are supported by data, either in the text of the DEIS or in the appendices, and thus often present unsubstantiated opinions on the part of the applicants. Under the NY State Environmental Quality Review Act (SEQRA), the DEIS must provide a factual foundation for the proposed development plans, as well as reasonable alternatives to the plans. Since the SEQRA the DEIS is the Statement of the Village Board of Trustees, and not of the applicants, it will be necessary to ensure that the FEIS is complete and conforms to the requirements of SEQRA in all respects. The Planning Board notes that the DEIS should have reflected the environmental data on the Pocantico River reflected in the Planning Board's FEIS prepared for the dredging of the Pocantico River by HHV, especially in the region between the dam and the Hudson River.

5022

There must be a buffer zone between the townhouses of the Lighthouse Landing development and the park. A buffer of varying widths should be considered, but with a 70 - 100 year average width. The units that are now proposed to front on the park need to be eliminated, to avoid the evident adverse impact on the parklands. The proposal for establishing a second estuary entrance for the Pocantico River, along the southeast side of what was once the peninsula of Kingsland Point, should be carefully considered as a possible key component of the buffer proposal. The bedrock of the Kingsland Point is stable and a small estuary and wetlands could be restored. The FEIS should engage appropriate biologists, such as Boyce Thompson Labs at Cornell University (formerly in Yonkers), which had restored the wetlands at Camp Smith on the Hudson River, to scope out the possibility of restoring an estuary mouth for the Pocantico River. Wetlands historically appeared on maps of the area adjacent to Kingsland Point, and thus could be restored there in the future.

The FEIS should show a biological restoration of the area. This would establish a buffer between the park and the development, and would also allow for establishing water dependent uses, which could be accessed from the parkland itself. The FEIS should show an appropriate shorefront walkway on the southeast side, and appropriate water dependent uses (e.g. canoe and kayak launch sites, nature walks into wetlands, etc.) on the southwest side of a new Pocantico estuary. This new Pocantico River access also ties into using the new waterway as an outlet for floodwaters from the Pocantico watershed. The comparison of a river access as opposed to a culvert or covered storm pipe might usefully be set forth, in order to assess the advantages and disadvantages of each. If the river estuary were established, a further pedestrian bridge would be needed to cross the new Pocantico estuary for access to the park from the west parcel of Lighthouse Landing.

The Planning Board has had a presentation by the planner for Scenic Hudson and finds its proposals to be reasoned and based on careful hydrological and other studies. Analysis of the Han Padron report on flooding, and the date that it compiles, submitted by Scenic Hudson, will be essential to an understanding of the flooding conditions in the Pocantico watershed and lower Pocantico, and

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.B · Land, Water and Ecological Resources ·

a precautionary approach based on that data needs to be built into the redesign of the proposal in order to comply with SEQRA. The Planning Board views the Scenic Hudson proposal for the Pocantico River to be a plausible alternative that requires full analysis in the FEIS, in order for the Village Board of Trustees to weigh the viable alternatives as to flood control, a buffer next to the Kingsland Point Park, and other related aspects of the development adjacent to the Park and relevant to the confluence of the waters of the Hudson and the Pocantico. Historic Hudson Valley's proposal to recreate a tenant farmstead on the east parcel with mostly open land and a few buildings would appear to be an appropriate use of the parts of the east parcel, given the propensity of the east parcel to flood. The design of athletic fields on the east parcel should be done so as to ensure that any flooding of these areas would not endanger children or other members of the public who would have access to those facilities.

The DEIS at present is lacking in data on the estuarine nature of the Hudson, its relationship to the Pocantico River, and the viable alternative choices for handling these flooding, public safety, biodiversity enhancement, water dependent recreational uses, and aesthetics.

The Planning Board notes that the Roseland proposals presently impact adversely on Kingsland Point Park in ways that are inconsistent with GM's obligations in the land use, biodiversity and cleanup requirements (EN25, and EN32) of its Property Redevelopment policies (GM website accessed 2/17/05). GM is a codeveloper of the Lighthouse Landing, and the Planning Board would expect that Roseland would ensure that its submissions are consistent with, and reflect, the corporate social responsibility policies of GM in this respect.

5301

I am writing to request your active leadership in pursuing the restoration of the Pocantico River as an integral component of the redevelopment of the General Motors site.

The Friends of the Rockefeller Park Preserve have carefully studied the vision of this restoration initiative proposed by Scenic Hudson and will be submitting formal comments on the Draft Environmental Impact Statement, urging the Village as lead agency to include it in the Final Environmental Impact Statement for Lighthouse Landing. I wholeheartedly support this position.

This is a once-in-a-century opportunity to restore the historical corridor that linked Philipsburg Manor to the river and beyond, to restore the ecology of the site, and to create recreational and aesthetic benefits that will make this a world-class development.

Finally, this is an opportunity for you to establish your legacy as visionary leader – not just in Sleepy Hollow – but throughout the Hudson Valley and the nation. I urge you to rise to the challenge.

5651

Restoration of the Pocantico

Scenic Hudson has long advocated for the project to include the restoration of the historic channel of the Lower Pocantico River. There are many reasons for this. In addition to undoing some of the ecological damage done over the past century to what was once the Bay and the original course of the Pocantico, we believe that this action would also serve to significantly mitigate some of the

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.B · Land, Water and Ecological Resources

adverse impacts caused by the proposed project, as discussed below. Unfortunately, the DEIS summarily rejects this option. We believe that the project sponsors and the Village should give serious consideration to and ultimately adopt this alternative.

The restoration could take the form of a second outlet following the approximate historical alignment of the river before General Motors filled it in the late 1920's. Additionally, we have advocated for the connection of the Horseman's Trail through this buffer area as included in the Village's Linkages Committee Plan. This would include the development of a new user-friendly pedestrian bridge over the MetroNorth railroad easement as also illustrated in the village's Open Space Framework Plan. The existing General Motors pedestrian bridge located about 2000 feet to the south of this location could potentially be relocated for this purpose rather than demolished. Ramps could be added on each side making this a user-friendly crossing for the Horseman's Trail.

(See Illustration: Potential Integration of Restored Pocantico River in Roseland Plan)

As discussed in the attached report by Han Padron Associates, an additional outlet to the Hudson would assist in preventing flooding on portions of the site both east and west of the railroad tracks, including Devries Park and portions of the project site intended for future Village use. While it may be true that the project itself, as opposed to prior activities by General Motors, will not exacerbate the existing flooding conditions of the Lower Pocantico, General Motors should fulfill its global policy commitment to restore the natural features and biodiversity of its former plant sites in this case.

HPA performed a comprehensive flood study of the Lower Pocantico River, including portions of the Lighthouse Landing site. (See Attachment No. 3, "Flood Mitigation Feasibility Study - Lower Pocantico River - Sleepy Hollow, New York," dated April 2004.)

5652

Recreation of the historic route of the Pocantico could also provide significant benefits regarding the project's inconsistency with the Village's LWRP. As discussed above, Lighthouse Landing is inconsistent with several policies contained in the Village's LWRP because the project proposes few water dependent uses, encroaches upon Kingsland Point Park, imposes visual and noise impacts on the park, precludes the possibility of a trail linking the Hudson River with Philipse Manor Restoration, and is out of the scale and character with development in Sleepy Hollow. Restoration of the Pocantico provides the opportunity to mitigate these inconsistencies.

The restored River could, depending on its exact design, provide greatly enhanced water-dependent uses, including but not limited to recreational use by small hand powered craft, fishing and environmental education. Also consistent with the LWRP, Kingsland Point Park would be further enhanced with restoration of the original beach for swimming on the north side of the peninsula and restoration of the historic bathhouse as a bathhouse.

5653

Conclusion

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.B - Land, Water and Ecological Resources

For the reasons stated above, we believe that the FEIS should include an analysis of restoration of the Pocantico and its adoption as the preferred alternative. At a minimum, the FEIS should set aside the necessary land as a buffer between the project and Kingsland Point Park, thus preserving the option of full restoration at a later date.

Setting aside the necessary land for such a project would also be one way to reduce the density of the project. This could take the form of an approximately 1500 foot long strip of land along the northern edge of the GM site 200 feet in width. An alternative to this could potentially place part of the proposed river channel within the lower parking lot area of Kingsland Point Park.

This option deserves a hard look. We will be entering into the record the above mentioned engineering and ecological studies that show significant benefits from this option, including flood mitigation, recreational benefits, and restoration of the ecological diversity that was taken away when GM rerouted the Pocantico decades ago.

6606

Additionally, I would suggest that the Lead Agency and Roseland seriously consider the feasibility of the restoration of the Pocantico River as outlined by Scenic Hudson. Providing that the engineering is sound, that the cost is reasonable and that issues of contamination of the existing soils does not pose a significant risk to human health or the environment, the restoration of the Pocantico River would have significant benefits to the community. The restoration would provide an additional river front access, would act as a buffer between Light House Landing and Kingsland Point Park, provide crucial habitat for many aquatic and terrestrial species and would provide an additional outflow that would provide flood mitigation.

6701

On behalf of the Board of Directors of Sleepy Hollow Cemetery, we urge General Motors, Roseland Properties and the Village of Sleepy Hollow to consider whether Scenic Hudson's proposal regarding the Pocantico River might be part of the solution regarding the river's flooding.

The Pocantico River flows through the Cemetery and, other than near Dell Street, remains as it was in the days of Washington Irving. Since there can be no gravesites along its banks, it will be well preserved for future generations. There have been changes in the river's flow caused by the embankments supporting houses on Dell Street. When the Pocantico overflows its banks, the Cemetery's garage and workshops are flooded. This has occurred with greater frequency in recent years. With additional erosion, the problem will only worsen.

The Cemetery's bridge which spans the river has been attractively designed to look and sound like an original wooden structure, but is actually concrete. This has been necessary to permit trucks, including concrete trucks, to service the easterly portion of the Cemetery. While this bridge survived Hurricane Floyd, we are concerned that it may not survive future flooding.

We therefore urge that, whether Scenic Hudson's proposal is accepted or not, that any and all restoration investigations take a comprehensive look at the Pocantico on a watershed level. Since there must be consideration of protecting

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.B · Land, Water and Ecological Resources

the lands adjacent to Kingsland Point Park, there will be time to conduct the needed research to address the restoration needs of the entire Pocantico River system, both upstream and downstream of the project area. Researching of restoration potential will therefore not delay the development.

7201

On behalf of the Board of the Friends of the Rockefeller State Park Preserve I would like to register our support for the proposal to restore the Pocantico River estuary as it increases connectivity for both wildlife and recreation.

We would be concerned about any plan which might lead to the need for water retention systems upstream in the Park Preserve and would want to see the potential impacts of these, both positive and negative, carefully examined.

7301

The Draft EIS fails to consider comments numbered 3 and 4 of our Draft Scope comment letter dated May 23, 2003, which recommended that the applicant assess the feasibility of restoring the hydrology and habitat of the Pocantico River's existing channel, and impairments to the river caused by the historic GM site development. We continue to believe that this project offers opportunities for potentially significant benefits to aquatic habitat and flood mitigation which should be thoroughly explored. We continue to be available to assist the village and the application in this effort.

PM501

We just also like to support Scenic Hudson's investigation of restoring the Pocantico River and seeing what that would entail and keeping it as something to consider.

PM701

To this Scenic Hudson has added the potential of restoring the Pocantico River to the course it ran for over one hundred years. To date, Roseland Properties has not incorporated this concept into its development and it is not reflected in the DEIS. We look forward to presenting the results of research that demonstrates the potential for significant benefits associated with this option.

PM702

Scenic Hudson will provide comprehensive comments on the Lighthouse Landing DEIS before the end of the comment period on March 8. These comments will address issues related to:

Our assessment of site contamination and our initial response to the remedial plan. The need for a buffer between Kingsland Point Park with a potential for ecological restoration, including the restoration of the Pocantico River for floor control, recreational and aesthetic benefits. Water and wastewater capacity issues. And finally the density of the development and impacts on traffic and village services.

PH2804

GM also has a basic policy of identifying water sources and related ecosystems that deal with drainage and run off. And here too I think if we take a look at ways to handle the flooding on this site, we will see an interesting application of GM's work.

GM takes a great deal of pride in fact in a number of its restorations of former industrial sites for going beyond just, you know, changing the site. As GM says many of GM's activities go well beyond regulatory requirements, ponds, wetlands, forests and other environments provide habitat for a variety of plants,

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.B · Land, Water and Ecological Resources

insects, birds, fish, mammals while fulfilling other functions that are critical to the world's existence.

GM, therefore, has a commitment as a company to the question of bio diversity, and I think we have an obligation as we take a look at the Pocantico Estuary to analyze that bio diversity in the environmental impact statement.

PH2821

In the use of the buffer we think the EIS should look at the alternative uses of the buffer, and that could be anything from just allowing it to come down into a small field area or the question of restoring the wetlands and the Estuary that used to be somewhere in Slaperhaven.

We will never go back to what the Dutch saw or the early New Yorkers saw, but we can in effect come up with a restoration biology approach here which needs to be studied and revert to some of the access to the Hudson and to an estuary experience that you get a little further up.

Historic Hudson Valley doesn't really let people get down to the water. There is no place to get down to the water. Even Devries Park doesn't let you get down to the water. This ought to be studied as we look at the alternatives.

PH2822

We understand that and have had a presentation from the planner for Scenic Hudson about the restoration of the Pocantico River. We think this is a reasonable alternative that must be studied in the final EIS. The EIS in fact is somewhat defective in its analysis of the Scenic Hudson study. It simply says it's too expensive and we can't do it, but there is nothing in the appendices that supports that the EIS has to adequately support any of its statements with the full documentation.

The Planning Board would like to see that analysis fully developed.

PH2823

Flood control. Beyond Tropical Storm Floyd we are going to have to come up with one of three options for flood control on this site. Either we are going to have to reopen the estuary and the river so that it - it's a small little stream, but is capable of handling a flood surge.

Wetlands absorb a great deal of flood water, and with proper design if the Pocantico had a second mouth, there might be a way to channel the flood waters so that we would not have significant flooding.

The second is to work with the New York State Department of Parks and Recreation and Historic Preservation at the Rockefeller State Preserve to help maintain places upstream where water could be retained in retention basins that would, that already floods up there as any of you who use the park know, and therefore, they have to close hiking trails. And it might be possible to do some redesign upstream that would retain the flood waters.

Right now the Pocantico scours out the cemetery area. It is very bad. The cemetery would like to see flood water retained further upstream, and I think the Planning Board would also. You can also do both. You can do some upstream retention and do some development of the flood surge.

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.B · Land, Water and Ecological Resources

But this is an obligation that is a legacy obligation of General Motors which I'm sure General Motors and Roseland are going to address.

PH2902

We are proposing to restore the Pocantico to its original or to its historic course here, not by ending the existing branch, but by adding a new branch....

And we are proposing that this buffer area be preserved so that that option which still requires analysis and vetting to ensure its feasibility, that option will be available for us to work on collaboratively.

PH3001

Since the project will change the Sleepy Hollow waterfront for years to come, FCWC supports and urges our careful consideration of this development proposal as a unique opportunity to restore a wetland estuary and to reduce Pocantico River flooding.

This is an opportunity to restore wetlands and create a buffer between the Kingsland Point Park boundary, one of our important County parks, and the proposed development to allow further investigation of the potential ecological restoration of this area....

Proposals to create a small biologically active estuary stream that can connect with the Pocantico and Hudson River should be carefully considered and implemented. It could not only potentially restore valuable ecological systems and natural habitats, but would also provide important recreational, cultural and educational benefits for the community and the proposed development.

If obtaining the benefits of the wetlands restoration requires a small reduction in the number of housing units proposed – we certainly had not put any percentage on this at all – we recommend that the Village require such a reduction to be able to further investigate the restoration options as a separate undertaking. This opportunity is unique and very significant.

PH4205

Yes, there is a ring of green crescent around the density, but there is no real engagement with the Hudson River. Someone spoke last week about the Beczak Nature Center in Yonkers. There has been a long standing opportunity to bring the Pocantico River back to life into the Hudson. Do entwine it naturally, aesthetically, environmentally within the life of your project. ...

No only would you mitigate the flooding issue paramount in the flood plain, that you will be spending billions to build upon, but – and I can't say this enough – you will enrich the River's habitat, its geological structure and surroundings.

Why wouldn't you create an environment by which the Sleepy Hollow youth could study the river, perhaps kayak as the scenic Hudson Park interacts with the river in some meaningful way besides driving down there to enter another Westchester multiplex movie theatre or mall. ...

Insert a river that meanders through a section of your development that creates view shed surprises, a lovely bike path, walking paths to lead you naturally generally to the River. ...

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Your public will be grateful to you for creating a mini city that really comes to life with its river reclamation, habitat reclamation; not just by using the river view shed as a back drop for scenically located apartments and commercial space. ...

And make sure - this is probably not the place for it - but when you plant, plant native species along the esplanade in addition.

PH5002

The scoping document also calls for the restoration of the Pocantico River. Let me clarify one thing here. The resolution of the Board of Trustees stated correctly, we believe, that the re-location of the Pocantico River would constitute an amenity not the result of an Environmental Impact Statement. But still, it has to be studied.

PH5104

For my second point I wear my garden club past president hat. First of all, I endorse our president's statement made at the high school in support of Scenic Hudson Pocantico River restorations study.

PH5110

This week, February 21st to 26th happens to be Flood Awareness Week in New York State declared by NOAA, the National Weather Service and the New York State Emergency Management Office. So today's special topic is flash flooding. I am proud that Scenic Hudson and our Village Planning Board and others have anticipated the needs for this in their proposals to protect and restore the waterfront and the Pocantico.

A number of comments summarized above refer to GM's corporate environmental policies and commitment to resource management and biodiversity in suggesting that restoration of the Pocantico is consistent with GM policy. Indeed, GM's overall objective is to return surplus properties to productive reuses. GM consulted with real estate experts as well as local and regional government officials in developing the general concept for Site reuse. GM teamed with Roseland to take that general concept to reality, in accordance with the SEQRA process. The plan devised by Roseland was shared with community leaders and interested citizens, and desired enhancements that are believed to benefit both the local community and the local environment were considered. Environmental and water dependent use-based enhancements to the Site concept plan offered in response to the SEQR review are considered by GM and Roseland to be practical and consistent with the proposed end use of the Site. Furthermore, the FEIS Alternative Plan provides for an extensive buffer area between the development and Kingsland Point Park from the cove/beach area north to the proposed Park parking area, within which a proposed estuary to the Pocantico could be located. The FEIS Alternative Plan also includes provision for some or all of this buffer area to be transferred to a conservancy or other not-for-profit entity that would assume responsibility for evaluating the feasibility of the estuary and, if the concept is found to be feasible, obtaining the

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necessary approvals, providing the necessary assurances to the Applicant, and constructing the estuary. Specific responses follow which amplify on these matters.

The comments summarized above, in whole or in part, relate to the proposal advanced by Scenic Hudson, Inc. (Scenic Hudson) to establish an additional outlet for the Pocantico River between the Site and Kingsland Point Park and concomitant requests that the EIS should consider this proposal as an alternative to the proposed redevelopment.¹ The goals of the proposed relocation, as expressed in the comments above, are primarily to reduce flooding from the Pocantico, lower Project density, provide an increased buffer between the development and Kingsland Point Park, allow for linkage of the Horseman's Trail from the Hudson River to Philipsburg Manor Restoration, establish an estuary and biological restoration, and generate additional water dependent uses from the relocated Pocantico River.

As explained below, the Project does not impact flooding and is not adversely affected by the existing flooding from the Pocantico. The FEIS Alternative Plan significantly lowers density, provides a landscaped buffer (generally ranging from 75 to 175 feet in width between the development and Kingsland Point Park, and extending over 1,000 feet from the expanded cove/beach area to the proposed Kingsland Point Park parking area) and does not impact the existing connection between DeVries Park and the Horseman's Trail; a relocated river is not necessary to achieve these objectives. The Site is almost entirely capped by existing concrete slab or asphalt pavement, and has been used for industrial and municipal uses for over a century; it has little or no wildlife value. Moreover, to the limited extent wetlands (i.e., drainage ditches) on the East Parcel are impacted, the Project will create new and more valuable water quality swales to treat runoff from the proposed municipal facilities and commuter/resident parking area on the East Parcel. The Project will create significant water dependent and water-related uses for public use, including a floating dock for small craft launch, a widened beach for walking canoes and kayaks into the river, a fishing pier, and a "Dock and Dine" dock.

¹ The comments mischaracterize the Scenic Hudson proposal as a "restoration" of the Pocantico River. To restore the original course of the Pocantico would require recreating most of Pocantico Bay, which was filled in over the last century and a half by numerous entities, public and private (and not just GM).

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Scenic Hudson and others advocated the inclusion of the proposed relocation when the Scope for the DEIS was prepared. The Village Board declined to include this proposal as an alternative that needed to be considered in the DEIS, reasoning that it was not a reasonable alternative because relocation of the Pocantico is not an objective of the Lighthouse Landing Project. (See DEIS at III.A-48.) In the Applicant's opinion, this determination is fully consistent with SEQRA; an alternative, to even reach a threshold of reasonableness, must achieve the basic objectives of the proposed action. The Pocantico River relocation has no nexus to, and is unrelated to the goals of, the proposed Lighthouse Landing redevelopment.

SEQRA also requires the consideration of reasonable alternatives that would ameliorate significant adverse environmental impacts of a proposed action. As noted above, relocation of the Pocantico River has been proposed as a means to mitigate asserted significant adverse effects of the Project on flooding or, conversely, the significant effect of existing flooding on the Project. However, neither of these postulated impacts will result from the project. Thus, there is no lawful basis to compel the Applicant to study a proposal to ameliorate conditions that do not exist.

Lighthouse Landing will not cause flooding or exacerbate flooding that now occurs. Stormwater runoff from the Project will be managed according to the stormwater management plan described in the DEIS (at III.B-34 through III.B-35 and Appendix 5) and amplified in this Section of the FEIS. Through the implementation of the project's Stormwater Management Plan, flows from the Site to both the Hudson and Pocantico Rivers are expected to decrease from current rates. Flooding caused by the Pocantico, which is a principal focus of the rationale for the relocation proposal, is unrelated to conditions at the Site. Flooding of the Pocantico River is primarily a product of constrictions in the River east (upstream) of the dam at Philipsburg Manor. The Project will have no effect on those conditions. Further, the East Parcel elevations will remain generally as they are today, so that development of that Parcel will not lessen existing flood storage. Finally, the impervious surface that now covers virtually all of the East Parcel will be replaced with permeable open space on much of this area, thereby increasing recharge – an environmental benefit – and decreasing the volume of runoff to the Pocantico. (DEIS at II-91.) The existing impervious surface on the East Parcel is 21.6 acres. The proposed impervious surface on the East Parcel is about 12 acres representing a 44 percent reduction over

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existing conditions. Consequently, the Project will not contribute to any flooding by either River.

Analogously, the Project will not be affected by the existing flooding from the Pocantico. The West and South Parcels are unaffected by any current flooding from the Pocantico. The limited flooding that presently occurs on the East Parcel results from upstream flows during large storm events overtopping the river banks onto the Site. The duration of any waters remaining off-site will be lessened by the Project due to the substantial decrease in impervious surface. Finally, the Applicant has also agreed to coordinate with the Village Open Space consultants in their design of the East Parcel improvements (including soccer fields, parking areas and other open spaces) to accommodate any remaining floodwaters from the Pocantico River. Accordingly, to the extent that the River might occasionally overflow its banks onto the East Parcel, use of the open space will be affected for only a limited duration. In the Applicant's opinion, this temporary impact – which will only occur after severe flooding when the open space is not likely to be extensively used – is not a significant impact.

Many of the comments on the proposal erroneously assume that Scenic Hudson has commissioned studies that demonstrate the environmental, engineering and economic feasibility of its proposal. However, as Scenic Hudson has acknowledged, its concept is very preliminary and requires extensive study before the proposal could be found to be feasible. (See comments of Ned Sullivan, President of Scenic Hudson, Feb. 19, 2005 DEIS Public Hearing.) This is confirmed by the reports commissioned by Scenic Hudson.

The Han-Padron Associates Flood Mitigation Feasibility Study (April 2004) (Han-Padron Report), is a “preliminary feasibility level study,” which notes that “[s]ignificant additional data and analysis will be needed for final design, permitting, and construction cost estimating.” (Han-Padron Report at 4-2.) The areas of study that would be necessary include studies of both the Pocantico and Hudson Rivers, modeling of tidal circulation, detailed analysis of soil contamination conditions, permitting requirements, disposal costs, and cost-benefit analyses. (Id.)

Similarly, the report by Creative Habitat Corp. entitled “Options for Restoring the Ecosystem along the Lower Portion of the Pocantico River” (June 2004) (Creative Habitat Report) is “preliminary in

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nature and should be substantiated with additional data gathering . . . formulation of realistic goals, evaluation of possible technical solutions and the locating of comparison Projects.” (Creative Habitat Report at 14.) The Report acknowledges that it is “based on sketchy but helpful ecological information that is currently available in the literature and from personal observations.” (Id. at 4.)

The studies necessary to determine even threshold questions of the engineering, environmental and economic feasibility of the Scenic Hudson “vision” would take years to complete. Accordingly, requiring the Applicant to conduct these myriad studies in order to determine the initial feasibility of the restoration proposal would result in a lengthy moratorium – lasting for years – on the environmental review of the Lighthouse Landing Project. Even if the relocation proposal were related to the achievement of the Project’s objectives, SEQRA would not require years of delay in the redevelopment while these studies were conducted. Here, the relocation proposal has no such relationship to the proposed Project. SEQRA does not require the Applicant to conduct a multitude of studies to determine the feasibility of a proposal that bears no relationship to the proposed redevelopment.

The costs of the necessary work would be substantial. For example, the commenter acknowledges that the budgeted costs of disposing of the soils required to be excavated to relocate the River could be in the \$9 million range. (See March 31, 2005 letter from Ecosystems Strategies, Inc. to Scenic Hudson, Inc. at page 2.)

Furthermore, the presence of contaminated fill would trigger additional costs, including the need to cap the River channel and sides to prevent contamination of the Pocantico River, and ultimately the Hudson River, by migration of soil from the fill. The cost of this cap has not been included. Moreover, because of this cap on the River bottom, the contemplated ecological restoration would in fact require the creation of an artificial estuary. This would entail significant additional costs, which have not been estimated. There would need to be extensive design and engineering studies, for example, to ensure that plantings on the artificial River bottom could survive storms and tidal currents. While the relocated River might provide a visual amenity, it is unlikely to provide a valuable ecologic habitat due to significant existing engineering and environmental constraints. This was confirmed by the memorandum from the NYSDEC to the Village of Sleepy Hollow dated May 23, 2005 commenting on Pocantico

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River flood mitigation and ecological restoration.²

Despite the foregoing, the Applicant has provided, in the FEIS Alternative Plan for the Project, the opportunity for the construction of an estuary to the Pocantico River. The FEIS Alternative Plan provides for a vegetated buffer adjacent to Kingsland Point Park in the northwestern portion of the Site. This buffer generally ranges from approximately 75 to 175 feet in width and extends over 1,000 feet from the expanded cove/beach area to the proposed Kingsland Point Park parking area. This is consistent with the suggestions to create a buffer for the Park in the comments and will allow the Village, if desired, to connect the Horseman's Trail from the Hudson River (via Kingsland Point Park and the restoration of the pedestrian bridge to DeVries park, as identified in the Village Open Space Consultant's Waterfront Use Master Plan) to Philipse Manor Restoration. The proposed buffer would allow potential restoration of the Pocantico River by other parties in the future if so desired.

Consistent with this design, the Village has indicated that after the completion of remediation and landscaping, a portion of the expanded buffer area from the cove/beach area north to the proposed Kingsland Point Park parking area may be reserved for future transfer to a conservancy or other not-for-profit entity, which would study the potential for the creation of an estuary linking the Pocantico River to the Hudson River and serving as a second outlet channel. This conservancy or other not-for-profit entity would be responsible for the securing of funding, obtaining of any necessary approvals and permits, constructing the estuary and meeting the conditions for use of donated land described in the FEIS. It would also need to demonstrate to the Applicant that it has sufficient funding to meet those conditions, conduct any required remediation and construct the estuary.

If construction of the estuary is found to be feasible, the necessary approvals obtained and funding secured, the new watercourse would provide several benefits for the Village. The estuary could be used for small boat launching and possibly other water-dependent recreational activities, which would augment the expansion and widening of the cove area that will be undertaken as part of the FEIS Alternative Plan. It would add an additional aesthetically pleasing element to the

² See letter from the New York State Department of Environmental Conservation, Hudson River Estuary Program to the Village of Sleepy Hollow, dated May 23, 2005 in FEIS Appendix 1, Relevant Correspondence.

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waterfront, enhancing the waterfront esplanade and related improvements associated with Lighthouse Landing and substituting a water, rather than land, buffer between the development and Kingsland Point Park. It could provide ecological benefits by providing additional habitat for aquatic and terrestrial species and thus increasing biological diversity. It would also offer additional educational opportunities.

3702

Redevelopment of the GM site is important for Sleepy Hollow and Westchester in general. To complete the project in a way that benefits the Pocantico would vastly improve the project.

Comment noted. See preceding Response to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River. To avoid impacts on the Pocantico River basin, the Applicant proposes to maintain the current floodway capacity of the East Parcel in regrading the land to accommodate the proposed municipal uses.

5655

1. Historic documents indicate that the Pocantico River emptied out into the Hudson River at a point near the northeast corner of the Site. The Site itself is almost completely created land; historic maps indicate that only the small portion of the Site fronting on Kendall Avenue was upland. After the completion of the railroad (mid-1800s), that portion of the Site to the east of the railroad tracks began to fill in from sedimentation of the Pocantico River as well as from organized land-creating activities. Lands to the west of the railroad were filled in to meet the industrial space requirements of General Motors (GM) until the entire riverbed of the Pocantico River was filled in (the River itself was rerouted to the north).

Comment noted. See preceding Response to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River.

5656

2. Groundwater data from GM indicate that the Pocantico River continues to exist. Flow maps show that groundwater contours change to reflect the more porous characteristics of the fill in the former riverbed as well as the continued hydraulic pressure from water collecting up-river (at Philipsburg Manor).

5657

3. The area of the former Pocantico River is estimated on the attached figure, based on previous historic maps and groundwater flow maps. The width of this prospective River is narrower than the original, in deference to feasibility considerations (e.g., cost, site control). Any discussions below referencing the prospective Riverbed will be referring to this drawing.

There is documentary evidence of a culvert that had existed (and may still be present) under the Metro-North train tracks. The exact location of this culvert is not known, but it is assumed that the Riverbed would utilize this prior

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channel.

Comment noted. See preceding Response to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River.

5662

8. A preliminary estimate of the amount of soil necessary to be excavated to relocate the Pocantico River is between 60,000 and 80,000 cubic yards. As stated above, it is possible that at least some of these soils could be used on-site; however, the worst-case scenario is that all of these soils would require off-site disposition as non-hazardous solid waste. The cost of waste disposal (total cost including excavation, testing, transportation, and disposal) is estimated for budgetary purposes at between 90 and \$150 per cubic yard; therefore, off-site disposition of these soils could cost as much as \$9,000,000. A more reasonable estimate of likely costs to re-establish the Pocantico are the following:

Excavation:	\$160,000 - \$240,000
Off-site Disposal (60%):	\$3,000,000
On-site relocation:	\$160,000
Slope stabilization:	<u>\$450,000 - \$600,000</u>
Subtotal:	\$4,000,000
Admin (5%):	\$200,000
Contingency (15%):	<u>\$600,000</u>
	<u>\$4,800,000</u>

These costs do not include any expenses associated with re-establishing the River under the railroad tracks as well as stabilizing the channel prior to the tracks.

See preceding Response to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River. This estimate is from the March 31, 2005 letter-report of Ecosystems Strategies, Inc., which was commissioned by Scenic Hudson. The assertion that the soils could be reused on-site is incorrect. The statement assumes that the relocation project would be undertaken in the same time frame as the proposed Project. That is improbable. As explained above, there would need to be extensive time devoted to studies before the relocation could be determined to be feasible and sufficient funding for the project achieved. The necessary permits would then need to be obtained. These would include permits from the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Appropriations Act (and possibly Section 404 of the Clean Water Act) and the New York State Department of Environmental Conservation (NYSDEC) under the Protection of Waters law and possibly the Tidal Wetlands Act (Article 15, Title 5 and Article 25 of the New York State Environmental Conservation Law, respectively). There would also need to be

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compliance with SEQRA. These processes would add at least another year (and likely more) to the project timetable. Thus, the soils that the Ecosystems Strategies letter-report postulates could be used on-site would not be available for years.

In contrast, the initial phase of the Project, as explained in the DEIS, will be the Site remediation. This will include the removal of contaminated soil and backfilling of the excavation and the placement of fill over the Site – including the two feet of clean fill that will constitute the cap on the open space or landscaped areas of the Site. This work is expected to be complete in the early stages of the Project. The Site will have been filled prior to any possible commencement of the relocation project, and there will be no need for the large amounts of fill that Ecosystems Strategies assumed could be placed on the Site. Consequently, all of the fill would need to be disposed of off-site. This alone could entail the \$9 million cost noted by Ecosystems Strategies.

Furthermore, as the Ecosystem Strategies letter-report acknowledges, it is probable that much of the soil excavated for the relocation project would be contaminated and would require off-site disposal. Sampling conducted on the Site associated with the decommissioning of the former Assembly Plant and under the auspices of the Voluntary Cleanup Program (VCP) and Brownfield Cleanup Program (BCP) indicates that this area of the Site contains elevated levels of metals and Polycyclic Aromatic Hydrocarbons (PAHs) typical of historic fill along the Hudson River. This soil could not be used as a cap on the Site, as it would not constitute clean fill. The additional engineering costs associated with capping the River bottom and sides, as well as the efforts at ecological recreation, would add significant costs to the contemplated relocation of the Pocantico River, as would the fees of the various professionals to prepare the necessary reports, obtain the required permits, and oversee the construction process.

STORMWATER MANAGEMENT

- 503 3) Water Quality - It is very important that the redevelopment cannot put a strain on the ecological balance of the River. Water quality CANNOT be compromised by any aspect of the redevelopment.
- 603 3) Water Quality/River Access - The quality of the water of the Hudson River is extremely important to this community as the River is an integral part of life in Sleepy Hollow. The redevelopment CANNOT put any strain on the ecological balance of the River. Also, the redevelopment must have as much

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green space as possible to prevent runoff into the river and provide access to the river for Village residents.

702

Furthermore, the increase in buildings and vehicles will have an enormous impact on the quality of both our air and water. The ability to use the Hudson River has attracted many residents to our area. If water quality deteriorates, the area will lose much of its desirability. It would be irresponsible to allow the redevelopment to disrupt the ecological balance of the Hudson, especially after so much effort has been made to clean up the river.

803

We are also concerned about the quality of the water and the ecological balance of the Hudson River. Over a thousand residential units will surely create a burden on not only the River in terms of runoff, but will tax our municipal services thus impacting our taxes. It is established that increasing residential units places more of a burden on the tax structure than the increased revenue that it generates. That is, it will cost more in terms of municipal services for each residential unit that is built at the waterfront. We are extremely concerned about the redevelopment's impact on our taxes.

902

I am also concerned about the quality of the water and the ecological integrity of the Hudson River.

1403

We are also concerned about the quality of the water and the ecological balance of the Hudson River. Over a thousand residential units will surely create a burden on the River in terms of runoff.

All stormwater runoff from roof and other impervious surfaces developed on the West and South Parcels will be routed through hydrodynamic separators (such as a StormCeptor unit) to remove pollutants prior to discharge to the Hudson River. Hydrodynamic separators are flow-through structures with a settling or separation unit to remove sediments and other pollutants from stormwater runoff. Similarly, all stormwater runoff from the East Parcel will be routed through water quality swales to provide water quality treatment prior to discharge to the Pocantico River. Further, the change in land use from the former industrial plant to the land uses associated with Lighthouse Landing (residential, commercial and recreational) is expected to improve the water quality of any off-site stormwater discharges.

5023

GM over the years filled in the bay from which the Pocantico once flowed into the Hudson. The railroad had cut off the eastern parcel before much of that filling took place. GM secured the site for a beneficial industrial use, which it abandoned. GM has the burden of justifying, in 2005, what public benefits can be served by reusing the filled bay for a new use, such as the Proposed Lighthouse Landing. Just as GM must clean up the former industrial site under applicable federal and state contaminated land and water laws (RCRA, CERCLA, NYS ELC, etc.), so GM must show how new commercial and residential and transportation uses at the site can protect the Hudson from

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storm water discharges. At the same time, the GM site needs to be protected from the flooding, such as Tropical Storm Floyd. The Planning Board has required that all development in the Village take into account the likelihood that Tropical Storm Floyd levels of flooding will be a recurring event, and condition development on having designs to cope with such floodwaters. The DEIS ignores the issue of flooding, and does not reflect how the storm drains will prevent pollution of the Hudson.

Since GM and Roseland will need to either put in a storm over-flow culvert or pipe to accommodate flood waters and move them off the east side and under the railroad tracks and off the west side of the project, or open a new mouth for the Pocantico with design capacity to move the same flood waters out to the Hudson, the factors such as engineering, environmental trade-offs, costs and other relevant issues, will need to be set forth in the FEIS, so that the Village Board can make a reasoned and substantiated set of findings on how the flood waters can be accommodated. This could include measures take in the Rockefeller State Park Preserve, to hold back floodwaters and release them more slowly. The design criteria for the flood bypass at the Upper Mills of Philipsburg Manor should be considered, along with the FEIS by the City of New York Department of Environmental Protection for the DEP's Croton Aqueduct projects within the Pocantico River watershed.

The FEIS Alternative Plan proposes the reuse of the existing three (3) stormwater outfall locations for stormwater discharges from the West and South Parcels to the Hudson River. Further, the Applicant proposes to maintain the current floodway capacity of the East Parcel in regrading the parcel to accommodate the proposed municipal uses. Overflow from the East Parcel during times of flooding will remain as at present across lands east of the Metro-North railroad tracks directly to the Pocantico. No new culvert is proposed under the railroad tracks.

The DEIS considered flooding at III.B-26 to III.B-31. Stormwater quality, including preventing pollution of the Hudson, is also discussed in the DEIS (at III.B-31 to III.B-35 and Appendix 5). In the Applicant's opinion, the assertion that the Project will need to formulate an engineering solution to accommodate flood waters by moving them to the East Parcel or by opening a new mouth for the Pocantico is not correct. Pocantico River flooding, as explained in the preceding Response to Comments 302 to PH5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River, would not be increased by the Project.

The FEIS prepared by the New York City Department of Environmental Protection (NYCDEP) for the Croton Aqueduct Project was referenced by the Comment. That FEIS concluded that

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modeling of the Pocantico River showed that “under existing mean annual flows, no flooding occurs along the Pocantico River. Under 10 year and 100-year flood flows, floodplain width would increase along the Pocantico River but the bridges, the Philipsburg Manor, and the playground area (at DeVries Park) are not flooded based on the elevation increases.” (NYCDEP FEIS at 37.) The concerns about increase in Pocantico River flooding identified in that document were based on certain assumptions, including the assumption that the City’s new Water Treatment Plant would be constructed at Eastview, which did not occur; thus, its conclusions about current conditions remain applicable.

The Project design addresses the potential (though not substantiated) for flooding of the West Parcel. The 100-year flood plain on the Site is at elevation 7.0 feet (NAD 1988). The lowest elevation of the habitable floor of Project buildings is approximately elevation 13.5 feet. The Applicant has found no authority for the proposition that the Site would be flooded by seven feet of water.

The Comment asserts that GM has the “burden of justifying, in 2005, what public benefits can be served by reusing the filled bay for a new use....” However, the regulations of the U.S. Army Corps of Engineers, which has jurisdiction over navigable (or previously navigable) waters, provide that the filling of any previously navigable area prior to May 27, 1970 is considered to have been permitted, and thus no public interest inquiry is applicable. See 33 C.F.R. § 322.4(a). The last filling occurred a decade earlier than this date.

Moreover, in the Applicant’s opinion, the benefits associated with the Project are numerous and substantial, as detailed in the FEIS. They include the donation to the Village of some 38 acres of property for open space and municipal use, including the ten-acre “Green Crescent,” construction of the esplanade, piers, docks and other water dependent features that will provide public access to the Hudson that has not been available for over a century, fiscal benefits that far exceed the conservative estimates of costs to the municipality and school district, replacement of the decking of the Beekman Avenue Bridge, repair of the Viaduct, and the reconnection of the Hudson River to the inner village of Sleepy Hollow.

5644

Stormwater Management

A Stormwater Report, in Appendix 5 of the DEIS, indicates that a combination of stormwater management measures, including new landscaping and pervious

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surfaces, sediment traps and hydrodynamic separators will be the primary methods for stormwater treatment. These measures “will reduce the post-development pollutant loads” of Total Suspended Sediment (TSS), Total Phosphorous (TP) and Total Nitrogen (TN).

The report indicates that there will be “an overall decrease in impervious area on the site”, which will lead to “a decrease in nutrient and sediment loading to the Hudson River” and that a reduction of impervious surface from 93 to 67 acres will lead to a decrease in “the total volume of runoff.” Yet the 100-year storm increases by 2 cubic feet per second due to additional storm sewer piping resulting in more direct runoff. This increase in direct runoff can lead to an increase in pollutant loadings.

While it may be true that the total amount of impervious surface may decrease, the makeup of stormwater runoff will change considerably even if there is less impervious surface. There will be a greater potential for additional development and site-related pollutants to end up in the stormwater. The actual quality of the stormwater pollution should be considered based on the extensive development proposal – not just a change in impervious surface. Post-construction stormwater management should seek to improve upon pre-development runoff conditions. Consideration should be given to utilization of “green” stormwater management systems, including vegetated swales and pervious substrates.

Stormwater quality is expected to improve as compared to the runoff quality from the former GM Plant since all stormwater runoff from roof and other impervious surfaces developed on the West and South Parcels will be routed through hydrodynamic separators (such as a StormCeptor unit) to remove pollutants prior to discharge to the Hudson River. Hydrodynamic separators are flow-through structures with a settling or separation unit to remove sediments and other pollutants from stormwater runoff. As currently planned, the hydrodynamic separators will be constructed by the Applicant and located within areas to be dedicated to the Village of Sleepy Hollow. The Applicant proposes that maintenance of these facilities be provided by the Village upon acceptance of dedication. Similarly, all stormwater runoff from the East Parcel will be routed through new water quality swales to provide water quality treatment prior to discharge to the Pocantico River. Further, the change in land use from the former industrial plant to the land uses associated with Lighthouse Landing (residential, commercial & recreational) is expected to improve the water quality of any off-site stormwater discharges. Further, the Stormwater Management Report prepared for the higher density DEIS Plan included a stormwater quality analysis for both pre- and post-development conditions, which estimates an improved water quality condition upon use of the proposed stormwater management practices.

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5645

Best Management Practices

The DEIS states that with the use of Best Management Practices (BMP's) it is "expected" that pollutant loads for TSS will be reduced by 80%. Other reductions in pollutants loadings are also identified except for no change in metals. Yet the only two stormwater management measures identified in the report are hydrodynamic separators and catch basin sumps. It is indicated that these "will meet best attainable treatment results."

The efficiency and effectiveness of hydrodynamic separators should be proven for this site and clearly stated. Are hydrodynamic separators best suited for use at this site? What storm will they be designed for? Will they need a bypass system and if so, what will the water quality impact be?

The report lacks details on "new landscaping and pervious surfaces." To what extent will pervious surfaces be used and where? What impact may that have on the movement of groundwater, taking into consideration the extensive contamination that is proposed to be left on site? What landscaping techniques, such as wetlands and grassed swales, will be used to reduce runoff? Will roads be curbed?

BMP's for this site must be designed to maximize pollutant removal. Other BMP's that should be considered include but are not limited to:

Limiting infiltration to storm sewers, elimination or effective and minimal use of deicing chemicals, stream bank erosion prevention and maintenance, spill prevention and response, street cleaning.

Information and education such as catch basin stenciling, landscaping information to reduce runoff, maintenance of parking lots, proper storage of chemicals - hazardous waste and motor oils, proper yard waste disposal, and proper pet waste management.

The stormwater management practices proposed for the West Parcel (hydrodynamic separators and catch basins with sumps) are expected to improve the quality of the West and South Parcel stormwater runoff through the removal of heavy sediment, trash & debris and will be effective in removing other contaminants including oils and some nutrients. In addition, under the FEIS Alternative Plan, the Applicant is also proposing the replacement of the existing drainage ditches located on the East parcel with new water quality swales to capture and treat runoff from the proposed development of the East Parcel. Other BMP's were considered for the Site by the Applicant but are not considered practical (i.e. - sand filters, infiltration basins, and bioretention basins) given the size of the Site, depth to the water table, and suitability of the underlying soils. Other filtering practices such as sand filters were also considered, but in the Applicant's opinion are not feasible given the low elevation of the Site and the

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relative mean high water elevation of the Hudson River.

5646

Other Stormwater Pollutants

Due to the historic nature of the fill at this site, the history of industrial activity and the limited remediation that is proposed, other pollutants should be analyzed as part of the stormwater management plan. In addition to TSS, TP and TN, stormwater should be monitored for chemical oxygen demand (COD)(mg/L); pH; acute whole effluent toxicity; total recoverable lead (mg/L); total recoverable cadmium (mg/L); total recoverable copper (mg/L); total recoverable arsenic (MG/L); total recoverable chromium (mg/L); and carcinogenic PAHs. In addition to nutrients, stormwater planning must also consider oil and grease, pesticides and heavy metals.

A comprehensive environmental testing program was employed under the direct supervision of NYSDEC to determine the levels and extent of on-site pollutants. The pollutants identified will be remediated in accordance with the NYSDEC approved Remedial Work Plan adopted pursuant to the Brownfield Cleanup Program and any specifications contained in the approved Site Plan for the Site or parts thereof. Soil which will remain will either be capped with an impervious surface (e.g., pavement, building slabs) or a minimum of two feet of clean fill. In addition, the Applicant is required to prepare a Stormwater Pollution Prevention Plan in compliance with requirements established to obtain authorization to proceed with construction under the NYSDEC SPDES General Permit For Stormwater Discharges From Construction Activity. (Permit No. GP-02-01.)

5647

Operation and Maintenance

The long term operation and maintenance of the hydrodynamic separators and catch basin sumps and other BMP's is critical. A stormwater management program to protect water quality will only work if it includes a long-term enforceable maintenance agreement. Hydrodynamic separators and catch basin sumps can trap pollutants that will need to be disposed of in environmentally safe manner. Pollutants that get trapped, such as metals and PAHs can harm fish and wildlife. Cleaning and maintenance of these systems is critical. Other maintenance issue can include odor, insects, weeds and garbage.

The Applicant is required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for authorization to proceed with construction under NYSDEC's SPDES General Permit For Stormwater Discharges From Construction Activity (GP-02-01, effective January 8, 2003). The SWPPP will include an inspection and maintenance schedule for all permanent, post-construction control practices and/or structures to ensure continuous and effective operation of each post-construction stormwater control practice. The

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project operator will be responsible for inspecting and maintaining permanent stormwater management structures and practices in accordance with the plan. The Village of Sleepy Hollow will be the project operator as the stormwater management structures will be located in the right-of-way of the public streets in the waterfront open space at Lighthouse Landing. Failure to comply with the provisions of the permit could subject the Operator to substantial criminal, civil and administrative penalties including fines of up to \$25,000 per day per violation.

5648

Stormwater Pollution Prevention

We request that the Stormwater Pollution Prevention Plan that will be prepared as part of the permitting processes be made available for public review and input.

As noted in the Response to Comment 5647 above, the Applicant will prepare a SWPPP in compliance with NYSDEC's SPDES permit program. Upon completion of the SWPPP and at least 60 days in advance of the start of construction, the Applicant will file with the NYSDEC a Notice of Intent (NOI) which will mark the beginning of a 60-day period within which NYSDEC may conduct a further review of the application. Concurrently, the Applicant must submit the NOI, SWPPP and any reports required by this permit to the local governing agency, in this instance the Village of Sleepy Hollow, for purposes of notification and review. Filing with NYSDEC does not relieve the Applicant from its obligation of complying with stormwater management requirements of the local government having jurisdiction over the project. These documents will be available for review prior to the start of construction. It is noted that a Stormwater Management Report has already been prepared for the project as presented in DEIS Appendix 5, and the Conceptual Erosion and Sediment Control Plan is included in full-size drawings accompanying this document (see Drawing SP-4.0).

5649

River Restoration and Stormwater Management

We urge the Village to also consider how the restoration of a new Pocantico River through this site may impact stormwater management and the control of nonpoint source pollution. Changes to stormwater management planning may be necessary to protect this new River.

See preceding Response to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River.

6209

9. The Applicant should provide additional detail regarding how drainage will be handled on the east parcel, and any related modification to the Horseman's

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Trail.

The Applicant proposes to avoid impacts to the flood storage capacity of the Pocantico River basin by maintaining the current floodway capacity of the East Parcel. This will be accomplished by a balanced cut and fill grading plan for the proposed East Parcel development of the proposed municipal uses that will permit occasional flooding in select areas. The balanced cut and fill will take account of the two feet of clean fill that is proposed for open space as part of the remediation of the Site under the Brownfield Cleanup Program. No modifications are currently proposed to the Horseman's Trail, which is located near and adjacent to the East Parcel. Connections to the Horseman's Trail may be considered during the Site Plan review for the East Parcel.

6212

12. The plan currently shows a storm sewer outlet in the cove just south of Kingsland Point Park. The Applicant should consider whether the outfall can be redirected or extended to avoid having discharges in an area with the potential to provide water-related recreation.

The submerged outfall, in its present location, neither impacts off-shore boating activities nor any shore-related, recreational, water-dependent uses presented by the Village Open Space consultant responsible for the design of the waterfront. The outfall will be discharging treated stormwater, which will not affect the potential for water-related recreation. GM has conducted sampling of sediments in the vicinity of Outfall 3, which is just south of Kingsland Point Park. The sampling indicates that the sediments in this area are typical of sediments found in this general section of the Hudson River, and do not reflect the presence of contamination from the Site.

6901

1) It appears that the floor elevation of several of the underground garages may be below the 100-year flood elevation. What type of drainage systems will be provided?

Elevation 8.0 is the proposed finished floor elevation of all below-grade parking garages. This maintains all garage floors, at minimum, 1-foot above the 100-year flood elevation (El. 7.0). In accordance with Westchester County Health Department regulations for stormwater systems, drainage from the garage floor will be through floor drains and shall discharge to the municipal sanitary sewer system.

6902

2) The 100-year flood boundary does not appear to be correct since it crosses both the 10' to 25' contour elevations. A separate drawing should be prepared showing the actual areas within the 100-year flood plain based upon actual

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elevations, not FEMA maps, for the pre-and post-developed conditions.

The 100-year flood boundary as previously shown was taken from the FEMA Flood Insurance Study prepared for the Village of North Tarrytown and dated February 17, 1981. As requested, the Applicant has shown the 100-year flood boundary for both existing and proposed conditions the approximate limit of the 100-year flood plain based on elevation (El. 7.0, 1988 NAD) on Figures II.B-3 and II.B-4 of this FEIS.

6905

5) In addition to the hydrodynamic separator and deepened catch basin sumps, will other methods be utilized to improve stormwater quality, i.e., sand filters, catch basins hoods, filter systems, bioswales, bioretention, etc. The stormwater collection system should have connections from catch basins to drain manholes; not catch basin to catch basin.

In addition to the hydrodynamic separators and catch basins with sumps, the Applicant will also be constructing a water quality swale to capture and treat stormwater runoff from development of the East Parcel. Further, the Applicant will employ during construction such temporary controls as silt fencing, sediment traps, and stabilized construction entrances. Final design of the storm drain layout will be further studied during the Site Plan review process and reviewed by the Village Engineer. The Applicant will also be required to prepare a SWPPP for authorization to proceed with construction under NYSDEC's SPDES General Permit For Stormwater Discharges From Construction Activity (GP-02-01, effective January 8, 2003). The SWPPP will include an inspection and maintenance schedule for all temporary and permanent, post-construction control practices and/or structures to ensure continuous and effective operation of each stormwater pollution prevention control practice. Included as part of the SWPPP will be an Erosion and Sediment Control Plan prepared by the Applicant. This plan will be designed to prevent the off-site migration of any sediment laden runoff (including possible contaminants) from leaving the Site and will include the provision of a wheel wash. Further, this plan will be reviewed and approved by the Village Engineer during the Site Plan approval process and shall comply with all requirements of the Remedial Work Plan and Worker Health and Safety Plan approved by NYSDEC.

6912

12) A more detailed description of proposed stormwater quality treatment equipment including location and size should be provided.

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In total, approximately eighteen (18) hydrodynamic separators are to be installed on the West Parcel to treat stormwater runoff from the Site. The locations of the proposed hydrodynamic separator units are shown on the full-size drawings of the proposed FEIS Alternative Plan. Sizes of the individual units will vary depending on the contributory drainage area to each unit. Typical units will serve between 1 and 5 acres and will range in depth from 6 to 8 feet deep and approximately 12 feet in diameter.

6913

13) Even though the Pocantico River flows into the Hudson River, pollutant loads from stormwater run-off into the Pocantico River should be reported separately.

Off-site stormwater discharges from the West and South Parcels discharge directly to the Hudson River, bypassing the Pocantico. Pollutant levels of stormwater runoff from the East Parcel were estimated for the DEIS Plan and may be found in Table 4, Estimated Stormwater Pollutant Loads within the Stormwater Management Report included in DEIS Section X, Appendix 5.

7002

Existing Storm Water Outfall

The outfall timber sheet wall and/or cribbing infrastructure at the approximate projected foot of Beekman Avenue in Tarrytown Harbor is in disrepair. We recommend new sheet piling be driven adjacent to the outfall, returning into the adjacent embankment slope and connecting to the existing adjacent steel sheet pile wall. From a permitting perspective, the New York State Department of Environmental Conservation (NYSDEC) will need to review and approve this outfall work.

Two other existing stormwater outfalls from the site to the Hudson River are proposed for reuse. These outfalls were not found in the field, and are probably submerged.

The shoreline is comprised primarily of rip-rap, which will be repaired as necessary as part of the construction of this project. The timber wall that is in disrepair will be removed and replaced with a rip-rap slope to match the rest of the Site. This riprap slope will be matched into the adjoining sheet pile wall, which continues onto the adjacent Sleepy Hollow development. Permits for the shoreline work will be obtained from approving agencies prior to construction. There are many successful applications of outfall pipes supported and protected by rip rap. Most of the outfalls which extend below the railroads on both shores of the Hudson River are rip rap protected.

7006

Flooding Conditions at Philipsburg Manor and the Lower Pocantico River
As mentioned above, we reviewed the study by Hand-Padron Associates, LLP

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(HPA), "Flood Mitigation Feasibility Study – Lower Pocantico River, Sleepy Hollow, New York" dated May 2004. HPA's study was commissioned by Scenic Hudson, Inc. to analyze existing flood conditions in the lower Pocantico River and to evaluate alternative schemes to mitigate flood conditions.

Understanding the geographic boundaries of HPA's river model, and structures incorporated into the model, is crucial to evaluating the results of the study. HPA performed numeric modeling of the "lower" Pocantico River – from the spillway of Philipsburg Manor Dam downstream to the mouth of the Pocantico (Page H-1). If the modeling included the Pocantico Lake, upstream of the dam spillway, this is not stated in the report. Appendix H of the report appropriately lists structures that were included and excluded in/from the model (the railway box culvert and downstream road bridge at the Hudson confluence are included while the road bridge at the playground ballfields are excluded), but the dam spillway is not mentioned.

The study, under the heading "Historical Flooding of the Study Area," cites flooding damage during Hurricane Floyd which "were reportedly in the range of \$1 million," while referencing Appendix C of the report, which documents damage to Philipsburg Manor. According to the New York Times article found in Appendix C, "uprooted trees and debris caught on the supports of a 17th-century-style wooden foot bridge here [a Philipsburg Manor dam] and obstructed the flow of the Pocantico River, a small tributary of the Hudson. Blocked from its course, the river turned east and cut a wide swath through a hillside..." Based on this account, the cited flood damage resulted from flood elevations *upstream* of the dam, not the lower Pocantico River that was studied by HPA. The flood profile upstream of the dam appears to have been controlled by blockage at the footbridge that rests upon the dam, and not backwater effects downstream of the dam, as implied by the HPA report.

HPA recommends mitigation measures in the lower Pocantico River. For need and justification, HPA rest heavily upon the Philipsburg Manor disaster. Indeed, the report states that "very little detail was available for flooding which occurred downstream of the Philipsburg Manor dam." Nonetheless, the lower Pocantico River is known to be subject to flooding – this was indicated in the Draft Environmental Impact Statement (EIS) for the former General Motors site. But property damage from flooding in the lower Pocantico is not cited in either the EIS or the HPA study. Thus, the HPA study falls short of documenting a need for mitigation measures in lower Pocantico.

In spite of the foregoing, if documentation of flood damage in the lower Pocantico River exists warranting flood mitigation, then alternatives for reducing peak discharge to this area should be sought. This would require a study of flood routing and storage throughout the watershed. The HPA report did not consider such alternatives; moreover it states that "no consideration has been given to the routing and storage which likely occurs in the Pocantico upstream of the spillway" (Page H-2).

Comment noted. Elevations on the East Parcel will remain generally as they are today, so in the Applicant's opinion, the development of that Parcel will not lessen existing flood storage. (To the extent

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needed to account for the two feet of clean fill required for remediation under the Brownfield Cleanup Program, areas of the East Parcel will be cut so that this additional fill does not lessen existing flood storage.) Further, much of the impervious surface which now covers virtually all of the East Parcel will be replaced with permeable open space, thereby increasing recharge and decreasing the volume of runoff to the Pocantico River. To accommodate proposed Village uses on the East Parcel, it is anticipated that grades will be selectively raised in certain areas and lowered in other areas, but the net effect will generally balance out. If necessary, excess fill material generated by the combination of regrading of the East Parcel and the importation of the two feet of clean fill material for purposes of installing the required environmental cap will be re-used on the West Parcel to minimize the off-site trucking impacts to the surrounding communities. This Comment suggests that if there is flood damage in the lower Pocantico, an alternative to reducing peak flow should be sought. It is the Applicant's position that mitigation for such flood damages, however, is not the appropriate subject of an EIS for a project that neither contributes to nor is affected by such flooding. See also preceding Response to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River.

7007

Potential Stormwater/Flooding Impacts from the Proposed Lighthouse Landing at Sleepy Hollow

Federally regulated 100-year floodplains of the Hudson River exist on and adjacent to the site, and floodplains of the Pocantico River exist adjacent to the East Parcel of the site. The EIS states that "because the project will result in a reduction in the total amount of the impervious coverage from 93.53 acres to 67.59 acres there will be an overall reduction in the peak rate of stormwater runoff..." (EIS Page III.G-34). However the potential impacts to flooding potential from the proposed project is not fully addressed.

The East Parcel is outside of the federally-delineated floodplain of Pocantico River (based on EIS figure III.B-5). However, the Pocantico River is known to have flooded during Hurricane Floyd onto the East Parcel up to Elevation 8.0 or 9.0 (EIS Page III.G-31). Therefore, proposed re-grading below these elevations could potentially impact actual flooding conditions by displacing flood storage area. The EIS should provide an analysis of this potential impact irrespective of the parcel's relationship to the regulated area.

The Applicant proposes to avoid impacts to the flood storage capacity of the Pocantico River basin by maintaining the current floodway capacity of the East Parcel. This will be accomplished by a balanced cut and fill grading plan for the proposed East Parcel development of the proposed municipal uses, which will permit occasional flooding in

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select areas. The design objective is to balance cut and fills on the East Parcel below El. 9.0 (approximately 2 feet above the 100-Year Flood Elevation, El. 7.0, 1988 NAD) so that there will be no reduction in the flood storage capacity of the parcel during either a 100-Year storm event or an event similar to Hurricane Floyd as discussed in the response to Comment 7006 above herein. In attaining this objective, several areas will be permitted to occasionally flood. These areas include portions of the proposed commuter parking lot, soccer fields, tennis courts, recreation parking area and access road, Village Department of Public Works (DPW) Yard, and lands proposed for use by Historic Hudson Valley. Based on the eyewitness account of the impact of Hurricane Floyd reported in the DEIS, the Metro-North railroad tracks would not have been overtopped by floodwaters.³ Metro-North service was interrupted during Hurricane Floyd, but this was due to flood conditions elsewhere along the mainline. Further, since the potential for flooding exists at the proposed DPW facility, proposed structures (i.e., DPW buildings, water tank, etc.) and their associated mechanical equipment systems will, to the maximum extent practical and as required by governing regulations, be elevated above El. 9.0 to reduce the potential for damage due to rising floodwaters. Detailed drainage studies will be prepared during the site plan review process when the designs and elevations of the specific site plans for the East Parcel are developed. The final designs may include alternative provision of supplemental discharge points to the receiving waters.

PM1102

The open space that is allotted, if you know, Mr. Tung alluded to, after hurricane Floyd, it had some flooding projects. Mr. Tung, come up after any rainfall. It will still be flooding. What are you going to do for the wetlands by raising the houses four feet?

Comment noted. Lighthouse Landing will not cause flooding or exacerbate flooding that now occurs. Stormwater runoff from the Project will be managed according to the stormwater management plan described in the DEIS within the Stormwater Management Report (DEIS Volume 2, Section X, Appendix 5) and as modified by the plan changes shown on the full-size drawings accompanying this FEIS. Through implementation of the Stormwater Management Plan, flows from the Site to both the Hudson and Pocantico Rivers are expected to decrease from current rates. In the Applicant's opinion, flooding of the Pocantico is unrelated to conditions at the

³ As noted on pages III.D-28 and III.D-31 of the DEIS, flood waters from the Pocantico River may have risen on the East Parcel to approximately elevation 8.0 and 9.0 (1988 NGVD).

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Site and is primarily a product of constrictions in the River east (upstream) of the dam at Philipsburg Manor. In the Applicant's opinion, the Project will have no effect on those conditions and there will be no reduction in the flood storage capacity of the East Parcel upon development of the East Parcel. Further, much of the impervious surface that now covers virtually all of the East Parcel will be replaced with permeable open space, thereby increasing recharge – an environmental benefit – and decreasing the volume of runoff to the Pocantico. The only wetlands that will be affected by the project are ditches on the East parcel, the loss of which will be mitigated by the creation of new and larger areas of more ecologically valuable wetlands.

PM1204

Four, temperature. Everybody knows about global warming. And what will be the effects of increased water levels? Will four feet be enough? Current conditions could create flooding down there at the present time. So, that has to be a consideration.

Under the FEIS Alternative Plan, the lowest finished floor elevations of all habitable spaces are expected to be located above El. 13.5 (approximately 6.5 feet above the 100-year flood elevation of El. 7.0, 1988 NAD).

PM1606

The presentation that Scenic Hudson gave was very impressive. I like what they had to say. I had a discussion with a gentleman about the flood problem, raising the buildings four feet. Yes, that answers the problem of those particular buildings that are sitting right there. It does nothing for upstream.

Comment noted. See also preceding Response to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River.

PM2011

Lastly, and this I'm sure a number of people from Riverkeeper and Scenic Hudson will address these issues, but the issues of runoff, is that addressed? I think they will have significant impacts on the river.

The Applicant has prepared a Stormwater Management Plan that outlines mitigation measures proposed to improve water quality and manage the off-site discharge of stormwater runoff. Refer to the Stormwater Management Plan described in the DEIS within the Stormwater Management Report (DEIS Volume 2, Section X, Appendix 5) and as modified by the plan changes shown on the full-size drawings accompanying this FEIS.

PH2802

The second legacy obligation here is the fact that as you all know Washington

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Irving didn't like having the railroad come through and the railroad cut off half that site. The railroad cut off half of Slaperhaven Bay, the old dump bay where people came up into what is now the restoration. It began to silt in and turn into a marsh on what is now called the east parcel.

Over the years, General Motors rerouted the Pocantico River to flow out to the north of that site where the little mouth of it is now in Kingsland Point Park. But that left and filled in the rest of Slaperhaven Bay. And what that left was a legacy of deflected storm water drainage. There is a storm water problem there. We do have flood surges....

I have given to the, arranged for our planners to give to the Planning Board and the Trustees the flood hazard maps from what the City of New York has developed that will show what will happen to the Pocantico River under the various flood scenarios.

Many of you remember Tropical Storm Floyd which basically wiped out Devries Park. And we had a picnic tables down blocking the entrance to the Hudson. We have got a flood problem there. And we have got to solve the flood problem there. And it can be solved. It is a legacy issue. And I think General Motors and Roseland will address that seriously.

Lighthouse Landing will not cause flooding or exacerbate flooding that now occurs. Stormwater runoff from the Project will be managed according to the stormwater management plan described in the DEIS within the Stormwater Management Report (DEIS Volume 2, Section X, Appendix 5) and as modified by the plan changes shown on the full-size drawings accompanying this FEIS. Through implementation of the Stormwater Management Plan, flows from the Site to both the Hudson and Pocantico Rivers are expected to decrease from current rates. Flooding caused by the Pocantico is unrelated to conditions at the Site. Flooding of the Pocantico River is primarily a product of constrictions in the River east (upstream) of the dam at Philipsburg Manor. The Project will have no effect on those conditions. Further, there will be no reduction in the flood storage capacity of the East Parcel upon development of the East Parcel and much of the impervious surface that now covers virtually all of the East Parcel will be replaced with permeable open space, thereby increasing recharge – an environmental benefit – and decreasing the volume of runoff to the Pocantico.

The FEIS prepared by NYCDEP for the Croton Aqueduct Project was referenced by the Comment. This FEIS concluded that modeling of the Pocantico River showed that “under existing mean annual flows, no flooding occurs along the Pocantico River. Under 10 year and 100-year flood flows, floodplain width would increase along the

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Pocantico River but the bridges, the Philipsburg Manor, and the playground area (at Devries Park) are not flooded based on the elevation increases.” (NYCDEP FEIS at 37.) The concerns about increase in Pocantico River flooding identified in that document were based on certain assumptions, including the assumption that the City’s new Water Treatment Plant would be constructed at Eastview, which did not occur; thus, its conclusions about current conditions remain applicable.

PH2805

All the utilities basically that you need are here. It was a big industrial site. It has the tap in to the running sewer line. It has plenty of electricity. They used a lot of energy down there.

It has adequate systems for water and so on. It does not yet have a storm water system. That has to be worked on.

The Applicant has prepared a Stormwater Management Plan as described in the DEIS within the Stormwater Management Report (DEIS Section X, Appendix 5) and as modified by the plan changes shown on the full-size drawings accompanying this FEIS. Implementation of the plan is expected to mitigate any potential project related stormwater impacts.

PH5106

And what about the flooding already so noticeable at DeVries Park?

I don’t know if you know Kathy’s Memorial Garden. These memorial gardens planted so lovingly by our Village and attended by our garden club is gone because it was under water most of the year.

In the Applicant’s opinion, Lighthouse Landing will not cause flooding or exacerbate flooding that now occurs at DeVries Park. Flooding of DeVries is caused by flow from the Pocantico and is primarily a product of constrictions in the River east (upstream) of the dam at Philipsburg Manor. Lighthouse Landing will have no effect on those conditions upon implementation of the Project’s stormwater management plan described in the DEIS within the Stormwater Management Report (DEIS, Section X, Appendix 5) and as modified by the plan changes shown on the full-size drawings accompanying this FEIS. In fact, flows from the Site to both the Hudson and Pocantico Rivers are expected to decrease in volume since impervious surfaces that now cover virtually all of the East Parcel will be replaced with permeable open space over much of the Site, thereby increasing recharge (DEIS at II-91). Further, the East Parcel elevations will remain generally as they are today, so that development of that Parcel will not lessen the existing flood storage of the Lower

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Pocantico River Basin, of which DeVries is a part.

GENERAL/MISCELLANEOUS ISSUES

1801

I request that special attention be paid to the following issues:

- Linkage of the site to the village – Density and traffic – Site contamination – Use and design of open space – Flooding of Pocantico River -- Architectural aesthetic as a Historic River Town - Termination of litigation against Village of Tarrytown – Outreach to the immigrant community of Sleepy Hollow

See further discussion in this Section of the FEIS, as well as the Responses to Comments herein.

2706

In summary please consider:

- reducing the density to approximate the existing density without the three tall buildings
- reduce the amount of rental units and maintain the owned units
- provide for disposal of dredge spoil from the Beach Club marina
- downplay the value of school tax coverage of proposed bond interest charges
- provide alternate access via Continental Street for emergencies

See Response to Comments 2703 through PH3803 in this Section under the subheading “Grading Operations” regarding dredge spoil. For the remainder of this Comment, please see the relevant Sections of this FEIS.

5002

The DEIS does not present enough data to take a hard look at the two major “legacy” environmental conditions on the existing site, for which GM is largely responsible: the cleanup of all site contamination (in fully compliance with applicable federal and NY State environmental laws), and coping with the flood waters associated with a site at which the historic bay, estuary and mouth of the Pocantico River once met the Hudson River, but which first the railroad tracks and then GM deliberately filled over the years. Development of the site requires restoring a site that is safe for the public from any hazardous chemicals that may be found there, and is safe for the public from floodwaters such as those experienced with Tropical Storm Floyd. These two prerequisites are not adequately set forth in the DEIS, and before the adequacy of developments can be understood, both will need to be described in sufficient detail to permit meaningful evaluation of any development proposed. The FEIS must remedy this deficiency in the DEIS.

As discussed in the DEIS (at Section III.B), in this Section of the FEIS, and in Responses to Comments relating to Environmental Conditions/Environmental Remediation (see below), GM and Roseland have conducted an extensive investigation of the Site under both the VCP and BCP and have proposed extensive remediation of Site contamination under the BCP. The results of the investigation were summarized in the DEIS (at III.B-7 through III.B-14) and are

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amplified in this Section of the FEIS. Results of the investigation are presented in the Preliminary Draft “Remedial Investigation Report for Brownfield Cleanup Agreements – Former General Motors Assembly Plant Site” (December 2006) (Preliminary Draft RIR). The main volume of this document, without appendices, is contained in Appendix 3B to the FEIS.⁴ The appendices are in the public repositories established by NYSDEC for the Site. The NYSDEC and the New York State Department of Health (NYSDOH) must approve the remediation proposed by GM and Roseland; the location-specific remediation that is proposed to take place early next year in order to accelerate key elements of the remediation is contained in a proposed Interim Remedial Measures (IRM) Scope of Work, and the remainder of the remediation will be set forth in a future Remedial Work Plan (RWP). Location-specific remediation focuses on particular areas of concern, which are set forth in the proposed IRM Scope of Work, and which may also be the subject of review by the Planning Board during the site plan review and approval process. The RWP provides for more general remediation, including Site-wide capping and engineering and/or institutional controls that will be implemented in addition to the IRM. Pursuant to the BCP, Site remediation must fully protect the public health and the environment consistent with the proposed redevelopment. Accordingly, there is assurance that the public and residents of the redevelopment will not be exposed to or endangered by any residual contamination on the Site. The remediation proposed by GM and Roseland is summarized in the DEIS (at III.B-20 through III.B-25) and amplified in this Section of the FEIS.

Regarding the second part of this Comment, which asserts that the proposed development requires restoring a site that is safe for the public from floodwaters such as those experienced with Tropical Storm Floyd, see preceding Response to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River. As explained in the preceding Responses, it is the Applicant’s opinion that flooding would not be increased by the proposed project. After considering public comments and the recommendation of the Village’s open space planner, the Conceptual Site Plan has been substantially modified in the FEIS Alternative Plan to increase open space, provide access for water-dependent uses, and enhance public access to the waterfront and

⁴ References to the Preliminary Draft RIR are to the volume of that document contained in Appendix 3B to the FEIS.

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Kingsland Point Park.

5004

The Planning Board notes that GM has managed this site for many decades, and commends GM for the careful demolition of its former assembly plant buildings and the care it gave to the recycling of the materials from the former facility. GM has developed a well-elaborated set of environmental corporate policies, set forth at GM's website (www.gm.com/company/gmability/sustainability/... and [/environment/plan...](http://www.gm.com/environment/plan...) and other sections of the company's website). The Board expects that GM has exercised prudence with respect to the site contamination clean-up, as its policies indicate, and that the site can be fully remediated in accordance with applicable federal and state law, and that GM can assure the Village that GM has established a reserve adequate to finance the rehabilitation of the site. The Planning Board also notes that GM's corporate social responsibility policies contain a careful delineation of its corporate policies for supporting biodiversity in connection with the restoration of its former GM assembly plant sites, as well as for its open and constructive engagement with the Village and the community in thinking through the optimal design of the development of the Sleepy Hollow. It appears to the Planning Board that GM's corporate social responsibility policies would support a stronger use of the Village LWRP policies than Roseland has presented in the DEIS, and in the FEIS these inconsistencies should be eliminated. We would urge Roseland to conform its revised proposals more closely to the corporate social responsibility policies of GM.

See preceding Responses to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River and GM corporate policy, as well as this Section of the FEIS. As reflected in the FEIS, GM has committed to remediation of the Site for the intended use of the Site, as set forth in the FEIS, consistent with BCP. GM has adequate resources to remediate the Site consistent with the provisions of the BCP, which imposes cleanup standards at least as stringent as applicable federal and state law. GM seeks to implement the IRM early next year, which would accelerate important aspects of the overall remediation of the Site. The principal remaining components of Site remediation, such as the capping of the Site with at least two feet of clean fill or impervious surfaces (e.g., asphalt or concrete), would be undertaken by Roseland in conjunction with the construction process.

5007

The Planning Board notes that Kingsland Point is not just "any" local park. Mayor Zegarelli is to be commended for the restoration of the Park under the stewardship of the Village. The FEIS needs to recognize the Point's critical geomorphology and its original role as a landscape feature that helped, along with the Pocantico River, to make early settlement by Native Americans possible in the neighborhoods of Sleepy Hollow, and then attract the early Dutch settlers, who with their enslaved work force built and operated the Upper Mills of Philipsburg Manor. Unlike the bulk of the former GM site, Kingsland Point is itself bedrock, projecting far from the mainland shore out

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into the Hudson. North of the Point are some of the original oyster beds, allocated by the NYSDEC, and oysters still breed in the Tappan Zee. Commercial and recreational fishing for shad is about to begin, as the shad runs abound in April and May. Other recreational fishing continues in the Tappan Zee. This area is rich in aquatic resources, and the development of the GM site needs to identify more fully and respect the biodiversity of the Hudson River and Tappan Zee, Kingsland Point, the Pocantico River and how the GM site-development can enhance biodiversity, as through the restoration of an estuary. In March, eagles returned to Kingsland Point, as the NY Times reported.

See preceding Responses to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River.

PM1901

We are pleased that you are taking action to revitalize our waterfront. However, we have reservations about the Lighthouse Landing development. These concerns reflect our commitment to the preservation of open space, public access to the Hudson River and the architectural heritage of our village.

This project will change the waterfront and the village, and we would appreciate the Board addressing the following concerns as part of the environmental review process. Density of housing units and population; traffic impact on the village streets and Route 9; site contamination; use and design of open space; flooding of the Pocantico River; architecture that is not in keeping with village traditions.

Please see the discussion below under the subheading “Environmental Conditions/Environmental Remediation” addressing the concern expressed in the Comment regarding Site contamination. See also preceding Response to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River. For the remainder of this Comment, please see the responses to Comment PM1901 in Section II.II (Description of Proposed Action) and II.I (Traffic and Parking) of this FEIS.

ENVIRONMENTAL CONDITIONS/ENVIRONMENTAL REMEDIATION

Section III.B of the DEIS provides a detailed discussion of the subject of environmental conditions and remediation. Information contained in that document has been amplified through confirmatory investigations, and certain additional reports have been prepared for and approved by the NYSDEC under the VCP and then the BCP. To maximize clarity, the principal discussion in the DEIS and the additional information have been synthesized in this section of the FEIS. In addition, a list of acronyms for of technical terms has been

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prepared and is contained in Appendix 3C of the FEIS.⁵

Existing Conditions

At the time the DEIS was prepared and submitted to the Village, Roseland and GM were Volunteers in the NYSDEC's VCP. Subsequent to the issuance of the DEIS, Roseland and GM transitioned from the VCP into NYSDEC's new BCP. Both entities entered into two Brownfield Cleanup Agreements (BCA) with NYSDEC in May 2005. One BCA applies to the West and South Parcels, collectively referred to as the "West Parcel" in the BCA. (In the FEIS, the West and South Parcels will be discussed separately unless otherwise indicated.) The second BCA applies to the East Parcel. (Copies of the BCAs are contained in Appendix 3A to this FEIS. Exhibits to these documents were not reproduced therein, but are available at the document repositories established for the Site.) Under each BCA, Roseland is a Volunteer and GM, due to its status as a prior owner/operator of the Site potentially responsible for Site contamination, is a Participant. As a Participant, GM is responsible for any required remediation of off-site contamination. The basic elements of the BCP are described in the DEIS (at III.B-1 to III.B-3).

Environmental Site Investigations (the Preliminary Draft Remedial Investigation Report)

The DEIS describes the series of investigations of the Site that were conducted by GM as part of its decommissioning and demolition of the plant, as well as investigations conducted by Roseland as part of its due diligence. (As a general matter, the FEIS does not repeat the DEIS's description of these earlier investigations.) The DEIS also describes the investigations conducted by GM and Roseland under the auspices of an Investigation Work Plan approved by NYSDEC under the VCP. (See generally DEIS at III.B-8 to III.B-10.) A description and results of the investigations conducted on the Site, including those conducted under the VCP (and incorporated under the BCP) are contained in the Preliminary Draft RIR, which is contained in Appendix 3B to the FEIS and will be available at the document repositories established under the VCP/BCP: the NYSDEC Region 3

⁵ Additional definitions are contained in the NYSDEC Region 8 website at <http://www.dec.state.ny.us/website/req8/der/glossary.html>

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office in New Paltz, the Sleepy Hollow Village Hall and the Warner Library in Tarrytown. This document has been submitted to NYSDEC, and is subject to further review and approval of the agency.

The DEIS explains that, based on the previous investigations, the Investigation Work Plan had identified 46 potential areas of concern (PAOCs) that might contain contaminants that could present an environmental concern. One additional PAOC was discovered and evaluated during the performance of the remedial investigations conducted on the Site. The investigations reflected the presence on the Site of several ubiquitous contaminants that are typical constituents of historic fill found on land along the Hudson River – metals, especially lead, and a type of semivolatile organic compound (SVOC) classified as PAHs, typical byproducts of ash and furnace slag that are often found in historic fill.

Both the PAHs and lead are found in historic fill throughout much of the Site at levels that exceed the applicable recommended soil cleanup objectives (RSCOs) for unrestricted use set forth in NYSDEC's Technical and Administrative Guidance Memorandum (TAGM) # 4046: Determination of Soil Cleanup Objectives and Cleanup Levels (November 1994, amended December 2000). As noted in the DEIS (at III.B-2), these RSCOs are considered by NYSDEC as one factor in determining the ultimate cleanup level for particular contaminants. TAGM # 4046 uses a background level for lead ranging from 200 to 500 parts per million (ppm).⁶ Under the BCP, the NYSDOH has set the cleanup objective for lead in an unrestricted use scenario at 400 ppm. (The United States Environmental Protection Agency (EPA) uses 400 ppm for an open (i.e., exposed) residential play area and 1,200 ppm for residential yards other than play areas.) TAGM # 4046 specifies a separate RSCO for individual PAHs and a RSCO of 500 ppm for total SVOCs (which include PAHs, as they are a type of SVOC).⁷

During the development of the Work Plan, ranges of metals detected in Site soils (primarily historic fill) during the previous investigations

⁶ Parts per million is equivalent to mg/l.

⁷ The TAGM # 4046 RSCOs are used in this FEIS because they were used in the DEIS. NYSDEC recently adopted new regulations under the BCP, which contain revised soil cleanup objectives that will likely be applicable to the Site (restricted residential or parkland). Thus, those criteria will likely supersede the TAGM # 4046 values. For consistency purposes, the FEIS will refer to the soil cleanup objectives in TAGM # 4046, though it is likely the objectives in the new regulations will ultimately apply. The differences in the objectives are not expected to meaningfully affect the remediation proposed for the Site.

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were examined to determine if any areas should be considered “sources” of contamination. The previous investigations revealed that lead was frequently found at levels above the TAGM # 4046 suggested range of 200-500 ppm for typical urban background, throughout several of the large tracts of historic fill. None of these areas contain free product, concentrated solid or semi-solid hazardous substances, or non-aqueous phase liquids as a source of lead. However, NYSDEC raised a concern regarding the possibility that certain locations might represent substantive areas of grossly contaminated soil due to unusually high levels of lead relative to the rest of the historic fill. Therefore, the entire distribution of lead detected throughout the Site in the previous investigations was subjected to a knee-of-the-curve (statistical) evaluation to determine what levels of lead were considerably above the typical condition for historic fill on the Site. Out of 260 Site-wide samples analyzed for lead in the previous investigations, 62% of the samples exhibited lead levels below 500 ppm, 35% of the samples had levels between 500 ppm and 10,000 ppm, and 3% of the samples contained lead in excess of 10,000 ppm. A 10,000-ppm lead threshold was selected as a logical dividing line for delineating possible source areas because soils yielding results above this number are anomalous relative to the typical lead concentrations encountered throughout large segments of the Site. The 10,000 ppm level is also consistent with studies conducted in New Jersey showing that concentrations of lead in common historic fill materials, such as fly ash, range up to 10,700 ppm.

Based on this screening mechanism, the DEIS identifies several PAOCs on the Site as warranting location-specific remediation (i.e., remediation in addition to the Site-wide capping and institutional and engineering controls described below) due to the presence of elevated levels of lead. These include the following locations: PAOC-7/Fill Area H, in the southwestern part of the West Parcel below the Body Plant slab; and Fill Area F, adjacent to Fill Area H; and PAOC-29, under asphalt and a concrete slab-on-grade associated with a former maintenance building in the northwest corner of the West Parcel. Lead has been found in soils at levels up to 53,900 ppm in Fill Area H, up to 167,000 ppm in Fill Area F (at 2 feet below ground surface in the crawl space under the former Body Plant slab), and up to 90,000 ppm in PAOC-29. (See generally DEIS Appendix 3B, Attachment A, Table 4. See also the Preliminary Draft RIR contained in Appendix 3B to the FEIS.) The lead in these areas appears to be associated with construction and demolition-type materials, furnace

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slag or ash in the historic fill. (See DEIS Figure III.B-2.)

A supplemental investigation was conducted under the VCP to delineate more completely the vertical and horizontal extent of lead-contaminated soils in these areas and to ascertain the presence and extent of any grossly contaminated soils. As a result of this further investigation, elevated levels of lead were also found in Fill Area G, adjacent to Area F, at levels up to 13,700 ppm. Due to the overlapping of lead-contaminated soils among PAOC-7 and Fill Areas H, F and G identified thereby, these four areas were merged into a single PAOC for lead-contaminated soils (PAOC-7/Fill Areas H, F and G). Analysis of all the samples for lead in this area indicates that approximately 8% of the samples exhibited lead levels exceeding 10,000 ppm and approximately 58% had lead levels below 400 ppm. For PAOC-29, approximately 14% of the samples contained lead in excess of 10,000 ppm and approximately 35% contained less than 400 ppm of lead.

Samples of groundwater taken in and around Fill Areas H, F and G and PAOC-29 in the Spring and Summer of 2004 did not contain elevated concentrations of lead as compared to the applicable Class GA groundwater standards for drinking water; these standards apply to the Site even though the groundwater is not now, nor is it expected to be, used as a source of potable water. This indicates that the lead in the soil is not currently being transported in the groundwater. (There were several exceedances of Class GA standards from turbid groundwater samples (containing suspended solids, which reflect lead adsorbed on the surfaces of soil particles rather than being dissolved in the groundwater), but none from the lowest achievable turbidity sample nor from filtered samples, indicating that lead has not impacted groundwater in relation to these standards.) Because PAOC-29 is located adjacent to Kingsland Point Park (specifically, a paved road and parking area within the Park), an off-site soil investigation was conducted on Park property in October 2004 to determine if soil beneath the Park contained elevated lead levels similar to those observed on the Site. This sampling in the Park did not reveal any similarly elevated concentrations of lead.

The areas of concern for lead-contaminated soils are identified on Drawing 2 (included in the Preliminary Draft RIR, which is contained in Appendix 3B to the FEIS), which shows the PAOCs on the Site that, as discussed below, are proposed to be specifically remediated pursuant to the BCP. FEIS Figure II.B-5 superimposes

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these PAOCs on the FEIS Alternative Plan discussed earlier in this FEIS. PAOC-7/Fill Areas H, F and G are located principally under roads, townhouses and open space of the proposed revised redevelopment.

The investigations described in the DEIS also identified several areas where subsurface soil exhibited petroleum odors or staining, likely the result of historic leaks from underground storage tanks (USTs): the area surrounding the former 10,000 gallon UST in the northwest portion of the West Parcel, in the area adjacent to the former Chassis Plant, where the UST had been removed; PAOC-37, in the southeast corner of the West Parcel; and PAOC-43, roughly in the center of the West Parcel.

Additional sampling around the abandoned 10,000-gallon UST was conducted in the Spring of 2004 to delineate more precisely the extent of grossly contaminated soils that were not removed in 1998 (when the UST and over 700 cubic yards of the most contaminated soil were excavated by GM) due to the presence of buildings and an active rail siding overlying a portion of this area at that time. The sampling indicated that soils around the UST have been impacted up to 21 feet in depth. All of the impacted soils are in the saturated zone (below the water table). Soils in the immediate vicinity of the UST exhibit evidence of residual oil contamination (sheen and odor), as well volatile organic compounds (VOCs) and/or SVOCs above TAGM # 4046 guidance values.

The affected soils in this area appear to be generally aligned with the former 1926 shoreline that extended throughout this area. Total VOCs in the soil in the area of concern surrounding the former 10,000 gallon UST range up to 31.18 ppm; TAGM # 4046 sets forth a RSCO of 10 ppm for total VOCs. Although the total SVOCs in the soil range up to 180 ppm, which is less than the RSCO of 500 ppm, total carcinogenic PAHs range up to 59.10 ppm, above the RSCO of 10 ppm. RSCOs for individual PAHs are also exceeded. Groundwater sampling was also conducted in this area of the Site for petroleum-based contaminants in the groundwater. The historic spill (circa 1920s) of No. 6 fuel oil associated with this UST is aged and degraded by bacterial decomposition and VOCs were generally not detected in groundwater at this location during 2004 (the exception being one monitoring well at the edge of the proposed remedial area for the UST which contained 1.5 ug/l of benzene compared to the Class GA standard of 1.0 ug/l). SVOCs (PAHs) are present in

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groundwater at part-per-billion levels at this location, some of which do exceed the Class GA standards for drinking water – although not any more so than is found upgradient of the UST area due to the presence of coal ash and cinders in the fill, which contain the same types of SVOCs (PAHs).

Supplemental sampling in the PAOC-37 and PAOC-43 areas, also conducted in the Spring of 2004, indicated that VOCs in these areas are the result of historic releases that have undergone substantial natural degradation. Neither VOCs in soil nor groundwater in PAOC-37 or PAOC-43 exceed the RSCOs or Class GA standards, respectively; the primary constituents of concern in these areas are metals associated with historic fill in the West Parcel, and PAHs associated with the historic fill and some residual from degraded petroleum.

These PAOCs for petroleum-contaminated soils are identified on Drawing 2 (included in the Preliminary Draft RIR that is contained in Appendix 3B to the FEIS), and FEIS Figure II.B-5 superimposes these PAOCs on the FEIS Alternative Plan discussed earlier in this FEIS. PAOC-37 is located under the proposed market/office building in the southern corner of the Site; PAOC-43 is located under the proposed park that roughly bisects the Site east to west under the proposed revised redevelopment; and the soils containing residual petroleum from the spill from the 10,000 gallon UST are located under townhouses and some open space in the northwestern portion of the proposed revised redevelopment

The initial (2003) investigations also revealed a limited area (one monitoring well – OW-24 in PAOC-47) containing a chlorinated VOC, trichloroethene (TCE) (typically from solvents), and chromium (a metal) in groundwater near the northwest boundary of the Site with Kingsland Point Park.

A series of additional soil and groundwater samples were taken in this area in the Spring and Summer of 2004 under the auspices of the VCP to more precisely delineate the extent of such contamination. The sampling identified a previously closed pit (filled with sand) as a possible source of these constituents. Test borings through the sand fill revealed a subsurface concrete slab (about 6 feet below grade) with a pronounced greenish color and soil above and below this slab with high concentrations of chromium. The levels of chromium in the soil are above and those of TCE are below their respective RSCOs

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identified in TAGM # 4046. The chromium levels in soil in PAOC-47 ranges from 8.7 ppm to 3750 ppm, while the RSCO is 10 ppm or Site soil background levels (which are approximately 50 ppm). The TCE in soil ranges up to 0.045 ppm, which is below the RSCO of 0.7 ppm. The sampling did not identify any grossly impacted soils that would account for the TCE found in the groundwater in the initial (2003) investigation, yet the pattern of groundwater contamination implicates the closed pit as a source area.

The concentrations of these substances in groundwater exceed the applicable standards for Class A groundwater. The chromium in groundwater ranges up to 42,100 micrograms per liter (ug/l), while the standard is 50 ug/l. The TCE in groundwater ranges up to 75 ug/l, while the standard is 5 ug/l. In addition, a breakdown product of TCE –cis-1,2,Dichloroethene – is also present in groundwater at levels that slightly exceed the Class GA groundwater standard. Groundwater contaminated by TCE and chromium extends off of the Site into Kingsland Point Park, approximately 8-10 feet below the ground surface.

Soil gas surveys were conducted in the East Parcel in 2003 and the West Parcel in 2004 to assess the extent to which soil gas (i.e., vapors) containing VOCs is trapped under the existing pavement or building slabs. The design of these surveys were reviewed and approved by NYSDOH and NYSDEC. The 2004 survey of the West Parcel indicated the presence of TCE in soils gas within the PAOC-47 area and petroleum-derived VOCs in soil gas within the other areas sampled (See Figure 13A of the Preliminary Draft RIR, which is contained in Appendix 3B to the FEIS).⁸ Soil vapors as high as 2,600 ug/m³ were observed below the existing building slab in PAOC-47, while the maximum soil vapor reading in any of the petroleum-affected areas (including that associated with the former UST (excluding a single sample containing acetone, a laboratory artifact) was 160 ug/m³, which does not represent a predicted future indoor air concentration at these locations.

As per NYSDOH Guidance for Evaluating Vapor Intrusion (October 2006), New York State currently does not have any standards, criteria or guidance values for concentrations of compounds in subsurface vapors. Additionally, there are no databases available of background

⁸ A description and results of the investigations conducted under the VCP (and incorporated under the BCP) are contained in the proposed RIR.

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levels of volatile chemicals in soil vapor. In the absence of this information, NYSDOH will compare soil vapor sampling results to background outdoor air levels or Site-related outdoor air sampling results. The NYSDOH has guidelines for volatile chemicals in indoor air; for TCE it is 5 ug/m³.

This area of concern for chromium and TCE-contaminated soils, groundwater and soil gas is identified on Drawing 2 (included in the Preliminary Draft RIR that is contained in Appendix 3B to the FEIS). FEIS Figure II.B-5 superimposes this PAOC on the FEIS Alternative Plan discussed earlier in this FEIS. PAOC-47 is located primarily under open space, as well as some townhouses, of the proposed revised redevelopment. More particularly, several townhouses will be located on areas in which the soil vapor survey revealed vapor concentrations exceeding guidance concentrations and thus the anticipated need to implement remedial measures to prevent soil vapor intrusion. No buildings are proposed to be located over groundwater that sampling shows an exceedance of the 5 ug/l groundwater standard.

The DEIS notes several other potential areas of concern. Low levels of polychlorinated biphenyls (PCBs) were found in milled concrete recycled from upper levels of demolished Site buildings, which are stockpiled in a bermed area near the waterfront. Some millings from this source were used to fill post-demolition depressions on portions of the West Parcel. The total PCBs range up to 4.4 ppm, with individual aroclors at lower levels; the RSCO is 1 ppm for surface soils (the top 18-24 inches) and 10 ppm for subsurface soils. The millings also contain levels of metals and PAHs consistent with concentrations of these compounds throughout the Site. The proposed use of these millings is for on-site structural fill, which will be capped in accordance with the Site-wide plan for engineering and institutional controls.

A methane gas survey had initially been conducted on the East Parcel because the Village of Sleepy Hollow (North Tarrytown) had used a portion of this area as a landfill for a period of time.⁹ Sampling in the subsurface indicated that methane is trapped under the asphalt surface of the parking lot on this Parcel. Methane was not found in unpaved areas of the East Parcel because the gas naturally dissipates into the

⁹ Methane is a colorless and odorless gas generated by the natural decomposition of organic material in municipal refuse.

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atmosphere in the absence of pavement or other similar barriers. The extent of methane on the East Parcel is reflected in Figure 15A, which is included in the Preliminary Draft RIR that is contained in Appendix 3B to the FEIS.

A soil gas survey was conducted on the West Parcel under the VCP in the Summer of 2004 to determine if there was any accumulation of methane, originating from beneath the existing concrete slabs and asphalt. This investigation identified one area near the northern end of the Site that contained methane believed to originate from natural organic material associated with a former stream channel. The limited area of methane on the West Parcel is shown on Figure 17 (included in the Preliminary Draft RIR that is contained in Appendix 3B to the FEIS). The methane is under the asphalt-paved area in the northwestern corner of the Site.

The Applicant, as reflected in the Preliminary Draft RIR, recommended that certain PAOCs be subject to further consideration as to the need for specific remediation (i.e., remediation in addition to Site-wide remediation of a cap and barrier system). Areas that are not believed to warrant remediation beyond the Site-wide remedial approach described below, which consists of a series of institutional controls and engineering controls (IC/EC) providing for a long-term cap and barrier system, were screened out. Those PAOCs identified as requiring potential specific remediation are discussed below.

GM has conducted several phases of a Sediment Quality Investigation in the Hudson River, focusing on metals associated with historic wastewater discharges from the former plant via outfall pipes. The first study, conducted in 1997, did not indicate any area-wide impacts. In July 2004, under the auspices of the VCP, GM conducted a more localized investigation, focusing on shallow sediment adjacent to three outfalls that historically conveyed industrial or stormwater discharges into the Hudson River. Samples were analyzed for constituents (metals) expected to be associated with such discharges. Analyses for PAHs and PCBs were also performed at the request of NYSDEC. The data indicates that there are elevated concentrations of metals immediately adjacent to Outfall 1 (OF-1), located at the southern end of the property along the Hudson River. The principal metals of concern are lead, chromium, mercury, copper and zinc. This outfall discharged industrial wastewater from the plant during the 1960s through October 1971 (after which the GM industrial waste stream was pretreated and directed into the public sewer system in

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accordance with local permits). Further sampling to delineate the vertical extent of this affected area and to evaluate potential impacts to benthic biota within the study area was conducted in September-October 2006.

The results of the July 2004 investigation (which summarizes the results of the 1997 investigation) and September-October 2006 investigation will be contained in an investigation report that, once approved by NYSDEC, will be available to the public in the agency's repositories.

Future Conditions Without the Project

Without the project, GM would be required to remediate the petroleum-contaminated soil from releases from the former 10,000 gallon UST in the area adjacent to the former Chassis Plant under the New York State Navigation Law, subject to NYSDEC review and approval. GM could be required to remediate other areas of the Site contaminated by its prior manufacturing activities (particularly PAOC-47). In all other respects, Site conditions would remain essentially unchanged. Neither GM nor Roseland has an obligation to remediate the Site under the BCAs, as these agreements can be terminated by the parties without the requirement of conducting any remediation.

Potential Impacts

Implementation of the proposed development will not adversely affect contamination on the Site because, as part of the remediation process that will take place under the BCP, NYSDEC and NYSDOH will ensure that construction and operation of the development will not result in adverse environmental or public health impacts. As discussed in the DEIS (Section III.B.2.d), and amplified below, removal of contaminated soils and treatment of contaminated groundwater will take place prior to or during project construction, and work plans developed and implemented under the BCP will govern not only remediation, but construction and operation of the development as well.

Proposed Mitigation Measures

At the time the DEIS was issued, NYSDEC had, based on the project proposed and investigations completed as of that time, conditionally

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approved a draft Conceptual Remediation Action Work Plan (Conceptual RAWP) for the Site. The Conceptual RAWP contemplated specific remedial measures to address certain PAOCs containing soils exhibiting elevated levels of lead and petroleum on the West Parcel (e.g., the removal of lead-contaminated soil in PAOC-7/Fill Areas H and F and PAOC-29 and of petroleum-contaminated soil in the vicinity of the former 10,000 gallon UST); capping of the Site with various materials, depending on the use in a particular area (e.g., soil in the open space areas, asphalt over roadways, and concrete under buildings); groundwater monitoring to confirm the absence of any groundwater impacts; and certain IC/EC to be memorialized in and enforceable by a deed restriction or environmental easement (e.g., a prohibition against use of the shallow groundwater and the establishment of procedures to be followed if the soil under the cap were to be disturbed).¹⁰

The Conceptual RAWP contemplated that planned confirmatory investigations and/or project changes could affect the approach articulated therein. As noted above, subsequent additional investigations provided further information as to the extent of certain contamination, particularly chlorinated solvents in the northwestern corner of the Site. In addition, the project has been modified in several key relevant aspects: the concrete slab covering the West Parcel will be removed, thus removing a possible impediment to the feasibility and reasonableness of removing and/or treating contaminated soils under the slab (particularly in PAOC-7/Fill Areas H, F and G and PAOC-29); the portion of the Site containing PAOC-47 (which contains chromium and TCE-contaminated soil and groundwater) will be developed primarily as open space, rather than townhouses; and open space will be preserved in the northwestern corner of the Site. The Conceptual RAWP, therefore, has been modified by the FEIS, and will be superseded in the BCP process by the IRM Scope of Work and RWP, which will account for both the additional information and the proposed project modifications.

The Proposed Remediation – the IRM Scope of Work and RWP

According to NYSDEC's Brownfield Cleanup Program Guide (BCP Guide), the goal of the remedy selection process in the BCP is to select a remedy for a site that is fully protective of public health and the environment, taking into account the current, intended and

¹⁰ Under the BCP, an environmental easement, rather than deed restrictions, is employed.

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reasonably anticipated future land use of the site. The use is determined during the application process and confirmed during the remedy selection process. The hierarchy of remediation under the BCP is generally, from highest to lowest: removal and/or treatment of source material; containment of source material remaining after removal and/or treatment; elimination of exposure to any source remaining after removal, treatment and/or containment; and, finally, treatment of source at the point of exposure.

The BCP, Title 14 of the New York State Environmental Conservation Law, provides for cleanup tracks and the promulgation of soil cleanup objectives. Under the recently adopted BCP regulations, the NYSDEC will continue to implement the approach used in the past under the VCP, which most closely resembles Track 1 (unrestricted use) and Track 4 (site-specific use-based cleanup). Since it was established during both the VCA and BCA application process that cleanup for unrestricted use was not feasible for this Site, a use-based approach has been taken. Under a Track 4 use-based approach, the remedial program must achieve a cleanup level that will be protective for a site's current, intended or reasonably anticipated residential, commercial or industrial use with restrictions and with reliance on the long-term employment of institutional or engineering controls to achieve such a level.

As noted above, the specific areas of concern that might warrant specific remediation (in addition to addressing the contamination from historic fill underlying virtually the entire Site) have been identified. Under the BCP, there are remedial action objectives (RAOs) for the Site, discussed below, which are taken into account in developing remedial approaches to address the Site-wide contamination arising from the presence of contamination associated with historic fill and the contamination associated with specific areas of concern recommended for evaluation. An alternative for cleanup to a level that would permit unrestricted use must also be developed, in accordance with the BCP Guide.

The seven areas of concern for the evaluation of potential remediation are:

- the Site-wide PAOCs (derived from the presence of historic fill over virtually the entire Site, as well as the presence of methane under the East Parcel and under a limited area on the

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northwest corner of the West Parcel);

- PAOC-7/Fill Areas H, F and G (lead contamination);
- PAOC-29 (lead contamination);
- PAOC-37 (petroleum contamination);
- PAOC-43 (petroleum contamination);
- PAOC-47 (chromium and TCE contamination); and
- the former 10,000 gallon UST area (petroleum contamination).

There are specific RAOs for particular types of contamination. For soil contamination, the RAOs are to eliminate, or reduce to the extent feasible, future potential human exposure, including the potential for migration and potential inhalation of VOCs through soil vapor in closed buildings, and the potential for methane migration. For the concrete milling, the RAO is to eliminate or reduce potential future human exposure. For groundwater, the RAOs are eliminate or reduce to the extent feasible human exposure and impacts of on- and off-site groundwater, including the potential for inhalation of VOCs through vapor intrusion in closed buildings.

For Site-wide contamination – the elevated levels of metals (especially lead) and PAHs from historic fill, and methane – there are three potential alternatives: the No Action alternative, Site-wide IC/EC cap and barrier system, and the removal of soil containing contaminants exceeding the TAGM # 4046 RSCOs. The No Action approach is inadequate, primarily because it would not address specific areas of concern that, if left unremediated, could affect on-site workers and residents of the development. Thus, this alternative would not meet the RAOs for soil contamination. The removal of all soils with contaminants exceeding RSCOs is infeasible in light of issues with implementability (e.g., technical concerns of massive excavation adjacent to the River and the number of truck trips required to remove contaminated soils from the Site), timing (this approach would take approximately 15 years to complete), and cost-effectiveness (this approach would cost over \$600 million).

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The proposed remediation of Site-wide contamination, therefore, is the implementation of Site-wide IC/EC, which will be implemented in addition to the remedial measures to be undertaken for other specific areas of concern. The Site-wide IC/EC will include the following:

- A demarcation barrier (likely consisting of a geotextile fabric or a structural surface such as concrete or asphalt) will be placed over soil or fill that does not meet the TAGM # 4046 generic cleanup guidance;
- A two-foot thick surface soil cover meeting TAGM # 4046 RSCOs for open space, landscaped or other areas not covered by impervious surface;
- Pavement or concrete (or similar impervious surfaces) over non-open space/landscaped areas;
- Development of permanent structures;
- An environmental easement that will apply to all future owners referencing a Site Management Plan (SMP), as discussed in further detail below; and
- An operation, maintenance and monitoring plan that would include:
 - Installing monitoring wells (if required) and implementing a periodic groundwater monitoring program to confirm that RAOs for groundwater are being achieved; and
 - Conducting periodic groundwater monitoring (sampling and analysis) to confirm that off-site migration is not occurring.

A proposed environmental easement incorporating these Site-wide IC/EC will be filed in conjunction with the IRM Scope of Work for the Site (rather than deferring the filing until completion of all remediation under the BCP), thus assuring the implementation of these measures. If necessary, a modified environmental easement will be filed after the completion of the RWP.

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The proposed remediation includes specific remedial approaches for certain areas of concern, which are described below. The IRM Scope of Work, which also describes these measures and how they will be implemented, will be made public once approved by NYSDEC.

Remediation of Petroleum-Related PAOCs by an IRM

Proposed remedial activities in the area of the former 10,000 gallon UST will include soil removal and treatment of soil and groundwater. The soil removal activities include the removal and off-site disposal/treatment of approximately 5,100 cubic yards of grossly contaminated soils from the area adjacent to the former Chassis Plant (where the UST was removed) that GM identified in the Conceptual RAWP. This approach will involve the removal of petroleum-impacted soil as delineated by the three-foot contour interval, which represents the thickness of stained soils, to a depth of up to 21 feet below existing grade. Figure 9 of Appendix 3D to the FEIS shows the extent of this soil removal.

Excavation of the impacted soils will generally be conducted using conventional construction equipment, such as backhoes, excavators, front-end loaders, dump trucks, etc. Due to the depths of the excavation area, shoring or sheeting of the excavation sidewalls will probably be necessary.

Water generated during the excavation and dewatering activities will be treated on-site using a portable water treatment system. In addition, due to the shallow depth to groundwater in this location (approximately 6 feet below grade), wellpoints will likely need to be installed and operated around the excavation areas to lower the groundwater table (to the extent practicable) and prevent potentially unstable conditions caused by groundwater entering the excavations. Treated water will likely be discharged to the on-site sanitary sewers and received by the Yonkers Wastewater Treatment Plant.

Assuming that sheeting, as expected, is used, soil would be removed horizontally until the sheeting was reached, and continue downward until no further grossly contaminated soils (e.g., soil containing free product, petroleum-stained soil or odors) were observed. A demarcation barrier will be installed at the base and sidewalls of the excavation before backfilling

Any excavation below the water table will be backfilled with clean,

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permeable fill. The remainder of the excavation will be backfilled and brought to grade with soils consistent with the SMP (which may include soil from the uncontaminated upper zone over the contaminated area, which will be stockpiled for potential use as backfill, subject to NYSDEC approval). A barrier system (as described above) will be installed over the PAOC following completion of the backfilling activities.

The excavated materials will be stockpiled on staging areas constructed at the Site to facilitate dewatering of the materials. The stockpiled materials will be sampled (using composite sampling) to characterize for purposes of disposal. Materials that are determined to be nonhazardous will be transported to a permitted solid waste management facility for either treatment and recycling or landfill disposal, while any materials found to be hazardous will be segregated onsite, if appropriate and feasible, transported to a permitted hazardous waste management facility, and treated (as necessary) to comply with applicable law.

The second remedial component is the injection of chemical oxidants, likely through shallow injection wells, to the saturated zone (groundwater and soils within the groundwater) both upgradient and downgradient of the excavation area described above (and shown on Figure 9 of Appendix D to the FEIS). In-situ chemical oxidation (ISCO) for the treatment of petroleum hydrocarbons in the subsurface would typically involve the use of chemical oxidants such as hydrogen peroxide (Fenton's reagent), sodium persulfate, permanganate (potassium or sodium), ozone, or ozone in combination with hydrogen peroxide, and associated supplemental reagents. A conceptual Site model would be developed based on Site characterization activities that would define the vertical and horizontal extent, and the nature and mass, of constituents of concern as well as the local geology, groundwater flow regime, and contaminant migration pathways. In addition, data would be collected to establish baseline geochemical conditions in groundwater for the purposes measuring ISCO success and monitoring groundwater quality.

The Site characterization work and bench scale treatability studies would be used to determine the appropriate oxidant and oxidant dosage. Field scale pilot studies would be conducted to evaluate the radius of influence surrounding the individual injection wells to ensure that the oxidizing agents would be delivered in a manner designed to ensure that the reagents are dispersed effectively throughout the

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treatment zone to promote contact with VOCs in the subsurface soil and groundwater.

The ultimate objective of the remediation of this area is to eliminate or reduce odors and vapors, so as to avoid the need for additional mitigation measures related to buildings, such as a treatment system or vapor barrier under buildings or building foundations. The presence of VOCs in the soil and groundwater in this area raise the potential for soil vapors containing VOCs to enter closed buildings. The Applicant believes this potential to be minimal for several reasons: levels of VOCs in soil immediately beyond the edge of the areas to be excavated generally meet or only slightly exceed TAGM # 4046 RSCOs; downgradient groundwater meets Class GA groundwater standards; and the proposed remediation would significantly reduce these levels of VOCs by the removal of source material and the use of ISCO. Nonetheless, to eliminate any concern over potential vapor intrusion, Roseland has determined to voluntarily design townhouses to include passive subslab depressurization systems, which vent vapors to the atmosphere. Such systems typically include the placement of gravel or geotextile beneath the foundation of the building, with horizontal pipes within the gravel or on the geotextile. Vapor collects in these pipes and then is vented to the atmosphere by vertical pipes. Other buildings in the proposed project have ventilation systems in the basement or lower levels, which would also vent any vapors to the atmosphere. Accordingly, all enclosed buildings on the Site will incorporate measures that eliminate the potential for vapor intrusion - however unlikely.

The IRM for this area will be considered complete when the excavation is completed to pre-established boundaries and either Class GA standards for individual petroleum constituents (VOCs and SVOCs) are achieved or asymptotic conditions (as agreed to by NYSDEC) are observed in monitoring wells within the treatment area. Groundwater monitoring would be conducted during and after the treatment period, likely for five years, to confirm effectiveness of the IRM. Development plans for this former UST area of the Site require the addition of 2-10 feet of additional fill and cover material to provide finished grade.) Trench excavation for most underground utilities is not expected to penetrate the saturated zone, so there should be no worker contact with low levels of residual contamination that will be subject to continued natural attenuation. For sanitary and storm sewer construction, the groundwater saturated zone may be encountered. During deep utility work in this area, the removal and

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disposal of any residual petroleum-contaminated soils, as well as any dewatering necessary to achieve such removal, will be handled in accordance with the SMP. The SMP will require that clean select fill be used for any backfilling of utility trenches. The environmental easement that will be imposed on the Site will prohibit use of the groundwater for any purpose.

The two historic oil spills in PAOC-37 and PAOC-43 have already been subject to extensive natural attenuation, as confirmed by the supplemental sampling described above. Accordingly, excavation or other physical remediation is not necessary. Groundwater monitoring will likely be conducted for five years, to confirm that natural attenuation is effective. The SMP will identify any further treatment or disposal requirements if soil in these areas is excavated during construction. The SMP will also require that clean select fill be used for any backfilling of utility trenches. The environmental easement that will be imposed on the Site under the BCP will prohibit use of the groundwater. In addition, development plans will result in the addition of 5-10 feet of fill and cover materials on PAOC-43 to achieve final grade.

The development plans provide for the addition of new roadways and structures over PAOC-37. In addition, the relocated Westchester County Trunk sewer might be placed in the affected area. During utility work in this area, the removal and disposal of any petroleum-contaminated soils, as well as any dewatering necessary to achieve such removal, will be handled in accordance with the SMP.

Remediation of Lead-Impacted PAOCs by an IRM

Two areas exhibiting atypically elevated levels of lead (PAOC-29 and the combined PAOC-7/Fill Areas H, F and G) will be subject to location-specific remediation. (See Figures 4C and 7A, respectively (included in the Preliminary Draft RIR that is contained in Appendix 3B to the FEIS).)

As explained earlier, the investigations, based on Site conditions, had used 10,000 PPM as a logical dividing line for the initial delineation. The remediation to be conducted, however, will include excavation of fill above the water table containing lead at levels >5,000 PPM, rather than 10,000 PPM. Consequently, the remediation in these two areas of concern will excavate and remove a total of approximately 5,340 cubic yards of fill containing lead concentrations >5,000 PPM from

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above the groundwater table and fill containing lead concentrations >10,000 PPM below the water table.

In both PAOCs, the Applicant will conduct additional sampling prior to the commencement of excavation to delineate more precisely the horizontal extent of fill above the water table containing lead >5,000 PPM. At PAOC-7/Fill Areas H, F and G, the depth of the excavation for fill containing lead >5,000 PPM will be approximately 4 feet below the surface of the former Body Plant basement to the groundwater table. In addition, the excavation will go to targeted depths at three locations ranging from 8-12 feet within this same excavation footprint to remove additional fill containing lead >10,000 PPM. A total of approximately 4,400 cubic yards of lead-contaminated fill will be removed from this area of concern. A demarcation barrier will be installed at the base and sidewalls of each excavation before backfilling. Excavated areas will be backfilled and compacted with structural fill materials. Following completion of the excavation activities, the excavation areas will be backfilled to existing grades. Figure 4 in Appendix 3D of the FEIS presents the approximate footprints of soil to be removed from PAOC-7 Fill Areas H, F and G.

At PAOC-29, the depth of the excavation will be to approximately 4 feet below the groundwater table, approximately 6.5 feet below ground surface. Soil with lead concentrations exceeding 5,000 PPM will be removed from above the water table, and all soil with lead concentrations >10,000 PPM will be removed from below the water table. A total of approximately 940 cubic yards of lead-contaminated fill will be removed from this area of concern. The existing surface concrete and or asphalt cover will be set aside for future on-site recycling and re-use. A demarcation barrier will be installed at the base and sidewalls of the excavation before backfilling. Following completion of the excavation activities, the excavation area will be backfilled to existing grades. Figure 5 in Appendix 3D of the FEIS presents the approximate footprint of soil to be removed from PAOC-29.

The excavation of these areas will utilize the same approach as for the excavation of petroleum-contaminated PAOC described above, except that sheeting and groundwater removal and treatment would not be necessary. Chemical stabilizers will be applied during excavation to aid in material handling and disposal and minimize generation of dust. Lead-contaminated soils excavated from these areas will be removed

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from the Site and transported off-site for disposal or, in some instances, stockpiled and sampled to determine, subject to NYSDEC approval, whether such fill could be treated and be re-used on-site as structural fill. Material not re-used will be tested for waste classification and disposed off-site. Pre-defined boundaries of the excavation areas will be based on existing data and supplemental sampling described above.

As explained above, no concentrations of lead in groundwater in these PAOCs exceed the Class GA groundwater standard. Nonetheless, additional work is being conducted to assure that any residual lead contamination remaining in fill in these areas after the excavations described above would not cause a contravention of groundwater standards. Prior to commencing excavation, the Applicant will conduct Synthetic Precipitation Leaching Procedure (“SPLP”) testing on fill that will remain and fill that will be removed both above and below the water table. The SPLP procedure tests for leaching of metals from soils. The analytical results from this sampling will be evaluated to ascertain whether there is any predisposition for the remaining fill above the water table to be prone to leaching soluble lead. The SPLP results will be compared to the Class GA groundwater standard for lead. If the SPLP data show there is a high likelihood of unsaturated soils remaining at the Site (after excavation) to leach soluble lead, then some type of impermeable layer (e.g., a geotextile liner) may need to be installed in the open space areas (i.e., under the two-foot clean soil cap).

In addition, post-excavation groundwater monitoring will be conducted for 5 years to monitor any changes in groundwater quality with respect to lead; at the end of that period the data will be evaluated to determine if additional monitoring is necessary.

Overall, the remediation of these two areas will remove all fill with lead concentrations >5,000 PPM above the water table and approximately 74% of the mass of lead.

PAOC-29, when developed, will be within the open space corridor between Kingsland Point Park and the residential complexes. The area will be graded by the additional structural fill and then will be capped by two feet of clean fill. The final separation between the future cap surface and the water table will range between 6 and 9 feet. PAOC-7/Fill Areas H, F and G will be under open space and townhouses, and could be capped by either two feet of clean fill or

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impervious surfaces associated with the development in addition to up to 8 feet of intermediate fill required to raise the finished grade in this area. Thus, there will be approximately 12 feet of separation between the post-development surface and soil containing residual lead contamination in this area. The final separation between the future cap surface and the few remaining concentrations of lead >10,000 PPM will range from 12–24 feet. Further, utilities for the proposed development will not penetrate below the areas to be excavated. Institutional controls governing Site use and cap maintenance and disturbance will apply to these areas, in addition to any other IC/EC imposed. The environmental easement to be imposed on the Site will prohibit the use of the groundwater. The IC will include a requirement that any historic fill excavated during underground utility construction be replaced by clean select backfill. Accordingly, all exposure potential to construction workers, residents and visitors will be eliminated. Although there are no exceedances of groundwater standards for lead, the elimination of a substantial volume of source material, coupled with the cap that is part of the overall remedial program, will assure that groundwater standards remain in compliance.

Remediation of TCE/Chromium PAOC by an IRM

PAOC-47, the area containing chromium and TCE in the soil and groundwater, is proposed to be remediated through soil removal and ISCO treatment of the TCE-impacted saturated zone. Initially, additional delineation sampling will be conducted to establish the horizontal and vertical extent of TCE and chromium in the soil above applicable criteria (noted below), to establish a specific horizontal and vertical area for soil removal.

The chromium-impacted soil present in this area (within and beneath a former filled pit as described above) at concentrations greater than Site background (50 ppm) will be excavated for off-site treatment/disposal. This will entail removal of approximately 3,600 cubic yards of soil to a depth of approximately 13 feet below current grade (extending below the bottom of the filled pit). The same excavation will remove TCE-contaminated soils. Figure 8 in Appendix 3D of the FEIS indicates the anticipated area of excavation. The excavation below the water table will be backfilled with clean, permeable fill. The remainder of the excavation will be backfilled and brought to grade with soils consistent with the SMP (i.e., structural fill) and then the barrier cap of two feet of clean fill or impervious

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surface will be put in place.

The excavation of this area will utilize a similar approach as for the excavation of the petroleum-contaminated soils in the area of the former 10,000 gallon UST described above, as shoring or sheeting of the excavation or bench excavation with groundwater removal may be required. Chemical stabilizers will be applied during excavation to aid in material handling and disposal and minimize generation of dust. Excavated material may be stockpiled and subjected to treatability studies to determine if any of the material, subject to NYSDEC approval, could be treated and made suitable for on-site re-use as structural fill. Material not re-used will be tested for waste classification and disposed off-site. Water generated during excavation and dewatering activities will be treated on-site and likely discharged to the on-site sanitary sewers and received by the Yonkers Wastewater Treatment Plant. Post-excavation sampling for chromium and TCE will be taken from the bottom of the excavation to verify that the cleanup objectives are satisfied.

Trench excavation for future underground utilities in the proposed development is not expected to penetrate the saturated zone, so there should be no worker contact with low levels of residual contamination. The environmental easement that will be imposed on the Site will prohibit use of the groundwater for any purpose.

PAOC-47 will be open space or roadway under the FEIS Alternative Plan, and thus will be capped by two feet of clean fill or asphalt. Institutional controls governing Site use and cap maintenance and disturbance will apply to this area, in addition to any other IC/EC imposed.

TCE-contamination of the groundwater and soil gas requires location-specific remediation to remediate the source of VOC vapors that could potentially migrate under townhouses planned for areas proximate to this PAOC, with the objective of assuring that vapor intrusion does not occur. ISCO treatment is planned to achieve this remediation. The Applicant believes that with the implementation of this IRM, the potential for soil vapors containing VOCs to enter closed buildings is minimal, as the source of VOCs in soil will be removed and groundwater will be treated by ISCO. Nonetheless, as noted earlier, Roseland has voluntarily determined to design the townhouses to include subslab depressurization systems that would prevent any vapors from migrating into the buildings.

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Site characterization work, bench scale treatability studies, and field scale pilot studies would be conducted and utilized to develop a conceptual Site model, to support oxidant selection and dosage, and to evaluate the potential treatment effectiveness of ISCO treatment. As noted earlier, chemical oxidants to be evaluated and applied in this process typically consist of reagents such as hydrogen peroxide, persulfate, permanganate, ozone, and associated supplemental reagents. Chemical oxidants would be delivered through injection wells (or well points). The injection wells would be placed within the areas of impacted groundwater and target the depth intervals where analytical results that show TCE present in groundwater at concentrations greater than Class GA groundwater quality standards. The general area proposed for groundwater treatment for this IRM is shown on Figure 8 in Appendix 3D of the FEIS. Chemical oxidants would be injected in a manner designed to ensure that the reagents are dispersed effectively throughout the treatment zone to promote contact with VOCs (e.g., TCE) in the subsurface soil and groundwater.

The groundwater remediation process will continue (i.e., there will likely be multiple injections of oxidizing agents) until such time that the VOCs are no longer present at concentrations greater than the NYSDEC groundwater quality standards for TCE of 5 ug/l or asymptotic conditions (as agreed to by NYSDEC) are reached (i.e., no further reductions in concentrations of the chlorinated solvents can be achieved). In addition, long-term groundwater monitoring will be conducted (likely over a period of 5 years) to confirm the effectiveness of this remedial approach.

Remediation of Methane

As part of Site development, asphalt in the east parking area will be scarified to release methane that has built up over time, principally as a result of organic composition of material placed in the historic landfill under this area. The scarification will likely consist of trenches in the asphalt. The scarification process is anticipated to be undertaken concurrently with construction activities on the East Parcel. Because a portion of the planned Village DPW structure is enclosed, a passive subslab depressurization system will likely be installed under the foundation of this element.

Methane gas emissions will not affect open space or parking uses on the East Parcel, although the methane may need to be vented in the

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proposed commuter parking lot. The Village DPW structure proposed to be placed on this Parcel will be designed to prevent methane from accumulating within any enclosed spaces, likely through the use of a subslab depressurization system and/or vapor barriers. The small area near the northern end of the property on which naturally-forming methane was found will be open space and does not require remediation.

The environmental easement to be filed would be expected to include a requirement that any enclosed structures in methane-prone areas be designed to include measures to mitigate methane intrusion.

Reuse of the Millings

The milling stockpile, as well as the additional millings to be generated from crushing the existing slab, will be reused for structural purposes (e.g., under roadways). The concentration of PCBs in the milling is below the TAGM # 4046 RSCO of 10 ppm for such substances in the subsurface (i.e., more than two feet below the surface soil) or below an impervious cap. The millings to be generated by crushing the existing slab will be sampled to ensure that they meet this RSCO.

Remediation of Hudson River Sediments

The results of the recent investigation of Hudson River sediments are under evaluation. Preliminary assessment indicates that the results for metals are generally similar to those obtained from the sampling conducted in 1997, showing elevated levels of metals at the mouth of OF-1, which levels significantly diminish at sample locations further offshore. Following the evaluation of data, the need for and extent of sediment remediation will be determined. In the event NYSDEC determines that dredging or some other means of removal is necessary, specific design details would be prepared and reviewed and approved by the agency. These activities would incorporate best management practices to minimize the potential for siltation from the dredging. Depending on the exact location of contaminated sediments and the current speed and depth of the River waters, either silt curtains or, if needed, sheet pile barriers would be utilized to minimize the disturbance of River sediments. Any such remediation would be performed in a manner that would not affect the proposed project.

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The Site-Wide Capping of Residual Contamination

The potential for post-development exposure to contaminants (again, primarily PAHs and lead) will be eliminated through the installation of concrete foundations, paving, or other impervious surfaces or placement of a cap of two feet of clean fill on the open areas of the Site (i.e., those areas that are not covered by buildings, roads, and similar impervious surfaces). In addition, a demarcation barrier (likely geotextile fabric) will be placed beneath the additional fill or the soil-capped surfaces of the Site, and possibly buildings, as historic fill or residual contamination will remain. A survey will be prepared showing the elevations of the demarcation barrier over the entire Site.

The Site Management Plan(s)

Under the BCP, Roseland and GM will also be required to develop a one or more SMPs that will establish procedures for the management of soil and dewatered groundwater during remediation and construction, as well as post-construction. Procedures set forth in the SMP(s) will control the movement and temporary storage and stockpiling of soils on the Site and include measures taken to minimize dust generation. Many of the measures that are described above, as well as those included in the project's SWPPP, will be incorporated into the SMP(s), which will also incorporate a Health and Safety Plan (HASP), as described below. Each of these various plans must be approved by NYSDEC and may be further subject to the site plan review and approval process of the Planning Board.

Measures that will be implemented through the SMP(s) during the remediation and construction stages are expected to include the following:

- Identification of any additional areas of contamination during the remediation and construction process;
- Procedures to follow if unexpected, additional contamination is discovered (e.g., the protocols for sampling and, if necessary, disposal of contamination discovered during the installation of utilities);
- Characterization testing to be conducted for excavated soils

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and concrete, to determine whether such soils and concrete millings can be reused on-site as subsurface fill material or must be transported and disposed of off-site;

- Dust and vapor suppression measures (e.g., spraying water mist on accessways and equipment during loading activities, transporting waste loads in properly covered containers, limiting areas of soil to be disturbed at any one time, and washing down vehicles);
- Measures to address the potential presence of methane in the East Parcel and in the northern corner of the West Parcel;
- Decontamination of vehicles and equipment;
- Segregation and stockpiling of soils;
- Management and treatment of dewatering fluids;
- Worker safety requirements (e.g., for trenching for utilities);
- Criteria for clean fill to be used for capping open space areas; and
- A requirement that any historic fill excavated during underground utility construction be replaced by clean select backfill.

The HASP will contain procedures that govern remedial activities conducted under both the IRM Scope of Work and the RWP) and assure compliance with applicable provisions of the Occupational Safety and Health Act. Among other elements, the HASP will require monitoring during remedial activities and certain construction activities. In addition, the HASP will include: a Community Air Monitoring Plan (CAMP) that will include monitoring at the Site and Site perimeter for constituents of concern (likely volatiles and particulate matter), using real-time monitoring equipment to ensure that neither members of the public nor Site workers are exposed to excessive levels of dust during remediation and construction; the identification of key health and safety personnel; a description of health and safety training requirements for Site personnel; a description of appropriate medical examinations required for on-site

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personnel associated with a particular task; a description of any Site chemical or physical hazards; a description of work zones to be established during the physical remediation process; the identification of personal safety equipment and protective clothing; and the identification of contingency plans to be implemented in the event of emergencies or non-routine events.

In addition, an SMP will be applicable to post-construction activities. The SMP will include a post-construction HASP. These documents will typically include a soil and groundwater management plan that will apply to any dewatering fluids, as well as potential future activities that will disturb soils under the cap that do not meet the TAGM # 4046 RSCOs. These post-construction soil and groundwater management protocols will be similar to those of the remediation phase SMP but will also include criteria for determining what future activities trigger the need to implement the SMP soil and groundwater management measures. Future activities that will likely trigger implementation of the SMP will be ground-intrusive activities that may breach the demarcation barrier or extend beneath the future buildings and structures.

The SMP will also include a complete description of the engineering controls (e.g., the cap) and institutional controls (e.g., the environmental easement and its prohibition on the use of groundwater) that must be maintained as a condition of the remediation.

Finally, the SMP will include an Operation, Maintenance and Monitoring (OM&M) Plan which will likely include the following requirements for monitoring the effectiveness of the remediation and maintenance of the cap:

- Installation of monitoring wells (if required);
- Implementation of a periodic groundwater monitoring program (specifying type and frequency of sampling and analysis) to confirm that RAOs for groundwater are being achieved;
- A program of periodic slab and cap inspection (including details on such inspections and their frequency) to assure that the ECs continue to be effective and criteria for maintenance and repair to all engineering control systems; and

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- Periodic engineering certifications describing measures taken to implement OM&M requirements and confirming that all OM&M requirements are satisfied.

As noted, environmental easements, which will require implementation of the post-construction SMP and require the incorporation of appropriate provisions in owner/operator documents to prevent certain changes in Site use without prior approval from the agency, will be filed. Such easements will also prohibit use of groundwater for potable water and provide for the submission of annual inspection reports regarding the condition and maintenance of the cap. Other institutional controls might include building-specific engineering controls designed to address specific concerns present under or in the vicinity of certain buildings or structures. These could include, by way of example, provisions requiring inspection and maintenance of ventilation systems for lower level parking areas, which assure that any vapors that penetrate the subsurface are vented to the open air.

All proposed remediation measures discussed in this FEIS also will be explained in the IRM Scope of Work or RWP. After the remediation is completed, the Volunteers must submit for NYSDEC review and approval reports demonstrating compliance with the RWP and other relevant plans.

The Village, in its SEQRA Findings, would be able to address any new information that arises during the subsequent NYSDEC BCP process.

2019

a) How can a Site Plan be developed if DEC has had no input into the proposed remediation (clean up) Plan?

NYSDEC has received and reviewed all soil and groundwater investigation results from this property, which are contained in the multiple reports that have been filed with the agency. (See DEIS at III.B.7 to III.B.9.) This information also appears in the Preliminary Draft RIR that is contained in Appendix 3B to the FEIS. As explained in the DEIS, NYSDEC had reviewed the prior development plan and approved a draft Conceptual RAWP that outlined remedial options for specific PAOCs and Site-wide remedial measures. This Conceptual RAWP has, to some extent, been superseded as a result of changes in the development plan (including the removal of the

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concrete slab) and additional information more specifically delineating the extent of areas of concern. The result of this evolving process is the remediation proposed in the IRM Scope of Work and that will be proposed in the RWP, which will have received extensive input from both NYSDEC and NYSDOH (as such input continues throughout the BCP process). NYSDEC must ultimately approve the remediation under the BCP. The remediation proposed in the IRM Scope of Work and that will be proposed in the RWP is discussed in this Section of the FEIS.

2020

d) How can a study be done on Air Quality if an environmental remediation plan has not been developed?

The air quality study included in the FEIS focuses primarily on emissions originating from vehicular traffic during and after construction activities at the Site. The proposed remediation activities at the Site will only generate very localized (i.e., within the Site boundaries) air quality impacts due to the generation of particulate matter (dust) and/or VOC vapors. During remedial and general construction activities at the Site, real-time dust monitoring will be conducted immediately surrounding the active construction areas, as well as at the property boundaries, pursuant to the CAMP approved by both NYSDEC and NYSDOH. This monitoring allows mitigation measures (e.g., the application of water to reduce dust) to be implemented immediately upon the identification of dust above action levels.

3402

We need to reconvene this forum, once the surface and test boring chemical and sediment analysis has been completed, since the results may well have an impact on location and type of construction on the site.

The proposed Lighthouse Landing Project is not unlike many other brownfield redevelopment projects located along the Hudson River in which underutilized former industrial/commercial properties are restored to productive use through redevelopment, in this case to mixed residential/commercial/open space use. The strategy for the Lighthouse Landing redevelopment, which was arrived at after extensive sampling of the Site, is to remediate selected areas containing elevated concentrations of contaminants, thereby addressing "source" areas of contamination. This will be combined with a Site-wide strategy that will eliminate exposure to the relatively less elevated concentrations of contaminants through engineering controls (capping of the entire Site) and institutional controls. (See generally the discussion in this Section of the FEIS.) The FEIS

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Alternative Plan for the project has taken the results of this extensive sampling into account and, conversely, the remediation developed under the BCP is designed to assure that the cleanup is protective of public health and the environment in light of the proposed redevelopment.

3407

Finally, I have not heard enough from Roseland about community “givebacks”, for lack of a better term. Yes, there is much talk of 33 acres of the site returning to the Village or the Historic Hudson Valley organization. However, there is also talk of high methane levels on at least 27 of those acres.

The remediation will include scarification of the asphalt to vent methane trapped under this impervious surface. It is currently contemplated that this scarification will be undertaken in the initial phase of the Project construction. The proposed redevelopment will reestablish the property as a viable, productive part of the Sleepy Hollow community. In addition to the switch from unproductive to productive land use, the East Parcel, other than the area of the proposed commuter parking lot, is planned to be donated to the Village of Sleepy Hollow for its use. The Village proposes to utilize the East Parcel for three principal uses: playing fields and passive recreational uses, DPW operations, and commuter parking. It is anticipated that the methane on the East Parcel will not impact any of these uses.

Once the asphalt is removed from the East Parcel, it is possible that the methane might dissipate to insignificant levels, as it could have built up due to being trapped under the impervious surface. Assuming, however, that the methane continues to be present at meaningful levels, it could, if necessary, be vented using well-accepted measures from the parking lot. The DPW uses include a garage, which will not be fully enclosed and thus will not require venting. (To the extent that part of the structure is enclosed, a subslab venting system and/or vapor barrier under the foundation of that portion of the building would be installed to address methane). The only methane on the West or South Parcel is in the northwest corner of the former area, which will be used for open space – a use that, as just noted, will not be precluded by methane. Further, the environmental easement will assure that any needed methane mitigation will be provided.

4216

- a) Show how the development site plan will lay out relative to these known areas of contamination?
- b) Will there be residential units over these contaminated areas?

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The FEIS discusses the planned remedial measures for the Site, as well as a description of the conditions of soils and groundwater beneath the Site. Selected areas containing elevated concentrations of metals (lead and chromium), petroleum-related contaminants and the chlorinated solvent, TCE, will undergo area-specific remedial measures that will ensure the remediation of these contaminants. The Site will be capped to protect the inhabitants of the development project from exposure to any of the compounds that remain on the Site. In addition, an environmental easement will require implementation of the SMP, which would, among other things, provide for periodic inspections and maintenance of the cap and for procedures to be followed if work must be performed that breaches the cap (e.g., utility repairs). The environmental easement will also contain any needed provisions to address any remaining potential, which after remediation is unlikely, for vapor intrusion into buildings, as well as for methane mitigation. Some residential units will be located above soils containing residual contaminant, primarily from old petroleum spills and lead in historic fill. All residences will be on top of a building slab that will separate the impacted soils below from the work/living space above. Figure II.B-5 of the FEIS shows the FEIS Alternative Plan superimposed on the PAOCs that are proposed for specific remedial measures.

4217

c) Can we review all the environmental studies?

Copies of the environmental investigation studies associated with the proposed Lighthouse Landing Project are maintained in document repositories established under the VCP/BCP; these are located at DEC's Region 3 office in New Paltz, the Village of Sleepy Hollow Village Hall and at the Warner Library in Tarrytown. The Preliminary Draft RIR, which summarizes these studies, is contained in Appendix B to the FEIS and will be in these repositories (with the appendices thereto). The final DEC-approved RIR, as well as the RWP, will also be available to the public at these public repositories.

4218

d) Have there been any test borings?

Since just prior to the decommissioning of the Assembly Plant, nearly 400 soil borings have been performed, and over 1,000 soil samples obtained at the Site. Soil samples have been collected from the majority of these soil boring locations at one or more depths below the ground surface. The soil samples collected at the Site have been

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analyzed for a wide range of organic or inorganic compounds, based primarily upon the location of the boring in relation to historic uses at the Site.

4219

e) Have there been any samples taken from the Hudson River?

Two sediment sampling events have been conducted on behalf of GM to assist in identifying whether any potential impacts to the Hudson River has occurred during its tenure at the Site. The most recent sampling event was conducted in 2004 and the results are currently being summarized for submission to the NYSDEC for review. Sediment samples were collected from 39 locations and six background locations at several different depths to evaluate whether any impact from historic operations had occurred. To date, as explained further in this Section of the FEIS, the sampling data indicates that there are elevated concentrations of metals (lead, chromium and mercury) immediately adjacent to OF-1, located at the southern end of the property along the Hudson River (which discharged industrial wastewater from the former plant during the 1960s through 1971). Additional sampling of Hudson River sediments took place in September-October 2006. Sediment samples were collected from 28 locations and ten background locations at several different depths, but the results are not yet available.

4220

a) Were they milled off the top layer of the concrete floor slabs because they were soaked with contamination?

A process called scarification was used to remove any identified contamination from the surface of concrete slabs within the Assembly Plant buildings prior to demolition. After these surfaces were inspected, tested, and determined to be clean, demolition segregated the concrete for recycling. This segregated concrete was processed on-site and produced a stockpile of millings (recycled concrete aggregate), while some were used to fill post-demolition depressions on portions of the West Parcel. The contaminated materials resulting from scarification were manifested and transported off-site to appropriate disposal facilities as part of the decommissioning activities. The millings that remain on-site for use as structural fill are discussed in the following two responses.

4221

b) What are you going to do with these contaminated millings?

See above Response. There are currently approximately 45,000 cubic yards of crushed concrete and brick stored on the Site in piles located

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in the area in which the former wastewater treatment plant was located. These materials originated from the demolition of the walls and upper floors of the Chassis Plant and Body Plant. These materials have levels of PCBs that are well under the cleanup objectives of 10 ppm for soils in the subsurface (e.g., under a soil cap) or impervious surfaces. It is anticipated that these millings will be utilized on-site as structural fill material (e.g., under roads) to be placed above the water table, but below the engineering controls proposed for the entire Site (i.e., the cap).

4222

The stockpiles of these contaminated materials are along the Hudson River.

Question:

a) What is being done to prevent leaching of these contaminants into the Hudson?

The material currently stockpiled on the property in the area of the former wastewater treatment system area contains low concentrations of metals, PAHs, and PCBs. These compounds have a relatively low solubility and typically do not dissolve in water. These compounds typically adhere to soil particles and therefore can migrate with stormwater through the movement (erosion) of these particles. A two-foot concrete barrier exists between the soil stockpiles and the Hudson River to prevent direct erosion of these materials into the Hudson River.

4223

Regarding the efforts to work with the NYSDEC:

Question:

a) What is the exact status of the environmental clean up?

GM and Roseland have completed the investigation phase of the project and have provided the data collected therein to the NYSDEC in various reports, including the Preliminary Draft RJR, which summarizes the prior series of Site investigations. The IRM Scope of Work and the RWP will describe the proposed remediation. Once the IRM Scope of Work is approved, remediation proposed therein can be undertaken. Similarly, once the RWP is approved, and various design documents have been submitted to NYSDEC, remediation pursuant to that plan can be undertaken.

4224

b) Has the project been accepted into the VCA or BCA?

As explained in this Section of the FEIS, at the time the DEIS was prepared and submitted, Roseland and GM were Volunteers in NYSDEC's VCP. Subsequent to the issuance of the DEIS, Roseland

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and GM transitioned into NYSDEC's new BCP. These entities entered into two Brownfield Cleanup Agreements (BCA) with DEC in May 2005. One BCA is for the West and South Parcels, collectively referred to as the "West Parcel BCA." (In the FEIS, the West and South Parcels are discussed separately, unless otherwise indicated.) The second BCA is for the East Parcel. For each BCA, Roseland is a Volunteer and GM, due to its status as a prior owner/operator of the Site potentially responsible for Site contamination, is a Participant. As a Participant, GM is responsible for any necessary remediation of off-site contamination. The BCP program is described in the DEIS (at III.B-1 to III.B-3) and in this Section of the FEIS.

4225

c) Who is the volunteer/participant? (Roseland/GM?)

Roseland is a Volunteer and GM is a Participant.

4226

d) If you do not have an accepted remediation plan for clean-up of all the contamination on the site, how can you have a meaningful site plan?

The FEIS Alternative Plan has taken account of the Site environmental conditions, including contamination. This Section of the FEIS includes a discussion of the planned remediation activities for the Site. These remedial measures will be conducted the auspices of NYSDEC's BCP, which requires that such remediation be protective of human health and the environment in light of the proposed development. See also the Response to Comment 2019.

4347

47. The NYSDEC has approved a conceptual remedial plan for the site. When will a detailed plan be prepared and how does the environmental cleanup factor into the timing of the site development? The Village also refers to the technical review prepared by Roux Associates and separately transmits to the Applicant that report for review and comment.

The detailed plan for location-specific remediation at the Site is presented in this FEIS and will also be in the IRM Scope of Work. This remedial plan is based in part on the evaluation of remedial technologies, as well as the findings from the numerous Site investigations. The proposed remedial activities at the Site either will be instituted prior to the planned redevelopment at the Site (e.g., the IRMs) or will be implemented in conjunction with the redevelopment activities. (See generally Response to Comment 4226.)

The Village did not request the Applicant to comment on any draft

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report prepared by Roux Associates

4506

The Volunteer Cleanup Agreement filed by Roseland and G.M. should be transitioned to a Brownfield Cleanup Agreement, making G.M. the participant rather than a volunteer. It seems that both Roseland and G.M., as volunteers on the V.C.A. are conducting thorough investigations as demonstrated by their due diligence analysis and ongoing Sediment Quality Investigations respectively. Transitioning to a B.C.A. at this point, prior to submission of a formal remediation investigation report would be more fitting and expedient. The findings of the aforementioned investigations (as of the writing of the DEIS) give me further concerns about the use of "historic fill" and capping of hot spots during the construction phase of Lighthouse Landing. The anticipated use of 35,000 cubic yards of fill with +10% of that fill coming from crushed demolition materials and an additional 85,000 cubic yards from construction soils that could contain potentially higher amounts of contaminants than found in preliminary testing would be taking one step forward and two back. Reusing, rather than removing "historic fill" will not only affect runoff but also cause migratory particular air pollution during construction. It is not acceptable for ball fields and municipal buildings to exist on land that is high in contaminants - commercial, residential and recreational properties should be built on clean, restored land.

As noted previously, the Site has been transitioned into BCP. As explained in the FEIS, the remedial strategy for the Site includes capping with either impervious surfaces (e.g., pavement, building slabs) or two feet of clean fill. Millings will be used as structural fill beneath areas capped with an impervious barrier (e.g., beneath roads) or two feet of clean fill. These measures will eliminate potential exposure of the public to remaining historic fill and will prevent erosion of such soil into the surrounding waterways. In addition, the SMP to be developed for the Site will contain provisions to prevent exposure to remaining historic fill in the event that future activities were undertaken that would disturb soils below the cap, as well as provide for periodic inspections and maintenance of the cap. Further, there will be, as described in the FEIS, removal of sources of contaminants in certain areas of the Site before the placement of the cap.

The movement of the millings and soil on the Site for reuse for redevelopment will be carefully controlled. Stormwater runoff will be managed under a SWPPP submitted to and approved by NYSDEC and the Village, and will prevent pollutants from excavated historic fill from entering either the Hudson or Pocantico Rivers. Measures will be implemented to control any dust (particulate matter) arising from this work, and real time monitoring under the CAMP will be in place to prevent elevated levels of particulates.

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4901

i. There is limited data available to characterize the shallow fill soil (0 to 5 feet below grade) on the GM East Parcel. Since the available on-site data for this fill includes only four sampling points, the acceptability of leaving this fill exposed will need to be documented by additional sampling. It is recommended that the Applicant be required to complete those additional site investigations so that the results can be included in the FEIS.

Under the proposed redevelopment plan, the shallow soils from the East Parcel will not remain exposed after redevelopment has been completed. Certain areas of the East Parcel will be capped with an impervious cap (e.g., asphalt or concrete) for the DPW operations and/or commuter parking. Those areas to be used as open space will be capped with two feet of clean fill material, under which a demarcation barrier will be provided as a visual marker between the underlying historic fill material and the overlying clean fill material. (In some areas of the East Parcel, the top layer of soil may be removed before adding the two feet of clean fill.)

4902

ii. Methane gas has been reported in the soil beneath the paved portions of the GM East Parcel. The presence of methane is reported to be associated with the areas underlain by a former municipal refuse area. No specific information has been provided on the distribution of methane or the concentrations detected. This information is reported to have been obtained during a Supplemental Site Investigation performed in 2003 and 2004, but the results of those investigations have not been made available for public review. It is recommended that the Applicant be required to submit those additional studies so the results can be included in the FEIS.

The methane sampling data have been provided to the NYSDEC, are contained in the Preliminary Draft RIR that is in Appendix 3B to the FEIS, and are discussed in this Section of the FEIS. (See also the Response to Comment 4215.)

4903

b. The DEIS includes a "Draft Conceptual Remedial Action Work Plan" (RAWP) and notes that final development of the RAWP will be supported by supplemental investigations to be conducted during Spring 2004. It is recommended that the Applicant be required to include a copy of the full RAWP in the FEIS.

The proposed RWP is expected to be submitted to NYSDEC next year. A proposed IRM Scope of Work has been submitted to the NYSDEC and is under review.

5035

The FEIS should indicate the nature of the contamination on the site, the extent of the methane gas, and any other contaminants, and the remediation required by the State of New York Department of Environmental Conservation. A part

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of the public hearings on the FEIS should explain the hazardous waste site contamination remediation so that the public can be assured that the project development will protect the public health and welfare. The Board of Trustees should require public hearings on the contaminated site restoration, as a special part of considering the draft FEIS, in order to assure the public and future residents of the Lighthouse Landing that the restoration has been complete and effective.

The FEIS includes a description of the extensive investigation of the Site, the existing contamination (including methane), and remedial measures planned for the Site. The Site is being remediated under the BCP. As noted previously, the anticipated remedial measures for the Site will be protective of human health and the environment, as required by the BCP.

NYSDEC plans to hold a public meeting with respect to the proposed IRM Scope of Work and subsequently the proposed RWP. In addition, the Village anticipates holding a public meeting on the FEIS, at which the subject of this Comment could be raised.

5036

Beneficial use of the cement millings, such as for the foundations for new roadbeds such as the proposed Beekman Place, should be explored, and if the cement millings can be encapsulated in such as use, this may be a possible recycling of the millings. The environmental aspects of using the millings on site as opposed to moving them off-site, should be considered.

The reuse of the millings generated from the demolition of the former buildings is anticipated during redevelopment activities at the Site. These millings will to be used as subsurface fill material to be placed above the water table, but below the barrier cap on the Site (e.g., roads).

5037

General Motors has the responsibility under federal and state law (CERCLA, etc.), to ensure the remediation of the site for its intended Lighthouse Landing development, and while the NYS Department of Environmental Conservation may have the lead on the site remediation, it is the responsibility of the Village of Sleepy Hollow Board of Trustees under SEQRA to satisfy itself that the remediation in a Brownfield's program is adequate to permit the redevelopment of the site for a project such as the Lighthouse Landing proposal. Logically, until the dimensions of the Brownfield's remediation is known, the Trustees cannot determine if it is sufficient to protect the public health during and after construction of a major project such as Lighthouse Landing, with its projected seven-year construction phase.

This Section of the FEIS includes a discussion of the investigations conducted and remediation activities planned for the Site, both location-specific and Site-wide. The key aspects of the investigations

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have been, and all of the remedial measures will be, conducted under the auspices of NYSDEC's BCP, which requires that such remediation be protective of human health and the environment during construction and after development is completed. The Preliminary Draft RIR, which summarizes the multiple investigations conducted at the Site, is contained in Appendix 3B to the FEIS. The FEIS sets forth the additional Site-wide remedial measures and the IC/EC that are proposed. There is sufficient information for the Village to determine that the proposed remediation will protect public health and the environment.

5617

Site Contamination

This site contains significant contamination, both from the fill used to create the site and from decades of industrial activity at the GM auto plant. But the full investigation of both on-site and off-site contamination is not yet complete, nor has the public been given the opportunity to comment on an agreed-upon remediation plan. The investigation and ultimate remediation of the site are currently being addressed via the DEC's Voluntary Cleanup Program ("VCP"). We understand, however, that it may become part of the State Brownfield Cleanup Program ("BCP").

Our review of the DEIS reveals significant gaps with regards to site contamination and remediation. The document is extremely vague regarding the areal extent of contamination and the characterization of the particular contaminants. Furthermore, significant contamination, well above State cleanup standards, will remain at the site. The cleanup levels referenced in the Draft Conceptual Remedial Action Work Plan Summary (DCRAWP) are unacceptable as is GM/Roseland's rationale for using such standards.

The DCRAWP is extremely vague on how this site will be remedied. It offers little to no reassurance that public health and the environment will be protected based on site remediation and the extensive development proposed for the site. This is particularly disturbing because it is stated in the DEIS that the "DEC has reviewed and conditionally approved a Conceptual Remediation Work Plan (Conceptual RAWP)." (III.B-20). This is confirmed in an April 12, 2004 letter from the DEC site Project Manager to GM's site consultants, AMEC Earth and Environmental, Inc., in which it is stated that, following consultation with the NYS Department of Health" conceptually, the approach and the scope presented in the work plan summary are appropriate.

The remedial approach has been developed under the VCP, and now the BCP, with NYSDEC and NYSDOH input and review. Contamination of the Site includes source areas with specific contaminants of concern and high levels of a variety of compounds, including metals and PAHs, across the vast majority of the Site, albeit at much lower concentrations than what has been observed in the specific PAOCs. Remediation of the Site thus generally falls within two categories. The first is the removal/treatment of PAOCs

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(sometimes referred to as “source areas”), in which specific contaminants exist at elevated concentrations, due either to the presence of historic fill or manufacturing activities conducted on the Site. The Site-wide, relatively lower concentrations of contaminants of concern will be addressed through the application of IC/EC. For example, the entire Site will be capped, a demarcation barrier will be placed across at least the portions of the Site that are not capped by impervious surfaces (e.g., asphalt) to denote soils below it that may contain residual contamination, and an environmental easement will be imposed requiring specific procedures to be followed should any excavation or other activities be required that will disturb these impacted soils.

The Conceptual RAWP has been modified, based on changes in the redevelopment (e.g., the slab will be removed, rather than left in place as contemplated at the time of that document) and more specific information regarding the extent of contamination in areas of concern. The revised proposed remediation is discussed in this Section of the FEIS. See also the Response to Comment 5037.

5618

Site Characterization

We are extremely concerned with some of the characterization of the contamination as described in the DEIS.

Although a single “pre-SI sample” found 43,500 ppm and a second sample found 1,270 ppm in Area of Concern (AOC) 1 – the DEIS concludes that “high pre-SI lead data from these locations (AOCs 1 and 9) are outliers representing no appreciable volume of high concentration of lead.”

While a total carcinogenic PAHs (c-PAHs) were found as high as 102 and 167 ppm in AOCs 34 and 35 (TAGM for total c-PAHs is 10 ppm) it is stated that: “The observed concentrations of c-PAHs fall within the range of other historic fill segments on the West Parcel, as well as the stockpiled concrete millings.”

GM/Roseland is characterizing the site primarily based on historic fill and certainly appears to be justifying the position that significantly high levels of contamination can be left in place due to the fact that the site is largely made of fill material. The contamination that has resulted from industrial activity at this site is being downplayed as is the potential health and environment risks associated with the extent of contamination.

We question GM/Roseland’s approach in determining what is typical and atypical contamination in fill material found along the Hudson River shoreline. We also question the basis on which GM/Roseland is determining site investigation, site cleanup objectives and potential remedial activities.

Only four Areas of Concern (AOC’s) are identified as possibly needing some type of remediation. We believe there are additional AOC’s at this site that are

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in need of further investigation and possibly remediation.

As noted above, the investigations conducted at the Site, including the utilization of various screening levels for contaminants of concern, have been completed under the auspices of NYSDEC's VCP or BCP. Similarly, the remedial measures proposed to be undertaken at the Site have been developed with input from the NYSDEC under the BCP, which requires that all remediation be protective of human health and the environment. The remediation must be approved by NYSDEC. (See this Section of the FEIS for a more detailed discussion of the investigations and proposed remediation at the Site.)

As discussed in the FEIS, much of the contamination on the Site is attributable to contaminants in historic fill. For example, lead and PAHs are constituents of ash or slag, which commonly comprised large portions of historic fill. Other sources of contaminants included prior manufacturing uses; in some cases, however (as for petroleum-contaminated soil), the contaminants of concern had largely degraded and pose no threat to health or the environment. The proposed remediation, however, was not predicated upon the source of contamination; it was based on whether remediation was necessary to comply with the goals of the BCP to eliminate significant threats to public health and the environment in respect of the proposed redevelopment.

5619

Lead Contamination

The most glaring example of GM/Roseland's misguided approach to remediating this site is their rationale for remediation of lead contamination.

It is indicated in the DEIS that a "10,000 ppm lead threshold was selected as a logical dividing line for this investigation because soils yielding results above this number are anomalous, relative to the typical lead concentration encountered at this Site, and therefore warranted further investigation." The DEIS also states that lead found up to 10,000 ppm are "generally within the range of concentrations that are typically encountered within common fill materials and do not warrant additional investigation."

It is perplexing and disturbing that GM/Roseland cites the New Jersey Administrative Code to determine the makeup of common fill materials. This approach, rationale and cleanup threshold are unacceptable.

To protect public health, the State cleanup standard for lead ranges from 200 to 500 ppm, with 400 ppm being commonly used. GM/Roseland's proposal would result in lead concentrations remaining at this site that are 25 times higher than the 400 ppm state guidance value or, or 50 times above the 200 ppm level. We strongly urge that the TAGM 200-500 ppm range be used as a cleanup objective for site particularly due to the proposed high-density

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residential development and the risk of human exposure. Certainly, a 10,000 ppm guidance value is considerably too high, unreasonable and unacceptable.

While the DEIS indicates that there are “relatively few samples” of lead ranging from 1,200 ppm to 10,000 ppm – Gm/Roseland’s should identify the percentage of results that are above 200 ppm lead.

To protect ecological resources, cleanup would have to achieve significantly lower levels of lead. In addition, though the plan discusses the presence of volatile organic compounds (“VOCs”) and chlorinated solvents at the site, it fails to discuss or propose any mitigation for the presence of the chemicals, before, during, or after construction. These impacts must be thoroughly analyzed and dealt with to protect the health of workers at the site and subsequent residents of the project.

Both a human health risk assessment and an ecological risk assessment are warranted at this site.

As explained in this Section of the FEIS, the 10,000 ppm lead level was used as a screening level during the investigation. The reference to the 10,700 ppm level in the New Jersey Administrative Code is relevant, because the study that is the basis of the 10,700 ppm level in New Jersey is a study of the contents of historic fill. That study showed that historic fill containing ash and slag – which is typical for fill in metropolitan New York – has concentration of lead up to 10,700 ppm. The point of the study is that levels of lead are commonplace in the metropolitan area, and below this concentration, if properly addressed, do not present a significant threat to health or the environment.

The NYSDEC’s TAGM # 4046 sets forth background levels and RSCOs for various contaminants, assuming unrestricted use of the property. The background level for lead is 200-500 ppm. The NYSDOH uses a cleanup objective for lead of 400 ppm for unrestricted sites. Neither NYSDEC nor NYSDOH, however, require that brownfield sites be remediated to the 400 ppm level or to the 200-500 ppm background level; the remediation can vary, dependent on a variety of factors, provided that it protects public health and the environment.

The proposed remediation for the areas of the Site containing the highest concentrations of lead (PAOC-7/Fill Areas H, F and G and PAOC-29) will include removal of fill above the water table containing lead with concentrations >5,000 PPM and removal of fill below the water table, to a practicable depth of excavation, containing lead levels >10,000 PPM, as well as the capping of the entire Site

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with either two feet of clean fill or impervious surfaces. This cap will prevent exposure to residual lead-contaminated soil, regardless of concentration. Overall, this remediation is more stringent than that provided for in the Conceptual RAWP.

In addition, the sampling conducted shows that levels of lead in groundwater are not elevated with respect to the applicable Class A groundwater standards. This indicates that, despite the ubiquitous presence of lead in the Site soils, groundwater has not been affected. Nonetheless, the proposed remediation includes SPLP sampling and the potential installation of an impermeable layer under the clean soil cap in the open area of these PAOCs if found necessary by the NYSDEC to prevent leaching of lead into the groundwater, in addition to the installation of monitoring wells to verify that concentrations of lead in groundwater downgradient of these PAOCs do not exceed groundwater standards in the future.

The Comment also references the presence of TCE in the northwest portion of the Site. As set forth in the DEIS (at III.B-22), and amplified in this section of the FEIS, this area will be remediated. First, TCE-contaminated soil will be removed. There will also be location-specific remediation of the TCE vapors in soil gas and TCE in groundwater, through chemical oxidation, with confirmatory groundwater monitoring.

5620

Future Remediation Related Documents

Although it is the State, and not the Village that will be working with GM to prepare the Remedial Action Work Plan (RAWP), we want to take this opportunity to offer the following concerns regarding the RAWP. We look forward to the release of a draft Remedial Investigation Report, a draft RAWP and a draft Proposed Remedial Action Plan (PRAP) that the public will have an opportunity to provide input on.

Cleanup Goals

Specific cleanup goals should be articulated in the RAWP. Cleanup goals should be based on:

- Technical and Administrative Guidance 4046 Soil Cleanup Objectives
- PCB cleanup criteria in 40 CFR Part 761
- Ambient groundwater quality standards

Cleanup levels for contaminants of concern should be clearly defined. The cleanup goal for PCBs in surface soils should be 1 ppm and 10 ppm for subsurface soil. In addition, since the site is made up largely of fill, the cleanup objectives for the semi volatile organic compounds (polycyclic aromatic hydrocarbons) and the metals should be more clearly spelled out. The cleanup goal for lead should be no greater than 400 ppm. Specific cleanup levels should

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also be identified for other metals. The proposed remedy should provide assurance that specific cleanup levels can be met. The Draft Conceptual RAWP does not meet the remediation soil cleanup objectives goals as outlined in the NYSDEC TAGM 4046.

The investigation and proposed remediation is discussed in this Section of the FEIS (including preceding Responses to Comments).

The FEIS articulates the relevant cleanup objectives, including the RSCOs under TAGM # 4046 and ambient groundwater standards. While not specifically referenced, the NYSDEC cleanup guidance for PCBs mirrors the criteria in 40 CFR Part 761 (1 ppm for surficial soils and 10 ppm for subsurface soils or beneath impervious surfaces).

5621

Source Removal to Enhance Groundwater Remediation

Based on limited site data and the need for better site characterization we question the conclusion that the “only source area that still contains a significant volume of residual petroleum is the immediate vicinity of an abandoned 10,000-gallon underground No. 6 fuel oil tank.”

This conclusion can only be drawn after final site investigation is complete. The remaining contaminated fill in this area should be excavated. The contaminated material should either be treated on-site or properly disposed of off-site. Material should only be “recycled” on-site if it is below health standards or properly treated to ensure that it is decontaminated prior to re-use on or off-site.

We question the efficacy of groundwater contamination being remediated through natural attenuation. We would like to see a thorough evaluation of active groundwater remedies, which may speed the recovery of the groundwater. Full justification must be provided if active remediation is not chosen and groundwater contamination is allowed to “naturally attenuate.”

A proposed groundwater-monitoring program for “a 2-3 year period” is insufficient. A long-term groundwater-monitoring program should be established to examine the concentrations and movement of contaminants. Monitoring should only cease after several years of data reveal no measurable levels of contamination.

The extensive investigations that have been conducted on the Site included soil sampling and groundwater investigations using temporary and permanent monitoring wells. These investigations identified several PAOCs derived from historic petroleum in soil. The soil and groundwater data for each of these PAOCs were carefully reviewed, and it was determined that only soil in the vicinity of the release from the former 10,000 gallon UST required specific remediation. The data for the other PAOCs (PAOCs-37 and 43) reflects that the soils contain very limited areas with petroleum, that

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natural attenuation has been and continues to take place, and that there are no petroleum-related dissolved phases constituents in groundwater. Thus, the remedial strategy for these two PAOCs, as explained in the FEIS, is the implementation of the Site-wide cap and a demarcation barrier system, with groundwater monitoring to ensure that there is no off-site migration from each of these areas – denominated as monitored natural attenuation (MNA). Assuming that MNA is selected as a remedial alternative for either of these PAOCs, monitoring of groundwater is expected to continue for approximately five years (not the two-three years mentioned in the Comment). This five-year monitoring period is believed to be sufficient to determine any trends in the groundwater quality at the Site. If the monitoring reveals that MNA has not been successful, then a new remedial strategy will be developed.

In terms of petroleum contamination in the vicinity of the former 10,000 gallon UST, the proposed remediation in this area (which is to be conducted as an IRM) will include the removal and off-site disposal/treatment of approximately 5,100 cubic yards of grossly contaminated soils from the area adjacent to the former Chassis Plant (where the UST was removed) that GM identified in the Conceptual RAWP. This approach will involve the removal of petroleum-impacted soil to a depth of approximately 21 feet below existing grade. This extensive removal will be followed by the application of chemical oxidants to a larger area that contains residual petroleum.

Soil that is not required to be removed from the Site pursuant to the IRM Scope of Work will be re-used under the two-foot cap of clean fill or impervious surfaces; thus, it will not be exposed.

5622

Restricted Use of Recycled Concrete Millings

We disagree with the statement in the DEIS that the concrete millings “are acceptable for re-use on site as structural fill...” While levels of PAHs and PCBs may meet subsurface standards, we believe the levels are high enough (PCBs up to 4.4 ppm) to render this material as unacceptable for use as fill. Roseland/GM have offered a flawed justification for the use of contaminated fill, particularly with contaminants such as PCBs which are very persistent in the environment. Just because the site is contaminated, further use of contaminated material should not be permitted. The concrete millings should be properly treated and/or disposed of at an appropriate facility.

The subsurface cleanup standard for PCBs is 10 parts per million (TAGM # 4046, Appendix A, Table 3). This is the same standard used by US EPA pursuant to the Toxic Substances Control Act, 15 U.S.C. §§ 2601-2692. (See 40 CFR Part 761.) Based on this

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cleanup standard, these materials may be utilized on-site as long as they are placed above the water table and below the final capping material used on the Site (permeable or impermeable). The cap, as noted above, will be subject to the IC/EC to be set forth in the SMP that will be enforceable through an environmental easement. Further, the use of these millings as fill will avoid the need to export the material and import replacement fill, which would generate additional truck trips.

5623

Site-Wide Engineering and Institutional Controls

Due to existing groundwater contamination, the extent of contamination that will remain at the site and the potential for recontamination of groundwater, there should be an institutional control that prohibits the use of groundwater from this site for any purpose, especially as a drinking water source.

There is also a need for an institutional control that clearly spells out a long-term cap maintenance program. Other institutional controls may be necessary depending on further investigation and characterization on both on-site and off-site contamination. For example an institutional control may be necessary to assure the protection of riprap or a bulkhead that may be necessary to contain site contamination. The monitoring, maintenance and enforcement of these controls will dictate their value. Therefore, the annual certification of these controls, including deed notices, access controls and long term monitoring, is imperative. We urge the developer to work closely with the State and the Village to see that these controls are strictly enforced.

Institutional controls that restrict the use of groundwater beneath the Site, as well as maintain the integrity of the proposed cap for the Site, will be implemented as part of the SMP. These provisions are described in this section of the FEIS and will be contained in the environmental easement and conceptual SMP. This Plan will incorporate procedures governing disturbance below the demarcation barrier that will be placed across at least the areas of the Site after removal of contaminated soils is complete, and that are not capped with impervious surface (e.g., asphalt). It will contain the provisions for the groundwater monitoring that is proposed as part of the remediation. (See generally this Section of the FEIS.) It is unlikely that institutional controls will be needed for the riprap that lines the Site along the Hudson River, as an inspection showed that this engineered riprap is in good condition and effectively prevents soils from entering the River. (See DEIS at III.B-15.)

5624

Former Municipal Landfill

Based on the brief description of the former municipal landfill in the DEIS, additional soil and groundwater investigation are warranted in this area.

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The soil gas investigation found concentrated combustible methane. Remediation of this area is not addressed in the Draft Conceptual Remedial Action Work Plan. However, it is significant to the use and development of the entire site. A draft RAWP should ensure the proper handling and treatment of this combustible gas. The collection and reuse of methane gas as a source of energy for the Public Works building, which may be constructed in this area, should be considered.

The East Parcel is anticipated to be used primarily as a DPW storage area, commuter parking and playing fields. As described in the Response to Comment 3407, any enclosed structures on this Parcel (i.e., portions of the DPW building) would include a subslab depressurization system and/or vapor barrier to prevent methane intrusion, and the parking area may include means to vent methane.

Due to the age and small size of the former landfill, the relatively limited period of time that this landfill was used (in the 1920s and 1930s), and the large amount of ash present in the landfill, it is not anticipated that usable quantities of methane are being generated at the present time. The available quantity will only diminish over time.

5625

Soil Gases

Additional soil vapor investigations should be conducted in this area as well as for the entire site.

The NYSDEC currently has out for public review and comment a soil vapor guidance document. It appears this proposed guidance was not used to examine this site. Based on the findings of TCE in the groundwater, this site should be scrutinized based on the proposed soil vapor guidance to better understand current and potential exposures to contaminated subsurface vapors and to determine actions that may be necessary to prevent or mitigate exposures and to remediate vapor contamination.

A soil vapor investigation performed in accordance with a NYSDEC and NYSDOH-approved work plan has been completed at the Site to assist in identifying those areas that may have the potential to accumulate VOCs at concentrations that could pose a potential indoor air quality issue. The investigation is broader in scope than would be suggested by the NYSDEC guidance (2004). Soil gas sampling conducted at the Site revealed the presence of VOCs in soil gases on the West Parcel in the vicinity of residual petroleum from the former 10,000 gallon UST and TCE in PAOC-47. The remedial documents will consider the NYSDOH guidance (October 2006) with regard to vapor intrusion and evaluate the need to determine which of these areas represents a potential exposure risk to occupants of future buildings. As discussed in this Section of the FEIS, with the removal

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of petroleum-contaminated soil from the UST area, and the remediation of TCE in soil and groundwater in PAOC-47 (the source of TCE vapors in soil gas), there should not be vapor intrusion into buildings on the Site. In any event, most of the buildings will have a ventilation system in the lower level, which would address any vapor intrusion. For the townhouses, which will not have lower level ventilation, Roseland has determined voluntarily to design these buildings to include passive subslab depressurization systems, which would address the unlikely occurrence of vapor intrusion.

5626

Contamination and Remediation of Hudson River Sediment

The DEIS indicates that a Sediment Quality Investigation in the Hudson River in 1997 revealed that there are “no area-wide impacts.” It is important to note, however that this investigation did not include analysis of any contaminants other than metals. In addition, this investigation did find elevated levels of arsenic, barium and lead in sediment. Other contaminants – primarily PAHs and C-PAHs should be investigated. The DEIS alludes to a July 2004 “localized investigation” which has not been made publicly available.

While Section III.B very briefly discusses the sediment investigation, and indicates that “there are elevated concentrations of metals immediately adjacent to outfall one (OF-1)”, the Draft Conceptual Remedial Action Work Plan fails to address remediation of sediment contamination. It is indicated in the DEIS that “Even if it is determined that some remediation of sediments is necessary, it would not affect the proposed project.”

We maintain that adequate and appropriate investigation and characterization of contamination in Hudson River sediment is of critical importance. It is unacceptable to not consider the possible characterization and remediation of contaminated river sediments during this SEQRA review.

Based on preliminary sediment data, high levels of metals in Hudson River sediments, at least at OF-1, do indicate the need for active removal of contaminated sediment. Proper planning and timing of remedial activities for both on and off-site contamination is essential to protection of public health and the long-term recovery of the Hudson River.

It is also not clear as to whether contaminants are migrating from this site into the Hudson River. There is 1,260 feet of riprap embankment along the entire length of the property with some localized deficiencies. Does the riprap serve to prevent contamination from migrating into the river? Will additional containment methods be necessary? This must be ascertained prior to site development.

Sediment sampling conducted by GM of Hudson River sediments included analysis of metals and organic compounds; the organics included PAHs, including carcinogenic PAHs (c-PAHs), and PCBs. GM conducted several rounds of sediment sampling in the Hudson River with the intention of identifying whether any impact to the

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River has occurred. The latest round of sampling took place in September-October of 2006.

The statement in the Comment regarding how the results would not effect the project reflects that the limited contamination in the River, even to the extent some dredging would be required (as assumed by the Comment), does not affect implementation of the development. The redevelopment on the land-side is unaffected by the River contamination. The various water-dependent uses planned for the River, including the fishing pier in the vicinity of OF-1, will be constructed after any remediation, if necessary, has taken place. The installation of piles for the fishing pier will not cause adverse effects to the River, as pile installation will not cause significant suspension of sediment. (See this Section of the FEIS.)

The GM shoreline is predominantly composed of an engineered rip/rap embankment. This structure serves to eliminate erosion of the underlying soils by the Hudson River. This shoreline feature is not anticipated to be enhanced during redevelopment, but will remain to prevent erosion of the fill material underlying the Site. The body of testing results from Site investigations has revealed no evidence of contamination eroding or flowing through groundwater into the Hudson River along the riprap shoreline.

5627

Handling and Processing Soils

The DEIS does not adequately address the handling and processing of contaminated materials. This should be addressed in the draft RAWP that will be released for public comment. All contaminated materials should be handled in a way that is protective of public health and the environment.

The development of a Health and Safety Plan and a Community Air Monitoring program as discussed in the DEIS are important aspects in the design and implementation of a remedy. The local community and other interested stakeholders should be closely involved in the development and implementation of these plans. All data must be easily accessible to the public.

Appropriate controls should be required to contain dust and the potential loss of contaminants to the air. Containment should occur during excavation of soils. Storage and transportation systems and equipment should be enclosed to minimize unnecessary release of contaminants into the environment during the remediation process. Containment and air protections can include simple cover such as tarps, evacuating trapped air, using negative pressure in storage buildings and running air through filters before it is released. The public should be given more information regarding the handling and processing of contaminated and treated material.

It is indicated in the DEIS that "contaminated soils would be excavated and

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transported to an off-site facility for recycling or disposal.” At other sites, potential contaminated soil treatment options have been explored. Practical alternatives to landfilling that are protective of the environment and public health should be examined.

Treatment can increase the overall effectiveness of the cleanup and reduce the need for landfilling. Any short-term increased costs of applying treatment technologies over landfilling provide long term benefits and reduce costs of maintaining and monitoring hazardous waste landfills for years into the future.

Remedial activities will be conducted at the Site pursuant to a SMP, which will include: a HASP, which will specify the necessary actions to maintain a safe working environment at the Site as well as being protective of the surrounding community; a Soil Management Plan, which will provide protocols for the movement of soils at the Site; and a CAMP, which will monitor particulate matter (dust) and VOCs. A SWPPP will govern stormwater management and the prevention of sedimentation and erosion during the remedial process. (See this Section of the FEIS for a more detailed description of these plans.) The relevant information relating to the investigations and proposed remediation will be contained in the Preliminary Draft RIR, the proposed IRM Scope of Work, and the environmental easement and conceptual SMP, all of which are discussed in this Section of the FEIS.

The proposed remediation focuses on the removal of grossly contaminated fill where practical, which is the preferable remedial approach. However, the remedial program includes the use of in situ chemical oxidation treatment for TCE and petroleum contamination.

5628

Long-term Monitoring

If this cleanup proceeds as is conceptualized in the DEIS, and significant contamination is left in place, such residual contamination must be monitored. The details of this approach to periodically evaluating the short and long-term impacts of residual contamination should be part of the draft RAWP. The goals of the cleanup, the design of the cleanup and the elements of a long term monitoring program need to be clearly articulated in a draft RAWP to ensure success of remediation. We urge that this be done with considerable public output.

In addition, the details of the approach to establish a long-term monitoring program for groundwater must be part of the draft RAWP. As previously mentioned, only a 2-3 year groundwater monitoring effort is insufficient. Again, this should be done with considerable public input.

Due to the groundwater and other contamination that may remain at this site, we would suggest the establishment, at a minimum, of a 5-year monitoring and maintenance program. If after 5 years, data reveals that groundwater

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contamination persists, the monitoring and maintenance program should be extended for a longer period of time. Monitoring data should be readily available to the public. If the Department moves forward with this cleanup as is proposed and contamination is left in place, we urge that the Department allow for the possibility that a future remedy may prove to be more effective.

The residual contamination that will be left on-site after the implementation of location-specific remediation for certain PAOCs will be capped by either a minimum of two feet of clean fill or impervious surface. The SMP will provide for periodic inspections of the efficacy of the cap, and the need to maintain it. The proposed remediation also includes groundwater monitoring, which is expected to be conducted for five years (not the two-three years noted in the Conceptual RAWP and the comment). These requirements will be enforceable through an environmental easement that will be filed under the BCP.

The NYSDEC plans to hold a public meeting to solicit comments on the proposed IRM Scope of Work and subsequently the proposed RWP. In addition, the Village Board plans to hold a public meeting with respect to the FEIS, which discusses the proposed remediation. Accordingly, there should be ample opportunity for public input into the remedial process.

5629

Fish Advisories

The draft RAWP should recognize that a potential route of exposure to contaminants of concern is through the consumption of contaminated fish.

Determining if the GM/Roseland property is a source of contaminants to the Hudson River is critical to carrying out a comprehensive remedial effort that is protective of public health and the environment and will ultimately restore this site and the river.

The risk to human health from the consumption of contaminated fish is not being addressed by fish consumption advisories. Two separate Hudson River angler surveys (Health Consultation: 1996 Survey of Hudson River Anglers - New York State Department of Health 2000), and (Hudson River Angler Survey, Hudson River Sloop Clearwater, 1993) have shown that the majority of people who catch fish are eating them, or sharing them with others, despite these advisories. We strongly suggest that the posting and maintenance of fish consumption warning signs be part of the institutional controls required for this site.

The DEC and the DOH and the Village should recognize that human health risks are much greater as there is the potential for anglers to catch and consume and share contaminated fish that can be regularly caught in the section of the River. We strongly suggest that the posting and maintenance of fish consumption warning sign be part of the institutional controls required for this

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site.

In addition, the risks to human health from the consumption of contaminated fish underscore the overwhelming need to remove the source of contamination to the fish (contaminated sediment) to speed the recovery of this resource.

As discussed in the Response to Comment 5626, GM has conducted studies of sediment along the shoreline, which have been or will be evaluated by NYSDEC and NYSDOH. These studies address the potential for effects on aquatic life.

NYSDOH has been actively involved with the specific remedial components of the Project that fall under their guidance under the BCP. If requested by NYSDEC or NYSDOH, the Applicant will include the posting and maintenance of fish consumption warning signs as part of the institutional controls for the Site.

5630

'Green' Cleanup

The remedy should be designed so that implementation minimizes the impact on the environment and the local community. We urge that the following principles be incorporated into the design and implementation of this remedial action.

Energy efficiency

Equipment used in all phases of remedial action and construction should be energy efficient.

Low-sulphur fuel

To minimize odors and other air emissions emitted to the local community low-sulphur fuel should be used in remediation and construction equipment.

Air Emissions

The strictest air emissions standards must be adhered to in operation of the thermal desorption unit. Any exceedances of such standards should force the shutdown of the unit until the problem can be remedied and strict air emissions standards can be met.

These suggestions are noted. "Green cleanup" techniques will be considered and incorporated where practical and feasible at the design phase of remediation and construction. It should be noted that no on-site thermal desorption has been proposed for Site remediation. Air emissions from equipment that may be used will be subject to applicable state and federal regulations.

5631

Timing of SEQRA Review and Remedial Action Work Plan

As Lead Agency, the Village must take the requisite 'hard look' at all environmental impacts of the project, seek to mitigate them, and then ultimately make the requisite SEQRA findings. Given, that the final remedial plan will

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not be agreed upon for some time, it would be difficult, if not impossible for the Village to make such findings in the absence of an appropriate and agreed-upon remedial plan. At a minimum, we believe that the SEQRA process for approval of the project itself cannot be considered complete unless and until a full investigation and characterization of the contamination is completed, and there is in place an appropriate and binding cleanup agreement which is fully protective of human health and the environment.

(For further comments concerning site contamination and remediation please see report by Ecosystems Strategies attached here as Attachment 2, part 1.)

The FEIS discusses the information that will be provided in the Preliminary Draft RIR, the IRM Scope of Work and the conceptual SMP. The FEIS synthesizes the extensive investigation of the Site that has been conducted, both before and after GM and Roseland entered the VCP and then the BCP. In addition, this Section of the FEIS describes the remediation to be proposed in the IRM Scope of Work and RWP.

NYSDEC has indicated that it will not adopt the IRM Scope of Work or the final RWP for the Site until after holding a public meeting and soliciting public input on each document. Thus, the Village will have the opportunity to comment on the proposed remediation. In addition, as lead agency, the Village indicated that it plans to hold a public meeting on the FEIS, which includes the proposed remediation. The Village has the relevant data and information to approve certain remediation as part of the SEQRA process, so it need not defer its SEQRA determination until after NYSDEC approves the either the IRM Scope of Work or the final RWP.

5658

4. Laboratory data in GM reports indicate that fill soils currently in the former Pocantico River bed contain elevated (i.e., concentrations greater than TAGM levels) metals and petroleum hydrocarbons. These concentrations are not the most elevated levels found on the Site for each contaminant, but there are data that would suggest that some of the fill within the footprint of the prospective riverbed should be disposed of off-site. At the same time, it is possible that some of the fill soils in the riverbed can be reused on-site (current plans call for the net importation of 200,000 cubic yards).

Comment noted. See preceding Responses to Comments 302 through PH 5110 at the beginning of this Section relating to the proposed relocation of the Pocantico River.

5659

5. Groundwater contamination has been identified in the proposed Riverbed corridor, but the concentration of dissolved organic contamination does not at this time appear to be at levels warranting active remediation. Additional groundwater Testing will be conducted to document the presence or absence of

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localized groundwater contamination. However, it is not clear if the groundwater contamination is the result of soils within or proximal to the proposed Riverbed corridor.

Comment noted. See preceding Responses to Comments 302 through PH 5110 at the beginning of this Section relating to the proposed relocation of the Pocantico River. The sampling conducted on the Site indicates that the only groundwater with elevated concentrations of contaminants necessitating remediation is that in PAOC-47, which contains TCE.

5660

6. The presence of groundwater contamination in the vicinity of the prospective Riverbed raises the potential for contaminants to leach into the future river and thereby become more available to aquatic organisms. The current data would suggest that this concern can be mitigated through proper buffering of the Riverbed or even over excavation of the nearby areas of contamination; however, it is raised at this preliminary stage in project design so that it can be properly considered in future design phases.

Comment noted. See preceding Responses to Comments 302 through PH 5110 at the beginning of this Section relating to the proposed relocation of the Pocantico River. The FEIS Alternative Plan provides for a buffer between the proposed development and the River.

5661

7. The proposed reopening of the Pocantico River corridor will result in the excavation and disposition of contaminated soil. The area of the Site where the proposed Pocantico River would run is situated in an area of soils with elevated metals and petroleum. It is reasonable to anticipate that soils excavated in this area will contain elevated concentrations of these compounds. Based on our overlay of the proposed Pocantico River relocation, its current proposed configuration appears to impact soils that are marginally contaminated; that is, moving the proposed Pocantico River to the north may result in encountering soils with significantly higher concentrations of contaminants.

Comment noted. See preceding Responses to Comments 302 through PH 5110 at the beginning of this Section relating to the proposed relocation of the Pocantico River.

5663

1. Soils (Page III.B-6)

From 1920s through the 1960s, a series of bulkheads, along with a quantity of fill, were used to extend the shoreline...

a. This qualitative statement should be expanded to include a detailed discussion of the characteristics of the fill material. Laboratory data should be analyzed to provide average concentrations of organic contaminants (primarily heavy petroleum hydrocarbons, or PAHS) and inorganic compounds (primarily metals). This discussion is critical to the assertions made by the Applicant that the fill material does not represent a source of significant environmental

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contamination and, therefore, does not become the focus of an environmental response actions (e.g., removal of the fill, capping). Without this analysis, such assertions cannot be critically assessed by the Lead Agency.

b. Fill generated in the 1920s has the potential to contain a different matrix of environmental contamination than fill imported in the 1960s. It is recommended that the Applicant provide additional information to define spatially the Site filling activities; i.e., what areas of the Site were filled in the 1920s, 1930s, 1940s, 1950s and 1960s. There are qualitative statements made on Page B.III.7, but these are undefined and may be more clearly presented graphically (e.g., on a map). Based on this spatial definition, the Applicant should reassess the laboratory data from fill soils to determine if there is any relationship between contaminant concentrations and age of fill.

Extensive soil sampling analytical data from the Site has been collected and made part of the remedial investigation, as discussed in this Section of the FEIS. The FEIS includes a discussion of the characteristics of the fill, including concentrations of PAHs and metals. The Comment is incorrect in asserting that the DEIS does not provide for environmental response actions, such as removal or capping. As detailed in this Section of the FEIS, the proposed remediation includes removal of approximately 5,100 cubic yards of petroleum-contaminated soils in the area of the former 10,000-gallon UST followed by the injection of chemical oxidants to a larger area containing residual petroleum, the removal of approximately 5,340 cubic yards of lead-contaminated soils to and, in certain areas, below, the water table in PAOC-7/ Fill Areas H, F and G, as well as PAOC-29, the removal of approximately 3,600 cubic yards of chromium and TCE-contaminated soils to a depth of approximately 13 feet below grade surface (corresponding to the bottom of the filled pit) in PAOC-47, and remediation of TCE in soil and groundwater in PAOC-47 (the source of TCE vapors in soil gas) through chemical oxidation. The proposed remediation also includes the capping of the Site with either two feet of clean fill or impervious surfaces, and a SMP to ensure the proper maintenance and repair of the cap. In addition, Appendix 3B of the FEIS (in the Preliminary Draft RIR) includes a figure that represents the separate fill events (Figure 1).

5664

2. Soils (Page III.B-6)

Clay is located along the former Pocantico River bed and is highly compressible with layers of peat.

Were any chemical tests conducted on the peat layer? Peat is known to absorb organic contamination and may therefore report a "sink". If no data exists, it is recommended that additional testing of the peat layer be conducted to determine the need for any remedial action.

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Soil borings that penetrated into the peat/clay layers in the West Parcel were field screened for contaminants, as were the fill materials. Soil boring sampling did include some of this organic rich material where contamination was evident from field screening. These borings did not reveal elevated levels of organic contaminants.

5665

3. Environmental Site Investigations (Pages B.III-7 – B.III-9)

...a number of environmental assessments were undertaken on behalf of GM between 1996 and 1997 to identify areas of the Site that might require remediation, removal and/or special handling (Page B.III-7) in 2002. Roseland's consultants conducted investigations of the Site as part of that company's precontract due diligence (Page B.III-8)....The results of all the investigations conducted on the Site under the VCP will be described in the Remedial Investigation Report that will be submitted to DEC (Page B.III-9).

a. The overall objective of these investigations is to accurately and comprehensively describe on-site and off-site environmental contamination with the intent of designing and implemented appropriate remedial actions. As stated in the DEIS, this investigative process is not completed and therefore, the need for and the extent of remedial actions cannot be provided by the Applicant. The admission that these investigations are still on-going is an admissions that the information necessary to make critical project decisions is still outstanding and is therefore an admission that the DEIS with respect to this issue is incomplete. The public, therefore, cannot comment on the appropriateness of these "yet to be determined" remedial actions. It is recommended that the comment period on the DEIS be extended until the relevant information to be contained in the Remedial Investigation Report can be incorporated.

b. The more extensive environmental investigations documents several areas of significant soil contamination which are not included in the DEIS (e.g., compare data presented in the "Phase III Extent of Contamination Study" to Figure III.B-2). All areas of concern should be identified in the DEIS so that an open and comprehensive discussion of necessary site remediation activities can be conducted. Significant areas of concern that have not been included in the DEIS include:

- Several areas of fill soils containing elevated levels of lead and several PAHs.
- References to outfalls and sediments testing, which are not full identified.
- Groundwater contamination at interior wells, which may imply more general groundwater contamination.

Comment noted. The FEIS reflects the information presented in the Preliminary Draft RIR, which sets forth the investigations conducted on the Site and identifies relevant PAOCs. The FEIS also discusses the proposed remediation to be described in the proposed IRM Scope of Work, the future RWP, the environmental easement and conceptual Site Management Plan. There will be ample opportunity to comment on the proposed IRM Scope of Work and proposed RWP, in both the public meetings anticipated to be held by NYSDEC on the IRM Scope of Work and subsequently on the proposed RWP

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and the public meeting anticipated to be held by the Village on the FEIS.

The FEIS discusses the results of the extensive investigations conducted on the Site, and identifies areas containing elevated levels of lead and several PAHs (PAOC-7/Fill Areas H, F and G and PAOC-29). The FEIS also discusses the results of the groundwater sampling conducted on the Site, which shows that there is no Site-wide groundwater contamination. The FEIS describes the sampling of River sediments that have been undertaken by GM, including the elevated levels of metals proximate to OF-1.

5666

4. Summary of Existing Conditions (Pages III.B-10 through III.B-14).

Levels of lead at the Site are well in excess of the background level for lead set forth in the NYSDEC's RSCOs or the general background of lead at the Site. For the purposes of sampling, soils containing more than 10,000 ppm of lead have been characterized as a typically elevated.

a. There is no technical basis for this statement. The use of 10,000 ppm (or 1%) as a guidance value should be fully explained by the Applicant. Further, the Applicant similarly proposes to use 5,700 ppm as a site-specific "action level" (see Phase III Extent of Contamination Study, page 4-4). The Applicant should specify how this guidance value is proposed to be used. Will Soils containing lead above this level be excavated and removed from the Site? Will any soils with lead levels below this level be permitted to remain on-site without additional cover soils? No information is provided in the DEIS. It is further stated that the use of 10,000 ppm as a guideline for on-site investigations or remedial actions has been rejected by the NYSDEC (see comment #3 of J. Moras' letter of April 12, 2004).

b. The spatial pattern of elevated lead cannot be determined unless the Applicant presents all of the data on a figure.

c. No information is provided to ascertain the potential for these soils to affect groundwater. The Applicant should be directed to conduct TCLP testing on soils containing elevated lead.

d. Site data indicate an average level of lead in surface soils of slightly under 1,000 ppm. Current NYSDEC guidance documents as well as recent NYSDEC decisions for residential properties recommended remedial action for lead levels above 400 ppm and the USEPA has recommended that an "action level" for lead in residential soils be set at 1,200 ppm. It is recommended that the Applicant plot on a figure all lead data generated on the Site, highlighting those areas where concentration exceed either the NYSDEC or the USEPA "action levels".

e. The DEIS does not specify the remedial actions being proposed for areas of elevated lead, stating in a general statement: "These areas are being addressed under the VCA" (Page III.B-10). This should not be accepted by the Lead

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Agency. It is recommended that the Applicant be directed to specify how each area of concern is proposed to be addressed (e.g., soil removal, capping, etc...) and how the effectiveness of each response action will be documented.

The 10,000 ppm lead concentration was used in the Site investigations as a screening value for possible source delineation. "Urban background" for lead ranges between 200 and 500 parts per million (ppm) per TAGM # 4046. The NYSDOH guidance of 400 ppm is the cleanup objective for lead applied to unrestricted sites. (See generally this Section of the FEIS and the Response to Comment 5619.)

Data for lead throughout the Site is contained in the tables and figures that are included in the Preliminary Draft RIR, which is Appendix 3B to the FEIS.

The extensive investigations conducted on the Site included sampling of groundwater. The results indicate that the lead and other contamination in soil have not affected groundwater in relation to Class GA standards. Nonetheless, the remedial program for the two lead PAOCs includes SPLP sampling of lead contaminated fill in these areas and, if determined by the NYSDEC to be necessary to prevent leaching, the installation of an impermeable layer in the open space of these areas, under the two-foot cap of clean fill.

The levels for remediation of lead-contaminated soils referenced in the Comment refer to cleanup objectives for unrestricted use of a Site. The proposed remedial plan includes the removal of lead-contaminated fill above the water table in PAOC-7/Fill Areas H, F and G and PAOC-29 containing lead concentrations >5,000 PPM, the excavation and removal of all fill below the water table in PAOC-29 containing concentrations of lead >10,000 PPM, excavation and removal of all containing concentrations of lead >10,000 PPM below the water table in PAOC-7/Fill Areas H, F and G to the extent practicable, along with capping of the entire Site with either two feet of fill or an impervious surface, the possible installation of an impermeable layer under the open space areas of these PAOCs noted above, and groundwater monitoring. This remediation is further described in this Section of the FEIS.

The figure requested in the comment would be of only limited utility, as much of the Site contains some soil with lead levels in excess of 1,200 ppm.

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5667

5. Lead appears to be associated with construction and demolition type materials, furnace slag or ash in the historic fill (Page III.B-10)

It is possible that the elevated metals (as high as 167,000 ppm, or 16.7%) are the result of paint wastes disposed of on the Site. Car paints are known to have contained several metals including lead at concentrations between 1% and 10% (10,000 ppm to 100,000 ppm). Historic fill is not known to contain lead at the levels identified on this Site and therefore should not be considered the source of elevated lead. It is recommended that the Applicant remove language from the DEIS that implies that the source of on-site contamination is from any activity other than the GM industrial activities.

Soil sampling conducted at the Site has not identified an abundance of paint materials, or any evidence of disposal of car paint wastes or sludges within the fill materials beneath the Site. The slag and ash noted in the DEIS are materials observed during the sampling programs conducted at the Site. The lead data continue to support the conclusion that lead is a component of historic fill at the Site. The source of the lead in soils has not dictated the remedial approach. The lead-contaminated soils in PAOC-7/Fill Areas H, F and G and PAOC-29 proposed for remediation are from historic filling operations.

5668

6. The Investigation also indicates several areas where soil exhibited petroleum odors or staining. All three of these areas are being addressed under the VCA (Page III.B-12).

The following comments are made:

- Have these releases been reported as petroleum spills to the NYSDEC, as required (see 6 NYCRR, Part 613)? If so, please provide the spill numbers. If not, please provide an explanation.
- Have the volumes of contaminated soils impacted in these areas been determined through laboratory testing of soil samples or field screening? Data should be provided.
- Can these areas be identified on the maps, with an estimate of the lateral extent of soil contamination?
- What remedial actions are being proposed? Generally, soil removal is warranted for areas that are proposed for residential reuse.
- Has any determination been made regarding the presence or absence of soil gas in the area of documented soil contamination? Discussions are provided documenting the absence of elevated methane; however, no soil gas survey is known to have been conducted to document organic (including gasoline constituents) compounds.

The area of the former 10,000-gallon UST was reported as an oil spill when it was discovered (Spill Report No. 9800719). The other areas containing residual contamination in soil were not reported as spills by GM, as they are historic soil and soil that was impacted by

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groundwater contamination from undefined or previously removed sources. They have been completely disclosed to NYSDEC, through the VCP/BCP. The FEIS discusses the investigation relating to these areas and the remediation proposed for the former UST area.

5669

7. The initial investigations revealed a limited area (one monitoring well) containing chlorinated volatile organic compounds (typically from solvents) and chromium (a metal) in groundwater near the northwestern corner of the Site (Page III.B-12).

This statement is not accurate. Groundwater contamination was identified at two on-site monitoring wells: OW-10, down-gradient of the former on-site tank farm (Benzene at 24 ug/L, ethylbenzene at 17 ug/L and xylene at 11 ug/L), as well as at OW-13 (the northeast corner of the Site).

Additional comments are the following:

- What data exist over time to document any trends in groundwater quality? Data presented in the DEIS is from 1997; do more recent data exist?
- Reference is made to gasoline release on the adjoining Westchester County Department of Public Works (WCDPW) Site, implying that the contamination identified at OW-13 is from the off-site source. This conclusion appears to be logical; however, please explain what actions have been taken by the Applicant or by the WCDPW to correct this on-site documented condition?
- Does the Applicant conclude that the groundwater condition at OW-10 is from the same source as OW-13? If not, what is the source of the VOCs in OW-10?
- What response actions are proposed to address the known contamination near OW-10?

The statement from the DEIS noted above is accurate and refers to the initial phase of the Remedial Investigation in 2003. As discussed in further detail below, conditions at OW-13 are not attributable to off-site contamination, but to the former 10,000-gallon UST on-site. Conditions at OW-10, which is actually upgradient of the former on-site tank farm, reflect impacts from off-site contamination that were known prior to this investigation. OW-10 is generally downgradient of a reported unleaded gasoline spill from a former UST within Kingsland Point Park (WCDPW Site). Benzene, ethylbenzene and xylenes are not chlorinated organic compounds, but they are non-chlorinated organic compounds typically related to a gasoline release or similar source.

The information about the likely background contamination from the Park, first discovered in 1997, has been provided to NYSDEC. To the Applicant's knowledge, the WCDPW removed the leaking gasoline UST in Kingsland Point Park, as well as related contaminated soil, and filed a report with DEC indicating that the source was

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removed. Gasoline constituents from that spill migrated onto the Site in the north section of the West Parcel. However, these constituents are undergoing natural attenuation and reflect background conditions. It is not a PAOC for this Site.

The investigations related to the Site are discussed in this FEIS. The Preliminary Draft RJR, which is contained in Appendix 3B of the FEIS, contains extensive data on groundwater quality, from sampling conducted in 2003 and 2004. Based on the additional data available, the observed contamination at OW-13 (mentioned in the Comment) is attributed to the former 10,000 gallon UST, which was removed in 1998. Further source remediation is proposed for the OW-13 location (within 10,000 gallon UST source area), as described in the FEIS. The background gasoline-derived contamination at OW-10 appears to be naturally attenuated, and will likely be monitored.

5670

8. ...sampling identified a subsurface concrete slab (about 6 feet below grade) with pronounced greenish color and nearby soil with concentrations of chromium. This chromium source will be address under the VCA.

No data are provided in the DEIS to clarify this statement. It is recommended that the Applicant provide the following:

- A map identifying the location of the contamination, with soil samples located to assist the reviewer in determining the magnitude of this area of concern;
- Laboratory data in table format to assist the reviewer;
- A description of the proposed remedial action that the proposed remedial action that will be taken to respond to the known site conditions, including the "action level" that will be set for chromium.
- The greenish hue may also indicate the presence of elevated cyanides. Though not likely, it is recommended that soil testing be conducted in this area to document the presence or absence of cyanides.

The FEIS discusses the chromium contamination identified at PAOC-47, and data relevant to this PAOC is contained in the tables and figures that are part of Appendices 3B and 3C to the FEIS, respectively. The proposed remediation for this area, as detailed in the FEIS, is the removal of all soil containing elevated levels of chromium; that is, soils with chromium at concentrations greater than Site background (50 ppm – the RSCO per TAGM # 4046). This remedial approach will include soil removal of approximately 3,600 cubic yards to a depth of approximately 13 feet below grade surface (corresponding to the bottom of the filled pit).

There was no sampling for cyanide conducted in this particular area. It is not currently believed necessary, as there were no GM operations

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that would have used cyanide. Analysis for cyanide will be considered if additional information becomes available and indicates that sampling is necessary.

5671

9. *"low levels of PCBs were found in milled concrete"* (Page III.B-12)

This statement is not entirely correct, as PCBs have been found at other locations on the Site. The Phase II Environmental Site Investigation (March 1997) identifies 1,800 ppb of PCBs at the sample OGB (10-12") and in soil samples near an electrical substation in the central portion of the Site. 19A, 0-0.5 feet (9,900 ppbs) and 19A, 4-4.5 feet 9830 ppb). In the Phase III Extent of Contamination Study (August 2001), sample CP-10 identified 990 ppb of PCBs. The soil in this area was removed and post-excavation samples documented the absence of PCBs.

Additional comments are the following:

- Additional sampling in the vicinity of the former electrical substation is warranted.
- Sample ID 19A (0-0.5) documents the levels of PCBs in excess of NYSDEC guidance values. The presence of PCBs in the sample was attributed to spilled oil. Are there other stained areas where PCB contamination is present?
- PCBs are known to have been used in paints by GM. IS there any record of PCBs being used by GM at this facility? In deference to the footnote on Page III.B-12/13, the issue is not PCB manufacture but on-site PCB use, storage or disposal.

During the decommissioning activities at the Site all mechanical and electrical equipment potentially containing PCBs were inventoried, tested and removed from the Site. Any areas of staining on concrete or soils were also sampled to evaluate the need for remedial measures.

No other areas of PCB contamination (beyond the hydraulic pump related to sample 19A) related to on-site spills onto soil are known. No stained soils containing PCBs, beyond what was reported in the Phase II Site Investigation and the Phase III Extent of Contamination Study (both prepared by EMCON for GM) were identified. The area around sample 19A was excavated with post-excavation soil samples indicating that all the impacted soil around this location was removed. These soils were removed and disposed off-site.

During facility decommissioning by GM and due diligence investigations at the Site, no information was discovered identifying the use of paints at the Site that contained PCBs. Accordingly, it is Applicant's position, based on the prior investigations and the Preliminary Draft RIR, that further sampling in this area is not necessary.

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5672

10. *GM also conducted a Sediment Quality Investigation in the Hudson River in 1997, specifically for metals associated with historic wastewater. The study indicated no area-wide impacts (Page III.B-13)*

These data are not provided in any format and therefore are difficult to review. The Applicant should provide a separate sediment report as an attachment to the DEIS. There is no valuable information provided in the DEIS on sediment quality and the impacts to this sediment from prior on-site industrial activities. The DEIS references “preliminary data” (not provided) for “three outfalls” (not shown), concluding that “elevated concentrations of metals” (undefined) are present near one of the outfalls (OF-1). The DEIS then concludes that the “evaluation of the sediment data investigation is on-going (Page III.B-14).

- This information is insufficient to make a reasoned analysis of the extent of sediment contamination, the need for and design of any response actions, and the potential secondary impacts of this contamination on River flora and fauna.
- The admission that the evaluation is ongoing is an admission that, on this issue, the DEIS is incomplete. There is a potential for the NYSDEC to require dredging of the River to remove contaminants discharged by GM. This is an important concern but it is unaddressed by the DEIS.

See the Response to Comment 5626. It should be noted that any impacts of the contamination on River flora and fauna is not an impact of the proposed redevelopment, except to the extent that there will be impacts to these resources caused by the installation of piles for the proposed fishing pier. However, pile installation does not disturb extensive sediments.

5673

11. *Future Conditions. Without the project, site conditions would remain essentially in their current conditions...If redevelopment does not proceed, neither GM or Roseland is obligated to remediate the Site pursuant to the VCA (Page III.B-16).*

This statement is not complete. In addition to the referenced clean-up of the petroleum spill area (Spill # unknown), GM could be compelled through legal action to clean-up lead-contaminated areas, the area of chromium contamination, any additional areas of PCB contamination, areas of metals in the sediment and the area where chlorinated VOCs were identified in the water. In short, environmental restoration of the Site is still the legal responsibility of GM since it was GM's actions that caused the contamination initially. It is an accurate statement that, within the narrow confines of the Voluntary Clean-up Program, neither GM nor Roseland can be forced to clean up the Site, other programmatic options (e.g., Hazardous Site Control) exist to compel at least GM to remediate the Site.

Comment noted. It is correct that GM would be required to remediate the reported petroleum spill regardless of Site redevelopment. Any other obligations of GM to remediate the Site in the absence of the proposed project could not be assumed, given that

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the Site is substantially capped by the slab or asphalt, is not open to the public, and there is little or no exposure to the contaminants in the soil. This FEIS cannot speculate about possible options available to agencies that might be used to compel GM to remediate the Site if there is no Project.

5674

12 *Cut and Fill Analysis* (Page III.B-17)

The Applicant should clarify what quality control measures will be implemented to ensure that only certified clean fill will be imported. Further, the Applicant should clarify what testing will be conducted to determine the appropriateness of on-site reuse of both on-site demolition spoils (estimated at 35,000 cubic yards) and construction-generated excavated fill (estimated at 85,000 cubic yards). These details are contained within the Soil Management Plan which should be submitted to the Village as part of the DEIS for review and approval; currently, this document is proposed to be submitted only to the NYSDEC.

If there is the necessity to import fill material onto the Site, it will be done pursuant to the guidelines of a NYSDEC-approved Soil Management Plan that will outline the requirements for imported fill material. That Plan will set forth the protocol for assuring that imported fill for the two-foot cap meets the levels of the TAGM # 4046 RSCOs, including protocols for any necessary sampling of the proposed fill material.

The millings that are presently on the Site from the demolition of the buildings have already been sampled. Before the existing slab could be re-used on-site for fill, it will be sampled for a range of contaminants, including PCBs, PAHs and metal. The on-site soils that will be re-used as fill will be above the water table and below the cap of either impervious surfaces or two feet of clean fill.

5675

13 *Import and Export of Material* (Page III.B-17/18)

The Applicant should explain how the estimate of 20,000 cubic yards of “excavated remediation materials” was generated. No information is provided in the descriptions of the contaminated areas, which would permit a reviewer to critically assess the accuracy of this estimate.

The volume of 20,000 cubic yards was a preliminary and conservative engineering estimate of the volume of material to be removed from the Site as part of the proposed remediation activities. It is now estimated that approximately 14,000 cubic yards of excavated material will be generated from remediation.

5676

14. *Phasing* (Page III.B-18)

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It is important to emphasize that dust generated at the GM site will contain elevated concentrations of lead, PAHs, and possibly other contaminants. A rigorous Community Air Monitoring Plan should be implemented by the Applicant, including particulate monitoring at the property line and organic vapor (e.g. PID) screening in the work zone.

As noted in this Section of the FEIS and in the Responses to Comments 5406 and 5627, during remedial and redevelopment activities at the Site, a CAMP that is protective of the on-site workers as well as the surrounding general population will be implemented.

5677

15. Environmental Conditions...certain limited areas containing residual contamination from releases of petroleum or petroleum productions that have elevated concentrations of lead will be remediated prior to or during project construction. The plans and specifications reviewed and approved by DEC will govern not only remediation but the subsequent construction and occupancy of the development (Page III.B-18).

This statement can be interpreted as saying that the Village will have no influence or oversight of environmental remediation. If this is, indeed, the Applicant's position, it should be more clearly stated. The implication of submitting the DEIS prior to the completion of the remedial investigation report implies that no information that will be contained in that report will be relevant to the SEQR determination. This is, however, contrary to the basic project's impacts can be estimated. Since environmental contamination is a basic element in defining a site's environmental conditions. This DEIS as submitted is incomplete.

The DEIS contains sufficient information for such a document. In addition, the Preliminary Draft RIR, which is contained in Appendix 3B of the FEIS, reflects extensive information about sampling conducted on the Site, and thus provides the information necessary for the Village to consider the adequacy of the proposed remediation under SEQRA. The Applicant does not agree with the commenter's interpretation of the quoted paragraph in the DEIS.

5678

- In concept, the RAWP is considered by this office to be a reasonable approach to site remediation. As detailed below in specific comments, the RAWP omits critical details or proposes actions that are not considered by this office to be sufficiently protective of either the environment or the health of future residents/users.

The DEIS contains sufficient information for such a document, and is amplified by the FEIS and supporting documents, including the Preliminary Draft RIR that is contained in Appendix 3B. The details of the proposed remediation are set forth in the FEIS, which remediation has expanded and superseded the remedial approach

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described in the Conceptual RAWP. The Village of Sleepy Hollow has retained its own independent environmental consultant, Roux Associates, who has and will continue to coordinate with the NYSDEC regarding environmental contamination issues, and whose report is contained in Appendix 3D to the FEIS. Roux Associates will provide independent consulting services to the Planning Board during the site plan review and approval process.

5679

- Clean-up standards are not defined in this RAWP. Therefore, the total amount of soil to be removed and, equally important, the integrity (defined as concentrations of contaminants in the “end point” samples) of remaining soils has not been established. Rather, the RAWP states: “On an area and use-specific basis, the RAWP will identify clean-up levels to be attained” (Page 8). As stated above, this is an admission by the Applicant that the information necessary to make a reasoned determination is not currently being provided; therefore, it is an admission that the DEIS is incomplete.

The DEIS contains sufficient information for such a document, and is amplified by the FEIS, which contains the Preliminary Draft RIR and which describes the proposed remedial in detail, including the cleanup levels sought to be achieved.

5680

- It is recommended that the Lead Agency compel the Applicant to select action levels that are consistent with TAGM 4046 and that all reasonable actions be taken by the Applicant to remove soils contaminants above TAGM levels. This recommendation is consistent with the RAWP which states in reference to petroleum-contaminated areas, that “contaminated fill will be excavated, to the extent practical, and recycled or disposed of at an off-site permitted facility” (page 9). It is important that a guidance value recognized by the NYSDEC, the Lead Agency, and future residents/users be identified and agreed upon before the SEQR process is closed.

The FEIS provides a discussion of alternative remedial approaches and explains the basis for recommending certain remediation. The TAGM # 4046 RSCOs are considered and are relevant to the finished surface conditions of the proposed development. Consistent with the BCP, engineering and institutional controls will be part of the Site-wide remedial plan to ensure that future occupants are not exposed to soil or groundwater that is not consistent with RSCOs. Removals will be performed where necessary and feasible, consistent with BCP guidance for source remediation. The remediation includes the removal of soils that are grossly contaminated by petroleum in the area of the former 10,000-gallon UST.

5681

- The selection of an “action level” will determine the amount of soil subject to excavation and removal. The Applicant has estimated that 20,000 cubic

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yards of soil will require off-site disposition. How was this number arrived at, if not from the use of "action levels"? What levels were used to reach that estimate and why are those levels not included in the RAWP?

The estimate of 20,000 cubic yards was utilized based on preliminary conservative engineering calculations of the remediation that might be needed. It is now estimated that approximately 14,000 cubic yards of excavated material will be generated from remediation.

5682

- The use of TAGM levels, if selected, will likely result in contaminated soils remaining on the Site. Petroleum release sites that have been cleaned up using TAGM levels often leave soils with petroleum odors on the Site. If TAGM levels are selected for this Site, will the Applicant be permitted to leave soils exhibiting petroleum odors? How will the Lead Agency and the Applicant assure future residents that vapors emanating from these remaining soils will not enter on-site buildings?

The proposed remediation of soil contaminated with petroleum from the release of fuel oil from the former 10,000-gallon UST will include removal of approximately 5,100 cubic yards of grossly contaminated soils; such soils will include much, but not all, of the possible odorous soils on the Site. The subsequent application of chemical oxidants to a larger area containing residual petroleum will address the potential for odors from such material. In all areas on the West Parcel where petroleum contamination has been identified, the residual resides below the water table. This residual has been highly degraded by natural bacterial decomposition over the past several decades (a process referred to as natural attenuation). Some of this material may have been in the ground for nearly 100 years, and no longer represents a source of volatile organic vapors. It is anticipated that some odorous soil or groundwater may be encountered in future excavations, and such materials will be managed in accordance with the SMP. The chance of odors migrating into future buildings from soil or groundwater that will remain onsite following remedial activities is negligible, including residual petroleum, based on the body of data derived from the investigation conducted under the VCP/BCP and the previous investigations. In any event, the ventilation systems that will be installed in most buildings, and Roseland's voluntary decision to design the townhouses to include subslab depressurization systems, eliminate any concern about vapor intrusion. (See generally this Section of the FEIS.)

5683

- If odorous soils are permitted to stay on-site, it is recommended that the Applicant be required to install subslab depressurization systems under on-site buildings to intercept and properly vent vapors.

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See Response to Comment 5682.

5684

- The reference to using “atypically high lead levels” as a guideline for clean-up is inappropriate, as stated by the NYSDEC in their commentary letter of April 12, 2004. “Atypical” refers back to the Applicant’s assertion that only levels above 10,000 ppm should be subject to response action consideration. This assertion’s technically unjustified and should be removed from the DEIS and RAWP. A reasonable level to determine the need for a response action (e.g. removal, capping, etc.) for lead is 400 ppm. Soils containing lead at levels less than 400 ppm would not be the subject of any response action; conversely, soils containing lead at levels above 400 ppm would be subject to some defined response. This is not to say that all soils with lead levels above 400 ppm would require removal; however, it should be incumbent upon the Applicant to justify keeping soils present on the Site with levels of lead above this concentration and the Applicant should specify the response actions that will be taken to protect the health of future residents.

All soils containing lead concentrations or other targeted compound concentrations above the TAGM # 4046 levels will be the subject of a remedial action. As explained in the FEIS, the proposed remediation of the lead includes the removal of lead-contaminated soils to and, in certain areas, below, the water table with concentrations exceeding 5,000 ppm and 10,000 ppm respectively, in PAOC-7/Fill Areas H, F and G, and PAOC-29; the entire Site will be capped (including all areas exceeding TAGM # 4046 RSCOs) with two feet of clean fill or impervious surface, and the cap will be maintained and repaired through the operation of the SMP. Prior to cap or building construction, the grade will be raised throughout most of the West Parcel by adding additional intermediate fill between the existing soils and the cap/building surface (as much as 8 feet of intermediate fill is needed to raise the grade above the highest concentrations of lead in the proposed residential areas). The cap and associated IC/EC will still be the primary means of protecting future residents from exposure to residual subsurface soil contamination.

5685

- On Page 5, the RAWP implies that TAGM has a 10 ppm guidance value for total carcinogenic PAHs (c-PAHs) which is incorrect. The Applicant should establish background levels of PAHs through soil sampling and then utilize those concentrations as the “action level”. This approach to setting the Site’s clean-up levels at the concentrations of specific contaminants present in surrounding soils is a well established procedure and would make sense to adopt here. Background samples could be collected on the adjoining County Park Site or at other nearby accessible properties.

As explained in the FEIS, the only remediation specifically required

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for PAHs is capping and institutional controls, as the public will not be exposed to soils containing these contaminants.

The RSCOs in TAGM # 4046 pertaining to PAHs are for individual and total SVOCs, as well as total carcinogenic PAHs.

5686

- The RAWP proposes groundwater monitoring as its only response action to document groundwater contamination. This office concurs that the levels currently identified in on-site groundwater are not at concentrations that would warrant active groundwater remediation. However, this office disagrees with the proposal to monitor groundwater for only 2-3 years. Continued monitoring for five years after the completion of all remedial efforts (to confirm no change in groundwater quality due to site disturbance activities) is considered more appropriate.

See Response to Comment 5621.

PM805

During to the environmental analysis, the DEIS talks about six areas identified as contaminated with high levels of lead, chromium, PCBs and petroleum. I have a number of questions that ask for a more comprehensive discussion on how they relate to the site development. In other words, is there an overlay that shows where the siting of the buildings will be with respect to these contaminated zones? Will there be residential units over these contaminated areas. Can we review the environmental studies? Have they been provided? Test for samples in the Hudson River, et cetera. The floor plans. The concrete floor slabs I understand were built down to the rebar and those foils from the milling process were stockpiled on site with other demolition materials. These millings are contaminated of years of industrial spills and wastes during that manufacturing process. My questions relate to, with the top layer of the millings from the floor slabs, because they were soaked with contamination. And what are you doing with these contaminated millings? And what are the future plans for them?

The stockpile materials, which I believe is where these soils are contained, are stockpiled along the Hudson River. My question has to do with preventing leaching of these contaminants into the Hudson and what is being done in the meantime over these years.

As noted previously, the environmental investigations conducted at the Site can be reviewed at the document repository established at the Sleepy Hollow Village Hall and the Warner Library in Tarrytown, as well as at the NYSDEC office at New Paltz. The Preliminary Draft RIR, which summarizes the Site investigations, is contained in Appendix 3B to the FEIS, and the proposed IRM Scope of Work, once it is reviewed and made available by NYSDEC, will be available to the public at these locations. The future RWP will be made available prior to the NYSDEC public meeting on that document.

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The FEIS Alternative Plan has been compared with the distribution of contaminants across the Site. An overlay of the PAOCs on the FEIS Alternative Plan is Figure II.B-5 of the FEIS.

It is planned that remedial activities conducted at each of the areas containing elevated concentrations of contaminants will be completed prior to the construction of residential units on the Site. In addition, as noted previously, all concrete surfaces were inspected prior to demolition and areas exhibiting contamination were decontaminated by scarification. Decontamination waste was disposed off-site during the decommissioning activities. The remaining slab and wall material from the upper floors was processed (milled) for future recycling. Some millings were used to fill depressions on the West Parcel. The rest were stockpiled in the area of the former wastewater treatment facility. A retaining wall is present between this pile and the Hudson River.

PM806

Regarding the efforts with work with the DEC, I have a couple of questions that have to do with the status of the environmental cleanup, whether you're in a voluntary cleanup agreement. Identify who is the volunteer or participants. Was it Roseland, GM or is it joint? And if you do not have an accepted remediation plan for cleanup of all contamination on the site, how could you have a meaningful site plan. It seems like you have the cart before the horse. And I'll submit my questions.

GM is a participant, and Roseland a Volunteer, in the NYSDEC's BCP. A Site Plan can be developed prior to having all of the details completed for a remediation plan because remedial measures will be implemented that are protective of human health and the environment. For the Project, remediation of specific areas of concern will precede Site development, and the FEIS Alternative Plan has taken account, to the extent necessary, of Site contamination.

PH2801

And there are two big legacy issues here that General Motors as a joint developer has? You may have noticed in the screen GM and Roseland together in the little icon because they are joint applicants here. The two legacy issues are the brown field site, the fact that this was an automobile assembly plant....

Now this Village has worked to clean up industrial sites in this Village before. You all know the Mallory Battery Factory, the Mallory Battery Factory railroad. Barnhart Park was cleaned up so that the soil on that site is cleaner than the soil on Beekman Avenue right here.

It was a very strict clean up. The Village worked with the Department of Environmental Conservation in the State of New York and the US Environmental Protection Agency in that. And that is the commitment that we

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have in this process.

This site will have to meet all Federal and State standards and be completely remediated for the construction of this to go forward. GM has stepped up to that. That's a legacy obligation of the company, and it will be followed.

Comment noted. It is the Applicant's position that the proposed remediation, which will be approved by NYSDEC, will comply with all legal requirements.

PH2830

We need to find a way to tap that methane gas and put it to use as a fuel in the Village Garage and make sure that the venting of that gas is not an additional greenhouse gas problem and so on.

As noted previously, the volume of methane from the former Village dump is too small to provide a reliable fuel source for the Village garage or other contemplated use on that part of the property. (See Response to Comment 5624.)

PH2905

The next issue I would like to address again was called a legacy obligation. And I am too also pleased that General Motors and Roseland have committed to addressing the issue of contamination. So many sites along the Hudson are made of fill. The waterfront along the Hudson is largely fill.

But there are other areas with higher levels of contamination - and fill contains contamination - so there are other areas on the site that have higher level of contamination than you would typically find in fill. And we feel that a more extensive analysis and in sharing with the public of the extent of contamination is very important. We want this place to be safe for our kids. We want it to be safe for residential use, for recreational use. We want it to be safe so that when we are on the buffer or in the extended Pocantico, the wildlife have a place to have a safe habitat.

The FEIS contains a discussion of the extensive sampling conducted on the Site and the proposed remediation. In addition to the Preliminary Draft RIR, which is contained in Appendix 3B to the FEIS and will be available to the public at the document repositories established for the Site, the proposed IRM Scope of Work and the subsequent RWP will be made available to the public at the document repositories established for the Site upon NYSDEC approval. Under the NYSDEC-administered BCP, the remedial activities must be protective of human health and the environment.

PH2906

And the clean up plan right now is very general, and more detailed work has to be done. I understand that the Department of Environmental Conservation has requested more sampling, but the issue is that there are places where the original - the proposal that we are looking at now suggests is clean up levels that are not as protective to the public health as State standards.

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For example, there are areas with lead as high or higher than 10,000 parts per million. Yet to protect public health, the State standard for lead ranks from 200 to 3500 parts per million. So that's the proposed clean up level is 20 to 50 times less stringent than the State standards. So we are prepared to participate in the process of developing that final remedial plan.

But we feel that it is crucial for the Village Board to ensure that there is a clean up plan that has been vetted publicly and that all agree is safe for the public before the SEQRA process is concluded.

See Response to Comment PH2905 above.

NYSDEC has indicated that it will hold a public meeting on both proposed IRM Scope of Work and the later RWP. In addition, the FEIS discusses the proposed remediation, and the Village has indicated that it plans to hold a public meeting on that document. In addition, the Planning Board may review measures to protect workers and the public in the course of the site plan review and approval process, which process provides for the opportunity for public comment. Thus, there will be ample opportunity for public comment and input to the remediation of the Site.

PH3202

Another person made a statement and I heard even today that there is a contamination somewhere. I don't know where and what kind. So I think that should be – those people should answer where is this contamination, what kind is it.

I, before I go further, I don't understand one thing that I worked down at GM for only 40 years and I still have my hair and I am still alive. Nothing happened to me. Whatever it is contaminated somewhere if it is in fact a contamination, is that bad for people?

I'm not going to spend too much time on that. Like I said, whatever it is if there is any, it's not harmful for people, not harmful to live in there, to use it. The grass is growing, trees are growing. So there isn't any, okay.

Comment noted.

GRADING OPERATIONS

2703

Speaking strictly as a resident who once was the Commodore of the Beach Club, I urged the Village and the developer to designate a portion of the site, either the East Parcel or alternatively Kingsland Point Park, as an Upland Disposal Site for the receipt of dredged material from the marina at the Beach Club. ...The Beach Club needs to dredge periodically (every 10 years or so) and each time needs to find a location for 5-7,000 cubic yards. Given that Roseland describes itself as "waterfront experts" and given that the Village is

II. RESPONSES TO DEIS COMMENTS

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looking for community support for the Roseland project and given that Roseland acknowledges needing to import 200,000 cubic yards of soil for general grading operations it would be beneficial for the Village to require Roseland to make provision for the receipt of dredged material if tested according to NYSDEC standards and found to be acceptable. It would be a wonderful indicator of community-mindedness if Roseland specified an area of the redevelopment site for the disposal of dredged material.

5401

The Philipse Manor Beach Club, a community-based not-for-profit corporation founded in the 1920s, provides recreational opportunities to the Sleepy Hollow community. Of the 279 families who are members, almost half - 124 - are not residents of the Philipse Manor neighborhood. In addition to offering access to a lifeguard-staffed beach, the club also offers a small boat marina. The boat basin requires periodic dredging in order to maintain sufficient depth for our member boats.

In reviewing the DEIS for the Lighthouse Landing project on the site of the former General Motors Assembly Plant, we noted that the developers are planning to import over 200,000 cubic yards of clean fill as part of the construction of the development.

The PMBC has started the process of applying for a permit from the state and federal agencies that have jurisdiction over dredging projects on the Hudson River. Part of this application procedure involves the testing of the sediments to be removed for the presence of contaminants. Provided that the testing shows that the material to be removed poses no risk to the public health or the environment, the PMBC will seek a beneficial use determination (BUD) from the New York State Department of Environmental Conservation. Pending the issuance of a BUD for this material, the PMBC would like the Village of Sleepy Hollow to consider encouraging the developers of the GM property to use this material to satisfy a portion of their requirements for clean fill.

PMBC will be happy to share the results of our discussions with the regulatory agencies that will be reviewing our dredging permit application and the results of testing that the PMBC will be conducting as part of the permit application.

6605

I would also encourage the use of fill materials such as dredge spoils that have received a beneficial use determination from the appropriate environmental regulatory authorities.

PH3803

And I would recommend that Roseland give serious consideration to taking some of the area in that one third that is by the restoration and the ball fields and say or Kingsland if that's the Village Board's wishes and to reserve that for clean, acceptable material from the Hudson River from dredged material.

Comment noted. Roseland and GM will consider the potential use of dredged material, assuming approval by the relevant agencies (including NYSDEC and the Village) and subject to the ability of such material to meet engineering and geotechnical requirements as substrate for the project and the timing of its availability relative to the Project's construction schedule.

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4210

a) Is there a grading plan for the Project? What are the proposed grades for this site compared to the existing grades?

A grading plan has been prepared and is included in the full-size drawings accompanying this FEIS. In summary, grading proposed for the West and South Parcels has been designed similarly to the DEIS Plan. Both parcels slope from west to east to permit both on-site and off-site drainage to flow towards the Hudson River. Grading on the West Parcel has further been designed to permit building first floor elevations to be set at a minimum of 6.5 feet above the 100-year flood elevation (El. 7.0, 1988 NAD) at approximate El. 13.5 to protect the structures and to maintain the existing grades along the Metro-North railroad tracks. Grading proposed for the East Parcel generally drains from south to north to permit both on-site and off-site drainage to flow to the Pocantico as presently occurs. To achieve the grading plan on both the West and East Parcels, the Applicant further proposes the use of a curb and gutter system designed to operate at a minimum pitch of 0.5%. Cut and fill calculations for the Site (including West, South, and East Parcels) is similar to the DEIS Plan and estimates some 200,000 cubic yards of material will need to be imported to complete construction. Cut and fill on the East Parcel is designed as a cut and fill balance. This maintains the flood storage capacity of the East Parcel so as to have no impact on flooding of either Lower Pocantico River Basin or points upstream of the Philipsburg Manor dam.

4211

b) Do the quantities of fill include excess unsuitable material from the clean up of the site? Where are the figures that show where the excess material is coming from to insure it is not coming from a contaminated area?

The existing soils at the Site that will be used as backfill do not include any of the areas proposed for specific remediation (e.g., PAOC-7 and Fill Areas H, F and G, PAOC-29, PAOC-47 and the area of the former 10,000 gallon UST). This soil will be under the cap of impervious surfaces or two feet of clean fill.

4212

c) Have borings been done for the site to insure existing on site material can be used as structural backfill?

There is an extensive record of borings that have been conducted on the Site. The borings indicate some material suitable for use as structural fill will likely be encountered during construction. Additional structural fill will be brought in from off-site as required.

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Material that is found to be unsuitable for use as structural fill will be used on-site as fill beneath pile supported structures or other areas requiring non-structural fill.

6910

10) Is there any information available as to the quality of the 85,000 CY to be generated from on-site construction since it could be contaminated? Where will the additional fill material to be imported be coming from?

The 85,000 cubic yards referenced in the DEIS includes only the material in the existing on-site millings stockpile (approximately 32,000 cubic yards) located in the southwest corner of the West Parcel and the planned demolition and reuse of the existing West Parcel concrete slabs and asphalt pavements. The demolition of the West Parcel on-site concrete slabs and pavements is estimated to yield approximately 53,000 cubic yards of fill (which will be sampled to ensure that it could be used as substrate under the cap). Fill material that is required to complete construction and is not available from other on-site excavation activities (such as foundation construction and construction of the below-grade parking garages) will be imported. The SMP will have a protocol for sampling of the import material to ensure that it is acceptable to NYSDEC.

7302

The Draft EIS makes reference to the need for 200,000 cubic yards of fill material to be imported and placed on the site. Please consider the use of dredged material as all or part of the necessary fill. The Department would be glad to assist and can identify sources of dredged material to facilitate this effort.

See Response to Comment PH3803.

WETLANDS

4508

In respect to the actual reference to wetlands in the DEIS: I have to question Roseland's understanding of the function of wetlands and their value. Mitigation mentioned in the DEIS would be filling in 0.23 acres of man made ditches, replacing them with drainage pipes and instituting a 0.46-acre meadow (a very generous 2:1 ratio by Roseland's standards). The presence of pavement on the northeast corner, it seems, negates the definition of wetland; perhaps this is why they have determined that our "Wetlands are of low ecological quality". The fact that the East Parcel property is defined a "Ditch/Artificial Intermittent Stream" under the New York National Heritage Programs classification system seems only due to the fact that the Pocantico was re-routed. There is no Tidal Wetland mapping north of the Tappan Zee Bridge, however, this does not morally exonerate us from addressing this property as such. Wetlands are an intrinsic part of the ecological system. They filter contaminants, provide erosion and flood water control, promote nutrient recycling and provide necessary and productive habitats for many species. We have the opportunity to

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make a true reconciliation with our ecosystem at this important juncture. Paving and water filtration systems do not replace the natural function of wetlands. Please check the proposed compliance with the New York Wetlands Act (A.7905/S.04480), which has just passed into law.

No freshwater wetlands have been mapped by the DEC on the Site and no tidal wetlands maps have been issued by the DEC for the Project area. Thus, any wetlands present on the Site would be regulated by the U.S. Army Corps of Engineers and the Village of Sleepy Hollow, but not NYSDEC. A wetlands delineation conducted on the Site in October 2003 determined that 0.23 acres of wetlands are contained within a series of interconnected man-made ditches that drain to the Pocantico River. At present, these are the only wetlands on the Site. The pavement on the northeast part of the Site has been in place for years, and precludes the presence of wetlands. Tidal wetlands that may have occurred in association with the former course of the Pocantico River through the Site were filled more than 40 years ago and are not subject to current wetland regulations. Whether all or portions of the former tidal wetlands should be restored is the subject of preceding Response to Comments 302 through PH 5110 at the beginning of this Section relating to the proposal to relocate the Pocantico River.

Although the ditched wetlands will be filled for the soccer fields, they will be recreated and expanded in other areas on the Site. One swale (approximately 700 feet long) will be located east of the proposed soccer fields, and a second connected swale will run in the medians just south of the westward extension of Continental Street into the Site (120 feet long adjacent to the DPW facility and approximately 300 feet long adjacent to the proposed commuter parking lot). These newly-created swales will provide at least 0.46 acres of new wetland vegetation along the flat, bottom portion of the swales, representing a doubling of the areal extent of the 0.23 acres of existing ditched wetland to be filled. Although the lower portions of the side slopes of the new swales are also expected to support wetland vegetation, they have not been considered in the 0.46 acres of newly-created wetland area referenced above to provide a conservative estimate of the proposed wetland mitigation ratio. The new wetlands would be of a higher quality than the existing wetland ditches, due to the planting of native, rather than invasive species. The wetlands creation would provide additional water quality function, since at least a 2:1 replacement ratio would be provided for the filling of the ditches. Consequently, the newly created swales will replace the existing

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wetland ditches, serve similar stormwater purposes, but provide more effective filtering and ecological value because of the wetland plantings. (See FEIS Figure II.B-2, Wetlands Mitigation Area.)

Regarding wetlands quality, while it is accepted that wetlands perform a variety of functions that are of value to society (such as flood control, water quality, wildlife habitat, etc.), it is also accepted that not all wetlands perform these functions equally and thus some may be of lower quality. Wetlands that occur in man-made ditches are typically in a degraded state due to the functions that the wetlands perform. Their water quality is generally poor due to sediment deposition and accumulation of stormwater pollutants. The provision of wildlife habitat is poor due to dominance by invasive plant species. Flood control is often limited due to the small size of the ditch. The wetlands delineated on the Site exhibited these degraded characteristics and thus were determined to be of low quality. The relocated wetlands will be of higher quality and value.

6221

21. The proposed wetland mitigation area is located on land considered for donation to the Philipsburg Manor Restoration. Are there any other locations along the lower Pocantico River, either on the General Motors site or off-site, that could provide suitable locations for wetland creation?]

As reflected in the Response to Comment 4508, the ditched wetlands will be relocated and improved. Consequently, additional mitigation is not required, and the contemplated wetlands mitigation along the Pocantico River is no longer necessary.

PH2819

I want to commend the Roseland for moving the heavy athletic use from the sort of soccer field that's there now. It is not really a real field, but it has turned into one. Move that to two real soccer fields on the east side of the tracks so that the park can be for picnickers and more passive access, enjoying the Hudson. And you can have some real athletic fields designed elsewhere.

We note that to build those fields there is a proposal that some of the wetlands would have to be filled, and the Planning Board is the statutory body of the Village that gives the wetlands permit. So we are going to have to have mitigation for those wetland fillings and an adjustment there.

See Response to Comment 6221.

WILDLIFE

4509

We have an opportunity for Sleepy Hollow to become a forerunner in ecological study and a riverfront sanctuary for many species that have been misplaced or blocked from their natural migratory paths. Our closest neighboring Wildlife

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Habitat is Piermont Marsh. With careful handling of this construction and restoration, Sleepy Hollow could also be labeled as such. The studies compiled for the DEIS by Ecolsciences, Inc. fall short being adequate. Only one third of the possible 136 species inclined to inhabit the property noted in field observations is accurately proportionate, since only one season was observed (October and December 2003). Studies should be completed thoroughly prior to issuance of the Final Environmental Impact Statement. In section III.B-47 it is stated, "Certain species identified within the existing records as being observed near the project site are not listed [in the DEIS] due to absence of suitable habitat." Will there be a suitable habitat when construction is finished? Light pollution should be taken into account when planning the residential and commercial portion of Lighthouse Landing as it, too, has a profound effect on nesting and migratory patterns of many birds. A nature museum could be installed at the Boat House in Kingsland Point Park, to be used as a checkpoint for testing of river water and an educational facility supporting the restoration of the watersheds, wetlands, salt marshes, tidal pools and their inhabitants.

Based on extensive field surveys performed by the State regulatory agencies and other private and public organizations with the assistance of a large number of volunteers, a comprehensive database of wildlife occurrence throughout the State of New York has been compiled. The information presented in the DEIS was drawn from this database in combination with field surveys of the Site and an evaluation of existing habitats. Even though a wildlife species was not observed on the Site, it was considered as potentially occurring on the Site and subject to being affected by the Project if it was documented in the area and suitable habitat for the species was present on the Site. This is a more conservative approach as compared to limiting the study to only those species directly observed on the Site. In this regard, it should be noted that the West Parcel is almost completely covered by the slab from the former GM Assembly Plant and the East Parcel is covered by asphalt from its use as a parking lot. Thus, the Site does not constitute important wildlife habitat. As a result, the wildlife studies performed for the Project and documented in the DEIS are of sufficient scope to address the potential impacts of the Project upon wildlife.

Wildlife habitats in the Project region have been impacted by development and are largely inhabited by species tolerant of human activities. Likewise, the Site is in an interim stage of development and inhabited by similar species. Following development, landscaping of the Site will provide habitat for a comparable wildlife community as currently occurs within the Site and its vicinity.

Light from the proposed development will not adversely affect wildlife communities. Once again, those species likely to inhabit the Site

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following development will be species tolerant of human effects such as lighting. It is not expected that migratory species will be affected in consideration of the lighting in place along the Hudson River in the vicinity of the Project, given the very modest heights of the buildings and the setback from the River.

The installation of a nature museum at the Boat House in Kingsland Point Park is not being considered in the context of this project.

GEOTECHNICAL CONSIDERATIONS

5205

5. Geotechnical Considerations – Within the area underlain by soft compressible deposits, the DEIS calls for preloading and surcharging in the roadway areas to deal with the potential settlement caused by placement of the fill required to achieve the proposed grades. The general staging plan for the development indicates such site improvement work will be accomplished in the first stage prior to constructing any buildings. Any new piles should be driven only after the required settlement due to preload and surcharge has been achieved to mitigate against downdrag on the new piles. It should be noted, however, that where this preload and surcharge is placed adjacent to existing piles that are to be re-used, the potential and effect of any downdrag loading should be accounted for in the final design of the project.

The placement of additional fill or surcharge in areas of existing piles will create a downdrag or additional loading on the piles. This downdrag reduces the capacity of the piles to support loads. During the final design of the structures, the effect of downdrag due to the fill will be evaluated to determine the design capacity of the piles, and to determine if additional piles are necessary.

6911

11) How and when will left in place structural slabs and piles be tested for suitable use in the proposed construction?

All of the existing concrete slabs will be removed and not reused. No testing of existing piles is anticipated. Load testing of the existing piles is not required based on capacities shown on the original construction drawings. No evidence of deterioration in the existing piles has been observed.

PM1205

Five, terrain. Much of that facility was built on landfill. How do we know that it can withstand the building of all the bricks and mortar that's going up there. That the structure will be sound and be able to support that?

The proposed structures will be designed to meet all requirements of the building code. Depending on Site location, the buildings will be supported either on piles extending down to bedrock or on soil that

II. RESPONSES TO DEIS COMMENTS

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has been preconsolidated by surcharging to provide a sound and stable bearing medium.

RIP RAP EMBANKMENT

7001

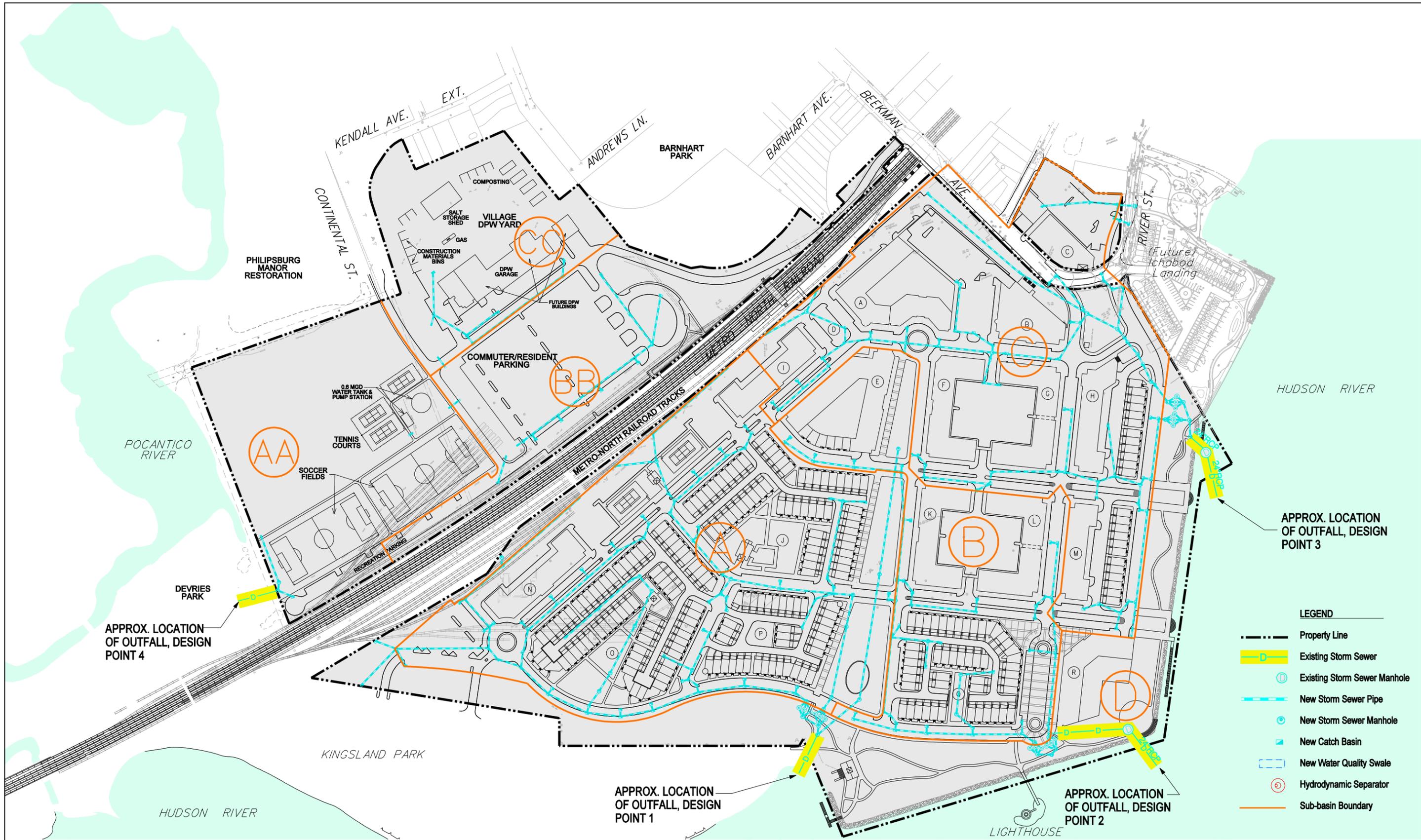
Riprap Embankment

The gradation of stone used to create the embankment along the western frontage south of the lighthouse as well as adjacent to the North Channel (Reach C) of Tarrytown Harbor is poor with stones in the tidal zone susceptible to shifting under wave, current and/or ice loadings, as is evident by the shifting of several stones while inspector walked the slope and by visual observation. The riprap embankment in this area appears to be at a 1:1 slope. For a 1:1 riprap slope to be stable in aquatic environment, a properly placed riprap embankment would have a complementing gradation of appreciably-sized stones to fill the voids between the larger stones and prevent shifting, a process called chinking, essentially to wedge/block stones together. These frontages are not well-chinked, at a minimum in and above the tidal zone, and as a result we content that localized shifting of stones is occurring, resulting in localized top of slope failures (see attached photo). In addition, a safety issue would exist if this are were opened to public use.

We recommend chinking the riprap embankment south of the lighthouse. Absent of chinking the slope, we anticipate and recommend periodic, localized placement of new, properly graded riprap under a maintenance program where slope failures have and/or where they may occur. We additional recommend a dive survey be performed along these frontages as well as around the lighthouse to determine the slope of the embankment below mean low water to toe of slope and evaluate conditions that are possibly exacerbated below water.

The visible western frontage north of the lighthouse as well as the shoreline return adjacent to the neighboring Kingsland Point Park appear to be a more conservative and well-graded 1.5:1 slope with no noticeable shifting of stones occurring. These frontages should also be diver-surveyed to confirm slope adequacy below water.

The riprap embankment will be formally surveyed by the Applicant's Marine Engineer inclusive of a diving and topographic survey to determine whether specific areas of riprap embankment require repair. If warranted based on the results of the inspection, a formal repair plan and riprap gradation design will be submitted to the Village and any agency having jurisdiction as part of the application for Site Plan approval. We concur that the riprap embankment be re-chinked south of the lighthouse as suggested. This work will be performed manually depending on the repair area. Permits from the U.S. Army Corps of Engineers and the NYSDEC will be required for work performed below mean high water.



APPROX. LOCATION OF OUTFALL, DESIGN POINT 3

APPROX. LOCATION OF OUTFALL, DESIGN POINT 4

APPROX. LOCATION OF OUTFALL, DESIGN POINT 1

APPROX. LOCATION OF OUTFALL, DESIGN POINT 2

LEGEND

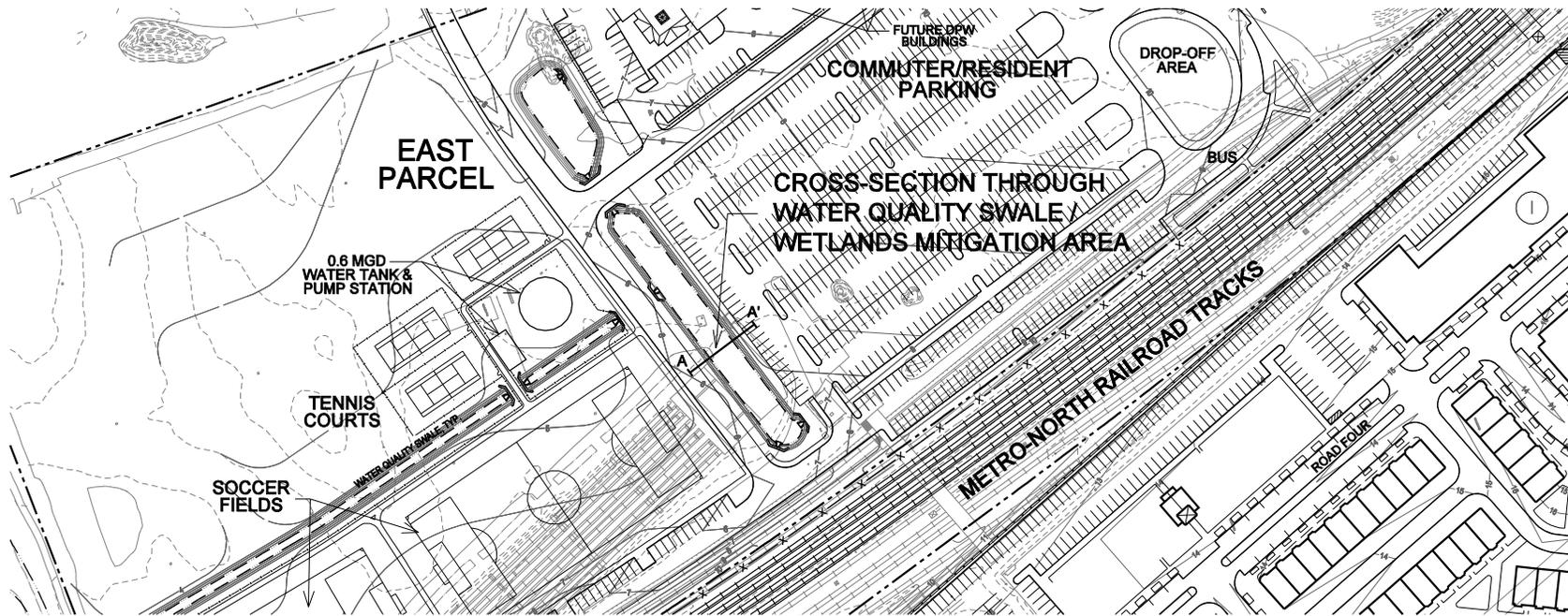
- Property Line
- Existing Storm Sewer
- Existing Storm Sewer Manhole
- New Storm Sewer Pipe
- New Storm Sewer Manhole
- New Catch Basin
- New Water Quality Swale
- Hydrodynamic Separator
- Sub-basin Boundary

ROSELAND PROJECTS COMPANY

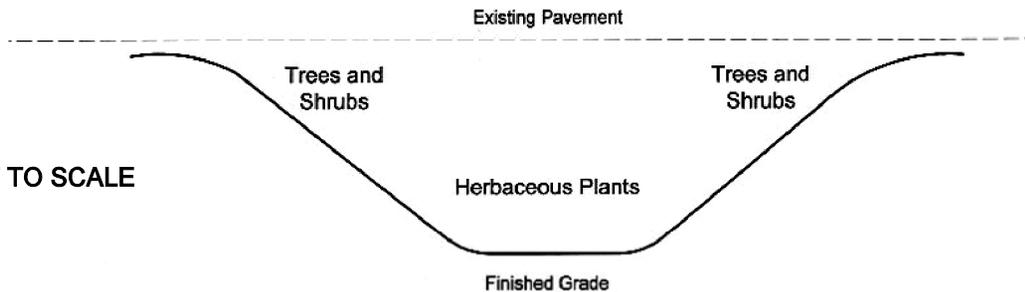
DIVNEY • TUNG • SCHWABE

FEIS ALTERNATIVE PLAN -
PROPOSED DRAINAGE CONDITIONS
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II.B-1



PLAN SCALE: 1"=200'



CROSS-SECTION: NOT TO SCALE

SOURCE:
EcolSciences, Inc.



ROSELAND
PROPERTY COMPANY

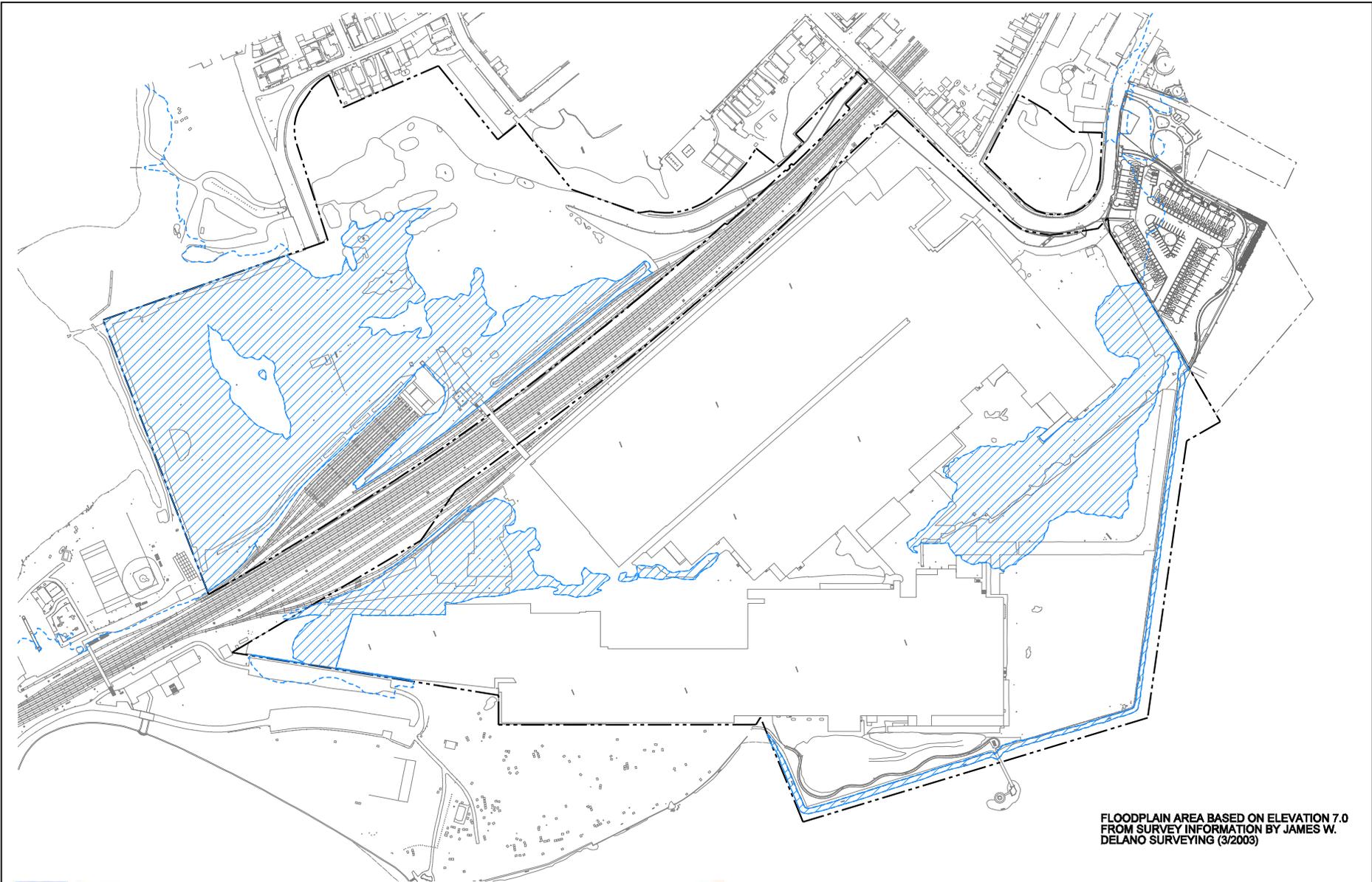


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WETLANDS MITIGATION AREA
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

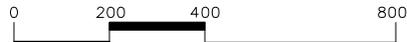
FEIS FIGURE NO. II.B-2



FLOODPLAIN AREA BASED ON ELEVATION 7.0
 FROM SURVEY INFORMATION BY JAMES W.
 DELANO SURVEYING (3/2003)



ROSELAND
 TRAVEL & TOURISM

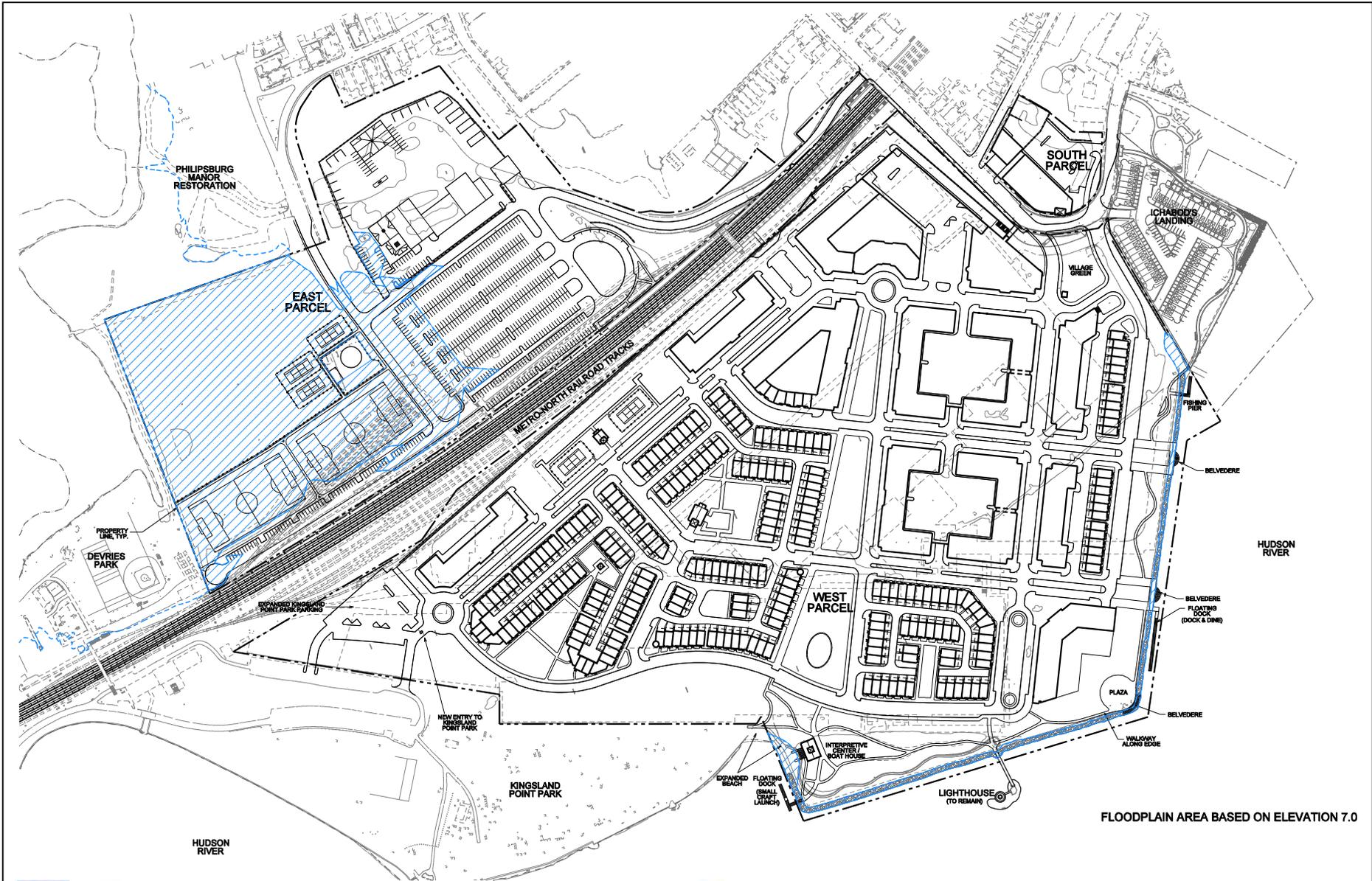


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100 YEAR FLOODPLAIN - EXISTING CONDITIONS
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II.B-3



FLOODPLAIN AREA BASED ON ELEVATION 7.0



ROSELAND
PROPERTY PARTNERS



0 200 400 800

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100 YEAR FLOODPLAIN - PROPOSED CONDITIONS
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II.B-4

II. RESPONSES TO DEIS COMMENTS
DEIS Sec.III.C · Socioeconomic Conditions

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.C · Socioeconomic Conditions

COMMENT NUMBER	COMMENT/RESPONSE
	<u>TAX IMPACT ON VILLAGE – REDUCTION IN NUMBER OF RESIDENTIAL UNITS</u>
407	5) Tax Impacts – The addition of over 1,500 residential units to the village will put a strain on municipal services and will require an increase in village taxes. Numerous studies have shown that tax revenues from residential property fails to cover the cost of municipal services such as police, fire, water, sewer, streets and sanitation. Reducing the number of residential units and increasing the commercial and/or light industrial uses for the property creates a higher ratable tax base. A more balanced mix use will not only help reduce the tax burden to village residents, but will provide jobs for the residents. We urge the Village and Roseland Development to better balance the uses for the GM site to the benefit of everyone.
504	4) Tax Impacts – Contrary to what many people may believe, it has been proven that increasing the number of residential units costs more in provision of municipal services than what is generated through the newly added tax revenue. These increased costs will be borne by all residents of Sleepy Hollow, who have all had significant tax increases over the last several years.
604	4) Tax Impacts – It is established that increasing residential units places more of a burden on the tax structure than the increased revenue that it generates. That is, it will cost more in terms of municipal services for each residential unit that is built at the waterfront. This increased cost will increase our taxes in the Village of Sleepy Hollow. I am extremely concerned about the redevelopment impact on my taxes. The tax issue MUST be addressed. Specifically, I believe building fewer residential units will curtail a tax increase for the residents of Sleepy Hollow who have been burdened with substantial tax increases over the last few years.
703	I am also concerned that the proposed residential units will actually increase, not decrease, our already tremendous tax burden. Many of our friends have expressed concern that they will no longer be able to afford to live here if taxes continue to increase as they have over the past five years.
803	We are also concerned about the quality of the water and the ecological balance of the Hudson River. Over a thousand residential units will surely create a burden on not only the River in terms of runoff, but will tax our municipal services thus impacting our taxes. It is established that increasing residential units places more of a burden on the tax structure than the increased revenue that it generates. That is, it will cost more in terms of municipal services for each residential unit that is built at the waterfront. We are extremely concerned about the redevelopment’s impact on our taxes.
903	Over a thousand residential units will surely create a burden on not only the River in terms of runoff, but will tax our municipal services thus impacting our taxes. It is established that increasing residential units places more of a burden on the tax structure than the increase revenue that is generates. That is, it will

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.C · Socioeconomic Conditions

cost more in terms of municipal services for each residential unit that is built at the waterfront. I am extremely concerned about the redevelopment's impact on my taxes.

1404

Such a large number of units will also burden our municipal services thus impacting our taxes. It is established that increasing residential units places more of a burden on the tax structure than the increased revenue that it generates. That is, it will cost more in terms of municipal services for each residential unit that is built at the waterfront. We are extremely concerned about the redevelopment's impact on our taxes.

2202

At our meeting on February 7, 2005, the Board of the PMIA voted to insist that the number of residential units be reduced by at least one-third with most of the reduction coming from the number of rental units. It is clear from the tax numbers published in the recent DEIS, that the rental units produce less tax income to the village and to the School District and yet will generate a greater demand for police and educational services because of the density of renters and their often transient nature.

2706

In summary please consider:

- reducing the density to approximate the existing density without the three tall buildings
- reduce the amount of rental units and maintain the owned units
- provide for disposal of dredge spoil from the Beach Club marina
- downplay the value of school tax coverage of proposed bond interest charges
- provide alternate access via Continental Street for emergencies

PM301

However, we are deeply concerned about the density of this proposal which will increase the population of the village by about a third. As our meeting last night the PMIA Board voted to insist that the residential units be reduced by at least a third, with most of the reduction coming from the residential section. These are the units that will likely generate lower tax revenue with respect to greater needs for police and school taxes and have a more transient population.

PH5802

So let's take a look at the tax contributions to the Village of Sleepy Hollow, just the Village not to the school district since we are here at the Village's auspices. Let's take a look at the Village tax impact.

On Exhibit 9, Page 4, but I'm not sure which section because I was just photocopying a bunch of pages. Here we are - Village of Sleepy Hollow, Sleepy Hollow tax, from 922 apartments the Village of Sleepy Hollow can expect about 1 million 1 annually in tax.

922 units being 1 million 1. And that's about 1,200 per unit. That's about 1,200 per unit.

From the 216 condos, we are to expect about 622,000 annually in tax. That's about 2,900 per unit.

From the 224 townhouses, the Village can expect 1,467,000 or about 6,500 per unit.

II. RESPONSES TO DEIS COMMENTS

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So, as a taxpayer, Mr. Mayor, Board of Trustees, I would like to conclude something. Remember, this is the Village of Sleepy Hollow, not Hoboken. Okay? To me the conclusion is clear. The density in the proposal is far too high and includes far too many rental units. The 40 percent reduction in size sounds like a good start to me and achieving a reduction in regular units will help traffic, density and school population.

The fiscal outcome of any given development reflects many specific factors, such as the nature and magnitude of local public spending and revenue sources and the particulars of the proposed development. For instance, single-family detached homes often do result in a deficit, while attached units, especially if they are higher-priced, often generate a surplus. The addition of nonresidential ratables to a residential development, such as in a mixed-use project, often improves the overall project fiscal outcome because nonresidential uses do not draw upon school services. Developer contributions, such as fire and ambulance substations, may also affect the fiscal outcome, as those contributions reduce public costs induced by growth.

The fiscal analysis of Lighthouse Landing reflects the specifics of the proposed development and the expenditure-financing parameters of the host jurisdictions. For instance, in the DEIS, the net fiscal surplus of Lighthouse Landing at build out to the Village of Sleepy Hollow was projected at \$1.09 million, while a Village surplus of \$0.63 million is projected for the FEIS Alternative Plan discussed in this FEIS. It is important to note that this \$0.63 million net surplus is over and above the estimated Village public service cost of \$4.75 million annually for the Project, since the FEIS Alternative Plan is projected to generate approximately \$5.38 million in annual public revenues to the Village. For the Tarrytown Union Free School District (TUFSD), the annual net fiscal surplus at build out was projected at \$2.26 million under the DEIS Plan and \$1.5 million under the FEIS Alternative Plan. The \$1.5 million annual net surplus with the FEIS Plan is over and above the estimated school district public service cost of \$4.12 million, since the FEIS Plan is projected to generate approximately \$5.62 million in annual public revenues to the school district. Contributing to the net fiscal surplus of Lighthouse Landing are such factors as:

1. Residential composition. All of the proposed housing units in Lighthouse Landing are attached, rather than detached, homes, and attached units generally contain smaller household sizes and

II. RESPONSES TO DEIS COMMENTS

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fewer children.

2. Inclusion of nonresidential development. Lighthouse Landing is a mixed-use project, containing both residential and nonresidential ratables – and the latter enhance the fiscal outcome.
3. Amenity and price levels. Because of its location and development amenities, pricing of residences in Lighthouse Landing will be at a higher level, which generates greater revenue.

Also of note is that the Applicant has reduced the Project's residential density by about 20 percent (from 1,562 to 1,250 housing units) and has further increased the proportion of the for-sale units relative to the rental units (the for-sale units produce a more desirable fiscal outcome compared to the rental units.) Of the proposed 1,562 housing units in the DEIS, 1,122 units, or 72 percent, were rentals. Under the FEIS Alternative Plan, of the total 1,250 housing units, 629 units, or 50 percent, are rental units.

SCHOOL DISTRICT IMPACTS/FISCAL ANALYSIS

2007

b. Tax Benefits

Please provide a net calculation of tax benefits to Tarrytown after the additional cost of school taxes has been taken into account.

PM2001

I know I'm not a resident of Sleepy Hollow, but next door, Tarrytown. But this definitely has some serious impacts on Tarrytown as well as we share the same school district and taxes that go into that.

The Tarrytown Union Free School District (TUFSD) provides services to both the Town of Mount Pleasant (which includes the Sleepy Hollow portion of the district) and the Town of Greenburgh (which includes the Tarrytown portion of the district). A development that affects the TUFSD thus has implications to residents of both Sleepy Hollow and Tarrytown. A fiscal surplus from development to the TUFSD will benefit the residents of both communities, whereas the opposite will occur from a fiscal deficit.

As noted in the response to Comments 407 through PH5802 above, Lighthouse Landing will generate an annual net fiscal surplus to the TUFSD. The fiscal impact analyses for the Project estimate that, at build out, Lighthouse Landing would generate a surplus to the TUFSD of \$2.26 million under the DEIS Plan and \$1.5 million under the FEIS Alternative Plan. It is important to note that the net

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surplus of \$1.5 million (FEIS Plan) is over and above the estimated school district public service cost of \$4.12 million annually for the Project, since Lighthouse Landing is projected to generate approximately \$5.62 million in annual public revenues to the school district. See FEIS Appendix 4A for additional information.

2704

Speaking as the husband of a former third grade teacher in the Tarrytown School District, I offered my concern for the observation in the DEIS that the net fiscal surplus to the school district of \$2.26 million annually would be more than enough to pay the debt service and the proposed bond issue. Given that it was likely for the proposed development to add 217 public school children to the district I suggested that even at a modest ratio of 22:1 that ten additional teachers would be required and at \$100,000 cost per teacher (\$65,000 salary plus \$35,000 in fringes) that the incremental cost of the added students was \$1,000,000 and that this incremental cost excluded the cost of support staff, classroom space, heating cost, etc. Thus it was rather disingenuous to cast the Roseland proposal as the savior of the School Bond Issue. Rather it should be viewed as a modest contributor to the debt service.

The DEIS fiscal impact analysis factors a cost of \$18,500 to the Tarrytown Union Free School District (TUFSD) for every Project-generated pupil. (See response to Comment 2907 herein.) The fiscal impact analysis estimates that Lighthouse Landing (DEIS plan) would generate about 217 public school children and therefore would induce slightly more than \$4 million in annual TUFSD expenses (\$18,500 x 217). Every additional 100 students would increase Project-generated TUFSD expenses by \$1,850,000 (\$18,500 x 1,000). The basis for the 217 Project-generated pupils is explained at length in Appendix A to the fiscal impact study (DEIS Appendix 7A; see also response to Comment PH4503 herein). The consultants believe that this is a reasonable estimate.

As noted in the response to Comments 2007 and PM2001 above, Lighthouse Landing would generate an annual surplus to the TUFSD of \$2.26 million under the DEIS plan and \$1.5 million under the FEIS Plan. The net surplus with the DEIS plan is over and above the estimated school district public cost of \$4.03 million annually for the project since Lighthouse Landing is anticipated to generate \$6.29 million in public revenues to the school district annually. With the FEIS Alternative Plan, the net surplus of \$1.5 million is over and above the \$4.12 million in projected school district costs as the Project is expected to generate \$5.62 million annually in revenues to the school district.

2907

SCHOOLS - Please state the impact to the schools for the very worst scenario,

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not the best. What would the impact be if there were 1,000 additional students? At 20 students per class, 50 additional classrooms would be necessary. How much would the costs be to provide that many new classrooms? How many new school buses and drivers would be needed? How many teachers and administrators would be needed? What would be the cost of maintenance and general expenses, especially heating costs?

As discussed in DEIS Appendix 7A, under the DEIS Plan, Lighthouse Landing was projected to generate up to 217 public school students (grades K through 12) at full build out based on the student multipliers contained in the demographic study for the Tarrytown School District's own DEIS. The fiscal impact analysis projects that Lighthouse Landing (DEIS plan) at build out would generate an annual surplus to the Tarrytown Union Free School District (TUFSD) of \$2.26 million. That surplus reflects the difference of Project-induced revenues to the TUFSD of \$6.29 million versus Project-generated costs of \$4.03 million. Included in the \$4.03 million of Project-generated costs are outlays for additional teachers, support staff, heating and other operating outlays, and infrastructure expenses. The \$4.03 million Project-generated cost was based on the average TUFSD cost per pupil in 2003-04 of \$15,500 (that average includes outlays for teachers, support staff, and operating outlays), to which was added a conservative \$3,000 annual amount to pay for school infrastructure improvements. The total charge of \$18,500 should thus encompass the full array of costs associated with educating public school children in the TUFSD. The \$18,500 expense per pupil, multiplied by the 217 Project-generated public school children (see response to Comment PH4503 herein), is the basis for the \$4.03 million in Lighthouse Landing (DEIS plan)-generated outlays to the TUFSD – an amount encompassing the full array of operating and capital educational costs noted above.

PM2009

Also, I'm assuming this is going to increase the operating expenses of the schools. I'm not sure, in terms of taxes, whether or not that's going to be addressed. Specifically are Roseland and GM going to put up the money to build new schools?

See response to Comment 2704 herein. The Applicant will not pay to build new schools because the taxes that will be generated by Lighthouse Landing (both DEIS plan and FEIS Alternative Plan) will more than pay the educational infrastructure costs necessitated by this development.

PH3804

Two million dollars going to the school district is a wonderful number. I can tell you from having a wife who taught for 17 years in the school district, if

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you add 217 kids, you will add approximately 10 teachers at a ratio of 22 to one.

If each one of those teachers makes \$65,000, and there is fringe benefits on top of that, which tap out at around \$100,000, you have already taken one million of the two million that you said was net to the school district. And you have used it up with just increased operating costs.

See response to Comment 2704 and Comment 2907.

PH4503

Even if we assume that the estimate of new students is correct, which it sounds from our experience that it's quite low, 200 students. That's the equivalent of an entire grade in the district and that will mean considerable capital costs and that is what's going into the bond issue that we are facing now. So I think it's absolutely essential that we ask why isn't GM or Roseland making a significant contribution to the capital program or to build a part of the facility.

As indicated in the DEIS, Lighthouse Landing is projected to generate up to 217 public school students (grades K through 12) at full build out based on the student multipliers contained in the demographic study for the Tarrytown School District's own DEIS.¹ The Lighthouse Landing DEIS also calculates the potential number of public school children using two other methodologies 1) regional U.S. Census Public Use Microdata Sample ("PUMS") data, which predicts 109 public school children from the Project, and 2) Westchester County field-level experience data provided by RH Consulting, which predicts 154 public school students from the Project. To be conservative, the DEIS utilizes the highest public school estimate, that is, the public school children projection based on the local school district data (217 students) rather than the PUMS-derived figure (109 students) or the County field-level experience (154 students).

In the DEIS Plan, the fiscal impact analysis multiplies the number of Project-generated pupils (217), by a determined cost per pupil of \$18,500. The latter is calculated to encompass all of the operating and capital outlays that would be borne by the Tarrytown Union Free School District (TUFSD) (see response to Comment 2704) for each student introduced by development. The highest level of Project-generated costs is thus estimated at \$4.03 million (217 x \$18,500) for the DEIS (assuming the highest school children yields from the development). The fiscal impact analysis estimates that Lighthouse Landing will generate substantially more TUFSD revenues than the costs attributed above (\$6.29 million for the DEIS), thereby resulting

¹ Tarrytown Union Free School District, *Final Report: Public Schools of the Tarrytowns* (April 2002).

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in a net Project fiscal impact surplus of \$2.26 million for the DEIS (\$4.03 million costs versus \$6.29 million in revenues)

It is anticipated that the timing of the construction build out and the associated tax revenue generation during construction will result in additional up front tax revenues to the Village of Sleepy Hollow and the school district without these taxing jurisdictions incurring expenses during the period prior to project occupancy by residents and workers.

4314

14. What happens to the proportionate share of the school tax load between Sleepy Hollow and Tarrytown as a result of the proposed development? The Superintendent indicated that it fluctuates every year depending on changing market conditions. The District's total tax levy is approximately \$35 million. The GM project will potentially result in approximately \$6 million in school tax revenue, which is a major portion. This effect will provide some relief for residents, but will also likely increase Sleepy Hollow's value and could affect the municipalities' proportions. The extent of this effect needs to be evaluated.

Property taxes in the Tarrytown Union Free School District (TUFSD) are proportionately shared between the Town of Greenburgh (Tarrytown portion) and the Town of Mount Pleasant (Sleepy Hollow portion) based on the respective equalized (i.e., full or market value) property valuation in each respective jurisdiction. Of the total \$1.482 billion in TUFSD equalized valuation in 2003-04 (the base year for the fiscal impact school calculation), \$845 million, or 57 percent, was in Greenburgh (Tarrytown) and \$637 million, or 43 percent, was in Mount Pleasant (Sleepy Hollow). The TUFSD school property tax levy in that year (\$32.9 million) was proportionately allocated: \$18.8 million, or 57 percent, to Greenburgh (Tarrytown), and \$14.1 million, or 43 percent, to Mount Pleasant (Sleepy Hollow). These allocations result in the respective school property tax rates as follows: Greenburgh, 0.3933466; Mount Pleasant, 0.8734153.

It is difficult to fully predict how this allocation and resulting tax rates will change in the future, because, in addition to the proposed Lighthouse Landing development, other "changes" may occur that will affect the distribution. These "changes" include the TUFSD's future spending, the relative property appreciation in the two jurisdictions, and revenues and costs attributable to other development. If everything remains constant except for the development of Lighthouse Landing, then the allocation and resulting tax rates will change proportionately to the added value

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introduced in the Town of Mount Pleasant (Sleepy Hollow portion). For instance, say a development increased the equalized value in Mount Pleasant by 10 percent, to \$701 million equalized value (\$637 million x 1.1). The TUFSD total equalized value would therefore grow to \$1.546 billion (Greenburgh - \$845 million; Mount Pleasant - \$701 million), or an increase of about 4 percent (\$1.546 billion ÷ \$1.482 billion).

Of the total TUFSD \$1.546 billion equalized value, \$845 million, or 55 percent (\$845 million ÷ \$1.546 billion) would now be in Greenburgh and 45 percent (\$701 million ÷ \$1.546 billion) would be in Mount Pleasant.

At the existing TUFSD property tax rate, the total regional property tax levy would increase proportionally, say from \$32.9 million to \$34.2 million (\$32.9 million x 1.04). That \$34.2 million total levy would now be allocated as follows:

55% from Greenburgh (\$845 million ÷ \$1.545 billion), or \$18.8 million (\$34.2 million x .55),

and

45% from Mount Pleasant (\$701 million ÷ \$1.546 billion), or \$34.2 million x .45).

Under the above allocation, the school property tax rates would remain the same in both Greenburgh (0.393) and Mount Pleasant (0.873). Similarly, with development of Lighthouse Landing, and assuming everything else remains constant, school property tax rates would remain generally the same in both Greenburgh and Mount Pleasant.

4315

15. The recent bond referendum passed by the School District included improvements that are expected to be completed by fall 2008. Another proposal will come out over the next couple of years for the other two schools at the primary school level. This will allow the District to get a sense of the magnitude of Lighthouse Landing (i.e., number of units) and take that into account in its planning. The potential impact of the closure of the Morse School and its reuse needs to be evaluated as it relates to the Beekman Avenue corridor. The Applicant should consider the previous efforts of the Village regarding the reuse of Morse School, including parking and commercial reuse of the building.

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Comment noted. A memorandum was prepared by Saccardi & Schiff, the Village's Planning Consultants, to the Village Board of Trustees dated November 7, 2003 regarding the Tarrytown School District DEIS, which included a description of the Morse School and provided a preliminary analysis of potential reuse options for the school. The reuse options evaluated in the memorandum included market-rate condominiums or apartments, senior housing, general office and a satellite campus. With respect to parking, page 3 of the memorandum states:

For this analysis, it is assumed the site will remain largely as it currently appears. The existing school building will be renovated and reused. Regardless of the land use, the southern portion of the site will remain primarily open space, the central section of the site would accommodate parking for any contemplated future use. Due to the variation in site topography, there is the potential to create sub-grade parking in the middle portion of the site. This deck could provide additional public parking and would help alleviate the existing demand for municipal parking in the inner portion of the Village.

4317

17. The question was raised whether new taxes would provide suitable mitigation, or is other mitigation required? The District indicated that with the improvements it is doing now, the capacity should be sufficient for the interim. In two years, the District can look and see what else they need to do. The District indicated that it felt confident that there will be enough new tax revenues to cover what they are doing now, and what they expect to do in two years.

Comment noted.

5704

4. School
The FEIS needs to be more specific on school capacity versus projected enrollments. At present, the DEIS states that the total school building capacity is 2,215 students versus a student enrollment of 2,502. Thus, the school district is presently over capacity. No significant mitigation is offered to this situation other than a fiscal analysis. A 50% density reduction should have a commensurate reduction in school children.

6527

11. SCHOOL IMPACTS
The draft EIS notes that between 109 and 217 school age children may ultimately reside in the proposed development. According to a Tarrytown Union Free School District report shown in the draft EIS, the total pre-k-12 building capacity is about 2,425 students while current student enrollment is 2,493. At the current rate, the report notes, general capacity has been increased at the expense of art, music, library, student support programs, and storage space. The report also noted insufficient cafeteria space at middle/high

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school. While the additional school-age children that will live at this project will likely create a burden for the local school system, the draft EIS states that a significant amount of additional tax revenue will become available to the school district from the project.

PM1607

...I talked about the schools being crowded. Aging. This is a perfect opportunity to put a beautiful school with all facilities that these kids need to be educated properly.

PM2008

Looking at the capital expenditure that we were asked to consider over the last year and we're about to consider for the construction of new schools in the town. I'm amazed none of that is represented in that statement. If we are going to add 500, you know, between two and 500 students, I mean, and I think that's a small number, to the school district, we are going to be forced to build a number of those facilities, the thought of a 120 million dollar capital expenditure to me and the impact on the taxes, which have already increased substantially this year, it's frightening to me. I know it's going to force some of us out of the town. It will increase density, because people will need to rent out extra rooms to pay the taxes. I don't think that's addressed in this as well, the impact on the additional service employees and density. That it's really not addressed. There will be service employees that will be drawn primarily to the houses that can accommodate additional residents. So, I don't think that's truly in that. I didn't see it in there.

The projected base number of public school students in 2011-2012 (Lighthouse Landing Build Year) is based on the Average Forecast from the Bishop Associates, Inc. Update of demographics for the TUFSD. The Average Forecast for 2004-05 was 2,583 compared to the actual student enrollment of 2,569 (-14); for 2005-06 the Average Forecast was 2,596, compared to the enrollment currently projected by the School District of 2,619 (+23). The Average Forecast has been the most accurate of the three (low, average, high) contained in the Bishop Associates, Inc. Update.

The projected number of public school students from new developments includes Lighthouse Landing (211 under the FEIS Alternative Plan), Ferry Landing (56), and Ichabod's Landing (10). The projections are based on the most recent EIS's for the three developments. Only Ichabod's Landing is under construction. The breakdown by grade for the public school students from these developments is based on the Bishop Associates, Inc. Update.

The projected public school students to be generated from these three developments were added to the Bishop Associates, Inc. Average Forecast for the school district to determine the projected total number of public school students in the Build Year. However, it should be noted that the Bishop Average Forecast projections already

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incorporate an assumption that there will be a similar number of public school students from new construction in the future as occurred in the past. While Lighthouse Landing is clearly much larger than any past development in the District, Ichabod's Landing is not larger than some previous developments and could be considered to already be included in the Average Forecast.

The school capacity estimate is based on several meetings with School District staff, and FEIS Table No. II.C-1 incorporates the additional capacity to be constructed from the recently approved bond for expansion of Washington Irving School and the Middle School/High School. FEIS Table No. II.C-2 incorporates an estimate of capacity from the expansion of the John Paulding and Tappan Hill Schools (and a realignment of grades and the closing of the W. L. Morse School) to be funded from an additional bond to be proposed by the School District in the next few years.

FEIS Table No. II.C-1 clearly shows that the expansion from the recently approved bond will provide sufficient capacity to handle the Bishop Average Forecast projection of public school students as well as the additional public school students to be generated from the three developments. The only small deficit is at the W. L. Morse School (-34) after completion of the three developments in the 2011-2012 school year. It should be noted that the School District plans to close the Morse School before that time. FEIS Table No. II.C-2 also shows that based on the proposed bond by the 2011-2012 school year, there will be sufficient capacity in all schools except the Middle School/High School (-67) for both the Bishop Average Forecast projection and the additional public school students to be generated from the three new developments. The small shortfall at the Middle School/High School is due to the addition of grade 6 at that facility. Since the 67 students represent about 4 percent of the total capacity and only 10 students per grade, the capacity shortfall is not anticipated to be a significant impact. Both FEIS Tables II.C-1 and II.C-2 show minimal deficits (-6 and -7) for the Pre-K and K school.

The fiscal analysis of both the DEIS and FEIS incorporates school capital costs related to the TUFSD bond issues. In the DEIS, capital costs were estimated at \$3,000 per student, and this outlay was incorporated in the school costs assigned to Lighthouse Landing, as follows (DEIS, Appendix 7.A, pp. 78-79):

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The consultants elected to apply an average cost per pupil, with an increment for capital costs. The Tarrytown Union Free School District had a budget of \$39,608,211 for the 2003-04 school year. With 2,547 enrollment, the average cost per pupil is estimated at about \$15,550. To that amount is added an increment for capital costs to pay for added school capacity. How the latter is provided entails different costs.

In the \$98 million bond issue proposed by the District (which was defeated on February 4, 2004), a total of 48 new classrooms were proposed at an estimated cost of \$14 million, or 14 percent of the total bond. Forty-eight classrooms would conservatively add capacity for 960 students (at 20 students per classroom), implying a capital cost of \$14,583 per student (say, \$15,000).

Stand-alone new schools would cost more. A new elementary school with about 600-student capacity would cost \$40 million, or about \$67,000 per student. A new intermediate school, also with 600-student capacity, would cost about \$50 million, or about \$83,000 per pupil. The average for the elementary-intermediate new schools is \$75,000 per pupil.

If the conversion-addition cost per pupil (\$15,000) is averaged with the new school cost per pupil (\$75,000), the capital outlay per student is \$45,000. For calculation purposes, a \$50,000 capital outlay is assumed.

According to District school officials, the local cost burden of capital improvements would amount to about 88 percent (12 percent state aid), or \$44,000 per student ($\$50,000 \times .88$). At a District-suggested local bonding cost of \$86.30 per \$1,000 borrowed (bond term of 27 years at 5 percent interest rate), the \$44,000 net borrowed capital cost per student would result in a capital amortization charge of about \$3,000 annually per student.

The \$3,000 annual capital cost is added to the existing average \$15,550 cost per pupil, for a total charge of \$18,550 per student. That is the figure utilized in the fiscal impact analysis.

In the FEIS, the capital cost calculation utilizes data from the March 2005 TUFSD bond referendum. The capital cost per pupil is estimated at \$4,000, as is detailed in Appendix B of FEIS Appendix

II. RESPONSES TO DEIS COMMENTS

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4A.

The FEIS fiscal analysis adds the \$4,000 capital cost per student to the TUFSD's existing \$15,550 average expense per pupil to derive a total charge of \$19,550. The TUFSD educational cost attributed to Lighthouse Landing - \$19,550 per student – thus incorporates a full measure of the capital costs (as well as the operating expense) induced by growth in this district.

In sum, with the 2005 TUFSD bond referendum improvements to the Tarrytown schools, the TUFSD should have sufficient educational capacity to accommodate future enrollment brought about by new development and other forces. The fiscal impact analysis of Lighthouse Landing incorporates school capital costs using data obtained from the TUFSD. A full assignment of TUFSD educational capital as well as operating outlays is charged to Lighthouse Landing in the fiscal impact analysis. These charges, however, are more than matched by the TUFSD school revenues generated by Lighthouse Landing. In the DEIS, the surplus attributed to Lighthouse Landing at build out was estimated at \$2.26 million annually. In the FEIS, Lighthouse Landing is estimated to generate a TUFSD fiscal surplus at build out of \$1.5 million annually.

PM1206

Six. This concerns me a lot, as it should all of you. The question of taxes. Now, according to the School Board figures, which I have in front of me, they claim a million dollars is going to come in from 206 to 207. 1.42 million is going to come in from 207 to 208. 2.175, 208 to 209. 3.925, 209 to 210. 210 to 211, 5,680 million. And then, finally thereafter, from 211 to 212, 8.76 million per year.

Now, that includes all the new developments in the area. But from what I'm reading about the time lines that are on the back of this, the project may not begin until 2012. So, all of these figures that the School Board is planning for their – There are people looking around. All School Board figures that are being planned here are off by maybe ten years. So, the taxpayer is going to have to pick up that burden in the interim unless the developers will pay the taxes up front early. I don't know. It doesn't seem to be a likely point.

PM1207

And seven, the time line. Specifically, it's related to what I just said, a little bit more in that direction. What's going to happen with these taxes? When are they really going to come on line to us?

This comment appears to incorrectly suggest that Lighthouse Landing will not commence and generate revenues until 2012. In fact, Lighthouse Landing will be close to completion by 2012.

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Lighthouse Landing will be built in stages and will thus generate revenues incrementally over time. The fiscal impact analysis (DEIS plan) considers impacts at two interim stages (“Initial Phase” and “Intermediate Phase”) and at buildout, as follows:

Phase	Tarrytown Union Free School District		
	Project Cost (in \$ Millions)	Project Revenues (in \$ Millions)	Net Fiscal Impact (in \$ Millions)
Initial	\$1.32	\$1.50	\$0.18
Intermediate	\$3.15	\$4.42	\$1.27
Total Project	\$4.03	\$6.29	\$2.26

PM1604

I liked what Mr. Judge said. Light industry would bring in tax dollars, reduce the residential units and hopefully pay for a school that this village could use, constantly being battered about. What are we going to do about the schools. Schools are inadequate. Now are adding minimum 217. I'm sure that number is an extremely conservative number. We are creating at least 200 something students to a school system that we are already in a crisis now. We know we are adding more. Something has to be done with that.

A school site would be phenomenal.

DEIS Table IV-1 presents an “Alternative Program Mix” which adds 50,000 square feet of light industrial/flex office space on the East Parcel to the proposed development program analyzed in the DEIS. The DEIS projected that such an alternative plan would result in a net annual Village tax surplus of \$1.11 million as compared to \$ 1.09 million under the proposed DEIS program. In terms of school taxes, the “Alternative Program Mix” noted above would result in a net annual school tax surplus of \$2.33 million as compared to \$ 2.26 million under the proposed DEIS program. Although net annual tax revenues would be marginally higher with the addition of light industrial/flex office space, utility demands and traffic generation would be somewhat higher. (See the response to Comment 5704 herein above regarding school enrollment and capacity.)

PH3302

But there is one thing I haven't heard mentioned and I think a corporation such as General Motors that has been there since 1914, if that's correct, that one thing we should always look at the environmental, but also the children in these two villages. And we have a huge bond issue coming. And I think General Motors should have their feet held to the fire as far as helping us with the school system.

We really have a disaster there as far as the amount of moneys that have to go into the school. And I think someone like General Motors that has made millions and millions and millions of dollars over the years, I think it is time

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for them to step up to the plate and help us pay for our school systems.

PH4305

And the last comment I want to make and I mentioned before was GM has been here since 1914 and they have made millions and billions of dollars and I really think that General Motors, if they really wanted to be a good neighbor, I think they should help us finance some of the school projects that we have, whether it be an art center, an auditorium, part of the school itself. But I really think it's their duty and to be a good community member, I think they should really helps us with that and especially now, now is the time to do it.

Comment noted. Over the course of more than 70 years, GM paid substantial property taxes and payments in lieu of taxes to the School District (as well as other taxes) despite the fact that it did not directly generate a need for educational services. Additionally, the school property taxes to be generated by Lighthouse Landing are anticipated to exceed the Project's proportionate share of educational capital costs. See also response to Comment PM2009 herein.

PH4605

The schools are in desperate need of the revenue source from not only Tarrytown's project but from this project, as well and those are certainly welcome but as Trustee Fixell pointed out, there are other factors that come from adding additional students to the district. And 217 does sound a little light for 1,562 residential units.

So if the density could be reconsidered and the traffic could be mitigated and I think we'll have a much more livable plan.

The basis for estimating that Lighthouse Landing (DEIS plan) at build out will generate 217 school children is discussed at length in DEIS Appendix 7.A, p. 57. Further discussion on this subject, including a summary of the methodologies applied for estimating development-generated school children and why the 217-pupil estimate is conservative (i.e., likely on the high side), is found in the response to Comment PH4503 herein.

PH5504

Relating to the school districts, and again, one of the things that was mentioned was looking at how the district determined the number of students and again, without, I don't know what was actually discussed and how the school district did it but I also do know that one of the things the school district will do is they are looking not to overstate the number of students because that would create an over extension of the capital improvements and therefore overburdening the residents and the taxpayers.

Therefore, the assumptions might not be relevant for both instances. And I would think for a project of this magnitude that's going to be this important and it's going to affect generations to come, perhaps we should just be starting with a base set of assumptions and not using assumptions that are used elsewhere.

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PH5505

The other thing related to the schools as everyone is possibly aware in the next couple of weeks we'll be voting on the capital improvement project and again we just need to make sure as we go through this process as they have indicated they would where the outcome, whatever the final assumptions are that the outcome from those assumptions get taken into account in terms of how that fits with the capital projects we'll be voting on and I also think we just need to make sure that when they start talking about two million surpluses that we make sure that that also includes any cost of capital and debt service related to the capital improvements that will be required in future years.

See response to Comment 5704 herein.

The school expansion plans under the Tarrytown Union Free School District March 5, 2006, bond referendum do, in fact, consider the impact (revenues and pupils) from future development in the district. For example, a flyer released by the TUFSD in conjunction with the referendum ("The Public Schools of the Tarrytowns School Bond Referendum") indicated (on page 2) that "income was used from the two large waterfront projects – Lighthouse and Ferry Landings."

INTRINSIC EDUCATIONAL ASSET EQUALIZATION LEVY COMMENTS

2401

While the specifics of this letter address the Lighthouse Landing Project (and the Ichabod Landing Project), the import of an Intrinsic Educational Asset Equalization Levy per Family Unit extends beyond the Sleepy Hollow Waterfront Projects, including, but not limited to, the Ferry Landing Project.

...Industrial-zoned real estate, which have only paid a token amount of school taxes, if any, have marginally, if at all, participated in the educational investment of the school district. However on the flipside, when the industrial-zoned parcel is rezoned to residential, the corresponding residential units have unlimited access to the school facilities. The developers' absorb and reap the intrinsic educational asset value into their residential properties by only paying pennies on the dollar in past school taxes, representing an undue windfall to the developer versus an equitable disbursement to the school district. The equitable disbursement to the school district would be the Intrinsic Educational Asset Equalization Levy per Family Unit times the total family units on the rezoned industrial-to-residential parcel. In my assessment, the educational asset component of your home or the Intrinsic Educational Asset Equalization Levy per Family Unit for the Tarrytowns Union-Free School District is \$71,500 per family unit. Utilizing this figure and 1562 family units, the total Intrinsic Educational Asset Equalization Levy for the Lighthouse Landing Project represents a \$111,683,000 disbursement to the Tarrytown Union Free School District. The corresponding total Intrinsic Educational Asset Equalization Levy for the Ichabod Landing Project equals a \$3,146,000 disbursement to the Tarrytowns Union Free School District. In the case of the Tarrytown Ferry Landing Project with 240 family units, the total Intrinsic Educational Asset Equalization Levy represents \$17,160,000.

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- 2501 While the specifics of this letter address the Ferry Landing Project, the import of an Intrinsic Educational Asset Equalization Levy per Family Unit extends beyond the Ferry Landing Project, including, but not limited to, the Lighthouse Landing Project and the Ichabod Landing Project.
- ...In my assessment, the educational asset component of your home or the Intrinsic Educational Asset Equalization Levy per Family Unit for the Tarrytowns Union Free School is \$71,500 per family unit. Utilizing this figure and 240 family units, the total Intrinsic Educational Asset Equalization Levy for the Ferry Landing Project represents a \$17,160,000 disbursement to the Tarrytowns Union Free School District. In the case of the Sleepy Hollow Lighthouse Landing Project with 1562 family units, the total Intrinsic Educational Asset Equalization Levy represents \$111,683,000.
- 2601 Based on the nonfeasance of the Board of Education, I am not only asking, but demanding, on the behalf of my family, the taxpayers, the parents and the students of the Tarrytowns Union Free School District, through a Board of Education vote at the March 3, 2005 meeting or at a called Special Board of Education meeting prior to March 8, 2005, that the Board of Education cease and desist The Public Schools of the Tarrytowns School Bond Referendum on March 8, 2005 and the public vote to increase school taxes to pay the interest on said bonds of \$64,500,000 and \$7,700,000 (i.e. \$72,200,000 total), as shown in the attached Bond Proposition No. 1 and Bond Proposition No. 2.
- 2602 Utilizing \$71,500 per family unit and 250, 44 and 1562 family units for the Ferry Landing, Ichabod Landing and Lighthouse Landing waterfront projects, respectively, the Intrinsic Educational Asset Equalization Levies equal \$17,875,000, \$3,146,000 and \$111,683,000, respectively, for a total lump-sum disbursement of \$132,704,000 to the Tarrytowns Union-Free School District.
- 2603 As a final comment, the notion of Scenic Hudson approaching Roseland/GM to spend roughly 100 million dollars to restore the original mouth of the Pocantico River to the Hudson River as part of the Lighthouse Landing project, represents the same magnitude of educational funds that should be flowing into the coffers of the Tarrytowns School District, and illustrates the absolute absence of financial due diligence for the Bond Propositions. Our kids, over some river, should come first and foremost. The proposed Tarrytowns School Bonds must not be allowed to happen.
- 6801 The shuttering of the General Motors Automobile Assembly Plant and the Proposed Roseland/GM "Residential" Lighthouse Landing Project has created a structural dislocation in the "Wholesome Neutrality" of taxes levied per student for the respective villages that is unsustainable. The attached Tables 1 thru 3 depict the TUFSD Population and Tax Levy by Village evaluations for the Current/Actual 2004-2005 TUFSD Year (Table 1), the Proposed 2005-2006 TUFSD Year (Table 2), and the Proposed 2005-2006 TUFSD year including the recently passed (\$72.2 million) School Facilities Bond Referendum (Table 3). Tables 1 thru 3 demonstrate, in and of themselves, a massive and growing disparity between the tax burden on the residents of Tarrytown versus the residents of Sleepy Hollow.

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...

Considering the gravity and the necessity of maintaining a “Wholesome Neutrality” with respect to the fiduciary responsibility to the taxpayers and the moral obligation to our school children, for these reasons and others, that go beyond the initial scope of the letter, the Village of Tarrytown must be an “Involved Party” in the Roseland/GM Lighthouse Landing Project’s SEQRA deliberation process to ascertain and ensure upon mitigating measures to restore the educational equity of the TUSFD with respect to each village.

PH4104

I’m worried about the future families and real estate values of the Lighthouse Landing properties. I’m submitting as part of the record the public schools of Tarrytowns curriculum guide, 2005-2006, stating for the record the class rank and grade policy.

Comments noted. These comments are beyond the scope of the Lighthouse Landing EIS. The Fiscal Impact Analysis presented in the Lighthouse Landing DEIS is based on discussions with and information obtained from school district representatives, and has been performed in accordance with the DEIS Scope based on accepted fiscal analysis methodologies.

RESIDENTIAL RENTAL TO OWNERSHIP RATIO

3405

I support comments in the public meetings that ownership units be maximized, minimizing rental units in the project. This will promote better community involvement and commitment among residents, and improve the tax base for the community and the school system.

4351

51. As currently proposed, the project contains 1,122 rental units (including senior buildings) and 440 ownership units. The Village Board feels that the ratio of rental to owner-occupied units should be adjusted to include more ownership units. Economic impacts associated with the ownership/rental change needs to be documented.

PM201

I have several concerns. The first one, I would hope in this application you’re going to include co-ops, because co-ops are going to be a very vital way for first time owners to become owners instead of renters and generate tax money for the village. It’s also a very viable way for seniors to continue to own something and stay in their hometown.

PM903

The scope of this project has to be reduced. With respect to the reduction, one of the things I want to suggest is there just does not seem to be – first of all, 180,000 square feet is ridiculous to me. But in any case, there does not seem to be any closer need of the rental units that you’re talking about here. Rental units are – There is a certain value to having rental properties, but renters are a transient population generally speaking. They don’t have the roots in the community that homeowners have. And I also believe there is difference in property taxes and school taxes as well. I would suggest a vast reduction in the amount of rental units.

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Someone suggested co-ops, and I think that's much more appropriate. But I think 1,500 residential units is far too many. It should be reduced by, I think, 50 percent.

The scope of the project is too big. It seems to me like it's almost a – despite the concessions they have said they have made with respect to senior centers and senior housing, whatnot, it seems like a giveaway to the developer.

4502

I have been a renter in this Village for eight years and I echo April Best's comments that renters give as much to the community as property owners. I ask that the developer does not lose sight of the tenant's value – not everyone has a lifestyle that facilitates owning a home, but that does not lessen our contributions to the Village.

PM1101

I too am against the scope of the project. It is way too dense. You have 1,122 rental units in this project, which is 1,122 too many. Rentals do not work in the Village of Sleepy Hollow. You can go and walk in the inner village, and you'll see the effects of rental units in the village. We have a chance of making a jewel on the Hudson instead of just another tin can.

PH3802

The second thought that also comes from the PMIA board is that we looked at the EIS and it looks like about 440 out of the 1562 units would be owned units, and the balance of 1100 and whatever the number is 1122 would be rented units. It is our feeling, admittedly, it's purely qualitative, that people who own tend to be more vested in the long term development of the community, tend to take better care of their units and have more concern about the quality of life in the neighborhood.

PH5305

I understand that this debates a recent statement made by a gentlemen at the February 18th meeting which suggested the reduction of apartments because of the obvious, you know, reduction that's going to take place on the site. And his reasons were, quote, because buyers have an invested interest, unquote, therefore, making them better residents. So what he suggested was that we would do away with the apartments versus the houses. And I will only say that that's not the rule of thumb. ...

So, the statement was stereotypical. And I would only ask that all the people of this one Village not the inner village or the upper village or segments of the village but all the people of the village be considered in this project and I thank you very much.

Sound planning techniques in large-scale developments require a mix of residential units by type (garden versus townhouse style), tenure (ownership and rental), and price. Such variety satisfies the needs of an array of housing consumers. Lighthouse Landing, as envisioned in both the DEIS and FEIS, offers a variety of homes. Based on community input and developer refinement of the Project, Lighthouse Landing has been reduced in density from 1,562 housing units (DEIS plan) to 1,250 housing units (FEIS Alternative Plan). The tenure mix has also been modified. Of the proposed 1,562

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housing units in the DEIS plan, 1,122 units, or 72 percent, were rentals. Under the FEIS Alternative Plan, of the total 1,250 housing units, 629 units, or 50 percent, are rental units.

The fiscal impact analysis treats the different units in a fiscally appropriate fashion. Demographic multipliers are differentiated by type and price of housing unit. Differences between rental and “for-sale” residences are incorporated in the fiscal analysis. For example, in the Village of Sleepy Hollow, a higher non-homestead property tax rate is applied in this FEIS to the Project’s rental as opposed to ownership units since rental units do not qualify for the lower homestead rate. Also, in the Town of Mount Pleasant, the Project’s condos and town homes are valued for tax purposes as rental units. In the Village of Sleepy Hollow, however, the Project’s condos and town homes are assessed at the higher sales price rather than the lower imputed rental value. That differentiation is made because the Village of Sleepy Hollow is an “approved assessing unit” under relevant New York State law. In approved assessing units, condominiums are classified as “homestead” property and are therefore valued in the same manner as single-family homes “for-sale”. The Town of Mount Pleasant is not an approved assessing unit and, therefore, condominiums are treated as income-producing for the purposes of Town taxation.

RECREATIONAL SERVICES

3408

Where’s the improvement to the land? It is clear what Roseland stands to gain from 1,000+ units constructed and sold, but what does Sleepy Hollow get/gain? These new residents may work in New York City or surrounding Westchester, Rockland or Connecticut sites. However, they are all going to seek recreation in Sleepy Hollow! That number of residents will overrun our existing facilities many times over, Green Crescent or No Green Crescent!

3411

Recreation has often served as the “glue” that holds the wonderful diversity of our population together! A dollar invested in recreation can save many more in police supervision! I think Roseland would see a much more positive attitude on the part of the general population, if they invested in Village infrastructure in such a way.

Under the DEIS plan, Lighthouse Landing included public open space areas wrapping completely around the riverfront perimeter of the West Parcel, connecting to Kingsland Point Park to the north and the riverfront open space of the Ichabod’s Landing residential development and the Village park at Horan’s Landing to the south. The DEIS plan also provided a community building on the West

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Parcel for Lighthouse Landing residents. On the East Parcel, the DEIS plan provided for the Applicant to donate approximately 24.5 acres to the Village, a portion of which is currently planned by the Village for construction of athletic fields and sport courts as part of the Devries Park expansion.

As discussed in Section I of this document, the FEIS Alternative Plan enhances and expands upon the project's open space and recreation offerings. The project includes a 10.6-acre riverfront park with a network of pedestrian walkways and bike paths connecting to the north and south as described above for the DEIS plan. A variety of water dependent uses will be included in and adjacent to the riverfront park including an interpretive center for the lighthouse, a small craft launch pier, a fishing pier and a "dock and dine" dock. On-site recreational amenities for project residents will include a clubhouse with activity rooms and health club facilities, a pool and tennis courts on the West Parcel. The FEIS Alternative Plan also incorporates the Village Consulting Planners' most current plan for the East Parcel.

TOTAL POPULATION PROJECTION/IMPACT ON VILLAGE

3602 • It would change the character of the town substantially by increasing Sleepy Hollow's population by a huge percentage increase.

6602 Fundamental to any Draft Environmental Impact Statement (DEIS), is the baseline data that is used to model the impacts of the proposed development. The population density baseline that has been used in this DEIS may not be reflective of actual population density of the surrounding community. While the consultant authors of the DEIS do make a compelling argument for using the density numbers they have, I am not confident that they reflect the existing condition in the community. The numbers used are reflective of the density taken from averages derived from a wide geographic area that includes counties where the overall population density is well below that found in our community. (DEIS uses 2 persons per two-bedroom unit, whereas the United States Census for Zip Code 10591 shows 2.54 persons per household for all households and 3.13 persons per family).

Comparing these two sets of population densities yields significantly different impact outcomes from the proposed development. Please note that the following calculation is for one, two and three bedroom units combined, but does not include the 200 units of senior housing.

	<u>DEIS 1 BR</u>	<u>DEIS 2 BR</u>	<u>DEIS 3 BR</u>	<u>CEN POP/</u> <u>HH</u>	<u>CEN POP/</u> <u>FAM</u>
Density	1.75	2.0	2.42	2.54	3.13

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No. Units	483	655	224	1317	1317
Total	845	1310	542		
Individuals					
TOTAL DEIS POPULATION			2697	3345	4122

Looking at the various potential impacts based on the numbers presented above, the following should be considered carefully by the Lead Agency when reviewing the DEIS and before accepting the Final Environmental Impact Statement.

- Water Usage
- Solid Waste
- Fire Protection
- Police Protection
- School Children

Each of these specific impacts can be mitigated to lessen the effects on the current residents without adversely affecting the economic viability of the project and the developers return on their investment.

PM1804

They even contradict themselves in the document. On Page C-14 of Section III, they claim the average number of people per household in 2003 is 2.94. In 2008, they put 2.99.

I used the lower of those two figures. Multiply that by 1,562 housing units, and I get a population of 4,592. If I use the mean family size for Westchester County, which is 3.34, I get a population increase of 5,217, which then leads us to school children.

PH5704

Reduce the number of new residents by 60 percent from 2,900 to 1,160.

PH5801

What are the demographics of the residents of Roseland is proposing for this project, for Lighthouse Landing? I do not believe Roseland really expects it to look anything like the whole Village of Sleepy Hollow. And I do not believe that their numbers make any sense. It's been pointed out.

Let me go through some quickly now. They proposed 1,562 units. I went through and added up the bedrooms. That's 2,745 bedrooms. 2,745. Yet they are saying that that's only going to increase the population by 2,999. So I guess everybody gets their own bedroom pretty much. That's nice. I don't believe that 2,999 number. But let's assume that that's right. That 3,000 number is about a third increase in the Village of Sleepy Hollow. Which, if you do some quick math, it's about a 6th increase in the school district.

Okay that would imply about 400 kids, not 200. So if you want 200 I guess the project has to be halved. Okay? To me, the numbers in the DEIS do not hang together.

As indicated in the DEIS Fiscal Impact Analysis (DEIS Appendix 7A) prepared by Burchell & Listokin, demographers obtain information on demographic multipliers from comprehensive, large-scale data bases, the most prominent of which is the Public Use

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Microdata of the decennial Census of Population and Housing. The Public Use Microdata Sample (PUMS) provides detailed information on the characteristics of both households and housing units and is therefore a good source for developing demographic profiles. The fiscal impact analysis derived household size multipliers based on the 2000 PUMS (encompassing units built between 1990 and 2000, the latest census PUMS data available as of 2004-05). The PUMS data was specified by the following:

1. Housing types contained within the Project (e.g., apartments and town homes);
2. Housing sizes contained within the Project (from one-bedroom units to three-bedroom units, with a den counting as 0.5 bedrooms);
3. Housing prices contained within the Project (from lower priced rental units to high end town homes); and
4. Other characteristics of the Project's units, such as age restrictions.

To obtain sufficient sample size, the PUMS data were examined for the following counties: Westchester, Dutchess, Putnam, Orange, Rockland, Sullivan, Ulster, Nassau and Suffolk (New York State); Hudson and Bergen (New Jersey); and Fairfield (Connecticut).

Given the attached and high-end price orientation of the Project, focusing on Westchester County or the Village of Sleepy Hollow zip code 10591 alone would provide a statistically unusable small sample size and an inappropriate base of reference. For instance, much of Westchester County's housing consists of detached homes (compared with the attached units in Lighthouse Landing), and the Project's housing is projected at a higher price scale than current housing prices in Sleepy Hollow. To obtain the most appropriate comparable housing to that proposed in Lighthouse Landing, the fiscal impact analysis opted for the 12-county tri-state region specified above. It is also reasonable to assume that the Project's homebuyers and renters will be drawn from the larger tri-state area.

Based on the 12-county tri-state region described previously, the DEIS fiscal impact analysis projected that Lighthouse Landing would contain 2,999 persons, including 217 public school children. Under the FEIS Alternative Plan, it is anticipated that Lighthouse Landing would contain 2,514 persons, including 211 public school children. The revised demographic projections reflect differences in the Project

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composition between the DEIS and the FEIS. For instance, the reduction in the total number of Project housing units between the DEIS plan (1,562 housing units) and FEIS Alternative Plan (1,250 housing units) contributes to the reduction in the number of Project-generated persons (from 2,999 to 2,514). However, many more of the Project's housing units under the FEIS Alternative Plan are ownership units (629 of 1,250 units, or 50 percent) as compared with the DEIS plan (440 of 1,562 units, or 28 percent), and the ownership units in Lighthouse Landing have relatively more bedrooms, which contain relatively more school children.

With respect to Comment PM1804, item d.(2) "Housing", on DEIS page III.C-14 correctly states "The average number of people living in individual households within the Village of Sleepy Hollow is expected to increase from 2.94 persons per household in 2003 to 2.99 in 2008 – an increase of 1.7 percent."²

FISCAL IMPACT ANALYSIS - GENERAL

4235

When the projection of tax generation was made there was a net surplus of tax identified.

Question:

a) How will this surplus be distributed back amongst the current homeowners?

PM2010

I think this will force tax increases to all of us in Tarrytown as well as Sleepy Hollow based on municipal demands, increase in fire, police protection and a number of other services.

The DEIS fiscal impact analysis indicates that at full build out, the proposed project is expected to result in annual net fiscal surpluses of \$1.09 million to the Village of Sleepy Hollow and \$2.26 million annually to the school district. In general, a fiscal surplus can be used for various purposes: adding new public services/infrastructure, or increasing the range and quality of existing public services/infrastructure, bolstering surplus ("rainy day") accounts, and/or offering tax relief. The decision on how to tap a fiscal surplus is made by each affected jurisdiction, and that decision may change over time.

The fiscal impact analysis has been updated for the FEIS Alternative Plan and is presented in FEIS Appendix 4A. The analysis indicates that the FEIS plan will result in annual net fiscal surpluses of approximately \$0.63 million to the Village of Sleepy Hollow and

² Based on data from Claritas, Inc., a demographic information service.

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\$1.5 million to the school district. Revenues from the project are expected to be adequate to cover community service demands attributable to the project as detailed in FEIS Appendix 4A.

4236

b) Since taxes are established to meet projected expenditures how could there be a net surplus of tax from this project?

See response to Comment 4235 and Comment PM2010 herein.

6312

Assessing the fiscal impacts of the proposed development is one of the greatest challenges for the lead agency in this case. We hope the FEIS offers an independent analysis on this key issue.

Comment noted.

PM1307

Our taxes are getting stronger every day, so really think about us, Mr. Roseland, whoever it is that is putting this project out there and putting it together.

Comment noted.

PM2701

Number one, on taxes. If you refer to the document presented on Page I-8 at the bottom, it says at full build out, the project is expected to generate 4.32 million annually in public revenues and cause the Village to incur a public cost of 3.32 million annually, resulting in a net fiscal surplus for the Village of Sleepy Hollow of approximately 1.1 million dollars annually.

Now, if it doesn't go to full build out, the Village's expenses will probably remain pretty much the same, because they have to provide police, fire, water, sanitation, the whole works. So, you've got a real problem there in terms of tax revenue. Also there is a huge discrepancy between that figure and what the School Board is quoting in their figures, because they're expecting that all the new construction, of which Lighthouse Landing is 80 percent of total by my estimate, because the other two - the other three projects are relatively small by comparison, the School Board is expecting to generate 8.76 million dollars. Now, where is this extra 4.44 million dollars coming from? And that's at full build out from Lighthouse Landing.

So we have got some huge discrepancies in figures that just don't add up and have to be rectified before we go any further.

PH5713

I made some notes to myself here from the discussions I heard and when you speak about surpluses to the school board and to the Village, according to your document that refers to at full build out. It doesn't define what full build out is but I assume it's at least a 1562 or are you referring to the maximum figure also in the document of 1900?

Now, obviously we are not going to get full build out because if you do you are going to have gridlock. At what point does the reduction in the numbers come to a point where you have an equalization in the expenses incurred by the

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Village and the school board and the proposed taxes that are generated.

And where does that threshold come in at? Because that's going to be very crucial for us to know because if we force you to build below a certain level we are going to get no tax benefit from the school or the Village. We have to know those facts.

The DEIS fiscal impact analysis includes evaluation of the Proposed Project under three scenarios: 1) Initial Phase, 2) Intermediate Phase, and 3) Full Build out, comprised as follows (DEIS Appendix 7.A, p.6):

PROJECT COMPOSITION BY PHASE (DEIS PLAN)			
Development Component	PHASE		
	Initial Phase	Intermediate Phase*	Total Project
Residential (units)	470	1,016	1,562
Nonresidential (ft. ²)			
Office	0	50,200	50,200
Retail	76,775	145,617	180,117
Hotel	0 rooms	0 rooms	150 rooms
Nonresidential Subtotal	76,775 ft. ²	195,817 ft. ²	230,317 ft. ²
	0 hotel rooms	0 hotel rooms	150 hotel rooms

*Cumulative – includes Initial and Intermediate Phases.

As presented in the table below, the DEIS (Appendix 7.A, p. 16) indicates that each scenario would result in an annual net fiscal surplus to the Village of Sleepy Hollow and the School District as well as to the other affected public jurisdictions.

PROJECT NET ANNUAL FISCAL IMPACT BY PHASE (DEIS PLAN)			
(in \$ Millions)			
ANNUAL FISCAL IMPACTS BY PHASE			
Jurisdiction	Initial Phase	Intermediate Phase	Total Project
Village of Sleepy Hollow	\$0.38	\$1.10	\$1.09
Town of Mount Pleasant	\$0.00	\$0.00	\$0.00
Tarrytown Union Free School Dist.			
“District Multipliers”	\$0.18	\$1.27	\$2.26
“County Multipliers”	\$0.48	\$2.08	\$3.37
“Regional Multipliers”	\$0.82	\$2.76	\$4.15
Westchester County	\$0.28	\$0.65	\$0.97

With respect to the comment concerning school district revenue projections for the Tarrytown Union Free School District (TUFSD),

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the TUFSD has not publicly identified the specific assumptions used in determining revenues from the “riverfront development”. Exhibits contained in the district’s flyer for the March 8, 2005 school bond referendum included three charts for “Revenues (New Development & Building Aid) and Tax Impact” as follows:

- 1) The “Expected Case” - If riverfront development proceeds on schedule, then new revenues from the developments will exceed debt service. No new tax increase would be required to cover the debt for the project. (New Development revenues were graphically shown at approximately \$ 9.5 million)
- 2) “Two Year Delay” - If riverfront development is delayed by 2 years, then a tax increase would be needed during the 2 years before new revenue begins to exceed debt service. (New Development revenues were graphically shown at approximately \$ 9.5 million.)
- 3) “Indefinite Delay” – If riverfront development is delayed indefinitely, then a tax increase would be needed for 3 years until the borrowing is completed and the debt service levels off.

Note that Table III.A-2 of the Lighthouse Landing DEIS (Cumulative Impacts Summary) indicates that, on a combined basis, the three riverfront developments would generate a total \$9.23 million in school tax revenues, with a net fiscal school surplus of \$4.63 million.

Further, note that the fiscal impact analysis of both the DEIS and the FEIS, which included the educational capital costs engendered by new development (see response to Comment 4317 and others), found that Lighthouse Landing would engender a fiscal impact surplus (revenues would exceed costs) to the TUFSD.

As presented in FEIS Table IV-1 comparing the FEIS Alternative Plan (1,250 dwelling units) with project alternatives of 1,225 dwelling units and 1,200 dwelling units, the incremental effect of a 25 dwelling unit reduction would be an annual net fiscal increase of approximately \$32,000 to the Village of Sleepy Hollow, and an annual net fiscal decrease of approximately \$21,000 to the TUFSD.

FISCAL ANALYSIS – VILLAGE OF SLEEPY HOLLOW

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.C · Socioeconomic Conditions

4352

52. It does not appear that the fiscal analysis presented in the DEIS used the non-homestead tax rate for rental units. The Applicant should present the fiscal results using the non-homestead rate and with the conversion of some apartments to condominium units.

4801

1. In the DEIS, the homestead tax rate was applied to all rental apartments resulting in lower than necessary tax revenues. Therefore, the non-homestead tax rate should be applied to all rental apartments in calculating real estate tax revenues to the Village of Sleepy Hollow.

The fiscal impact analysis of the DEIS (Appendix 7.A, p. 76) discusses the study's application of the homestead property tax rate, as follows:

ASSESSMENT AND PROPERTY TAXES

Once having determined Project property value as described above, assessed valuation and property taxes were derived by applying the equalization and property tax rates as indicated in the text of the fiscal impact analysis (see also Exhibit 2).

One further note concerns the homestead property tax rate (0.0208710) versus the non-homestead property tax rate (0.0345016) for the Village of Sleepy Hollow. The fiscal impact analysis applies the lower homestead property tax rate to all of the rental units in Lighthouse Landing even though rental units in the Village of Sleepy Hollow (as opposed to owned units) might very well be considered as non-homestead properties and, as such, would be subject to the higher non-homestead (0.0345016) rather than the lower homestead (0.0208710) property tax rate. Applying the lower homestead rate to the rental units in Lighthouse Landing might be understating annual property taxes to the Village of Sleepy Hollow by about \$700,000 to \$800,000 annually.

The fiscal impact analysis applies the lower homestead property tax rate to the rental units in Lighthouse Landing for various reasons. As concerning other fiscal impact decisions, we elected to be conservative in our projections. Additionally, the homestead versus non-homestead distinction might not hold indefinitely in the Village of Sleepy Hollow into the future (e.g., that distinction does not currently apply to the Town of Mount Pleasant).

Reflecting discussions with the Village's public finance officials and consultants, the revised fiscal impact analysis in this FEIS applies the

II. RESPONSES TO DEIS COMMENTS

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non-homestead tax rate to the Project's rental units for the purposes of calculating the real estate tax revenues to the Village of Sleepy Hollow.

4353

53. The cost projections utilized in the DEIS should be refined by coordination responses from the department heads regarding equipment and staffing needs to relevant standards (e.g. police officers/capita, calls to service/capita).

4354

54. The analysis employed in the DEIS is based on a per capita/worker average of current General Fund expenditures. The Village Board notes that the Village is currently functioning with a relatively austere budget and provision of services related to the loss of revenue from the GM site. The methodology employed might not accurately capture a more accurate picture of Village service costs. Cost estimates from comparable communities should be factored into the analysis of the cost to service the new development.

The fiscal impact analysis of the FEIS incorporates a detailed case study and comparable community analysis conducted by the Village of Sleepy Hollow's consultants, DeMilia and Honigman, LLP. They interviewed Village of Sleepy Hollow department heads to develop a detailed estimate of Village costs that would be affected by Lighthouse Landing. As noted, the fiscal impact analysis of the FEIS incorporates these findings by DeMilia and Honigman, LLP.

ALTERNATE USES

4355

55. Given the Village's concern with respect to taxes and jobs, the Applicant should explore in greater detail the ability to incorporate some flex office, live/work lofts, business incubators uses to provide tax ratables and potential employment opportunities for area residents? Further, the Applicant should prepare a matrix of the alternate uses that could be accommodated on site and provide anticipated impacts of each, to the extent known.

PM102

Another situation which I think needs to be addressed is to look at what the rateable mix will be within this development. Residential tax dollars do not provide enough coverage for cost of services. They usually fall short somewhere between \$1.25 and \$1.40 on average. And that has been demonstrated in multiple municipal studies. So, we need to take a look at increasing commercial and industrial, light industrial development within this proposed redevelopment of the GM site, A, to increase the tax base and also to provide jobs for local individuals.

DEIS Table IV-1 presents an "Alternative Program Mix" which adds 50,000 square feet of light industrial/flex office space on the East Parcel to the proposed development program analyzed in the DEIS. The DEIS projected that such an alternative plan would result in a net annual Village tax surplus of \$1.11 million as compared to \$1.09

II. RESPONSES TO DEIS COMMENTS

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million under the proposed DEIS program. In terms of school taxes, the “Alternative Program Mix” noted above would result in a net annual school tax surplus of \$2.33 million as compared to \$2.26 million under the proposed DEIS program. Although net annual tax revenues would be marginally higher with the addition of light industrial/flex office space, utility demands and traffic generation would be somewhat higher.

As discussed in Section II.IV of this document, a preliminary fiscal comparison of the Village Board’s suggestion to substitute 136,000 square feet of incubator/light industrial space on the West Parcel in lieu of 100 residential rental apartment units indicates that the fiscal impacts to the Village would be generally similar. The FEIS Alternative Plan is already projected to result in significant annual net fiscal surpluses to the Village and School District, at approximately \$0.63 million and \$1.5 million, respectively. In addition, the incubator/light industrial space would generate more traffic than the 100 apartment units. Assuming an average employment density of 3.5 workers per 1,000 square feet of building area, the incubator/light industrial space would employ approximately 476 workers. The Applicant does not support incubator/light industrial space on the West Parcel.

As discussed in Section I of this document, the proposed number of residential units has been reduced by 20 percent from 1,562 to 1,250 units under the FEIS Alternative Plan, and the plan will include 216 live/work loft apartments in Blocks L and N. The proposed project will create a significant number of jobs with the retail, office and hotel components projected to employ approximately 584 persons.

As discussed earlier (see response to Comments 407, 504 and 604 herein), one cannot generalize that all residential development results in a fiscal loss. Attached, higher-priced homes, such as those contemplated for Lighthouse Landing, often result in a fiscal surplus. The Project’s nonresidential uses further enhance its fiscal impact.

PROPOSED RETAIL TENANT MIX - IMPACTS ON INNER VILLAGE AND TARRYTOWN COMMERCIAL DISTRICTS

4357

57. The Village is concerned that the proposed development may not have a positive impact on the balance of the Village’s commercial district given the proposed removal of on-street parking, the increased traffic congestion which

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.C · Socioeconomic Conditions

could impact the pedestrian environment and the potential competition of uses. What impact will the development of this project have on the upper Beekman Avenue corridor? It is noted that the ERA report contains several recommendations that could help strengthen and organize the existing Beekman Avenue businesses. The Applicant should identify how these recommendations could be incorporated. The Village would request that the Applicant consider providing assistance relative to preparing design plans for improving the appearance of the Beekman Avenue corridor as it is a gateway to the new development, provision of additional off-street parking, and help form and partially fund a merchant's association.

The Applicant's socioeconomic consultant conducted a detailed analysis of the proposed FEIS program at the Lighthouse Landing site and its potential impacts on commercial corridors identified in the EIS scope, including Beekman Avenue from Broadway/Route 9 west to River Road.

The proposed FEIS program will include 132,000 square feet of retail/entertainment uses, which includes 89,000 square feet of retail whose potential tenants may include national and regional retailers and restaurant franchises, a 25,000-square foot food market and an 18,000-square foot cinema; 35,000 square feet of office space; a 140-room hotel; and 1,250 residential units.

While no leases have been formalized, the Applicant's socioeconomic consultant made the conservative assumption that the tenant mix will be representative of all retail categories, such as apparel and accessories; restaurants (approximately 23,000 square feet); specialty foods and groceries; and miscellaneous retail (e.g. sporting goods, crafts and gifts, jewelry, opticians, etc.) in evaluating the potential impacts from the FEIS Proposed Action on existing businesses.

Based on the comments received upon public review of the retail analysis shown in Section III.C of the Lighthouse Landing DEIS, and in an effort to provide further transparency in regard to methodology, the Applicant's socioeconomic consultant conducted a supplementary commercial character assessment.

Specifically, the supplementary analysis incorporates the following: a discussion of retail vacancy rates; tenant mix by merchandise category; the shopping areas' customer base; and other issues related to the potential impact of the Lighthouse Landing project.

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.C · Socioeconomic Conditions

The methodology utilized by the Applicant's socioeconomic consultant to conduct the commercial character assessment is based on a five-step process in accordance with SEQRA guidelines. A general description of this five-step approach is as follows:

1. Study the areas as defined by the EIS Scope from which the proposed project can reasonably be expected to draw the bulk of its patronage and where its potential impacts would be most felt.
2. Identify the types of retail establishments that carry merchandise similar to the types of goods sold in the proposed FEIS project.
3. Survey the business establishments within the study area falling into the categories described in Step 2. As part of this step, describe the character of the surrounding area
4. Determine whether any of the establishments identified in Step 3 function as "anchors" of the commercial area in which they are located. These are the establishments of greatest concern in terms of impacts.
5. Determine whether the proposed project would have an effect on the overall strength and character of the commercial areas in which businesses selling goods similar to those potentially carried by the proposed project are located. Determine whether these impacts will have a negative influence on the surrounding community.

The DEIS market study projected sufficient demand for retail in the Lighthouse Landing trade area. Within the five-mile trade area, the amount of retail space that can be supported at the Lighthouse Landing site is approximately 210,000 square feet; it is expected that future residents and office employees at the project site could potentially support an additional 27,000 square feet of retail, for a total of 237,000 square feet of supportable retail space, significantly more than the 132,000 square feet that is programmed. Please refer to DEIS Appendix Section C for more detailed analysis of retail demand.

Beekman Avenue connects Route 9, the primary north-south artery in the study area, to the Lighthouse Landing site, a distance of approximately two-thirds of a mile. The eastern portion of Beekman Avenue, approximately 1,500 feet in length, with historic storefronts facing onto the sidewalk (some with commercial and/or residential units above), serves as the traditional pedestrian-oriented main street of the Village of Sleepy Hollow. The retail and commercial establishments located along the street tend to be small, independent

II. RESPONSES TO DEIS COMMENTS

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businesses focusing on neighborhood and convenience uses that typically draw their customers and clients from the immediate vicinity and the rest of the Village of Sleepy Hollow. The character of Beekman Avenue differs from the eastern portion to the western portion. Moderately priced retail and food establishments dominate the frontages along the eastern portion, while more discount and convenience type stores dominate the western portion.

Beekman Avenue has 30 retail establishments including 13 general merchandise, apparel, furniture and home furnishings, and other merchandise (GAFO) establishments, 12 convenience stores, and 5 bars and restaurants. There are no grocery stores along Beekman Avenue.

The GAFO retailers along Beekman Avenue tend to be on the low to moderate end in price points. Miscellaneous retail, including cell phone stores, sporting goods, and gifts, represents 14 percent of the frontages, with 8 operating establishments. The survey identified only two clothing stores, both of which were deep discount stores.

The 12 convenience stores include 10 food stores, which are a mix of delis (some with limited outdoor seating), fast food establishments, a liquor store, and a small local pharmacy. Other categories with a significant presence include business services (11 storefronts); personal services (8 storefronts). At the time of the field survey, there were four vacancies along Beekman Avenue, representing approximately 3,680 square feet of space, and a vacancy rate of 7 percent. Vacancies in the 5 to 10 percent range are considered healthy by retail industry standards.

The anchor tenants along Beekman Avenue include the Sleepy Hollow Post Office and the Sleepy Hollow Bank. There were no retail anchor tenants identified on Beekman Avenue.

In the Applicant's opinion, the potential impacts from the proposed FEIS project to Beekman Avenue retail are minimal. Given the spatial layout of Beekman Avenue, predominantly ground floor retail with office or residential uses above, and the convenience-oriented nature of the existing retail, Beekman Avenue will continue to have a strong neighborhood consumer base. Due to the lack of a grocery store in the Beekman Avenue corridor, residents shop for groceries outside of Beekman Avenue, mostly at the C-Town located southeast

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.C · Socioeconomic Conditions

of the corridor on Broadway, according to an official at the Sleepy Hollow Chamber of Commerce. Therefore, the potential impact of a food store at the project site would be minimal.

There are no retailers on Beekman Avenue selling general merchandise in the moderate to high price point range, particularly apparel. According to an official at the Sleepy Hollow Chamber of Commerce, the lack of apparel retail along the corridor has led many residents to shop for apparel outside the neighborhood. Therefore, it is unlikely that the presence of such retailers at the proposed FEIS project would have a negative impact on the Beekman Avenue corridor.

It should be noted that the results of the supplementary approach are consistent with the original findings of the market analysis in Section I of the DEIS document indicating that the proposed project is not expected to result in adverse impacts to the commercial corridors, including existing businesses on Beekman Avenue.

The Applicant's socioeconomic consultant projects that the additional visitors, residents, and office employees at the proposed project site may potentially have a positive impact on businesses in the Beekman Avenue corridor.

The Applicant is amenable to working with the Village to evaluate potential off-street parking locations to replace on-street spaces proposed to be removed to improve existing traffic conditions. The Applicant has proposed to construct based on input from the Village, the off-street replacement surface parking spaces at a 1:1 ratio proximate to the Beekman Avenue Inner Village if an acceptable location(s) is identified by the Village. The Applicant may be asked to provide a financial contribution equal to the cost of constructing replacement surface parking at a 1:1 ratio that would be used to create additional off-street parking in the Inner Village in the future in the event suitable location(s) cannot be identified by the Village. As discussed in Section II.I of this document, traffic generated by residential and commercial components of the FEIS Alternative Plan would be approximately 17.2 percent, 18.0 percent and 14.8 percent less than the DEIS Plan during Weekday AM, Weekday PM, and Saturday Peak Hours, respectively.

II. RESPONSES TO DEIS COMMENTS

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4360

60. The Applicant should provide examples of the contemplated commercial tenant mix for Beekman Place and provide examples of how they have incorporated such tenants into other projects. Fast food uses are not in keeping, in general, with a historic Hudson River community and should be restricted or eliminated from any future retail mix. Zoning ordinance codifications to effect this change should be considered.

The proposed FEIS program includes 132,000 square feet of retail/entertainment uses, which includes 89,000 square feet of retail whose potential tenants may include national and regional retailers and restaurant franchises (23,000 square feet), a 25,000-square foot food market and an 18,000-square foot cinema; 35,000 square feet of office space; a 140-room hotel; and 1,250 residential units.

According to the most recent site plans, ground floor retail is planned for buildings B, C, G, H, L, M, and R along Beekman Place. Building B will have a 25,000-square foot food market and 35,000 square feet of office space; building C will have an 18,000-square foot cinema; building G will have 20,000 square feet of ground floor retail; building H will have 24,000 square feet of ground floor retail; building L will have 20,000 square feet of ground floor retail; building M will have 20,000 square feet of ground floor retail; and building R will have an 140-room hotel with 5,000 square feet of ground floor retail.

There are numerous examples of similar mixed-used projects with retail on ground floors and residential and commercial uses on higher floors that have been successful in other parts of the country.

While actual tenant mix at project completion will reflect market conditions, space layouts and configurations, proximity to complementary retailers, and a host of other factors, the Applicant intends for the 23,000 square feet of restaurant space to be leased by 5 or 6 food service establishments. The Applicant is willing to incorporate design controls on the proposed food service establishments pursuant to the Village's LWRP and consistent with the proposed Design Guidelines presented in Section I of this document. In addition, the Applicant is willing to restrict "drive through" food service establishments.

4361

61. With the now contemplated inclusion of 5 or 6 new restaurants, plus other stores, including national retailers, the potential effects of the proposed development on immediate and secondary market area (basically the inner village and Tarrytown) should be examined more closely so that the Village has a better understanding of potential impacts.

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The Applicant's socioeconomic consultant conducted a detailed analysis of the proposed FEIS program at the Lighthouse Landing site and its potential impacts on commercial corridors identified in the EIS scope, including Beekman Avenue from Broadway/Route 9 west to River Road, Main Street in Tarrytown and the Route 9 corridor.

The proposed FEIS program will include 132,000 square feet of retail/entertainment uses, which includes 89,000 square feet of retail whose potential tenants may include national and regional retailers and restaurant franchises, a 25,000-square foot food market and an 18,000-square foot fine arts cinema; 35,000 square feet of office space; a 140-room hotel; and 1,250 residential units. While no leases have been formalized, the Applicant's socioeconomic consultant made the conservative assumption that the tenant mix will be representative of all retail categories, such as apparel and accessories; food and beverage; specialty foods and groceries; and miscellaneous retail (e.g. sporting goods, crafts and gifts, jewelry, opticians, etc.).

Specifically, the supplementary analysis incorporates the following: a discussion of retail vacancy rates; tenant mix by merchandise category; the shopping areas' customer base; and other issues related to the potential impact of the Lighthouse Landing project.

The area referred to as the inner village falls within the boundaries of the Beekman Avenue and Route 9 commercial corridors as identified in the EIS scope. According to Sleepy Hollow Village officials, the inner Village is that area which is bounded by the Phillipsburg Manor Restoration to the north, eastward to Route 9, to the south the southern border of the Village of Sleepy Hollow which runs through Patriot's Park at about Wildey Street, and westward to the River.

Beekman Avenue connects Route 9, the primary north-south artery in the study area, to the Lighthouse Landing site, a distance of approximately two-thirds of a mile. The eastern portion of Beekman Avenue, approximately 1500 feet in length, with historic storefronts facing onto the sidewalk (some with commercial and/or residential units above), serves as the traditional pedestrian-oriented main street of the Village of Sleepy Hollow. The retail and commercial establishments located along the street tend to be small, independent businesses focusing on neighborhood and convenience uses that typically draw their customers and clients from the immediate vicinity

II. RESPONSES TO DEIS COMMENTS

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and the rest of the Village of Sleepy Hollow. The character of Beekman Avenue differs from the eastern portion to the western portion. Moderately priced retail and food establishments dominate the frontages along the eastern portion, while more discount and convenience type stores dominate the western portion.

Beekman Avenue had 30 retail establishments including 13 general merchandise, apparel, furniture and home furnishings, and other merchandise (GAFO) establishments, 12 convenience stores, and 5 bars and restaurants. There are no grocery stores along Beekman Avenue.

The anchor tenants along Beekman Avenue include the Sleepy Hollow Post Office and the Sleepy Hollow Bank. There were no retail anchor tenants identified on Beekman Avenue.

The potential impacts from the proposed FEIS project to Beekman Avenue retail are minimal. Given the spatial layout of Beekman Avenue, predominantly ground floor retail with office or residential uses above, and the convenience-oriented nature of the existing retail, Beekman Avenue will continue to have a strong neighborhood consumer base. Due to the lack of a grocery store in the Beekman Avenue corridor, residents shop for groceries outside of Beekman Avenue, mostly at the C-Town located southeast of the corridor on Broadway, according to an official at the Sleepy Hollow Chamber of Commerce. Therefore, the potential impact of a food store at the project site would be minimal.

There are no retailers on Beekman Avenue selling general merchandise in the moderate to high price point range, particularly apparel. According to an official at the Sleepy Hollow Chamber of Commerce, the lack of apparel retail along the corridor has led many residents to shop for apparel outside the neighborhood. Therefore, it is unlikely that the presence of such retailers at the proposed FEIS project would have a negative impact on the Beekman Avenue corridor.

Main Street captures much of Tarrytown's middle to upper income retail spending in its commercial corridor. Main Street, to the west of Route 9, is Tarrytown's village center, consists of historic storefronts facing the street. Clusters of food/dining/entertainment

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establishments, as well as antique shops, are concentrated in the length of three blocks and serve as the major retail draws for the street. Residential uses are located at the west of Baylis Court on the north side of the street and west of a large YMCA building on the south side of the street.

Main Street has 44 retail establishments including 22 general merchandise, apparel, furniture and home furnishings, and other merchandise establishments (GAFO), 10 grocery and convenience stores, and 9 eating and drinking places. There is a string of antique/jewelry stores located along Main Street. This clustering of similar uses suggests that the street has emerged as a destination for antiques shoppers and diners who would be drawn from a wider area than would normally be drawn to the otherwise locally-serving downtown. The GAFO retailers along Main Street tend to be on the moderate to high end in price points. Miscellaneous retail, including gift, novelty & souvenir shops, represents 26 percent of the frontages, with 16 operating establishments. The survey identified only one clothing store, which had high price points. The 10 grocery and convenience stores include 8 food stores, which include a coffee shop, a mix of delis, cafes, small groceries, fast food establishments, and one liquor store. The eating and drinking places located along Main Street include eight local restaurants and one bar. Other categories with a significant presence include business services (8 storefronts). There was one vacancy along Main Street, representing approximately 2,009 square feet of space, and a vacancy rate of 2 percent, considered very healthy by industry standards.

The concentration of antique/jewelry stores and restaurant clusters along Main Street serve as anchors for this retail corridor. Additionally, there are a number of significant community attractions along Main Street. These community venues include the Family YMCA at Tarrytown and the Chamber of Commerce in Tarrytown. In addition, the Tarrytown Music Hall, a national historic landmark and one of the oldest theatres in Westchester County, is a strong community and entertainment venue on Main Street. Besides serving as a venue for movies and comedy, music, and dance performances, the Tarrytown Music Hall holds holiday shows, community, and school events. Together these three uses serve as a community anchor along Main Street.

Potential impacts from the proposed FEIS project to Main Street business district are minimal. Given the numerous antique/jewelry

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stores and clusters of local restaurants, Main Street is expected to continue to have a strong regional and local consumer base. The proposed FEIS project might potentially affect common retail uses such as Main Street's hardware store, which the Applicant's socioeconomic consultant does not anticipate resulting in negative conditions. It is not anticipated that the program at the proposed project will include a hardware store. Therefore, the Applicant's socioeconomic consultant does not anticipate any resulting in negative impact on Main Street's hardware store.

Route 9 is primarily an auto-oriented commercial corridor. This is particularly evident north of Beekman Avenue, where gas stations line the southbound side of the roadway. The northbound side of the roadway includes a veterinary hospital and a professional office building.

To the south of Beekman Avenue is a combination of large single family homes converted to commercial uses, moderately-sized multifamily residential buildings, and institutional uses, including the Sleepy Hollow High School and Middle School, and the Church of the Immaculate Conception.

Route 9 has 46 retail establishments, 29 business and personal services establishments. In terms of retail storefronts, the dominant merchandise category is automobile-oriented establishments with 12 establishments representing 15 percent of the total inventory. The automobile-oriented establishments located on Route 9 include a limo service business. There are 16 retail establishments that are categorized as GAFO, which for the most part are located on Route 9 south of Beekman Avenue in an area that is pedestrian-friendly with limited metered on-street parking. Eating and drinking establishments, represent 13 percent of the storefronts with 10 operating establishments including ethnic food restaurants and a national chain ice cream store. Miscellaneous retail, including sign making shops, and florists represent 12 percent of the frontages, with 9 operating establishments. Other categories with a significant presence include business services (21 storefronts), and personal services (8 storefronts). There are two office buildings that were recently added to the corridor. At the time of the field survey, there were three vacancies along Route 9, representing approximately 11,025 square feet of space, and a vacancy rate of 4 percent, considered healthy by industry standards.

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Much of the commercial activity along Route 9 north of Beekman Avenue is dispersed over a large area lacking continuous sidewalks. South of Beekman Avenue Route 9 is a pedestrian friendly corridor with diverse retail offerings. Although there are no readily recognizable anchor tenants along Route 9, Philipsburg Manor, one of the most popular cultural attractions in Westchester County, is located just off Route 9.

Potential impacts from the proposed FEIS project to Route 9 retail will come in the form of increased competition, particularly for food and beverage retailers and services. However, the Applicant's socioeconomic consultant does not anticipate that the proposed FEIS project will result in negative conditions in the Route 9 corridor.

In addition, the DEIS market study projected sufficient demand for retail in the project trade area. Within the five-mile trade area, the amount of retail space that can be supported at the Lighthouse Landing site is approximately 210,000 square feet; it is expected that future residents and office employees at the project site could potentially support an additional 27,000 square feet of retail, for a total of 237,000 square feet of supportable retail space, significantly more than the 132,000 square feet that is programmed. Please refer to DEIS Appendix Section C for more detailed analysis of retail demand.

It should be noted that the results of the supplementary approach are consistent with the original findings of the market analysis in Section I of the DEIS document indicating that the proposed project is not expected to result in adverse impacts to the commercial corridors, including existing businesses in the commercial corridors described above.

Please refer to FEIS Appendix 4B, Section III: Findings of Commercial Character Assessment by Retail Concentration, for a more detailed description of the potential impacts of the FEIS Proposed Action.

4805

5. Insufficient data has been provided to determine the feasibility of obtaining a sufficiently different retail tenant mix so as not to have a negative impact on the existing Sleepy Hollow and Tarrytown retail tenants as indicated in Section III.C.3.d.(3) of the DEIS.

II. RESPONSES TO DEIS COMMENTS

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In addition, Section III.C.4.a. identifies several potential mitigation measures for the retail use in the area, such as creating a tenant mix where the majority of retailers will be “national, regional and local chains, rather than independently-owned neighborhood-serving retailers”, “creating a link between Lighthouse Landing and Beekman Avenue”, streetscape improvements along Beekman Avenue, and reinvestment in storefronts, awnings and signage, low-interest loans, an initiative to promote food-related businesses on Beekman Avenue as a means for developing an “anchor” identify for the area. While these concepts are generally viewed as logical and likely to help minimize negative impacts on the local retail industry, RESG has identified two key areas of concern:

A. With minimal visibility of the Proposed Development due to its location on tertiary roadways and the nearest egress from the I-287/I-87 highways approximately 2.4 miles south, the Project may have difficulty attracting the number and types of national and regional chain retailers assumed as tenants in the DEIS analysis.

B. The developer does not proposed to cover the costs associated with creating the link between Lighthouse Landing and Beekman Avenue, streetscape improvements along Beekman Avenue, reinvestment in storefronts, awnings and signage, and promotion initiative for the food-related businesses on Beekman Avenue. In addition, the impact of these costs on the local municipality and private property owners have not been captured in the DEIS.

The proposed FEIS program will include 132,000 square feet of retail/entertainment uses, which includes 89,000 square feet of retail whose potential tenants may include national and regional retailers and restaurant franchises (23,000 square feet), a 25,000-square foot food market and an 18,000-square foot cinema; 35,000 square feet of office space; a 140-room hotel; and 1,250 residential units.

Based on the above program, the Applicant’s socioeconomic consultant conducted a detailed analysis of the proposed FEIS program and its potential impacts on commercial corridors identified in the EIS scope, including Beekman Avenue from Broadway/Route 9 west to River Road, Main Street in Tarrytown and the Route 9 corridor.

While no leases have been formalized, the Applicant’s socioeconomic consultant made the conservative assumption that the tenant mix will be representative of all retail categories. Specifically, the supplementary analysis incorporates the following: a discussion of retail vacancy rates; tenant mix by merchandise category; the shopping areas’ customer base; and other issues related to the potential impact of the FEIS Proposed Action.

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As described above in the response to Comment 4361, it should be noted that the results of the supplementary approach are consistent with the original findings of the market analysis in Section I of the DEIS document indicating that the proposed project is not expected to result in adverse impacts to the commercial corridors, including existing businesses in the commercial corridors described above.

As described in the DEIS, the Applicant's socioeconomic consultant projects that the FEIS Proposed Action will not have any negative impacts on existing businesses in the Beekman Avenue corridor. The measures described in Section III.4.C.a were recommendations to improve and enhance the Beekman Avenue commercial corridor, and were not intended as mitigation measures.

The DEIS market study projected sufficient demand for retail in the Lighthouse Landing trade area. Within the five-mile trade area, the amount of retail space that can be supported at the Lighthouse Landing site is approximately 210,000 square feet; it is expected that future residents and office employees at the project site could potentially support an additional 27,000 square feet of retail, for a total of 237,000 square feet of supportable retail space, significantly more than the 132,000 square feet that is programmed. Please refer to DEIS Appendix Section C for more detailed analysis of retail demand.

While retailers typically take into account a host of factors in making locational decisions, including transportation access, the retail spending potential described above is a key factor that induces retailers to locate to a specific site.

5705

5. Impact on downtowns

With 90,000 sq. ft. of retail or less the retail shopping at Lighthouse Landing would primarily serve the residents and would not unduly compete with existing downtowns. A mixed use development, including retail should be encouraged but the retail component should serve primarily neighborhood needs.

Comment noted. The proposed FEIS program is a mixed-use development with 132,000 square feet of retail/entertainment uses, which includes 89,000 square feet of retail whose potential tenants may include national and regional retailers and restaurant franchises (23,000 square feet), a 25,000-square foot food market and an 18,000-square foot cinema; 35,000 square feet of office space; a 140-room hotel; and 1,250 residential units.

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While no leases have been formalized, the Applicant intends to lease the retail space with tenants that will serve existing and future residents, office-workers, and visitors. However the final tenant mix at project completion will ultimately depend on a variety of factors, including market conditions, space layouts and configurations, proximity to complementary retailers, etc.

6519

6. RETAIL COMPONENT

The draft EIS states that the types of retailers planned for Lighthouse Landing will be significantly different than those currently operating in the immediate area. The majority of the new retailers are described as being national, regional and local chains rather than independently-owned neighborhood retailers such as those now found along Beekman Avenue, Main Street and Route 9. The draft EIS states that because of this proposed retail mix, the development of Light Landing is not anticipated to have a negative impact on the commercial character of the immediate area. It is also significant to note that all of the proposed retail use is shown to be located along the new Beekman Place. Both the EIS description of the proposed retailers and the site plan location of the retail space fit the overall outline of a shopping mall proposal. This raises questions that should be further explored as the establishment of a retail magnet could present inconsistencies with other parts of the EIS analysis. Stores should be built and designed in flexible modular components that will provide the greatest options in the future if the concept of national chain stores is not successful or in the converse allows for the expansion of those stores that succeed without redesigning or rebuilding.

The proposed Lighthouse Landing project site consists of three parcels flanking the east and west sides of the Metro-North railroad tracks, located at the western terminus of Beekman Avenue adjacent to the Hudson River. The project itself has been designed as a mixed-use waterfront project, which is unlike a shopping mall.

The proposed FEIS program will include 132,000 square feet of retail/entertainment uses, which includes 89,000 square feet of retail whose potential tenants may include national and regional retailers and restaurant franchises (23,000 square feet), a 25,000-square foot food market and an 18,000-square foot cinema; 35,000 square feet of office space; a 140-room hotel; and 1,250 residential units.

The FEIS Proposed Action has been planned as a vibrant mixed-use place with residential, retail, and commercial office uses, which is significantly different from traditional shopping mall layouts, which are predominantly single-or multi-level retail. According to the most recent site plans, ground floor retail is planned for buildings B, C, G,

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H, L, M, and R along Beckman Place. Building B will have a 25,000-square foot food market and 35,000 square feet of office space; building C will have an 18,000-square foot cinema; building G will have 20,000 square feet of ground floor retail; building H will have 24,000 square feet of ground floor retail; building L will have 20,000 square feet of ground floor retail; building M will have 20,000 square feet of ground floor retail; and building R will have an 140-room hotel with 5,000 square feet of ground floor retail.

The DEIS market study projected sufficient demand for retail in the project trade area. Within the five-mile trade area, the amount of retail space that can be supported at the Lighthouse Landing site is approximately 210,000 square feet; it is expected that future residents and office employees at the project site could potentially support an additional 27,000 square feet of retail, for a total of 237,000 square feet of supportable retail space, significantly more than the 132,000 square feet that is programmed. Please refer to DEIS Appendix Section C for more detailed analysis of retail demand.

The Applicant's socioeconomic consultant conducted a commercial character assessment as part of the FEIS, that included a comprehensive survey of all establishments in the commercial corridors identified in the EIS scope, to evaluate potential impacts to existing area from the FEIS Proposed Action.

Based on the commercial character assessment (described above in response to Comment 4361 and detailed in Appendix III), the Applicant's socioeconomic consultant anticipates that the FEIS Proposed Action will not have any adverse impacts on existing commercial corridors.

While final tenant mix at project completion will ultimately depend on a variety of factors, including market conditions, space layouts and configurations, proximity to complementary retailers, the Applicant intends to lease the retail space to tenants that will serve existing and future residents, office-workers, and visitors.

6520

a. Market area for proposed retailers – The draft EIS traffic study states that “45% of the retail traffic would originate from on-site during the peak AM and peak PM hours and 44% of the retail traffic would originate from on-site during peak Saturday hour.” This statement may or may not conflict with

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another observation in the draft EIS that the mix of retailers will include a substantial portion of higher order goods and services, which presumably draw from a larger geographical area. While a final tenant mix for project is not determined, the draft EIS indicates that the project will likely include several tenants often considered destination anchors including a 26,000 square foot market, a 24,000 square foot multi-screen cinema and a 20,000 square foot bookstore. In addition, approximately 40,000 to 50,000 square feet will be devoted to national, regional and local restaurants. Much of the remaining space will be targeted toward retailers selling apparel and accessories, gifts and home furnishings. Most of these uses could be expected to draw customers from neighboring towns and villages.

As the types of retail establishments that are proposed become more defined, the applicant should clarify more precisely the types of retail tenants which are proposed. The final retail mix will ultimately determine a substantial portion of the traffic that will be generated, as well as the ability of the retail portion to meet the needs of local residents without requiring them to make a vehicular trip.

The proposed FEIS program will include 132,000 square feet of retail/entertainment uses, which includes 89,000 square feet of retail whose potential tenants may include national and regional retailers and restaurant franchises (23,000 square feet), a 25,000-square foot food market and an 18,000-square foot cinema; 35,000 square feet of office space; a 140-room hotel; and 1,250 residential units. While final tenant mix at project completion will ultimately depend on a variety of factors, including market conditions, space layouts and configurations, proximity to complementary retailers, the Applicant intends to lease the retail space to tenants that will serve existing and future residents, office-workers, and visitors.

The Applicant's socioeconomic consultant agrees that the retail traffic to the project site will depend on a number of factors, including the retail offerings at the proposed project, availability of similar or different offerings in other parts of the market area, typical routes used by existing residents, etc.

For example, the proposed 25,000 square feet food market will draw customers from the nearby geographical area, and will likely draw a substantial portion of its sales from residents of the FEIS proposed project itself. The 18,000 square fee, 3-screen fine arts cinema on the other hand would likely draw most of its viewers during weekday evenings and weekends.

6522

c. Relationship to existing commercial uses – While the presence of national chain retailers may serve to compliment the existing businesses in the Village, they could also have an opposite effect, depending on the types of goods and

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services offered. As this project moves through the approval process, careful attention should be paid to the types of retailers to ensure that they do not undercut existing businesses.

In addition, page III.C-20 of the draft EIS offers several ideas as to how the Village could integrate its existing Beekman Avenue retail district into the new development. As it stands now, this text serves as advice and not a description of action that the applicant can take to ensure integration. The Village should consider requiring the applicant to help make some of these ideas a reality through financial or other assistance.

The proposed FEIS program will include 132,000 square feet of retail/entertainment uses, which includes 89,000 square feet of retail whose potential tenants may include national and regional retailers and restaurant franchises (23,000 square feet), a 25,000-square foot food market and an 18,000-square foot cinema; 35,000 square feet of office space; a 140-room hotel; and 1,250 residential units.

The Applicant's socioeconomic consultant agrees that the tenant mix at the proposed project could potentially impact existing businesses in the area, both positively and adversely. To evaluate these potential impacts, the Applicant's socioeconomic consultant conducted a detailed analysis of the proposed FEIS program at the Lighthouse Landing site and its potential impacts on commercial corridors identified in the EIS scope, including Beekman Avenue from Broadway/Route 9 west to River Road, Main Street in Tarrytown and the Route 9 corridor.

Specifically, the supplementary analysis incorporates the following: a discussion of retail vacancy rates; tenant mix by merchandise category; the shopping areas' customer base; and other issues related to the potential impact of the Lighthouse Landing project.

As described in the DEIS, the Applicant's socioeconomic consultant projects that by 2009 there will be sufficient demand to support all existing retail facilities, proposed expansions, and FEIS Proposed Action.

It should be noted that the results of the supplementary approach are consistent with the original findings of the market analysis in Section I of the DEIS document indicating that the proposed project is not expected to result in adverse impacts to the commercial corridors, including existing businesses in the commercial corridors described

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above.

Please refer to DEIS Appendix Section III: Findings of Commercial Character Assessment by Retail Concentration, for a more detailed description of the potential impacts of the FEIS Proposed Action.

PH5402

I would like to say we've got the Beekman Avenue and the Gateway to our Community and I would like to ask you while you are here doing whatever you are going to be doing down there to strongly look at what you can do with Beekman Avenue.

Comment noted. As described in the DEIS, the Applicant's socioeconomic consultant projects that by 2009 there will be sufficient demand to support all existing retail facilities, proposed expansions, and FEIS Alternative Plan. Additionally, it is expected that the development of Beekman Place will positively add to the Beekman Avenue corridor.

The Applicant's socioeconomic consultant also outlined in DEIS Section III.C several strategies for businesses in the Beekman Avenue corridor to take advantage of the increased commercial activity induced by the Lighthouse Landing project. The Applicant is supportive of the Village's initiatives to strengthen the economic vitality of the Beekman Avenue corridor and its existing retailers, and would be willing to participate in assisting the Village in future efforts.

During the FEIS, the Applicant's socioeconomic consultant conducted a detailed analysis of the proposed FEIS program at the project site and its potential impacts on commercial corridors identified in the EIS scope, including Beekman Avenue from Broadway/Route 9 west to River Road.

Specifically, the supplementary analysis incorporates the following: a discussion of retail vacancy rates; tenant mix by merchandise category; the shopping areas' customer base; and other issues related to the potential impact of the proposed FEIS project.

It should be noted that the results of the supplementary approach are consistent with the original findings of the market analysis in Section I of the DEIS document indicating that the proposed project is not expected to result in adverse impacts to the commercial corridors, including existing businesses in the commercial corridors described above. Please refer to DEIS Appendix Section III: Findings of

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Commercial Character Assessment by Retail Concentration, which describes the potential impacts of the Proposed Action.

AFFORDABLE HOUSING

4358 58. The Village is currently in the process of reviewing a 65-unit affordable senior housing proposal. Since some of the need for senior housing will be satisfied by this other project, the Lighthouse Landing mix should be adjusted to include a different mix of affordable units, with more non-senior households.

6525 9. AFFORDABLE HOUSING

The inclusion of 100 senior affordable units as part of this proposal is commendable. The draft EIS also states that 21 of the condominium units will be “offered with pricing incentives for local public employees and volunteer fire fighters and local ambulance corps members,” however no further definition of “pricing incentives” is given. The Village and applicant should consider making these units comply with Westchester County’s affordable housing guidelines so that they will stay affordable for successive generations.

PH5304

Last and certainly not least, the senior have been given the consideration for 100 affordable units and absolutely, rightfully so. Our Village employees have also been respectfully taken into consideration for affordable units and that is also affordable. ...

This list, however, is not all inclusive from my perspective. ...

But, you know, what I would ask is that a number of affordable housing be in a lottery, fair housing lottery or something of its kind for native residents who meet reasonable guidelines.

Under the FEIS Alternative Plan, the Applicant will provide 61 affordable rental units consisting of 21 Village workforce rental units available to local public employees and volunteers, and 40 affordable senior rental units both in conformance with Westchester County affordability guidelines at 80 percent of the County’s median income. The affordable units will be distributed throughout the rental buildings. The Village of Sleepy Hollow will determine how these affordable units are to be allocated.

PILOT

4359 59. The Applicant should indicate if, and for what elements of the project, a PILOT is being considered. How would this potentially affect sales tax projections?

PM1807

Another thing that disturbs me, Section III, Page C-17, they talk about a

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PILOT. We have been waiting all these years to develop the site so it would be ratable. We would get tax revenue. How a PILOT gets into this, I don't know. But we should not stand for a PILOT ever again on that property.

PH5003

One more point on the lack of complying with the scoping document. On page – I don't have the page number but anyway, when it relates to the physical impacts to the Village, the school district and the Town of Mount Pleasant and Westchester County, the scoping document calls for a description of the role of the town, the county industrial development agencies in the project and including any potential use of payment in lieu of taxes. There is no clear description how those entities are going to finance this project. And this is very important because GM has not explained whether the ownership of the property when or how the ownership of this property will shift back to GM and perhaps you don't know this but the owner of record of this site is actually the IDA, the Industrial Development Authority of the Town of Mount Pleasant. And that's still the case.

So we believe that it's important that the DEIS explains very, in layman's terms how that fits into the financing of the project because the, one of the most important things in this practice is to find out really what's going to be the burden on this Village and district, the school district as a whole.

Under the New York Industrial Development Agency Act, all components of the Project except for the "for-sale" housing are eligible for financial assistance from an industrial development agency. The financial assistance would be in the forms of exemptions from mortgage recording tax and sales tax in connection with the construction and equipping of the qualified components. The sales tax exemption would be for tax that would otherwise be incurred by the Applicant in connection with the construction of the qualified components of the Project, and would not extend to sales tax which may be due in the ordinary course of business from the hotel, retailers, restaurants and other commercial tenants.

To be eligible for the exemptions, the qualified portions of Lighthouse Landing must become a "project" of the agency. Since projects of an industrial development agency are exempt from the payment of real property taxes under State law, the Applicant would be required to enter into a PILOT agreement with the agency. Although no discussions have yet been held with any agency, the Applicant anticipates that the PILOT agreement would require the Applicant to make payments in lieu of taxes equal to the amount of taxes that would otherwise have been paid if the Project was not tax exempt.

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REVENUES FROM ON-STREET AND COMMUTER PARKING SPACES

4362

62. The Applicant needs to work with the Village to provide locations of on-street parking meters and an analysis of the project revenues. Additionally, revenues for the proposed commuter lot should be projected and allocated to the Village as a potential positive economic impact.

According to information provided by Village of Sleepy Hollow representatives, the total number of on-street metered parking spaces within the Village in 2004 was 350. Total net annual revenue (after administrative expenses) generated by the on-street parking meters amounted to \$67,000, thus averaging out to \$191.43 per meter annually. The FEIS Alternative Plan contains a total of approximately 455 on-street spaces of which approximately 230 are proposed for metering in the vicinity of Beekman Place, Road A and Road One along the riverfront park. Assuming these 230 spaces are metered with hourly parking rates similar to existing metered spaces in the Village, the additional revenue generated by the proposed on-site parking meters would be estimated at approximately \$44,000 annually.

As currently proposed, the Applicant would own, operate and maintain the 550-space commuter/resident parking lot. In addition, the Applicant would determine the parking payment methods for the proposed commuter/resident parking lot. In terms of a management plan for the parking lot, the Applicant would provide for cleaning and maintenance of the lot on an ongoing basis at intervals sufficient to ensure a clean, well kept and attractive facility. Potential parking payment methods for the lot include, but would not be limited to, meters for long-term daily use and/or annual parking permits. Although identification of specific parking rates for resident and non-resident users is premature at this time, said rates are anticipated to be generally similar to other parking facilities in the Villages of Sleepy Hollow and Tarrytown. Currently, meter rates in Sleepy Hollow are 25 cents for 30 minutes. Parking permits at the Philipse Manor train station are available to Sleepy Hollow residents only at a cost of \$240 annually. Parking permits at the Tarrytown station are available to Village of Tarrytown residents at a cost of \$175 annually, and to non-residents at \$950 per year.

TECHNICAL ASSUMPTIONS FOR FISCAL ANALYSIS

4802

2. No differentiation for unit size and configuration is utilized within the

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analysis of residential rental rates and sale prices per square foot. Unit size and configuration (especially relating to the number of bedrooms) are typically important factors in determining rental rates and sales prices. Since rental rates and sales prices ultimately influence various revenue estimates within the Net Fiscal Impact Analysis, these assumptions should be substantiated and possibly refined based on additional market data and analysis. This differentiation is especially important when comparing the various alternatives currently and potentially under consideration for Project densities and unit mixes since the results of the analysis will provide estimates of potential revenues to the Village and will impact public costs.

The fiscal impact analysis does differentiate in the sales price and values of the different units. For instance, in the FEIS fiscal analysis the for-sale homes are estimated to sell for \$450 per square foot. Therefore, a one-bedroom condo (averaging 875 square feet) is estimated to sell for \$393,750, while a two-bedroom condo (averaging 1,225 square feet) is estimated to sell for \$551,250. Different size rental units are similarly differentiated as to income and value. The market rental for the apartments contemplated for Lighthouse Landing is \$34 per square foot annually. Therefore, a two-bedroom apartment (averaging 1,100 square feet) is estimated to rent for \$37,400 per year, while a three-bedroom apartment (averaging 1,275 square feet) is estimated to rent for \$43,350 annually. These varying rents translate into varying estimated values.

4803

3. Various inconsistencies were found among interrelated assumptions within Appendix 7: Economic Reports. Such inconsistencies should be clarified and are identified as follows:

- Average retail sales volumes of \$200 per square foot are assumed for the retail space when estimating sales tax revenue generated by the retail component in Appendix 7A (detailed in fax from David Listokin dated January 19, 2005).
- However, tables 13, 15 and 16 of Appendix 7C assume \$350 per square foot.
- In addition, it is unclear how the estimated retail sales volumes relate to the estimated retail rental rate of \$25 per square foot presented in Exhibit 1 of Appendix 7A (page 41 of Appendix 7 C indicates that a retail industry rule-of-thumb is that retail sales equal ten times the rent per square foot (implying an average retail sales volume of \$250 per square foot).

Since the assumptions and rules-of-thumb identified above are interrelated, the lack of consistency among them may have various implications, including timing of development, project financial feasibility, and the estimated net fiscal impact. Therefore, these assumptions should be substantial and possibly refined based on additional market data and analysis.

4804

4. Estimates of rental rates, sale prices, occupancy rates, operating expenses, and absorption for each of the proposed uses are supported only by general secondary market data without adequate analysis of potential competition in the market or the impact of specific site characteristics of the Proposed

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Development (i.e. location, access, visibility, view, condition, quality, and amenities). Although (as a proposed project) certain elements of the design and configuration of the Proposed Development remain uncertain, a full market analysis should be provided to support the rent and phasing assumptions which impact the estimated revenues to the Village and other jurisdictions. Therefore, it is recommended that additional information be provided concerning the potential impact of competitive projects in the primary market areas, as well as the impact of known site characteristics on the operation of each use, the estimated rent levels and timing of absorption.

4811

Appendix 7A – Unclear why the retail sales volume is estimated at an average of \$200 per square foot for purposes of estimating sales tax revenues, while retail rents are estimated at \$25 per square foot for purposes of estimating market value. In addition, Appendix 7C p. 41 indicates that sales volumes should be approximately 10 times the rent per square foot. Finally, Appendix 7C estimates average retail sales volume of \$350 per SF (Tables, 13, 15 and 16).

4812

Appendix 7A – Appendix 7C indicates that retail sales volume of \$350 per square foot is required to warrant new construction. This is much less than the \$200 per SF estimated for purposes of estimating sales tax revenue. Support should be provided indicating that the project is feasible. Similarly office and hotel components should be proven feasible.

Retail sales productivity – sales per square foot of leasable retail space – is a metric commonly used in retail market analysis to convert trade area spending potential into supportable square footage. This is achieved by dividing trade area spending potential by a reasonable estimate of existing or potential trade area retail sales per square foot.

Sales productivity figures shown in the DEIS reflect data found in the Urban Land Institute's *Dollars & Cents of Shopping Centers: 2004*. This is the 16th edition of an analytical report that has been published since 1960. Since 1998, updates to *Dollars & Cents* have been published every two years, and as such, the 2004 publication was the most recently available.

Sales productivities shown in the DEIS reflect estimates of projected sales productivities for new shopping centers in the trade area in the build year (2009). Furthermore, the DEIS analysis assumes that new retail projects developed in the DEIS trade area will achieve higher sales productivities than existing facilities.

The Applicant's socioeconomic consultant analyzed the performance of similarly sized community shopping centers in the northeastern region of the U.S. as surveyed by the Urban Land Institute (ULI). In 2004, the median size of community shopping centers in the

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Eastern United States was approximately 200,000 square feet. The median retail sales per square foot for all tenants was \$268 with the average being \$244 per square foot and the upper deciles were \$392.

The Applicant's socioeconomic consultant adjusted the 2004 ULI estimates to account for the following factors:

First, the sales productivity levels of community shopping centers in this region are increasing. Between 2002 and 2004 the median retail sales per square foot increased by 7.4 percent, or over 3 percent per year. The 2004 sales productivities were therefore adjusted upwards to reflect the build year of 2009.

Second, the ULI sales productivity estimates reflect all properties, including older properties that typically tend to yield lower sales per square feet. The Applicant's socioeconomic consultant anticipates that the FEIS proposed project would perform better than its older counterparts.

Third, the estimated \$350 sales productivity level better reflects the sales productivity level that would be seen in the New York City metropolitan region. The ULI survey for Eastern United States includes those in places, which are not as affluent as Westchester County (such as West Virginia, Delaware, parts of New England). It is reasonable to assume that a project in this more affluent area would generate higher sales productivity levels. For purposes of consistency, the fiscal impact analysis and socioeconomic report presented in the DEIS Appendices 7A and 7C both use a retail sales volume of \$350 per square foot.

It is assumed that a 140-room nationally branded hotel will be a part of Lighthouse Landing development. However, as no specific operator has yet been identified, the Applicant's socioeconomic consultant examined the market conditions for both limited-service and full-service hotels. As shown in the DEIS market study, there are five full-service hotels that would compete with the one to be built at the Lighthouse Landing site. These hotels range in size from 250 rooms at the Double Tree Tarrytown to 446 rooms at the Rye Town Hilton. Eight limited-service hotels, containing 1,114 rooms, were identified as being potentially competitive with a limited-service hotel at the Lighthouse Landing site.

Hotel operators familiar with the Westchester County hospitality

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market, and particularly those located along the I-287 corridor, indicate that sustainable occupancy rates for full service hotels ranges between 65 to 70 percent and for limited service between 70 and 75 percent. Demand for hotel rooms is a function of the strength of the national, regional and local economies, as they continue to grow so will demand for hotel rooms. As room night demand continues to strengthen, it is anticipated that average daily room rates will also increase.

The DEIS analysis considered the midpoint of this range, 67.5 percent, as the standard sustainable occupancy rate for Westchester County full service hotels and 72.5 for limited service hotels. Sustainable occupancy is defined as the rate targeted by operators over the long term, typically capturing one or more business cycles, to maintain healthy operations. According to research conducted by the Cornell Center for Hospitality Research, as the market moves above the sustainable occupancy rate, average daily room rates begin to increase, and new construction becomes feasible.

The five full service hotels that would compete with the one to be built at the Lighthouse Landing site had a 12-month moving average occupancy rate that has been above 67.5 percent since May 2003, and as of year-end 2004 was reported at 71 percent. The 12-month moving average occupancy rate for the eight limited service hotels that would compete with Lighthouse Landing has not dipped below 72.5 percent since 1990. The sustainable occupancy rates achieved by the full and limited service hotels analyzed in the DEIS suggest that the necessary conditions exist to make new construction feasible.

The office market around the Lighthouse Landing site, as defined in the DEIS, has approximately 2.3 million square feet of office space. The Lighthouse Landing project proposes to add an additional 35,000 square feet to a market that has experienced strong leasing activity.

Approximately 371,000 square feet of office space was leased in 2004, far greater than 2003 when approximately 140,000 square feet of space was leased. An analysis of large lease transactions in 2004 revealed that activity was driven by a few large deals.

The office market around the Lighthouse Landing site is dominated by Class A space (over 81 percent of total space). Rental rates overall were in excess of \$27, this price being driven primarily by the

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abundance of Class A space, which achieved nearly \$28 per square foot.

Compared to the greater West I-287 Corridor office market, the office market around the Lighthouse Landing site performed well in terms of rent rates, achieving an additional \$3 per square foot on average. Vacancy rates were 13.5 percent in the office market around the Lighthouse Landing site. Class A space has shown a great improvement in terms of vacant space since 2003, reduced by over 20 percentage points from a 35.9 percent vacancy rate.

Within Westchester County, flexible floor areas greatly assist landlords in leasing space. Demand appears to be for floor sizes of approximately 25,000 to 30,000 square feet in area, appealing to larger space users, while at the same time easily divisible to suit smaller space users. According to Cushman Wakefield, while the number of large space users (i.e. leasing over 100,000 square feet of space) is growing in Westchester County, the majority of tenants leasing office space occupy spaces less than 10,000 square feet in size.

This is particularly true of office space users in the office market around the Lighthouse Landing site, which differs from other areas in Westchester County in terms of office product type and existing tenants. Much of the office space in the study area is found in buildings that were once used for housing and have been converted to commercial uses. Occupants of these buildings are typically small professional service providers. It is anticipated that the study area will continue to attract this type of office user in the future. Office-using employment is projected to grown between 2006 and 2020. As shown in the DEIS analysis, approximately 88 percent of additional office-using employment growth is expected from businesses in sectors that employ, on average, 20 people or less.

4806

6. RESG has become aware that at least some of the equalization rates and real property tax rates used in the estimates of Net Fiscal Impact are dated. Any changes in these rates will have an impact on the final results. If cost budgets are updated and tax rates are imputed to account for those changes, this issue may become irrelevant.

The fiscal impact analysis of both the DEIS and this FEIS utilizes public service fiscal parameters as of 2003-04, the latest fiscal information available as of the commencement of the study. The fiscal parameters include public service expenditures (e.g., Village of Sleepy Hollow municipal outlays as of the 2003-04 budget year

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[adopted April 2003] and Tarrytown Union Free School District educational outlays as of the 2004-05 school year [adopted April 2004]) as well as public revenue parameters (e.g., Village and school property tax rates and equalization rates). These expenditures and revenue parameters change annually. What is important is to maintain parity in the expenditure and revenue parameters. Since the fiscal impact study utilizes the expenditure and revenue factors as of 2003-04, all data are maintained as of that same time period. For instance, the property values shown for Lighthouse Landing in the fiscal impact analysis are those as of 2003-04, in order to maintain the desired parity of both expenditure and revenue values.

4807

7. When calculating the impact of Mortgage Recording taxes on the revenues of the Village of Sleepy Hollow and Westchester County, Burchell-Listokin & Associates applies a 2.5% annual turnover ratio to all rental apartments and condominiums, although a 5% annual turnover ratio is applied to townhomes. Data pertaining to turnover ratios, such as those available from the census pertaining to average length of residence, should be used to support these assumptions. In addition, any difference in rollover ratios between the unit types (if any) should be explained, since any difference between assumptions applied to different unit types will create different net fiscal impact results in comparison to other unit types.

Calculation of a turnover rate in the ownership of a housing unit can be difficult. Some data are available on the turnover of households in a unit, which provides a rough proxy, at least in the instance of owned housing. The following data on household turnover are presented for occupied housing units in Westchester County as monitored by the 2000 Census.

YEAR HOUSEHOLDER MOVED INTO UNIT, WESTCHESTER COUNTY

	Percentage (%)	Cumulative Percentage (%)
Total		
<u>Owner-occupied</u>		
Moved in 1999 to March 2000	8.2	8.2
Moved in 1995 to 1998	22.0	30.2
Moved in 1990 to 1994	15.7	46.0
Moved in 1980 to 1989	20.8	66.8
Moved in 1970 to 1979	15.7	82.5
Moved in 1969 or earlier	17.5	100.0
Total	100.0	
<u>Renter-occupied</u>		
Moved in 1999 to March 2000	22.6	22.6
Moved in 1995 to 1998	35.6	58.2
Moved in 1990 to 1994	15.7	73.9
Moved in 1980 to 1989	12.2	86.1
Moved in 1970 to 1979	8.1	94.2

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Moved in 1969 or earlier	5.8	100.0
Total	100.0	
<u>All Units</u>		
Moved in 1999 to March 2000	13.9	13.9
Moved in 1995 to 1998	27.4	41.4
Moved in 1990 to 1994	15.7	57.1
Moved in 1980 to 1989	17.4	74.5
Moved in 1970 to 1979	12.7	87.2
Moved in 1969 or earlier	12.8	100.0
Total	100.0	

Source: U.S. Census Bureau, Census 2000

In other words, for all owned housing over a 20-year period, 67 percent of all households moved, or a turnover rate of about 3.4 percent per year. For all rental housing, the turnover rate of households was 4.3 percent per year.

4808

Appendix 7A – Rental rate estimates for Reduced price condos not provided for purposes of estimating Town of Mt. Pleasant Modified Market Value.

The Town of Mount Pleasant modified market value of the reduced price condos was derived using the 1-bedroom reduced-price unit (averaging 875 square feet), as follows:

			DEIS
1.	Market rental		\$34 per square foot per year
2.	Reduced-price housing unit rental equivalent	$(1 \times .85)^a$	\$28.90 per square foot per year
3.	Total annual gross annual rental income	$(\$28.90 \times 875 \text{ ft.}^2)$	\$25,288
4.	Net annual income ^b	$(3 \times .95)$	\$24,024
5.	Net income after expenses ^b	$(4 \times .7)$	\$16,817
6.	Capitalized value of net income after expenses ^b	$(5 \div .115)$	\$146,235

Notes:

- a. Since the for-sale reduced-price condo units in the DEIS were slated to sell for 85 percent of the full market price, the same 85 percent factor was applied to the rental-income equivalent.
- b. See page 76 in Appendix 7.A.

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4809

Appendix 7 A – Unclear whether the impact of inflation is included in the estimates.

Inflation is not factored into the estimates of either public service expenditures or public service revenues. Over time, public expense will increase as salary, capital, and other outlays will increase. In tandem, public revenues in the form of higher property taxes, fees for services, and other sources of public income will also increase. Over the many-year build out of Lighthouse Landing, one cannot accurately predict the inflation level in both public expenditures and public revenues. Instead, the fiscal impact analysis incorporates what we can be confident of: the most recent available data for public expenditures and matched public revenues (see response to Comment 4806 herein).

4810

Appendix 7A – Estimates of incremental sales tax revenue to Westchester County towns and villages is \$186k based on assumptions provided, rather than \$212k stated on 1/19 fax.

As stated in a memorandum prepared by Burchell & Listokin LLC, sent to Real Estate Solutions on February 28, 2005:

The \$28,744 difference (\$215,181 minus \$186,437) is attributable to sales tax from the hotel, calculated as follows:

150:	Hotel rooms
x \$125:	Average room rate
x 365:	Days a year
x .7:	Occupancy rate
x .006:	Tax rate (town and village share)

\$28,744

4813

Appendix 7A – Pricing for condominium flats and townhomes is estimated at an average of \$350 per square foot (or \$34 per square foot as a rental for Mt. Pleasant valuation). This does not allow for the accurate measurement of the impact from different unit mixes.

The various units differ in value (and rental equivalent) based on their variation in size. The 1-, 2-, and 3-bedroom condominiums in the DEIS average 875, 1,255, and 1,400 square feet, respectively. The town homes varied in size from 2,250 square feet (for the “A” unit) to 3,350 square feet (for the “D” unit).

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4814

Appendix 7A – 1/19 fax, p. 2/5. Mortgage recording tax. Appendix 7A, p.83 says residential turnover rate is 0.5, not .025 used in 1/19 fax. (The footnote on p.83 says ½ of the turnover rate is applied to RENTAL residential.

Appendix 7.A, p. 83, indicates a residential turnover rate of 0.05 for owned housing units (i.e., an owned unit changes ownership every 20 years) and an even lower turnover rate of 0.025 for rental housing (i.e., a rental unit changes ownership over 40 years). The DEIS applied the 0.05 turnover rate to the Project's "for-sale" town homes. The DEIS, however, applied the lowest turnover rate (0.025) to the "for-sale" units that are not town homes because these units (unlike the town homes) are considered to be more comparable to the rental apartments.

The FEIS fiscal impact analysis essentially factors the same residential turnover rate approach as indicated in the response to Comment 4814 herein except that slightly lower turnover rates (.04 for the owned units and .025 for the rental units) are applied, given the empirical analysis discussed in Comment 4807.

4815

Appendix 7A, Appendix C, Fiscal Impacts by Phase – Assumes that incremental increase in Sleepy Hollow population resulting from the project impacts the redistribution of Sales Tax revenue immediately. This cannot occur until approximately 2012.

As indicated by Real Estate Solutions in correspondence to Burchell & Listokin LLC (1/26/05), the redistribution of sales tax to towns and villages in Westchester County based on population does not occur until new census data is accepted – approximately two years after each decennial census (e.g., 2012 for the 2010 census enumeration). Given this, the sales tax revenue redistributed to the Village of Sleepy Hollow would not change until 2012 despite the fact that Lighthouse Landing would, in fact, increase the Village's population before 2012. In view of the above, the fiscal impact analysis must be sensitive to the actual timing of changes in the sales tax redistribution.

Since the next possible sales tax redistribution will not occur until 2012, the fiscal impact analysis should not credit to the Project added sales tax revenue to the Village of Sleepy Hollow prior to that time. The DEIS did not make this distinction and therefore slightly

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overestimated Project-generated revenues.³ The revised fiscal analysis in this FEIS only credits redistributed sales tax revenues to Sleepy Hollow at the Project's build out.

4816

Appendix 7A – No support is provided for the multiplier per student used in the state aid formula.

Correspondence sent by Burchell & Listokin LLC to Real Estate Solutions on February 28, 2005 detailed the calculation of the state school aid adjustment to the Tarrytown Union Free School District (TUFSD) as a result of Lighthouse Landing (for the DEIS plan). That correspondence indicated that, prior to development of Lighthouse Landing, the TUFSD "Total Wealth Pupil Units TWPU" (TWPU) was 2,856 – a figure obtained from the New York State Department of Education. (TWPU is one of the many factors incorporated in New York State's school aid formula to distribute assistance to local districts.) The 2/28/05 correspondence indicated that, after development of Lighthouse Landing, TUFSD's TWPU was estimated to increase to 3,660. The latter figure was obtained as follows:

1.	Current (pre-development) TUFSD TWPU		2,856
2.	Current (2004-05) TUFSD non-weighted enrollment		2,546
3.	Ratio of TWPU to current enrollment	(1 ÷ 2)	1.12
4.	Estimated pupils generated by Lighthouse Landing (DEIS) [DEIS Appendix 7.A, p. 36]		217
5.	Lighthouse Landing (DEIS) pupil generation in weighted terms	(3 x 4)	243
6.	Estimated trend line (prior observed District historical change) increase in TUFSD TWPU to Project buildout [figure indicated in February 28, 2005 correspondence]		561
7.	Future TUFSD TWPU as a result of Lighthouse Landing (DEIS) and trend line		3,360

³ For example, the DEIS estimated that, at the Project's intermediate phase, Lighthouse Landing would generate \$3,315,115 in total revenues (DEIS, Appendix 7.A, page 119). Deleting the redistributed sales tax revenue from this revenue reduces the total revenue to \$3,165,044, or a reduction of \$150,071.

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The future 3,360 TWPU is then incorporated into the New York State school aid formula (along with other factors, such as “equalized valuation” and “pupil wealth ratios”) in order to calculate how Lighthouse Landing (the DEIS plan) affects TUFSD’s state school aid.

A parallel procedure for calculating the state school aid impact is incorporated in the revised analysis in this FEIS.

4817

Appendix 7A – Assumptions for the non-property tax revenue for Westchester County generated by the hotel component are not clear. Further explanation is required.

The assumptions for the non-property-tax revenues for Westchester County generated by the hotel component of the DEIS plan are as follows:

HOTEL			
Rooms			150
X	\$125 average room cost per night	=	\$18,750
X	365 days/year	=	\$6,843,750
X	0.7 occupancy rate	=	\$4,790,625
X	0.0218 tax rate	=	\$104,436

For the 140-room hotel proposed under the FEIS Alternative Plan, the calculation is as follows:

HOTEL			
Rooms			140
X	\$125 average room cost per night	=	\$17,500
X	365 days/year	=	\$6,387,500
X	0.7 occupancy rate	=	\$4,471,250
X	0.0218 tax rate	=	\$97,473

4818

Appendix 7A – Assumptions for the non-property tax revenue for Sleepy Hollow and Westchester County generated by the townhome component provide revenue lower than that identified in Exhibit 11. Further explanation is required of the assumptions and calculations.

Information provided to Real Estate Solutions details the calculation of non-property-tax revenue for Sleepy Hollow and Westchester County generated by the townhouse component of Lighthouse Landing (DEIS plan). The estimated amount of non-property-tax

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revenue generated by the townhouses to Sleepy Hollow (\$135,000) and Westchester County (\$121,000) comports with the figures indicated in the fiscal impact analysis of the DEIS (Appendix 7.A, Exhibit 10, p. 45). (See FEIS Table Nos. II.C-3 and II.C-4)

4819

Appendix 7B - p. 22 SF office space per employee of 275, but footnote says typical is 250 SF.

Comment noted. The footnote should be corrected to 250 SF per office employee.

SPECIAL TAXING DISTRICT FOR WATERFRONT FEATURES

5027

The riprap frontage along the Hudson needs to be evaluated in terms of its engineering and capacity to withstand storm surges and winter ice. A maintenance plan for the riprap should be provided, and these measures should be coordinated with the riprap and bulkhead protection that the Village already has required at Ichabod's Landing. Since the applicant intends to transfer title to the riverfront to the Village, the FEIS needs to consider how to finance the maintenance of the riverfront. What are the estimated costs? Will the annual real property taxes for the Village be sufficient to cover these costs? Should the FEIS offer alternatives, such as the establishment of a special taxing district comprised of the Lighthouse Landing and Ichabod's Landing, to assess the properties a tax to pay for the maintenance and repairs of the riprap, bulkhead and significant future costs involved in the maintenance of this artificial shorefront, which can be the fiscal responsibility of the properties west of the railroad tracks that enjoy the immediate access to the River.

PH2831

The Planning Board feels it would be fiscally prudent and would like to recommend that the final EIS look at the creation of a special taxes district for the new developed area, and that taxing district would then pay for the maintenance of the esplanade and the bulkhead to the river.

The updated Fiscal Impact Analysis for the FEIS Alternative Plan identifies projected Village service costs and revenues associated with the project, and indicates that the project is expected to result in a net fiscal surplus of \$0.63 million annually to the Village of Sleepy Hollow. The Applicant will construct the riverfront open space improvements and donate them and the land on which they sit to the Village, which will then assume responsibility for their operation and maintenance. The Waterfront Assessment Report presented in the DEIS Appendix indicates that the existing riprap embankment is generally in good condition. In the Applicant's opinion, there is no basis for creating a taxing district.

MARKET STUDY SUPPORT

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5028

Some market studies to ensure that the commercial space as proposed will attract tenants needs to be provided. The parking for the commercial space needs to be revised to reflect the provision of loading bays for trucks to service the space. The relationship of ground-floor shops to any residential space above the shops needs to be spelled out. The use of rooftops for amenities, such as restaurants overlooking the site and the Hudson, should be considered. The boutique hotel or small inn should not have excess parking and not be an events hotel. The proposed convention center use should be eliminated, in order to minimize the traffic impacts. Scenic Hudson has proposed that the ideal location for a hotel would be close to a new railroad station to maximize access and reduce the through site traffic that would be associated with such a facility, and this alternative might usefully be discussed.

The DEIS market study projected sufficient demand for retail in the Lighthouse Landing trade area. Within the five-mile trade area, the amount of retail space that can be supported at the Lighthouse Landing site is approximately 210,000 square feet; it is expected that future residents and office employees at the project site could potentially support an additional 27,000 square feet of retail, for a total of 237,000 square feet of supportable retail space, significantly more than the 132,000 square feet that is programmed. Please refer to DEIS Appendix Section C for more detailed analysis of retail demand. In addition, see the response to Comment 5702 in Section II.A of this document regarding the adequacy of the proposed retail floor area to create a successful center.

While retailers typically take into account a host of factors in making locational decisions, the Applicant's socioeconomic consultant anticipates that the retail spending potential described above is a key factor that induces retailers to locate to a specific site.

Note that the program for the proposed hotel has been scaled back under the FEIS Alternative Plan by eliminating the conference center component, and reducing the number of rooms from 147 to 140 and the restaurant space from 10,000 SF to 5,000 SF.

In terms of deliveries, loading for the market will be from the surface level while the office service area will be located below the building. Deliveries to the retail uses along Beekman Place will be handled from Beekman Place.

PROPOSED RETAIL LAYOUT

6521

b. Integrating retail to serve future residents - As noted, the proposed layout

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places almost all of the new retail uses along the proposed Beekman Place which is to be the “Main Street” of the new development. While residential apartments will be located above the stores along Beekman Place, the majority of new dwelling units will be located in buildings containing only residential uses in the area to the north of Beekman Place. While the aim of the development is to create a walkable downtown environment similar to other Hudson riverfront communities, the proposed layout may not accomplish this goal. Placing all retail along Beekman Place will create a long walk for most residents who may be unwilling to walk for the purchase of certain goods, particularly convenience-type items (assuming that such retailers will be present on Beekman Place). Perhaps this is one reason why the traffic analysis identifies “45% of the retail traffic would originate from on-site during the peak AM and peak PM hours.”

Something seems to be lost if these new residents are assumed to drive and not to walk in this new downtown. A seemingly more appropriate layout would place some retail throughout Lighthouse Landing, mimicking the “corner store” and neighborhood restaurant. Placing retail along a relocated Bridgeview Boulevard as described above, would be one way to do that. This change could address goals of improving the pedestrian environment, decreasing on-site traffic and improving air quality.

The great majority of Lighthouse Landing residents will live within a one-quarter mile walk of the proposed Beekman Place, the primary retail street connecting Beekman Avenue to the historic lighthouse and riverfront open space. In response to comments received during the DEIS comment period, the Applicant has reduced the amount of proposed commercial space by approximately 27 percent from 180,000 square feet to 132,000 square feet. So as to serve and attract not only future residents of Lighthouse Landing, but also existing residents of Sleepy Hollow and visitors to the Village and waterfront, most of the retail and restaurant space will be located along Beekman Place. There may be an opportunity, however, for retail uses to extend northward along Roads 3 and 2 within Buildings G and L, “around the corner” from Beekman Place – this determination would be made during the site plan approval for those buildings.

TAX EXEMPT PROPERTY

PM1208

Eight. The question of tax exempt worries me a little bit. I can understand if the hospital has tax exempt property or a church, but if this property is owned by the developers and they use part of it for public facilities or green areas, why is that area tax exempt? Why should that be tax exempt or does the Village own that property?

PH5705

Keep the 33 acres on the tax roles. I’m not familiar with any project that does not require to provide for its space and then doesn’t write that space off returning it to the local community and saying that it’s tax exempt. That

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property should remain in your possession and you have to pay taxes on it.

Under the FEIS Alternative Plan, the Applicant plans to donate approximately 10.6 acres on the West Parcel to the Village for creation of a waterfront park, to be funded by the Applicant, which included a range of passive and active amenities. On the East Parcel, the Applicant proposes to donate approximately 23 acres to the Village, a portion of which is planned for the expansion of Devries Park, the new Village DPW facility, and potentially for an expansion of the adjacent Philipsburg Manor Restoration or other municipal purposes. The aforementioned donated lands will be owned and maintained by the Village of Sleepy Hollow, and as such will be tax exempt in the same manner as other Village-owned public open space and recreation facilities.

PUBLIC WORKS SERVICES

PM1306

Also your private sanitation. I don't know if you'll have private sanitation down there or village sanitation. We have to look into that, and we have to spend \$1,000, thousands and thousands of dollars for removal of sanitation. We are going to have to raise our sanitation prices quite a bit and put it on the tax bill.

The Village of Sleepy Hollow Department of Public Works provides refuse collection and recycling for residential and commercial properties located within the Village, and the Lighthouse Landing project will utilize these services in accordance with Village policies. To better serve the Village DPW's existing needs for storage of trucks, equipment and materials, the Village plans to construct a new Department of Public Works facility on a portion of the 23 acres of land the Applicant will donate to the Village on the East Parcel. This new facility will replace the existing Village DPW yard at 38 River Street. Under the DEIS plan, it was projected that Lighthouse Landing would result in a net fiscal surplus to the Village of Sleepy of approximately \$1.09 million annually. By comparison, under the FEIS Alternative Plan, the projected net surplus to the Village of Sleepy is estimated at approximately \$0.63 million annually, based on a project-induced Village public service cost of \$4.75 million and project-generated Village tax revenues of \$5.38 million annually. Annual Village tax revenues from Lighthouse Landing are expected to be adequate to cover Village costs for refuse removal at the project site.

FEIS TABLE NO. II.C-1

LIGHTHOUSE LANDING
SLEEPY HOLLOW, NEW YORK

PROJECTED ENROLLMENT-1 AND CURRENT CAPACITY
TARRYTOWN UNION FREE SCHOOL DISTRICT

Grade	Projected No. of Students 2011-2012 ^a	Projected No. of Students New Devel. ^b	Total Students	School	District Estimate of Capacity ^d		
					No. of Students	Difference	
						W/O	W
Pre-K, K	259	27	286	TH	280	+ 21	- 6
1	194	21	215	JP	225	+ 31	+ 10
2-3	382	39	421	WLM	387	+ 5	- 34
4-6	587	60	647	WI	660	+ 73	+ 13
7-12	1,261	130	1,391	MS/HS	1,540	+279	+149
Total:	2,683^c	277	2,960		3,092	+409	+132

W/O-Without New Development / W-With New Development

^a Based on Bishop Assoc. Report Average Forecast 2003/04 Update for build year.

^b Projection from LL-FEIS (211) based on Bishop Assoc. Report Multipliers, Ferry Landing DEIS (56) and Ichabod's Landing DEIS (10)--using same grade breakdowns as total.

^c Does not include 45 special ed students out of District.

^d From School District including recently passed bond.

TH-Tappan Hill, JP-John Paulding, WLM-W.L. Morse, WI-Washington Irving, MS/HS-Middle School/High School

FEIS TABLE NO. II.C-2

LIGHTHOUSE LANDING
SLEEPY HOLLOW, NEW YORK

PROJECTED ENROLLMENT-2 AND CURRENT CAPACITY
TARRYTOWN UNION FREE SCHOOL DISTRICT

Grade	Projected No. of Students 2011-2012 ^a	Projected No. of Students New Devel. ^b	Total Students	School	District Estimate of Capacity ^d		
					No. of Students	Difference	
						W/O	W
Pre-K, K	259	28	287	JP	280	+ 21	- 7
1, 2	386	40	426	TH	440	+ 54	+14
3-5	581	59	640	WI	660	+ 79	+20
6-12	1,457	150	1,607	MS/HS	1,540	+ 83	- 67
Total:	2,683^c	277	2,960		2,920	+237	- 40

W/O-Without New Development / W-With New Development

^a Based on Bishop Assoc. Report Average Forecast 2003/04 Update for build year.

^b Projection from LL-FEIS (211) based on Bishop Assoc. Report Multipliers, Ferry Landing DEIS (56) and Ichabod's Landing DEIS (10)--using same grade breakdowns as total.

^c Does not include 45 special ed students out of District.

^d From School District including recently passed bond and an additional bond for JP and TH and closing of W.L. Morse.

TH-Tappan Hill, JP-John Paulding, WI-Washington Irving, MS/HS-Middle School/High School

FEIS TABLE NO. II.C-3

NON-PROPERTY-TAX REVENUE GENERATED BY LIGHTHOUSE LANDING TOWNHOUSES TO THE VILLAGE OF SLEEPY HOLLOW (DEIS)

<u>A. SALES TAX</u>		
1.	Townhouse-generated persons ^a	542
2.	Per capita sales tax redistribution ^b	\$98.24
3.	Adjustment factor ^c	0.75
4.	Estimated townhouse-generated sales tax (1 x 2 x 3)	\$39,934
<u>B. MORTGAGE RECORDING</u>		
5.	Townhouse-market value ^d	\$212,117,500
6.	Turnover rate for owned units ^e	0.05
7.	Mortgage loan-to-value percentage ^e	0.75
8.	Village tax rate ^e	0.05
9.	Estimated townhouse-generated mortgage tax (5 x 6 x 7 x 8)	\$39,772
<u>C. FEES/FINES/OTHER</u>		
10.	Per capita fee/fines/other revenue ^e	\$33.218
11.	Estimated townhouse-generated fees/fines/other (1 x 10)	\$18,004
<u>D. INTEREST/LICENSES</u>		
12.	Townhouse assessed value for Village of Sleepy Hollow ^f (in \$1,000s)	\$70,274.528
13.	Interest/license revenue per \$1,000 assessed ^e	\$0.5303
14.	Estimated townhouse-generated interest/license revenue (12 x 13)	\$37,267
<u>E. TOTAL NON-PROPERTY-TAX REVENUE</u>		
15.	Total townhouse-generated non-property-tax revenue (4 + 9 + 11 + 14)	\$134,978

Notes:

- a. See Appendix 7 A, Exhibit 8, p. 42.
- b. See correspondence from Burchell & Listokin LLC to Real Estate Solutions dated 2/28/05.
- c. See Appendix 7 A, Exhibit 11, p. 46.
- d. See Appendix 7 A, Exhibit 1, p. 26.
- e. See Appendix 7 A, Exhibit B-2, p. 83.
- f. See Appendix 7 A, Exhibit 2, p. 28.

FEIS TABLE NO. II.C-4

NON-PROPERTY-TAX REVENUE GENERATED BY LIGHTHOUSE LANDING TOWNHOUSES TO WESTCHESTER COUNTY (DEIS)

<u>A. SALES TAX</u>		
1.	Townhouse-generated market value ^a	\$212,117,590
2.	Adjustment factors ^b	(0.2 x 0.22 x 0.6 x 0.218 x 0.75)
3.	Townhouse-generated sales tax	(1 x 2) \$91,558
<u>B. MORTGAGE TAX</u>		
4.	Turnover rate for owned units ^c	0.05
5.	Mortgage loan-to-value percentage ^c	0.75
6.	County tax rate ^c	0.0025
7.	Estimated townhouse-generated mortgage tax	(1 x 4 x 5 x 6) \$19,886
<u>C. AUTO USE/OTHER</u>		
8.	Townhouse-generated population	542
9.	Per capita revenue ^d	\$16.24
10.	Townhouse-generated auto use/other revenue ^d	(8 x 9) \$8,802
<u>D. INTEREST/OTHER</u>		
11.	Townhouse assessed value for County purposes ^e	(in \$1,000s) \$2,228.193
12.	Interest/other revenue per \$1,000 assessed ^d	\$0.2466
13.	Estimated townhouse-generated interest/other revenue	(11 x 12) \$550
<u>E. TOTAL NON-PROPERTY-TAX REVENUE</u>		
14.	Total townhouse-generated non-property-tax revenue	(3 + 7 + 10 + 13) \$120,796

Notes:

- a. See Appendix 7.A, Exhibit 1, p. 26.
- b. See Appendix 7.A, Exhibit D-5, p. 87.
- c. See Appendix 7.A, Exhibit B-3, p. 83.
- d. See Appendix 7.A, Exhibit 11, p. 46.
- e. See Appendix 7.A, Exhibit 2, p. 28.

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DEIS Sec. III.D · Community Facilities and Services

COMMENT NUMBER	COMMENT/RESPONSE
	<u>SITE ACCESS/EMERGENCY RESPONSE</u>
2301	<ul style="list-style-type: none">• The currently planned single access to the Development is a significant safety issue that could be alleviated by the second access.
2304	The currently planned single access to the Development via Beckman Avenue across the bridge over the Metro North railroad tracks poses numerous hazards if it is maintained as the single access.
2305	<p>The single access bridge could be blocked due to an accident on the bridge, due to a snow or ice storm, or unexpected problems on the tracks below it. All of these could last either a relatively short time, but could also stop traffic and access for days. The effects would include:</p> <ul style="list-style-type: none">• Inability of emergency vehicles such as fire engines, ambulances and police to enter the area, or in case the vehicles are in the Development they could not exit and take emergency cases to a hospital.• Inability of service vehicles for power failures, plumbing and electrical failures to enter the area.• Inability of persons to commute to or from the area by car for work or for other reasons eliminating some vital services.
2306	<p>An emergency or crisis such as a fire, flood, explosion, or serious storm could require a partial or total evacuation of the area and the effects could include:</p> <ul style="list-style-type: none">• Mass exodus blocking the bridge via extensive one way exit traffic and potentially resulting accidents and preventing emergency vehicles from entering as per the first bullet above.• People exiting by walking across the tracks at significant risks; this would be particularly hazardous to children and the elderly, both a part of the Development population.• Serious injury or even death of those that could not be assisted or evacuated. This applies to the blocked bridge case as well. <p>Just one such incident would depress the real estate values of the Development as an undesirable place to live and could generate lawsuits as well. These of course are not as pressing reasons for a second access as the significant hazards to people and property.</p>
2307	My suggestion for a second access is noted on the attached map. Continental Avenue (highlighted) runs from Route 9 to dead end at the Metro North tracks. This could be continued over the tracks via bridge or under the tracks via tunnel. The tunnel would have the advantage that it could connect directly to the underground parking garage (of course the bridge might also) and give direct access to and from Route 9, especially for traffic coming from and going to the northern direction. THIS IS AN ADDITIONAL ADVANTAGE OF THE SECOND ACCESS, AS IT DIVERTS PART OF THE TRAFFIC FROM "DOWNTOWN" SLEEPY HOLLOW.
2308	There could be a disadvantage to residents in the Continental Ave. area, as this

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street would need to be widened. However, the advantages gained, some necessary to the safety and security of the Development, would be worth that compromise.

2705 My final note was offered as a planner who has been responsible for the 3rd busiest airport in the state of NY (Republic of Farmingdale) for the past 21+ years. I noted that the primary redevelopment of the GM site was west of the Metro North Railroad Tracks with access to the site ONLY over the Beekman Avenue railroad bridge. I expressed my concern that if there was ever damage to the Beekman Ave. bridge, resulting from a freight train derailment or fire or whatever that access to the development west of the tracks could make it difficult, if not impossible for emergency workers to respond to a fire, a heart attack or whatever emergency might arise that might need an alternate means of ingress or egress. I felt that a connection via Continental Street, over or under the railroad tracks, could solve this vulnerability. I cited a fire on Howard Street last summer as an example of how important multiple access was when responding to emergencies which could quickly produce gridlock.

2706 In summary please consider:

- reducing the density to approximate the existing density without the three tall buildings
- reduce the amount of rental units and maintain the owned units
- provide for disposal of dredge spoil from the Beach Club marina
- downplay the value of school tax coverage of proposed bond interest charges
- provide alternate access via Continental Street for emergencies

4318 18. Can Kingsland Point Park provide a second emergency access? Road may need to be upgraded and should be evaluated. What other potential upgrades would be needed to enhance emergency access by ambulance, fire and police; and, to assist in the evacuation of the site in the event of an emergency. The FEIS should also consider water route for evacuation. Fire Department noted that it is looking for location for docking/storage of its rescue boat. Fire Department will provide boat specifications to the Applicant so they can try to incorporate.

4505 In addition to everyday traffic issues, I have serious concerns about access for evacuation procedures in the event of an emergency or disaster. The proximity of the Indian Point power plant seems to be grossly down played. Entergy Nuclear Northeast has just expanded Indian Point 3 and has proposed plans to use our river shorelines for waste storage; we should carefully weigh the ramifications of having this potentially deadly neighbor directly to the north of use.

4515 In respect to the requests by the local police, fire and E.M.T. representatives: I hope that Roseland takes into consideration the health and safety of our entire community, without making sacrifices for what they deem "reasonable, necessary and fair". I would like to feel confident in the fact that they are not just concerned with the safety of those living in Lighthouse Landing, but with the entire Village. Police and Fire Departments need to moor a rescue vessel on the Hudson and should be provided with a facility to do so.

5015 The site will need new vehicular access and new mass transit systems. For public safety, a second crossing of the railroad tracks should be studied, in

II. RESPONSES TO DEIS COMMENTS

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addition to Beekman Avenue. We recommend a reasonable alternative would be to continue Continental Street toward the western part of the GM site, and build a multi-purpose bridge, which can serve, in separate lanes, pedestrians, bicyclists, and motorists. Since the Beekman Avenue overpass above the railroad tracks may need to be rebuilt, the two crossings should be given the same architectural design. An architecturally distinguished design should be employed for each bridge.

6526

10. EMERGENCY PLANNING AND RESPONSE

During scoping, we recommended that the draft EIS include a discussion of emergency planning and response to provide an analysis of how a community of this size, located within an area of limited access, could be evacuated or cared for in the event of a natural or man-made disaster. This topic is not discussed in the draft EIS to any detail. Since it is likely that evacuations or emergency supplies would involve water transportation at this location, it may be appropriate that aspects of project design take this into consideration. For example, features such as gates in protective fencing along the waterway and a bulkhead design that allow boats to pull in flat are recommended by emergency service planners for inclusion in waterfront developments.

PH3701

I have two comments to this, I think generally excellent plan. One of them, the first one has to do with a second access to the development. You should think of for the development as an island bordered on one side by water and on the other side by four electrified railroad tracks. And the only practical access is the Beekman Street Bridge. This represents I think a ---

I admit another access over by Ichabod's Landing which is pretty convoluted. It leads to another bridge and Tarrytown downtown.

But this is I think an accident or even tragedy waiting to happen because if this bridge is blocked and there is an emergency ranging from one person to hundreds of persons, this can really end up in a bad scene. For instance, one person who needs emergency care has to be taken to a hospital, the bridge is blocked, there is traffic, there is an accident; it could cost his life.

If there is a fire or a flood or some chemical spill or really large accident in this area, let's say there is a fire department there, presumably not on the east side where the public works building is, but on the west side, volunteer firemen may not be able to get in because people are leaving and emergency medical care couldn't get in there. ...

So I have, of course, I think there should be a second entrance and exit, which, of course, is up to the planners.

But I don't have a suggestion if you could project the site plan. And the this one, yeah, there is a natural entrance here on the Constitution Street – I think that's the name of it.

Continental, yes, which could be extended and there could be either a bridge or a tunnel. And this would then give a second major exit to the – from this Village, I think it is actually mandatory, not just suggestion to have this,

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something like this. I'm a tunnel man so, I would build a tunnel. And I'm one of the proponents of the tunnel under the Hudson if you will excuse the plug for the tunnel crossing.

PH3805

...I look at the lay out of the GM site; and as long as it was a factory and a fire occurred down there or a disaster occurred down there, that was their problem. But once you put umpteen houses, apartments, living units, people with heart attacks, other disasters that can occur; you really do need a second way in and out.

And I can cite there was a fire on Howard Street last year and the fire sirens or, you know, the fire trucks responded within two minutes. You couldn't move on Beekman. You couldn't move onto Depeyster, you couldn't move on Hudson. The place was just inundated.

And if you only have one way into a place that has over a thousand units, I'm not sure you are really providing for the safe egress of those people.

PH5712

Thirteen, make sure that the permanent and temporary residency population can be evacuated in case of an emergency.

To provide safe and convenient access to the Site for normal daily operations and to offer contingencies for access by first responders in the event of an emergency, the proposed Project has been designed to offer multiple access options. The reconfigured intersections of Beekman Avenue/Beekman Place and River Street/Road A have been purposefully separated by 150-200 feet to provide for separate egress routes to the east and south from Lighthouse Landing.¹

Emergency access to the West Parcel will be available from the proposed parking area and entrance for Kingsland Point Park in northern portion of the parcel as discussed in Section I-I of this document. The entrance proposed to Kingsland Point Park would be available as a secondary means of access to and from the Site in the event of an emergency. This emergency access would not be utilized as a regular means of ingress or egress to the proposed Project. It is not anticipated that the designation of the emergency access route through the park would require the park's road to be upgraded.

Emergency access to the Site will also be available by rescue boat from the Lighthouse Landing waterfront park, which will include a floating "dock and dine" dock for temporary tie-ups in the vicinity of the proposed hotel. The Project will also include a small craft launch dock in the vicinity of the proposed interpretive center for the

¹ The Village's design and traffic consultants have identified an alternative configuration for these intersections as presented in FEIS Section II.IV, Alternatives.

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lighthouse. With respect to Comment 4318 above, if the Village provides the Applicant with specifications for its rescue boat, potential locations for docking/storage can be evaluated. A vessel tie-up area is also located along the Ichabod's Landing waterfront, which will be connected by sidewalk to the Lighthouse Landing waterfront park. The Ichabod's Landing vessel tie-up could also be used for water rescue in the event of an emergency in the area. In order to address contemplated increases in activity down along the waterfront, the Village Police Department is considering acquiring a 4-man Jet-ski type craft (shallow draft design), with Horan's Landing serving as the preferred location for stationing. The Village has expressed an interest in utilizing the proposed interpretive center/boathouse at Lighthouse Landing for seasonal storage of the craft.²

Vehicular and pedestrian access to the East Parcel will be provided from Beekman Avenue (via the viaduct) and from Continental Street.

As indicated in the response to Comments 2903 and 4325 below, emergency service capabilities in the vicinity of the Site will be enhanced with the provision of a new Fire/Ambulance facility planned on the South Parcel at the corner of Beekman Avenue and Hudson Street.

In response to Village Board of Trustee comments, a concept sketch has been prepared illustrating a bridge structure spanning the railroad tracks just to the south of Continental Street, with ramp connections to the East and West Parcels generally in line with Continental Street (See FEIS Figure No. II.D-1). Because of its location, this bridge's normal use would likely be limited to people traveling to and from Lighthouse Landing to the north (i.e., along Route 9), or people traveling between the East and West parcels.³ The extensive ramps would serve to divide portions of the East and the West Parcels, both functionally and aesthetically.

With the existing railroad tracks in this area at elevation 12.0 above sea level, the Concept Study assumes the bridge span having a clearance height of 23 feet above the tracks to meet current Metro-North requirements (i.e., elevation 35.0) and the bridge deck surface

² See letter from the Village Administrator dated Dec. 14, 2006 to Divney Tung Schwalbe in FEIS Appendix 1, Relevant Correspondence.

³ See the response to Comment PH3901 in Section II.I of this document evaluating advantages and disadvantages of the bridge concept from a traffic circulation standpoint.

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set 5 feet above the bottom of the bridge (i.e., elevation 40.0) to allow for the bridge structure. The concept sketch shows a 425-foot long ramp (8% average grade) on the East Parcel beginning at elevation 6.0 near the new DPW yard and extending parallel to the northern boundary of the proposed commuter parking lot (adjacent to the proposed extension of Continental Street), a 160-foot long bridge structure over the tracks, and a 325-foot long ramp (8% average grade) on the West Parcel running parallel to the proposed tennis courts between Buildings I and N to elevation 14.0.

The combined length of the bridge and ramp structures is 910 feet, while the width as depicted would be sufficient for one travel lane in each direction and one 5-foot wide sidewalk. The general cost range for such a structure is estimated to be between \$5 and \$7 million (see table below). In the Applicant's opinion, the cost, limited utility and functional and aesthetic impacts of such a structure would not warrant its construction.

PRELIMINARY CONSTRUCTION COST ESTIMATE - CONTINENTAL STREET BRIDGE W/5'-0" SIDEWALK (ONE SIDE)				
STEEL GIRDERS				
ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST
Unclassified Excavation & Disposal	CY	1,900	\$40.00	\$76,000.00
Embankment in Place	CY	2,600	\$50.00	\$130,000.00
Subbase Course, Type 1	CY	300	\$45.00	\$13,500.00
Pavement	TON	440	\$100.00	\$44,000.00
Tack Coat	GAL	134	\$15.00	\$2,010.00
Concrete for Structures, Class HP (Reinforcement Included)	CY	1,500	\$500.00	\$750,000.00
Superstructure Slab w/Integral Wearing Surface Bottom Formwork Required, Class HP	SF	26,700	\$18.00	\$480,600.00
Protective Sealing of Structural Concrete	SF	18,700	\$3.00	\$56,100.00
Protective Sealing of Structural Concrete on New Bridge Decks	SF	24,480	\$3.00	\$73,440.00
Structural Steel (460 ton x \$3500)	LS	1	\$1,610,000.00	\$1,610,000.00
Type E.B. Fixed Bearing	EA	55	\$1,200.00	\$66,000.00
Type E.B. Expansion Bearing	EA	55	\$1,200.00	\$66,000.00
Piles (60 Ft. Long Avg. Length)	LF	8,700	\$80.00	\$696,000.00
Box Beam Guide Railing (Rustic)	LF	2,000	\$35.00	\$70,000.00
Box Beam Guide Rail End Assembly, Type III (Rustic)	EA	4	\$4,500.00	\$18,000.00
Mobilization, 8%	LS	1		\$325,092.00
SUBTOTAL				\$4,476,742.00

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Contingency, 15%	LS	1	\$671,511.30
TOTAL BRIDGE STRUCTURE*			\$5,148,253.30
		SAY	\$5,200,000.00
*Does not include stairs or elevators to increase pedestrian accessibility, lighting, signage, Metro-North permitting and force account fees, general conditions, design and permitting fees.			

HEALTH CARE FACILITIES

2901 How would this development affect the health care in this area?

2902 Phelps Memorial Hospital – How many more beds would be needed? How many more doctors and nurses? How much would the expansion cost?

Phelps Memorial Hospital Center representatives have indicated that they expect Lighthouse Landing will add between 1 percent and 3 percent to Phelps’ patient activity, and therefore, would anticipate adding a modest number of additional staff. However, Phelps does not anticipate the need for additional facilities as a result of Lighthouse Landing since the recently approved plans for the Emergency Department and Medical Services Building will be adequate to service potential patients from the project.⁴

EMERGENCY MEDICAL SERVICE

2903 Ambulance Corps – How would this project affect the ambulance corps? How many more vehicles, equipment and personnel would be needed? How much would it cost?

4325 25. The Ambulance Corps noted an approximately 15% annual increase in calls over the past years. The Corps indicated that they currently meet the needs of the Village and provide many mutual aid calls to other surrounding municipalities and is one of the last volunteer services in the area. Average 3 – 5 minute response time. Existing facility is just basically a garage, although it is well located for accessibility of volunteers to ambulance and accessibility of ambulance to incidents.

The Corps expect calls for service would increase approximately 30% with the new development. This needs to be confirmed based on existing ratio of calls for service vs. population.

⁴ See correspondence from K. Safian, Phelps President & CEO, to Divney Tung Schwalbe, dated January 24, 2005 in FEIS Appendix I, Relevant Correspondence.

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The Applicant proposes to donate land to the Village on the South Parcel at the corner of Beckman Avenue and Hudson Street, and contribute \$1.5 million to the Village for the Village to construct a new Fire/Ambulance station to serve the western portion of the inner-village and Lighthouse Landing as illustrated in FEIS Figure No. I-2. The new ambulance station will replace the existing Sleepy Hollow Ambulance Corp (SHAC) building on Andrews Place to provide the Ambulance Corps with a larger, more modern facility to meet its existing and future operational needs. The proposed Project is expected to result in a net fiscal surplus to the Village (i.e. the difference between project-generated public services and project-contributed public revenues) of approximately \$0.63 million annually, which will more than cover emergency service expenditures associated with this Project. It is important to note that this net surplus is over and above the estimated Village public service cost of \$4.75 million annually for the Project, since the FEIS Alternative Plan is projected to generate approximately \$5.38 million in annual public revenues to the Village. See FEIS Section II.C and FEIS Appendix 4A for additional discussion of fiscal conditions associated with the FEIS Alternative Plan. In addition to the aforementioned land donation on the South Parcel for the new Fire/Ambulance station, the Applicant also plans to donate approximately 23 and 15.7 acres of land to the Village on the East and West Parcels, respectively. The Applicant will also fund and construct the proposed 10.6-acre waterfront park and its amenities (including the interpretive center) as well as 3.3 acres of internal open space areas on the West Parcel.

The Applicant has requested and the Village has provided information from the SHAC regarding the ratio of ambulance service calls to population per Comment 4325.⁵

4326

26. The Corps noted national trend of decline in volunteerism, which suggests it is not unreasonable to see a partial pay emergency service in the future. The Ambulance Corps has access to reports that identified staffing costs for full time and part time service. Current ambulance corps budget is approximately \$50,000, switching to a professional service would be a major change. Given the anticipated demands on the Ambulance Corps, the Village needs to better understand the cost implications of going to a part time and full time ambulance service to cover the Village, including the establishment of an ambulance district.

⁵ See letter from Divney Tung Schwalbe to the SHAC dated August 16, 2005 in FEIS Appendix 1, Relevant Correspondence. In addition, see the letter from the Village Administrator to Divney Tung Schwalbe dated Dec. 14, 2006 in FEIS Appendix 1.

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addition, emergency access will be available by rescue boat from the Lighthouse Landing waterfront park. Vehicular and pedestrian access to the East Parcel will be provided from Beekman Avenue (via the viaduct) and from Continental Street. In terms of a potential second bridge crossing the railroad tracks, see the discussion regarding the Continental Bridge Concept Study in the response to Comments 2301 through PH5712 above.

Preliminary discussions with the Village Administrator indicate that the Village anticipates the need to establish a fourth police post coverage area assigned to patrol the residential and commercial portions of the Lighthouse Landing project, thus requiring six additional police officers. According to the Village Administrator, police department operations for the fourth post would be handled from the existing police headquarters building at 28 Beekman Avenue located approximately 0.5 miles east of the Site. The Applicant has requested and the Village has provided information from the Village Police Department regarding projected call volumes.⁷

As discussed in Section I of this document, the proposed Project incorporates a 10.6-acre waterfront park with a variety of water dependent uses, which will augment the overall Village Waterfront Use Master Plan prepared by the Village's Consulting Planners. The Village administration anticipates the need for additional staffing to patrol the proposed on-site and off-site open space facilities within the village, thus requiring one full-time park ranger supported by 11 or 12 part-time staff.

The Applicant would be amenable to discussing emergency evacuation plans for the Project with the Village.

PH5101

The first is my EMS hat. I have been EMT, Emergency Medical Technician, on the local ambulance corps in Sleepy Hollow and Tarrytown for over 30 years so I know the buildings of Sleepy Hollow and Tarrytown. I know the small elevators in town, the slow elevators and the no elevators. Most of all, I know stairs because in an emergency sometimes that's all we have, whether you are having a baby or having a heart attack and you need to get out of our building.

Ironically, in many of the medial emergency calls within the walls of the old GM plant itself I only recall there being two floors but with very high ceilings. There was one flight of stairs up to the doctor's office for stretcher patients.

⁷ See letter from Divney Tung Schwalbe to the Village Police Department dated August 18, 2005 in FEIS Appendix 1, Relevant Correspondence. In addition, see the letter from the Village Administrator to Divney Tung Schwalbe dated Dec. 14, 2006 in FEIS Appendix 1.

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The alternative was an elevator the size of my kitchen.

But frankly, the thought of all the four story buildings of Lighthouse Landing give me pause as an EMT.

Will there be elevators?

Will they be big enough?

What will our response time be if there is a power outage?

Will we need non-resident access keys to each and every building?

Perhaps these interior details are left for the site plan but the DEIS does not mention the possibility of an ambulance substation for the extra ambulance crew.

The buildings proposed at Lighthouse Landing will be constructed in accordance with New York State Building Code. Elevators will be incorporated and designed in accordance with applicable requirements and additional details will be provided during the building permit application review process. A new Fire/Ambulance Station is planned to be constructed by the Village on the South Parcel to serve both the western portion of the inner-village and Lighthouse Landing as explained in the response to Comments 2903 and 4325 above. The Applicant will make arrangements with the Village of Sleepy Hollow Ambulance Corps to ensure they are provided access to the proposed buildings in the event of an emergency. Elevators servicing the proposed buildings will be of sufficient size to accommodate stretchers as required by the New York State Building Code⁸.

PH5706

Six, build and equip two firehouses, not one. You are going to need aerial ladders for these buildings that are four stories high and you are going to have a marine capability even for your fire units so you need at least two firehouses with pumpers and ladder traction paid for by Roseland and a police station with all the amenities and an EMS unit.

See the response to Comments 2903 and 4325 above regarding the new Fire/Ambulance station planned by the Village on the South Parcel to serve both the western portion of the inner-village and Lighthouse Landing. See the response to Comments 4319 through

⁸ Section 3002.4 Elevator Car to Accommodate Ambulance Stretcher – In buildings four stories in height or more, at least one elevator shall be provided for fire department emergency access to all floors. Such elevator car shall be of such a size and arrangement to accommodate a 24-inch by 76-inch ambulance stretcher in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life).

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PH4404 of this section under the subheading “Fire Protection” regarding fire department resources with Lighthouse Landing. The Police Department’s plans to patrol Lighthouse Landing are discussed in the response to Comment 5039 and PH5103 above.

RECREATION

- 2905 RECREATION – How would this development affect the present recreation services? How many more tennis courts, ball fields, playgrounds would be needed? At what cost and where?
- 3408 Where’s the improvement to the land? It is clear what Roseland stands to gain from 1,000+ units constructed and sold, but what does Sleepy Hollow get/gain? These new residents may work in New York City or surrounding Westchester, Rockland or Connecticut sites. However, they are all going to seek recreation in Sleepy Hollow! That number of residents will overrun our existing facilities many times over, Green Crescent or No Green Crescent!
- 3411 Recreation has often served as the “glue” that holds the wonderful diversity of our population together! A dollar invested in recreation can save many more in police supervision! I think Roseland would see a much more positive attitude on the part of the general population, if they invested in Village infrastructure in such a way.
- PM1605 Something with a recreational facility parents could use. Driving all the way out to – I don’t even know, like Mount Pleasant pool, out in the middle of nowhere takes forever. You’re driving longer than you’re in the pool. It’s crazy. The village needs a place for families to go and in the village and not have to travel out.
- PH2825 With respect to the athletic fields that are proposed, we note that the Riverfront Zone unlike other parts of our Village Code does not require a recreation fee...

So I think there is precedent in this site for working on the design of the recreational infrastructure. And we think some detailing about who’s going to pay for building the recreational fields, these two soccer athletic fields.
- PH3702 My second comment has the lower priority and it relates to the 7.6 acres being considered for extension of Philipse Manor. And I personally feel that this is a huge population here which whose quality of life should be as good as it can. And you have added some recreational facilities, some 6 acres Devries Park and some along the Hudson.

I think this should be maximized. And I think the majority if not all of these 7.6 acres should be part of the recreation department of this development. And I would I think it is a higher priority than having the cows and sheep give some extra grazing grounds and for other tourists to meander around. I think it should be given to the people who live there for extra space.

The FEIS Alternative Plan includes a 10.6-acre riverfront open space

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linking Kingsland Point Park on the north with the Ichabod's Landing riverfront walk and Horan's Landing Park on the south. The Applicant will donate this open space to the Village and construct a variety of active and passive recreational amenities for public use including pedestrian paths, bikeways, a small craft launch pier, a fishing pier, a "dock and dine" dock, and a widened and lengthened beach area at the juncture between the Site and Kingsland Point Park. In addition, an interpretive center for the lighthouse is planned for the riverfront open space. The FEIS Alternative Plan also includes approximately 4.3 acres of additional public open space within the interior of the West Parcel as illustrated on FEIS Figure No. I-6, Open Space and Public Use Area Diagram. Further, a variety of recreational facilities are planned for Project residents on the West Parcel including tennis courts, a pool, and a community building with activity rooms and health club facilities. Recreational facilities will be provided for residents within the individual apartment and condominium buildings.

Within the East Parcel, the FEIS Alternative Plan provides for the Applicant to donate approximately 23 acres to the Village, of which some 10.3 acres of land will be utilized for the Applicant's construction of soccer fields, tennis courts and recreation parking to expand the facilities provided within Devries Park to the north and for possible expansion of the Philipsburg Manor Restoration to the east as discussed in Section I of this document. If desired in the future, the Village could develop additional recreational facilities on the East Parcel.

As discussed in FEIS Section II.C and FEIS Appendix 4A, Lighthouse Landing is expected to result in a net fiscal surplus to the Village (i.e. the difference between project-generated public services and project-contributed public revenues) of approximately \$0.63 million annually, which will more than cover any recreation-related expenditures associated with this Project. It is important to note that this net surplus is over and above the estimated Village public service cost of \$4.75 million annually for the Project, since the FEIS Alternative Plan is projected to generate approximately \$5.38 million in annual public revenues to the Village.

4513

On March 10th, I was a civic member of the Community Facilities Subcommittee addressing police, fire, ambulance, school enrollment, public works and recreation (including open space). I felt that, although there was an amazing amount of communication between all parties, there was not sufficient time to discuss all the topics addressed in the agenda. The fact that the Parks

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and Recreation department was not represented at that meeting and that the allotted time was insufficient to discuss such a dense itinerary leads me to request a second meeting (as expressed in prior emails between you, myself and Dare Thompson of the Writers' Center). I request, again, a continuance of that meeting with any and all parties invited who, either weren't present, or, ran out of time to discuss their concerns.

The Village Board of Trustees can coordinate with the Village Parks and Recreation Department during the FEIS review process to discuss the open space and recreational features planned under the FEIS Alternative Plan, which are summarized in the response to Comments 2905 through PH2825 above.

SCHOOL CHILDREN PROJECTION

1602 I am greatly concerned with the more than 1,500 (plus) number of residential housing that is currently proposed. I am flabbergasted at that towering number of residential homes! I urge the Village of Sleepy Hollow and Roseland Properties Company to seriously consider scaling back the number of residential homes at Lighthouse Landing. The Village of Sleepy Hollow could not possibly handle such an immediate increase in population. It would place a great burden on an already ailing and insufficient school system in our area. The proposed estimate number of 217 new students entering the school system seems extremely low. If the proposed homes were restricted to a retirement facility, I could somehow see a basis on that number. However, I think the developer has suggested a number that is not at all accurate or reasonable.

2006 a. School Children – Estimated Projection
The Projected number of new school children generated by the Project is extremely low. Please provide alternate methods of determining the numbers of school children, including some actual case studies from Tarrytown and the surrounding Counties of Westchester, Putnam, Rockland and Nassau.

4232 The addition of some 1,500 residential units will only generate 217 additional students to the school system. This sounds totally understated.

Question:

- a) How was this number arrived at?
- 4233 b) What would happen if this forecast was wrong and twice as many students enrolled in the school system?
- c) What would be the impact to the forecasted tax revenues/expenses?

4514 I am trusting that Dr. Smith is confident in his projection of the public school population. The passing of Propositions 1 & 2 gives me hope that we will have adequate facilities and learning space for our students, in all disciplines. I have great concern that very modest projections of school-aged children may leave us with insufficient resources.

PM303 Now, that is the end of my statement from the PMIA. As an individual living in Sleepy Hollow, I would like to ask some questions about the numbers

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concerning the school population increase, 217 I believe is what the report comes out with.

If you notice the numbers, there is 224 town houses. I don't know who they think will buy the town houses. Perhaps it's going to be a flock of flying nuns coming in to buy them up. I don't think so. I think it's going to be families. I think it's going to be quite a few students. I would like to know how the 217 was derived. Was it derived from a broad base statistic or was it derived from something more specific with respect to the school system here and the population here. Because we do, I think, generate quite a few more school age kids than that. Thank you.

PM1002 The other items, of course, are schools. The impact on the schools. You're showing 1,500 - 217 added additional students. That's kind of an odd number considering the total number of units.

PM1701 Very quick. How about reverse engineering from the 217 students, doubling that to 434, assuming that will be the number of residents, and only 50 percent of them would have children. So, the proper figure, instead of 1,562 probably would be around 400 --.

PM1805 They have this absurd number of school children, 109 to 217. Well, I beg to differ...But what I did find out is that 32 percent of Westchester households have children. If you have 1,562 housing units, and 32 percent of them are going to have children, you have 499.8 children. That is if they only have one each. All right. So, it is a severe underestimate on the number of children.

PM2007 Schools. I'm assuming it's going to have a major impact on schools. The numbers I looked at look pretty low to me, and I seriously doubt 200 students will be added to the schools as a result of, you know, even at the numbers that are suggested 200 kids, I think that's pretty - I think that's absurdly low.

PM2702 The other thing, the other point I would like to mention is that I would like to accept their 217 students as a correct figure, but reverse engineer that figure to generate then probably only about 651 residences that would produce the 217. So, I accept their figure.

PH4103 The other aspect of this thing again just a brief comment on the 215 kids coming from the Lighthouse Landing. I believe that 213 is an absurd number. There are a number of reasons for that even from a statistical standpoint, but the one thing the, I think it is Lisky - Listokin - that he can't take into account is that over the past three years there has been an explosive escalation in home prices, parallel explosive escalation in real estate taxes, primarily school taxes. ...

Quite frankly, 213 is basically the average class size or grade size of our schools right now. If you think the replacement costs of just the classrooms to replace that's between roughly 15 and 20 million per 200 kids. So if we are off by a factor, I mean, I believe these numbers could be off by a factor of two or three; you are looking basically at a bond proposition right now. I believe that basically these numbers, I mean, are so important going to the existing school base, but the ones coming in that there has to be a lot more evaluation.

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PH5502

One of more assumptions that comes up is the number of students and again the applicant mentioned tonight that they were using certain assumptions, they used assumptions that came up with the highest number of students. Again, I don't do this for a living but I can just look at some of the information that's been out there and take a look at things like there are 959 two and three-bedroom units being proposed. If we assume all 200 units that are being allocated to seniors are in the two to three-bedroom category that would leave 759 two and three-bedroom units for non-seniors.

I'm also assuming that the seniors are not Tony Randolph and won't be having children in their seventies.

What that would then mean is out of 759 units there would only be 217 school children? That is less than one third having less than one child each.

Now again, they indicated that they will continue to look at this and they are saying that these are, they used the highest number, they used the school district number but there is something in there that just seems to be a disconnect in terms of it doesn't sound credible.

PH5503

I think the other thing we have to be careful about as we continue down this project is the use of certain language in terms of how things are presented. Throughout the meetings and again tonight and at certain other elements the applicant does use, will use certain phrases that I just think we have to be careful as to what they truly mean, even in the limited summary that we have without going through the actual document itself.

On page I-9, getting back to the number of students, they make reference to under the most conservative estimate of the 200 students. Well, the term conservative is not an absolute term, it's relative and therefore in and of itself has absolutely no meaning and in many cases those kinds of relative terms are used to kind of make something sound more based on fact than reality than it really is.

As discussed in the response to Comment PH4503 in Section II.C of this document, under the DEIS Plan, Lighthouse Landing is projected to generate up to 217 public school students (grades K through 12) at full build out based on the student multipliers contained in the demographic study for the Tarrytown School District's own DEIS. The Lighthouse Landing DEIS also calculates the potential number of public school children that could be generated by the project using two other methodologies: 1) regional U.S. Census Public Use Microdata Sample ("PUMS") data, which predicts 109 public students from the Project, and 2) Westchester County field-level experience provided by RH Consulting, which predicts 154 public school students from the Project. The DEIS is "conservative" in that it utilizes the highest public school children estimate (217 students) based on the Tarrytown School District's own demographic multipliers as noted above. The other two sources of

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estimating public school children yield lower figures (i.e. the PUMS-derived figure of 109 students and the County field-level figure of 154 students).

As discussed in Section I and II.A of this document, the number of residential units proposed for the Project has been reduced from 1,562 units to 1,250 units under the FEIS Alternative Plan, representing a reduction of approximately 20 percent in comparison to the DEIS Plan. Lighthouse Landing is projected to generate up to 211 public school students (grades K through 12) at full build out under the FEIS Alternative Plan using the aforementioned student multipliers contained in the demographic study for the Tarrytown School District DEIS. With 211 public students, the FEIS Alternative Plan is projected to result in a net fiscal surplus to the Tarrytown School District of approximately \$1.5 million annually. It is important to note that this net surplus is over and above the estimated school district public service cost of \$4.12 million annually for the Project, since the FEIS Alternative Plan is projected to generate approximately \$5.62 million in annual public revenues to the school district. See FEIS Section II.C and FEIS Appendix 4A for additional discussion of public student generation and fiscal conditions associated with the FEIS Alternative Plan.

4316

16. The Superintendent noted anecdotally, that local trends indicate increased family occupancy of condos, which might not necessarily be included in schoolchild generation figures. There was also a question as to whether there is pricing sensitivity (more expensive units do not produce as many schoolchildren). For example, Wyldwood (recently approved townhouse development in Tarrytown School District) has only 5 students. The Applicant noted their own experience with high end, smaller units in Port Imperial and Jersey City has been that the units produce very few kids. The Applicant provided examples of buildings with approximately 300 units and 2 – 5 kids, generally non-school age. Surveys of these types of units, and developments such as the Tallyrand Crescent community located on the south side of Route 119 in Tarrytown should be included as part of the evaluation of anticipated impacts.

PH4304

The other thing is the schools. I think it has to be more specific with the schools. I know the capacity, the projected enrollments. I can tell you from our experience in Tarrytown, Tallyrand Crescent has 300 units down by Fridays, rental and right now they are generating about 100 kids to the school system. So I think you have to take a look at that. I can't really believe what some of those figures are.

The following response first considers the actual school children in a number of New Jersey developments (Port Imperial in Weehawken

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and Marbella in Jersey City) and then presents data for Talleyrand Crescent in Tarrytown and other Westchester developments.

A. Riverbend I, Port Imperial, Weehawken, New Jersey: 302 High-Rise Rental Units		
Unit Type	Number of Units	School-Age Children
1 Bedroom	163	5 (.016/unit)
2 Bedrooms	<u>139</u>	
Total	302	
B. Riverbend II and III, Port Imperial, Weehawken, New Jersey: 212 Mid-Rise Rental Units		
Unit Type	Number of Units	School-Age Children
1 Bedroom	77	5 (.023/unit)
2 Bedrooms	118	
3 Bedrooms	<u>17</u>	
Total	212	
C. Marbella, Jersey City, New Jersey: 412 High-Rise Rental Units		
Unit Type	Number of Units	School-Age Children
1 Bedroom	268	5 (.012/unit)
2 Bedrooms	121	
3 Bedrooms	<u>23</u>	
Total	412	

The following table summarizes the public school generation from Wyldwood and three other condominium developments (i.e., Clarewood Club, River House, and Old Greenwich Gables) already included in Lighthouse Landing DEIS Appendix 7A. It also includes a summary of the public school generation from Talleyrand Crescent in the Village of Tarrytown. Talleyrand Crescent is a totally rental development and includes 20 percent affordable rental units. The basic unit sizes are relatively small (i.e., one-bedroom 660 square feet, two-bedroom 828 to 934 square feet) and there are few amenities on site. In general, the units at Talleyrand Crescent are geared to a different segment of the market than the rental units proposed for Lighthouse Landing. Analysis of various housing developments in Westchester County has shown that affordable units generate more

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public school children than market-rate units and rental units generate more public school children than condos. Therefore, the rental units of Talleyrand Crescent are not comparable to the rental units proposed for Lighthouse Landing.

The average number of public school students per unit for the condominium development units – Wyldwood, Clarewood Club and Old Greenwich Gables – are less than the multipliers used in the DEIS for Lighthouse Landing. The average number of public school students per unit for River House is only slightly higher than the average multipliers used in the DEIS adjusted for unit size - .167 compared to .150.

In conclusion, the multipliers utilized in the Lighthouse Landing DEIS, which are based on the student multipliers contained in the demographic study for the Tarrytown School District's own DEIS, are appropriate for projecting future public school students for the Lighthouse Landing project.

- A. WYLDWOOD (86 condo units) – 30 three-bedroom duplexes; 34 two-bedroom townhouses; 22 three-bedroom townhouses.
 Town of Greenburgh, Tarrytown School District

Unit Type	# of Units	# Public School Students	Public School Students per unit
3-bedroom duplex	30	2	.067
2-bedroom townhouse	34	2	.059
3-bedroom townhouse	<u>22</u>	<u>1</u>	<u>.045</u>
TOTAL	86	5	.058

- B. TALLEYRAND CRESCENT (298 rental units)* - 62 one-bedroom; 37 one-bedroom plus loft; 133 two-bedroom; 66 two-bedroom plus loft
 Village of Tarrytown, Irvington School District

Unit Type	# of Units	# Public School** Students	Public School Students per unit
Various	298	89	.299

- C. CLAREWOOD CLUB*** (40 condo units) – 35 one-bedroom; 4 two-bedroom

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Town of Greenburgh, Hastings School District

Unit Type	# of Units	# Public School Students	Public School Students per unit
Various	40	4	.100

- D. RIVER HOUSE*** (12 condo units) – 1 one-bedroom; 9 two-bedroom; 2 three-bedroom duplex units
 Village of Irvington, Irvington School District

Unit Type	# of Units	# Public School Students	Public School Students per unit
Various	12	2	.167

- E. OLD GREENWICH GABLES*** (167 condo units) – 97 one-bedroom; 37 two-bedroom; 32 three-bedroom; 1 four bedroom
 Town of Greenwich, Greenwich School District

Unit Type	# of Units	# Public School Students	Public School Students per unit
Various	167	16	.096

*Includes 60 Affordable Rental Units

**Data from May 2002

***From Lighthouse Landing DEIS Appendix 7A, Exhibits A-3 and A-4

6218

18. The Applicant anticipates that the project will generate 217 school age children. The Applicant needs to project Pre-K class levels generated from the project as well, since these children also attend the school district.

As indicated in the response to Comments 1602 through PH5503 above, the Lighthouse Landing FEIS Alternative Plan is projected to generate up to 211 public school children (grades K through 12). The Applicant has recalculated the pre-K school children that would be generated by the revised FEIS Alternative Plan program (with 61 affordable housing units). The revised project comprises 1,250 housing units with 629 rental apartments (including 21 affordable workforce apartments and 40 affordable senior apartments); 373 market-priced condos; and 248 market-priced townhouses.

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Based on that program, it is estimated that there will be a total of about 80 children four years of age or under. Of that 80, no more than about 25 will be between 4 and 5 years of age – the age cohort served by the Tarrytown Union Free School District in its pre-kindergarten (pre-K) program. (All of the above 0-4 years-of-age children figures specified by the indicated age cohorts are total potential estimates.)

According to the TUFSD, in the 2005-06 school year, the district educated about 65 pre-K school children – its current capacity. If additional funding is received from the state and other sources, the district is anticipating expanding the pre-K program to about 100 children – an increase of about 35 from existing levels. While some Lighthouse Landing children would be expected to attend the TUFSD pre-K program, there are other pre-K programs in the area, which would also be available to Project residents.

FIRE PROTECTION

4319

19. The garage area under the grocery store has a 22' clear height at the lower level. Village would like to move a company down to Lighthouse Landing, plus boat storage and low-profile vehicle. Department noted that apparatus bays should be sized to accommodate new vehicles. Existing firehouses don't have living quarters and can't accommodate residential volunteers who would potentially live at the firehouse in shifts full-time. The Department feels it would be prudent to consider bunkhouse and meeting room in new firehouse or community service building. There needs to be an evaluation of whether the Village should move a fire company down to the project site, or create a new company and the attendant impacts on Village fire fighting requirements and insurance regulations.

To serve the new development effectively, the Village has indicated that it wants to have a full company, specialized equipment and the necessary accessory space for support at the site. The Applicant notes that the potential space identified for a fire substation not be viewed necessarily, as just a garage. It could have a masonry face and be sheetrocked and finished out inside. The Applicant will provide a conceptual floor plate. The Village is requesting an alternative design be included with the FEIS that incorporates a free standing building that would be designed to support the requirements of a new substation.

4320

20. The Applicant noted that garages will be sprinklered and have standpipes. It was further noted that the current design has changed from the original proposal in that the project now has individual garages and bigger floor to ceiling heights. The Applicant claims that in approximately ½ the garages, normal fire equipment will be able to access the specific parking facility. There needs to be an evaluation, based on site plan revisions, as to the necessity for specific pieces of apparatus to serve the site.

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PH4404

One more and that's all. I think your plan is to go from 9,000 people in Sleepy Hollow to 12,000 people. And at your high estimate and the question I ask is does that plan include adequate fire protection?

If you are going to improve, if you are going to expand by one third, are you going to have enough room for fire engines to be there or do you want to consider the possibility of putting a firehouse there?

That's a problem that we've had in our south end. We are dealing with that now. While you are in the building stage or the planning stage you might want to consider the same and I thank you very much.

The Applicant has requested and the Village has provided information from the Village of Sleepy Hollow Fire Department regarding Comments 4319 and 4320.⁹ As indicated in Section III.D of the Lighthouse Landing DEIS, the Village Fire Chief has indicated¹⁰ that: 1) The fire department's existing manpower and equipment are adequate to meet current community needs, and are expected to remain adequate over the next 5 to 8 years except for the replacement of an older fire truck; 2) Based on the scope of the Lighthouse Landing project and access limitations over the Beekman Avenue Bridge for emergency response, it would be desirable to locate a new firehouse on the project site. The Village would consider relocating the Union Hose Company fire truck from the existing Cortlandt Street firehouse to the new firehouse on the project site; 3) Acquisition of a low profile fire protection vehicle for potential garage fires at Lighthouse Landing would be desirable; and 4) Additional fire department staffing is not anticipated to be needed to accommodate the Lighthouse Landing project.

It is important to note that the Applicant plans to donate a significant amount of land to the Village, as well as fund and construct open space/recreational improvements. Specifically, approximately 23 and 15.7 acres of land will be donated to the Village on the East and West Parcels, respectively. In addition, the Applicant will fund and construct the proposed 10.6-acre waterfront park and its amenities (including the interpretive center) as well as 4.3 acres of internal public open space areas on the West Parcel. Moreover, under the FEIS Alternative Plan, the Applicant proposes to donate land on the

⁹ See letter from Divney Tung Schwalbe to the Sleepy Hollow Fire Department dated August 16, 2005 in FEIS Appendix 1, Relevant Correspondence. In addition, see the letter from the Village Administrator to Divney Tung Schwalbe dated Dec. 14, 2006 in FEIS Appendix 1.

¹⁰ Based on Divney Tung Schwalbe February 18, 2004 meeting with Jose Ojito, Sleepy Hollow Fire Chief.

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South Parcel at the corner of Beekman Avenue and Hudson Street, and contribute \$1.5 million to the Village for the Village to construct a new Fire/Ambulance station to serve the western portion of the inner-village and Lighthouse Landing as illustrated in FEIS Figure No. I-2. The new station will provide the fire department and ambulance corps with modern facilities to meet their existing and future operational needs. Further, the Applicant will construct a new Village DPW facility on the East Parcel, the design of which will be jointly developed between the Applicant and the Village¹¹. As discussed in FEIS Section II.C and FEIS Appendix 4A, Lighthouse Landing is expected to result in a net fiscal surplus to the Village of approximately \$ 0.77 million annually based on a project-induced Village public service cost of \$4.75 million and a project-generated Village revenue of \$5.52 million annually. These annual Village tax revenues will more than cover emergency service expenditures associated with this project.

The proposed buildings and parking garages will be designed in compliance with the New York State Building Code and the Life Safety Code. As discussed in FEIS Section I and illustrated in FEIS Figure No. I-4, Below Grade Parking Plan, the Project will include individual garages to serve different buildings and blocks. Emergency access to those buildings and blocks will be reviewed during the site plan application review process. The mechanical design for the garages will incorporate sprinklers, standpipes, alarms and communication boards. The Applicant will study the need and work with the Village to determine if a low-profile firefighting vehicle is necessary for the Project.

POLICE PROTECTION

4321

21. The Police Chief indicated that the project would require two posts, one to patrol the residential portion and one to patrol the commercial portion. The Chief indicated two posts would be adequate to handle commuters from new train station. However, the Applicant has indicated they would be providing their own security service. Would full-time security service affect the need for municipal police service? How would a full time security service interface with the Police Department?

As indicated in the response to Comments 5039 and PH5503 above, the Village administration anticipates the need to establish a fourth

¹¹ The Applicant will construct a 6,000 square foot DPW building for office and garage space in addition to a 6,000 square foot salt storage shed.

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police post coverage area assigned to patrol the residential and commercial portions of the Lighthouse Landing project. Lighthouse Landing will contract with a private security service to monitor activity at the Project. The private security service would be intended to act as a deterrent; they would report any incidents to the Village Police Department for further investigation and action. The private security service would be amenable to any suggestions by the Village to help them interface effectively with the Police Department and other emergency responders.

With respect to potential impact on police services for traffic control during project construction, it is noted that the project site is currently owned by the Town of Mount Pleasant Industrial Development Agency, and leased by the Agency back to GM. Because property owned by an industrial development agency is exempt from real estate taxation, the Agency and GM entered into an agreement in 1985 requiring GM to make payments in lieu of taxes to the Village. Pursuant to the August 2002 Settlement Agreement between the Village and GM, the project site is required to be restored to “fully taxable status” within 90 days after the Applicant receives site plan approval and preliminary subdivision approval for the first phase of the project. Since the site will be restored to taxable status before any construction is completed and any portion of the project is occupied, significant tax revenue will be generated to the Village at a time when the impact of the project on Village services is minimal, thereby yielding surplus revenue to the Village. In the Applicant’s opinion, the surplus tax revenue will be sufficient to offset any costs incurred by the Village during the construction period, including any costs for police department traffic control assistance. Further, the contractor will provide a flagman at the construction access as needed to control traffic to minimize the need for Village police assistance. Truck trips can be staggered and moderated during peak hour period.

4322

22. The Police Department participates in a joint marine unit (Zodiac-type boat) that has a seasonal staffing effect. Can this use be accommodated on-site?

The riverfront open space is planned to include a floating “dock and dine” dock for temporary tie-ups in the vicinity of the proposed hotel, which is expected to be suitable for the joint marine unit to access the Site in the event of a call for service. A police boat could be stationed at the “dock and dine” dock subject to discussions between the Village and the Applicant.

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4323

23. Given the new development and enhanced connections to Kingsland Point Park will the Department need to send additional bike patrols to the newly created open space and Kingsland Point Park? Should park rangers be considered for this expanded waterfront area?

Sidewalks and pathways are planned within the proposed riverfront park which will be suitable for bikes. The Village administration anticipates the need for additional staffing to patrol the proposed on-site and off-site open space facilities within the Village, thus requiring one full-time park ranger supported by 11 or 12 part-time staff.

4324

24. There needs to be an additional evaluation as to the presence of a Police substation, either for a full-time or part-time office. The Chief has indicated that a full time substation would have the two posts and a desk officer reporting there. A part-time substation would not need lockers, since staff would use the Village's existing facility. For seasonal/special events, the Police Department indicated that it would like some place for officers to gather to receive assignments and take breaks. The design of part-time substation could be incorporated as part of one of the proposed open space outbuildings/information center in the vicinity of the lighthouse. The Applicant should coordinate with the Village and the Police Department regarding more specific details.

Preliminary discussions with the Village Administrator indicate that the Village anticipates the need to establish a fourth police post coverage area assigned to patrol the residential and commercial portions of the Lighthouse Landing project, thus requiring six additional police officers. According to the Village Administrator, police department operations for this fourth post would be handled from the existing police headquarters building at 28 Beckman Avenue located approximately 0.5 miles east of the site.

PUBLIC WORKS SERVICES

4328

28. The DPW is currently in space that is inadequate for their needs and a new facility is needed, particularly as a result of the proposed action. There is an opportunity, as indicated on the conceptual plan, to relocate the DPW facility to the East Parcel. Could the school district be accommodated, in a limited way, as part of the proposed expansion of the DPW facility? The Village needs to be provided with a clear evaluation of the subsurface conditions under the East Parcel in the vicinity of the proposed DPW facility location.

As indicated in Section III.D of the Lighthouse Landing DEIS, the Village administration has indicated¹² the following with respect to

¹² See correspondence from Dwight Douglas, Village Administrator, to Divney Tung Schwalbe dated April 5, 2004 in DEIS Appendix 1E.

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the adequacy of existing DPW resources and additional service demands resulting from the Lighthouse Landing project:

- 1) Existing Conditions – The DPW facility currently lacks adequate facilities for the storage of trucks, equipment and materials, both inside and outside. (It is noted by the Applicant that the inadequacy of the Village’s existing DPW facility is further evidenced by the Village having entered into an agreement with General Motors to store equipment and material on the project site.)
- 2) Future Conditions Without Lighthouse Landing - DPW is studying development of a new highway garage design to provide for indoor storage of all major vehicles as well as a site for composting, storage of equipment and parking. The Village indicates that the expanded highway garage must be constructed to support any major development on Lighthouse Landing, and while currently needed, is required for any development at Lighthouse Landing. DPW does not plan to hire additional personnel or purchase additional equipment other than ordinary replacement of equipment as it ages over the next 5 to 8 years.
- 3) Future Conditions With Lighthouse Landing – A new DPW facility is a necessity over the next 5 to 8 years, with an anticipated cost in the \$5 million range.¹³ The Village indicates that the new highway garage will be designed to have adequate capacity to service the existing and future Lighthouse Landing development. Further, the memo indicates that with Lighthouse Landing, there will be a need for at least two additional garbage trucks, park maintenance equipment such as mowers, small pickup trucks with plows and front end loaders. In terms of additional DPW staffing, the Village has stated that Lighthouse Landing will require approximately five additional equipment operators/laborers and one additional mechanic.

The proposed project is expected to result in a net fiscal surplus of approximately \$0.63 million annually to the Village of Sleepy Hollow. This \$0.63 million net surplus is over and above the estimated Village public service cost of \$4.75 million annually for the project, since the FEIS Alternative Plan is projected to generate approximately \$5.38 million in annual public revenues to the Village. Annual Village tax revenues from the project are expected to help

¹³ Subsequent communications between the Village and the Applicant identify the estimated cost of the new DPW facility to be \$11 million.

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offset Village costs for DPW services.

The Applicant plans to donate a significant amount of land to the Village, as well as fund and construct open space/recreational improvements. Specifically, approximately 23 and 15.7 acres of land will be donated to the Village on the East and West Parcels, respectively. The Applicant will also donate land to the Village on the South Parcel, and contribute \$1.5 million to the Village for the construction of a new Village fire/ambulance station. In addition, the Applicant will fund and construct the proposed 10.6-acre waterfront park and its amenities (including the interpretive center) as well as 4.3 acres of internal public open space areas on the West Parcel. Further, the Applicant will construct a new Village DPW facility on the East Parcel, the design of which will be jointly developed between the Applicant and the Village. It is particularly important to note that the 8 acres of vacant land to be donated to the Village on the East Parcel for the proposed DPW facility is especially beneficial to the Village since an alternate site of suitable size does not exist anywhere else within the Village. In addition, by relocating the DPW facility, the Village's existing DPW site on River Street will become available for the Village to reuse or sell at market value.

The master plan for the East Parcel prepared by the Village's Consulting Planners incorporates a small bus service building within the proposed Village Department of Public Work (DPW) yard. See Section II.B of this document regarding subsurface conditions under the East Parcel in the vicinity of the proposed DPW facility.

4329

29. The issue of snow removal was discussed. A designated snow emergency road needs to be identified. DPW can probably stockpile snow on the east parcel and open space areas at Lighthouse Landing.

PM1304

Environmental, as it is today, with the last snow storm we had, we see things that snow removal, truck, light trucks, they will be taking this, dumping it down there and go into the Hudson River. We don't need this. We have to look for a better facility.

The Applicant anticipates that the Village will designate a snow emergency road within the public street system of Lighthouse Landing in accordance with Village policies and procedures. A snow emergency road could potentially be designated along Road One.

4330

30. The DPW indicated that to handle sewer, street and open space maintenance they would likely require 10 additional personnel and three trucks. The Department requests that the pathways and esplanade be designed to

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handle a pickup truck.

The width and design of the proposed pathways and esplanade within Lighthouse Landing will be suitable to accommodate pickup trucks per the Village DPW request.

4331

31. Trash pickup and recycling will need to be detailed, including the use, general location, and specification of compaction dumpsters. Pickup for individual townhouse units will need to be detailed. The Applicant needs to provide some additional details as to garbage collection for the retail establishments, including the proposed restaurants and other food establishments.

PM2013

Also I'm sure this will increase trash in the river and noise.

Each proposed building and block within Lighthouse Landing will have specific locations for refuse and recyclable pickup by the Village, which will be reviewed during the site plan application process in accordance with applicable Village policies and procedures for refuse collection. For additional discussion regarding refuse and recyclable collection for the proposed project, see the response to Comment 6903 in Section II.II (Description of Proposed Action) of this document under the subheading "Proposed Buildings".

ROADWAY OWNERSHIP

4332

32. The Applicant needs to confirm that the main thoroughfares will be owned and maintained by the Village and that the private areas are essentially just the rear drives providing access to the townhomes.

Comment noted. With the exception of the alleys behind the townhomes, the proposed on-site roadways will be owned and maintained by the Village of Sleepy Hollow. The town home alleys will be maintained by a homeowners/condominium association.

EXISTING PEDESTRIAN FOOTBRIDGE

4336

36. The NYSDOT has prepared a preliminary report on the feasibility of reusing the existing pedestrian overpass connecting DeVries Park with KPP. In an effort to enhance and promote future water related access to the KPP beach the Applicant should explore the repair and restoration of the existing pedestrian footbridge.

The Kingsland Point Park pedestrian bridge is located in Devries Park approximately 360 feet north of the Lighthouse Landing site. Repair and restoration of the bridge is not part of the Applicant's proposal.

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It is noted that Section 62-5.1.V(1)(d) of the Village zoning code for the RF district states “Further, any proposed development within this district must provide for and increase pedestrian public access to, and the potential enjoyment of, the waterfront and must integrate that access with the existing and anticipated pedestrian public access opportunities on adjacent public lands”. According to the Village Administrator, the Village of Sleepy Hollow has applied for grants to repair the Kingsland Point Park Bridge.¹⁴

MASTER ASSOCIATION

4356

56. During subcommittee discussions, the Applicant indicated that a Master Association would be providing landscaping maintenance. What other services would the Master Association provide the new development and residents? Would a master association preclude the potential use of a business improvement district for the Beekman Place area?

The developer will designate either the master association, the homeowners/condominium association or building owners to maintain the non-public spaces of Lighthouse Landing. Services to be provided by these entities will include, but not be limited to, maintenance of sidewalks, landscaping, other streetscape elements along Beekman Place, site security, shuttle bus service, and operation and maintenance for the environmental restrictions. The Applicant will record a declaration of easements, covenants and restrictions that will obligate the responsible entities to provide these services. Land to be donated to the Village of Sleepy Hollow by the Applicant will be maintained by the Village. Details will be discussed during the site plan application review process. As such, a business improvement district is not anticipated to be necessary. The Applicant reserves the right to use the proposed on-site sidewalks for Lighthouse Landing’s use in accordance with applicable Village regulations and requirements, and to maintain the Beekman Place streetscape if it is not maintained by the Village.

BEEKMAN AVENUE BRIDGE

6114

E.1 Connecting Beekman Avenue to Lighthouse Landing

Access across the Beekman Avenue Bridge is presently restricted by a 12-ton weight limit. This restriction has many ramifications, the most important of which could involve life and death consequences and others which relate to the nature of the development and the fair-share burden placed upon the

¹⁴ Per July 12, 2006 discussions between the Village Administrator and the Applicant, the Village has applied for grants.

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neighboring community.

If the Beekman Avenue Bridge over the Metro-North Railroad has a structural deficiency that is compromised by vehicles exceeding the 12-ton limit, then emergency response apparatus, such as pumpers with 500+ gallon water tanks, may not be able to cross the bridge in response to calls at the Lighthouse Landing development, as indicated by the Fire Chief on page III.D-9 of the DEIS. This issue is of paramount importance. With the repopulation of this site with approximately 3,000 people, the fire department will have to respond to the development with all units on a regular basis. Even with the potential relocation of Union Hose Company #2 to the property, as indicated on pages III.D-9 and III.D-13, it is irresponsible to require the remaining five companies to go to Tarrytown and return across the H-bridge to the Site, especially during rush hours. In the event of a significant incident, such a situation could have significant and far reaching consequences if it is not properly in the Project design and approval process.

The FEIS must include the structural engineer's "load ratings analysis" and not just a statement that the capacity of the bridge is "approximately 12 tons". The FEIS should also contain a comparison with the loads exerted by the Village's largest emergency response vehicles when crossing the bridge. Only through this analysis can the Village determine its needs for the long-term safety and welfare of its new residents, as well as others that will visit the retail, office theater and hotel components of the Project. Furthermore, since the Village intends to service the refuse needs of the development with its own trucks across the Beekman Avenue bridge (as indicated on page III.D-11 of the DEIS), a similar weight analysis should be performed for loaded garbage vehicles.

As discussed in Section II.L (Construction) of this document, the Beekman Avenue Bridge will be upgraded to current highway design loading (i.e., AASHTO HS25 truck loading of 45 tons, as currently required by the New York State Department of Transportation) either through public funding or by the Applicant if such funding is not available. The proposed HS25 bridge loading will be able to carry all emergency vehicles, construction vehicles and tractor trailers that are within the legal load limits allowed on the highways. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the Site. In response to the request for a load rating analysis, it is noted that DEIS Appendix 4C, Beekman Avenue Bridge Evaluation, does in fact include a load rating analysis of the bridge. Emergency service capabilities will be enhanced in the vicinity of the Site with the provision of a new Fire/Ambulance station planned by the Village on the South Parcel at the corner of Beekman Avenue and Hudson Street as discussed above in this section.

POTENTIAL ON-SITE COMMUNITY FACILITIES

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- 3412 A development project the size of the Lighthouse Landing moves the idea of a Community Center from the “wish” list to the must-do, top-priority pile. The existing diversity of our community puts the prospect of a Federal/State/County partnership within our reach.
- 4334 34. Is there sufficient space on the site, or in the proposed community center or proposed theatre to include space for a community facility to be shared by various local Village organizations?
- 4503 I have lent my signature to a letter, presented by Mary Lou Gladstone, President of the Tarrytown and Sleepy Hollow Arts Council (submitted to the stenographer) at the February 8th meeting. I would like to reiterate my individual support of a community cultural center, such as proposed by the Arts Council, The Writers Center and Sunny McLean (in varying manifestations). The village needs a home for arts-related non-profits and a place to showcase the creative work of local artisans. A street-side kiosk of brochures does not replace a cultural gathering place or a visitors’ center.
- 5038 The provision of parks lands , and lands through which a Pocantico River estuary might be reestablished, is a most important measure to mitigate adverse environmental impacts associated with; the development of the GM site. The applicants are to be commended for the provision of new open space and parklands. The RF District does not require a recreation fee, unlike other developments in the Village, and thus the dedication of new parkland can be viewed as a sort of equivalent to the recreation fee. In addition, the applicants should also be commended for their endorsement of the expansion of Philipsburg Manor Upper Mills, as HHV as proposed.
- The FEIS should consider some provision of a civic center, perhaps on the east parcel, in addition to the village Department of Public Works yard. The availability of another small auditorium and exhibit space, to supplement what is now available through the public school district’s buildings or HHV’s Upper Mills auditorium, is needed, as the Arts Council and others have recommended. The growth in the Village population will make demand for such a new cultural space increase, and this demand needs to be anticipated in the FEIS.
- PM601 Consider the dedication of a small parcel of General Motors employee parking lot, as noted in the LWRP, the “amenities package”, for the purpose of constructing a shared use Village of Sleepy Hollow Community Center with a film/cinema, river stage.
- The facility would be established through a partnership between business and government and the local nonprofit community at large. The building would provide a needed community center space including a general meeting area and an auditorium, cinema, both with views of the river and the lighthouse.
- PH5201 This letter is a petition for consideration of a cultural exhibit space to be incorporated into Lighthouse Landing, Sleepy Hollow, New York to be shared by the various nonprofit arts and cultural organizations of Sleepy Hollow and surrounding areas.
- We, the Tarrytown and Sleepy Hollow Arts Council envision a multi-purpose,

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media-friendly space that will enhance the current cultural venues in Sleepy Hollow and Tarrytown, become a destination in and of itself and become a magnet attraction for the site and the Village.

We envision a space unique to the area that blends the elements of art, culture, community and environment, polished to gem-like perfection, incorporation the beauty of the site, excellence in architecture, appreciation for human needs and intelligent planning.

PH6002

I am also on the Board of Directors of the Community Media and support Sunny McLean in a plea for an overall community center, including some television facilities provided that it doesn't compete with the music hall. ...

We need wonderful facilities in this Village but if we are going to a five million dollar facility at Sleepy Hollow High School, that's what's proposed, and we are asking for another large facility on this site, we already have a wonderful facility at the music hall. We have to make certain that we don't, we have to do a little facility utilization analysis to make sure we don't have too much of a good thing.

The music hall has been here for 120 years and it's struggling and making substantial progress so I think it's good to have things on this site, as well, provided that they are on a scale that is affordable and will encourage, of course, the high school to use the music hall for the big deal performances, not to have another competing facility. There are plenty of auditoriums in the two villages. But there is a place for something here but I'm not sure that a big facility makes a lot of sense.

PH6003

On behalf of the Historic Society of the Tarrytowns, excuse me, serving Sleepy Hollow and Tarrytowns, certainly we would like to be included with a little historical exhibit at the same multi-use facility.

When the Applicant has a commitment from an operator for the proposed cinema, a request could be made by community entities for community use of the facility. As discussed in DEIS pages III.A-48 through III.A-49, the Applicant is providing significant land donations to the Village and will construct a broad range of amenities for public use as outlined in Section I of this document.

PM206

Finally this one is particularly dear to my heart. I did not hear in any way any inclusion of a new post office in this village. As some people know, I have this nickname of Mr. Zip. That's because in 1996 I started the zip code movement to get zip code 10593 returned to this village. It was originally supposed to be returned to us on February 7, 1981. We are still under the wrong zip code, almost 24 years to the day.

To that end, the mail that's going to be generated from this project will be in the tune of somewhere between 24 and 30 million new pieces of incoming and outgoing mail. This is based on figures that Phil and I computed very recently based on the newest figures and based on the figures given to me by the post office as to how to do this. So, I know they're accurate.

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.D · Community Facilities and Services

We need to have a post office here. We also need to get down to the bottom line, what is the number of units that are going to be there. Because without that figure, Phil and I are kind of stymied on getting the last major part of the proposal to the post office together so we can get our zip code back.

We have got all the other parts in place, but this is a single biggest issue to stopping us from getting our zip code back. We need the figure. We need the post office. Please keep all of these things in mind. Thank you very much.

PH3201

At the first time this evening, I mean, I think it was February 8 when we have over here about how many people going to be down there about the zip code, okay. That I thought that was dead a long time, but looks like it's coming up....

A lot of people they should understand that we have another number to add to our zip code. You, Mr. Mayor, you got tow, all right. My number is 3117 to identify our area. So I don't think we need that - I don't think I want to take too much time because this person mentioned new post office down there. We don't need that. We don't have a problem so we cannot fix it, you know. Nothing is broke.

As presented in FEIS Appendix 1, the Applicant has sent a letter to the Village of Tarrytown Post Office requesting information regarding their ability to service the proposed project and the potential impact on postal services. No response has been provided by the Post Office to date, but the Applicant will advise the Village if any feedback is received.

PM1305

Also I would like to see down there in our village, rather than pay money here for our library, I would like to see this corporation, if they do come through with this project, to put a public library down there for the Village of Sleepy Hollow.

PH4002

I also brought up the other night here that I would like to see a library down there because we have a lot of congestion at one library and we are paying money there from the taxpayers money here. And it is not convenient for us. And the department of public highways, DPW, I don't believe should go down on property that's worth at least three quarters or a million dollars per acre.

This to me is ridiculous. Where we stand now with out DPW I think is a good location and it could be expanded, but we have to go into the out domain, take one building down there and it could be done. I would like this to be studied.

A new library is not part of the Lighthouse Landing proposal or the Village's Consulting Planners' plan for the East Parcel. See the response to Comment 4328 above regard the inadequacy of DPW's existing resources and additional service demands anticipated from the Lighthouse Landing project.

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.D · Community Facilities and Services

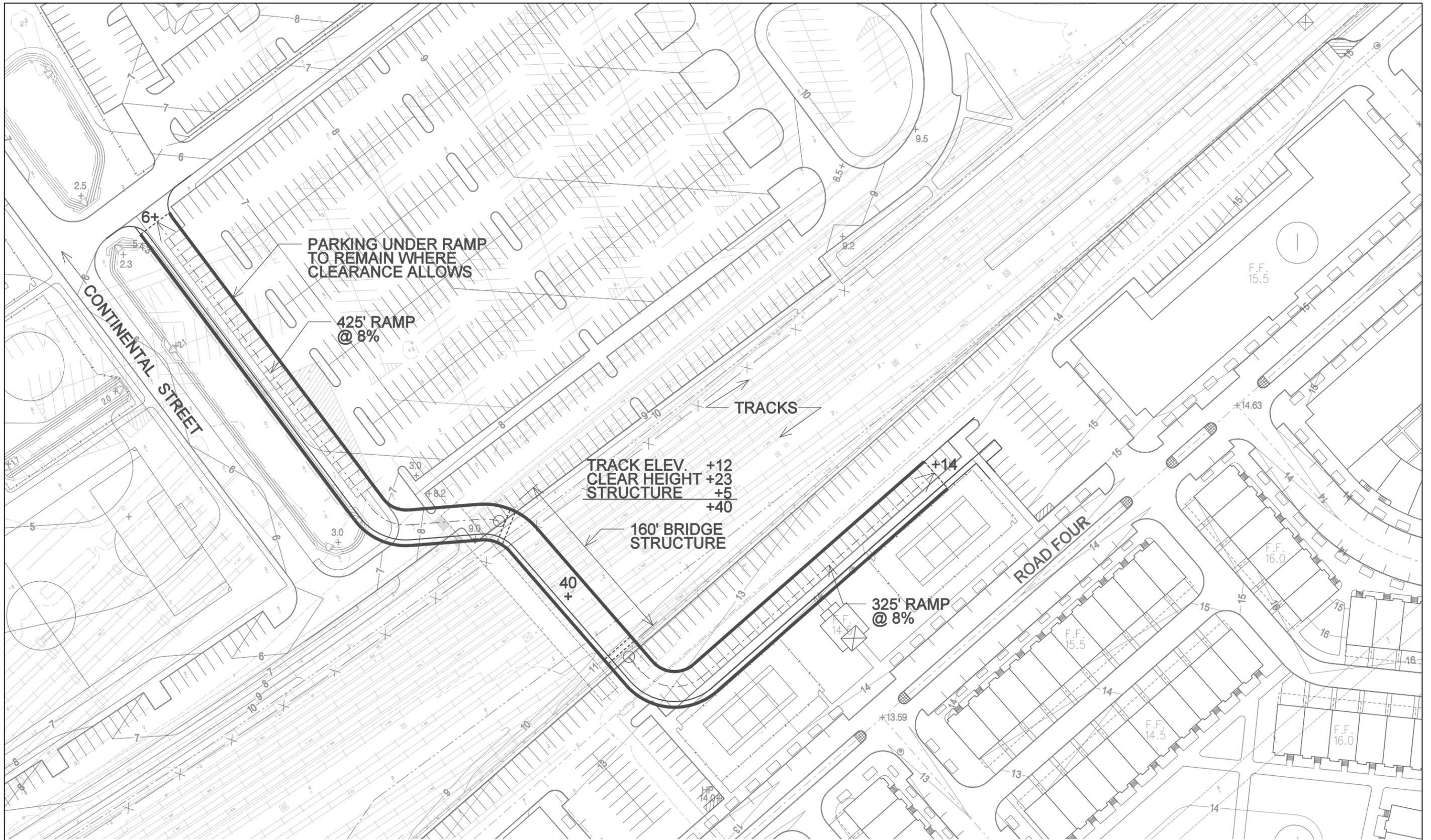
DEVRIES PARK

PH5301

The request and comments that I wish for you to consider are number one, concerning Devries Park. I really don't believe that 40 parking spaces will be an ample amount of parking for the expanded Devries Park. I understand that you are adding some additional spaces and appreciate that. However, if you would consider some more. ...

So with the additions I don't see where 40 could be enough. And I do see on the diagrams that there is going to be commuter parking adjacent on like the west side to the park. So perhaps you could share some of that.

The Village Consulting Planners' plan for the East Parcel provides for 66 recreation parking spaces adjacent to the proposed soccer fields as illustrated on FEIS Figure No. I-2, FEIS Alternative Plan. Currently, about 70 parking spaces exist at DeVries Park. Therefore, a total of approximately 136 parking spaces will be available for visitors with the addition of the 66 aforementioned spaces.



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DEIS Sec.III.E · Historic, Cultural and Archaeological Resources

II. RESPONSES TO DEIS COMMENTS
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COMMENT NUMBER	COMMENT/RESPONSE
	<u>DENSITY COMPARISON</u>
2701	<p>The first comment was directed at the issue of density. I noted that on page I-4 of the DEIS, in paragraph 4, it was noted that the density of 16.5 dwelling units per acre was slightly lower than the existing density (17.1) of the “inner-village”. My observation was that Lighthouse Landing was compromised primarily of buildings of four stories whereas the existing inner village looks to be primarily 2 and 3 stories. I wondered what the inner village density would be if the two 10 story apartments and the 6 story Beekman Arms apartment complex were eliminated from the inner village calculation. I surmised that the density of the existing buildings would be substantially less than the proposed 16.5 dwelling units of Lighthouse Landing.</p>
2706	<p>In summary please consider:</p> <ul style="list-style-type: none">• reducing the density to approximate the existing density without the three tall buildings• reduce the amount of rental units and maintain the owned units• provide for disposal of dredge spoil from the Beach Club marina• downplay the value of school tax coverage of proposed bond interest charges• provide alternate access via Continental Street for emergencies
PM1802	<p>Examples of problems with the data. They have in the DEIS in Section III, Page C-10, C-11, C-12, 13 and 14, they have a map and a table. They have a table of the census blocks in year 2000 decennial, United States census that gives the approximate number of housing units, the land area and therefore the density per acre.</p> <p>Well, there is two interesting things about this data that they present. It is not the data of all the blocks in the Village. It is the data for only those blocks in the densest part of the Village, the most urban area of our Village...The Village is the entire Village. So, I request that when they redo this, they include all census blocks, even those that are not urban in nature.</p>
PM1803	<p>In addition to truncating the data and only having select high dense blocks, they put in three anomalous blocks, the Van Castle, College Arms and Regatta Courts. Three large apartment buildings that are atypical of our Village. And what they are proposing is to build a whole development that is typical of that, but atypical of the rest of our Village.</p> <p>The data is skewed. And if you're a statistician, you know skewed data will always drag the mean closer to the direction of the skewness, the few atypical values. That is what they have here. That is how they get the 17.1 percent density, and how they can tell us well, they will be lower than our density that exists.</p>
PH3801	<p>The board felt it was very important to convey two thoughts to Roseland and to the Village Trustees and the Mayor.</p>

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.E · Historic, Cultural and Archaeological Resources

First is quantitative and the second one is qualitative. The quantitative one is what you have heard from everybody else, the density simply is too great. The way I would express that to you in my way of thinking is if you look at page four of the draft EIS, you will see that it says the density is proposed at 16.5 units per acre which is less than the 17.1 units in the inner village.

Well you can use numbers whatever way you would like. When I drive through the Village, and I have for the last 32 years, I have seen that most of the buildings are two or three stories. Where you get the 17.1 units per acre is by including Van Tassel Apartments at six stories and a couple of other buildings that are at the south end of the Village which are ten stories.

If you take those three buildings away, your average density is probably substantially under 17.1. I think that's why you are hearing from everybody else that we think you are trying to put too much onto too little space.

The information provided in the DEIS (pp. III.E-1 – III.E-4) complies with the Lighthouse Landing DEIS Scope. The presence of apartment buildings within certain blocks of the inner-Village (e.g., Van Tassel Apartments) is clearly identified in DEIS Table III.E-1 and is presented again in this document as FEIS Table II.A-1 for ease of review.

The 1,562 dwelling units proposed for the 94.5-acre site under the DEIS Plan is the equivalent of 16.5 dwelling units per acre. This density is slightly lower than the existing density of 17.1 dwelling units per acre within the "inner-Village" areas north and south of Beekman Avenue to the east of the site. Nonetheless, in response to the Village's expressed concerns regarding the density of the project, the Applicant has developed the FEIS Alternative Plan. This Plan substantially reduces the proposed number of dwelling units to 1,250 (a reduction of 312 units or 20 percent from the DEIS Plan) representing a density of 13.2 dwelling units per acre.

HISTORIC FEATURES ANALYSIS

5009

The Historic Hudson Valley proposal needs to be identified as an alternative development option in the FEIS. The Planning Board notes that the applicant has indicated that it will deed much of the part of the GM site east of the railroad tracks to the Village, or use such as that HHV proposal indicates, to be complete the FEIS must indicate the potential uses that area will have. While the details can be left for a subsequent project, which would go through its own SEQRA compliance, the HHV proposal should be identified as an alternative, and adequate factual description provided, so that it can be considered as a part of any allocation of uses in the GM site. More broadly, the FEIS should describe adequately all of the historic features contained within the site. They are not at present (the omission of the now unique engineering features of the Kingsland Point Park Footbridge, an amenity not only available for reuse since

II. RESPONSES TO DEIS COMMENTS

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the MetroNorth engineers find it to be structurally sound, but also as being eligible for listing on the National Register of Historic Places; see the nomination report provided by the Planning Board at the February 19th public hearing on the DEIS, a copy of which is incorporated herein by reference). The FEIS also should include data regarding all the uses on the east parcel of the site, over different periods, and where the use of that site as a parking lot may have permitted archaeological features of those land uses to remain. The Village's history is important not only for the Dutch colonial era; Beekmantown and North Tarrytown also have a rich and varied record of development throughout the 19th century, much of it on this site before the coming of the automobile assembly plant. The FEIS needs to recall and comment the Village in that century, including the existence of the former 19th century estates as well as small industrial uses that once were the featured land uses on the east parcel, upland of where the railroad tracks now are located.

PH2828

And the one major omission in the EIS on this respect is the little bridge that goes from Devries Park over to that beach house. All of the parking originally for that park was where Devries Park is now. That little bridge is actually one of the last intact, usable bridges crossing the Hudson for pedestrian use.

It is eligible for listing on the National Register of Historic Places. I have the statement of significance in the national register registration material that the Historical Society is submitting to the Office of Parks Recreation and Historic Preservation. And I would submit that, Mr. Mayor, on behalf of them to you for the record so that in the final EIS we can actually reflect the significance of that bridge.

The Applicant will cause those portions of the East Parcel designated for municipal use to be donated to the Village upon terms acceptable to the Applicant and the Village. The Applicant will similarly cause that portion of the East Parcel that is being considered for donation to Historic Hudson Valley to be donated to HHV upon terms acceptable to the Applicant. HHV would know the size of the parcel and the parameters of the use and thus the proposal would be sufficiently concrete to warrant the SEQRA review. See HHV's Exhibits C, E and F for expansion presented in FEIS Figure Nos. II-12 through II-14. The uses and design proposed for these portions of the East Parcel will be subject to Site Plan and Subdivision review by the Sleepy Hollow Planning Board. If the donation to Historic Hudson Valley is not achieved, it is the Applicant's position that the parcel in question will remain as a flood control area and may be donated to the Village upon conditions acceptable to the Applicant and the Village.

The historic use of the East Parcel is extensively discussed in the Phase 1A historic and cultural resources literature review report (the "Phase 1A Report") included as Appendix 8 of the DEIS and in the revised

II. RESPONSES TO DEIS COMMENTS

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Phase 1A Report presented in Appendix 5 of this FEIS. Based on review of the Phase 1A Report, it is the opinion of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) that the proposed project will have no impact on historic properties in or eligible for inclusion in the State and National Registers of Historic Places.¹ In summary, until the construction of the railroad in the mid-19th century, the East Parcel was open water, being part of a bay referred to on early maps as “Die Slaeperingh Haven”. (See Phase 1A Report: Maps 3 and 4.) At that time, the Pocantico River flowed over the dam (constructed at the point where there was a natural rock ledge) at Philipsburg Manor directly into this bay. An archaeological investigation undertaken at Philipsburgh Manor in the late 1950s and early 1960s indicates that during the time when the Philipse family operated the manor (between the late 17th and 18th centuries) it was possible to bring a sloop or schooner into a wharf that stood at the foot of the mill. From that wharf, grain and other products of the Philipsburg Manor were loaded onto ships that carried them down river to New York City and overseas. There is no evidence that any structure associated with the Philipsburg Manor was located on the shore of the bay. The 1725 map presented in FEIS Figure II.E-1 shows a dock, referred to as Martling's or VanVort's Dock, at the foot of what is now Beekman Avenue, then called Continental Road. Continental Road should not be confused with present day Continental Street, which dead ends in an area that would have been at the head of the bay. Map research indicates that Martling's or VanVort's Dock could have been located in the southeastern corner of the West Parcel. Evidence of the dock would have been destroyed by the activities of the 19th century brickyard and by later construction in this area.

At the time the railroad was built, the embankment on which the tracks were laid effectively cut off the Pocantico and the eastern portion of the bay from the tidal forces of the Hudson, and silt quickly began to transform the open water into marsh. (See Phase 1A Report: Maps 5 and 8) The rapidity with which the open water changed to marsh was exacerbated by silt from the Pocantico River and, most probably, by the River's periodic flooding.

The East Parcel remained marshland until the beginning of the 1920s, when it is reported that the Village of Sleepy Hollow filled the area on

¹ See letter from New York State OPRHP to Dwight Douglas dated November 30, 2006 in FEIS Appendix 1, Relevant Correspondence.

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both sides of the railroad in a series of at least 12 discrete filling events that transformed portions of the Hudson and Pocantico Rivers into upland. The fill consisted largely of coal cinders, various soil and aggregate mixtures, dredge spoils and, as was often the case, construction demolition debris, ash and furnace slag. Following the filling of the land now referred to as the East Parcel, the area was graded and used as playing fields.

In the early 1960s GM purchased the site of the playing fields, paved the area and used it to park and transfer cars. At the present time the southern portion of the East Parcel is used by the Village of Sleepy Hollow Department of Public Works for vehicle storage and maintenance.

With respect to the portion of the comment concerning the 19th century estates "as well as small industrial uses that once were the features land uses on the East Parcel, upland of where the railroad tracks now are located," this statement appears to be based on a misconception of the former uses of East Parcel and the effect that the filling episodes of the 19th century would have had on any evidence of such use. The 1848 *Map of the Beekman Farm* includes the East Parcel, which is shown as "Marsh." (See Phase 1A Report Map 5.) There is an "Old Cartway" across the marsh that ends at the railroad embankment, and to the south of the cartway is a drainage ditch; neither of these features would be archaeologically significant. On the hill overlooking the marsh was the house of Dr. Beekman, but this was on the steep escarpment that marks the southern boundary of the East Parcel, not within it. None of the estates, such as the Kingsland Estate, had buildings that would have been located within the boundaries of the East Parcel.

Based on the material presented above and in the revised Phase 1A Report (see FEIS Appendix 5), there is no evidence that any historic structures or activities of any kind were associated with the East Parcel. Prehistorically the land was open water and after the construction of the railroad, it was, first, marshland, and then in the 1920s filled, graded and used as a recreational area, until its purchase by GM, which paved it and used it as a parking area. In the Applicant's opinion, there does not appear to be any potential presence of archaeological remains of any kind on the East Parcel based on the Phase 1A Report findings.

The original path of the Pocantico River is shown on a number of

II. RESPONSES TO DEIS COMMENTS

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maps included in the Phase 1A Report. (See Phase 1A Report, Maps 5 and 8) The shoreline of the various parcels of the GM site is well understood. To further illustrate the changes that have taken place, please refer to FEIS Figure Nos. II.E-1 through III.E-7. The maps illustrate the changes in the shoreline and area conditions between 1725 and 1931. As explained above, in the Applicant's opinion, there are no archaeological sites that would be impacted on the East Parcel. On the West Parcel the potential locations of the early Martling's and VanVort's Dock has been impacted by the 19th century brickyard and the clay mining activities associated with that industrial use. It is extremely unlikely that archaeological evidence of any kind would be located within the West Parcel. The South Parcel is the most intact land on the GM site. In the 19th century a house and at least one outbuilding, probably a stable, were located on the South Parcel. These buildings were demolished at the time that the Maxwell Briscoe Co. purchased the property. It appears that the area has long been used as a parking lot, whether for employees or newly manufactured automobiles. In order to create the parking lot, the area had to be graded. The grading would have significantly impacted any historic or prehistoric resources that may have been located on the site, and it is considered unlikely that the South Parcel would contain intact cultural resources. (See the Phase 1A Report in FEIS Appendix 5 for additional information.)

As discussed in the Phase 1A report in FEIS Appendix 5, the Kingsland Point Park Pedestrian Bridge was built in 1928-29 to provide access from the east side of the New York Central Railroad tracks to Kingsland Point Park and the newly constructed bath house (completed in 1927) and beach (completed in 1928). The Annual Reports of the Westchester County Park Commission indicate that the Pedestrian Bridge, a steel truss bridge, was specifically built to provide a "more convenient approach" from the proposed parking area east of the railroad. The Kingsland Point Park Pedestrian Bridge was closed by the county in 1986. Materials provided to the consultant suggest that the bridge may have been included in a Historic Bridge Inventory (Mead & Hunt for NYSDOT, January 2002), but it is unclear that a determination concerning National Register eligibility was made. The New York State Department of Transportation inspected the bridge on April 13, 2000. Based on the Bridge Inspection Report, it was found to be in reasonably good condition, but it was concluded that its "historic significance is not determinable at this time" (personal communication between City/Scape and Ellen Zinni, 9/29/05). The New York State Historic

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Preservation Office (SHPO) website (www.nysparks.state.ny.us/shpo) was accessed in an effort to determine whether the pedestrian bridge had been listed on the National Register of Historic Places. It appears that it has not been so designated. Based on the criteria outlined in the 1999 Contextual Study of New York State's Pre-1961 Bridges (prepared for the New York State Department of Transportation), it does not appear that the Kingsland Point Park Pedestrian Bridge meets the criteria for such listing (Mead & Hunt 1999:2-3).

5034

The DEIS needs to go beyond the phase one literature review of the historic values of the site. The DEIS discounts and disregards the eligibility of the pedestrian bridge now linking Devries Park and Kingsland Point Park; the Historical Society's report on the eligibility of the Kingsland Point Park Footbridge was made a part of the record at the public hearing on 19, 2005, and needs to be reflected in the FEIS.

The original path of the Pocantico needs to be delineated, and the probable site of any historic wharves and other land uses from the Dutch colonial period should be indicated. Where maps and written records are inadequate to document this, the phase two archaeological analysis should be undertaken. Areas where archeological assets are likely to be found should be identified and no buildings allowed to be constructed on those sites that would compact or harm the archaeological assets. Given the waterfront activity around Philipsburg Manor in the 18th and 19th centuries, special attention should be paid to the shoreline of the original harbor. This should be delineated on maps in the FEIS, so that measures can be taken to secure any archaeological sites therein and safeguard them from having buildings, new roads, or other heavy construction activity on top of them that might impact and destroy the archaeological heritage buried within. Safeguards such as those employed in the City of New York by the NYC Landmarks Commission should be provided in the FEIS for such archaeological sites.

PH2829

Most of the other archeological or historic sites have been adequately identified. The other one that has not is the location underneath the parking lot in the old GM parking lot on the east parcel of where the Slaperhaven Bay originally had its banks because that's where the Dutch had their warehouses and that's where, well we believe, and that's where the Dutch tied up their boats.

Every time we do a big project in Manhattan down in lower Manhattan, we find sunken ships under lands. And there is an entire record of having to do archeological digs there. Well developers in proposing to do anything there which is fine, but there is a standard for analysis in an impact statement that let's the final EIS show us where the historic site is so that no one else will build on it without first taking a look to see what's buried there over three or 400 years of development.

See the Response to Comments 5009 and PH2828 above. The Applicant has contacted the Tarrytown Historical Society to inquire if they have prepared a report regarding the eligibility of the Kingsland

II. RESPONSES TO DEIS COMMENTS

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Point Park footbridge for register listing, and is awaiting a response². With respect to Comment PH 2829, historic research indicates that the Dutch warehouses were not located on the East Parcel, which was entirely open water. There was, as discussed above, a wharf at the foot of the Philipsburg Manor mill where ships loading supplies were docked. As discussed in the Response to Comment 5009 above, Martling's or Van Vort's Dock could have been located in the southeastern corner of the West Parcel, but it was not on the East Parcel. Evidence of the dock would have been destroyed by the activities of the 19th century brickyard and later by construction in this area. There is, therefore, no evidence that the East Parcel will contain archaeological resources of any kind. (See the Phase 1A Report in FEIS Appendix 5 for additional information.)

² Per September 2006 telephone conversation between Gail Guillet and Historic Society representatives.

TABLE NO. II.E-1

LIGHTHOUSE LANDING
SLEEPY HOLLOW, NEW YORK

DENSITY ANALYSIS - INNER-VILLAGE⁽¹⁾

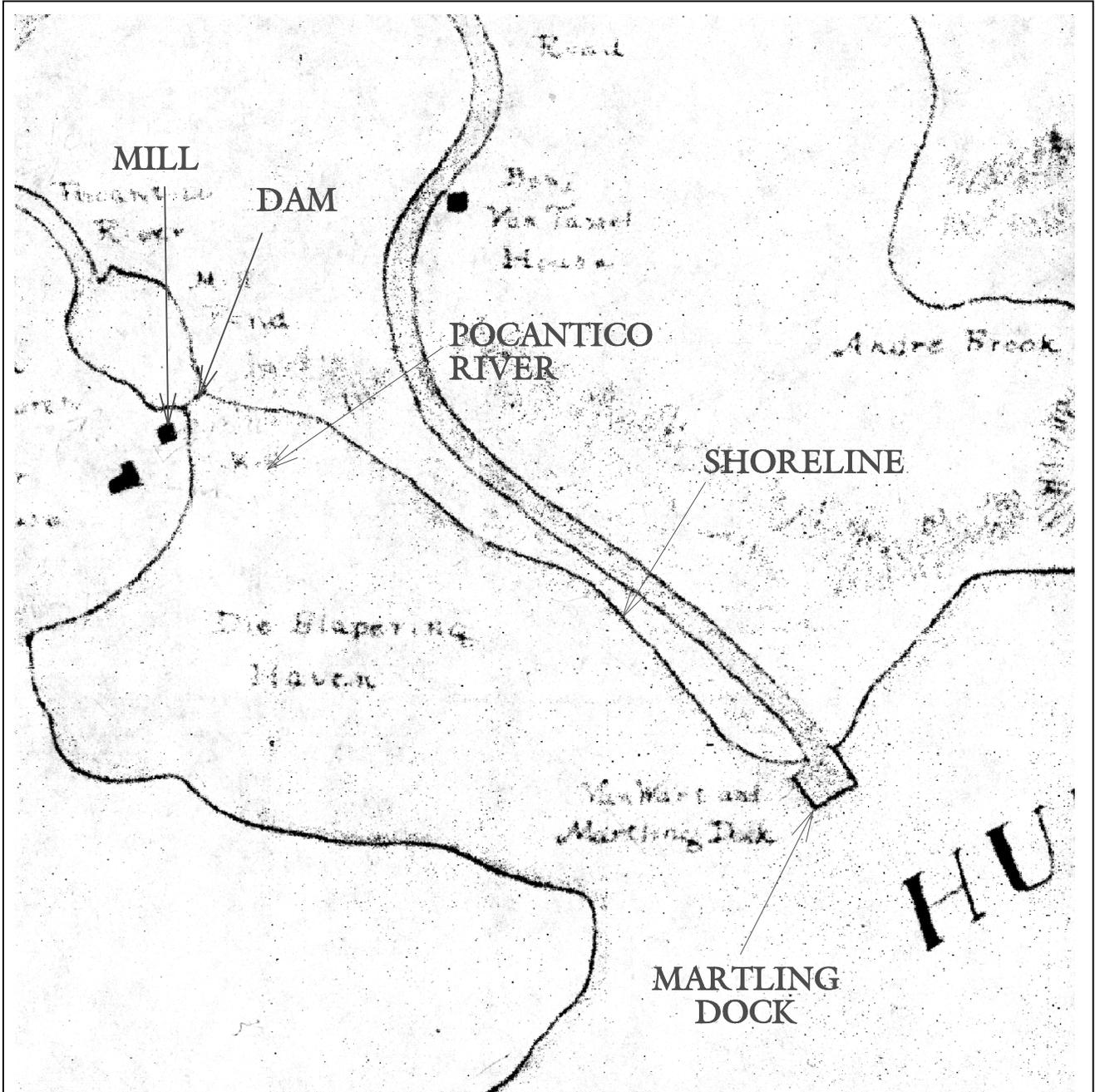
CENSUS BLOCK NO.	NO. OF DUS (APPROX.)	LAND AREA (AC.)	DENSITY DUS/ACRE
Area A (South of Beekman Avenue)			
1004	100	5.34	18.7
1005	59	2.92	20.2
1006	28	2.74	10.2
1007	1	2.08	0.5
2000/2001	86	3.78	22.8
2002	56	2.55	22.0
2003	53	2.45	21.6
2004	49	2.59	18.9
2005	68	4.61	14.8
2006 ⁽²⁾	141	5.28	26.7
2007 ⁽³⁾	164	3.36	48.8
3000	90	7.31	12.3
3001	127	8.37	15.2
3002	1	5.03	0.2
3003	135	4.87	27.7
3004	60	3.40	17.6
Total	1,218	66.68	18.3
Area B (North of Beekman Avenue)			
1002	46	4.62	10.0
1003	117	10.67	11.0
4004	35	8.20	4.3
4005	69	6.78	10.2
4006	41	1.51	27.2
4007	60	3.08	19.5
4008	4	0.64	6.3
4009	79	4.06	19.5
4010	48	3.11	15.4
4011	76	6.66	11.4
4012 ⁽⁴⁾	255	3.73	68.4
Total	830	53.06	15.7
Areas A & B Combined			
	2,048	119.74	17.1

⁽¹⁾ Based on US Census 2000 data for Tract 116.

⁽²⁾ Block 2006 includes the Margotta Courts Apartments (85± dus).

⁽³⁾ Block 2007 includes the College Arms Apartments (164± dus).

⁽⁴⁾ Block 4012 includes the Van Tassel Apartments (255± dus).



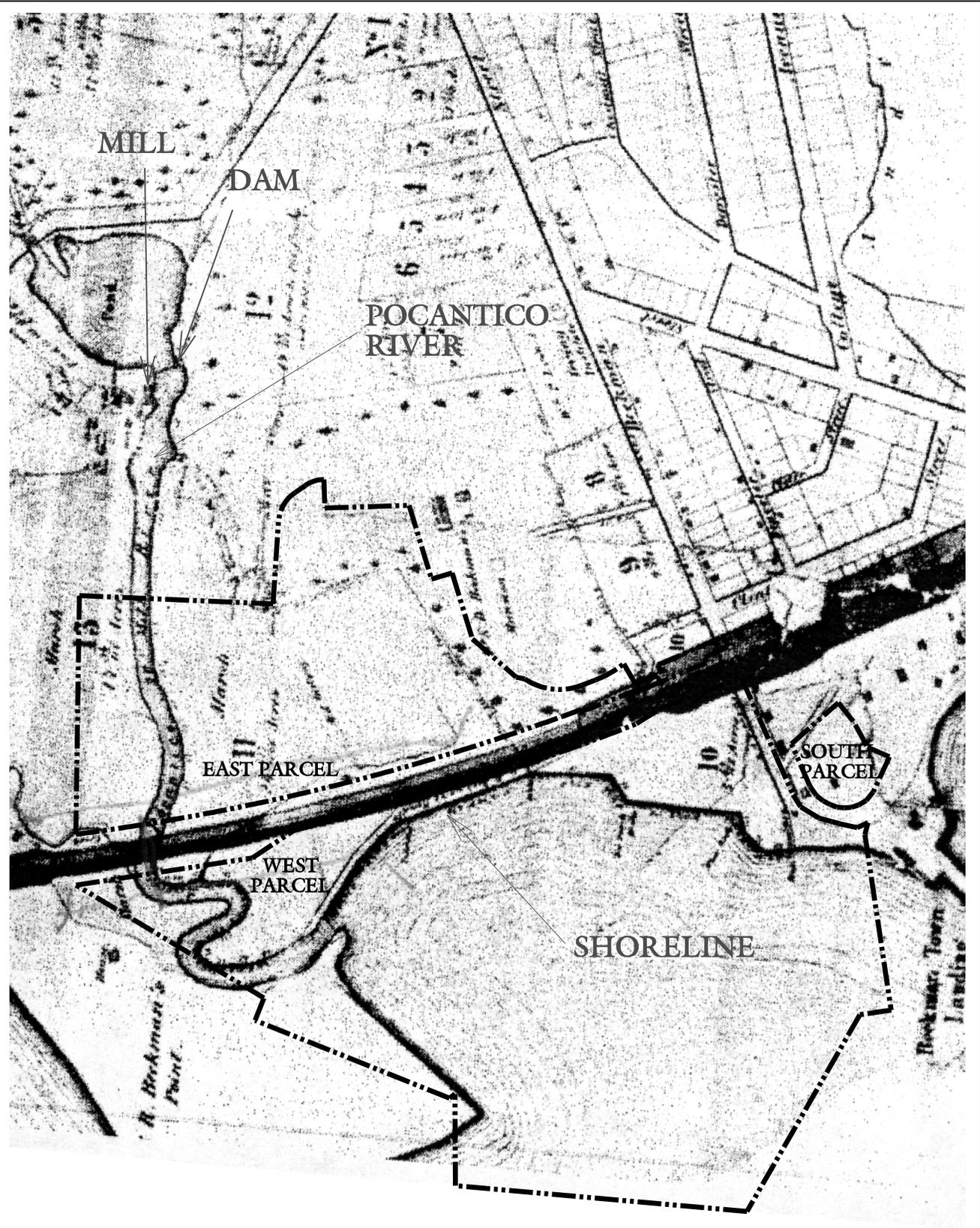
NOTE: The above hand-drawn map may have been created to demonstrate spatial relationships between known landmarks, and may not indicate precise locations. Please refer to the drawing entitled "Historic Map - 1848" for locations of the mill and dam along the Pocantico River.

SOURCE: Westchester County Archives, Elmsford, NY



HISTORIC MAP - 1725
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II.E-1



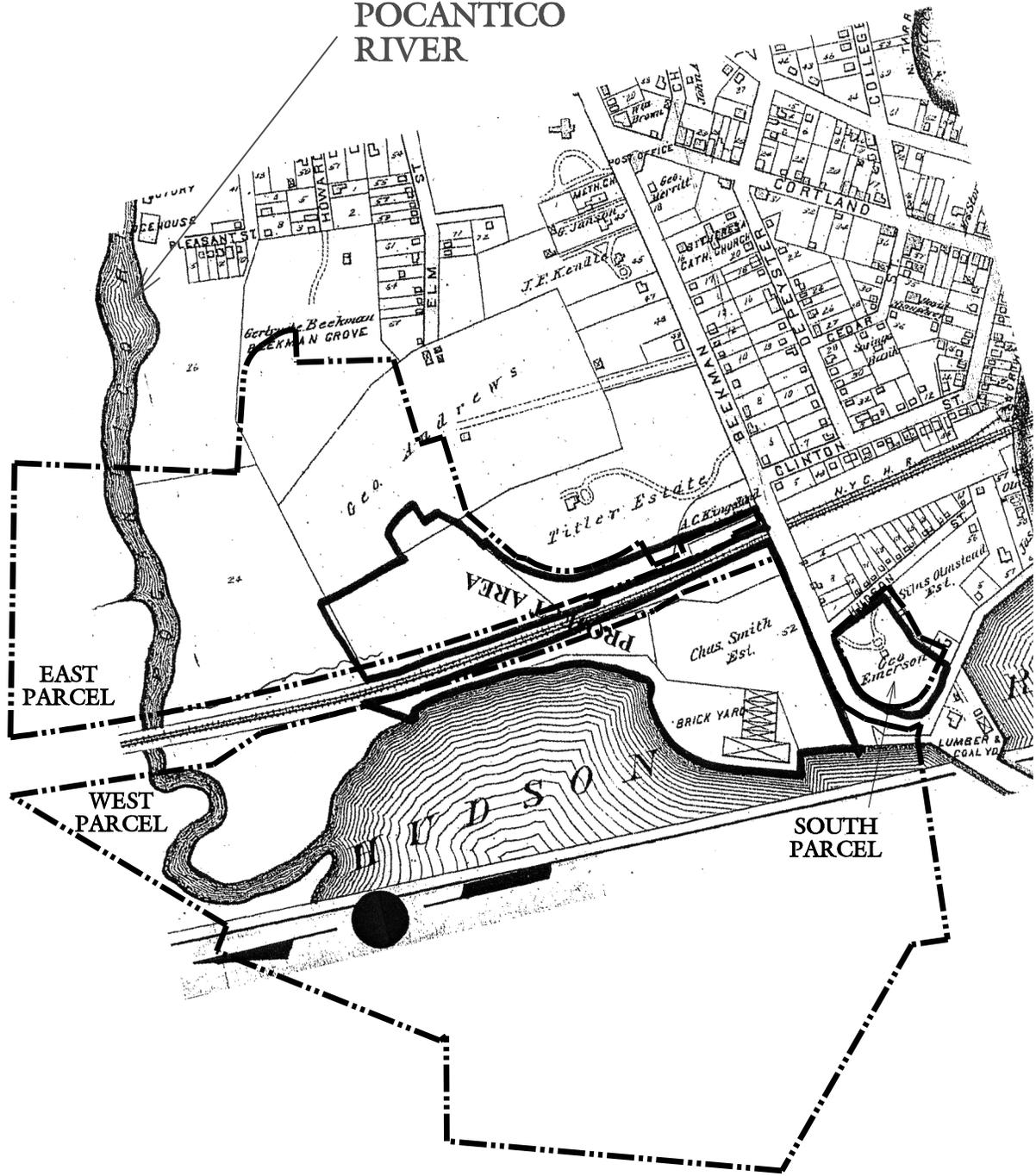
SOURCE: *Map of Beckman Farm situated in the Town of Mount Pleasant in the County of Westchester, State of New York*
 The Historical Society, Inc.



HISTORIC MAP - 1848
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II-E-2

POCANTICO RIVER



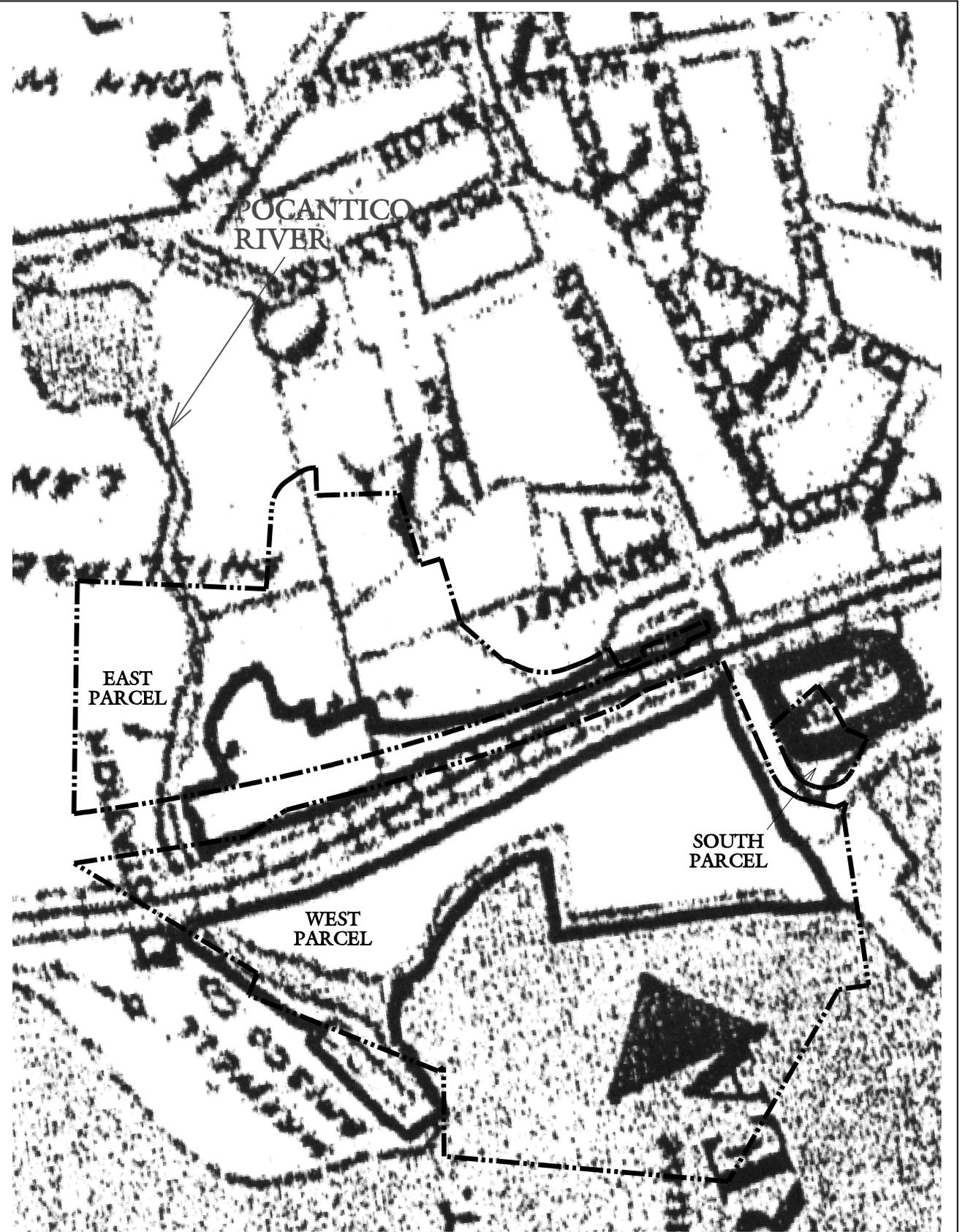
SOURCE: G.W. Bromley's *Village of North Tarrytown*, Plate 124





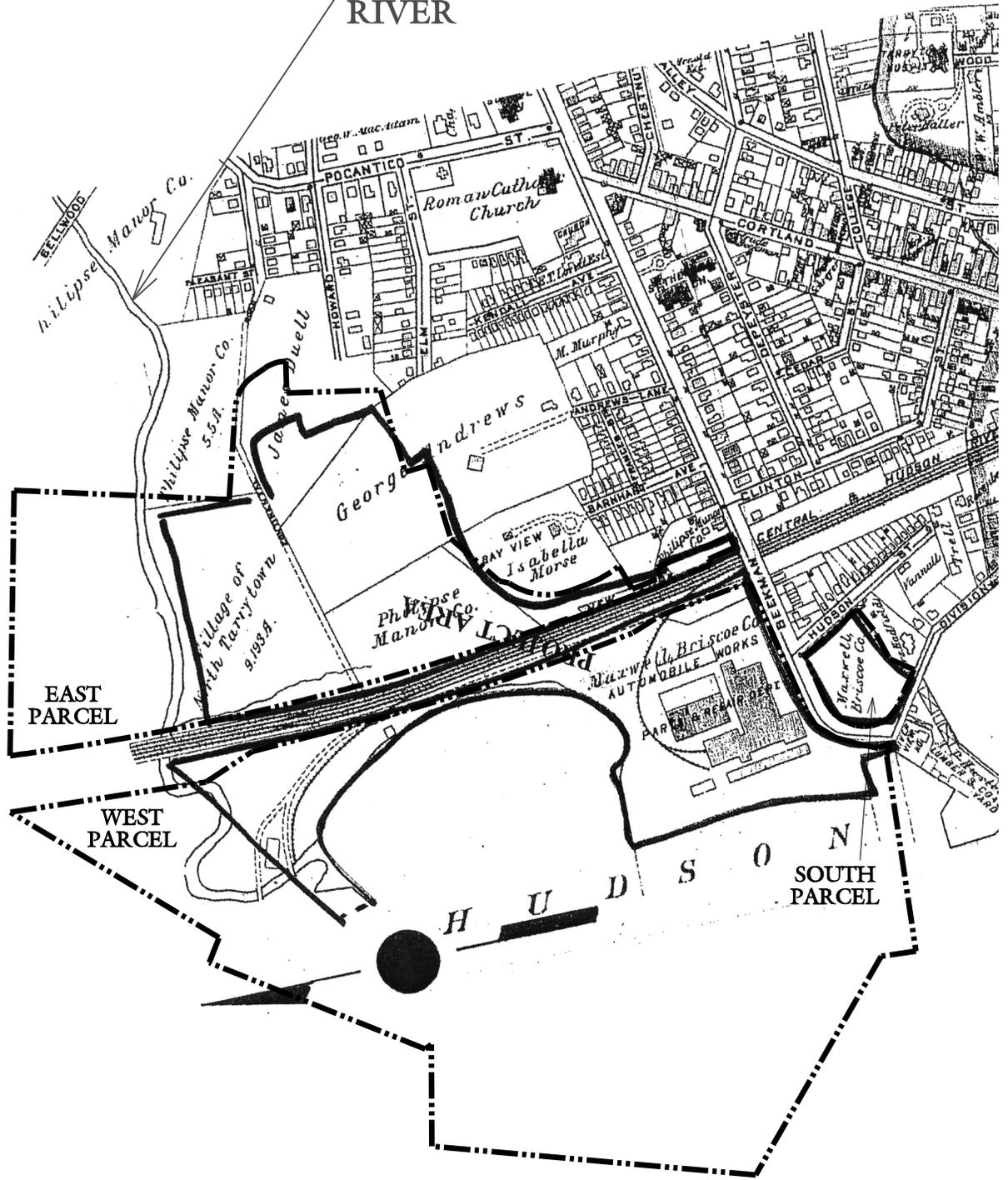
 ROSELAND
 DIVNEY • TUNG • SCHWALBE


HISTORIC MAP - 1881
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW FEIS FIGURE NO. II-E-3
 SLEEPY HOLLOW, NEW YORK



SOURCE: E. Belcher Hyde's *Atlas of Westchester County, New York*, Plate 9

POCANTICO RIVER



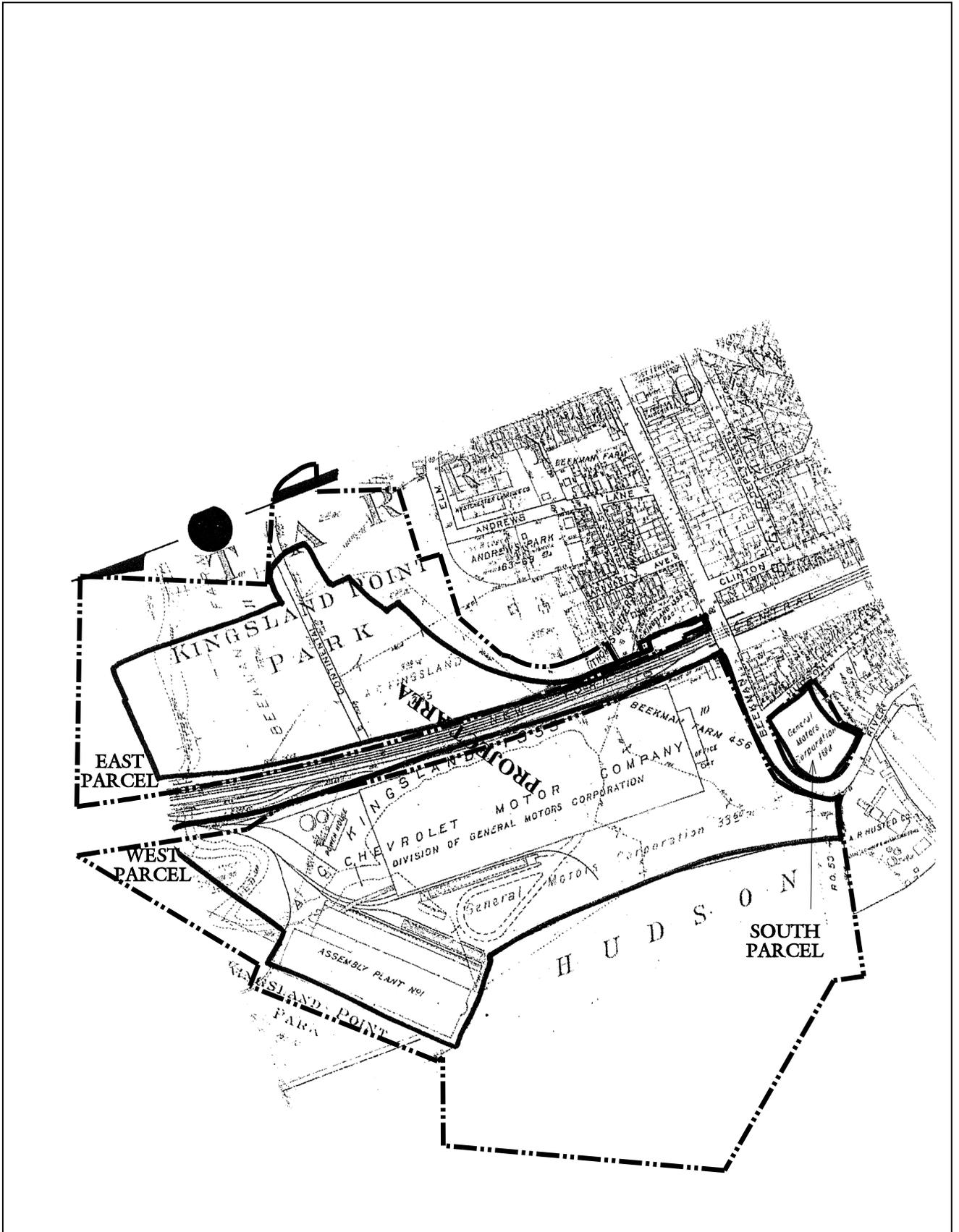
SOURCE: G.W. Bromley's *Atlas of Westchester County, New York*, Plate 21



HISTORIC MAP - 1911

LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II.E-6



SOURCE: G.W. Bromley's *Atlas of Westchester County, New York, Vol. 3, Plate 35*



HISTORIC MAP - 1931
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. I.I.E-7

II. RESPONSES TO DEIS COMMENTS

DEIS Sec.III.F · Open Space, Pedestrian Circulation and Visual Resources

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.F · Open Space, Pedestrian Circulation and
Visual Resources

COMMENT NUMBER	COMMENT/RESPONSE
<u>PEDESTRIAN LINKAGE</u>	
103	<p>I support Scenic Hudson's recommendation that the village further investigate the potential of greater linkage between Philipsburg Manor, Devries Park, Kingsland Point Park, and the Hudson River as well as the Pocantico River restoration. We have an unprecedented opportunity to create a riverfront that is beautiful, natural, adds to the village's special character and economy, and is accessible to everyone.</p>
PM1902	<p>We support the recommendation of Scenic Hudson to have the village further investigate the potential of greater linkage between Philipsburg Manor, DeVries park, Kingsland Point Park and the Hudson River and the restoration of the Pocantico River.</p> <p>The proposed riverfront park adjacent to the Lighthouse Landing shoreline has been designed to include an extensive network of pedestrian paths, which in combination with the overall Village Waterfront Use Master Plan prepared by the Village's Consulting Planners in conjunction with the Applicant will create a continuous pedestrian linkage from Kingsland Point Park on the north to Horan's Landing Park on south. See FEIS Figure No. I-5. Through the provision of a newly proposed landscaped buffer between Kingsland Point Park and the Project Site, generally ranging from approximately 75 to 175 feet in width, the FEIS Alternative Plan maintains an open greensward that retains space for a conservancy or other not-for profit entity to study the potential for the creation of an estuary linking the Pocantico River to the Hudson River and serving as a second outlet channel.</p> <p>As illustrated in DEIS Figure II.C-54, Open Space Framework Plan, the existing "Horseman's Trail" connects Philipsburg Manor with Devries Park. There is currently no active connection between these points since the Kingsland Point Park pedestrian bridge has been closed since 1986 due to its condition. According to the Village Administrator, the Village of Sleepy Hollow has applied for grants to repair the Kingsland Point Park pedestrian bridge.¹</p>

¹ Per July 12, 2006 discussions between the Village Administrator and the Applicant, the Village has applied for grants.

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BUFFER ADJACENT TO KINGSLAND POINT PARK

1701

I specifically request that:

- A buffer area be provided between the Roseland development site and Kingsland Pt. Park
- This buffer area be preserved for the potential ecological restoration of the Pocantico River and the linkage of the Horseman's trail to the Hudson River waterfront

PH2803

Because they have committed to a series of international obligations as a company to have a very clean operation and a very progressive operation, they are part of the global reporting initiative. And under the global reporting initiative they commit for instance to the protection of parkland near any of their sites.

They are adjacent here to Kingsland Point Park. They have agreed to set up policies on the protection of sensitive areas. And I think we can expect to see as we work through this process General Motors agree and Roseland agree to pull back this project from the park because that's consistent with General Motors' basic policies.

PH2818

Now parkland was discussed at great length last week with the Village's study has and the linkage study has shown this buffer between Kingsland Point Park and the development. We think that buffer which is not reflected in the EIS, it needs to be reflected in the design of this project.

There should be a substantial buffer between Kingsland Point Park and any developed area. This would - with the buffer zone we can remove the vehicular access to the site, restore it to its historic use as a pedestrian-friendly, non-vehicular site.

PH2901

What Scenic Hudson is proposing is that the buffer area discussed by Mr. Robinson be established between Kingsland Point Park and the area to be developed; and that's the primary thing I'm asking the Village Board to do today is to be sure to create that buffer and I will say why a little later.

PH2907

We feel that there should be a buffer; that having large structures right up against Kingsland Point Park effectively the back yard of the people who live in those areas. And so we - the photo simulations in the DEIS show that. So we appreciate that that detailed work has been done.

But we don't want people to feel like that's their back yard. I don't think they will. And so creating this buffer zone of about 200 feet we feel is essential to protect Kingsland Point Park and consistency with the LWRP would be enhanced by that as well.

In response to these comments and in coordination with the Village's Waterfront Use Master Plan (see FEIS I and FEIS Appendix 7A), the Applicant proposes as part of the FEIS Alternative Plan to provide a

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curvilinear vegetated buffer adjoining Kingsland Point Park that will separate the park from the Lighthouse Landing roadway and townhomes to the east. See FEIS Figure No. I-2. The buffer will generally range between 75 and 175 feet in width. The proposed townhomes located opposite the park will be set back approximately 50 feet from the vegetated buffer at their closest point to provide additional physical separation from the park. The only proposed crossing of the buffer will be two access connections between the new Kingsland Point Park parking area to be constructed by the Applicant at the north end of the West Parcel and the existing lower parking area within the park.

ACCESS TO HUDSON RIVER

3201

Public “access” to the Hudson River has been a major theme of both the LWRP and the Village’s other development plans and aspirations, particularly with regard to the future of the current GM property. I suggest that this “access” to the river involves at least 3 *distinct and separate “Types”* defined here as:

Type 1. Viewing Access – the ability to See the river.

Type 2. Walking Access – the ability to Walk the river.

Type 3. Boating, Fishing, Swimming and Direct Water Access – the ability to gain direct access to the Hudson River for small motorboats, sailboats, fishing craft; and including fishing, swimming and other shore water recreational activities.

3202

This document emphasizes the need for the 3rd of these access Types to be given increased attention in the rest of the planning process. So far, Access Type number 3 appears to be something of the “lost sheep” in the river access discussion. Where consideration of Type 3 access has been given, it has been largely oriented towards the existing, but not fully functional, boat-launch at Horan’s Landing. The discussion has generally not focused on the question of direct water access as regards both Ichabod’s Landing and in the current Roseland proposal.

I believe strongly that Type 3 River Access should be included in all future discussion of waterfront development. If, for example, Roseland is exempted from having to provide any provision for public direct water access, then this should be viewed as a serious omission in their development plan. Such an omission might be acceptable IF and only if other plans involving Horan’s Landing, Ichabod’s Landing and/or Kingsland Point Park are put in place and accomplished. It is not essential exactly WHERE the boating access will be; what is essential is that *at the end of the day there is some boating, sailing, fishing and perhaps swimming direct water access provided for Village residents.*

Since the Hudson River continues to become cleaner and cleaner year by year, the question of swimming access should not be overlooked, as it will become more desirable, not less, over time. Many older Village residents can recall a

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time when swimming in the Rive was a regular recreational pastime.

3206

Finally, as I mentioned in public comment, the oldest known place name from which the name Sleepy Hollow derives is found in the 1655 work of Adrian Van Der Donck, manager of the entire local Hudson Valley region for the Dutch Patroon, William Van Rensalaaer. In his 1655 work, Van Der Donck refers to the “Slaepershavenskill” or the “kill” at the “Slaeper’s Haven”. “Slaeper’s Haven” literally translates to the “Sleeper’s Haven”, and there can be little doubt that the name is a maritime reference, and refers to a safe and peaceful harbor where those on sailing craft traveling from New Amsterdam to Fort Orange (Albany) would be able to spend the night. Those living on land in the “Hollow” (the original “Slaperig Hol”) surrounding the Harbor would have little need for a Sleeper’s Haven, but boatsmen on the Tappan Zee would know exactly the purpose of such a spot. Thus, our Village in its oldest and most essential history has a strong connection with sailing, boating and direct use of the great Hudson River.

PH3102

But the third aspect of river access is the ability to get on the river and boat on it and use it for recreational boating and fishing.

At present, the plan doesn’t seem to address or focus enough from my perspective on this third kind of river access. We do have a boat launch in Sleepy Hollow which was built maybe ten years ago. It is somewhat dysfunctional at the moment and it is kind of in our the waif section of the three development pieces.

My concern is that if Roseland doesn’t develop it in their part of the plan, and Ichabod’s Landing doesn’t develop it in their part of the plan, and then for some reason or other it turns out that Horan’s Landing doesn’t get it developed either, then we, the residents of Sleepy Hollow, who would like to and perhaps some of our neighboring villages who would like to have access to the river effectively don’t have it. And that’s my only concern.

I have spoken with the Mayor, the Deputy Mayor. They have assured me that won’t happen. And I think I take that on good faith and trust, but I felt it was time to come forward publicly and express how very much I hope the long term plan here, the vision of this legacy that we are in the process of building and creating together, completely consistent with what Ned was saying, will have in fact a riverfront access that includes small boats.

And by that I mean more than canoes and kayaks which are very pleasant for boating on a very nice day close to the shore, but the bottom line is to go out into the Hudson River, you really need the ability to take a small boat with a boat launch and launch a boat into the Hudson River.

3203

Regarding boating, it would be a tragedy if the entire development of the waterfront failed to provide even a single inexpensive, public, boating access point onto the river for village residents.

3204

1. Canoes and kayaks are lovely crafts, but they are suitable only for very limited river access. They are NOT generally ideal craft for the conditions

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found in the Tappan Zee or on the Hudson River. It is essential that kayak and “car-top” access not be mistaken or substituted for small motorized and sail boat access.

3205

2. A public marina would be a fine addition to the Roseland development plan, but only if it guaranteed inexpensive public river access. This would be distinctly *unlike* the private marinas which currently exist in Tarrytown, both of which require substantial fees for even simple boat launch and retrieval.

As discussed in Section I of this document, in coordination with the Village Consulting Planners’ “Waterfront Use Master Plan” for Sleepy Hollow, the proposed water-dependent uses along the Lighthouse Landing riverfront have been expanded to include a floating small craft launch dock, an interpretive center associated with the historic lighthouse and Hudson River, a fishing pier, a “dock and dine” dock capable of accommodating recreational motor and sail boats, and a widened and lengthened beach area at the juncture between the Site and Kingsland Point Park. The Waterfront Use Master Plan (see FEIS Figure No. I-5 and FEIS Appendix 7A) also shows a proposed boat mooring field opposite the Kingsland Point Park bathhouse, the ferry dock along the Ichabod’s Landing river frontage, and the public boat launch and potential marina at Horan’s Landing, all of which will provide a range of waterfront opportunities for public enjoyment.

KINGSLAND POINT PARK OWNERSHIP & OPERATION

3409

Roseland must work with the Village to get ownership, not just administrative control, of Kingsland Point Park. County Executive Spano might be open to a land swap. Governor Pataki and Roseland could be very influential in making this happen.

Then, improvements to Kingsland and to neighboring Devries Parks would truly benefit Sleepy Hollow residents, rather than ushering in more county residents to strain the new, expanded fields and facilities that may be developed.

Comment noted.

KINGSLAND POINT PARK – POTENTIAL IMPROVEMENTS

PH2827

Kingsland Point Park I have already mentioned the question of the buffer. There is an advantage to moving the traffic and the parking away from the west side of the tracks. The plan now provides for a parking lot for Kingsland on the west side. It could be moved to the east side because that’s where it originally was.

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The original Kingsland Point Park had a lovely beach house, and the plan is that that would be restored. And put to a variety of alternative uses whether as a restaurant or an interpretive center or other things. We think the EIS needs to – since it will be a big impact on that use in Kingsland – needs to detail those alternative uses.

PH2908

I think it could really be responsive to the LWRP and those water dependent issues. And we would love to see swimming restored at Kingsland Point Park, the bath house restored. And we heard public support for that idea. So I think that this buffer idea really is a critical thing. WE ask you to take a hard look at that and incorporate that into your final environmental impact statement.

As illustrated in FEIS Figure No. I-5, the further restoration and use of the bathhouse is part of the Village of Sleepy Hollow Waterfront Use Master Plan, but is not part of the Applicant's proposal for Lighthouse Landing. According to the Village Administrator, the Village of Sleepy Hollow has applied for grants to refurbish the Kingsland Point Park bathhouse. ²

The proposed parking expansion area and new “gateway” entrance for Kingsland Point Park have been located at the north end of the West Parcel adjacent to the park (see FEIS Figure No. I-1), as also shown in the Waterfront Use Master Plan. Other proposed activities within Kingsland Point Park shown on the Waterfront Use Master Plan include other potential reuse options for the bath house and creation of a boat mooring field west of the bath house. See FEIS Appendix 7A.

VISUAL RESOURCES

3604

- It will substantially alter the view of the river.

3801

It will also substantially change the town's view of the river. The buildings are too high and close together. Roseland stated that they looked at other river towns such as Cold Spring, but Cold Spring and other local river towns don't have buildings on this scale and density. What about separate buildings and single family homes?

PH3101

Very briefly, two of them have received a lot of discussion and one of them has not. And I would like to formally request and have a formal reply that the third part of river access actually become part of the discussion from now on going forward, and this is what I mean. Certainly, one aspect of river access is the ability to see it, and hence, the appropriate focus on the view shed and on

² According to the Village Administrator, the Village of Sleepy Hollow has applied for grants to refurbish the Kingsland Point Park bathhouse.

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everything that has been done to give us a beautiful view of the Hudson River.

Comments noted - as described at page II-84 of the Sleepy Hollow Local Waterfront Revitalization Program (which was prepared in 1996 prior to the demolition and removal of the GM assembly plant buildings) at the west end of Beekman Avenue, looking “northward the views are impeded by the GM Assembly Plant structures.” See also DEIS Figure No. III-A.4, Aerial Photographs of General Motors Plant. With the development of Lighthouse Landing, previously unavailable open and expansive views to the river will be available to the public from the 10.6-acre waterfront open space, as well as along Roads A, B, C, Two and Three. As shown in the updated View 1B, FEIS Figure No. II.F-3, the existing view to the river along the axis of Beekman Avenue will be retained under the proposed FEIS Alternative Plan.

4904

Open Space, Pedestrian Circulation and Visual Resources (DEIS Section III.F):

The analysis of existing conditions does not adequately examine views of the project site from the core of the existing Philipsburg Manor site. As previously noted in comments submitted in June 2003 on the proposed DEIS Scope, vantage points of great significance to HHV include the view of the project site from the existing mill and manor house on the Philipsburg Manor site (identified as “View #1” in Viewshed Map 1 attached to a June 5, 2003 letter from Arnold & Porter) and the view from the existing bridge over the Pocantico River (identified as “View #2” in Viewshed Map 1 attached to a June 5, 2003 letter from Arnold & Porter). Those views were not identified at all in the DEIS, and potential impacts to them were not examined. The only view analyzed was taken from the westerly side of the existing Philipsburg Manor site in an area that is used for overflow parking (as illustrated in DEIS Figures III.F-6 and III.F-17). Even that analysis is deficient because the location of an existing temporary “snow fence” obscures the clarity of structures that are proposed to be constructed behind it. Therefore, the discussion of mitigation of potential visual impacts from the vantage point of Philipsburgh Manor is not complete or adequate.

The analysis of visual impacts taken from Kykuit indicates that the proposed buildings on the GM West Parcel will be visible from that site. Proposed mitigation of those impacts (as well as those relating to the closer vantage point of Philipsburg Manor itself) is described in the narrative portion of the DEIS but no plans or viewshed analyses are included to enable one to evaluate the effectiveness of the proposed landscape buffering. These deficiencies in the analysis of visual impacts should be addressed. It is also noted that the Applicant is proposing to exceed the permissible building height in some locations. Additional viewshed analyses should also be undertaken based upon proposed building heights that are in full compliance with the Village’s zoning regulations.

View analyses of existing and proposed conditions from eleven

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different vantage points surrounding the Site, including Philipsburg Manor and Kykuit, were presented in DEIS III.F as required by the adopted DEIS Scoping Document. DEIS Figure III.F-17 shows the view of the proposed Project from the then-under-construction Philipsburg Manor overflow parking area, which is the closest and most open (unvegetated) point in Philipsburg Manor relative to the Lighthouse Landing Site. The temporary snow fence described above is approximately four feet high, and in the Applicant's opinion, is similar to the intervening effect that cars parked in that parking lot will have on the view from that vantage point.

The Arnold & Porter View #1 described above shows a portion of the existing General Motors pedestrian bridge visible between an existing tree and the Grist Mill building at Philipsburg Manor. The pedestrian bridge, which spans the railroad tracks between the East and West Parcels, is approximately 40 feet tall and will be removed as part of the Lighthouse Landing site preparation work. No buildings are proposed for the East Parcel between Philipsburg Manor and the railroad tracks, and any buildings on the West Parcel that may be partially visible from this vantage point would appear smaller than the pedestrian bridge due to distance, and would be further screened by tree plantings proposed along both sides of the railroad tracks.

The Arnold & Porter View #2 described above also shows the existing General Motors pedestrian bridge and Metro-North overhead electric lines in the middleground, with the Philipsburg Manor overflow parking lot under construction in the foreground. In the Applicant's opinion, following the proposed removal of the pedestrian bridge, this view in the future will be dominated by the cars in the Philipsburg Manor lot, with the Lighthouse Landing buildings in the far middleground, appearing smaller than the to-be-removed pedestrian bridge and screened by tree plantings as described above.

The limited view of Lighthouse Landing from the garden terrace at Kykuit is shown and described at DEIS Figure No. III.F-23. Arnold & Porter View #4, described as "looking west from western side of Kykuit," appears to be taken from the upper roof of the Kykuit main house (note metal roof flashing at lower right), a vantage point not available to most Kykuit visitors.

5025

The DEIS does not maximize the views of the Hudson in accordance with the LWRP. The FEIS should show all internal roads as wide and pedestrian

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friendly roads, flaring out as they reach their ends toward the Hudson, so as to maximize views. The buildings at the flared ends should be recessed.

Computer simulations of the views from the roads out to the River, and from the west parcel across the tracks to the east parcel, and from the heights of Barnhart Park and Beekman Avenue down across the site, and from the high rooftops within the site, all need to be provided. Computer simulations of the view of Lighthouse Landing from vantage point of craft in the River and from the Tappan Zee Bridge need to be provided. The views of the project from Kingsland Point Park across a buffer (both with and without a possible Pocantico River estuary) need to be provided. In addition, besides more careful study of the immediate view sheds from the Old Dutch Church and Philipsburg Manor, studies of the view sheds from other nearby sites, such as Kykuit, a National Trust Historic Site, must be examined more closely. The location of Kykuit was carefully selected by John D. Rockefeller and his son, John D. Rockefeller, Jr., who chose the site in part because of its spectacular views and later led the effort to preserve the Palisades beyond. Now that Kykuit is a historic site open to the public, it is especially important that its view shed be protected for the public to enjoy.

Only with such reasonable viewshed analyses can the Board of Trustees properly weight the alternatives and make the viewshed findings needed under the LWRP and for the mitigation of adverse effects under SEQRA. The Village Board required such computer simulations for the FEIS for the Kendall on Hudson project, and should do so here also.

No parking should be allowed along the esplanade, so that the views to/from the Hudson are not compromised by parked cars, and so that the pedestrian is the primary user of the space. The cars can be parked on the west parcel, or in the spaces for the commercial areas.

PH2824

Now onto the question of view sheds...

In the interior apartment residential areas toward the railroad tracks, the streets are very narrow. And you are going to have right now blocks of buildings in which people look at each other's brick walls. This is sort of like an import from the Bronx which we may not want. We would rather see all of the street scapes be rather broad and expanded. The street scapes can provide for better pedestrian use and for flared views. All of the roads internally should be like the bridge view road; that they lay out where you have a broad esplanade looking out at the river.

The advantage of widening these roads would be to cut back on density a little more and make the place a more livable place. We would suggest that with that proper view shed analysis we should have some more computer simulation showing how that would play out...

We think there should be a view shed analysis from the top of Beckman Avenue. There should be another one from Barnhart Park. There should be view shed analysis from within the EIS so that the Trustees as the deciding lead agency here can really get a fairly concrete visualization of how the views would work.

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As shown in the FEIS Alternative Plan (see FEIS Figure No. I-2), all the roads terminating at the Hudson River (Roads B, C, Three and Four) do broaden as they approach the water with the addition of center planted medians, or in the case of Road C, with the widening of the adjacent linear park. Due to the street trees planted along both sides of the streets, and in some cases within the center medians, the primary view to the water will continue to be down the center of the street lines. All roadways within Lighthouse Landing will have pedestrian-friendly sidewalks, ranging from eight feet (along interior residential streets) to 15 feet (fronting the retail uses along Beekman Place) in width.

Computer simulations of existing and proposed views from public vantage points in and around the Site as identified in the adopted DEIS Scoping Document were provided in the DEIS, including views from Beekman Avenue (see DEIS Figure Nos. III.F-13 and III.F-14), Barnhart Park (DEIS Figure No. III.F-15), Kingsland Point Park (DEIS Figure No. III.F-18), and a boat on the river (DEIS Figure No. III.F-19). Where these views would change due to the revisions made in the FEIS Alternative Plan, revised descriptions have been provided in FEIS Section I, and revised proposed views have been included at the end of this Section. See FEIS Alternative View 1A (from Beekman Avenue), FEIS Figure No. II.F-2; View 1B (from Beekman Avenue), FEIS Figure No. II.F-3; View 2 (from Barnhart Park), FEIS Figure No. II.F-4; and View 5 (from Kingsland Point Park), FEIS Figure No. II.F-5. Simulations were also provided in the DEIS of the views from the Old Dutch Church (DEIS Figure No. III.F-21), Philipsburg Manor (DEIS Figure No. III.F-17) and Kykuit (DEIS Figure No. III.F-23). Due to the distance of these vantage points from the Site, the views to Lighthouse Landing would not perceptively change under the FEIS Alternative Plan.

With respect to the Village Board's comment regarding potential adjustment in the locations of the proposed live-work loft buildings (Buildings I and N) and tennis courts along the railroad tracks to enhance the view corridor from Barnhart Park, such adjustments would not change the view corridor from the park since the buildings planned west of this area (e.g., along Road Four) would still affect the view as shown in FEIS Figure II.F-4.

On-street parallel parking for public use is provided along the streets

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fronting the river (Roads A and One; see FEIS Figure No. I-2) in coordination with the Village Consulting Planners' Waterfront Use Master Plan (see FEIS Figure No. I-5 and FEIS Appendix 7A). The benefits of on-street parallel parking along Roads A and One adjacent to the esplanade include enhancement of public accessibility for visitors to the waterfront park, interpretive center, historic lighthouse and the other proposed water dependent uses. Under the FEIS Alternative Plan, the on-street parallel parking is integrated within the overall street width. Sidewalks are proposed along both sides of Road A, thereby enhancing pedestrian access along the waterfront park. The on-street parking layout along Roads A and One will help satisfy public parking demand without requiring the construction of additional surface parking lots adjacent to the waterfront park. On-street parking along Road One will be limited to the area between the plaza and Road D, with no parking along the west side of the street adjacent to Block P. The on-street parking and sidewalk formerly proposed along the west side of Road One opposite Kingsland Point Park under the DEIS Plan have been eliminated, allowing the buffer to be widened by approximately 10 to 15 feet. Views to the water will not be diminished due to these on-street spaces.

5706

6. Viewshed

A 50% reduction in density might give Sleepy Hollow the ability to achieve an overall four story height to the proposed Lighthouse Landing development. This would put the development into better conformance with other Hudson River developments in the riverfront villages and towns of Westchester.

In the Applicant's opinion, the proposed 20 percent reduction in residential units and the 27 to 30 percent reduction in retail and office space under the FEIS Alternative Plan allows for a more varied street grid, more interspersed open space and townhomes along the river and park frontage, with a combination of three, four and five story buildings throughout the Site.

PM2103

Second, I have concerns over the aesthetic design and layout of the proposed waterfront development.

Roseland has described two major roads. One leads down to the lighthouse. The other leads down to a vista of the Tappan Zee Bridge. Here again is where we can see that despite their best efforts, Roseland just does not get it. Most of us could do without a view of the bridge, even now when it isn't under construction.

What we do want is to see the Hudson River and mountains across. We do not want to be able to see it from the middle of the road or from a promenade on

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the river banks. We want to be able to see it from all over. It's what gives our minds peace and our village character.

I find it ironic that the so-called best view that the proposed plan provides is down on a corner, where the hotel will be located. I think that the residents want in on that view too.

PM2402

The second thing is, if you look out my dining room window, there is an incredible view of the river. And I'm so thankful for that. And I just – I'm nervous about the height of the buildings. I really hope that the view is still there.

The most expansive and unobstructed views to the Hudson River and far shore will be from the 10.6-acre waterfront open space, which has 2,200 linear feet of frontage along the river. As in any developed community, partial views to the perimeter – in this case, the Hudson River – will be available along streets that lead to that perimeter, including Beekman Avenue and Roads B (Beekman Place), C, Three and Four within Lighthouse Landing. Views from higher and more eastern vantage points within the Village will be over and through the Lighthouse Landing buildings (see, for example, view from Barnhart Park, FEIS Figure No. II-F-4), whose height is restricted under the RF District regulations.

PH2816

We also believe that along the esplanade it would not be helpful to have parking right along the edge of the esplanade. It would confuse the view shed, but it would also mean if we could move some of that parking away from the esplanade you have a more aesthetic, pedestrian-friendly setting; plus you are moving cars out of that area, and we are interested in trying to restrict the number of cars that might come into this area.

Parallel parking has been provided along Roads One and A to provide convenient public access to the various water-dependent uses within the 10.6-acre riverfront open space per the Village's Waterfront Use Master Plan (see FEIS Figure I-5 and FEIS Appendix 7A). The benefits of on-street parallel parking for public use along the riverfront open space are discussed in the response to Comment 5025 above.

PH3502

From artists' conceptions presented by the developers in the Draft Environmental Impact Study, and from its description in that document, the project is grossly inconsistent with the historic character of Sleepy Hollow as a riverfront village, not city. ...

Instead of this, the scope and style of the proposed development would transform this village's waterfront into a city, like Yonkers might look if they replaced their industrial shoreline.

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PH3503

View number 6 is from about 50 yards out from the river. All three show a four-story building with a large observation tower – I guess they call it the tower clock – comprising its fifth floor.

This is not the Sleepy Hollow of the Local Waterfront Revitalization Program, nor is it the one my children and their generation look forward to.

The Applicant's architects and the Village Consulting Planners have developed a set of architectural guidelines for Lighthouse Landing (see FEIS Section I and FEIS Figure No. I-10) that describe the design of and relationship between the buildings, streetscapes and open space within the proposed development, and build on the concepts presented for Beekman Place in the DEIS (see Hudson River Design Principles and Beekman Place Design Guidelines, DEIS II.C.4). In the Applicant's opinion, the application of the architectural guidelines to the Lighthouse Landing buildings during the site plan approval process will serve to achieve the "spirit of an old Hudson River waterfront community" that is a primary objective of the RF District zoning for the Site. The number of residential units and the commercial floor areas have been significantly reduced under the FEIS Alternative Plan as discussed in Section I of this document.

LIGHTING

PM2012

The light pollution, the amount of light and the impact it will have on our ability to enjoy the river. I have a great view of the river towards Hook Mountain across the way, and I know that will be completely spoiled by this. I will be completely transparent about it. I'm concerned about the use of lighting that will not spill onto the river.

PM2302

Someone had mentioned light pollution. I think – I didn't see the document. One of the things that you want to avoid with a project of this scope is a night glow. You don't want to look from other parts of the Village or across the river or anywhere else in the area and see a glow of light that you see sometimes with big projects, especially when there is extended parking spaces. What you want to do is have light engineers analyze the potential of defuse light. And you want to have lighting that is all pointed down. And make that part of the document with caps on the lighting, reflective caps. So that the light points down, it does not defuse up, so that you don't get the night glow kind of thing that can be disturbing to residents and make it an ugly situation for everybody.

The Applicant proposes to utilize the same "shepherd's crook" lighting fixtures along the new public roadways as are currently installed along Beekman Avenue. Lighting for individual buildings, courtyards and walkways will have cutoff housings and will be presented during the site plan approval stage of the Project. Light

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fixtures within the riverfront open space will be selected by the Village Consulting Planners and will also have cutoff shields. The light fixtures will have full cut offs and will be located in the middle bays of the surface parking lots. Light pole heights within the surface lots will generally be lower than the proposed adjacent buildings, and therefore largely screened from view. Light fixture styles will be reviewed as part of the site plan approval process.

PH2826

We want to see how the lighting can be done in such a way that you don't create a great stadium, lights that illuminate every one as if we are attracting the people to the movies. But rather just have lighting that can come down at that site and throughout the site so that we don't have an adverse impact on adjacent properties.

Lighting for the Village recreational facilities, the DPW facility and the commuter parking lot on the East Parcel will be selected by the Village Consulting Planners in coordination with Village policies for lighting of public parks, facilities and athletic fields. Lighting types will be considered during the site plan approval process.

WATER DEPENDENT USES

PH3103

And finally, I would just like to offer two thoughts in closing. One is that a marina would be a wonderful idea as long as the marina is not a private marina that precludes inexpensive, ordinary public access to the river. And finally I would like to share with you that the earliest known reference to our Village actually comes from 1655, and it is actually even earlier than Slaperhaven. And it's De Slapershaven, which is the original Dutch for the sleepers haven. And that term clearly refers to the interests of the people who sail up and down the river.

PH5001

I'm going to show you just a few examples of sections or pieces that have not been fulfilled. For example, regarding the project design, the scope calls for water related uses including riverfront esplanade, potential boat docks or moorings. For the record, that's on Page 5 of the scoping document.

There are no, there is not really a riverfront esplanade, there is just a walkway which is now being the standard for all projects that are being proposed or developed along the Hudson on this side or even on the Jersey Shore.

There are no boat docks or moorings proposed and moving on to the site access, the scoping document calls for riverfront access for recreational tourism and emergency. We don't see any real riverfront access in their proposal for any of these purposes, not even for commuting, for water taxis and also emergencies, very important.

We are a few, about twelve, 13 miles from Indian Point and that could be,

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that's one of the considerations that has to be, that's important in these times. I'll move on.

Page 8 of the scoping document, the applicant must require to discuss waterfront uses and measures, including water dependent uses. There is not one water dependent uses in that proposal.

PH6001

Just to recount for those who weren't here Saturday, there is one place where they tie together. Heritage tourism, coming by boat, coming up the Hudson. It's wonderful if they have a place to park. I think it's very important. I look forward to. I'm certain you are going to have further conversations with the waterfront advisory committee. ...I'm standing in line but I would like to see additional water dependent uses on this site.

There is a wonderful opportunity for public boat launches. I know you have kayak facilities and yet I see a broad variety of everything from kayaks to canoes at that site, the ability perhaps for a modest marina, nothing perhaps as large as Tarrytown's two marinas, but I think that kind of use needs to be included, as well.

Due to the federal navigation channel that runs parallel to its south-facing shoreline and the exposed nature of its west-facing shoreline, the Lighthouse Landing riverfront does not provide the protected conditions most desirable for a marina. As described in FEIS Section I, other water-dependent uses, including a fishing pier, small craft launch dock, temporary tie-up ("dock and dine") dock, and an interpretive center, all connected by pedestrian pathways and bikeways, are proposed for the 10.6-acre Lighthouse Landing riverfront open space. See FEIS Figure No. I-2. The Village Consulting Planners have identified more suitable locations for a potential marina at Horan's Landing to the south and a mooring field off Kingsland Point Park to the north, as shown in FEIS Figure No. I-5.

TREES

PH5105

My comments today are about trees. I quote from the DEIS, "Great trees are the most important element required here," talking about the Streetscape "to provide a sense of enclosure and make space feel like a room."

"Shade trees will be planted along the view streets generally 30 to 40 feet on center" and I'm not sure what that means "and will be chosen to account for the wind exposure associated with the site's riverfront location."

What are the plans for these streetside trees?

Why should the trees at the GM site expect anymore wind exposure than the big trees at Croton Point Park, Maithiessen Park, Rockwood Hall or Lyndhurst

II. RESPONSES TO DEIS COMMENTS

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unless maybe the project is creating wind tunnels with its massive blocks of four story building that, in fact, do dwarf our little lighthouse there.

What scientific studies are the applicants doing to ensure the long life of these trees?

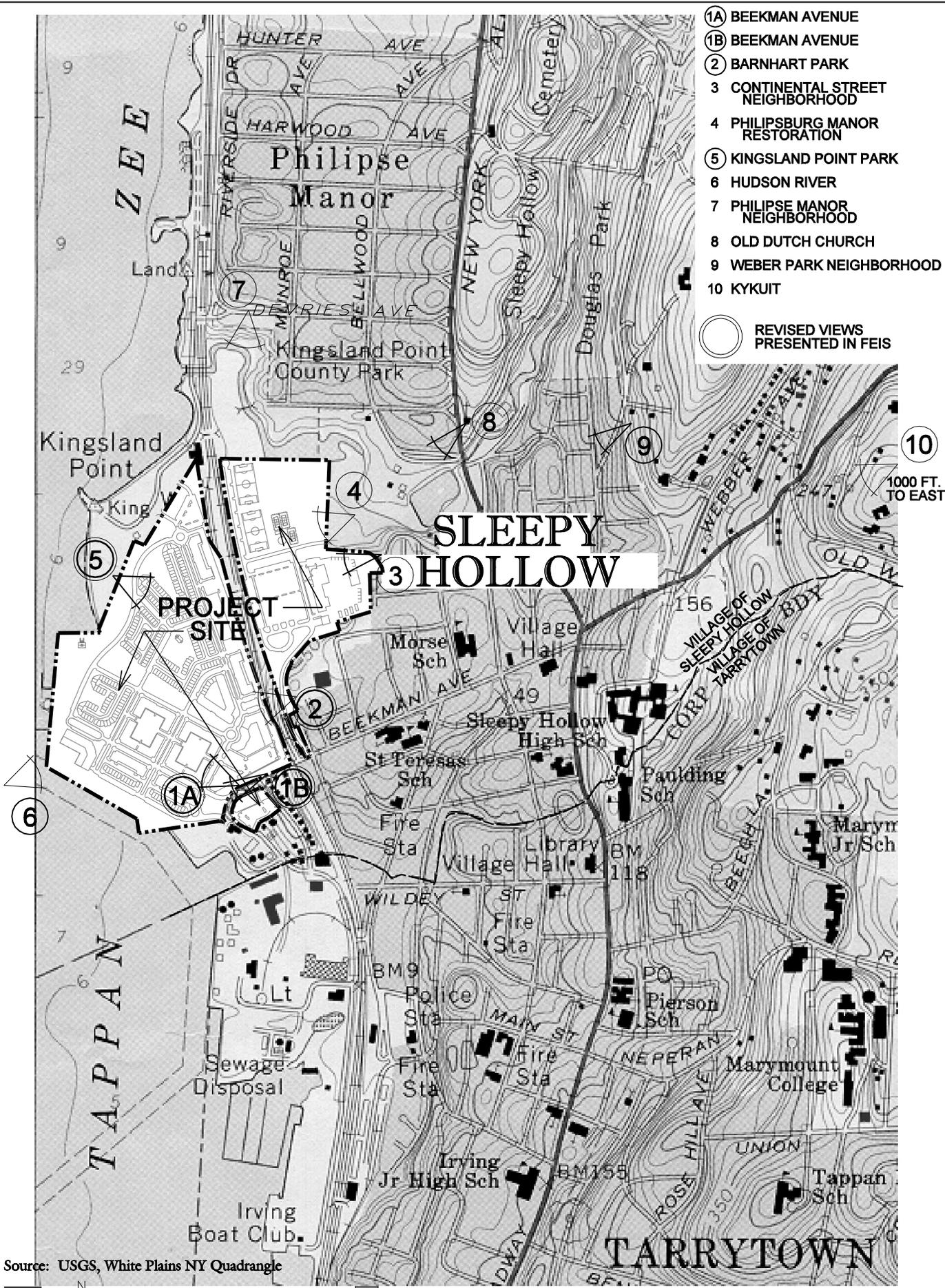
What arborist have they obtained to figure out the cubic yards of soil to maintain the big roots of the maple, elm, linden, pine or oak trees once the slab is removed?

PH5107

Who is helping to select the variety of the trees on the site or the shrubs so we avoid the cookie cutter look of the flowering pear and potted yew?

The landscape within the waterfront's interior park spaces will consist of lawn, deciduous and evergreen trees, and shrubs. The Village's Open Space Master Plan (OSMP) notes that "[t]he waterfront edge in this area [Kingsland Park Extension] would be planted with native perennials and grasses...As the waterfront edge reaches the area of the Ichabod's Landing development, the landscaping materials and techniques should blend seamlessly...creating a sense of one, continuous park environment."³ Landscaping within the pocket parks and building courtyards will consist of a combination of evergreen and deciduous trees, shrubs, groundcover and grasses selected for their particular microclimates. Shade trees will be planted along the new streets generally twenty-five to thirty feet on center, and will be chosen to account for the wind exposure associated with the Site's riverfront location. Deciduous and evergreen trees will run along the west side of the Metro-North railroad tracks. According to the Village's OSMP, on the East Parcel "[a] landscaped buffer will be provided along the eastern edge of the railroad tracks at the existing and expanded Devries Park areas."¹ Preliminary plant lists are provided in the FEIS Alternative Plan Conceptual Landscape Plans SP-3.1 through SP-3.4. Detailed landscape plans, including descriptions of selected plant materials and their suitability for the riverfront site, will be submitted by the Applicant as part of the site plan application review process for all individual buildings and phases of the Project and will be reviewed by the Village Planning Board and its consultants. Accordingly, the maintenance needs, such as the appropriate planting hole depth and width, irrigation schedule, and pruning schedule, will be provided for the detailed planting plans.

³ Village of Sleepy Hollow, Draft Open Space Master Plan, September 13, 2004.



- 1A BEEKMAN AVENUE
 - 1B BEEKMAN AVENUE
 - 2 BARNHART PARK
 - 3 CONTINENTAL STREET NEIGHBORHOOD
 - 4 PHILIPSBURG MANOR RESTORATION
 - 5 KINGSLAND POINT PARK
 - 6 HUDSON RIVER
 - 7 PHILIPSE MANOR NEIGHBORHOOD
 - 8 OLD DUTCH CHURCH
 - 9 WEBER PARK NEIGHBORHOOD
 - 10 KYKUIT
-  REVISED VIEWS PRESENTED IN FEIS

SLEEPY HOLLOW

PROJECT SITE

Source: USGS, White Plains NY Quadrangle





 ROSELAND
 DIVNEY • TUNG • SCHWALBE





DIVNEY • TUNG • SCHWALBE **RTKL**



FEIS ALTERNATIVE
VIEW 1A (FROM BEEKMAN AVENUE) -
PROPOSED CONDITIONS
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS Figure No. II.F-2 View 1A



Visualized by InterFace Multimedia



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FEIS ALTERNATIVE VIEW 1B (FROM BEEKMAN AVENUE) PROPOSED CONDITIONS

LIGHTHOUSE LANDING
SLEEPY HOLLOW, NEW YORK

FEIS Figure No. II.F-3 View 1B





DIVNEY • TUNG • SCHWALBE **RTKL**



FEIS ALTERNATIVE
VIEW 5 (FROM KINGSLAND POINT PARK) -
PROPOSED CONDITIONS
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS Figure No. II.F-5 View 5

II. RESPONSES TO DEIS COMMENTS
DEIS Sec.III.G · Utilities

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.G · Utilities

COMMENT NUMBER	COMMENT/RESPONSE
	<p style="text-align: center;"><u>WATER SUPPLY</u></p>
1201	<p>The existing village pump station has a maximum capacity of 2.3 mgd and an emergency capacity of 4.0 mgd. The design capacity of 2.3 mgd must be utilized in determining the ability of the public water supply to satisfy current and future demands. The emergency capacity is only for emergencies and cannot be considered available for meeting average daily demand.</p> <p>Comment noted. During the Village of Sleepy Hollow's investigations and studies to expand its water storage supply with the construction of a new water storage tank, the Village's Engineer has reported within the Village's DEIS for the Water Supply Improvement Program, dated August 2004, that the existing Village pump station will meet the required future flow once the upgrades to the existing water pump station have been made.</p>
1202	<p>The reduction in water use due to water saving fixtures cannot be considered when determining the average daily demands of this project. The total project demand of 0.5 mgd, not the reduced demand of 0.4 mgd, but be utilized to determine future daily water demand.</p> <p>The water demand was calculated in accordance with the New York State Department of Environmental Conservation Design Standards for Wastewater Treatment Works, which provide for a 20 percent reduction in flow when water saving fixtures are used. Average water use is estimated by applying an additional 10 percent flow to the wastewater flow to account for water consumption. Currently, only water fixtures that meet or exceed the requirements for water savings reduction are sold in New York. Calculating usage based on water savings is appropriate in these calculations. In addition, the water demand has been reduced to reflect a smaller project. The adjusted average daily water demand is approximately 346,000 gpd. Refer also to FEIS Table No. II.G-1 found at the end of this section for a summary of use related average daily water demands.</p>
1203	<p>The Villages of Sleepy Hollow and Briarcliff Manor have signed an intermunicipal agreement where the Village of Briarcliff Manor could also be utilizing the 30" Catskill pipeline. This demand must be included in the pipeline sizing. Also, future demand in the Village of Tarrytown must be considered in the pipeline capacity evaluation.</p> <p>Preliminary calculations made as a part of the Village of Sleepy Hollow's investigations and studies to expand its water storage supply</p>

II. RESPONSES TO DEIS COMMENTS

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with the construction of a new water storage tank, as summarized in the Village of Sleepy Hollow Water Supply Improvement Program Draft Environmental Impact Statement, show that there is sufficient capacity in the 30-inch line to serve all of the municipalities. The main can support demand between 8.3 and 10.8 mgd.

1204

4. The existing 800,000 gallon water storage reservoir does not satisfy the minimum average day storage requirement as set forth in Section 7.0.1 of the Recommended Standards for Water Works, 1997 ed. Currently the Village must utilize its emergency Croton Aqueduct supply during scheduled disruptions of its Catskill source. The Croton sources does not comply with the Surface Water Treatment Rule and the continued use of this source during scheduled disruptions of the Catskill supply is in non-compliance with the Rule. Thus, the Village of Sleepy Hollow must satisfy water storage requirements before consideration can be given for additional water demands on the system.

The Village of Sleepy Hollow is currently evaluating sites to construct a new 2.4 million-gallon water storage tank to meet the regulatory water storage requirements. As set forth in the recent Environmental Impact Statement prepared by the Village to consider sites for a new water storage tank, the tank will be sized to handle not only Lighthouse Landing, but other projects as well as future growth of the Village.

2016

b) There are extensions to the existing water main planned; both the existing 18" and 10" lines. Has the County approved these plans? The Plan is not clear on where the existing water main ends. Who is playing the cost to bring the new water main from its existing location to the proposed site?

The Applicant will extend the public water mains into the Site from two places. One connection will be made from Beekman Avenue and the other from the former General Motors service line located under the railroad tracks from the East Parcel. The new mains will be looped to provide more reliable water service in the area and the completed mains will be offered for dedication to the Village of Sleepy Hollow. All mains will be designed in accordance with the Westchester County Department of Health requirements and the engineering plans will be reviewed and approved by the Department.

4333

33. The Applicant needs to provide additional details relative to water metering. Typically townhouses will have one meter and apartment buildings will have one meter. How will the mixed-use commercial buildings along Beekman Place be metered?

In the apartment buildings, one master meter will be installed and the cost of the water use will be either shared equally or prorated based on

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.G · Utilities

the type and size of the units being served. The townhomes and individual commercial units will be metered separately.

6906 6) As stated in our June 28, 2004 letter, Comment 2-b: Section III.-G.1.c.(1) indicates a fire flow of 4,000 gpm; however, calculations must be provided which demonstrates that if a hydrant on-site is capable of flowing at full capacity (4,000 psi), a minimum of 20 psi is maintained at all points in the public distribution system in accordance with American Water Works Association (AWWA) M31.

All pipes will be sized to meet the requirements of AWWA Manual M-31. Calculations for individual buildings or areas of the Project will be provided as a part of the site plan review process. See the response to Comment 6909 below.

6907 7) The water demand analysis needs to be verified by conducting flow tests to determine compliance with NYSDOH and Ten States Standards Section 8.2.1 throughout the Village system. Pending flow test results it may be necessary to make off-site water system improvements other than connecting to the 10: main on Beekman Avenue.

Several hydrant flow tests were conducted on Thursday, April 20, 2006 by the Village Engineer following coordination with the Applicant. The results of that testing will be reviewed by the Village Engineer in determining the required water main connections to the Village distribution system and to assist in the design of the on-site water system by the Applicant's Engineer. As is indicated in the Village's DEIS for the Water Supply Improvement Program, after the improvements identified in the DEIS are made by the Village, the existing pipes throughout the water system will have enough capacity to provide the required water flow for the Project, as well as flows for future growth in the Village.

6908 8) With regard to water storage tank drawdown during fire flows it was stated in the DEIS that the Village pump station will be operating at its capacity of 5.0 mgd. It should be noted that the Village allocation from the Catskill Aqueduct Connection shared with Tarrytown is only 3.6 mg.

Comment Noted.

6909 9) If the addition to the Village water storage system is delayed what is the proposal for an on-site storage tank with regard to capacity, dimension and location?

The Applicant will be responsible for satisfying the water storage requirement for the anticipated Lighthouse Landing domestic water demand either by paying a pro rata share of the costs of construction

II. RESPONSES TO DEIS COMMENTS

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of the proposed Village of Sleepy Hollow water storage facility, or by providing such storage on the site. If provided on-site, the Applicant would at its expense construct a 600,000-gallon water storage tank on the East Parcel that would provide one-day domestic reserve for the project, as well as hold a portion of the required fire storage amount. If provided on-site, the tank would be offered for dedication to the Village. Lighthouse Landing is projected to generate significant tax revenues to the Village on an annual basis. These revenues in combination with water usage fees from the project are expected to be sufficient to cover the Village's operation and maintenance costs for the on-site storage facility, or the Applicant's share, in common with all Village residents, of the operation and maintenance costs for the Village's proposed off-site facility.

A 600,000-gallon water storage tank is adequate to meet the project's domestic demand of approximately 346,000 gpd and a portion of the needed fire storage. The Applicant will be supplied with the required fire flow from a combination of flow from the 600,000-gallon water storage tank and the existing Village of Sleepy Hollow 800,000-gallon water storage tank located on the Rockefeller Preserve. The circular tank would be approximately 60 feet in diameter and 35 feet high, placed above the 100-year flood elevation and would be connected to the Village water supply system via the existing 18-inch water main running through the East Parcel. Pumps would be installed at the tank to maintain adequate operating pressures in the water mains located on site.

7101

The basic premise regarding water supply is that if there was enough for General Motors when they were operating, and the proposed project requires less water, then everything has to be satisfactory. However, the water utilized by GM originated from the Croton aqueduct, which is no longer available to Sleepy Hollow.

This new water requirement will be extracted from the Catskill aqueduct. The Catskill aqueduct is connected to the Villages by a tap and 30" main from Elmsford to the Tarrytown Lakes. This tap and main are jointly owned by both Villages and there is a multi-municipal Agreement to that effect.

It is my opinion that a comprehensive hydraulic analysis of the system is required including all proposed future flows. Tarrytown needs to be assured that its future capacity for its waterfront development and other growth and the hydraulic integrity of the main will be preserved.

Similarly for other growth in Sleepy Hollow. The system should be completely analyzed regarding the capacity for Briarcliff Manor. From its inception in the 1970's, the joint water system has been a model of cooperation. Since both

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Villages own the water supply jointly, then, in accordance with SEQRA, Tarrytown is an “involved” agency, since it requires a vote of Tarrytown to modify the environment of the pipeline. Prior to GM and Briarcliff Manor, the flows utilized by each Village and the flows established in the Agreement were approximately one half each. It is my understanding that one member of the Agreement cannot arbitrarily utilize a greater portion of the main.

Preliminary calculations made as a part of the Village of Sleepy Hollow’s investigations and studies to expand its water storage supply with the construction of a new water storage tank, as summarized in the Village of Sleepy Hollow Water Supply Improvement Program Draft Environmental Impact Statement, show that there is sufficient capacity in the 30-inch line to serve all of the municipalities. The main can support demand between 8.3 and 10.8 mgd.

SANITARY SEWER

5650

Wastewater Management

The DEIS indicates that the Yonkers Joint Wastewater Treatment Plant as well as the Tarrytown Pump Station and the Tarrytown and Saw Mill Valley Trunk Sewer all have capacity to handle the wastewater from this proposed development.

The DEIS however fails to consider the cumulative impacts of other development proposals that also propose to hook into this same wastewater system. We strongly encourage the Village to consider the fact that there of other development proposals that plan to connect to the Yonkers Joint Wastewater Treatment Plant and to examine the cumulative impacts from a capacity and water quality perspective.

We also urge the Village to examine the environmental justice concerns related to this and other wastewater being sent to the same location and require the applicant to examine alternative wastewater management plans.

The responsibility for managing planned and future flows to and through existing Westchester County owned and operated facilities such as the Tarrytown Pump Station, Yonkers Joint Wastewater Treatment Plant, and Saw Mill Valley Trunk Sewer lies with the Westchester County Department of Environmental Facilities (WCDEF). The Applicant requested the WCDEF acknowledge that sufficient capacity exists at the respective County facilities to service projected flows from the Lighthouse Landing project. In response, the Applicant received a letter from WCDEF stating there was available capacity to receive the flow from Lighthouse Landing and that the additional flow could be accommodated. The WCDEF letter is found in DEIS Appendix 1E.

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6321

Perhaps a more significant impact from the proposed project is untreated sewage. It is clear that the project would add significant amounts of sanitary waste to the Yonker's combined sewage system, a system which is already so overburdened that it discharges raw sewage to the Hudson River. Sewage generation from this project will increase the volume (and perhaps the frequency) of these polluted – and illegal – discharges, resulting in additional pathogens and oxygen demand in the Hudson River to the detriment of its aquatic life and recreational uses. The DEIS's conclusion that "no significant impacts to existing facilities are anticipated from this project" is erroneous and unsupported.⁴⁴ By requiring on-site treatment and implementing available "green development" practices in the project area, the Village could and should mitigate or entirely eliminate this impact.

Under the current proposal, this sewage will not be collected or treated on-site, but will be conveyed to the Yonker's combined sewer system. Significantly, the Yonker's system lack of adequate wet weather storage and treatment capacity causes combined sewer overflow (CSO) events per year (i.e., an average of more than one per week), discharging million gallons untreated of untreated raw sewage polluted stormwater runoff to local waterways in an average rainfall year.

...

The redevelopment of the GM site is a prime opportunity to embrace progressive efforts to reduce water pollution while pioneering to achieve new levels of environmental stewardship. The project should adopt the goal of eliminating net increases in sewage overflows from the project site to the sewage system serving the Yonker's Water Pollution Control Plant.

In Hunters Point, San Francisco, engineers and officials favored a decentralized system as the outcome of a year-long feasibility study linking new development to the city's CSO problem. After technical review, the San Francisco Hunters Point project settled on membrane bioreactors (MBR) as the most effective system. MBR combines multiple treatment processes into one step where grit and nitrogen are removed from the wastewater and then microorganisms are screened out via submerged synthetic membranes or layers. The MBR scored higher than the other methods in terms of footprint, water reuse potential, highest quality effluent, capital and operational costs, and public benefits such as health, safety, and odors.⁴⁷ We recommend that the Village, in the FEIS, examine the potential use of MBR and similar technologies for the purpose of designing a system that treats all wastewater flows from the project, including providing treated water to meet reuse demand.

⁴⁴ DEIS, at III.G-10.

⁴⁷ San Francisco Public Utilities Commission, Hunters Point Shipyard Decentralized Wastewater Treatment Study, www.sfwater.org.

7102

Regarding sewage, the EIS indicates correctly that a County interceptor traverses the site and ultimately discharges to the Yonkers Sewage Treatment Plant. Sewage will be collected from the various sources of the proposed project and discharged to the interceptor.

It is my opinion that an analysis is required of the hydraulics of the system to the County pump station under the bridge. The reason for this is that both

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Sleepy Hollow and Tarrytown need assurance that during peak flows and heavy rainfall that the interceptor has the required capacity.

The fact of the interceptor being there doesn't mean it has the capacity for all the flow that could enter the pipeline including Kendal, IBM, hospital expansion, infiltration, etc. If the interceptor does not have the necessary capacity, the level of sewage will rise through the manholes and discharge to the surface at the lowest points of grade, which could possibly be the Tarrytown Railroad Station.

Several years ago I recommended to the developer that he install several level recorders in the manholes so we would have some real data on which to base the hydraulic analysis. If that hasn't been done, it should be done now, it's not very expensive.

The applicant should indicate some authorization from the County that indeed they have access to the plant. It may not be a simple matter.

The existing 24-inch to 30-inch County interceptor sanitary main which traverses the site is owned by Westchester County and operated by The Westchester County Department of Environmental Facilities (WCDEF). This existing interceptor is known as the Saw Mill Valley Trunk Sewer – Tarrytown Extension and discharges its flow to the existing main line Saw Mill Valley Trunk Sewer. The responsibility for managing existing, planned and future flows through County owned conveyance systems such as the Saw Mill Valley Trunk Sewer – Tarrytown Extension and main line Saw Mill Valley Trunk Sewer lies with the WCDEF. WCDEF acknowledged in a letter to the Applicant that “the Tarrytown and Saw Mill Valley Trunk Sewer, as well as the Tarrytown Pump Station and the Yonkers Joint Wastewater Treatment Plant have sufficient capacity to accommodate the anticipated 441,500 GPD of additional flow to be generated by Lighthouse Landing” under the proposed DEIS Plan. A copy of the WCDEF letter is found in DEIS Appendix 1E. Average daily wastewater demand under the FEIS Alternate Plan is lower and estimated at some 315,000 gpd with the use of water saving fixtures. Refer also to FEIS Table No. II.G-1 found at the end of this section for a summary of use related average daily wastewater demands. The Westchester County Department of Health has long required the use of public sanitary sewer systems where available to protect the natural environment. As such, alternatives to the proposed connections to the available public systems were considered to be less desirable by the Applicant.

CONSTRUCTION OVER COUNTY TRUNK SEWER

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- 1206 It is noted that portions of some buildings are proposed to be located over the existing Westchester County sanitary trunk line. Locating buildings above sanitary sewers should be avoided. The Westchester County Department of Environmental Facilities, the owner of the sewer, must approve this arrangement.
- 2015 a) Portions of the proposed development will be constructed over the County Sewer. Has the County approved this Plan?
- 4349 A county trunk sewer runs across the project site. The Applicant has indicated that the sewer, which will pass under/through buildings, will be framed out with a clear area around to provide full access. Is this a typical and reasonable solution to this issue? Does the County have any comments or concerns with this solution?
- 5024 Lighthouse Landing will need to reconfigure the location or design buildings 3, 8 and 9, now located on top of the trunk sewer line, so that they are not built on top of the sewer line, or else relocate the trunk sewer line, or else show how access to the sewer line can be maintained at all times under any of its buildings or roads. These alternatives need to be set forth with the engineering, environmental trade-offs, costs, and other relevant issues, in the FEIS.
- 7103 I noticed in perusing the sewer and water sections of the EIS that certain sewer pipes would remain under buildings. Based on 50 years of experience, don't accept that is the correct and safe way for the villages to proceed.
- Under the FEIS Alternative Plan, there will be no buildings constructed above the segment of the existing Westchester County Saw Mill Valley Trunk Sewer – Tarrytown Extension sewer main which traverses the Site. While buildings were designed under the DEIS Plan to span a portion of the trunk sewer, under the FEIS Alternative Plan proposed structures were redesigned to clear the sewer.

DRAINAGE

- 4406 Adjacent to the Beekman Avenue Bridge, is the East Access viaduct and a 24" diameter drainage pipe that carries water runoff beneath the Metro-North Railroad tracks. This pipe extends through the Lighthouse Landing site and during a heavy rain storm water from the property to the east backs up and washes silt and sand onto the railroad tracks. As part of the development of Lighthouse Landing, the developer will need to construct a culvert through the site that is properly sized to prevent it from washout of and sediment deposition on the railroad tracks.
- The existing culvert serves an approximate 2-acre, off-site upland area located east of the viaduct, between Beekman and Barnhart Avenues. The Applicant will maintain the outlet from this culvert to its proposed West Parcel drainage system. If necessary, the existing on-

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site culvert will be cleaned to remove any existing flow constrictions. Further, erosion control measures will be employed and maintained both pre- and post-construction to minimize any future sediment migration. Note, the Applicant's drainage plan for the East Parcel continues to direct the balance of the East parcel drainage toward the Pocantico River, where its flows discharge today.

NATURAL GAS

4407

The DEIS does not indicate whether the former GM employee/pedestrian overpass is to be retained or removed. There is a 10" gas main mounted on the overpass that serves the site. If the overpass is removed, a new gas line may have to be constructed at a different location. Funding for this action will not be the responsibility of Metro-North. Additionally, Metro-North will require an agreement from the developer that identifies who will be responsible for maintaining and/or ultimately removing the gas main.

The former GM employee/pedestrian overpass is to be removed as part of the Lighthouse Landing project. Con Edison has indicated to the Applicant that it can service Lighthouse Landing from an existing medium pressure gas main located within Beekman Avenue. Con Edison has not yet determined whether or not the prior 10-inch high-pressure gas main which serviced the former GM Plant will need to be replaced. The replacement of this main will be the responsibility of Con Edison who will own the main.

CELLULAR SERVICES

5011

The data on the installation of cellular services set forth in the Planning Board's Generic Environmental Impact Statement, and the cellular findings, with respect to the provision of cellular services (DEIS at vol. III.G-15) needs to be applied to indicate where and how the GEIS coverage will be provided within the Lighthouse Landing site.

6202

2. The development should be designed to permit accommodate of wireless communication facilities within the buildings so as to avoid monopole or rooftop installations. Certain buildings should incorporate decorative features or elements such as those noted in Comment 1, which could provide "stealth" locations for wireless antennae.

The Applicant will review the possible cellular service facilities with the local wireless companies at the time of construction to both maximize service to its customers and protect the interests of the surrounding community. Cellular service for the project site will be provided in consideration of the Village of Sleepy Hollow Wireless Communications Facilities Locational Plan Generic Environmental

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Impact Statement (GEIS) for which the Planning Board adopted findings in September 2004. The project will comply with applicable regulatory requirements for cellular service. Project-related cellular antennae and support facilities will be located where permitted in accordance with applicable permitting procedures. In addition, the siting of project-related cellular antennae will be compatible with stealthing design techniques identified in the Village's GEIS.

UTILITIES - GENERAL

1205

5. It is noted that many of these comments were transmitted previously in our September 20, 2004 correspondence relating to the August 2004 Village of Sleepy Hollow Water Supply Improvements DEIS. Copies of these comments are attached.

Comment Noted.

2009

b) Has a study been done of the existing utilities on the bridge (identified as water, sewer, gas and electric). Have the utility companies approved installing their utilities on this new Bridge?

Each utility company is responsible for maintaining and upgrading the adequacy of its infrastructure to service the public within the available public right-of-way. However, the Applicant will coordinate any bridge rehabilitation program with the local utilities to accommodate the continued use of the Beekman Avenue bridge as a utility crossing point.

PM103

Finally I would just say that we need to address issues related to water, sewer and sanitation increases that will come with the proposed number of residents. I would urge that the residential load be dropped, lowered, and the mixed use, more commercial, and light industrial uses being put in. Thank you.

If the Village is unsuccessful in expanding its water storage system to meet Westchester County Department of Health requirements, the Applicant proposes to construct a water storage tank on the East Parcel to provide for supplemental water storage to meet projected domestic and fire flow demands of Lighthouse Landing. Sanitary sewage disposal from the Project will be conveyed to the Westchester County owned and operated Yonkers Joint Wastewater Treatment Plant via the Saw Mill Valley Trunk Sewer - Tarrytown Extension and the Saw Mill Valley Trunk Sewer. All sanitary facilities through which sanitary flow will pass have adequate capacity to meet projected demands (refer also to the responses to Comments 5650 and 7102 above in this section regarding correspondence from the Westchester

II. RESPONSES TO DEIS COMMENTS

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County Department of Environmental Facilities.) Further, in response to DEIS comments, the Applicant has proposed an FEIS Alternative Plan in which the proposed number of residential dwelling units has been reduced from 1,562 to 1,250 units, representing a reduction of 312 units or approximately 20 percent in comparison to the DEIS Plan. Further, the FEIS Alternative Plan also provides for a reduction in the proposed commercial floor area by approximately 30 percent in comparison to the DEIS Plan. As a result, the average daily domestic water demand of the Project has been reduced by approximately 50,000 gpd to some 346,000 gpd with an associated reduction in the sewer demand by approximately 45,000 gpd to a new daily estimate of some 315,000 gpd. No industrial uses other than development of the Village DPW Yard on the East Parcel are proposed under the FEIS Alternative Plan.

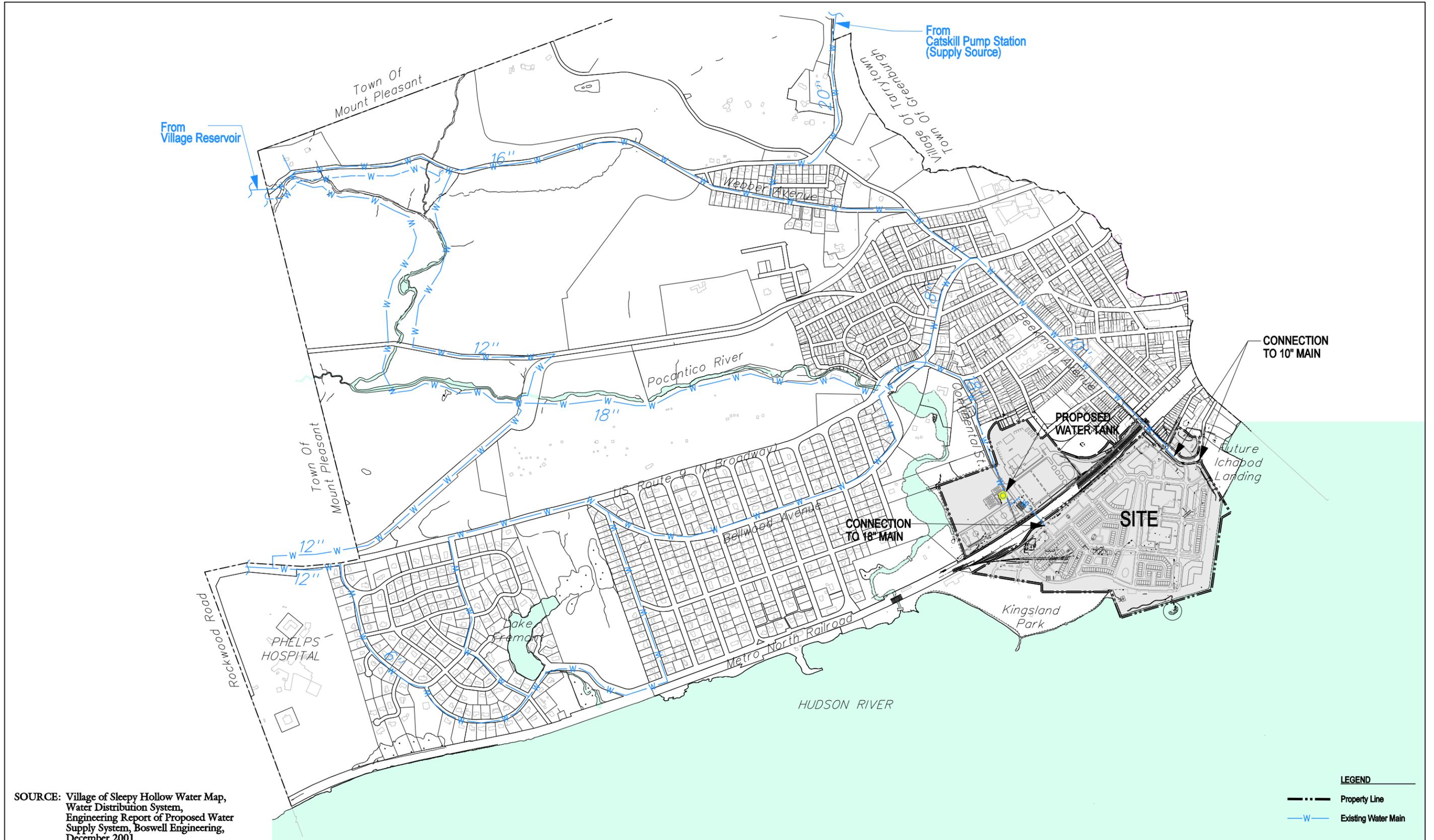
TABLE NO. II.G-1

Lighthouse Landing
Sleepy Hollow, New York

FEIS ALTERNATIVE PLAN
AVERAGE DAILY WASTEWATER AND WATER DEMANDS

USES	Quantity	Unit (1)	Unit Flow (gpd)	Wastewater (gpd)	Wastewater W/Water Saving Fixtures (gpd)	Water (3) (gpd)
RETAIL	132,000	square feet	0.1	13,200	10,560	11,616
OFFICE	35,000	square feet	0.1	3,500	2,800	3,080
HOTEL	140	Rooms	120	16,800	13,440	14,784
CLUBHOUSE(2)	1	Project	10,000	10,000	8,000	8,800
1 BEDROOM	343	Each	150	51,450	41,160	45,276
2 BEDROOM	659	Each	300	197,700	158,160	173,976
3 BEDROOM	248	Each	400	99,200	79,360	87,296
DPW YARD (5)	1	Project	1,000	1,000	800	880
Total Flow (gpd)				392,850	314,280	345,708
Peak Flow (gpm) (4)				818	655	720

- (1) Units Flow Rates Based NYSDEC Design Standards for wastewater Treatment Works
- (2) Assumed wastewater flow of 10,000 gpd
- (3) Water demand estimates @ 110% of wastewater flow. Dose not include fire, or cooling system demand
- (4) Peak rate computed as three (3) times the average daily rate.
- (5) Estimate received from Village Consultant RAD Architects on 9/13/05.

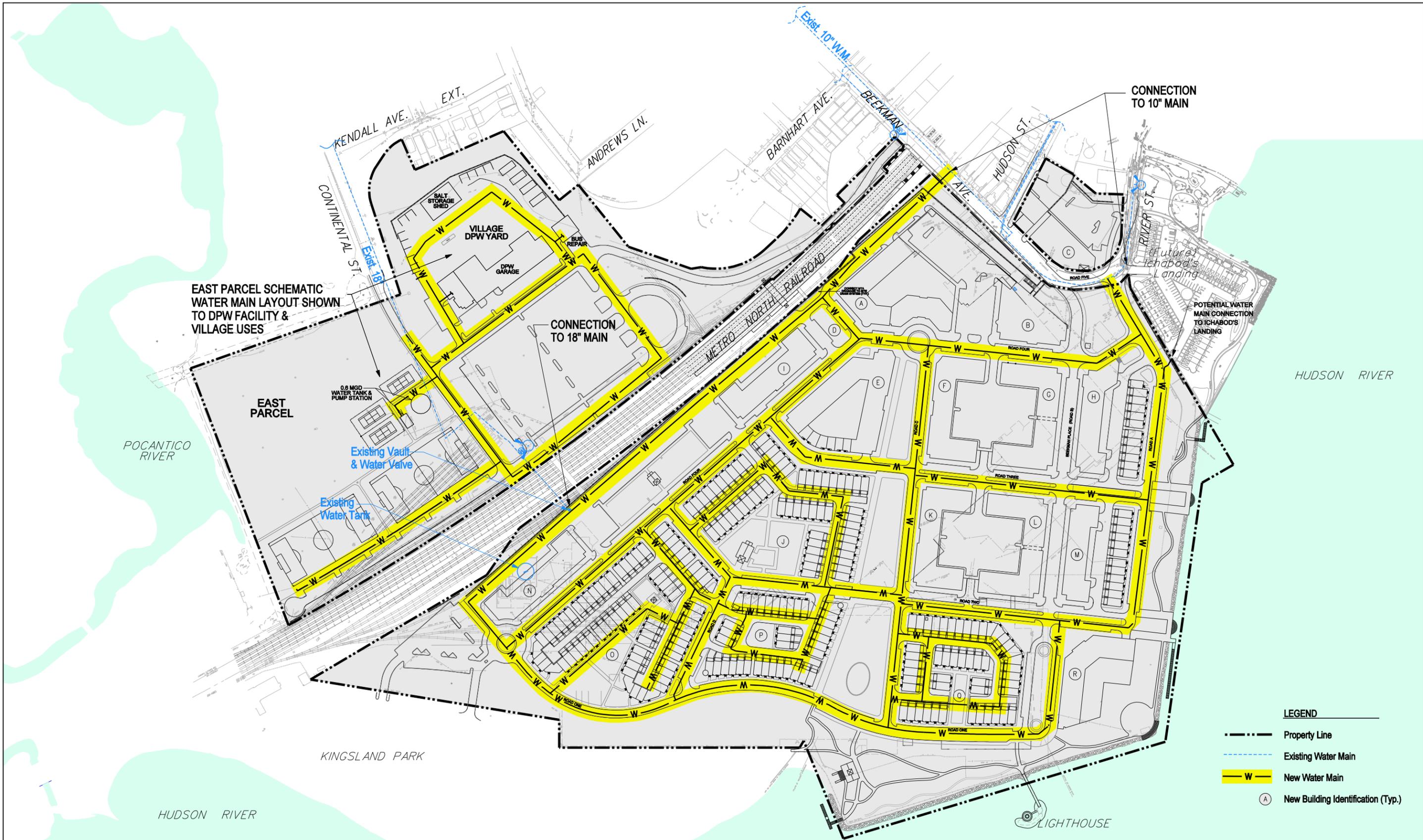


SOURCE: Village of Sleepy Hollow Water Map, Water Distribution System, Engineering Report of Proposed Water Supply System, Boswell Engineering, December 2001



FEIS ALTERNATIVE PLAN - WATER SUPPLY LAYOUT
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II.G-1



EAST PARCEL SCHEMATIC
WATER MAIN LAYOUT SHOWN
TO DPW FACILITY &
VILLAGE USES

CONNECTION
TO 18" MAIN

CONNECTION
TO 10" MAIN

POTENTIAL WATER
MAIN CONNECTION
TO ICHABOD'S
LANDING

HUDSON RIVER

POCANTICO
RIVER

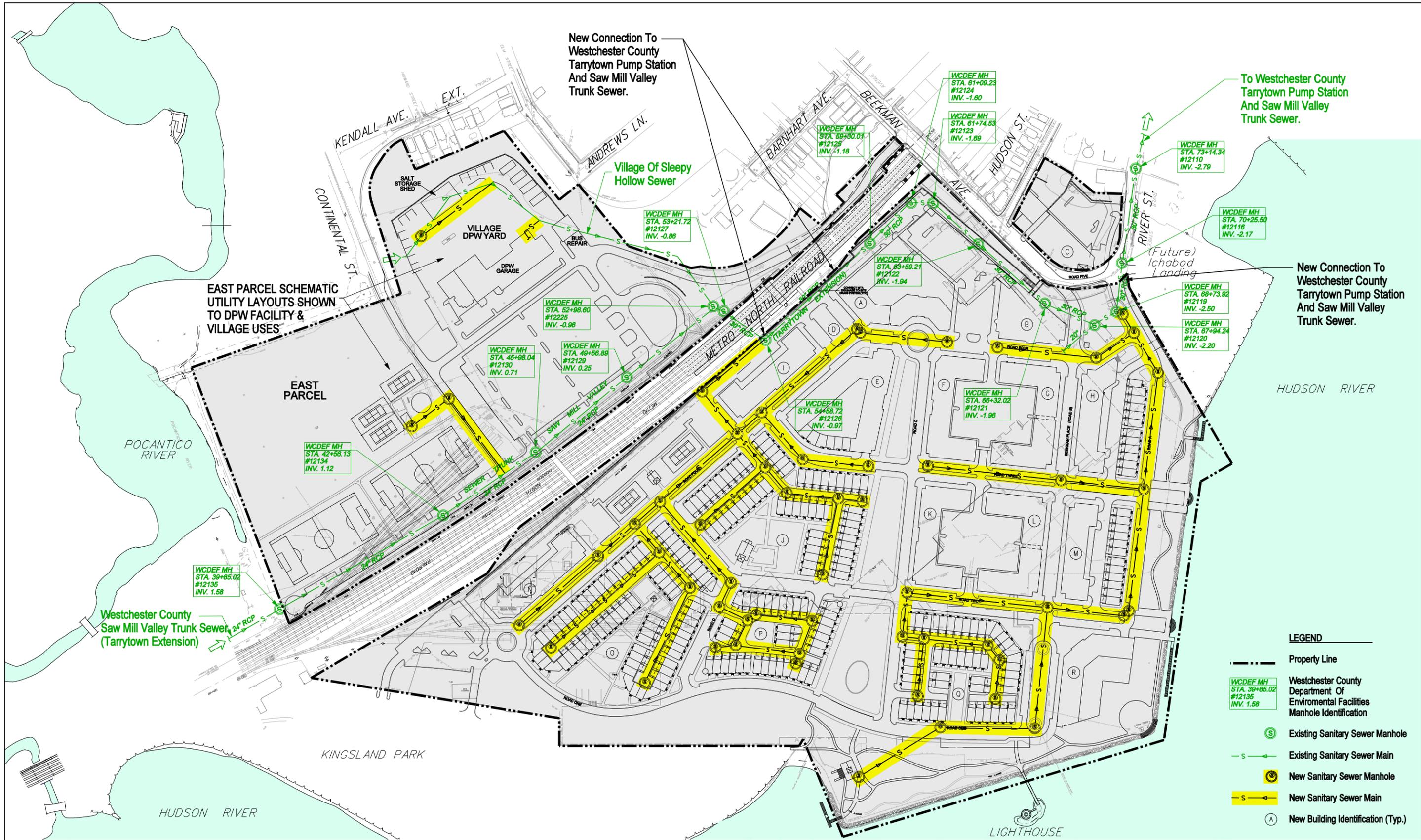
EAST
PARCEL

KINGSLAND PARK

HUDSON RIVER

LIGHTHOUSE

- LEGEND**
- Property Line
 - - - Existing Water Main
 - W — New Water Main
 - Ⓐ New Building Identification (Typ.)



New Connection To Westchester County Tarrytown Pump Station And Saw Mill Valley Trunk Sewer.

To Westchester County Tarrytown Pump Station And Saw Mill Valley Trunk Sewer.

New Connection To Westchester County Tarrytown Pump Station And Saw Mill Valley Trunk Sewer.

EAST PARCEL SCHEMATIC UTILITY LAYOUTS SHOWN TO DPW FACILITY & VILLAGE USES

Village Of Sleepy Hollow Sewer

Westchester County Saw Mill Valley Trunk Sewer (Tarrytown Extension)

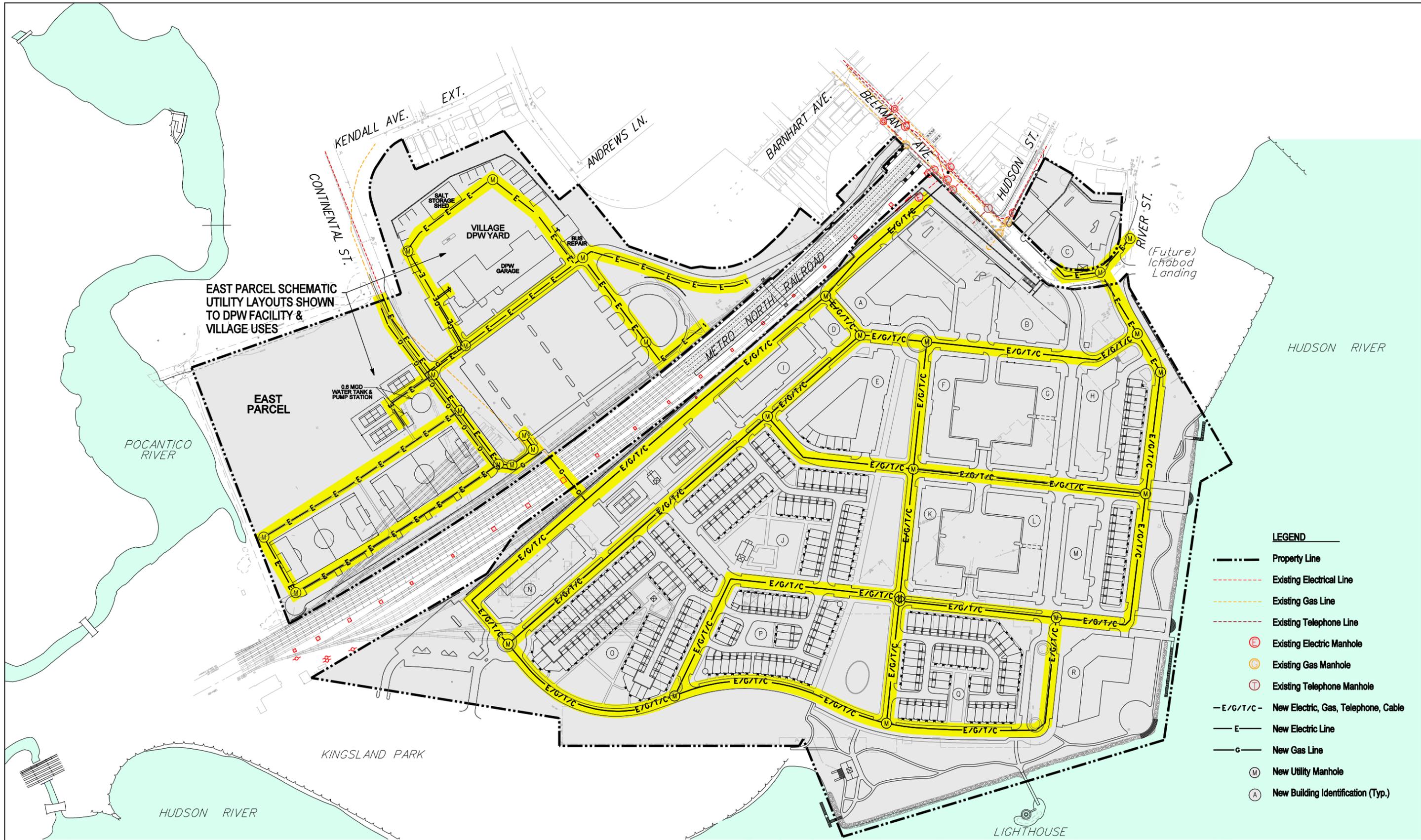
HUDSON RIVER

HUDSON RIVER

LEGEND

- Property Line
- Westchester County Department Of Environmental Facilities Manhole Identification
- Existing Sanitary Sewer Manhole
- Existing Sanitary Sewer Main
- New Sanitary Sewer Manhole
- New Sanitary Sewer Main
- New Building Identification (Typ.)

FEIS ALTERNATIVE PLAN - ON-SITE SANITARY SEWER MAIN LAYOUT
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW SLEEPY HOLLOW, NEW YORK
 FEIS FIGURE NO. II.G-3



EAST PARCEL SCHEMATIC
UTILITY LAYOUTS SHOWN
TO DPW FACILITY &
VILLAGE USES

LEGEND

- Property Line
- - - Existing Electrical Line
- - - Existing Gas Line
- - - Existing Telephone Line
- ⓔ Existing Electric Manhole
- ⓐ Existing Gas Manhole
- ⓓ Existing Telephone Manhole
- E/G/T/C- New Electric, Gas, Telephone, Cable
- E- New Electric Line
- G- New Gas Line
- Ⓜ New Utility Manhole
- ⓐ New Building Identification (Typ.)







**FEIS ALTERNATIVE PLAN -
ON-SITE UTILITY LAYOUT (E/G/T/C)**
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. ILG-4

II. RESPONSES TO DEIS COMMENTS
DEIS Sec.III.H · Mass Transit

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.H · Mass Transit

COMMENT NUMBER	COMMENT/RESPONSE
	<u>IMPACT OF PROPOSED STATION ON EXISTING STATIONS</u>
1901	<p>1. <u>Construction of a Rail Station</u> Metro-North and the project's developer are parties to an agreement for the analysis of the feasibility of establishing, maintaining, and operating a rail station. As called for in that agreement, the Developer submitted to Metro-North a Design Definition Report which demonstrates the feasibility of establishing a rail station at Lighthouse Landing from an engineering perspective. It has not yet been determined from an operational perspective if a station is feasible. The proximity of a new rail station between the existing Tarrytown and Philipse Manor Stations will have impacts on Hudson Line service that Metro-North may or may not find acceptable. Operating times, schedules, and levels of service at nearby stations are some of the issues that must be addressed. In previous discussions and correspondence we have indicated this impact should be explored.</p>
4401	<p>1. <u>Construction of a Rail Station</u> Metro-North and the project's developer are parties to an agreement for the analysis of the feasibility of establishing, maintaining, and operating the rail station. As called for in that agreement, the Developer submitted to Metro-North a Design Definition Report which demonstrates the feasibility of establishing a rail station at Lighthouse Landing from an engineering perspective. It has not yet been determined from an operational perspective if a station is feasible. The proximity of a new rail station between the existing Tarrytown and Philipse Manor Stations will have impacts on Hudson Line service that Metro-North may or may not find acceptable. As part of the DEIS, impacts from ridership diversion, operating times, schedules, and levels of service at nearby stations must be addressed.</p> <p>For example, the DEIS assumes that 820 of the peak AM boarders at the proposed station at Sleepy Hollow will not originate from Lighthouse Landing, (page III.H-12). These may be riders diverted from other stations or new riders from the Village of Sleepy Hollow. The DEIS needs to specify the number of riders diverted from other stations so that Metro-North can review the impact on existing peak schedules with the addition of a new station. If the vast majority of diversions are projected from Tarrytown, AM and PM peak ridership from Tarrytown station may be significantly affected and require modifications to service levels.</p> <p>The impacts on Metro-North operating times, schedules and levels of service from a new station at Lighthouse Landing, as anticipated by the Applicant, are discussed in the DEIS at III.H-11 and 12. In addition to projecting the distribution of 400 new commuters from Lighthouse Landing over the current Hudson Line morning peak schedule, the DEIS stated:</p>

II. RESPONSES TO DEIS COMMENTS

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“Diverted ridership of current patrons who now board at the Philipse Manor or Tarrytown stations would not involve additional boardings to the trains, but simply changing the station of boarding. With minor adjustments in schedules at existing stations north of Sleepy Hollow and strategic selection of specific trains stopping at Sleepy Hollow, it is not anticipated that the additional time required to pick up riders will have a material affect on the overall schedule or level of service on the Hudson Line. More specifically, establishment of a new station stop at Lighthouse Landing is expected to add one to two minutes of running time to each local train that is scheduled to stop there. The running time of express trains passing through the area without stopping should not be impacted in any way. During rush hour periods, when zone express service is operated on the Hudson Line, the Lighthouse Landing station could be operated either as an extension of the Hastings to Tarrytown zone or the Tarrytown to Scarborough/Harmon zone. In either case, impact on schedules and running times would be minimal. Depending on the level of ridership generated at the new station, the addition of rail cars to one or more existing peak period trains could be required to avoid standees. It is not anticipated that any new train runs would have to be added to the schedule to accommodate Lighthouse Landing riders.”

The traffic section of the DEIS also considers the impact of existing train riders being rerouted from other stations to the proposed station at Lighthouse Landing. (See DEIS III.I-25.) It is important to note that these rerouted commuter trips would not change the number of passengers, but simply the station of boarding.

If a new station is constructed, the operational schedules at that station and at the Tarrytown and Philips Manor stations will be determined by Metro-North.

PM1202

Point number two is the train situation. Now I know it's been mentioned if we get the new train station, it will not affect the other two train stations. But that's at the present time. What will happen a year from now or two years from now or five years from now, all bets might be off. Are we going to get full assurances that that won't be affected?

2102

If Metro North builds a station will the Philips Manor station be closed?

2801

The DEIS states that a new Metro North train station may be constructed at the site, and that some 400 parking spots would be established for commuters at the new station. I understand from conversations with Mayor Zegarelli that the Village administration will make every effort to ensure that Metro North would continue to provide service to the Philipse Manor station (from which I

II. RESPONSES TO DEIS COMMENTS

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currently commute) if a new station is built at the GM site. However, I am concerned that, despite the administration's best intentions, Metro North will seek to terminate or materially reduce service to the Philipse Manor train station. It is simply not cost effective for it to provide service to two stations that are so close to each other.

All discussions between the Applicant, the Village of Sleepy Hollow and Metro-North regarding the proposed station have assumed that the Philipse Manor and Tarrytown stations will remain in service. As part of its Hudson Line Stations Improvements project under the Metropolitan Transportation Authority's 2005-2009 Proposed Capital Program¹, several stations on the Metro North Railroad Hudson Line from Hastings to Ossining, including the Metro-North Tarrytown Station and Philipse Manor Station, will undergo station infrastructure improvements. The improvements proposed for the Tarrytown station consist of demolition and replacement of both the north and south overpasses. The new north overpass will be serviced by elevators. The improvements will also include demolition of existing and construction of new track 2/4 island and track 3 side platforms. The improvements proposed for the Philipse Manor station consist of construction of a temporary overpass and rehabilitation of the existing overpass. The rehabilitated overpass will be enclosed, but without elevators. The existing inbound and outbound platforms will be demolished and newly constructed. The new overpasses at both stations will be historic in style, and fully enclosed. Overall costs including design, construction management, project management, railroad force account work and construction are currently estimated at \$30 million for the Tarrytown station and \$10 million for the Philipse Manor station.²

3001

One question, raised by our president, Richard Plano, last night concerns us all very directly here in Philipse Manor: the future of our railroad station in conjunction with the Lighthouse development. You stated that our depot will remain (I am, of course, aware of the renovations planned by Metro-North). Yet you have suggested an additional depot near Beckman Avenue, obviously much needed for the residents of the new development.

I highly doubt that Metro-North (MTA) will approve construction of such a station unless it is combined with the present Philipse Manor depot.

According to railroad records, the distance between Tarrytown and Philipse

¹ MTA Proposed Capital Program for 2005-2009, September 29, 2004, Metropolitan Transportation Authority, p. 86.

² Scope of planned improvements for the Tarrytown and Philipse Manor stations provided to the Applicant by Metro-North Railroad, August 2006.

II. RESPONSES TO DEIS COMMENTS

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Manor stations is 1.28 miles. The distance between Philipse Manor and the new Sleepy Hollow depot at Beekman Avenue would be about $\frac{3}{4}$ of a mile, the distance between that station and Tarrytown approximately $\frac{1}{2}$ mile. There are presently no two stations on the Hudson Line that are so close together:

Morris Heights - University Heights	.68 mile
Ludlow - Yonkers	.81 mile
Ardsley - Irvington	.94 mile

Indeed, it would be difficult for an MU train to accelerate and brake in such a short distance.

6515

b. Operational issues for station - Due to the short distance (1.3 miles) between the existing Philipse Manor and Tarrytown stations, the placement of a new station in the middle (approximately 0.6 and 0.7 miles from each, respectively) may cause operational problems for the railroad since trains may not have sufficient time and distance to properly accelerate and decelerate. The draft EIS notes that the impact on travel times and passenger capacities may be negligible to minor. If closely spaced stations prove problematic for train operation, perhaps something similar to a skip-stop service could be used. The applicant and Metro-North should work together to come up with an operations plan that would permit the new station since a station would best support increased mobility and reduce reliance on private cars.

As shown on the FEIS Figure No. I-2, FEIS Alternative Plan, the distances between the proposed new station and the existing Philipse Manor and Tarrytown stations are approximately 0.6 and 0.7 miles respectively.

Based on the distances from Grand Central Station listed on the Metro-North website (<http://as0.mta.info/mnr/stations/stations.cfm>), distances between other stations on the Hudson and Harlem lines are comparable:

Mount Vernon West - Wakefield:	.5 miles
University Heights - Morris Heights:	.59 miles
Botanical Garden - Fordham:	.61 miles
Crestwood - Tuckahoe:	.7 miles
Tuckahoe - Bronxville:	.7 miles
Yonkers - Ludlow:	.8 miles

The distances between the Crestwood, Tuckahoe and Bronxville stations (.7 miles and .7 miles) are generally similar to the proposed distances between Philipse Manor, the proposed new station, and Tarrytown. This issue was also discussed between the Applicant's train station consultant and Metro-North operations staff at a meeting on August 3, 2004, during which Metro-North indicated that the

II. RESPONSES TO DEIS COMMENTS

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proposed distance between stations should be acceptable.

PM2006

The other area very close to me is the notion that another railroad station will be constructed by Metro North. Knowing Metro North, and I've dealt fairly extensively recently with some problems with some of the congestion in the Tarrytown station, you assume another station will be created. I seriously doubt that, based on the financial statement of Metro North. And specifically it that's the case, we are going to have additional impact not only on traffic getting to the Tarrytown train station, Philipse Manor station, it will effect the parking and also the traffic on the platforms and on the trains themselves.

A number of times I've spoken to state representatives, and it looks really unlikely we are going to get much new capacity on those Metro North, on the Hudson line service. So I think that the plan does not adequately address that.

The Applicant acknowledges that as of this time, Metro-North has advised that Metropolitan Transportation Authority capital funds will not be used to construct the proposed station.

PH3203

About the train station. I'm going to move on. They are talking about building a new train station on the bottom of Beekman Avenue there. If you look from that bridge there down to Philipse Manor railroad station, it is like about three - I would say three, at the most four - three New York City avenue blocks because avenues are larger than street to that station. So it is so close.

Tarrytown is over here the one side, that's on the other side. Do we need one in between? If Roseland want to build, if they want to waste the money, if they got extra money, go ahead, do it, all right. But as far as I'm concerned, I'm concerned, this is my personal opinion, we don't need it. Okay.

Comment noted. See Response to Comment 3001 above regarding distance between adjoining stations.

FEASIBILITY AND DESIGN OF PROPOSED STATION

1902

The developer has committed to preparing a preliminary design of the proposed station as part of the feasibility study. This has not yet been submitted for MNR review. Any conceptual plan of the station and ancillary facilities contained in the DEIS merely represents the developer's view, not an approved plan.

4402

The developer has committed to preparing a preliminary design of the proposed station as part of the feasibility study. This has not yet been submitted for MNR review. The conceptual plan of the station and ancillary facilities contained in the DEIS merely represents the developer's view, not an approved plan. With respect to the conceptual plan, which we understand will be the basis for the design, the following comments are offered: the commuter parking lot must be located further south than shown on the site plan, adjacent to the existing viaduct and as close as possible to the platform. In addition, the

II. RESPONSES TO DEIS COMMENTS

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new pedestrian overpass should be located to equalize walking distance from the parking lot to the overpass and to equalize boardings at both the north and south end of the platform.

Comment noted. The Applicant has prepared and submitted a Design Definition Report and a conceptual plan of the station to Metro-North, but acknowledges that the layout of the station and associated facilities have yet to be approved by Metro-North. Metro-North prepared a letter to the Applicant dated August 23, 2004 commenting on the Design Definition Report. In response to Metro-North's letter, the Applicant amended the Design Definition Report (revised September 23, 2004) and submitted same to Metro-North with a letter dated September 29, 2004 addressing questions pertaining to stairways and overpass, the environmental review process and parking³. In a letter to the Applicant dated October 28, 2004, Metro-North indicated that the amended Design Definition Report addressed the issues raised in their August 23rd letter. No additional comments on the Design Definition Report have been sent to the Applicant by Metro-North since October 2004.

The locations of the commuter parking lot and the pedestrian overpass have been adjusted on the conceptual plan in response to Comments 1902 and 4402 above, as illustrated in FEIS Figure No. I-2.

1903, 4402

Since it has not yet been determined that a station is operationally feasible, any reference in the DEIS to the station as a potential mitigation measure is premature.

Comment noted. See the response to Comment 6515 above.

3002

Here is a thought or two: (1) Lighthouse Landing may consider building a special walkway upon the presently dead western siding to the Philipse Manor station and a lengthening of its platforms (Yes, I know; Americans don't like to walk like us Europeans...), or (2) to close the PM station (the building is used by the Writers' Center, anyway) and to construct a new station at the northern end of Lighthouse Landing, near the present Bathhouse with walkway both to Beekman Ave. and the present parking lot at the PM Eagle.

The proposed Lighthouse Landing station is located adjacent to and with direct access from the Beekman Avenue Bridge so as to be able to conveniently serve both the residents of Lighthouse Landing and

³ See letter from Divney Tung Schwalbe to Metro-North Railroad dated September 29, 2004 in FEIS Appendix 1, Relevant Correspondence.

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the inner village of Sleepy Hollow.

3401

Roseland appears genuinely interested in community input, much to its credit. However, with no results of onsite test borings to review, nor meaningful response from the Metropolitan Transit Authority (MTA) with regard to the possibility and/or feasibility of a new onsite train station, much of the discussion can only be considered preliminary at best at this point.

Based on the extensive test borings taken within the site along both sides of the Metro-North tracks (see discussion at DEIS III.B.2 and DEIS Appendix 4.A, Excerpts from Foundation Assessment), it is anticipated that the construction of the proposed station platforms and pedestrian overpass can be achieved utilizing conventional structural elements on a pile foundation.

The final determination as to whether and when a station will be constructed at Lighthouse Landing will depend on obtaining Village input, Metro-North approvals and sufficient funding. Since the construction of a new station is not a certainty, DEIS Section IV.C and FEIS II-I (Traffic and Parking) discuss the impacts and mitigating measures for the Project without an on-site railroad station.

3403

We need to also flush out some response from the MTA. Without their commitment to, or at least in a new train station, discussions of traffic pattern/flow, etc. change dramatically.

PM2301

So, I just wanted to raise a couple of issues that I didn't mention last week. One has to do with the train station. With respect to the size of this project, even if it is hopefully reduced by the amounts that have been suggested tonight, I think that it is inappropriate to proceed with the project with the ambiguity of that station being there or not being there.

I think that it's incumbent upon the applicant to have Metro North make that determination, is or isn't there going to be the station there, before this document is finalized. With the amount of potential commuters that we are talking about, to leave it open just seems to me to be - to be somewhat irresponsible because you can't make adequate predictions with respect to traffic, leaving that open.

My suggestion is there has to be, with this amount of increased population and commuters, there has to be a train station there for the project to proceed, otherwise the traffic and the rest of the village becomes - the villages become untenable. So I think that the project should be contingent upon a train station being put there.

PH5709

Ten, obtain a firm commitment from Metro North on the new train station.

The final determination as to whether and when a station will be

II. RESPONSES TO DEIS COMMENTS

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constructed at Lighthouse Landing will depend on obtaining both Metro-North approvals and sufficient public funding. Since the construction of a new station is not a certainty, DEIS Section IV.C and FEIS II-IV discuss the impacts and mitigating measures for the project without an on-site railroad station. The Applicant will continue to work with both Metro-North and the Village of Sleepy Hollow to establish a railroad station on the Lighthouse Landing site. Until such time that a new station is constructed at the Site, the Applicant will cause shuttle service to be provided to the existing Metro-North Tarrytown and/or Philipse Manor train stations.

Metro-North Commuter Use in Westchester County

The Transit Utilization Analysis⁴ presented in FEIS Appendix 9 addresses projected weekday peak hour Metro-North Railroad usage by Lighthouse Landing residents if an on-site train station is constructed, and also if an on-site station is not constructed, and residents would instead have to travel up to approximately 0.7 miles to the existing Tarrytown and/or Philipse Manor stations. One of the most important factors considered in the analysis is the established pattern of commutation to New York City from Westchester County. This established pattern is summarized as follows:

- Commuters destined for New York City typically opt not to drive into the City given the costs of parking in Manhattan, high gas prices, tolls and associated car expenses of maintenance and insurance. Perhaps even more importantly, there is a significant time savings and better quality of trip by taking the train. For example, Metro-North provides an approximately 40-minute, one-seat ride to Grand Central Station from the Tarrytown or Philipse Manor stations. By comparison, driving from Sleepy Hollow to mid-town Manhattan during weekday peak periods will not only take longer, particularly in inclement weather, but given the typical traffic and congestion of the New York metropolitan area, will not be as relaxing and/or productive as traveling by train.
- If they do not reside within walking distance of a train station, Metro-North commuters in Westchester typically drive to the closest train with available parking or are dropped off/picked up

⁴ Lighthouse Landing Transit Utilization Analysis dated October 2006, prepared by the Alan M. Voorhees Transportation Center, Edward J. Bloustein School of Planning and Public Policy, Rutgers, The State University of New Jersey.

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at the station.

- Westchester commuters are very much accustomed to the Metro-North Railroad schedule, which logically provides more frequent service during weekday morning and afternoon peak commuter periods than during off-peak hours.

Based on the well established pattern in Westchester, it can reasonably be expected that a significant majority of New York City commuters from Lighthouse Landing will utilize Metro-North whether or not an on-site train station is constructed.

Proximity to Metro-North Stations

To support the proposition that Lighthouse Landing residents will view themselves as living proximate to the Metro-North railroad even if an on-site station is not constructed and the nearest existing station (Tarrytown) is 0.7 miles away (0.2 miles further distant than the 0.5 mile distance typically characterized as walkable from a Transit-Oriented Development), listings of single-family homes and condominium residences for sale in the Project area during September 2006 were reviewed to determine which homes were characterized as “near to the railroad.”

Sleepy Hollow is within “Zone 3” of the Westchester Multiple Listing Service (WMLS) database of homes listed for sale through one of its member real estate agencies. Other communities within Zone 3 include Tarrytown, Briarcliff Manor, Ossining, Pleasantville, Irvington and Dobbs Ferry. The WMLS entry form for residential listings allows real estate agents to check off boxes for certain desirable features and characteristics of a home, such as “water view”, “swimming pool”, and “near to railroad”.

A September 27, 2006 search of Zone 3 listings using the single criterion of “near to railroad” returned 235 single-family homes and 69 condominiums or a total of 304 dwelling units. Entering the address of each listing into the mapping function of its closest train station on the “Stations” page of the Metro-North website (<http://as0.mta.info/mnr/stations/stations.cfm#O>) provided the approximate distance by road from each residence to the station. Sorting these records by distance, and comparing those distances to the 0.7 miles from the approximate center of the proposed Lighthouse Landing development (Road 3 at the center of the Site) showed the following:

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- Of the 235 single-family houses, 184 or 78% were located more than 0.7 miles from a train station.
- Of the 69 condominium units, 51 or 74% were located more than 0.7 miles from a train station.
- Of the combined 304 dwelling units, 235 or 77% were located more than 0.7 miles from a train station.

While by no means a definitive study, this analysis of how far houses perceived by real estate agents and marketed as “near to railroad” actually are from the closest train station supports the proposition that in Westchester, homes 0.7 miles from a station are still typically considered to be near the Metro-North.

Mass Transit Credit Without An On-site Train Station But With a Shuttle

The Transit Utilization Analysis discusses existing shuttle/jitney services including shuttles serving the Dixon Mills Apartments in Jersey City, New Jersey and the NJ Transit Community Shuttle Program for the Borough of Glen Ridge. Dixon Mills, a 467-luxury rental complex, operates a private shuttle service to the Grove Street PATH station located approximately 0.4 miles from the site. Dixon Mills management indicates that shuttle ridership is significant and always increases during inclement weather. The New Jersey Transit Community Shuttle Program, operated by NJ Transit, is one of the largest shuttle programs in the nation. The Borough of Glen Ridge, NJ operates what is considered the most successful system within the NJ Transit Shuttle Program. Glen Ridge is 1.3 square miles in area and had an estimated 2005 population of 7,020 (per New Jersey State Data Center). Direct train service is provided from Glen Ridge to Penn Station in New York City (37 minutes). Glen Ridge operates two, 20-passenger shuttle buses on weekdays from about 6 am to 8:30 am and 4 pm to 7 pm. The community operates two shuttle routes free of charge to residents and non-residents who park in commuter lots. Although it is difficult to estimate the percentage of resident commuters that use the shuttle service, in 2005 the community reported an average 15.9 passengers per vehicle or a total of 6,663 passenger trips. Data is also presented in the Transit Utilization Analysis for three existing residential projects in New Jersey and New York located proximate to railroad facilities indicating train ridership among resident commuters ranges from

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approximately 50 percent to 70 percent⁵.

Based on these examples and given that Lighthouse Landing residents would likely view themselves as living near to the Metro-North Railroad even if an on-site station is not constructed, the Traffic Utilization Analysis concludes that a 35% mass transit credit is reasonable and appropriate if shuttle service is provided from the Project to either the Tarrytown and/or Philipse Manor train stations.

Supplemental Traffic Analysis with 25 Percent Mass Transit Credit

As discussed in the response to Comment 5613 in Section II.I of this document, a supplemental traffic analysis has been prepared for 11 selected intersections that compares conditions without a new station but with shuttle service to the existing stations utilizing the 35% Mass Transit Credit used in the FEIS Traffic Study with a reduced Mass Transit Credit of 25%. In comparison to a 35% MTC, a 25% MTC yields an increase in projected vehicular traffic from Lighthouse Landing by approximately 46 trips in the weekday AM peak hour and 55 trips in the weekday PM peak hour, which represents an increase of less than 1 vehicle trip per minute on average. Intersection capacity analysis shows that at the lower 25% MTC there would be no significant change in "Build" levels of service at key intersections, and in all cases acceptable overall levels of service of "D" or better would be provided. In addition, the supplemental analysis indicates that there would be no required change in the mitigation proposed in the FEIS Traffic Study if a 25% MTC is utilized.

PM804

Concerning Metro North's involvement, have they reviewed the railroad station facilities that you talked about and the construction demolition activities associated with the project including the bridge and the viaducts, et cetera. I have a number of questions regarding that.

Metro-North has reviewed and accepted a Design Definition Report prepared by the Applicant for the proposed station that sets forth a conceptual plan for the platforms and other facilities and specifies the various criteria and standards that must be met in working within and adjacent to the railroad tracks and Metro-North property. (See DEIS Appendix 14, Train Station Design Definition Report.)

⁵ The three existing projects are Gaslight Commons in South Orange, NJ (199 rental units), River Place in Rahway, NJ (136 rental units), and Bank Street Commons (500 units) in White Plains, NY. The projects are located within 0.3 miles of train stations and no shuttle services are provided.

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PH4208

Lastly, the two big glaring problems that you have heard about endlessly today, the density and traffic. As every one knows even our lesser density numbers are unacceptable to the public. One thousand plus more cars within our villages with or without the train station during peak, off peak and weekend times virtually 24/7 - which I what you are saying in your graphs - should not be allowed.

At the very least the road infrastructure, train station issue should be settled before the project begins. With respect to density your lowest alternative of 1362 I believe should be considered the highest number, and we can go down from there.

The final determination as to whether and when a station will be constructed at Lighthouse Landing will depend on obtaining both Metro-North approvals and sufficient public funding. Since the construction of a new station is not a certainty, DEIS Section IV.C and FEIS Sections II.I and II.IV discuss the impacts and mitigating measures for the project without an on-site railroad station. Under the FEIS Alternative Plan, the number of proposed residential units has been reduced to 1,250 and the amount of office and retail space has also been reduced. The reduction in projected traffic volumes related to the FEIS Alternative Plan is discussed in Section FEIS II.I (Traffic and Parking) and FEIS II.IV

PH4604

The other big factor that needs to be seriously considered and was mentioned earlier, if MTA does not pull the station or they are proposing as a mitigating factor to bus the residents from the Sleepy Hollow portion over to our train station in Tarrytown, it's a public service but that will also have an impact and clearly if they do not build this station, which, frankly, there is no evidence to suggest that there is money or a commitment to go forward by the MTA to build that station.

So to review this without a station in the plan is critical to getting a better understanding of what those impacts might be.

The Applicant acknowledges that Metro-North has advised that Metropolitan Transportation Authority capital funds will not be used to construct the proposed station. DEIS Section IV.C and FEIS II.IV (Alternatives) discuss the impacts and mitigating measures for the Project without an on-site railroad station.

FUNDING FOR PROPOSED STATION

1904, 4403

2. Funding

There are several instances in the DEIS where reference is made to pursuing funding for the construction of a station.

Section II; 11; page III.A-42 -references that "construction of a new Metro-

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North railroad station has been proposed. A new station may receive federal funding through USDOT/FTA which would make the station a federal action subject to NEPA.”

Section III.H-8 states “The new station under consideration to be constructed as part of the project, subject to Metro-North approval and availability of sufficient funding...”

The station is not a Metro-North project. The developer has proposed construction of this station as part of the Lighthouse Landing Development. As such, assuming it is determined that a station is fully feasible from both engineering and operations perspectives, and if MNR agrees and permits a station to be constructed, funding for construction, operation, and maintenance of a station must be the responsibility of the developer.

MRN has repeatedly stated in meetings and in correspondence (see response to Scoping Document in letter dated May 16, 2003 and letter of January 11, 2005 to the Village and Developer) with the Developer and Village that MNR will not utilize its capital funding resources for the construction, maintenance, or operation of the station. Nor will Metro-North use limited federal financial assistance or operating funds for the construction, maintenance or operation of the station, at the expense of our infrastructure or operation needs.

6514

a. Public funding for station - The draft EIS states that the new station is subject to Metro-North approval and the availability of sufficient public funding, implying that the cost of station construction and maintenance would be the responsibility of Metro-North, the Village or other public entity. Because this station will directly serve and benefit project residents and is presented in the draft EIS as a form of traffic mitigation (coupled with the likelihood that such a station could not be justified without the Lighthouse Landing project), it is not clear why the applicant does not proposed to fund or to contribute funding to pay for station construction and maintenance. This aspect should be examined.

Comments noted. In general, potential funding sources for this type of project could include Federal Transit Administration grants, Federal Highway Administration grants, CDBG /Urban Development Action Grant programs, NYSDOT (TEA -21) program, and municipal bonding.

COMMUTER PARKING

1905

3. Parking

Section II; c; page II-12 - reference is made to a 400 space parking lot being size in response to MNR's desire to address regional parking needs within the Hudson Line Corridor.

A 400-space lot would not be adequate to meet MNR parking demands as shown in the Parking Demand Analysis submitted to the Developer and the Village by MNR in January (see transmittal letter dated January 19, 2005). The

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analysis indicated that the parking demand requires 1,100 parking spaces by 2020.

In addition, the DEIS indicates that certain adverse impacts will be mitigated by the construction of a 400 space commuter parking lot (Page III.H-14) at the station. However there are no data provided to show that this number of spaces provides sufficient mitigation.

4404

3. Parking

Section I; e; page II-12 – reference is made to a 400 space parking lot being sized in response to MNR’s desire to address regional parking needs within the Hudson Line Corridor.

A 400-space lot would not be adequate to meet MNR parking demands as shown in the Parking Demand Analysis submitted to the Developer and the Village by MNR (submitted January 19, 2005). The analysis indicated that the parking demand requires 1,100 parking spaces by 2020.

This need for 1,100 parking spaces is exclusive of those required by the residents of Lighthouse Landing. The DEIS assumes that these residents will access the station via a bus shuttle. However, the number of resident boardings estimated per train and the frequency of the MNR peak period train schedule reflected in the DEIS may not allow the majority of residents to use the shuttle. This may result in utilization of the proposed 400-space commuter parking lot at the station by many of the residents of Lighthouse Landing rather than commuters as intended and suggested in the DEIS.

The DEIS needs to consider how the long-term parking needs identified by Metro-North can be achieved. Shared parking uses with offsetting peaks, such as the station and the proposed cinema, could be utilized to meet a portion of this demand. This approach allows parking at the station during nights and weekends for other uses and maximizes parking while limiting the amount of paved areas for such use.

Given the severe shortage of parking at the surrounding stations, one of the benefits of a new station is to provide unrestricted access to it by railroad customers. Metro-North makes all efforts to ensure open access at all stations. The DEIS does not specify whether parking at the proposed station will be available to all commuters, regardless of residency and who will operate parking and proposed fee levels. Open access, including parking fees and commutation cost for its customers are key factors to Metro-North in determining establishment of a new station.

In addition, the DEIS indicates that certain adverse impacts will be mitigated by the construction of a 400 space commuter parking lot (Page III.H-14) at the station. However there are no data provided to show that this number of spaces provides sufficient mitigation.

The Metro-North Parking Demand Study described in the above comments is included in FEIS Appendix 8. The study projects parking supply shortfalls (described as “unmet demand”) at nearby Hudson Line stations (Philipse Manor, Tarrytown, Scarborough and

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Ossining) to reach 750 spaces by 2015 and 1,120 spaces by 2020, and suggests that this demand “might be accommodated at a new station in the Village of Sleepy Hollow.” The study does not, however, present any data or rationale to show that riders who would potentially park at the four nearby stations (if a space existed) would take the additional time to drive to the Sleepy Hollow station to park (if a space existed), rather than being dropped off at or walking to a station that was more proximate to their homes.

The commenter’s view is that “one of the benefits [to Metro-North Railroad] of a new station is to provide unrestricted access to it by railroad customers.” However, given the existing traffic conditions along the Route 9 corridor, providing an amount of commuter parking at the new station sufficient to induce “regional” travel to and use of the station (i.e., providing sufficient parking to satisfy the “unmet demand” from the other existing stations) would cause a significant adverse traffic impact to the Village that would negate the traffic benefits intended in the first place to be achieved by the construction of a new on-site station. See discussion in FEIS Section II.I.

The DEIS’s reference to the proposed 400-space commuter lot as a “mitigation measure” (at III.H-14) was improperly characterized, as the proposed train station is a beneficial element of the Lighthouse Landing project that does not require mitigation. The 400-space lot was proposed as the result of a series of discussions between the Applicant, the Village of Sleepy Hollow and Metro-North in recognition of Metro-North’s desire to provide a significant number of parking spaces adjacent to the station, balanced with the Applicant’s and the Village’s desire not to overwhelm lower Beekman Avenue and/or Continental Street with additional commuter traffic. Based on the proposed location of the platforms just north of the Beekman Avenue bridge, it is anticipated that Lighthouse Landing residents and many of the Sleepy Hollow inner Village residents would walk or be dropped off at the new station and would not require commuter parking.

2802

- A study should be undertaken to determine whether the 400 proposed parking spots for commuters at the GM site are sufficient to handle the needs of commuters that currently park at the Philipse Manor station – both the Village lot and the lot owned by the Philipse Manor Improvement Association – AND those of other commuters who may want to use the new station (including residents of new development). If the 400 parking spots are not adequate, then a sufficient number of additional spots should be

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provided.

The 400-space lot included in the DEIS Plan was proposed as the result of a series of discussions between the Applicant, the Village of Sleepy Hollow and Metro-North in recognition of Metro-North's desire to provide a significant number of parking spaces adjacent to the station, balanced with the Applicant's and the Village's desire not to overwhelm lower Beekman Avenue and/or Continental Street with additional commuter traffic. It was not designed to accommodate commuters who currently park at the Philipse Manor station, as conditions at that station would not change under this proposal. (See also Response to Comments PM1202 through 2801 above.) At the request of the Village of Sleepy Hollow, a 550-space commuter lot is evaluated under the FEIS Alternative Plan as further addressed in Section II.I (Traffic & Parking) of this document. The 550-space lot was selected for analysis based on the Village's recognition of Metro-North's desire to maximize the number of additional spaces based on Metro-North's projections of future parking supply shortfalls at nearby Hudson Line stations (Philipse Manor, Tarrytown, Scarborough and Ossining) balanced against Village constraints in land availability and traffic capacity.

2803

- All parking spots for a new Metro North station at the former GM site should be owned by the Village. That would give the Village both an additional source of revenue, and the opportunity to limit parking to Village residents if the demand for spots exceeded the supply.

4367

67. The commuter lot indicated on the plan is sized at 400 spaces. Metro-North would like to see even more (up to 1200 spaces) due to existing and anticipated demand along the Hudson Line. The Applicant and Village felt that this would draw additional, potentially undesirable traffic and would be unfair for the Village to provide for the Hudson Line's entire parking need. Who would ultimately own and maintain the commuter lot? It was noted that users of a commuter lot would likely be diversions of existing traffic and wouldn't be adding more volume to Route 9. There is the possibility that operation of Route 9 to the south could be improved with commuter lot at Lighthouse, however this still needs to be confirmed.

As indicated in the Response to Comment 2802 above, the Village has requested that a 550-space commuter lot be evaluated as part of the FEIS Alternative Plan with a new train station. As currently proposed, the Applicant wishes to construct, own, operate and maintain the commuter/resident parking lot. However, the Village of Sleepy Hollow has indicated that since the commuter/resident lot is expected to be used by Village residents, ownership of the lot is still to be determined.

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6516

c. Parking at station – The applicant is proposing the construction of a 400-space parking lot for the new station on the east parcel. The potential users of this parking facility should be identified and traffic impacts considered. The draft EIS states that consideration could be given to allowing shared use of the parking lot on weekday evenings and on weekends by non-permit holding residents, users of the open space/ soccer fields on the East Parcel and Beekman Avenue retail.

The traffic impacts associated with the commuter lot are discussed at DEIS III.I-27 and in FEIS Appendix 6. As currently proposed, the Applicant would permit non-weekday commuting hours use of the lot by the public.

To assess potential impacts from the proposed commuter parking lot and associated traffic arrival and departure distributions for the on-site train station, it is important to understand that all trips to the new station would not be new vehicle trips, because some vehicles formerly destined to the existing train stations would elect to utilize the new station and new parking lot. Based upon a survey of nearby existing train stations conducted as part of the Metro-North Parking Demand Analysis (FEIS Appendix 8), it was determined that an overwhelming majority of the re-directed vehicular trips to the new commuter parking lot would be from the Metro-North Tarrytown station, the Philipse Manor station and the Scarborough station, due to existing parking conditions at these stations and their close proximity. It was also determined that the potential re-routed traffic from the Tarrytown, Philipse Manor and Scarborough stations would generally originate from the Village of Sleepy Hollow (as illustrated on Figure Nos. 6-23 through 6-26 in the revised Traffic Study in FEIS Appendix 6). Tarrytown residents would be expected to continue to use the Metro-North Tarrytown station. However, based on the Metro-North Parking Demand Analysis, it was also determined that the 150 additional spaces proposed for the new parking lot would generate new trips by attracting commuters from surrounding communities, and particularly from Rockland County, thereby offsetting the benefit of Project residents foregoing their cars in favor of the train, and increasing the impact to local roads. The response to Comments 301 through PH2903 in Section II.I of this document identifies the peak hour trip generation associated with the proposed commuter parking lot. New trip patterns from Rockland County are illustrated on Figure No. 6-27 in Appendix 6.

PAYMENT OF METRO-NORTH COSTS

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2014 b) Has Metro North been involved with the repair of the Viaduct since it is adjacent to their Property. Who is going to pay for the Metro North costs (design review costs, inspections costs, and flag protection) while the Viaduct is being designed and the work is being done?

2022 b) Who is going to pay for all the Metro North costs associated with construction of the new Bridge (design review costs, inspection costs, flag protection costs, etc.)? Has a “force account” been set up with Metro North to start this work? It seems like the most important access to (from) the site, has not been addressed properly.

The Applicant will reimburse Metro-North for its “soft” costs associated with the proposed improvements within or adjacent to the Metro-North railroad property, and has established such a “force account” with Metro-North.

SCHEDULE FOR NEW STATION

2023 c) What is the anticipated Schedule for construction of the Railroad Station? How does this schedule coincide with the Beekman Ave. bridge?

The schedule for construction of the train station will be dependent on obtaining approvals for both the Lighthouse Landing project and the station from all applicable authorities, as well as the securing of necessary funding. The DEIS traffic analysis assumed that the station would be completed and operational by 2012, the “Build Year” for the Project.

The Beekman Avenue Bridge will be upgraded to current highway design loading (AASHTO HS25 as required by the NYSDOT) either through funding or by the Applicant if such funding is not available. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the site. (See Sections FEIS II.I and FEIS II.L.)

ALTERNATIVE MASS TRANSIT SYSTEMS

4370 70. Following up on recommendations in the Village’s Linkage Study what is the potential for a trolley loop system linking other local attractions and the Sleepy Hollow, Tarrytown downtowns? What volume would be necessary to support? Has Westchester County offered any opinions as to its feasibility?

Westchester County Department of Transportation (WCDOT) Commissioner Lawrence Salley advised the Applicant that the County has provided surplus shuttle vehicles for a nominal cost to a number

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of Westchester communities for their use in operating local shuttle services⁶. The Village of Tarrytown was previously allocated such a vehicle under this program, but to WCDOT's knowledge has not yet placed it in service.

A potential inter-municipal transportation authority is being contemplated by the Village of Sleepy Hollow, the Village of Tarrytown, and Westchester County. (see text prepared by the Village of Sleepy Hollow at the back of FEIS Appendix 1.)

See the response to Comment No. 156 below regarding the Kingston historic rail trolley operated by the Trolley Museum of New York, and the City of Kingston Citibus trolley jitney service.

5016

Since the MetroNorth may not approve or pay for a new full-service railway station, other reasonable options for using the existing track system should be explored, such as installing an electric shuttle train or trolley that could run on the existing railroad tracks (GM has several side tracks which might be used), and between the existing Philipse Manor Station, a new stop for Kingsland Point park, a new stop for the new Lighthouse Landing development, and the existing Tarrytown Station. The fixed rail shuttle should consider having the option of being eventually linked to other new fixed rail trolleys or other fixed rail shuttles that might run up the hill to Route 9, and someday link to fixed rail crossing the Tappan Zee Bridge. In addition, routing for the Westchester County bus system and the 13 Bus Route to reach the Lighthouse Landing are should be explained.

6223

23. In the event that a train station is not approved, the Applicant should evaluate an alternative including a fixed route trolley feeder line linking the commuter lot with the Tarrytown Metro-North station. It is noted that the City of Kingston has a similar trolley system.

PH2809

We are going to need to look at alternative mass transit systems within the site. There is a provision that there might be a jitney for instance. Well the jitney is proposed to run through Kingsland Point Park to the Philipse Manor Station. That's not a consistent park use. You don't put buses through parks.

So we are going to have to come up with other ways to route the jitneys. And the option of fixed rail, putting in an historic trolley - those of you who know the history of this region know there were trolleys. The trolley ran all the way to White Plains from Tarrytown. We may need to take a look at trolleys again.

WCDOT Commissioner Lawrence Salley has advised the Applicant that WCDOT would be able to adjust Bee-Line Route 13 to extend down Beekman Avenue to River Street in order to locate stops adjacent to the Lighthouse Landing community at or near the

⁶ Telephone conversation with Andrew Tung, August 22, 2005.

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intersection of Beekman Avenue and Beekman Place. Commissioner Salley also indicated that WCDOT is not planning, nor is it aware of, any short-distance fixed-rail or trolley system within Westchester County, as the capital costs of such a system would be too high given the anticipated ridership.

Although there are a number of track sidings owned by Metro-North and General Motors on the project Site, there are only four tracks (the main service tracks for the Metro-North railroad) that extend from the Site below the Beekman Avenue bridge and south towards Tarrytown. Metro-North has indicated that it would not permit use of these tracks by a short-distance trolley service, as suggested by the commenters.

The Kingston historic rail trolley is part of the Trolley Museum of New York and provides rides for tourists along a 1½ mile stretch of dedicated track between the museum and Kingston Point Park. Independent of the Trolley Museum, the City of Kingston Citibus service operates a weekend trolley jitney using a 38-passenger rubber-tired bus. The trolley jitney operates from Memorial Day to Labor Day with service provided on Saturday from 12 PM to 9 PM, and Sunday from 12 PM to 5 PM. The fare is \$1.00 per ride. The trolley jitney provides hourly service between the Heritage Visitors Center and Kingston Plaza. The first run from 12 PM to 12:30 PM is designated as a grocery run primarily serving area boaters from the downtown marina seeking food and supplies. The trolley will stop along the route and give short tours upon passenger requests. Kingston Citibus also offers the "Taste of Kingston Trolley Tour" to local area restaurants once each month throughout the year on a Tuesday or Wednesday evening. The trolley jitney is also used periodically for local festivals.

5029

Other aspects of commercial travel with respect to "vehicle miles traveled" by customers should be assessed, for instance commercial space vs. hotels vs. grocery stores all generate different traffic volumes, but the DEIS homogenizes them all as one commercial use. For movement within the site, it might be desirable to consider having a trolley or other fixed rail shuttle between the train tracks, through the shopping street, to the hotel, so that shoppers, as well as guests and their luggage could come and go without the need for taxis or cars.

In the Applicant's opinion, the relatively low number of shoppers and hotel visitors traveling along Beekman Place would be best served by a taxi or shuttle service and would not warrant the construction of a fixed rail system. (See also Response to Comment 5016 above.)

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PROPOSED SHUTTLE BUS SERVICE

4371

71. In the event a shuttle system is used, can the Lighthouse Landing shuttle be an electric vehicle? Applicant has discussed with GM and it remains a possibility that they may produce a vehicle that could be used. Who will be responsible for operating the shuttle? What would be the hours and days of week for its operation?

The Applicant would initially operate the shuttle service, which would eventually be run by the project's master homeowners/condominium association. Its hours and days of operation would initially be geared toward weekday morning and evening commuting hours, but could be increased or varied as necessary to meet the changing needs of the residents. At the present time, the Applicant envisions the shuttle service operating weekdays during the Metro-North morning and afternoon peak periods extending generally from approximately 5:30 AM to 9:00 AM and from 5:00 PM to 9:00 PM.

6120

H. HOW WILL SHUTTLE SERVICE FUNCTION

The DEIS makes multiple references to a shuttle service that will ferry Lighthouse Landing residents to the Philipse Manor and Tarrytown train stations if a train station is not built (pages II-13, II-24, III.I-26, and III.I-37), but provides no specific information regarding this service, which will be vital to mitigate the Project's impact if a new train station is not built, other than that the vehicle used will seat 20 passengers. On Page III.H-10, the DEIS indicates that there would be between 400 and 500 shuttle riders during the peak hours in the morning and evening. The FEIS must detail how this system will operate. Information that needs to be provided includes:

- How long will it take for each shuttle to make a round trip?
- How many stops it will make?
- Which trains will be serviced?
- How many shuttle buses will be needed? And,
- How funding for the service will be self sustaining?

6517

d. Alternatives if station is not built - In the event that a new train station is not constructed, the draft EIS presents an alternative. Under this scenario, the applicant would provide shuttle service for project residents and employees to either or both the existing Philipse Manor train station and the Tarrytown train station. According to the draft EIS this shuttle service would eliminate demand for commuter parking at the existing train stations by project residents. This may be an unrealistic, and unenforceable, outcome.

The proposed shuttle service will make stops and operate at a frequency appropriate to serve the needs of the Lighthouse Landing residents, which will increase gradually from the first resident occupancy to full build out over a period of approximately 7 years, as described in FEIS Section III.L. A representative schedule for the

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proposed shuttle service at full build out is presented in FEIS Table No. II.H-1. It is anticipated that the shuttle will take approximately 20 minutes to make a round trip⁷ between Lighthouse Landing and the Tarrytown station (approximately 0.7 miles to the south), depending on the time of day and the number of stops made within Lighthouse Landing. The number of stops, trains served, and shuttles will vary over time depending on the number of train commuters. As discussed below, the Applicant is committed to providing three shuttle buses, each with a seating capacity for 20 to 25 passengers. There will be a deed restriction assuring the operation of the shuttle service as long as needed. The shuttle will likely be at least partially funded by residents' dues to the master homeowners/condominium association and could also be partially funded by a nominal charge to the riders. FEIS Table II.H-1 shows a potential schedule with the three shuttle buses making a combined total of 19 trips from Lighthouse Landing to Tarrytown station to drop off shuttle riders boarding eight southbound trains during the Metro-North morning peak commuting period between 4:57 AM and 8:58 AM. It is noted that other scheduling options can be considered for the shuttle service to serve other train times. It is anticipated that some commuters will choose to walk the 0.49 miles to the Philipse Manor station through Kingsland Point Park using the new entry to the park proposed in the northern section of the West Parcel. Commuters will also be able to walk 0.55 miles to the Tarrytown station from the vicinity of the proposed Village Green/Beekman Place using River Road. Other commuters may be dropped off by a third party, while a small number of residents may drive to/park at the Tarrytown station. As such, approximately 10 percent of the Lighthouse Landing resident train commuters may seek alternate means of access to the Tarrytown train station rather than using the proposed shuttle service as noted in footnote 3 below.

The following discussion compares the number of Lighthouse Landing residents projected to commute by rail and the number of commuters per train under the DEIS Plan with a new station versus the FEIS Alternative Plan without a new station, but with shuttle service to the existing Tarrytown station. Under the DEIS Plan, the average daily weekday boarding was projected to be at least 400

⁷ The anticipated shuttle round trip estimate assumes 10 to 12 minutes of travel time for the internal pickup route within Lighthouse Landing, 3 to 5 minutes for the external route from Lighthouse Landing to the Tarrytown train station via River Street, and 3 to 5 minutes for the return trip route from the Tarrytown train station to Lighthouse Landing.

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residents departing in the Metro-North peak morning period assuming only one third of the project's resident work force commuted by rail.⁸ In addition, the DEIS indicated that if 40 percent of the project's resident workforce commuted by rail, there would be approximately 500 project residents using the new train station in the morning peak commuting period. When allocated to trains that would stop at the new station during the morning peak period from approximately 5:00 AM to 8:45 AM using the Philipse Manor station schedule, the DEIS estimated that the number of Lighthouse Landing boardings would range from approximately 28 to 76 persons per train based on the 400-resident commuter estimate.

Given the reduction in the project's residential density under the FEIS Alternative Plan and assuming approximately 35 percent of the project's resident work force commutes by rail using the proposed shuttle service to the existing Tarrytown station, the average daily weekday boarding during peak periods would be approximately 330 residents.⁹ As noted above, FEIS Table No. II.H-1 presents a potential passenger allocation of Lighthouse Landing shuttle users for AM peak southbound boardings by train at the Tarrytown station. The table shows that using three shuttle buses, a total of approximately 19 shuttle trips would be required to transport the 332 resident commuters from the project site to the Tarrytown station during the Metro-North peak period from 4:57 AM to 8:58 AM. As outlined in the table, one shuttle would operate between 4:57 AM and 6:09 AM, three shuttles would operate between 6:31 AM and 8:21 AM, and two shuttles would be utilized for the remainder of the peak period until 8:58 AM. The shuttles would run approximately every 25 to 30 minutes during the Metro-North AM peak period. Based on the potential resident boardings and the shuttle passenger

⁸ Based on Census PUMS 2000 data, the Lighthouse Landing DEIS residential program was expected to result in a total of approximately 1,650 workers. The DEIS noted that if one third or 545 of the project's total resident work force commuted by train ($1,650 \times 0.33 = 545$) and 75% traveled during the Metro-North AM peak period, there would be approximately 400 project residents ($545 \times 0.75 = 408$. Say 400.) using the new train station during the AM peak commuting period.

⁹ Based on Census PUMS 2000 data, the Lighthouse Landing FEIS Alternative Plan residential program is expected to result in a total of approximately 1,405 workers. If 35% or 492 of the project residents workforce commutes by train ($1,405 \times 0.35 = 492$) and 75% travel during the Metro-North AM peak period, there would be approximately 369 project residents ($492 \times 0.75 = 369$) using the existing Tarrytown station during the AM peak commuting period. Assuming 90% of the resident train commuters use the shuttle service and 10% of the train commuters seek alternate means of access to the Tarrytown station (e.g., dropped-off at the station, drive to/park at the station, or walk to the station), there would be approximately 332 project residents using the proposed shuttle service in the AM peak commuting period ($369 \times .90 = 332$).

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allocations and bus frequencies shown in Table II.H-1, the 332 residents would add between 9 and 68 persons per train during the Metro-North AM peak period. It is estimated that each Metro-North rail car has a capacity of 90 to 100 seated passengers. Table II.H-1 shows that the maximum likely increase in ridership on any one of the eight existing trains to be met by the shuttle service would be approximately 68 persons, and thus well within the capacity of one additional train car.

BEE-LINE BUS SERVICE AND TAXI SERVICE

6225 25. The Applicant should indicate where a Bee-Line bus stop could be located to provide connections to the new train station and the commercial corridor. The desirability/feasibility of creating a taxi service zone with fixed-rate runs from the station to residences should also be discussed. If a resident knows there is convenient taxi service, it may provide an incentive not to bring a car with them.

6523 7. REGIONAL AND LOCAL BUS TRANSIT SERVICE

Bee-Line bus route #13 currently stops 1,300 feet east of the West Parcel on Beekman Avenue. This bus runs between Port Chester and Ossining via White Plains. An additional 20 runs of Route 13 originate or terminate at the Tarrytown train station, cutting out the Ossining service. The draft EIS suggests that a change in the route used by the 13 bus may be possible so as to include a stop at or near the intersection of Beekman Avenue and Beekman Place, adjacent to the site. This matter should be pursued in discussion with the County Department of Transportation as it would be beneficial to provide direct bus transit service to Lighthouse Landing.

There may also be an opportunity to provide a local circulator bus service through both Sleepy Hollow and Tarrytown that would link all waterfront developments with the "uphill" downtowns. Such a service could be planned in concert with the train station shuttle service proposed by the applicant and with access plans advanced by other waterfront project developers in both villages. Combining the resources and opportunities in both villages to create a unified bus circulator or shuttle service would be efficient and practical. Potentially such a locally supported service could utilize, at least in part, the existing Bee-Line route #13 service to Tarrytown by possibly extending the service from its current terminus in Tarrytown to include a circular run through the two villages. Now is the best opportunity for the villages, along with the private developers, to explore this and other local transit possibilities.

PM1303 Another thing is your transportation, your buses, your taxi cabs, your public safety is a big thing to take into consideration.

WCDOT Commissioner Lawrence Salley has advised the Applicant that WCDOT would be able to adjust Bee-Line Route 13 to extend down Beekman Avenue to River Street in order to locate stops

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adjacent to the Lighthouse Landing community at or near the intersection of Beekman Avenue and Beekman Place. (See Response to Comment 4370 above related to the creation of a shuttle loop route through Sleepy Hollow and Tarrytown.)

The Applicant anticipates that taxi service will be provided within Lighthouse Landing by local taxi companies. Pursuant to Section 52 of the Village of Sleepy Hollow code ("Taxicabs"), the Village is divided into two geographic zones for computing taxi fares. Specific fares are set by the Village for each zone under Sections 52-21 B and C of the code, which local taxi companies must comply with.

FEIS TABLE NO. II.H-1

LIGHTHOUSE LANDING
SLEEPY HOLLOW, NEW YORK

ANALYSIS OF SHUTTLE SERVICE TO TARRYTOWN STATION
AM Peak Southbound On Boardings

Tarrytown Sta. SB Schedule		TT Sta. Boardings in 2004 ⁽¹⁾		LL Estimated TT Sta. Boardings @ 332 Riders ⁽²⁾	Representative Shuttle Schedule (No. of Passengers/Shuttle)		
Current Schedule	2004 Schedule	Number	Percentage		Shuttle No. 1	Shuttle No. 2	Shuttle No. 3
					Shuttle Makes Round Trip in Approx. 20 Min.		
4:57	5:08	21	1.3%	4			
5:29	5:33	24	1.5%	5	X (9)		
5:39	5:52	44	2.7%	9			
5:59	-		0.0%	0	X (15)		
6:09	6:10	27	1.7%	6			
6:31	6:32	134	8.3%	28	X (20)	X (20)	X (19)
6:36	6:38	41	2.6%	8			
6:50	6:50	112	7.0%	23			
7:01	7:01	82	5.1%	17	X (20)	X (24)	X (24)
7:12	7:12	177	11.0%	37			
7:16	7:16	69	4.3%	14			
7:25	7:23	86	5.4%	18	X (17)	X (17)	X (17)
7:42	7:42	161	10.0%	33			
7:51	7:50	245	15.2%	51	X (17)	X (17)	X (17)
8:21	8:22	226	14.1%	47	X (16)	X (16)	X (15)
8:35	8:35	50	3.1%	10			
8:48	8:47	93	5.8%	19	X (16)	X (16)	
8:58	8:53	15	0.9%	3			
Total		1607	100.0%	332			

(1) Based on field survey conducted by the Applicant at the Tarrytown Station on Thursday, June 10, 2004

(2) Based on Census 2000 PUMS data, the Lighthouse Landing residential program is expected to result in a total of approximately 1,405 workers. If 35% or 492 of the project's total resident workforce commutes by train (1,405 x 0.35 = 492) and 75% travel during the M-N AM peak fare period, there would be approximately 369 project residents (492 x 0.75 = 369) using the existing Tarrytown station during the AM peak commuting period. Assuming 90% of the resident train commuters use the shuttle service and 10% of the train commuters seek alternate means of access to the Tarrytown station, there would be approximately 332 project residents using the proposed shuttle service during the AM peak commuting period (369 x 0.90 = 332).

Notes

1. Analysis assumes 20 to 25 seat passenger shuttle capacity.
2. Shuttle route round trip travel time assumptions as follows:

- Internal pickup route within Lighthouse Landing	10 - 12 min.
- External route to Tarrytown station	3 - 5 min.
- External route returning from Tarrytown station	<u>3 - 5 min.</u>
Total	16 - 22 min.

II. RESPONSES TO DEIS COMMENTS
DEIS Sec.III.I · Traffic and Parking

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.I · Traffic and Parking

COMMENT NUMBER	COMMENT/RESPONSE
	<u>TRAFFIC IMPACT ON AREA ROADS - REDUCTION IN DENSITY</u>
301	The proposed development is simply <u>too dense</u> for our roads, our schools, our historic character and charm, and our health in terms of air and water quality. I am extremely concerned about this redevelopment's impact on traffic in our village. We already have a traffic problem along Broadway/Route 9, and the proposal to build over one thousand residential units will certainly exacerbate this situation. In addition to drastically reducing the number of units, I support solutions such as creating a light rail along the current train tracks.
501	1) Traffic - As all local residents know, the traffic in the Village is already heavy. The proposal to build hundreds of residential units at Lighthouse Landing will most definitely exacerbate this problem. I believe that the number of proposed residential units must be significantly decreased to prevent traffic gridlock in the Village.
601	1) Traffic - As a resident and parent who is constantly on the Village roads transporting children from one event to another, I am extremely concerned about this redevelopment's impact on traffic in the Village. The proposal to build hundreds of residential units will most definitely exacerbate this traffic problem. I believe that the number of proposed condominium/residential units MUST be cut from the number being proposed to a lesser number to prevent traffic gridlock in the Village.
701	My greatest concern is that traffic, which has grown progressively worse in my decade as a resident, will become a nightmare. The number of residential units proposed will create gridlock. Many of our neighbors chose this community because it was less congested than other parts of Westchester. Do we want to lose that key advantage?
801	We are very concerned about the potential increased traffic that will arise from the development's 1,564 new residential units. As parents who are constantly on the Village roads shuttling our children from one event to another, we are extremely concerned about this redevelopment's impact on traffic in the Village. The proposal to build hundreds of residential units will most definitely exacerbate this traffic problem. We believe that the number of proposed condominium/residential units must be cut from the number being proposed to a lesser number to prevent traffic gridlock in the Village.
904	One of my greatest concerns with regards to the redevelopment is the impact it will have on the Village traffic situation. As a parent who is constantly on the Village roads shuttling my children to and from dance, baseball, and piano lessons, I am extremely concerned about this redevelopment's impact on traffic in the Village. The proposal to build hundreds of residential units will most definitely exacerbate an already dire traffic situation. I believe that the number of proposed condominium/residential units must be cut from the number of being proposed to a lesser number to prevent traffic gridlock in the Village.

II. RESPONSES TO DEIS COMMENTS

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- 1101 I am extremely concerned about this redevelopment's impact on traffic in our village. We already have a traffic problem along Broadway/Route 9, and the proposal to build over one thousand residential units will certainly exacerbate this situation. The proposed development is simple too dense for our roads, our schools, our historic character and charm, and our health in terms of air and water quality. In addition to drastically reducing the number of units, I support solutions such as creating a light rail along the current train tracks.
- 1401 We are very concerned about the potential increased traffic that will arise from the development's 1,564 new residential units. As parents who are constantly on the Village roads shuttling our children from one event to another, we are extremely concerned about this redevelopment's impact on traffic in the Village. The proposal to build hundreds of residential units will most definitely exacerbate this traffic problem. We believe that the number of proposed condominium/residential units must be cut from the number being proposed to a lesser number to prevent traffic gridlock in the Village.
- 1603 The traffic in the Village of Sleepy Hollow, along with the Village of Tarrytown, will be greatly impacted by the density of the proposed project. As you know, Route 9 is already a mess. Can you imagine what it will be like if this project is not scaled back? Traffic congestion will be outrageous.
- 3404 That said, the project appears too dense. With or without a train station, the existing gridlock on Route 9 would extend to the river. I do not think the village can withstand the traffic from 1,562 units. Roseland mentioned an anticipated 1,000-car increase. I'd have to think that virtually all units would generate 2 cars, with the possible exception of senior housing. This would pump up that estimate to at least a 3,000-car increase. Even Roseland's minimum estimate of 1,300 units is extremely high. I'd advocate 1,100 units as a maximum limit, with preference for the 900-1000 I have heard discussed.
- 3502 The second issue is traffic, and I believe that Roseland has not properly addressed this. Lowering the density of the project will help the traffic issue, but more needs to be done. Wider streets and wider sidewalks would be of some help.
- 3605 Related to the project density is my concern about the additional traffic that will be generated. Traffic and parking are already a major problem in our area.
- The traffic generated would be more than this area could handle. The only way in or out of Lighthouse Landing is through the streets of Sleepy Hollow and Tarrytown.
- 3606
- The increase in traffic will make it more difficult and dangerous for our children getting to and from school.
- 3802 Related to the project density is my concern about the additional traffic that will be generated. Traffic and parking are already a major problem in our area, and the additional traffic would be more than this area could handle. The loss of parking spaces in the towns, proposed to improve traffic flow, would be a true loss for local businesses and the towns.

II. RESPONSES TO DEIS COMMENTS

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- 3901 As you consider the details of the Lighthouse Landing Development, I urge you to look carefully at the impact that 1,500 new apartments, their owners, and especially the cars they drive, will have on Sleepy Hollow and Tarrytown. I believe that this number of new vehicles will make what is now an often unpleasant walking and driving experience truly untenable. A trip north or south on Route 9 through our towns can be infuriating, and trying to cross Route 9 on foot OR car is very dangerous because of the current volume of traffic. An additional 2,000 or 3,000 cars making their way through our main and side streets each day would be a disaster. Several thousand new residents will also have a tremendous impact on our schools, parking, and other local services. Please require GM/Roseland to significantly reduce the number of units they build at Lighthouse Landing.
- 4363 63. Since one of the major reasons for increased traffic is the significant density of the Development, the Applicant should consider ways to decrease density in a beneficial manner as not to deteriorate significantly tax revenue generation. This concern is discussed elsewhere by other Committees but is reinforced by the comments made at the Traffic Subcommittee hearing. One alternative discussed was a recommendation to see what happens to traffic analysis if some apartment units are substituted with townhomes (maintaining the same s.f. of development, but fewer units).
- 5703 3. Traffic
Because there are no realistic plans for significantly improving Route 9 or other major roads serving the Lighthouse Landing, a reduce density alternative may be the most effective mitigation measure for traffic.
- 6601 The greatest concern most residents of the Village have is around traffic. While this is major concern, what drives traffic numbers is also of concern, namely density. The current proposal of 1,562 units has the potential to add over 3,000 people to the population of the Village. That additional population has the potential to cause significant impacts on traffic, water usage, solid waste disposal and demand for services, that can in many cases exceed tax revenues generated by the development.
- PM401 We prepared a letter dated February 3rd that we would like included in the record. You must have received it. And those comments are specific to the draft EIS, and some of them include comments on specifically the number of residential units which our organization believes should be reduced. We think it's too many. And that also goes to specific impacts on traffic, air quality.
- PM402 That late. We really are extremely concerned about the traffic in the community as parents who are shuttling our children back and forth to events. I can't reiterate enough how 1,500 residential units is overwhelming to us. We can't get our kids back and forth to events with the traffic impacts that we view and that the EIS I do not believe sufficiently addresses.
- PM901 I am very concerned about traffic. From 119 up through the Village of Tarrytown on any given Saturday, it's a parking lot. It's the train station. And on the weekend it's terrible. The scope of this project is mind boggling, and I mean that in a negative sense. It is far, far too dense.

II. RESPONSES TO DEIS COMMENTS

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And so our concern and I think many people's concern is that it may not be enough to simply change the lines on the street, to change the timing of the traffic light and to take what the traffic experts call these mitigating measures.

We still have concern that with a 1,500 unit plus residential development, 145,000 square feet of commercial development, that we are going to have greater congestion, slow downs and so forth.

So we have traffic consultants have looked at this. We are going to submit the results of their analysis to the Village Board in the record and we believe that a reduction in density will be necessary to achieve that. And we would urge and ask that the level of density indicated by the Planning Board Chair, 60 percent reduction, that that option be analyzed and what are the impacts at that level - 40 percent reduction, -- excuse me, a 40 percent reduction.

Excuse me, a 40 percent reduction which I believe translates to about 600 units - is that right - be analyzed. I'm not asking for 60 percent reduction. So I think that options of density have been analyzed. We ask that the level that has been asked for by the Planning Board Chair, 40 percent reduction be looked at.

In the Applicant's opinion, the DEIS and the revised Traffic Study included in this FEIS demonstrate that with the measures proposed, the traffic impacts of the Project would be adequately mitigated. Notwithstanding this conclusion, as reflected in the revised Traffic Study in FEIS Appendix 6, the density of the residential and commercial components of the Project has been reduced in response to comments, resulting in less traffic to be generated by the Project. The FEIS Alternative Plan results in a 20% reduction in the number of residential units from 1,562 to 1,250, a 30.3% reduction in the office space from 50,200 square feet (sf) to 35,000 sf, and a 26.7% reduction in the retail/commercial space from 180,000 sf to 132,000 sf (including the cinema which is being reduced from 24,000 sf to 18,000 sf as well as the commercial space in the hotel). The hotel program is also scaled back in the FEIS Alternative Plan by eliminating the conference center, reducing the number of rooms from 147 to 140, and cutting the restaurant space in half. The FEIS Alternative Plan reduces the Project's resident population by 16.2% from 2,999 to 2,514 people.

	Weekday AM			Weekday PM			Saturday Peak		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
LL DEIS Program*	303	436	739	485	381	866	594	519	1,113
LL FEIS Program*	254	358	612	397	313	710	493	455	948
Numerical Difference	-49	-78	-127	-88	-68	-156	-101	-64	-165
% Difference	-16.2	-17.9	-17.2	-18.1	-17.8	-18.0	-17.0	-12.3	-14.8
*Does not include commuter parking lot, East Parcel uses, water dependent uses or fire/ambulance									

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station

The traffic projected to be generated by the FEIS Alternative program was compared to the traffic projected to be generated by these elements under the DEIS program.¹ As indicated in the table above and described in the revised Traffic Study in FEIS Appendix 6, traffic generated by the reduced density FEIS Alternative Program would be approximately 127 vehicles (17.2%), 156 vehicles (18%) and 165 vehicles (14.8%) less than the DEIS program during Weekday AM, Weekday PM and Saturday peak hours, respectively.

Comparison of DEIS Plan with Station & Village Uses vs. FEIS Alternative Plan with Station & Village Uses

The Applicant's traffic consultant also analyzed the traffic volumes that would be generated by the train station commuter parking lot and other new Village uses on the Site in combination with the Lighthouse Landing program. Per the request of the Village, the size of the commuter lot on the East Parcel in the FEIS Alternative Plan has been increased by 150 spaces over what was shown in the DEIS Plan, to a total of 550 spaces. The 550-space lot was selected for analysis based on the Village's recognition of Metro-North's desire to maximize the number of additional spaces given Metro-North's projections of future parking supply shortfalls at nearby Hudson Line stations (Philipse Manor, Tarrytown, Scarborough and Ossining) balanced against Village constraints in land availability and traffic capacity. This increased lot size would result in increases of 109 vehicle trips (from 240 to 349) in the Weekday AM and Weekday PM peak hours and 20 vehicle trips in the Saturday peak hour.

	Weekday AM Peak			Weekday PM Peak			Saturday Peak		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
LL DEIS Plan w/Station & Village Uses									
- LL Program	303	436	739	485	381	866	594	519	1,113
- Village Uses**	13	14	27	39	23	62	38	40	78
- Train Station (w/400-space lot)	220	20	240	20	220	240	20	20	40
Total	536	470	1,006	544	624	1,168	652	579	1,231
LL FEIS Alternative Plan w/Station & Village Uses									

¹ Based on Lighthouse Landing DEIS and FEIS development programs exclusive of the commuter parking lot and the other new public uses on the East, West and South Parcels.

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- LL Program	254	358	612	397	313	710	493	455	948
- Village Uses**	13	14	27	39	23	62	38	40	78
- Train Station w/550-space lot)	305	44	349	44	305	349	30	30	60
Total	572	416	988	480	641	1,121	561	525	1,086
Numerical Difference	36	-54	-18	-64	17	-47	-91	-54	-145
% Difference	6.7	-11.5	-1.8	-11.8	2.7	-4.0	-14.0	-9.3	-11.8
**Village uses include DPW facility, soccer fields, water dependent uses and fire/ambulance station.									

The table shown above demonstrates that when the impact of the additional traffic associated with the increase in the commuter lot size from 400 spaces to 550 spaces is considered, the reductions in the weekday peak hour traffic projected to be generated by the reduced density FEIS Alternative program are effectively negated during the Weekday Peak Hours. For the Weekday AM peak hour, although the Lighthouse Landing program trips would be reduced by 127 or 17.2% (from 739 to 612), the increase in the commuter parking lot from 400 to 550 spaces increases the traffic by 109 vehicles or 45.5% (from 240 to 349), thus resulting in an overall net decrease of only 18 vehicles or 1.8%. For the Weekday PM and Saturday peak hours, traffic generation with the FEIS Alternative Plan (with the commuter lot and the Village uses) would be approximately 47 vehicles or 4.0% and 145 vehicles or 11.8% less, respectively than the DEIS Plan (with the commuter lot and Village uses.² An analysis of the impact of the increase in the number of commuter parking spaces is included in the revised Traffic Study. A Level of Service comparison summary comparing the DEIS analyses with the station (without the Village uses) and the FEIS Alternative Plan is illustrated in Tables No. 6A-9a through No. 6A-9c for the AM, PM and Saturday conditions is contained in FEIS Appendix 6. The 550-space commuter lot would account for 35%, 31% and 6% of the total traffic generated by the Project during the weekday AM and PM and Saturday Peak Hours, respectively.

Comparison of FEIS Alternative Plan without Station & with

² The Traffic Study for the DEIS included the station and new DPW facility, but did not include traffic that would be generated by the soccer fields on the East Parcel and the fire/ambulance station on the South Parcel, as those uses were not firmly established by the Village at that time. As a result, traffic generated by the FEIS Alternative Plan (with station and new public uses on the East, West and South Parcels) was determined to be 0.4% and 1.4% higher than the DEIS Plan during Weekday AM and Weekday PM peak hours, respectively. For the Saturday peak hour, traffic generation from the FEIS Alternative Plan was determined to be 5.8% lower than the DEIS Plan.

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Village Uses vs. FEIS Alternative Plan with Station & Village Uses

Until such time that a new station is constructed, the Applicant will provide shuttle service to the Tarrytown train station located approximately 0.7 miles to the south and/or the Philipse Manor Station, located approximately 0.6 miles to the north. If the train station is not constructed, a shuttle system will be provided between the Project and the Tarrytown and/or Philipse Manor Train Stations³. The availability of the shuttle will be phased in consistent with occupancy and demand. The proposed train station, or, if it is not constructed, the provision of the shuttle service to the existing train stations, will provide a significant benefit by reducing trips from the Project along the adjacent roadway network.

	Weekday AM Peak			Weekday PM Peak			Saturday Peak		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
LL FEIS Alternative Plan w/o Station & with Village Uses (w/shuttle to Tarrytown Station and/or Philipse Manor Station***									
- LL Program	254	358	612	397	313	710	493	455	948
- Shuttle Bus & Resident Trips to Tarrytown Sta. and/or Philipse Manor Station	15	32	47	31	21	52	2	2	4
- Village Uses***	13	14	27	39	23	62	38	40	78
Total	282	404	686	467	357	824	533	497	1,030
LL Alternative FEIS Plan w/Station & Village Uses									
- LL Program	254	358	612	397	313	710	493	455	948
- Village Uses***	13	14	27	39	23	62	38	40	78
- Train Station (w/550 space-lot)	305	44	349	44	305	349	30	30	60
Total	572	416	988	480	641	1,121	561	525	1,086
Numerical Difference	290	12	302	13	284	297	28	28	56
% Difference	102.8	3.0	44.0	2.8	79.6	36.0	5.3	5.6	5.4
**Village uses include DPW facility, soccer fields, water dependent uses and fire/ambulance station.									
***Mass transit credit reduced from 40% to 35% for scenarios without new station, but with shuttle service to the Tarrytown station and/or Philipse Manor station.									

³ The Applicant is amenable to providing a covenant for the development to ensure future shuttle operation to the existing Tarrytown station and/or the Philipse Manor station if a new station is not built on-site.

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Review of the table above for the Weekday AM peak hour shows that although the shuttle service and resident trips to and from the existing Tarrytown station and/or the Philipse Manor Station (including passenger drop-off/pickup by residents while in route to/from other destinations) would generate 47 trips, the addition of the 550-space commuter parking lot would increase traffic by 349 vehicles, thus resulting in an overall net increase of 302 vehicles or 44%. For the Weekday PM and Saturday peak hours, traffic generation under the FEIS Alternative Plan with the station and the Village uses would be approximately 297 vehicles or 36.0% and 56 vehicles or 5.4% greater, respectively than the FEIS Alternative Plan without the station, but with shuttle service to the Tarrytown station and/or Philipse Manor Station and with the Village uses.

Comparison of DEIS Plan with Station & Village Uses vs. FEIS Alternative Plan without Station & with Village Uses

Based on the data presented in the tables above, if one were to compare the DEIS Plan with the station and the commuter lot and the Village uses to the FEIS Alternative Plan without the station and the commuter lot, but with shuttle service to the Tarrytown station and/or Philipse Manor station and with the Village uses, the net reductions in peak hour traffic would also be significant, with reductions of approximately 320 vehicles or 31.8%, 344 vehicles or 29.5%, and 201 vehicles or 16.3% during the Weekday AM, Weekday PM and Saturday peak hours, respectively.

In summary, the DEIS and FEIS traffic studies evaluate conditions with and without a new train station based on methodologies and assumptions developed in consultation with and accepted by the Village's traffic consultant. Data from the DEIS for the Project and the PFEIS traffic study show (using the 40% and 35% mass transit credit previously agreed to by STV) that eliminating the station reduces traffic. (See FEIS Appendix 9, Transit Utilization Analysis for additional information regarding shuttle bus usage and rates and commuter rail utilization for comparable existing developments.)

In response to comments, the FEIS Alternative Plan was analyzed based on the Seventh Edition of the Institute of Traffic Engineers' publication entitled Trip Generation. The DEIS Plan was analyzed based on the Sixth Edition of that publication. There is no material difference in the Editions that would materially affect the traffic analysis.

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New capacity analyses, an analysis of the impact of the Village's proposed increase in the size of the commuter parking lot, sensitivity analyses of a smaller train ridership credit and of a 10% reduction in the trips by Project residents to on-site retailers, and a Synchro analysis of the Route 9 Corridor, have been performed in response to comments and are contained in the revised Traffic Study in Appendix 6 of this FEIS. These analyses indicate that with the reduction in Project density but without the increase in the size of the commuter parking lot, the same or better levels of service will result, as compared to the DEIS Plan. Detailed Levels of Service tables have been included in the revised Traffic Study in FEIS Appendix 6. With the increase in the size of the commuter parking lot, the decreases in traffic associated with the reductions in Project density in the FEIS Alternative Plan as compared to the DEIS Plan are effectively offset. The improvements proposed for the DEIS Plan would also generally serve to mitigate the traffic impacts of the FEIS Alternative Plan.

In response to a comment, timing runs were performed along Route 9 between Beekman Avenue and I-287 during the weekday AM and PM and Saturday Peak Hours as well as during off peak times. The PM Peak Hour had the longest times to complete the runs in both directions, at 9 minutes 28 seconds in the southbound direction and 7 minutes 47 seconds in the northbound direction. During the other time periods, the times were generally significantly less.

6127

O. PROJECT DENSITY

As revealed by the DEIS, the proposed Lighthouse Landing development is projected to add a significant volume of additional traffic to the already overburdened roadways in the Village of Tarrytown, resulting in the traffic, safety and parking impacts previously described. Many of the mitigation measures identified in the DEIS have their own, unintended consequences or are not in keeping with the Village's vision for the future of Tarrytown. No mitigation measures have been identified for some of the impacts. An alternative means of mitigating the Project's impact is to reduce the volume of traffic that it will generate through scaling back the size of the various components of the development.

As your direction, Adler Consulting conducted a sensitivity analysis to determine what level of development on the property might result in an impact-level which the Village of Tarrytown could consider tolerable and, thus, minimize the need for impactful mitigation measures. It is noted that the sensitivity analysis was essentially a linear comparison of the increase in Project traffic (adjusted to account for errors in the DEIS) with the projected increase in delays. As such, it requires a far more detailed analysis to confirm our findings.

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This sensitivity analysis strongly suggests that a 50 percent reduction in the overall program size (or some other combination of reductions yielding the same decrease in traffic, e.g., a 60 percent reduction in the size of the retail and residential components of the Project but no change in the office, hotel or cinema components), would reduce the increases in delays attributable to the Project to a level that the Village of Tarrytown may be willing to consider in a favorable light.

As an example, included are Tables 1.0 and 1.1 of the Ferry Landings FEIS, indicating how the downsizing of that development was accomplished. Coincidentally, it is noted that the net reduction in off-Site traffic associated with the downsizing was 50 percent. It is also noted that only a 20 percent reduction was taken for mass transit and only a 20 percent reduction was taken for on-Site synergy between the various development components.

It is, therefore, recommended that the FEIS include intersection capacity analyses for a development alternative in which the volume of peak-hour traffic generated by the Lighthouse Landing development is 50 percent less than would actually be generated by the program propose in the DEIS.

As described in the Response above, the density of the residential and commercial components of the proposed Project has been scaled back under the FEIS Alternative Plan in response to comments, resulting in less traffic from the residential and commercial components than originally projected under the DEIS Plan. New capacity analyses, an analysis of the impact of the Village's proposed increase in the size of the commuter parking lot, sensitivity analyses of a smaller train ridership credit and of a 10% reduction in the trips by Project residents to on-site retailers, and a Synchro analysis of the Route 9 Corridor, have been performed and provided to the Village's Traffic Consultant in response to comments and are contained in the revised Traffic Study in Appendix 6 of this FEIS. These analyses indicate that with the reduction in Project density but without the increase in the size of the commuter parking lot, the same or better levels of service will result, as compared to the DEIS Plan. With the increase in the size of the commuter parking lot, the decreases in traffic associated with the reductions in Project density in the FEIS Alternative Plan as compared to the DEIS Plan are effectively offset. The improvements proposed for the DEIS Plan would also serve to mitigate the traffic impacts of the FEIS Alternative Plan. The Applicant has reviewed additional alternatives as described in Section IV of this FEIS. Similar improvements would generally be recommended for other alternative sizes based upon existing and background conditions.

In the Applicant's opinion, the sensitivity analyses confirm that the

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traffic impacts from the Project can be adequately mitigated even with even more conservative assumptions with regard to transit use and internal Project trips used in the traffic studies for the DEIS.

PH4701

And while I think the EIS is very comprehensive, much of what you heard the trustees say I think can be summarized in the fact that we very much were struck by the testimony Saturday of your Planning Board Chairman on an alternative that would look at a 40 percent reduction in density.

I use that not to say it should be a perfect 40 percent or it should be 45 or 35. But in many EISs now in Westchester have what's called an alternative that is developed by the environmental impacts that you uncover in the DEIS. That is a mitigational alternative and it seems to us that's what ought to be in the FEIS.

...

We were struck by the testimony on Saturday. We are not saying it should be a perfect 40 percent but the only way we can see to solve traffic is to reduce density. The Route 9 corridor is something that's been studied as you know by the state, by the villages. ...

We don't see a realistic alternative to improving the Route 9 corridor. That is the intersection, you are not going to be able to turn an intersection, something that works at level service E or F into an intersection that works on an acceptable level of service such as C or D. But what you can do is perhaps not exacerbate it quite as much from an E to an F or from an F to what we might call an F minus. Whereas, rather than wait at an intersection 40 seconds you are waiting 60 or 65 seconds.

So what we would like to ask if we could is that in the FEIS, we are not advocating a particular solution to you, we are advocating instead that you look at, you have a tremendous team here, that you look at the 40 percent or thereabouts reduction in density as a potential alternative, that you compare that alternative as you very nicely did in chart form in the DEIS with your other alternatives and then that you go back in the FEIS and on that alternative go through the sections, land use, public policy, social, economic, go through the FEIS and compare that alternative to the proposal and that way you'll put yourselves as trustees in a position.

See Response to Comment 301 above. In particular, the sensitivity analyses conducted as part of the revised Traffic Study contained in Appendix 6 to the FEIS show that the impacts of the FEIS Alternative Plan will be adequately mitigated even when reducing the transit credit from 40% to 30%.

ACCESS THROUGH KINGSLAND POINT PARK

303, 1103

Another key element of the plan should be to restore pedestrian only access to Kingsland Point Park as it was originally. No roads should go anywhere through Philipse Manor or Philipsburg Manor to connect to Kingsland Point Park and the GM site. This is unacceptable for safety, environmental, and

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aesthetic reasons. We are prepared to be very vocal in defending our position of no vehicular access to the park or development through our neighborhoods.

There is no regular vehicular access proposed from Lighthouse Landing through Kingsland Point Park. The DEIS Plan and the FEIS Alternative Plan both provide for a new parking area and entrance to Kingsland Point Park in the northern portion of the West Parcel, as requested by the Village. The new entrance and Kingsland Point Park service roads would be available as a secondary means of access to the Park for emergency responders and for evacuation of Lighthouse Landing residents and employees in the event of an emergency.

TRAFFIC -MISCELLANEOUS ISSUES

405

3) Traffic - Section III-I of the DEIS describes in detail, significant impact the Lighthouse Landing development will have on traffic in the village. Lighthouse Landing in combination with the enumerated, separate developments throughout the area will burden an already "over-burdened" area in terms of traffic congestion. The DEIS lays out the impacts and provides mitigation strategies that include the new Metro North Rail stop (for which there is no guarantee); signal coordination/changes at various intersections; and alternative traffic signals. Our organization includes family members (moms/dads) who shuttle each other and children around town on a daily basis. We are overwhelmed by the amount of traffic in the village right now! Adding over 1500 units with commercial facilities is daunting to us. We do not believe the enumerated mitigation efforts on pages III-I-38 through 45 are acceptable. As such, we suggest reducing the number of residential units, reducing the number of parking spaces and establishing other public "intra-village" transportation options including light rail and trolley service and more pedestrian pathways in place of some streets.

See Response to Comment 301 above. The Applicant would agree to establish an interface between the Project shuttle service and a potential future inter-municipal trolley/jitney loop route to travel between the Project and the downtown portions of Sleepy Hollow and Tarrytown.

1801

I request that special attention be paid to the following issues:
- Linkage of the site to the village - Density and traffic - Site contamination - Use and design of open space - Flooding of Pocantico River -- Architectural aesthetic as a Historic River Town - Termination of litigation against Village of Tarrytown - Outreach to the immigrant community of Sleepy Hollow

See Response to Comment 301 above.

4001

1. The discussion regarding the trip generation for the proposed development identifies very high credits for mass transit as well as adjustments for pass-by traffic estimates. Many of these credits take into account the proposed

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transit oriented type of community however, no evaluation or sensitivity analysis is presented if the mass transit percentages turn out to be to high more single occupancy vehicle trips are experienced as a result of the project. This should be analyzed as a sensitivity analysis with only about half of the credit taken. Furthermore, while there are discussions of the mass transit usage, there is no detailed evaluation as to the adequacy of such facilities or any details regarding the jitney or public bus transportation needed to serve the development. It should also be noted that the study references the use of the 6th Edition of the ITE Trip Generation Handbook. Since the 7th Edition of this manual is now available as of November 2003, this latest manual should be utilized for all trip generation estimates.

As presented in Section III.I of the DEIS, traffic studies performed by others for other residential facilities in Westchester County that are located in close proximity to a train station were reviewed to determine the appropriate credit for this Project. Additional research on transit and shuttle usage rates was conducted for the FEIS as presented in FEIS Appendix 9, Transit Utilization Analysis, prepared by Alan M. Voorhees Transportation Center, Edward J. Bloustein School of Planning and Public Policy – Rutgers State University of New Jersey. Even though these studies indicated that more than 40% of the residents of those developments use the train, a 40% credit was utilized for this Project to be conservative. In addition, no pass-by credit was utilized, also to be conservative.

Section II.H of this document discusses the proposed shuttle bus service for the Project and the potential for the extension of the Westchester Bee Line Bus Service down Beekman Avenue to River Street adjacent to the Site.

A sensitivity analysis of the impact of a 30% train ridership credit instead of a 40% credit has been performed and is discussed in the revised Traffic Study contained in FEIS Appendix 6. The sensitivity analysis contained in Appendix 6 to the FEIS shows that the impacts of the FEIS Alternative Plan will be adequately mitigated even when reducing the transit credit from 40% to 30%.

The trip generation is essentially the same utilizing either the 6th Edition or the 7th Edition of the Institute of Transportation Engineers' publication entitled Trip Generation. There is no difference between the Sixth and Seventh Editions that would materially affect the traffic analysis in the FEIS.

4504

The impact of increased vehicular traffic from this project, compounded by that of the other riverfront developments is also worrisome. In providing adequate

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alternative venues of transportation (i.e. bicycle/walking paths) there could be a significant reduction in automobile use. Policy numbers 19D & F on Table No. III.A-1 in the DEIS indicate that there would be access via foot trails; however, unless the trails mentioned are significantly improved, these pedestrian connections are not navigable by most. The Headless Horseman Trail does not allow through access when the Philipsburg Manor site is closed to the public; it lets out into a gated parking area. An alternative trail could be offered in addition to this one, which could be paved at a width that could be serviceable by Village trucks and usable by pedestrians, bicyclists, wheelchairs and strollers. To further reduce traffic, perhaps the Village could offer a tax reduction to those residential units that maintain 2 vehicles or less per family space (in and out of the new development). The reinstatement of the trolley to the train stations during rush hours would reduce both commuter traffic and the need for parking.

The Project is designed to promote walking and pedestrian access. Sidewalks and crosswalks will be provided and the roadways within the Site will be designed to maintain slow speeds. New connections with the adjacent parks will be provided. The construction of the train station on-site will also reduce vehicular traffic from the Project. If the train station is not constructed, a shuttle system to the Philipse Manor and/or Tarrytown train stations will be provided by the Applicant. The parking to be provided for the Project has been determined based upon the Applicant's experience at their existing projects in the region and considers the shared parking opportunities associated with mixed-use developments.

5029

Other aspects of commercial travel with respect to "vehicle miles traveled" by customers should be assessed. For instance commercial space vs. hotels vs. grocery stores all generate different traffic volumes, but the DEIS homogenizes them all as one commercial use. For movement within the site, it might be desirable to consider having a trolley or other fixed rail shuttle between the train tracks, through the shopping street, to the hotel, so that shoppers, as well as guests and their luggage could come and go without the need for taxis or cars.

Trip generation was calculated for the office, retail and the hotel uses separately as per the standards from the Institute of Transportation Engineers' publication entitled Trip Generation. The Applicant will operate a commuter shuttle to the new station (or to the Philipse Manor and/or Tarrytown stations if the new station is not constructed). The Applicant would agree to establish an interface between the proposed Project shuttle service and a potential future inter-municipal trolley/jitney loop route to travel between the project and the downtown portions of the Villages.

5602

Traffic Impacts

The new traffic generated by Lighthouse Landing will be a function of the type

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and density of development on the site. Unfortunately, the site is not well connected to existing highway networks with space capacity to accommodate the traffic generated by 1,562 dwelling units plus an additional 180,000 sf of commercial development, 50,200 sq. ft. of office space, and a 147-room hotel. Everyone knows that Route 9 is choked with traffic now – and not just during rush hour. Beekman Avenue and other local streets connecting the site with Route 9 are not much better. Several intersections operate at Level of Service F and E – even without this development. This is how engineers describe intersections that are failing or nearing failure.

The traffic study would have us believe that if a few lanes are restriped, traffic lights added or retimed, and left turns restricted, traffic will actually be better – even with this mammoth project. This seems to defy common sense. Our traffic consultant Georges Jacquemart has indicated that the traffic study is based on assumptions that underestimate project's traffic and overestimate the effectiveness of proposed mitigation.

For example, the DEIS proposes a 40% reduction in traffic because people could take the train to work. However, this figure is based on other projects in New Rochelle and Yonkers and may not apply at Sleepy Hollow where the level of transit service may not be equal to those communities. Our consultant has indicated that a more conservative estimate of a 30% reduction is reasonable. However, if a train station is not constructed on-site, residents of Lighthouse Landing would have to ride shuttles or walk more than ½ mile to the Tarrytown of Philipse Manor stations, in which case even the 30% trip reduction figure is sure to be substantially lower.

While an on-site train station and transit-oriented design could conceivably reduce the need for residents to drive to work, an associated 400-car garage for commuter parking would attract commuters in their cars from surrounding municipalities. Therefore, these commuters would inevitably offset trip reductions of resident Lighthouse Landing foregoing their cars in favor of the train. If a train station is not established, the project density should be substantially reduced.

Given the fact that it is not presently known whether or not the train station proposal is viable, or agreed to by MetroNorth, it is imperative that this option be pinned down before a proper SEQRA review may be concluded.

See Response to Comment 301 above.

As described in the Response to Comment 301, the density of the residential and commercial components of the proposed Project has been scaled back under the FEIS Alternative Plan in response to comments, resulting in less traffic from the residential and commercial components than originally projected under the DEIS Plan. New capacity analyses, an analysis of the impact of the Village's proposed increase in the size of the commuter parking lot, sensitivity analyses of a smaller train ridership credit and of a 10% reduction in the trips by Project residents to on-site retailers, and a Synchro analysis of the

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Route 9 Corridor, have been performed in response to comments and are contained in the revised Traffic Study in Appendix 6 of this FEIS. These analyses indicate that with the reduction in Project density but without the increase in the size of the commuter parking lot, the same or better levels of service will result, as compared to the DEIS Plan. With the increase in the size of the commuter parking lot, the decreases in traffic generation associated with the reductions in Project density in the FEIS Alternative Plan as compared to the DEIS Plan are effectively offset. The improvements proposed for the DEIS Plan would also generally serve to mitigate the traffic impacts of the FEIS Alternative Plan.

The Applicant concurs with the commenter's concern that a commuter parking area larger than is needed to serve the Project and the local community would attract commuters from surrounding municipalities, which would offset the benefit of Project residents foregoing their cars in favor of the train. As shown by the analysis included in the revised Traffic Study, the Village's proposed increase in the size of the commuter parking lot from 400 to 550 spaces will effectively offset the decreases in traffic generation associated with the reductions in Project density in the FEIS Alternative Plan.

6002

Our consultants also have advised us that, because of the Lighthouse Landing project's size and the environment in which it is situated, mitigation of its significant adverse impacts on cars and truck traffic, parking, and emergency response is not practically possible. Consequently, we urge your Board to require the evaluation of a development program half the size of the current proposal to see if resulting traffic volumes and mitigation measures will temper the Project's impacts to tolerable levels. We further urge your Board to require the Applicant to repair/replace the Beekman Avenue Bridge and install an emergency-response, signal-preemption system, along with traffic calming measures in the vicinity of the Miller park neighborhood, to mitigate the impacts of most concern to the Village.

The DEIS and the revised Traffic Study included in this FEIS conclude that all potential significant adverse traffic impacts of the Project would be adequately mitigated. As described in the Response to Comment 301, the density of the residential and commercial components of the proposed Project has been scaled back under the FEIS Alternative Plan in response to comments, resulting in less traffic from the residential and commercial components than originally projected under the DEIS Plan. New capacity analyses, an analysis of the impact of the Village's proposed increase in the size of the commuter parking lot, sensitivity analyses of a smaller train ridership credit and of a 10% reduction in the trips by Project residents to on-

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site retailers, and a Synchro analysis of the Route 9 Corridor, have been performed in response to comments and are contained in the revised Traffic Study in Appendix 6 of this FEIS. These analyses indicate that with the reduction in Project density but without the increase in the size of the commuter parking lot, the same or better levels of service will result, as compared to the DEIS Plan. With the increase in the size of the commuter parking lot, the decreases in traffic generation associated with the reductions in Project density in the FEIS Alternative Plan as compared to the DEIS Plan are effectively offset. The improvements proposed for the DEIS Plan would also generally serve to mitigate the traffic impacts of the FEIS Alternative Plan.

As described in Response to Comment 2011, the Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available. In addition, the Applicant is amenable to a fair share contribution for the provision of traffic calming measures in the vicinity of the Miller Park neighborhood. Possible traffic calming measures that could be installed are speed humps or curb extensions, among others. Traffic calming was proposed as part of the Ferry Landings Project. The Applicant is also willing to discuss the emergency pre-emption system with the New York State Department of Transportation in regards to their regional improvement plans. An example of this type of system is an Opticom system, where emergency vehicles such as fire engines would have a sensor that could be activated to change traffic signals on the emergency approach to a green phase while turning the side street approaches to a red phase.

6005

Our consultants also have informed us that a fundamental shortcoming of the DEIS is its overly optimistic projections of future traffic generated by the development. In particular, they point out that the DEIS has utilized very liberal assumptions made with regard to the trip-generation estimates, the level of mass transit use, as well as the level of synergy created on the site, and that support for these assumptions is lacking. We believe that the Village of Sleepy Hollow should require that that Applicant conduct a conservative analysis (i.e., a reasonable worst-case analysis), not a liberal one, to insure that if the projections do not materialize as forecast, the traffic impacts would be better than expected rather than worse.

An updated and revised Traffic Study for the FEIS Alternative Plan is contained in FEIS Appendix 7. The assumptions utilized were conservative and based upon accepted traffic study methodologies and were reviewed by the Village's Traffic Consultant. As described in the Response to Comment 301, the density of the residential and

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commercial components of the proposed Project has been scaled back under the FEIS Alternative Plan in response to comments, resulting in less traffic from the residential and commercial components than originally projected under the DEIS Plan. New capacity analyses, an analysis of the impact of the Village's proposed increase in the size of the commuter parking lot, and sensitivity analyses of a smaller train ridership credit and of a 10% reduction in the trips by Project residents to on-site retailers, and a Synchro analysis of the Route 9 Corridor, have been performed in response to comments and are contained in the revised Traffic Study in Appendix 6 of this FEIS. These analyses indicate that with the reduction in Project density but without the increase in the size of the commuter parking lot, the same or better levels of service will result, as compared to the DEIS Plan. With the increase in the size of the commuter parking lot, the decreases in traffic associated with the reductions in Project density in the FEIS Alternative Plan as compared to the DEIS Plan are effectively offset. The improvements proposed for the DEIS Plan would also generally serve to mitigate the traffic impacts of the FEIS Alternative Plan.

PM101

Traffic certainly is a large issue. I think the DEIS needs to examine not only the traffic impacts here but also with other developments occurring in the Village of Tarrytown and also with the rebuilding of the Tappan Zee Bridge. All of those things are going to have long-term impacts in traffic in this area.

The DEIS analyzes the cumulative traffic impacts of this Project and other approved and reasonably anticipated developments. The Tappan Zee Bridge improvement project will improve traffic operating conditions in the region. The Tappan Zee Bridge improvement project is subject to its own SEQRA process, which will include a traffic impact study that includes analyses of project generated traffic; this study, in turn should include traffic generated by the proposed Project.

PM1301

I think we need a very, very heavy traffic study.

Comment noted.

PM2303

I wanted to know whether the Village had or intended on hiring an independent traffic engineer or consultant. If they have not, I think they should.

The Village has hired its own independent consultants to review the Traffic Study in the DEIS and the revised Traffic Study in this FEIS.

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PH4003 As far as the traffic coming in and out of here to get to General Motors it is ridiculous. We should have a more efficient traffic study of our inner village by these people at no cost to us.

Comment noted.

PH5401 I, too, would like to reiterate some of the comments that people are making. I believe the parking, traffic, density are crucial points.

Comment noted.

ALTERNATIVE MASS TRANSIT SYSTEMS

606 6) Village Character – Sleepy Hollow derives much from its historical character and charm. The redevelopment must reflect this character in its style and use of building materials. Additionally, the redevelopment provides a unique opportunity to use public transportation (via trolleys/light rail) to effectuate this preservation. I believe that the use of public transportation will get cars off of the roads and thereby preserve the Village's charm and historic aspects. This suggestion must be investigated and implemented to the fullest extent possible.

4370 70. Following up on recommendations in the Village's Linkage Study what is the potential for a trolley loop system linking other local attractions and the Sleepy Hollow, Tarrytown downtowns? What volume would be necessary to support? Has Westchester County offered any opinions as to its feasibility?

5016 Since the MetroNorth may not approve or pay for a new full-service railway station, other reasonable options for using the existing track system should be explored, such as installing an electric shuttle train or trolley that could run on the existing railroad tracks (GM has several side tracks which might be used), and between the existing Philipse Manor Station, a new stop for Kingsland Point park, a new stop for the new Lighthouse Landing development, and the existing Tarrytown Station. The fixed rail shuttle should consider having the option of being eventually linked to other new fixed rail trolleys or other fixed rail shuttles that might run up the hill to Route 9, and someday link to fixed rail crossing the Tappan Zee Bridge. In addition, routing for the Westchester County bus system and the 13 Bus Route to reach the Lighthouse Landing are should be explained.

Metro-North has rejected the use of its tracks for a light rail system. The Applicant would agree to establish an interface between the proposed Project shuttle service and a potential future inter-municipal trolley/jitney loop route to the downtowns of Sleepy Hollow and Tarrytown. The Village of Sleepy Hollow Waterfront Linkage Study discusses a potential trolley/jitney bus loop route connecting the Sleepy Hollow waterfront with the Tarrytown, Beekman Avenue and Route 9 and Main Street for residents, workers and visitors. The Applicant has contacted the Westchester County Department of Transportation regarding the shuttle as well as the extension of Bee

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Line bus service down Beekman Avenue to River Street adjacent to the Lighthouse Landing site. Also, see discussion in Section II.H of this FEIS. Information regarding existing alternate transit systems is discussed in the response to Comments 3403 through PH5709 in Section II.H of this document and is further detailed in FEIS Appendix 9, Transit Utilization Analysis, prepared by the Alan M. Voorhees Transportation Center. The Village of Sleepy Hollow is considering a process to evaluate a potential inter-municipal transportation authority.

PH2810

We also need to take a look at the possibility that the Waterfront Revitalization Plan has for a ferry landing so that ferrys could actually dock here and bring pedestrians from the south or anywhere else who want to visit the area.

In conjunction with the Project, a new fishing pier and two floating docks will be constructed. However, neither the pier nor the docks are designed to handle ferry service. Moreover, as explained in the DEIS (at IV-16), the Village's Waterfront Use Master Plan contemplates a boat tie-up at the Ichabod's Landing bulkhead, which is a more appropriate location than the Site shoreline. In the Applicant's opinion, a ferry pier on the Site would unnecessarily duplicate this function, as well as have adverse aesthetic effects. A ferry location near the hotel, at the southwest corner of the Site, might be achieved by installing a floating barge. Such a barge would need to be at least 30 by 90 feet in size with spud anchors. The tops of the anchors would extend approximately 20 feet above mean low water. In the Applicant's view, this structure would violate the aesthetic integrity of the historic Tarrytown Lighthouse.

PH3601

...we just want to improve the land over there, you know, by doing the right thing without causing that much congestion. I assure you, sir, you go by Barnhart Park any given day where I lived for 30 years, which is right behind the General Motors plant and you will find traffic at any given moment.

Comment noted.

PH5109

Finally, I've put on my resident shopper's hat to point out what I think is an inconsistency in your DEIS concerning parking. I quote again from the Streetscape Guideline. It is important to remember that curb side parking is a key ingredient to a great sidewalk. I agree. When I'm on ambulance duty I need a parking place close to the stores in case of a call. I have my secret favorite street spots all over town.

However, in Roseland suggestions for remediation for the Level E and F intersections that were mentioned before which means unacceptable delays, predicted at the full buildout, the DEIS repeatedly recommending the

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elimination of scores of the very same on-street parking places in the heart of Tarrytown and Sleepy Hollow's shopping district. I can cite Beekman Avenue, Pocantico, Route 9 and Main Street, Route 9 and Franklin as examples from the DEIS recommends taking away twenty, twelve to twenty parking spots each around these intersections, essentially making a four lane highway and I don't think any of these proposals would enhance Village life or be a catalyst for anything good in our villages.

Here is an idea that might, however, be a catalyst for good. Bring back the trolley that used to run up Main Street in Tarrytown or seriously study a small people mover like the one in London or at some airports. ...

It could be an idyllic loop, Sunnyside to Kendal by way of the train stations and main streets linking the Tappan Zee light rail.

Please look into this.

The only parking spaces recommended to be eliminated to specifically mitigate the impacts of the Project are the spaces necessary to create a turning lane at Beekman Avenue and Pocantico Street in Sleepy Hollow. Existing/No-Build conditions in the Village of Tarrytown and at the intersection of Beekman Avenue and Route 9 in Sleepy Hollow warrant the elimination of parking spaces and the creation of the recommended turning lanes, whether or not the Project is constructed. The need for improvements and the consequent need to eliminate some parking spaces in the Village of Tarrytown to improve existing conditions is recognized by the Central Business District Traffic and Parking Study conducted by Adler Consulting for the Village of Tarrytown in 1998 (a copy of this Study is contained in FEIS Appendix 6).

The Applicant would agree to establish an interface between the proposed Project shuttle service and a potential future inter-municipal trolley/jitney loop route to the downtowns of Sleepy Hollow and Tarrytown.

EXISTING TRAFFIC CONDITIONS

1001

Not surprisingly, the principal areas of traffic congestion in the Villages are along Broadway and are particularly acute where Broadway is intersected by other important routes. The historical presence and the extent of over-capacity conditions on this two-lane commercial corridor, which is an important component of the Villages' central business districts (particularly in Tarrytown) are demonstrated most clearly in NYSDOT traffic counts for the corridor.

These data show that, when traffic volumes are highest in the corridor, there are several hours of the day when the volume of traffic proceeding along the

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corridor deviates only minimally. There is no single rush hour, rather a three-hour rush. This indicates that the number of motorists using the corridor is greater than the corridor's capacity and that more motorists would likely use the corridor in the peak hour if additional capacity were provided. From the relatively limited information available, this condition is most prevalent in both directions between Main and Wildey Streets as well as southbound approaching Prospect Avenue.

Manual traffic counts as well as counts by automatic traffic recorders were performed at the designated study locations, and while the adjoining hours may be relatively close in volumes, the actual Peak Hour of traffic that was measured was utilized in the analysis. The mitigation proposed would help improve existing conditions. A Synchro analysis was performed and is contained in the revised Traffic Study in FEIS Appendix 6. The sensitivity analyses included in the revised Traffic Study confirm that the traffic impacts from the Project can be adequately mitigated even with even more conservative assumptions with regard to transit use and internal Project trips used in the traffic studies for the DEIS.

1002

The NYSDOT data also suggest that this condition has existed for over a decade. A comparison of 1990 with 2003 NYSDOT traffic volumes reveals that traffic activity in the corridor has only increased by 2 percent in that 14-year span. Since there have been no major improvements in the corridor (north of Prospect Avenue) in that timeframe and because traffic volumes on the other surrounding highways have increased substantially, we conclude that the corridor was operating at capacity in 1990 as it is now.

The Applicant concurs that traffic volumes in the Route 9 corridor only increased by 2% between 1990 and 2003.

1003

A review of the available DEIS data, which is summarized on the attached table, indicated that the primary choke-points along the corridor are:

Broadway at Beekman Avenue/Bedford Road – Capacity at this six-legged intersection between two state highways is dramatically reduced by the multiple signal phases needed to operate the intersection. Thus, while each of the six approaches continually feed to the intersection (some more heavily than others), there is only a limited amount of time when the motorists on the individual approaches are allowed to proceed.

Broadway at Tarrytown Schools, Depeyster Street – The high concentration of traffic activity, including heavy volumes of bus and pedestrian traffic, associated with the start and end of the school day at the schools located on this campus exceeds the capacity of this signalized intersection for short periods. The problem is further compounded by this intersection's proximity to the intersection of Broadway with Beekman Avenue/Bedford Road and the limited ability to progress vehicles on Broadway. As a result, northbound queuing on Broadway at Beekman Avenue frequently spills back to Depeyster Street,

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extending the length of time that congestion is experienced at that location.

Broadway Between Wildey Street and Main Street/Neperhan Road – Broadway is extensively developed with commercial properties which are dependant, in part, upon on-street parking between Wildey and Main Streets, while Main/Neperhan Road is an important corridor requiring a significant portion of the signal cycle at its intersection with Broadway. The extensive parking and maneuvers along this section of Broadway, combined with considerable pedestrian activity and the effect of the signal at Main Street result in a significant reduction in the capacity of the corridor through this vibrant streetscape.

Broadway at Franklin Street – Broadway and Franklin Street is the confluence of two of the busiest corridors in the Village of Tarrytown. Both roads deliver a significant volume of traffic destined toward the south end of the Village as well as the Tappan Zee Bridge, and there is insufficient capacity to accommodate both streams of traffic in the single southbound receiving lane at this intersection. Congestion on Franklin Street from vehicles exiting the train station has led to large volumes of traffic cutting through the Miller Park neighborhood, only to encounter more congestion approaching Broadway on Park Avenue and Independence and Church Streets.

Broadway at Prospect Avenue – Broadway and Prospect Avenue is arguably the most congested intersection in the Village of Tarrytown. The confluence of two busy corridors leading to the Tappan Zee Bridge (Prospect Avenue is the connection from around the Tarrytown Lakes), there is not enough capacity to accommodate both streams of traffic in the single southbound receiving lane at this intersection.

While there are some intersections that currently operate at poor Levels of Service, the DEIS and the revised traffic Study included in this FEIS conclude that all potential significant adverse traffic impacts of the Project would be adequately mitigated. As described in the Response to Comment 301, the density of the residential and commercial components of the proposed Project has been scaled back under the FEIS Alternative Plan in response to comments, resulting in less traffic from the residential and commercial components than originally projected under the DEIS Plan. New capacity analyses, an analysis of the impact of the Village's proposed increase in the size of the commuter parking lot, sensitivity analyses of a smaller train ridership credit and of a 10% reduction in the trips by Project residents to on-site retailers, and a Synchro analysis of the Route 9 Corridor, have been performed in response to comments and are contained in the revised Traffic Study in Appendix 6 of this FEIS. Each of these locations is analyzed in the revised Traffic Study. These analyses indicate that there are some choke points along the corridor, mainly due to left turn vehicles blocking through vehicles. These analyses also indicate that with the reduction in Project density but

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without the increase in the size of the commuter parking lot, or without the train station, the same or better levels of service will result, as compared to the DEIS Plan. With the increase in the size of the commuter parking lot, the decreases in traffic associated with the reductions in Project density in the FEIS Alternative Plan as compared to the DEIS Plan are effectively offset at some locations. The improvements proposed for the DEIS Plan would also generally serve to mitigate the traffic impacts of the FEIS Alternative Plan.

4702

Section III.I.iE and H.2 - The discussion of traffic volumes should include text on actual volumes measured during each peak analysis hour so a reader does not have to refer to another EIS volume.

Due to the significant number of intersections and time periods and conditions analyzed, the traffic volumes are illustrated graphically to make reference to them easier for the reader. Updated traffic volumes are contained in the revised Traffic Study in FEIS Appendix 6.

4716

General Comment Regarding DEIS Scope Items Not Addressed in the Study -
a. Evaluation of Annual Average Daily Traffic (AADT) volume data for Broadway between Benedict Avenue and NYS Route 119 to compare future traffic levels with the level of activity that prevailed when General Motors was in operation (Scope P. 11, Item 3.a).

b. Consideration of Village re-striping and resigning Main Street and Franklin Street to create an east-west, one way couplet. (Scope P. 12, Item B in 1st paragraph).

The AADT volume data for Route 9 between Benedict Avenue and NYS Route 119 (at Prospect Avenue) was 24,000 in 1990 and was 24,500 in 2003 based upon information obtained from the traffic consultants from the Village of Sleepy Hollow and the Village of Tarrytown. This indicates that traffic has remained consistent over the years.

Re-striping and re-signing Main Street and Franklin Street to create an east/west, one-way couplet has been analyzed in the revised Traffic Study in FEIS Appendix 6, but is not proposed as part of the Project, since the creation of turning lanes would result in the elimination of more parking spaces in Tarrytown than is currently warranted by existing conditions and proposed by the Applicant.

PM2401

One thing is I work in Yonkers, and sometimes going to work takes me longer to get to 87 than it does to get from 87 to Yonkers. So, of course it depends on the time of day, but that's a big thing. And I was thinking maybe we should tell the people that are moving in, that they should know about the traffic problem

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too.

Comment noted.

MASS TRANSIT CREDIT

2001

a. High Credit for Mass Transit

The traffic studies take into account high credits for Mass Transit; a study should be done if the Railroad Station is not built. What effect will this be on the traffic, parking and any alternate routes that now will be required?

The traffic analysis in the DEIS was performed both with and without a train station on-site. In the revised Traffic Study in FEIS Appendix 6, an analysis was performed for the condition without a train station, and a Mass Transit Credit of 35%. If the train station is not constructed, a shuttle system will be utilized from the Site to and from the Metro-North Tarrytown Station and/or the Philipse Manor Station. As presented in Section III.I of the DEIS, traffic studies were performed for other residential facilities in Westchester County that are located in close proximity to a train station. These studies support the 40% mass transit credit with a new train station utilized in the analysis. Additional research on transit and shuttle usage rates was conducted for the FEIS as presented in FEIS Appendix 9, Transit-Oriented Development Utilization Analysis, prepared by Alan M. Voorhees Transportation Center and summarized in the response to Comments 3404 through PH5709 in Section II.H of this document. Even though these studies indicate that more than 40% of the residents of those developments use the train, a 40% credit was utilized for this Project with the train station to be conservative. A sensitivity analysis conducted as part of the revised Traffic Study contained in Appendix 6 to the FEIS shows that the impacts of the FEIS Alternative Plan will be adequately mitigated even when reducing the transit credit from 40% to 30%. This analysis shows that with the traffic volume modification, additional Project traffic would travel through intersections but the levels of service would remain essentially the same as with the FEIS analyses. As described in detail in response to Comment 5613 of this section, additional analyses with a Mass Transit Credit of 25% without a train station was also performed, and similar Levels of Service were maintained.

4101

1. As shown on the Trip Generation Summary Table (Table No. 10-13), without any trip credits the proposed development was shown to generate a total of 1211 trips during the Weekday Peak AM Hour, a total of 1378 trips during the Weekday Peak PM Hour and a total of 1587 trips during the Saturday Peak Hour. However the Trip Generation Summary Table

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identifies very high credits (reduction in trips) for mass transit and interplay. These credits equated to a total Weekday Peak AM Hour reduction of 39%, a total reduction of 37% during the Weekday Peak PM Hour and a total reduction of 30% during the Saturday Peak Hour and could result in an underestimation of the projected trips for this development. Typically these credits would be in the 20% - 25% range. It is suggested that a sensitivity analysis be conducted utilizing a more typical credit of 25%.

See Response to Comment 2001, above. The mass transit credit utilized was conservative based upon surveys of other residential facilities in Westchester as discussed in Section III.I in the DEIS. Additional research on transit and shuttle usage rates was conducted for the FEIS as presented in FEIS Appendix 9, Transit Utilization Analysis. The interplay between the various uses on-site was determined based upon standard Institute of Transportation Engineers' methodology. A sensitivity analysis conducted as part of the revised Traffic Study contained in Appendix 6 to the FEIS shows that the impacts of the FEIS Alternative Plan will be adequately mitigated even when reducing the transit credit from 40% to 30%. This analysis shows that with the traffic volume modification, additional Project traffic would travel through intersections but the levels of service would remain essentially the same as with the FEIS analyses.

4366

66. The traffic analysis used estimates that 40% of peak hour trips will be via rail. This appears fairly conservative based on survey data from other comparable developments and results in a calculation of approximately 195 train commuters from Lighthouse Landing during the peak hour. However, the Applicant should provide additional background as to transit-oriented developments and how the proposed development could be further enhanced so as to further reduce potential vehicle trips.

Developments proximate to transit facilities are designed to take advantage of available mass transportation, particularly rail transportation. As a significant percentage of Westchester residents work in Manhattan, convenient access to commuter train service is the hallmark of projects proximate to transit in the County. In addition to the on-site train station and shuttle service (to the new station, or, if it is not constructed, to the Philipse Manor and/or Tarrytown stations), the Project will be a pedestrian-friendly community with appropriate sidewalks and crosswalks. (See FEIS Appendix 9 for further discussion on the project's design.) In addition, the Applicant has contacted Westchester County Department of Transportation about extending Bee Line service to the Project as discussed in Section II.H of this document. The design modifications reflected in the FEIS Alternative Plan further enhance the project's compact, mixed-

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use design. Offering a variety of rental and ownership residences (apartments, condominiums and town homes) with significant amenities located adjacent to the Metro-North Hudson line, the project is expected to have a strong market orientation toward New York City commuters. The project design provides an extensive network of sidewalks with short blocks, engaging streetscapes and crosswalks at key locations to provide a pedestrian-friendly environment. The components of the new train station design (e.g., platforms, stairs leading from Beekman Avenue, pedestrian overpass) have been designed to optimize transit availability and convenience. Also, passenger pick-up and drop-off areas are planned next to the proposed commuter/resident parking lot on the East Parcel. If a new station is not constructed, the project's compact, pedestrian-friendly design is also well suited for convenient shuttle service to the Tarrytown station and/or the Philipse Manor station. A shuttle route would be established through the site with designated bus stops located at the apartment and condominium buildings, as well as convenient centralized locations serving the townhomes. (See FEIS Appendix 9, Transit Utilization Analysis, for further discussion on the project's design features.)

4713

Section III.I.5, Page III.I-45 - The use of a 40 percent commuter rail percentage (Page III.I-27) was predicated for a train station directly within walking distance of the new development. Please assess and document whether shuttle service into the existing Tarrytown MNR station would result in a lower commuter rail percentage. If any significant decrease is identified, what effect would this have on the auto share and on intersection analyses for the proposed Build condition?

See Response to Comment 2001, above. It is anticipated that shuttle service to the existing Tarrytown station and/or Philipse Manor station would be sufficiently convenient to dissuade project residents from commuting by car, and therefore would not result in lower train ridership. The mass transit percentages were further supported by the Transit Utilization Analysis, contained in Appendix 9. As described in detail in Response to Comment 5613, conservative analyses reducing the mass transit credit to 25% would result in similar Levels of Service.

5608

a. The DEIS is based on standard ITE trip reduction rates of 40% to account for the percentage of residents that would use the transit services rather than drive cars. This credit was taken on the basis of survey of residents at the Avalon project in New Rochelle and at the Scrimshaw building in Yonkers. The Avalon survey did not conclude that 55% of the residents use the train, as indicated in the DEIS. Rather, that survey found that 55% of the residents had

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“their job in New York City in close proximity to Grand Central.”

It is a leap of faith to conclude that since 55% of residents of Avalon work near Grand Central Station, that all (55%) of these residents take the train. Further, not all peak hour trips are work trips, as some people may use their cars for non-work related (e.g. shopping, school, recreation, appointments, etc.) during peak hours.

The survey conducted at the Scrimshaw House in Yonkers did not take into consideration vehicle occupancy of the vehicles that were counted. If we assume a vehicle occupancy rate of 1.15 people/vehicle, the percentage modal split for that building would be 40% on foot or by transit.

It is not certain that the level of transit service at the new station would be as high as it is in Yonkers or New Rochelle. Both of these stations have also Amtrak service and substantial bus service.

Finally, the calculations made by the DEIS authors assume that the ITE rates are based on a 100% split by auto. This is not the case, especially not for apartments and townhouses. While a 40% reduction may be possible, it is probably optimistic. Therefore, we recommend a worst-case estimate of 30%, which is probably more reasonable at a mixed-use site with the rail station.

While higher percentages of transit use were determined at the other facilities, 55% at the Avalon site⁴, 44% at the Scrimshaw site, 50% to 60% at Bank Street Commons in White Plains, and 60% to 70% at developments in New Jersey⁵, this number was reduced to 40% for the Project to be conservative. The two sites surveyed for the DEIS were determined to be appropriate by the Village's Traffic Consultant. (Also see the response to Comment 2001 above for additional information.) A sensitivity analysis conducted as part of the revised Traffic Study contained in Appendix 6 to the FEIS shows that the impacts of the FEIS Alternative Plan will be adequately mitigated even when reducing the transit credit from 40% to 30%. This analysis shows that with the traffic volume modification, additional Project traffic would travel through intersections but the levels of service would remain essentially the same as with the FEIS analyses.

6105

B.3. Residential Trip Credit for Mass Transit

In addition to the DEIS's overly optimistic estimates of the level of traffic generated by the retail component of the development, it also was overly optimistic in assuming how many motorists would opt to use mass transit. A

⁴ The New Rochelle Downtown Study indicated that for Avalon residents, 55 percent work in New York City in jobs in close proximity to Grand Central Station, and then states that the remainder of the residents commute by automobile.

⁵ See FEIS Appendix 9, Transit Utilization Analysis, for information on the White Plains and New Jersey developments.

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trip credit of 40 percent was taken for all residential trips to account for mass transit use. This value was based on a single morning's survey at one building located in close proximity to the Yonkers trains station and on a study of workers' places of employment at a single development next to the New Rochelle inter-modal center.

Neither of these studies provides a complete picture of trip patterns and neither is sufficiently comparable with the configuration of Lighthouse Landing to be used for analysis purposes. The Scrimshaw building is an eight-story building next to the Yonkers train station and no data was provided for the PM hour. Lighthouse Landing consists of two-story townhouses and three- to five-story apartments and condominiums. Further, if a new station is not built, these residences will be 0.6 miles from the Philipse Manor station and 0.7 miles from the Tarrytown station (DEIS at page III.I-45). The Avalon Development is a 28-story development next to the New Rochelle inter-modal center and the study only considered where employees worked. According to the DEIS (page III.H-10) 1,349 of Lighthouse Landing's 2,999 resident population (45 percent) will not be in the workforce and many of them will be driving to other activities.

Based on our experience, it is reasonable to assume a 35 percent credit for exiting trips and a 5 percent credit for entering trips in the morning and the reverse in the evening at the Site's apartments and condominiums, assuming the new station is built next to the development. This credit could be significantly less for the "No-Station" if an effective and shuttle service is not provided (as discussed later in this report), since it would place the Lighthouse Landing residences a half mile further from the train.

To provide a reasonable and conservative evaluation of the Project's traffic impacts, the traffic study performed for the DEIS should be revised to reflect the lower level of mass transit use by the residents of Lighthouse Landing.

As presented in Section III.I of the DEIS, traffic studies were performed for other residential facilities in Westchester County that were located in close proximity to a train station. Additional research on transit and shuttle usage rates was conducted for the FEIS as presented in FEIS Appendix 9, Transit Utilization Analysis. Even though these studies indicated that more than 40% of the residents of those developments use the train - 65%, 55% and 44%, a 40% credit was utilized for this Project to be conservative. The 40% credit is made even more conservative by the fact that a shuttle service will be provided for Lighthouse Landing residents – neither of these other developments provide shuttle service to the train. Only a portion of those not in the work force tend to drive during the Peak Hours. A sensitivity analysis conducted as part of the revised Traffic Study contained in Appendix 6 to the FEIS shows that the impacts of the FEIS Alternative Plan will be adequately mitigated even when reducing the transit credit from 40% to 30%.

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PH4801

In reviewing the DEIS, our primary concern related to the trip generation, basically how much traffic the project is expected to generate. The measure of the project's impact is intrinsically related to how much traffic it generates and we did note that in the trip generation, the DEIS. It was assumed that almost half of the traffic that would be generated by the residential component of the development would either take the train or stay on site to do shopping. And we feel that there is not sufficient evidence provided in the DEIS to support this number.

In review it from a mass transit perspective, it's my personal opinion that 30 percent would be much more realistic as opposed to 40 percent utilized in the DEIS and that perhaps 10 percent for internal capture for the residential would be reasonable.

See Response to Comment 2001 above. As is discussed in both the DEIS Traffic Study and the revised Traffic Study in this FEIS, the trips by Project residents to the on-site retail uses was determined based upon a gravity model. The gravity model determines where traffic to the retail uses would come from based upon the population in the surrounding area. Many of the trips from the Project residents to the retail would be for small items. Residents would make more trips to on-site retailers for daily items than non-residents traveling from further away who are looking to purchase a particular item.

STUDY INTERSECTIONS

2002

b. Missing Intersections in Tarrytown

The study does not evaluate several of the key intersections in Tarrytown; specifically Park Avenue, Independence Avenue and Church Street. The studies should include these intersections.

The intersections studied in the DEIS were determined during the DEIS Scoping process. However, to be conservative, the Applicant has performed additional counts at various additional intersections including US Route 9 & Park Avenue, US Route 9 & Independence Street, US Route 9 & Church Street. Capacity analyses performed for these intersections are contained in the revised Traffic Study contained in FEIS Appendix 6. These analyses indicate that, for the minor street left turns at the unsignalized intersections, there are delays experienced without or with the Project. Some of the mitigation measures proposed, such as the signalization of Franklin Avenue, will help improve these operating conditions, by providing gaps in the traffic stream for vehicles to perform the turns. Also, some of the improvements, such as a traffic signal at the intersection of Route 9 and West Franklin Street, will help reduce traffic in the Miller Park

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area.

- 4002
2. The study does not evaluate several other intersections in Tarrytown which could be adversely effected by increases in traffic including Park Avenue, Independence Avenue and Church Street. These locations should be evaluated as part of any sensitivity analysis since if the traffic projections identified above are too low because of less mass transit usage, traffic will seek alternate travel routes such as those identified above.

See Response to Comment 2002 above.

- 4103
2. A review of the arrival and departure distributions indicates a significant amount of traffic is projected to use the H-Bridge (some 40% of the project traffic) and also travel through the local streets in the Village of Tarrytown for access to and from U.S. Route 9. For example, during the Weekday Peak AM Hour, their study projects that some 283 trips would utilize the H-Bridge with some 380 trips during the weekday Peak PM Hour and some 497 trips during the Saturday Peak Hour. It should also be noted that these traffic projections reflect the significant trip credits taken as discussed in Item 1 above. With more typical trip credits, these projections would be significantly higher. The study does not provide an evaluation of the H-Bridge intersections. A detailed analysis should be conducted for each of these locations since they could be adversely effected by the increase in traffic due to the project. In addition to the H-Bridge, based on a review of the arrival and departure distributions, the Cortlandt Street and Wildey Street intersection should also be analyzed.

In response to the comment, traffic counts and volume projections were performed for the H Bridge intersections, including at Cortland Street and Wildey Street. These analyses are contained in the revised Traffic Study in FEIS Appendix 6. The analyses show that these intersections will operate at overall Levels of Service C or better with the Project as well as with Ferry Landings.

- 4104
3. The study does not evaluate several other intersections in Tarrytown which could be adversely effected by increases in traffic including Park Avenue, Independence Avenue and Church Street. These locations should be evaluated as part of any sensitivity analysis since the traffic projections may be underestimated as discussed in Item 1, above and traffic may seek alternate travel routes through the Village of Tarrytown such as those identified above.

See Response to Comment 2002 above.

- 4701
- Section III.I.1A, Page III.I-1 - No basis of selecting the specific analysis locations is given; please include a discussion of how the traffic study area was determined. If preliminary distribution routes were used, please provide this information.

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The specific locations analyzed in the DEIS were determined through a detailed DEIS Scoping process conducted by the Village Board, as lead agency. Additional locations have since been analyzed for this FEIS and are summarized in the revised Traffic Study in FEIS Appendix 6.

5013

The applicants need to study and set forth their own project in light of the existing SEQRA analyses that the Village had already undertaken in the immediate vicinity of the GM site. This should include the traffic studies for NY Route 9 that are set forth in the environmental assessments for the Kendal on Hudson and the Phelps Memorial Hospital expansion, since incremental additional vehicle use on Route 9 at Route 117 may exacerbate an already unsafe condition for motorists. The DEIS does not reflect the Village's assessment of environmental conditions in these other SEQRA reviews, nor the findings based upon them. The FEIS needs to do so.

The traffic studies for the Kendal on Hudson project and the Phelps Memorial Hospital expansion program have been reviewed and the findings of those studies are factored in to the Traffic Study for this Project where appropriate.

5803

Traffic Issues in Tarrytown

The DEIS does not analyze a certain number of streets that are of concern in the Village of Tarrytown. These are streets that will be used by the project traffic, or at least will be affected by the deteriorating congestion on the main travel paths that have been analyzed in the DEIS. How can the DEIS author add 300 more vehicles onto W. Franklin Street when it is already operating at LOS F? Some traffic shifts will occur beyond the immediate network. The following streets will be affected by the project and need to be analyzed:

Riverview Ave
Miller Ave
Park Ave
Independent Street
Church Street
Glen Street
H-Bridge intersections
Central Avenue (affected by trucks)
Prospect Ave

Today some of the worst traffic conditions and delays at the intersections along Rte 9 in Tarrytown occur during the afternoon school peak, i.e. before the 3:30 pm start of the traffic counts that have been performed for the DEIS. Given the extensive retail uses proposed in the Lighthouse Landing Project, the DEIS needs to analyze the traffic impacts during the pm school peak hour (2:30 to 3:30 pm).

The intersections required to be analyzed in the DEIS were

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determined by the lead agency. In response to comments, the Applicant has since analyzed the intersections of Riverview Avenue & Glen Street, Miller Avenue & Park Avenue, US Route 9 & Park Avenue, US Route 9 & Independence Street, US Route 9 & Church Street, the H Bridge intersections, and US Route 9 and Prospect Avenue. The analyses are contained in the revised Traffic Study in FEIS Appendix 6. Some of the minor street approaches on the unsignalized intersections experience some delays for left turns without or with the Project. Some of the mitigation proposed, such as the traffic signal at the intersection of Route 9 and West Franklin Street, will help reduce these delays.

The DEIS Traffic Study analyzes the AM and PM Peak Hours for a weekday condition, as well as the Saturday Midday Peak Hour, as these are the key Peak Hours on the roadway network which would experience the highest amount of traffic through the combination of existing traffic and traffic generated by the Project. For the afternoon period, the PM Peak Hour of 5:15 to 6:15 has higher traffic volumes than earlier in the afternoon. A review of the traffic volumes indicates the PM Peak Hour is the more appropriate study hour.

6006

The development's negative impacts on the Miller Park neighborhood, as well as its adverse impact on emergency response times, are also highlighted by our consultant's reviews. As indicated in a January 2005 joint letter from both Village's traffic consultants, there already is extensive traffic congestion in both Villages, a situation that hinders emergency response vehicles when called to an incident. Consequently, we urge that the Applicant be required to more carefully review both of these areas of concern.

Comment noted. The improvements proposed as well as a traffic signal emergency pre-emption system, for which the Applicant is willing to contribute a fair share of the cost, will help improve emergency response times.

6109

C.2. Broadway at Prospect Avenue

As documented in the January 2005 joint communiqué from the traffic consultants for the Villages of Tarrytown and Sleepy Hollow, the intersection of Prospect Avenue with Broadway is "arguably the most congested intersection in the Village of Tarrytown (page 3). On page 12 of the June 6, 2003 letter on the Project Scoping, Adler Consulting specifically requested that this intersection be included for analysis in the DEIS.

The DEIS analyses revealed that the Project will have a significant adverse traffic impact at the closest signalized intersecting streets upstream and downstream from this intersection and that improvements were identified to mitigate these impacts. It is, therefore, clear that the Project will also have a

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significant adverse traffic impact at the intersection of Broadway with Prospect Avenue. The FEIS should include an analysis of this intersection and identify necessary mitigation measures as appropriate.

Traffic counts have been performed at the intersection of Broadway and Prospect Avenue in response to the comment. Capacity analyses have been performed and are contained in the revised Traffic Study in FEIS Appendix 6. These analyses indicate that delays are experienced at this location under No Build conditions. Signal timing modifications are recommended at this location to mitigate Project impacts. Improvements for this intersection were recommended in the 1998 Tarrytown CBD Traffic and Parking Study by Adler Consulting and should be considered by the Village and the New York State Department of Transportation.

6110

C.2. Broadway at Tappan Landing Road

The intersection of Tappan Landing Road with Broadway is unique to the study area in that there is no other outlet for traffic from this residential neighborhood and Broadway has only one through-lane per direction at its intersection with Tappan Landing Road. Because of the very heavy existing volumes of traffic on Broadway at this location are confined to a single lane in each direction, there are very few gaps in traffic for vehicles to make a left turn out of Tappan Landing Road. The DEIS indicates that the Lighthouse Landing development will add almost 400 new trips to Broadway during the peak hours which will represent an increase of approximately 15 percent. This will clearly worsen an already bad condition for the residents of this neighborhood who have no alternative route to avoid the difficulties of exiting on the Route 9.

During peak periods, there are currently delays for vehicles turning left from Tappan Landing Road, which is unsignalized, and those delays will continue with the Project. The existing adjacent traffic signals create some gaps in traffic for this left turn maneuver to be performed. The Village and New York State Department of Transportation should monitor this location for future installation of a traffic signal. The density of the residential and commercial portions of the Project has been reduced.

6111

C.3. The H-Bridge

The Ferry Landings DEIS identified that “visibility and conflicting turning movements reduce the efficiency and capacity of the H-Bridge Ramps. Therefore, it is recommended that new interconnected traffic signals be installed at the H-Bridge Ramp intersections”. Although the Village of Tarrytown is hopeful that the proposed Ferry Landing development will proceed to completion, it is still possible that the development program will come undone, with the result that no improvements will be made to the H-Bridge.

Since the Lighthouse Landing development is projected to generate almost three times as much traffic across the H-Bridge as the Ferry Landings development, it

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stands to reason that, if the Ferry Landings development falters, the Lighthouse Landing development would have similar impacts requiring the same mitigating measures, yet no analyses of the two intersections at either end of the H-Bridge were performed. The FEIS must either perform a contingency analysis, indicating the Project's impacts and propose mitigation measures in the event that the Ferry Landings development does not materialize, or it must commit in writing to implementing the improvements identified in the Ferry Landings DEIS at the H-Bridge if such a circumstance arises.

Analyses have been performed at the H-Bridge as described in the revised Traffic Study in FEIS Appendix 6. If the Ferry Landings project does not go forward, the traffic signals to be installed by Ferry Landings would not be required based upon analyses contained in the revised Traffic Study, as Levels of Service "d" or better would be maintained with the intersections operating as unsignalized intersections

6123

K. PRELIMINARY IDENTIFICATION OF PROJECT TRAFFIC IMPACTS

Based on a review of the DEIS, it is clear that the proposed Lighthouse Landing development will have a significant impact on traffic at the following locations in the Village of Tarrytown, the locations of which are shown on the attached map:

1. County House Road at Neperan Road (around the Tarrytown Lakes) – Overall failing ("F") conditions will be worsened by approximately 13 percent in the morning peak hour and by 10 percent in the evening peak hour, although greater increases in delays will be encountered on some of the individual movements. The analyses indicate that it will take longer than a minute to pass through this intersection and the Project's impact can be mitigated by the installation of a traffic signal (p. III.I-41).

2. US Route 9 at Main Street – Borderline tolerable ("E") conditions at this intersection are projected to be worsened to clearly failing ("F") conditions during the morning peak hour at this location, with delays projected to increase by 45 percent. During the evening peak and Saturday hours, clearly failing conditions are projected to be worsened by approximately 25 percent. The analyses indicate that it will take longer than 3 minutes to pass through this intersection and the Project's impact can be mitigated by the elimination of 15 on-street parking spaces to create north and southbound left-turn lanes on Broadway (p. III.I-41). Even with these improvements, overall failing conditions are still projected to prevail after the Lighthouse Landing development is completed.

3. Main Street at Depot Plaza – The DEIS indicates that the addition of Project traffic to this intersection will reduce operating conditions from a Level-of-Service "B" to a Level-of-Service "F" during the Peak AM and Saturday Hours and the prevailing failing conditions in the PM will be worsened by a factor of almost 2. These increases in delays will be experienced almost exclusively by motorists leaving the Lighthouse Landing development. The DEIS indicates

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that signal timing modifications will be required “to accommodate the future traffic volumes” and mitigate for the Project’s impacts (p. III.I-42).

4. Riverview Avenue at Franklin Street – The DEIS indicates that the addition of Project traffic to this intersection will reduce operating conditions from a Level-of-Service “c” to a Level-of-Service “f” during the Peak AM and PM Hours and that one possible improvement to mitigate for the impact of project traffic “would be the restriction of left-turn movements from the Riverview Avenue approach” (p. III.I-42). Furthermore, the Applicant should indicate the impact of the prohibition of left-turns at this location on traffic operating conditions at the adjacent intersection of Miler Avenue with Franklin Street.

5. Franklin Street at Broadway – Although the DEIS acknowledges on page III.I-42 that “a police officer is stationed at this intersection to direct traffic during critical time periods” the Existing and No-Build analyses do not reflect this condition. They should be revised accordingly so that the Project’s true impact and the actual benefit of the proposed mitigation can be evaluated. The DEIS “identified improvements” (page III.I-42) for this intersection include the installation of a traffic signal and the elimination of approximately 20 on-street parking spaces to create a northbound left-turn lane. The DEIS analysis of the Build conditions, with the traffic signal, indicates that overall failing conditions will continue to prevail at this location during the Peak PM Highway Hour, even with the mitigation, with an average wait of more than two minutes to get through this intersection.

6. Benedict Avenue at Broadway – The Applicant should indicate whether the Build analyses of this intersection have included the left-turns that are proposed to be prohibited at the intersection of East Franklin Street with Broadway. Regardless, the DEIS indicates that operating conditions will be reduced from “D” to failing “F” Levels-of-Service during the Peak AM and Saturday Hours as a result of the Lighthouse Landing development. During the Peak PM Hour, operating conditions are projected to be reduced from “E” to failing “F” conditions. To “accommodate future traffic volumes at this intersection (page III.I-43) the DEIS recommends that the northbound right-turn lane be converted to a through/right-turn lane. This recommendation also requires the elimination of the on-street parking as discussed for the previous intersection.

7. NY Route 119 at Broadway – The DEIS indicates that the addition of Project traffic to this intersection will reduce operating conditions from a Level-of-Service “C” to a Level-of-Service “E” during the Peak PM Hour. To mitigate for this impact, the DEIS recommends that the Route 119 approach be restriped to permit right turns from the middle lane as well as from the right-hand lane (p. III.I-43).

8. NY Route 119 at the I-287 Westbound Ramp – The DEIS indicates that the addition of Project traffic to this intersection will increase the average delay of “E” Level-of-Service operating conditions by 32 percent during the Peak PM Hour. To mitigate for this impact, the DEIS recommends that slight signal timing modifications be implemented.

9. Central Avenue at Broadway – Although the DEIS does not assign any traffic to the intersection of Central Avenue with Broadway (as previously

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discussed) it does note that prevailing operating conditions will be a failing (“F”) levels during the Peak PM and Saturday Hours, suggesting that the addition of Project traffic to this intersection will also have an impact at this location, which should be mitigated.

10. Broadway at Prospect Avenue – Although the DEIS does not analyze the intersection of Broadway with Prospect Avenue, the FEIS should include an analysis of this intersection. This intersection is listed in the joint January 2005 correspondence from the Village’s traffic consultants as “arguably the most congested intersection in the Village of Tarrytown.” The DEIS analyses revealed that the Project will have a significant adverse traffic impact at the closest signalized intersecting streets upstream and downstream from this intersection, for which mitigation was identified. It is, therefore, clear that the Project will also have a significant adverse traffic impact at this intersection. The FEIS should include an analysis of this intersection and identify necessary mitigation measures as appropriate.

11. Broadway at Church Street, Independence Street and Park Avenue – Although the DEIS does not analyze the intersection of Broadway with Prospect Avenue, the FEIS should include an analysis of this location. It is expected that, cumulatively, 100 peak-hour trips will be added to these unsignalized approaches to Broadway, which already experience considerable delays during the Peak PM Highway Hour, and that these additional trips will have a significant impact at these locations.

12. Broadway at Tappan Landing Road – Although the DEIS does not analyze the intersection of Broadway with Prospect Avenue, the FEIS should include an analysis of this intersection. It is expected that, the development increase traffic volumes by approximately 15 percent at this intersection, which is currently experiencing poor operating conditions and where residents have no alternative means of accessing the surrounding roadway network.

13. Miller Park Neighborhood – The DEIS fails to recognize or mitigate for the Project’s traffic impacts on the already overburdened Miller Park neighborhood where, based on the data available in the Lighthouse and Ferry Landing’s developments, it is calculated that more than 100 trips will be added to these local residential streets unless specific and effective traffic calming measures are identified and implemented.

14. The H-Bridge – The Ferry Landings DEIS identified that that Project would impact the H-Bridge but that the impact could be mitigated by the installation of new, interconnected traffic signals at the H-Bridge Ramp intersections. Since the Lighthouse Landing development is projected to generate almost three times as much traffic across the H-Bridge as the Ferry Landings development, it stands to reason that the Lighthouse Landing development will also impact the H-Bridge and will require the same mitigation.

These are the impacts that were identified with the DEIS-projected traffic volumes. With actual Project-volumes expected to be 40 percent greater during the critical PM hour, the resulting impacts will be even worse than predicted. A detailed review of the intersections in Sleepy Hollow is not provided, although it is noted that the Project will have similar impacts in that municipality.

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Capacity analyses with the latest traffic volumes, including the reduction in the density of the residential and commercial portions of the Project, are contained in the revised Traffic Study in FEIS Appendix 6. Based upon these analyses, a traffic signal is no longer recommended for the intersection of County House Road at Neperan Road. The improvements at Route 9 at Main Street are recommended without or with the Project. Signal timing modifications will provide for good Levels of Service at the intersection of Main Street at Depot Plaza. The left turn restriction is no longer suggested for the intersection of Riverview Avenue at Franklin Street. At the Franklin Street at Broadway intersection, a traffic signal is recommended, as it also is in the Ferry Landing DEIS and in the 1998 Tarrytown CBD Traffic and Parking Study by Adler Consulting. The improvement at the intersection of Benedict Avenue at Broadway will improve conditions over No-Build conditions. The improvement at the intersection of Route 119 at Broadway will maintain good Levels of Service. The slight signal timing modifications at the intersection of Route 119 at the I-287 Westbound Ramp will maintain appropriate Levels of Service. The No-Build Levels of Service will be maintained at the intersection of Central Avenue at Broadway. The intersection of Broadway at Prospect Avenue is analyzed in the revised Traffic Study which indicates that delays are experienced in the No Build condition and signal timing modifications are recommended to mitigate the Project impact. The 1998 Tarrytown CBD Traffic and Parking Study recommended improvements at this location and these should be considered by the Village. Gaps created by the proposed traffic signal at the intersection of Route 9 at West Franklin will help the intersections of Route 9 at Church Street, Independence Street and Park Avenue. Gaps are created at the intersection of Route 9 at Tappan Landing by the existing traffic signals. The Village and the New York State Department of Transportation should monitor this intersection in the future for the potential need for a traffic signal. The Applicant would agree to a fair share contribution for traffic calming measures in the Miller Park neighborhood. The H-Bridge was analyzed in the revised Traffic Study. The intersections will operate at appropriate Levels of Service.

PM2003

It also doesn't address the many shortcuts that are taken throughout town.

I live on Prospect. It's a bypass to 119. We already have serious traffic problems there of people cutting across. It's almost impossible to get across, to walk up and down that street without getting hit. I can only imagine with

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another 4,000 people, if that is the true number, what that will do to the traffic on my street and the ability for people to walk and kids to play without getting killed. We already have problems that are not addressed. This will only make it worse.

See Response to Comment 6109 above.

PM2502

Secondly, I just wanted to submit an engineering letter primarily dealing with again the traffic impacts. Specifically there are going to be sectors of Tarrytown that are going to be adversely affected which need to be considered.

Comment noted.

PH2817

The traffic patterns are commendable in looking at the flow of affected traffic patterns in Tarrytown and down to 287 and so on. But we also would like to see the EIS look at the traffic impact to the north.

This Planning Board has looked very carefully at the traffic on Route 9 where it is up by Phelps Hospital and 117. I don't know how many of you know that this is one of the most dangerous roads in the State of New York by accident...

And one of our Planning Board members was totaled there, but before he was totaled, we had looked at the EIS for the Phelps Hospital developments which documented – the traffic engineers documented this as one of the worst stretches of road in the State of New York per accident. We need to fix that.

And we are going to add an increment of further traffic going north from this project, and that section of road needs to be analyzed so that we can make recommendations to the State and the adjacent municipalities to fix those intersections before we send more people to the new emergency room at Phelps Hospital.

New traffic counts have been performed and capacity analyses have been conducted at the Route 9 intersections with the Route 117 ramps. The analyses, copies of which are contained in the revised Traffic Study in FEIS Appendix 7, indicate there are some delays for left turn movements and the intersection should be monitored by the New York State Department of Transportation in the future. With respect to traffic safety improvements on Route 9 at Route 117, under the site plan approval resolution for the 2004 Phelps Memorial Hospital Center Master Plan⁶, Phelps is to make application and seek a NYSDOT permit for a number of mitigation measures at the Route 9/Route 117 eastbound intersection, including: physical alteration of

⁶ The Site Plan Approval Resolution for the Phelps Memorial Hospital Master Plan, adopted by the Village of Sleepy Hollow Planning Board on November 18, 2004, requires the Applicant to make application to the NYSDOT prior to the issuance of a temporary or final Certificate of Occupancy for the medical services building.

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the median separating the northbound and southbound traffic along Route 9; the addition of pavement markings to assist southbound motorists; and enhanced signage indicating the possible presence of traffic entering the roadway.

At the Village of Ossining's request, the NYSDOT is also modifying Route 9 in the Village of Ossining to provide one lane per direction with a center turn lane at the request of Ossining. The Village believes that this will improve traffic flow and pedestrian safety. The NYSDOT is also constructing a southbound ramp between Route 9A and the Taconic State Parkway which will help reduce Route 9 traffic volumes. In addition, the NYSDOT is also reviewing improvements to Route 9A in Elmsford/Greenburgh, including a Route 9A Bypass. Construction is currently scheduled to begin in 2009. This will also help north/south traffic volumes.

PH3301

My question, and what I would like to see Sleepy Hollow do besides looking into the traffic area - I know you only went as far as I think Franklin Street on DEIS - you should really go all the way down to the Tappan Zee Bridge. Because if you have ever been on Route 9 along between 7:00 and 9:00 from the Tappan Zee Bridge all the way past here, you know what type of traffic we are dealing with. And that has to be looked into.

The DEIS Traffic Study includes analysis of intersections along Route 9 south of Franklin Street, including Route 119 and the Thruway ramps. The locations analyzed are shown on Figure III.I-1, the Study Location Map, in the DEIS.

PH4303

The traffic, I mentioned last time, I would like to mention it again, is a larger study area to go down 119 and the Tappan Zee Bridge because that's going to impact this whole corridor, it's not just going to be Franklin Street in Tarrytown, it's going to be on the whole length of Route 9.

The DEIS Traffic Study includes analysis of intersections along Route 9 south of Franklin Street, including Route 119 and the Thruway ramps. The locations analyzed are shown on Figure III.I-1, the Study Location Map, in the DEIS.

PH4602

The traffic count, to utilize Franklin Street to get out of the lower riverfront area is pretty busy now when the trains come in. It also doesn't include the timeframe, it should be earlier, from 2:30 when the school, when that particular school, Washington Irving Elementary School gets out. It needs to be backed up.

What may happen is, the volume of cars is going to affect our school release time and it's going to extend the amount of time that we have for rush hour. So

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rush hour could conceivably go from 4:30 back to 2:30. So now rush hour is 2:30 to the other end, maybe 5:30, 6:00 o'clock and that's not on a Friday night when there is a car broken down on the Tappan Zee Bridge. Living in that area, the impact is enormous.

It also doesn't take into account the project that we have in Tarrytown, or Ichabod's, that we utilize those same streets.

The DEIS Traffic Study analyzes the peak periods that result from the combination of background traffic and project traffic. The DEIS Traffic Study analyzes the AM and PM Peak Hours for a weekday condition, as well as the Saturday Midday Peak Hour, as these are the key Peak Hours on the roadway network which would experience the highest amount of traffic through the combination of existing traffic and traffic generated by the Project. For the afternoon period, the PM Peak Hour of 5:15 to 6:15 has higher traffic volumes than earlier in the afternoon.

The DEIS Traffic Study considers the various developments in Tarrytown, including Ferry Landings, as well as Ichabod's Landing, among others.

PH4603

So, collectively, we now have and Franklin Street is an E rating, an E rating. This is a stop sign. You wait 40 seconds or longer from Route 9. 40 seconds is a long time. That's if the person finds the opportunity to move in 40 seconds.

So those are genuine considerations as well as Park Avenue, Independence Street, Church Street. Those are all the streets that will filter up from Franklin Street on to Route 9 eventually to the bridge. So traffic is clearly an enormous factor.

Additional traffic counts and analysis have been conducted for these and other locations and are summarized in the revised Traffic Study in FEIS Appendix 6. Improvements, including re-striping and the installation of a traffic signal, have been proposed for the intersection of Route 9 and West Franklin Street. The Applicant is amenable to discussing with the Villages a potential fair share contribution for possible traffic calming measures in the Miller Park neighborhood.

ELIMINATION OF ON-STREET PARKING

2003

c. Elimination of Parking (Location 7)

The study indicates that there will be an elimination of on street parking (Route 9 at Main Street and Neperan Avenue). This type of "improvement" must be discussed in more detail and potential impacts on overall parking conditions in the Village of Tarrytown must be assessed if such mitigation is proposed.

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The only parking spaces recommended to be eliminated to specifically mitigate the impacts of the Project are the spaces necessary to create a turning lane at Beekman Avenue and Pocantico Street in Sleepy Hollow. Existing/No-Build conditions in the Village of Tarrytown and at the intersection of Beekman Avenue and Route 9 in Sleepy Hollow warrant the elimination of parking spaces and the creation of the recommended turning lanes, whether or not the Project is constructed. The need for improvements and the consequent need to eliminate some parking spaces in the Village of Tarrytown to improve existing conditions is recognized by the Central Business District Traffic and Parking Study conducted by Adler Consulting for the Village of Tarrytown in 1998 (a copy of this Study is contained in FEIS Appendix 6). As illustrated in the parking analysis in the DEIS, in the event the spaces at the intersections with Route 9 are eliminated, there are other available parking spaces in reasonable proximity to the lost spaces.

3608

- The proposed loss of parking spaces in Tarrytown and Sleepy Hollow, to improve traffic flow, would be a true loss for the town and businesses and can make key intersections harder to cross. Parking is already difficult and it is important that our towns remain friendly to walkers.

See Response to Comment 2003 above. The removal of the spaces and the related improvements will help traffic flow more smoothly and could allow pedestrians to cross more safely as traffic would be operated more appropriately. There should be a balance applied between the improvement of traffic flow, pedestrian circulation and the removal of on-street parking.

3802

Related to the project density is my concern about the additional traffic that will be generated. Traffic and parking are already a major problem in our area, and the additional traffic would be more than this area could handle. The loss of parking spaces in the towns, proposed to improve traffic flow, would be a true loss for local businesses and the towns.

Some of the on-street parking spaces recommended for removal would be suggested to be removed even without the Project. As described in the revised Traffic Study in FEIS Appendix 6, in the event the spaces at the intersections with Route 9 are eliminated, there are other available parking spaces in reasonable proximity to the lost spaces. The Applicant is amenable to working with the Village to evaluate potential off-street parking locations to replace on-street spaces proposed to be removed to improve existing traffic conditions. The Applicant has proposed to construct, based on input from the Village, the off-street surface replacement parking spaces at a ratio of

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1:1 proximate to the Beekman Avenue Inner Village if an acceptable location(s) is identified by the Village. The Applicant is amenable to a maximum financial commitment of up to \$10,000 per space for the off-street replacement spaces. The Applicant may be asked to provide a financial contribution equal to the cost of constructing replacement surface parking at a 1:1 ratio that would be used to create additional off-street parking in the Inner Village in the future in the event suitable location(s) cannot be identified by the Village. The existing commercial areas in the downtowns will benefit from the Lighthouse Landing project as there will be increased patronage to the various stores and services that exist in the areas.

4006

6. While we have not reviewed each of the mitigation measures identified in the study, the discussion regarding Location 7 (Route 9 at Main Street and Neperan Avenue) refers to the elimination of on-street parking spaces (up to 15 metered spaces) along Route 9. This type of improvement must be discussed in more detail and potential impacts on overall parking conditions in the Village of Tarrytown must be assessed if such mitigation is proposed.

See Response to Comment 2003 above.

4364

64. Traffic improvements at selected intersections in the Village of Sleepy Hollow would result in the loss of 26 parking spaces (approximately 10 at the Beekman/Route 9 intersection and 16 at the Beekman/Pocantico/Cortlandt intersections). However, recommendations included use of full-length tapers and discussions with NYSDOT suggest these could likely be reduced, which would reduce the loss of on-street parking along the Route 9 section.

Because on-street parking is at such a premium, particularly in the inner-village, any loss of parking will need to be replaced on at least a one for one basis. The Applicant needs to evaluate how improvements could be made while eliminating as few parking spaces as possible. The Applicant indicated that they are willing to help provide or finance, but are limited in what they can do relative to the ability to acquire property for parking. The Village would potentially need to help identify and acquire land that could be used for parking in proximity to the lost spaces if that is the direction taken. As an example, the area along the Route 9 frontage for the High School was identified as a possible area for parking expansion and should be evaluated.

Some of the on-street parking spaces recommended for removal would be suggested to be removed even without the Project, based upon Existing and No-Build Traffic Volumes. The Applicant is amenable to working with the Village to evaluate potential off-street parking locations to replace on-street spaces proposed to be removed to improve existing traffic conditions. The Applicant has proposed to construct, based on input from the Village, the off-street replacement surface parking spaces at a ratio of 1:1, proximate to the Beekman

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Avenue Inner Village, if an acceptable location(s) is identified by the Village. (See the response to Comment 3802 above for additional information.) As described in response to Comment 2003, the only parking spaces recommended to be eliminated to specifically mitigate the impacts of the Project are the spaces necessary to create a turning lane at Beekman Avenue and Pocantico Street in Sleepy Hollow. Existing/No-Build conditions in the Village of Tarrytown and at the intersection of Beekman Avenue and Route 9 in Sleepy Hollow warrant the elimination of parking spaces and the creation of the recommended turning lanes, whether or not the Project is constructed. In response to comments, the tapers of some of the proposed turning lanes have been reduced, thereby minimizing the number of parking spaces to be eliminated.

4368

68. There was general concern with the limitations of parking along Beekman Avenue and that the potential removal of on-street parking would create issues with the businesses in that area. Sub-committee members described alternative concepts: to provide parking at the Morse School; remove some of the Beekman Avenue sidewalk width to allow for the ability to maintain and/or increase parking; and utilizing the area behind the stores along Beekman Avenue to create more parking. These alternative design approaches need to be evaluated further.

The Applicant will work with the Village to provide additional parking spaces as suggested in the comment. See Response to Comment 4364 above.

4715

General Comment - The DEIS should offer some suggestion as to where off-street parking could be situated in lieu of spaces eliminated by recommended mitigation. Would such lots be near shopping areas they would serve? Further, the DEIS should indicate the overall number of lost spaces to better understand the where such off-street parking can be sited.

The only parking spaces recommended to be eliminated to specifically mitigate the impacts of the Project are the spaces necessary to create a turning lane at Beekman Avenue and Pocantico Street in the Village of Sleepy Hollow. The Applicant is amenable to working with the Village to evaluate potential off-street parking locations to replace on-street spaces proposed to be removed to improve existing traffic conditions. The Applicant has proposed to construct the off-street replacement surface parking spaces at a ratio of 1:1, proximate to the Beekman Avenue Inner Village, if an acceptable location(s) is identified by the Village. (See the response to Comment 3802 above for additional information.) If full length tapers are created, the total number of parking spaces that would be lost would be approximately

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26 in Sleepy Hollow and 38 in Tarrytown. However, with reduced length tapers at some locations, the number of spaces lost would be reduced to approximately 17 in Sleepy Hollow and 25 in Tarrytown, or even less. It should be noted that not all of these spaces are in the downtown area, especially the spaces in Tarrytown. The need for improvements and the consequent need to eliminate some parking spaces in the Village of Tarrytown to improve existing conditions is recognized by the Central Business District Traffic and Parking Study conducted by Adler Consulting for the Village of Tarrytown in 1998. Thus, similar improvements and the elimination of some parking were previously recommended to the Village. Thus, these modifications were recommended even without the consideration of the project.

5808

The DEIS consultant recommends to mitigate some of the traffic impacts caused by the Lighthouse Landing project along Rte 9 by eliminating on-street parking at certain locations to create additional turn lanes at the key intersections. On-street parking is critical for the retail vitality of the village and should not be eliminated. There are currently parking shortages in the downtown that may worsen as the result of the additional population at the Lighthouse Landing. In addition, the parking lane acts as a buffer between the pedestrians on the sidewalks and the Rte 9 traffic. On-street parking is important in maintaining the pedestrian friendly environment.

See Response to Comments 2003 and 3608 above.

6004

We are also concerned that the proposed addition of over 1500 residential units will undoubtedly create parking impacts in the Tarrytown central business district, which currently is already near or at capacity on Saturday and at times during the week. The proposed addition of over 1500 residential units at the Lighthouse Landing site can only make the condition worse. Therefore, it is important that Sleepy Hollow and Tarrytown to work together in the environmental review process of this major development proposal to insure that negative impacts on parking in the Village of Tarrytown are adequately addressed.

The number of residential units at Lighthouse Landing has been reduced under the FEIS Alternative Plan. Based upon the parking study conducted for the DEIS, there are available parking spaces dispersed within the downtown area, although they are not as close to the businesses as some of the on-street spaces. The existing commercial area in the downtown will benefit from the Lighthouse Landing project as there will be increased patronage to the various stores and services that exist in the area.

PH4805

The second issue that we are concerned about is the proposal to eliminate parking on the east side of Broadway as you approach Main Street so that a long left turn lane could be opened up. As I'm sure you are aware parking is a much,

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very, very precious resource in both Tarrytown and Sleepy Hollow and this would eliminate a considerable number of parking spaces that are much needed.

See Response to Comment 2003 above.

PH5109

Finally, I've put on my resident shopper's hat to point out what I think is an inconsistency in your DEIS concerning parking. I quote again from the Streetscape Guideline. It is important to remember that curb side parking is a key ingredient to a great sidewalk. I agree. When I'm on ambulance duty I need a parking place close to the stores in case of a call. I have my secret favorite street spots all over town.

However, in Roseland suggestions for remediation for the Level E and F intersections that were mentioned before which means unacceptable delays, predicted at the full buildout, the DEIS repeatedly recommending the elimination of scores of the very same on-street parking places in the heart of Tarrytown and Sleepy Hollow's shopping district. I can cite Beekman Avenue, Pocantico, Route 9 and Main Street, Route 9 and Franklin as examples from the DEIS recommends taking away twenty, twelve to twenty parking spots each around these intersections, essentially making a four lane highway and I don't think any of these proposals would enhance Village life or be a catalyst for anything good in our villages.

Here is an idea that might, however, be a catalyst for good. Bring back the trolley that used to run up Main Street in Tarrytown or seriously study a small people mover like the one in London or at some airports. ...

It could be an idyllic loop, Sunnyside to Kendal by way of the train stations and main streets linking the Tappan Zee light rail.

Please look into this.

See Response to Comment 2003 above. The Applicant would agree to establish an interface between the proposed shuttle service and a potential future inter-municipal trolley/jitney loop route to the downtowns of Sleepy Hollow and Tarrytown.

PH6004

I would make a plea as a long time, I'm no longer a merchant, I had a place on Main Street. I think that whatever, there are serious downtown parking problems that exist in the Village of Tarrytown and on Beekman Avenue. I think whatever happens on this site and on Ferry Landings, I think that one of the mitigations, if it is necessary to provide left turn lanes and right turn lanes and if it should prove necessary to remove parking spaces along Route 9 either near the intersection of Beekman or Franklin, Independent, Main Street, it is especially important working closely together with these Village officials that at least an equal amount of parking be created for the upper, let's say upper Main Street, upper Beekman Avenue. We have a serious shortfall now and I think that's something that needs to be seriously considered.

See Response to Comment 2003 above.

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TRIP GENERATION AND DISTRIBUTION

2004

d. Traffic Study: Reference Manual

The study references the 6th Edition issue of the ITE Trip Generation Handbook. Since the 7th Edition of this manual was available in November 2003, the study should be revised and the latest manual should be utilized for all trip generation estimates.

4703

Section III.I.3A, Page III.I-26 – Reference was made to the 6th edition of the *ITE Trip Generation Manual*. The 7th edition of that reference was made available in November 2003. Please perform a cross reference with that later document to ascertain whether the rates used in these analyses have remained unchanged; document findings of that comparison. If updated trip generation rates are indicated, the analyses of future conditions should be redone using the updated figures.

The trip generation rates for the proposed land uses are essentially the same in the 6th Edition and the 7th Edition. The 6th Edition was the current edition when the DEIS Traffic Study was conducted. The trip generation for the FEIS Alternative Plan is calculated in accordance with the 7th Edition.

4102

In addition, the trip generation for the retail uses (a total of some 145,617 s.f.) utilizes a specialty retail rate which is significantly lower than the typical retail rates for this amount of retail space (ITE Land Use 820 for shopping centers). For example, the Weekday Peak PM Hour generation utilizing typical retail rates would be a total generation of some 802 trips for the retail uses whereas the study estimates a total generation of some 377 trips. Similarly, for the Saturday Peak Hour the generation utilizing typical retail rates would be a total generation of some 1,105 trips whereas the study estimates a total generation of some 718 trips. Again this could result in a significant underestimation of the projected trips for this development. A sensitivity analysis is also suggested utilizing the more typical retail rate.

The specialty retail rate is more appropriate for this Project than the typical retail rate. As most of the retail space is first floor retail space and many of the trips will be by Project residents for small items and daily trips, the specialty retail rate is more appropriate for the Project. In addition, to be conservative, no pass-by rates were utilized.

4704

Section III.I.3A – A previous DEIS document used the word “interplay” in the discussion of vehicle trip generation. My previous comment inquired whether this was a reference to either pass-by or linked trip credits. This word no longer appears within the text; clarification of this point is needed. If pass-by or linked-trip credits were included, please indicate supporting text and the basis of any assumptions. Appendix Table 10-13 does not clearly indicate such factors. Also, a consistency check should be performed with other ongoing major development projects. Significant differences should be cited and reasons for

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such differences explained.

Please discuss arrival and departure percentages and actual volumes for individual approaches, starting with trips to and from the outer areas (e.g., southbound on Route 9 at Beekman Avenue), and then aggregated at locations closer to the site. Include a reference as to specific percent increases as compared to future No Build volumes.

There would be some trips that would occur between the various land uses of the Project including between the residences and the retail uses. No pass-by or linked-trip credits were utilized, to be conservative. The trip generation was updated in the revised Traffic Study contained in FEIS Appendix 6.

The arrival and departure percentages are illustrated on Figures III.I-10 to III.I-25 in the DEIS. The generated trips from the individual uses as well as the overall Project are illustrated on Figures III.I-26 to III.I-32 in the DEIS. These percentages and trips are updated in the revised Traffic Study in FEIS Appendix 6.

5607

5) The project proposes 145,600 sf of retail uses. The traffic study uses the category of "specialty retail center" in order to determine trip generations rates for the 145,600 sf of retail uses. While this category may be acceptable for some retail uses proposed on the site, this category does not accurately represent traffic generation from a supermarket, which results in 2 to 3 times greater traffic rates than specialty retail centers. Therefore, Scenic Hudson suggests that new trip generation rates (that separate the amount of specialty retail uses from the supermarket) should be plugged into the model used in the traffic study. The supermarket should be extracted out of the retail category and analyzed separately and added to trips generated by all other uses to determine traffic impacts and LOS.

The specialty grocer proposed is a small facility that will mainly serve the Project and the adjacent neighborhood. Surveys of another similar grocer indicated a local draw. The specialty grocer is not a typical supermarket of 50,000 to 70,000 square feet. In addition, under the FEIS Alternative Plan, the size of the grocer has been reduced from 26,000 square feet to 25,000 square feet.

6102

A. INCONSISTENCY IN PROJECT SIZE

Table 1 of the DEIS parking analysis performed by Walker Parking Consultants indicates that there will be 30,000 sf of restaurant space at Lighthouse Landing, over and above the 146,600 sf retail component. This additional 30,000 sf is not mentioned elsewhere in the DEIS and was not evaluated in the Traffic Impact Study. This inconsistency should be resolved.

The restaurant space was incorporated into the commercial/retail and

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hotel components of the project. The theater trip generation was calculated separately. The density of the residential and commercial components of the Project has been reduced under the FEIS Alternative Plan as described in Response to Comments 301 and 501.

6103

B. 1. Retail Trip Generation

Traffic generated by the project is underestimated during the critical Peak PM Highway Hour (of the nine instances where current traffic operating conditions are operating at Level-of-Service "D" or worse, eight are in the PM). Trip generation for the retail component of the development was for Specialty retail (Land Use 814), yet the retail component of the project (which is listed as 180,000 square feet [sf] and is analyzed as 170,000 sf, 146,000 sf Specialty Retail and 24,000 Movie Theater), includes a 24,000 sf market/supermarket (pages II-11, III.I-23 and III.I-24). Supermarkets are not included in Land Use 814 and trips associated with this use should be calculated separately. Furthermore, retail trip projections for the critical Peak PM Hour were based on surveys of only five (5) sites, three of which were less than 25,000 sf in size, and the handbook for the publication from which the data was taken recommends the use of caution in such incidents. (Incidentally, as detailed on page III.I-26, there was not data at all for this Land Use for the AM and Saturday Peak Hours).

Alternatively, based on our experience in these matters, we believe that using the weighted average trip rate for shopping centers (Land Use 820) is also a more appropriate means of determining the number of trips that will be generated by the retail component of the development. Data for this land use was collected from over 400 sites during the peak PM hour and applying the weighted average trip rate it is calculated that the retail component of the development would generate 45 percent more traffic than projected in the DEIS.

It is further estimated that the 145,000 sf retail component of the development will generate half as much off-Site traffic as the remainder of the Project's various components, combined, and only 25 percent less off-Site traffic than the volume generated by the Project's residential component. This indicates that, the retail component of the Project is disproportionately large compared to the remainder of the Project and that the Lighthouse Landing development is, primarily, a residential and retail development, not just a residential development with a complementary retail component.

To provide a reasonable and conservative evaluation of the traffic impact of the Project, as proposed, the traffic study performed for the DEIS should be revised to reflect the greater level of trip activity that will be generated by the retail component of the development. It should also be revised to reflect the correct size of the retail component of the development, if necessary.

See Response to Comments 301 and 4102. Under the FEIS Alternative Plan, the size of the retail space has been reduced. Updated trip generation and capacity analyses are contained in the revised Traffic Study in FEIS Appendix 6.

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6106

B.4. Senior Housing Trip Generation

Based on a review of the data published by the Institute of Transportation Engineers, which showed two groups of data sources, as well as studies Adler Consulting has performed at two senior apartment developments on the Westchester-Putnam border, it is our opinion that senior housing, such as that proposed at the Lighthouse Landing Site, will generate traffic at a rate of 0.2 trips per unit in the morning peak highway hour, 0.23 trips per unit in the evening peak highway hour and 0.3 trips per unit in the peak highway hour on a Saturday.

To provide a reasonable and conservative evaluation of the Project's traffic impacts, the traffic study performed for the DEIS should be revised to reflect the greater level of trip activity that will be generated by the senior housing component of the development.

The trip generation for the senior housing was appropriately determined utilizing the Institute of Transportation Engineers' methodology. Based upon ITE Trip Generation Rates, the senior housing component will generate traffic at a rate of 0.07 trips per unit in the morning peak highway hour, 0.10 trips per unit in the evening peak highway hour and 0.3 trips per unit in the peak highway hour on a Saturday. Seniors have greater flexibility of travel time and tend not to travel during the peak hours.

PM2002

The traffic impact numbers are unrealistically low to me, and especially given the nature of what the traffic is on Route 9, it's already pretty congested, and I think it's only going to get a whole lot worse. It will have some serious impacts not only on our ability to get to stores and make use of getting to work and whatnot, but emergency vehicles already have a hard enough time getting down. There aren't many alternatives. And specifically it seems as though some of the remedies that were outlined in the document specifically speak to putting in traffic signals and, you know, getting rid of some of the parking spaces in town. That doesn't address the fact that there is just limited two lanes going in either direction down Route 9, going down to the main corridor, down to the Tappan Zee Bridge and access to 287 and 119.

It seems as though those numbers are - I don't think they're right. I think it would radically change our ability to utilize the town and will have some severe impacts.

The trip generation was appropriately determined utilizing the Institute of Transportation Engineers' methodology.

PM2004

I can't imagine what a theater and business traffic will - I didn't see any of that really addressed in terms of the cyclical nature of people going to the theater and the impact that will have on the traffic as well.

Traffic to be generated by the cinema was analyzed in the DEIS Traffic Study utilizing the Institute of Transportation Engineers'

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methodology. The size of the fine arts cinema (three screens) has been reduced.

PH2814

You will notice in the DEIS that the hotel although the little boutique inn at the end, which is quite attractively presented, it also provides for a convention center. That would just bring in lots of people to go to conventions and bring their cars. We would just assume eliminate that which eliminates a whole bunch of vehicle miles traveled and vehicle trips.

You can still run a very viable small inn, very attractive inn at the site were people to have to want to come for tourism and so on.

Traffic to be generated by the hotel was analyzed in the DEIS Traffic Study utilizing the Institute of Transportation Engineers' methodology. The hotel program has been scaled back under the FEIS Alternative Plan by eliminating the conference center, reducing the number of rooms from 147 to 140, and cutting the restaurant space in half.

PH4403

Incidentally, in our planning we have carefully avoided planning for any high density traffic business and we note that you have a supermarket in there. Supermarkets will generate two to three times the traffic levels that other businesses will and this is something that I hope you take a look at.

The specialty grocer proposed is a small facility that will mainly serve the Project and the adjacent neighborhood. It is not a typical supermarket of 50,000 to 70,000 square feet. In addition, under the FEIS Alternative Plan, the size of the grocer has been reduced from 26,000 square feet to 25,000 square feet.

PH4802

Another area that we looked at that have two key concerns are the arrival/departure patterns. It was noted that no traffic was generated through the intersection of Central Avenue and Broadway in the Village of Tarrytown which if you look at the patterns presented in the DEIS implies that traffic heading to and from the south will use Main Street and Franklin Street. Yet, the only designated truck route from the waterfront to the south is Central Avenue. So the DEIS should be adjusted to reflect that otherwise it implies that the trucks will be using Wildey Street, I mean, Main Street and Franklin Street.

The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the Site. Trucks to and from the Site would then be able to utilize Beekman Avenue as a truck route instead of Central Avenue.

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PH4803

The second issue in the arriving/departure distribution was it indicates that 4 percent of the project traffic will be coming from or going to the Miller Park residential neighborhood. I would suggest to you they will be going through the Miller Park residential neighborhood and this is a neighborhood that's currently severely overburdened with traffic and the DEIS needs to take a look at this, to acknowledge it and to see if it could identify means to ameliorate the condition or offset the project's impact.

Additional traffic counts and capacity analyses of the Miller Park neighborhood are contained in the revised Traffic Study in FEIS Appendix 6. Improvements have been proposed along the Route 9 Corridor to improve traffic operating conditions. The Applicant is willing to contribute a fair share of the cost for traffic calming measures in the Miller Park neighborhood.

OTHER AREA DEVELOPMENTS/NO BUILD TRAFFIC CONDITIONS

2005

e. Ferry Landing - Updated Traffic Analysis

The study includes Ferry Landings; however, it does not include the latest development proposal from Ferry Landings which would result in significantly less traffic. A new study should be done incorporating the latest revisions.

The DEIS incorporates the Ferry Landings information that was available at that time. Updated analyses with information based upon the latest Ferry Landings program have been performed and are included in the revised Traffic Study in FEIS Appendix 6.

4003

3. The traffic analysis includes consideration of the Ferry Landings development however, it does not include the latest development proposal which would result in a significant reduction in office space. This information should be incorporated into the updated traffic analysis for Lighthouse Landing.

See Response to Comment 2005.

4106

5. The traffic analysis includes consideration of the Ferry Landings development however, it does not include the latest development proposal which would result in a significant reduction in office space. This information should be incorporated into the updated traffic analysis for Lighthouse Landing.

See Response to Comment 2005.

6119

G. FUTURE CONDITIONS WITHOUT THE PROJECT

It is noted that the DEIS made projections for future traffic conditions without the Project by estimating the volume and assignment of the original Ferry Landings application, which included 250,000 sf of office or Research and

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development space, along with 98 condominiums/townhomes, a new Village Hall, an aquatic center and some restaurant space. The Ferry land development has since been changed considerably to reduce the volume of traffic that it will generate by approximately half.

While the DEIS Traffic Study did account for the reoccupancy of the former IBM building by New York Life, which is outside the study area, it did not anticipate the reoccupancy of the former Grand Union Supermarket, which is in the heart of the study area, by Walgreens.

The DEIS traffic study did not include anticipated development in the Eastview section of Mount Pleasant and Greenburgh, including, but not limited to, the recently approved 113,500 sf Home Depot. The Home Depot study shows that this development would generate traffic around the Tarrytown Lakes.

By not accounting for the large volumes of traffic that will be generated by these projects in the Study area, the DEIS traffic study does provide a sufficiently accurate baseline for future traffic operating conditions without the project from which the Lighthouse Landing's development can be evaluated. The traffic study should be revised to more accurately reflect the traffic that may be generated by the Ferry Landings development and to include the traffic that will be generated by these other projects.

The specific developments which are analyzed as part of background traffic growth were determined by the lead agency. The location of the Walgreens will result in the drawing of traffic from the adjacent neighborhood and roads, and these vehicles are currently utilizing similar facilities in the area. The Home Depot, if it is to be constructed, would be located on Route 9A in the Town of Mount Pleasant, a significant distance from the Site. Traffic for these projects was also accounted for in the growth rate in the DEIS. The revised Traffic Study contained in FEIS Appendix 6 incorporates the latest program for Ferry Landings.

PM2202

In any of the documents you have proposed Ichabod's Landing, issues notwithstanding, there will be 200 plus residential units in Ferry Landing and 80,000 square feet of commercial space and about 10,000 square feet of retail space there. That will generate a fair amount of traffic also. So, I do believe those figures should be included in your traffic considerations, because that project also will happen in some form or another, and that should be part of your DEIS.

Projected traffic from both Ichabod's Landing and Ferry Landings was accounted for in the DEIS Traffic Study.

BEEKMAN AVENUE BRIDGE REPAIR

2011

f) If the Bridge is not going to be replaced immediately, has the traffic study included the alternate routes that will be taken by the trucks?

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The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the Site.

2012

d) How can the surrounding road systems have been designed if Metro North has not agreed to any conceptual plans for the replacement Bridge?

The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available. The improvements to the bridge will be discussed with Metro-North, who also will review the plans.

5809

The other critical issue is the fact that the Beekman Avenue bridge has a weight limit and does not allow any heavy trucks to use it, because of structural deficiencies. This forces all the trucks generated by the Lighthouse Landing project to use Central Avenue through Tarrytown. This includes all construction trucks as well as future trucks making deliveries to the project site. This impact is unacceptable. The Beekman Avenue bridge must be repaired prior to the start of construction.

The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the Site.

6007

Our consultants also have noted that the DEIS has not adequately addressed the impacts of truck traffic during both the construction and post-construction periods. Because of the current weight restrictions on the Beekman Avenue bridge, all heavy traffic must use Central Avenue to get to Broadway (an unsignalized intersection). This situation seriously destabilizes the Broadway corridor and is of paramount concern to the Village of Tarrytown. Therefore, we believe that it is incumbent upon the Village of Sleepy Hollow to require that the Beekman Avenue bridge be repaired prior to any construction at the site so that the weight limitation on the bridge can be lifted. This would allow a more appropriate distribution of truck traffic throughout our two Villages and alleviate a portion of the negative impacts on Central Avenue and its intersection with Broadway.

The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the Site.

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6117

E.4 Fair-Share Burden

The 12-ton weight limit on the Beekman Avenue Bridge restricts access to the waterfront in both Villages via the Tarrytown roadway network. For qualitative evaluation purposes only, it is roughly estimated that the Lighthouse Landing development will generate three times as much truck traffic as the Ferry Landings development. Similarly, it is roughly estimated that two-thirds of all waterfront development-generate trucks wish to travel to the south of the waterfront and one-third want to travel to the north.

Were there no weight restriction on the Beekman Avenue Bridge, it is, therefore, calculated that for every nine overweight trucks leaving the Lighthouse Landing development, there would be three leaving the Ferry Landings development, that three of the Lighthouse Landing Trucks would use the Beekman Avenue Bridge and six would use the H-Bridge, that one of the Ferry Landings Trucks would use the Beekman Avenue Bridge and two would use the H-Bridge. Thus, without the weight restriction, there would be four trucks on Beekman Avenue for every eight on Central Avenue, one of the four trucks would be from the Ferry Landings development and six of the eight trucks would be from the Lighthouse Landing development. The trucks on Beekman Avenue would be headed to the north, while those on Central Avenue would be headed to the south. Clearly, under this condition, the Village of Tarrytown would already be carrying the greater burden of truck traffic.

With the current weight restriction, there will be no large trucks on Beekman Avenue and twelve trucks on Central Avenue, increasing the burden of truck traffic on Tarrytown Roads by 50 percent. The impact of these additional trucks would likely be even greater, since the intersection of Beekman Avenue with Broadway is signalized and has wide turning radii, while the intersection of Central Avenue with Broadway is unsignalized and has small turning radii. As a result, left-turning trucks can be accommodated with reasonable ease at Beekman Avenue, while they can only be accommodated with extreme difficulty on Central Avenue.

Parenthetically, it is noted that the Bridge's clearance over the railroad is documented in the report as only 21 feet. New York State Department of Transportation has recently implemented a policy to increase the clearance of Bridges on the Hudson Line to at least 22'-6" as funds become available, to allow taller freight cars to use the line. The development of Lighthouse Landing provides a unique opportunity to both achieve this goal and to put the bridge back to work the way it was originally intended, providing access to riverfront properties for the transport of goods.

On page III.I-13 of the DEIS it is stated that "the Applicant is amenable to contributing its fair share of the cost to improve the Beekman Avenue Bridge". Without the repair of the Bridge, it is estimated that the Lighthouse Landing development would more than double the level of truck traffic on Central Avenue in Tarrytown. In order that the already heavy burden of this additional truck traffic is not placed entirely on the Village of Tarrytown, the Lead Agency should require, as a condition of approval, that the Applicant repair/replace the Beekman Avenue Bridge and that this work is done before construction commences.

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The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the Site.

ACCESS THROUGH CONTINENTAL STREET NEIGHBORHOOD

2101

As a resident of Continental Street I am very concerned about the effect Lighthouse Landing will have on my family and my neighbors' lives. I have viewed the current plans and was unable to find any reference regarding the future plans for Continental and Howard Streets. The inclusion of a Metro North railway station and the village DPW yard will cause a large volume of auto and truck traffic to use these residential streets. Drivers rushing to catch trains and the large trucks will create a dangerous situation for the many children residing here. The streets are narrow and there is currently a parking problem. The EPA and the NYDOT should not approve the project until questions about access and egress are fully answered.

If Beekman Ave. becomes a bottleneck for vehicles trying to get to the areas west of the railroad tracks, traffic from the north and east will use this entrance to bypass the congestion.

The Applicant has proposed mitigation along Beekman Avenue to improve traffic flow including a left turn lane at Pocantico Street as well as signal timing improvements at the intersection with Route 9. With respect to traffic from the proposed DPW facility, the Applicant proposes to repair the existing viaduct to its original design load (H15, 19 tons). All commercial vehicles (except those exceeding the proposed H15 design loading) will be able to access the East Parcel from the viaduct. Heavy trucks and equipment with weights in excess of the H15 loading will access the East Parcel from Continental Street. The DPW is currently utilizing the East Parcel and Continental Street/Howard Street for some of its trucks.

4905

a. Assuming that Metro-North approves the construction of a new railroad station, it is more likely that the primary access route to the proposed 400-space commuter parking lot on the GM East Parcel would be via Continental Street. The Applicant's traffic study identified this route as the secondary approach, carrying 15 percent of the total external commuter trips (10 percent arriving via the Pocantico Street/US Route 9 intersection). Owing to Continental Street's closer proximity to US Route 9 and the number of stop signs along Beekman Avenue, it is believed that the distribution of site-generated traffic is underestimated in the analysis. It is more likely that Continental Street would serve as the primary access route to the 400-space commuter parking lot and

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could carry as much as 75 percent of the total external commuter trips if motorists traveling along US Route 9 elect to avoid Beekman Avenue. Therefore, it is recommended that the Applicant be required to reanalyze the potential impacts under these conditions and identify any mitigation that may be needed for Continental Street and nearby Howard Street.

See response to Comment 2101 above.

4909

e. HHV is very concerned about potential increases in traffic and associated noise from traffic along Continental Street, and the effect that such traffic would have on the historic character, functioning and operation of Philipsburg Manor – both the existing site and the proposed Expansion Site. HHV believes that it is essential that the “viaduct” be maintained in a condition that would allow it to at a minimum accommodate as much site-generated traffic as possible, including the amount of commuter traffic projected under the Applicant’s traffic study.

The Applicant proposes to repair the existing viaduct to its original design loading (H15) or 19 tons at an estimated cost of approximately \$1.7 million. The estimated \$1.7 million cost does not include the cost of railroad flag protection that may be required for access to the underside of the viaduct to provide materials for slope stabilization east of the embankment. All commercial vehicles (except those exceeding the proposed H15 design load) will be able to access the East Parcel from the viaduct. Heavy truck and equipment with weights in excess of the H15 loading will access the East Parcel from Continental Street. The DPW is currently utilizing the East Parcel and Continental Street/Howard Street for some of its trucks. The Applicant anticipates seeking public funding for the viaduct repair work.

SITE ACCESS DESIGN AND ALTERNATIVES

2103

- In order to accommodate traffic from the North why wasn’t a route using Devries Avenue proposed

There is no direct connection between the Site and Devries Avenue, as parkland exists in between.

2302

- The second access would also help reduce the downtown, Beekman Ave./Rt. 9 traffic congestion, a unanimously accepted potential problem, by providing a by-pass for the northerly traffic.

A second access to the East Parcel is provided by Continental Street. A second access to the West Parcel is provided by River Road.

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5017

In addition to access to the site from River Road and from Beekman Avenue, all other feasible options for site access should be compared, including access from Continental Street and from other possible access points (e.g. from Andrews Lane, Barnhart Avenue, Devries Avenue) should be evaluated with their pros and cons set forth. The impacts of the alternatives on the suggested uses of the east parcel for HHV or for athletic fields should be set forth. The intersection of Pocantico Street and North Broadway serves among other things as the entry point to Philipsburg Manor, which HHV maintains as one of the single largest cultural attractions in Westchester County. Its visitors center attracts approximately 120,000 visitors a year, who come to see the Upper Mills, Kykuit, the Rockefeller estate, and the Union Church of Pocantico Hills nearby. That intersection, which also gives access to Continental Street, needs to be carefully studied, to ensure that traffic is not hindered or choked off.

The main access to the East Parcel will be from the viaduct. A second access to the East Parcel is provided by Continental Street. A second access to the West Parcel is provided by River Road. The Village is considering an alternative design for the Beekman Avenue/River Road intersection, utilizing a roundabout, as presented in FEIS Section II.IV (Alternatives). The railroad tracks separate the West Parcel from the East Parcel. See the response to Comment PH3901 below evaluating a potential new bridge over the railroad tracks from Continental Street, including the pros and cons of such an access. There is no direct connection between the Site and Devries Avenue, as parkland exists in between and would be lost with creation of an access point. An emergency access will be provided through Kingsland Point Park. The intersection of Broadway and Pocantico Street was analyzed in both the DEIS as well as the revised Traffic Study in FEIS Appendix 6. The analyses in the revised Traffic Study include the Village's proposed uses for the East Parcel.

5020

The FEIS will need to consider a range of alternatives to reduce the number of motor vehicles used in Lighthouse Landing, as per the comments below, as well as ways to mitigate the off-site impacts. A second access point can divert traffic from the site, such as GM previously employed along Continental Street and Pocantico Street out to Route 9, for traffic flowing north. Improvements in Route 9 for safety and for enhancing the smooth flow of traffic north (and north to east along NY Route 117) and south, as well as east along NY Route 448. The FEIS should identify a range of improvements that could be considered in Tarrytown to facilitate traffic seeking access to NY Route 119 and the Interstate I-287 and I-87. Although not yet determined, the proposed alternative locations of the reconstructed Tappan Zee Bridge, and its possible fixed rail mass transit, should be noted in the FEIS; future SEQRA reviews for the Tappan Zee Bridge reconstruction will need to consider the cumulative impacts of increased traffic flows as environmental impacts. The cumulative impacts of the traffic from the Lighthouse Landing, in conjunction with the other residential and commercial projects in the area, needs to be evaluated. Ways to mitigate these cumulative impacts, such as by providing for extensions

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and links of the fixed rail systems proposed new Tappan Zee Bridge, and with any fixed rail or trolley systems in Tarrytown and Sleepy Hollow, and with a possible shuttle rail system between Philipse Manor and Tarrytown, with stops within the GM site.

The density of the residential and commercial components of the Project has been reduced under the FEIS Alternative Plan in response to comments. A second access to the East Parcel will be provided from Continental Street. Improvements along Route 9 have been proposed and the intersections of Route 9 with the Route 117 ramps are included in the revised Traffic Study in FEIS Appendix 6. The potential reconstruction of the Tappan Zee Bridge is subject to its own SEQRA process, which will include a traffic impact study. The Applicant will provide for coordination of shuttle services for the project and would agree to establish an interface between the proposed shuttle service and a potential future inter-municipal trolley/jitney loop route to travel between the Project and the downtown portions of the Villages. The Applicant also notes that the formation of a transportation improvement district to coordinate inter-municipal improvements has been suggested. While the creation of such a district would be a government initiative, the Applicant would, as noted above, be receptive to creating an interface between the proposed shuttle service and a future inter-municipal trolley/jitney.

5604

2) The right turn from westbound Beekman Avenue onto Beekman Place is designed with a wide radius and thus, could encourage drivers to enter the project site at unsafe speeds.

Scenic Hudson suggests that the radius be reduced and traffic calming measures, such as bollards, a neck down, or textured pavement, etc. be implemented into the intersection's design to slow vehicles rounding the corner and entering Beekman Place to speeds of less than 15 mph.

The access to the Site has been modified under the FEIS Alternative Plan.

6509

f. Beekman Avenue/Beekman Place intersection - The proposed intersection of Beekman Avenue and Beekman Place is shown unsignalized with traffic channelized through a proposed triangle. According to the plans, westbound traffic on Beekman Avenue would enter Lighthouse Landing/Beekman Place via a yield condition along the side of the supermarket. The remainder of traffic at this intersection would be directed toward a T-intersection with a stop condition for vehicles traveling out of the development. No stop conditions are proposed for Beekman Avenue traffic.

The proposed intersection layout may not present an optimal or safe scenario for pedestrians. Adjacent to the intersection are three potentially heavy

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pedestrian traffic generators: the supermarket, a movie multiplex theater and a retail building. Given the arrangement of the intersection, it is questionable if crosswalks can be placed to connect the new uses to each other in a way that will allow pedestrians to safely cross the various traffic lanes. We recommend that this intersection be redesigned to specifically accommodate pedestrian needs. The provision of a traffic signal may be warranted.

The access to the Site has been modified under the FEIS Alternative Plan including a realignment of the roads which will permit safe crossings. Pedestrian safety has been considered in the design of the Site. If eventually warranted, a traffic signal could be installed. Crosswalks will be provided where appropriate. The Village is also considering an alternative design for the Village Green intersection at Beekman Avenue/River Street as presented in FEIS Figure No. II.IV-4.

PM1104

What I also notice with the project, there is only one way in, one way out. It is like one big cul-de-sac. It's very, very - you know, not a good spot for a cul-de-sac. Basically that's it.

The West Parcel will have access from both Beekman Avenue and River Road, which both can be accessed from more than one road. The East Parcel will have access from both Beekman Avenue and Continental Street. The South Parcel will have access from River Road.

PH2808

With respect to transport access in and out of the site, the access to all of the roads in the site needs to be looked at carefully. There is going to be a need to carefully analyze a multiple set of alternatives to make sure we spread the cars out so they don't have to all come at one path.

Access to the east parcel and the west parcel and all the access alternatives need to be studied with their pluses and minuses. This means River Road. It means Hudson Street. It means the viaduct going down to the east side. It means Beekman Avenue.

It means the possibility of a new road coming down off the Barnhart Park site. It means Continental Street which used to be the way a lot of the GM workers came off the site, and possibly even new access across a bridge that would have to be built on the Pocantico River bringing into the site from the north.

These options are not going to be popular with every one, but unless you analyze them all, we won't know which ones are the better ones to select.

The West Parcel will have access from both Beekman Avenue and River Road. The East Parcel will have access from both Beekman Avenue through the viaduct and Continental Street. The South Parcel will have access from River Road. These accesses have all been

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analyzed in the DEIS and the revised Traffic Study in FEIS Appendix 6. See the response to Comment PH3901 below evaluating a potential new bridge over the railroad tracks from Continental Street.

PH3901

I agree that there needs to be comprehensive analysis of access. And I think we need to bite the bullet and have two bridges in Sleepy Hollow, and we need to have two bridges in Tarrytown to provide access to that, everything west of the tracks.

I think that there needs to be a very comprehensive tying together of those four bridges in a reasonable traffic pattern that will get that traffic up to Route 9. I won't get into specifics, but I think four bridges and I know Metro North will go for it.

See Response to Comment PH2808. Although additional bridges are not proposed, the need for a Continental Street Bridge as a result of the Lighthouse Landing Project was explored in response to the Village Board of Trustees comments. A Continental Street Bridge would be a new bridge over the Metro-North tracks connecting the West Parcel to Continental Street as discussed in the response to Comments 2301 through PH 5712 in Section II.D of this document. It is anticipated that approximately up to 22-26% of the West Parcel site-generated traffic primarily to/from the north and, to a lesser extent, to/from the east, could possibly divert from along Beekman Avenue during the Peak Hours which would bring more traffic along Continental Street. This would equate to approximately 161 entering and exiting trips in the Weekday AM Peak Hour, 172 entering and exiting trips in the Weekday PM Peak Hour and 211 entering and exiting trips in the Saturday Peak Hour. Currently, there are fifty vehicles or less, total both directions, along Continental Street during any of the Peak Hours. If no train station is constructed, less than ten vehicles per hour westbound would be added to Continental Street from the uses on the East Parcel. Thus, adding the bridge would increase traffic along Continental Street. However, as illustrated and analyzed in the DEIS and the revised Traffic Study in the FEIS, Beekman Avenue and the currently proposed site access more than supports the traffic from the proposed project and, in the Applicant's opinion, there is no need for an additional access point or another bridge. The Levels of Service and roadway improvements proposed along Beekman Avenue would essentially remain the same with or without a Continental Street Bridge. Most of the traffic utilizing Continental Street would be to access the commuter lot. Vehicles crossing the bridge would not have a significant impact on the mitigation previously proposed. In the Applicant's opinion, a second

II. RESPONSES TO DEIS COMMENTS

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bridge would have no meaningful traffic mitigation for an improvement of such a high cost. There is currently more than one access proposed for both the West Parcel and the East Parcel and emergency access is already provided as discussed in the response to Comments 2301 through PH5712 in Section II.D.

PH5707

Seven, develop a southern and northern exit and entrance to the facility in addition to the one down Beekman Avenue.

The West Parcel will have access from both Beekman Avenue and River Road. The East Parcel will have access from both Beekman Avenue through the viaduct and Continental Street. The South Parcel will have access from River Road.

TRUCK TRAFFIC

2906

TRAFFIC – How many additional trucks would there be each day to service the apartments, stores, offices, inn, and supermarket? How would this additional truck traffic affect our roads?

As described in Section III.I of the DEIS, as the Project is mainly residential, there will not be significant truck activity. The Institute of Transportation Engineers' (ITE) trip generation incorporates trucks into its trip generation calculations, but it has limited information on the actual amount of trucks for individual uses. The majority of the trucks would be for the retail uses. Until the retail tenants are determined, truck activity cannot be precisely determined, but based upon the sizes of the proposed retail spaces, the anticipated types of uses, and the residential character of the Project in which the uses would be located, it is projected that the trucks will be mainly single-unit vehicles and trips will occur during non-roadway peak times. Trucks to and from the Site are accounted for in the trip generation for the Project and thus are included in the capacity analyses.

6007

Our consultants also have noted that the DEIS has not adequately addressed the impacts of truck traffic during both the construction and post-construction periods. Because of the current weight restrictions on the Beekman Avenue bridge, all heavy traffic must use Central Avenue to get to Broadway (an unsignalized intersection). This situation seriously destabilizes the Broadway corridor and is of paramount concern to the Village of Tarrytown. Therefore, we believe that it is incumbent upon the Village of Sleepy Hollow to require that the Beekman Avenue bridge be repaired prior to any construction at the site so that the weight limitation on the bridge can be lifted. This would allow a more appropriate distribution of truck traffic throughout our two Villages and alleviate a portion of the negative impacts on Central Avenue and its intersection with Broadway.

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The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the Site.

6113

Item 3.b. of the approved scope for the Project requires that the DEIS “analyze existing and future truck traffic activity, including numbers of trucks.” The DEIS contains no quantitative evaluation of post-construction truck traffic, no analysis of traffic operating conditions during construction, no recognition of the current limitations of only the available truck route, and only a passing discussion regarding what is quoted on the very first page of the DEIS (I-1) as “perhaps most importantly, ...an extraordinary opportunity to reconnect the Hudson River waterfront to the downtown core of Sleepy Hollow.”

See Response to Comment 2906. Construction traffic is discussed in Response to Comment 4712 and Section II.L of this FEIS. The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available.

6115

E.2 Analysis of Future (post-construction) Traffic

The DEIS essentially concludes that truck activity “cannot be precisely determined” (page III.I-28) and does not even offer an opinion on whether post-construction truck traffic will impact traffic operating conditions. This is not an analysis. The FEIS should quantify the expected volume of peak-hour truck traffic that will be generated at the Site, discuss how it will access the Site, and detail the impacts that it will have along these routes. In addition to the refuse trucks, UPS trucks, FedEx trucks and busses that will service all components of the development, the FEIS should provide reasonable estimates of the number and size of delivery vehicles, serving the retail and hotel components of the Site as well as the number of moving vehicles that will be traveling to the Site as the 1,500 residential units initially are occupied. As a rough estimate, it can be expected that 1 percent of the peak-hour trips will be large or heavily-loaded trucks and than an additional 2 percent will be panel-type trucks. Based on these values, and accounting for the DEIS’s underestimation of the Project traffic, it is preliminarily estimated that 40 trucks will enter or exit the development during the peak hour.

Despite the fact the intersection of Broadway with Central Avenue is the only legitimate way out of the Site for truck traffic, the DEIS traffic study assigns absolutely no traffic, trucks or otherwise, to this intersection. This oversight should be corrected in the FEIS and of the concentrated impact of Project truck traffic at this location should be accounted for, as described above.

See Response to Comment 2906. The traffic to be generated by the Project was determined from information published by the Institute of Transportation Engineers. The trip generation is calculated for the

II. RESPONSES TO DEIS COMMENTS

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peak hours and incorporates all trips, including truck/service trips. Thus, the truck trips are accounted for in the capacity analyses.

The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the Site. Trucks to and from the Site would then be able to utilize Beekman Avenue as a truck route instead of Central Avenue.

6116

E.3. Limitations of Existing Truck Route

With the current 12-ton weight restriction on the Beekman Avenue Bridge, all access to the Tarrytown and Sleepy Hollow waterfront is via the H-Bridge only, from whence all trucks are required to proceed up Central Avenue in Tarrytown to Broadway. At that point, trucks heading north must turn left while trucks heading south must turn right.

The intersection of Central Avenue with Broadway requires particular attention in evaluating the future traffic impact of the proposed development. It is an unsignalized intersection, with a considerable upgrade approaching the intersection and tight curb radii. These conditions place an exceptional burden on trucks. It takes a long time for larger and heavier trucks to start on the Central Avenue upgrade after they stop at the stop sign. Consequently, they must wait for exceptionally long gaps in the traffic stream before they can proceed. Furthermore, because of the tight curb radii, larger vehicles wishing to turn right must cross over into the northbound lane of traffic on Broadway to make the turn. As a result, both left and right-turning large or heavy vehicles typically have to wait for suitably long gaps in both directions of traffic on Broadway simultaneously. These vehicles have a tremendous impact on the operation of this intersection that is not adequately accounted for in the intersection capacity analyses performed for the DEIS.

The Highway Capacity analysis for the intersection of Broadway with Central Avenue calculates that the intersection can accommodate 50 percent more cars than it can trucks. In fact, for the combination of large and small trucks (3 and 7 percent, respectively) that are expected to pass through this intersection from the development, it is estimated that the intersection could accommodate four (4) times as many cars as it could trucks. It is, therefore, concluded that the heavy-vehicle factor used in the intersection capacity analyses underestimates the effect of truck at this intersection by a factor of eight. It is therefore, recommended that the percentage of trucks entered into the software used to evaluate this intersection be eight-times the actual truck percentage. Furthermore, in determining the actual percentage of trucks at this intersection, the Applicant should specifically project how many additional large and small trucks (together constituting the truck percentage) the project will add to each movement at this intersection. The FEIS should quantitatively evaluate the impact of truck-traffic generated by the Lighthouse Landing development on the intersection of Central Avenue with Broadway using the above-described procedures.

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See Response to Comment 2906. The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available. Thus, an additional truck route would be provided.

TRAFFIC OPERATIONS WITH AND WITHOUT PROPOSED TRAIN STATION

3607

- The proposed train station should not be depended upon for traffic statistics. There has been no information from Metro-North that there will be a station. And if a train station is built, who else will be using the station? The huge parking lot proposed will again generate a lot of traffic rushing through Sleepy Hollow.

The DEIS contains traffic analyses with and without the construction of the train station and for the 400-space parking lot, and the revised FEIS Traffic Study contains analyses with and without the train station and a 550-space lot. The majority of the patrons at the train station would be from Sleepy Hollow and would be re-routed from the other train stations. If the train station is not constructed, a shuttle service will be provided that will bring Project residents and workers between the Site and the Tarrytown and/or Philipse Manor train stations.

The Applicant concurs with the commenter's concern that a commuter parking area larger than is needed to serve the Project and the local community would attract commuters from surrounding municipalities, which would offset the benefit of Project residents foregoing their cars in favor of the train. In particular, with the increase in the size of the commuter parking lot from 400 spaces to 550 spaces, the decreases in traffic generation associated with the reductions in Project density in the FEIS Alternative Plan as compared to the DEIS Plan are effectively offset.

5613

- 2) The DEIS' traffic impact analysis is based on the assumption that a new train station would exist at the project site. This is a serious flaw.

First, Metro North has not agreed to construct a new station on the site.

Second, even if a new station were to be built, the 40% credit taken for the presence of the train station (too high in our estimation) is based on a situation where residents walk to the train station, and do not need to take a shuttle bus. Traffic generation rates will be higher if no rail station is on-site and residents must catch trains at stations at Tarrytown or Philipse Manor.

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The DEIS discusses a scenario without a rail station, however, it only addresses the impacts of non-project commuters that would shift back to the Tarrytown and Philipse Manor Stations. The DEIS appears to assume that if a train station is not built on the Lighthouse Landing site, traffic generation rates would not increase. On one hand, the DEIS describes the new station as a major mitigation measure; on the other hand the DEIS implies that it would not affect traffic generation rates. This must be resolved.

We believe that a train station at Lighthouse Landing would represent a significant mitigation measure, not only because it would reduce the traffic generation of the proposed development, but also because it would attract some existing commuter vehicles from the adjacent train stations (Tarrytown and Philipse Manor), thus mitigating some of the negative traffic impacts created in Tarrytown. However, Metro North has not agreed to build a new station. Unless the applicant commits to building the new station, and Metro North agrees, the DEIS must analyze the traffic impacts without the proposed station.

(See Attachment No. 1: Report from Buckhurst, Fish and Jacquemart, Inc.)

The DEIS Traffic Study and the revised FEIS Traffic Study both contain traffic analyses with and without the construction of the train station. A shuttle system will be provided with or without the train station. If the train station is not constructed, a shuttle service will be provided that will bring Lighthouse Landing residents and workers between the Site and the Tarrytown and/or Philipse Manor train stations. If there is no new train station, then the commuter lot would not be constructed. With respect to support for the mass transit credit used in the Traffic Study, see the response to Comment 2001 above in this section. The revised Traffic Study in the FEIS utilizes a reduced credit (35%) for the scenario of the Project without the new train station.

As presented in FEIS Appendix 6 and Appendix 9, the Applicant feels that a 40% mass transit credit (MTC) with a new train station, and a 35% MTC without a new station/with shuttle service are reasonable and supportable. These rates are supported by the Transit Utilization Analyses (contained in Appendix 9) as well as the Traffic Study data for the Avalon New Rochelle and the Yonkers Scrimshaw developments, as contained in the DEIS and Appendix 6 of the FEIS. The analysis presented in the FEIS Traffic Study demonstrates that under Build conditions, intersection Levels of Service and mitigation measures are essentially the same at MTC's of 40% vs. 35% (see Table No. 6A.8 in FEIS Appendix 6).

For planning purposes, the Applicant has prepared supplemental trip

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generation analysis (without a new train station but with shuttle service) comparing the 35% MTC used in the FEIS Traffic Study contained in Appendix 6 with a lower, more conservative MTC of 25%. In the Applicant's opinion, further reduction in the MTC to less than 25%, would neither be reasonable nor appropriate, as it suggests that few Lighthouse Landing resident commuters would utilize the proposed shuttle to the train.

In comparison to the 35% MTC, a 25% MTC yields an increase in projected vehicular trip generation by approximately 46 trips in the weekday AM peak hour and 55 trips in the weekday PM peak hour, which represents an increase of less than 1 vehicle trip per minute on average (see Table No. 6A-15 in FEIS Appendix 6). The commuters would utilize the jitneys or walk, while some others would drive to the train station.

As indicated in the FEIS Traffic Study, without a new train station, Lighthouse Landing shuttle bus trips to the existing Metro-North station would be completely localized along the east side of the railroad tracks using River Street. As such, the shuttle bus would not add any external vehicular traffic to intersections along Beekman Avenue or Route 9. Similarly, the Traffic Study assumes that approximately 5% of the project's resident commuters will drive to/park at the Tarrytown train station along River Street, thus placing no additional traffic load on Beekman Avenue or Route 9.

In addition, supplemental traffic Level of Service analyses for future Build conditions have been prepared for selected intersections based on an MTC of 25% (without a new station but with shuttle service). For this supplemental analysis, eleven (11) intersections were selected including:

2. US Route 9 at Pocantico Street/Old Broadway/Philipsburg Manor Driveway
5. US Route 9 at New Broadway/Bedford Road
6. US Route 9 at Beekman Avenue/Hudson Terrace
9. Beekman Avenue at Pocantico Street
16. US Route 9 at Main Street/Neperan Road (Tarrytown)
18. Main Street at Cortland Street/Depot Plaza/H-Bridge (Tarrytown)
20. US Route 9 at Franklin Street (Tarrytown)
21. US Route 9 at Benedict Avenue (Tarrytown)
22. Benedict Avenue at Prospect Avenue/Highland Avenue

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(Tarrytown)

24. US Route 9 at NY Route 119 (Tarrytown)
25. US Route 9 at I-287/I-87 Eastbound Ramps/Hotel Driveway (Tarrytown)

These intersections represent locations where traffic improvements were recommended in the FEIS.

Table No. 6A-16 in FEIS Appendix 6 compares the Level of Service (LOS) results of the Build condition with and without the train station (with the suggested mitigation improvements proposed) with a MTC of 35% and 25% at the above locations for the Weekday AM and PM Peak Hours. Note that the mass transit credit does not apply on Saturday for purposes of the analysis. As indicated on the table, in the absence of the new station, most of the intersections will operate at similar Levels of Service. The following intersections experience changes in LOS with a MTC of 25%. These changes are summarized below.

2. US Route 9 at Pocantico Street/Old Broadway/Philipsburg Manor Driveway – In the AM peak hour, the overall LOS changes from “C” at a 35% MTC to a “D” at MTC of 25%.
18. Main Street at Cortland Street/Depot Plaza/H-Bridge – In the PM peak hour, the eastbound approach on the H-Bridge changes from “C” at a 35% MTC to a “D” at MTC of 25%. However, the overall intersection LOS would remain a “B” in the PM peak with a 25% MTC.
- 20A. US Route 9 at West Franklin Street – In the AM peak hour, the overall LOS changes from “C” at a 35% MTC to a “D” at MTC of 25%.

However, despite the LOS changes noted above, there would be no change in the mitigation requirements proposed in the FEIS for the analyzed intersections with the lower mass transit credit of 25%.

There are intersections in the Study Area that are currently at Levels of Service E or F. In vibrant downtown areas similar to the study area, Level of Service E is not uncommon during peak periods and is generally the limit of acceptable delay due to the traffic volumes and closely spaced intersections, and the neighborhood character of the area works to keep vehicle speeds slow/calm traffic, especially when pedestrians are present. During Peak Hour conditions in downtown areas, some individual movements or intersections will sometimes tend to operate at Level of Service F, but then operate at better Levels

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of Service during the remainder of the day.

The detailed LOS worksheets are included in Appendix 6 of this FEIS.

6107

B.5. New Trips to a New Station

The trip-generation calculations that took into account the construction of a new train station did not properly factor in the impact of constructing 400 new commuter parking spaces at the new station. As detailed on page III.I-27 of the DEIS, it is calculated that 200 trips will arrive at and 20 trips will depart from this parking lot during the morning peak hour, while the reverse will occur during the evening peak hour. Yet the DEIS incorrectly claims that “a new station does not necessarily result in new vehicle trips” (DEIS page III.I-25) and generously assumes that all of these trips just transfer from the Philipse Manor or (primarily) the Tarrytown train stations.

Yet the proposal to provide 400 parking spaces comes “in response to Metro-North’s desire to address area parking needs within the Hudson line Corridor” (DEIS, page II-12), emphasis added. As documented on page III.I-37 of the DEIS, “there is currently a significant demand for parking at the Tarrytown station” and most of this demand is generated by out-of-town motorists. Unfortunately for the communities in the vicinity of Metro-North stations, it truly is a case of “if you build it, they will come” where parking is concerned. The DEIS should have assumed that almost all of the 220 peak-hour trips at the new station would be new trips on the roadway network, not just a reassignment of existing motorists. To provide a reasonable and conservative evaluation of the Project’s traffic impacts, the traffic study performed for the DEIS should be revised to reflect this.

Taking all of these factors into consideration, Adler Consulting reevaluated the projected trip generation of the proposed Lighthouse Landing development. This analysis leads us to conclude that the Peak AM and Saturday trip projections in the DEIS are reasonable but that traffic generated by the development during the critical Peak PM Highway Hour, which is attached, will be 43 percent greater than evaluated in the DEIS. To properly evaluate the Project’s impact, the DEIS intersection capacity analyses need to be re-executed with the revised trip generation values.

The new station would attract patrons of the existing train stations as these people will utilize the closest train station with available parking. The choice of station depends on various factors such as convenience, parking availability, travel distance and cost. The analyses of the 550-space commuter lot show that a portion of the traffic destined to the larger lot would be new trips to the area.

6508

e. Beekman Avenue train station access – The site plan shows the provision of stairways from Beekman Avenue to the new train station platforms as a means to facilitate pedestrian to the trains. While we consider this a necessary

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component of the new station, we are concerned about how this section of Beekman Avenue will function when used as a drop off/pick up location for train passengers. We encourage the Village to require the applicant to address this aspect. One possible solution could involve creation of a pull-off area or half-circle driveway where vehicles – and buses – could drop-off or pickup passenger out of the flow of Beekman Avenue traffic. In addition, consideration needs to be given to improvements that meet ADA requirements.

As indicated in the response to Comments 4313 through PM801 in Section II of this document, a “no parking” zone will be provided along Beekman Avenue adjacent to the proposed train station for passenger drop-off and pick-up. The curb will not be bumped-out. The design of the train station will be coordinated with the Village and applicable pedestrian and ADA requirements will be met.

PH2904

Just one other issue on the traffic. We are in favor of having an additional train station as part of this. We will work with you. We have contacts at Metro North and we would be happy to be supportive on but we are concerned that a 400 car parking garage for commuter parking could bring, will bring more traffic into the community. And while there may be some benefits to that, we are concerned that it will cause greater impact.

The traffic impacts of the commuter parking lot are examined in the DEIS Traffic Study (400 spaces) and in the revised FEIS Traffic Study (550 spaces). The Applicant concurs with the commenter’s concern that a commuter parking area larger than is needed to serve the Project and the local community would attract commuters from surrounding municipalities, which would offset the benefit of Project residents foregoing their cars in favor of the train. In particular, with the increase in the size of the commuter parking lot, the decreases in traffic associated with the reductions in Project density in the FEIS Alternative Plan as compared to the DEIS Plan are effectively offset.

PH4502

The second point I would like to make is that the traffic studies that are done, they have to be done assuming that the train station won’t be built. It’s a great thing if you build it. But there is no indication at this point that it will be and it’s critical that we see what the traffic will be if you don’t have that train station.

Traffic analyses both with and without the construction of the train station are contained in the DEIS Traffic Study and revised FEIS Traffic Study. If a train station is not constructed, a shuttle service will be provided that will bring Project residents and workers between the Site and the Tarrytown and/or Philipse Manor train stations.

INTERSECTION CAPACITY ANALYSIS/LEVEL OF

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SERVICE

4004

4. The level of service analysis summary tables identify only a comparison of overall intersection Levels of Service for each of the intersections. These tables should be expanded to indicate the Levels of Service and delays by movement and by approach so that a comparison of No-Build to Build conditions can be more meaningful.

Tables illustrating the Levels of Service and delays by movement are included in the Traffic Appendix of the DEIS for the various conditions. Revised tables are included in the revised Traffic Study in Appendix 6 of this FEIS.

4107

6. The Level of Service Summary Tables identify only a comparison of overall intersection Levels of Service for each of the intersections. These tables should be expanded to indicate the Levels of Service and delays by movement and by approach so that a comparison of No-Build to Build Conditions can be more meaningful.

Tables illustrating the Levels of Service and delays by movement are included in the Traffic Appendix of the DEIS for the various conditions. Revised tables are included in the revised Traffic Study in Appendix 6 of this FEIS.

4372

72. What is the effect to the level of service at the intersection of Beekman Avenue/Route 9 if Hudson Street is made into a one-way eastbound?

Converting Hudson Street to a one-way eastbound roadway will improve operating conditions at the Beekman Avenue/Route 9 intersection and will result in improved Levels of Service, as illustrated in the revised Traffic Study contained in FEIS Appendix 6.

4717

- General Comment - An incremental LOS/approach delay change table should be added to property identify potential traffic impacts. Such a table is customary in the conduct of an EIS document.

Comparison tables have been included in the revised Traffic Study contained in FEIS Appendix 6 comparing the No-Build to Build Conditions.

4719

- General Comment - Regarding capacity analysis worksheets, documentation should be provided supporting the use of a peak hour factor (PHF) of 0.92 at many of the signalized study intersections under Existing, No Build (2007), and Build (2007) conditions. Also, the percentage of heavy vehicle traffic appears to be shown as two and five percent on all intersection approaches. It should be explained whether truck traffic is proportionally higher on Route 9 than on some of the other streets.

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The Peak Hour Factors utilized were the default peak hour factors for these types of roadways based upon the Highway Capacity Manual. A review of the existing intersection peak hour factors indicates that these factors are appropriate. The truck percentages utilized for the local roads were based upon the default factors from the Highway Capacity Manual and were consistent with general field observations. The truck percentages from Route 9 were based upon information provided by the New York State Department of Transportation.

4720

Section III. (in entirety) - Reference LOS tables should include individual lane group results since mitigation is typically provided on a lane-group basis. Inclusion of these tables will allow a reviewer with an easy understanding of differences, say, between Existing and future No Build conditions. The attached DEIS appendix indicates approach analysis results; it is difficult to distinguish which exact approach is being referenced. For example, "WB" indicates the westbound movement, but of which street. Please update the appendix tables to indicate direction and approach (e.g., WB Pocantico).

Tables illustrating the Levels of Service and delays by individual lane groups are included in the Traffic Appendix of the DEIS for the various conditions. Expanded tables are included in the revised Traffic Study in FEIS Appendix 6.

5606

4) DEIS indicates (Page III.I-12, last paragraph and page III.I-38, fourth paragraph) that the majority of the intersections currently operate at an overall Level of Service "E" (LOS E) or better. This statement implies that LOS E may be an acceptable level. However, Scenic Hudson believes that LOS E, which is approaching intersection failure, is not acceptable. The public has consistently expressed grave concern regarding existing traffic congestion. Scenic Hudson suggests that the Village should require mitigation that would improve intersection performance to LOS D or better.

To provide more objective information, the FEIS should provide a complete and comprehensive list of intersections and turning movements with projected LOS of each.

There are intersections in the Study Area that currently operate at Levels of Service E or F. In vibrant downtown areas similar to the study area, Level of Service E is not uncommon during peak periods and is generally the limit of acceptable delay due to the traffic volumes and closely spaced intersections, and the neighborhood character of the area works to keep vehicle speeds slow/calm traffic, especially when pedestrians are present. During Peak Hour conditions in downtown areas, some individual movements or intersections will sometimes tend to operate at Level of Service F, but then operate at better Levels of Service during the remainder of the day. A balance

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should be struck between vehicular traffic flow, on-street parking and pedestrian circulation. Improvements are suggested in the DEIS which would mitigate the impacts of the traffic generated by the Project. Tables illustrating the Levels of Service and delays by individual lane groups are included in the Traffic Appendix of the DEIS for the various conditions. Expanded tables are included in the revised Traffic Study in FEIS Appendix 6.

5610 6) In Tables III.I-5 through III.I-10 there are many intersections shown with "N/A" in the future "Build w/improvements" scenario. It is not clear whether these intersections did not need any mitigation or whether the mitigation was not applicable or not appropriate. The DEIS needs to be more explicit and must explain the degree to which proposed mitigation measures will be effective.

Those intersections do not require mitigation/improvements.

5654 B-2) Table 10-1 shows a V/C ratio of 1.09 for existing conditions. This is not possible by definition and should be corrected. Maybe the capacity has been underestimated.

Comment noted. The intersection, based upon actual traffic counts is currently operating at a greater volume than the highway capacity software's theoretical volume for the intersection.

5801 On page III.I-12 the DEIS mentions in the last paragraph that "the majority of the intersections currently operate at an overall Level of Service "E" or better". This statement implies that level E may be an acceptable level (this is also stated in the fourth paragraph of page III.I-38). This is not a generally accepted standard or policy. The Village of Tarrytown does not accept LOS E as an acceptable level, and requires mitigation measures to bring traffic conditions to level D or better. To provide more objective information, the DEIS author should mention the number of intersections that have as their worse LOS levels F, E, D and C or better.

There are intersections in the Study Area that currently operate at Levels of Service E or F. Improvements are suggested in the DEIS which would mitigate the impacts of the traffic generated by the Project. Updated capacity analyses and Levels of Service Tables are contained in the revised Traffic Study in FEIS Appendix 6.

5802 We have compared the levels of service estimated for existing traffic conditions in this DEIS to those estimated in the Ichabod's Landing DEIS. These evaluations generally agree, except for the following discrepancies:

At the intersection of US Rte 9/Beekman Ave/Hudson Terrace the Lighthouse Landing EIS estimates levels of service E for weekdays whereas the Ichabod's Landing EIS estimates LOS C. It appears that Ichabod's Landing does not take into consideration the Hudson Terrace leg.

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For the Main Street/Cortland St. intersection the Lighthouse Landing EIS estimates an existing LOS A for the am peak hour, whereas the Ichabod's Landing EIS estimates an LOS C. This discrepancy should be investigated in the Lighthouse Landing FEIS.

For information purposes we have summarized the total traffic generation of the three projects being considered.

At the intersection of US Route 9/Beekman Avenue/Hudson Terrace, the Hudson Terrace leg of the intersection should be included, as per the DEIS. At the Main Street/Cortland Street intersection, the existing traffic volumes utilized were slightly different in the two studies due to daily fluctuation of traffic volumes.

6112

On page III.I-12, the DEIS indicates that the majority of intersections operate at level of service "E" or better. This statement, taken together with the statement of page III.I-10 that "in downtown areas similar to the study area, Level of Service E is generally the limit of acceptable delay" would imply that current traffic operating conditions in the study area are generally acceptable. There is no accepted engineering standard that postulates that Level of Service E conditions are "acceptable". The Highway Capacity Manual 2000, upon which the traffic study analyses are based, states that "most design or planning efforts typically use service flow rates at LOS C or D, to ensure an acceptable operating service for facility users" (page 2-3). Certainly, waiting between 55 and 80 seconds to pass through a signalized intersection may be tolerated with some frustration but it should not be characterized as "acceptable" and the DEIS should be revised to reflect the criteria documented in the Manual form which the software was developed.

As indicated in a joint January 2005 correspondence from the traffic consultant's for the Villages of Tarrytown and Sleepy Hollow, "the principal areas of traffic congestion in the Villages are along Broadway", that "there is no single rush hour, rather a three-hour rush" (emphasis added) and that "the number of motorists using the corridor is greater than the corridor's capacity." It is under these already-at-capacity conditions that the impact of the more than 1,000 peak-hour trips that will be added to the area's roadways by the Lighthouse Landing development must be considered.

There are intersections in the Study Area that currently operate at Levels of Service E or F. The capacity analyses were based upon actual existing traffic volumes as measured on the roadway network. Improvements are suggested in the DEIS which would mitigate the impacts of the traffic generated by the Project. Updated capacity analyses and Levels of Service are contained in the revised Traffic Study in FEIS Appendix 6 and include the mitigation.

TRAFFIC MITIGATION MEASURES

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4005

5. Mitigation Measures

The study indicates that the ability to complete significant mitigation may be restricted by physical conditions and right-of-way and also indicates traffic impacts are the result of other growth or from other developments such as Ferry Landings. Note that the Ferry Landings project has significantly reduced its office component and therefore will generate less traffic. Revised analysis should be undertaken to correctly identify the project impacts of the Lighthouse Landing development.

Revised analyses have been performed with the current Ferry Landings program and the FEIS Alternative Plan and are summarized in the revised Traffic Study in FEIS Appendix 6. Improvements are suggested in the revised Traffic Study to mitigate the potential impacts of the Project.

4108

7. The Lighthouse Landing study indicates that the ability to complete significant mitigation may be restricted by physical conditions (i.e., parking, etc.) and right-of-way at certain locations. In addition there are several locations that the Levels of Service are projected to operate at a Level of Service "E" or "F" with no mitigation discussed, such as U.S. Route 9/ Central Avenue and West Franklin Street/Riverview Avenue, etc. In addition as previously discussed, the traffic generation and traffic projections may be underestimated and the impacts of the project may be greater and more mitigation may be required. Also, additional mitigation may be required for the intersections outlined in Items 2 and 3, above as well as to address the sensitivity analysis results.

Revised analyses with the FEIS Alternative Plan have been performed and are summarized in the revised Traffic Study in FEIS Appendix 6. Improvements are suggested in the revised Traffic Study to mitigate the potential impacts of the Project. Sensitivity analyses are also included in the revised Traffic Study and indicate that even with the modifications of some of the trip generation factors, the same levels of service will result at the key intersections.

4365

65. The Applicant's traffic study also included recommendations for problematic intersections within Tarrytown (Rt. 9/Neperhan, Rt. 9/Franklin and Rt. 9/Rt. 119). Recommended improvements include similar measures (restriping, turn lanes, etc.) that could result in loss of parking spaces at Tarrytown intersections. What kind of coordination has there been between the Applicant and the Village of Tarrytown regarding anticipated impacts and proposed mitigation? We encourage continued discourse among the Sleepy Hollow Board, Applicant, and the new Tarrytown Board to develop mutually agreed upon traffic mitigation matters.

Comment noted.

4705

Section III.I.2A, Page III.I-16 - Besides the Ferry Landing project, was mitigation (if specified and approved) for other specified Projects 1-3 and 5-8

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included as part of the future No Build condition.

No mitigation from the other projects is included in the DEIS in the No Build condition.

4706

Section III.I.4A, Page III.I-38 to -42 – A lengthy discussion is provided regarding 13 intersections that would be affected by background or adjacent development traffic (including Ferry Landing). Per typical EIS methodologies, mitigation is only performed for a proposed project's significant impacts, not for background projects.

Why was this entire mitigation (for background projects) completed within the confines of the mitigation of the potential impacts of this Lighthouse Landing DEIS?

The fourth paragraph on Page III.I-38 is confusing. Does the County have LOS impact criteria or not? To espouse that a LOS F is acceptable for some individual movements or intersections but operate at better LOS during other times of the day is unacceptable. A LOS F is indicative of failure operations with long delays and lengthy queues.

The mitigation section discusses a number of strategies that were analyzed along the US Route 9 corridor at specific intersections. The corridor itself is composed of many closely spaced locations, where operations at one location can have deleterious effects at upstream intersections. To ensure that the entire affected corridor functions properly (i.e., ensuring that spillback impacts are identified, if any), a Synchro computer simulation must be performed of each study period.

Comments 6 through 10 refer to this DEIS discussion that ensues on pages III.I-39 to -43. Reading through this text, mention is then made of without and with the proposed project. This is confusing since it contradicts the last paragraph at the bottom of Page III.4A-38.

All of the mitigation for background projects is provided as there are no approved mitigation improvements yet for some of these projects.

The County does not have a LOS impact criteria. Some intersections currently operate at Level of Service E or F during the peak hours.

A Synchro analysis has been performed and is contained in the revised Traffic Study in FEIS Appendix 6. The Synchro analysis is consistent with the HCS analysis and shows that the improvements proposed will mitigate the impacts of the traffic from the Project. The analysis also show that the recommended improvements will provide an overall benefit to the traffic operating conditions along the Route 9 Corridor.

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Some of the intersections are operating at poor levels of service and thus the improvements are recommended with or without the Project.

4707

Section III.I.4A, Page III.I-40, Item 3 – The last paragraph is inappropriate since such a suggested mitigation strategy is not needed to relieve potential impacts and no quantification is then given within the EIS. Please remove this paragraph.

Comment noted.

4708

Section III.I.4A, Pages III.I-41 and -42, Items 5, 6 and 10 – Please provide the actual signal warrant studies for review.

Signal warrant analyses are contained in the revised Traffic Study in FEIS Appendix 6.

4709

Section III.I.4A, Page III.I-42, Item 9 – While the mitigation discussion indicates that no physical improvements were possible, left-turn restrictions could be considered. Were analyses of such restrictions analyzed?

The left turn restrictions are not currently proposed as a result of the reductions in background traffic volumes utilized in the revised Traffic Study and the reduced density of the residential and commercial components of the Project.

4711

Section III.I.4A, Page III.I-42 and 43, Items 7 and 11 – Reference is made indicating that mitigation achieves LOSs better than future No Build conditions. It appears that too much mitigation was applied beyond what the developer would be responsible for. Please check that the mitigation provided (i.e., lane restriping and signal timing adjustments) needs to be provide in tandem for the intersection to function acceptably.

The signal timing modifications provide some benefits and are needed with the lane modifications to provide the greatest efficiency.

4716

General Comment Regarding DEIS Scope Items Not Addressed in the Study –
a. Evaluation of Annual Average Daily Traffic (AADT) volume data for Broadway between Benedict Avenue and NYS Route 119 to compare future traffic levels with the level of activity that prevailed when General Motors was in operation (Scope P. 11, Item 3.a).

b. Consideration of Village re-striping and resigning Main Street and Franklin Street to create an east-west, one way couplet. (Scope P. 12, Item B in 1st paragraph).

The AADT volume data for Route 9 between Benedict Avenue and NYS Route 119 (at Prospect Avenue) was 24,000 in 1990 and was 24,500 in 2003 based upon information obtained from the traffic

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consultants from the Village of Sleepy Hollow and the Village of Tarrytown. This indicates that traffic has remained consistent over the years.

Re-striping and re-signing Main Street and Franklin Street to create an east/west, one-way couplet has been analyzed, as contained in the revised Traffic Study in FEIS Appendix 6. This is not proposed as part of this Project. While some benefits would be obtained, an even greater amount of on-street parking would be lost than is currently proposed to enable the creation of turning lanes to improve existing conditions.

5611 7) In the mitigation section (pages III.I-39 through III.I-43) the DEIS implies that, at several intersections, delays will decrease from the no-build to the build conditions. This needs to be corrected. The reduction is from the no-build to the build with mitigation condition.

Comment noted.

5612 Overall Traffic Impact and Mitigation Issues
1) The traffic impact study assumes that all traffic that circulates between this project site and areas south of Wildey Street, including all vehicles to and from I-287 and the Tappan Zee Bridge, will circulate via Franklin Street, Main Street and Widley Street, to and from the Lighthouse Landing site, rather than staying on Rte. 9 to Beekman Avenue. While this assumption may be correct in that the route represents the fastest path, it raises the prospect that Tarrytown may be disproportionately impacted by project-generated traffic. These impacts may need additional mitigation measures beyond the typical level of service improvements at affected intersections.

Improvements are suggested in the DEIS and in the revised Traffic Study in FEIS Appendix 6 which mitigate the potential impacts from the Project. In addition, the Applicant would agree to a fair share contribution for traffic calming measures in the Miller Park neighborhood.

5805 The traffic impact study assumes that all traffic that circulates between this project site and areas south of Wildey Street, including all vehicles to and from I-287 and the Tappan Zee Bridge will circulate via Franklin Street, Main Street and Wildey Street to and from the Lighthouse Landing site, rather than staying on Rte 9 to Beekman Avenue. For instance the DEIS projects that peak-hour traffic volumes on W. Franklin will increase by 287 vehicles during the am peak hour, 326 vehicles during the pm peak hour and 403 vehicles during the Saturday peak hour. On Main Street peak-hour volumes will increase by 77 vehicles, 84 vehicles and 106 vehicles during the respective peak hours. Whereas this traffic assignment may be correct in that this may represent the fastest path, it raises the issue of impacting Tarrytown to a disproportionate degree. This impact may need additional mitigation measures beyond the

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typical level of service improvements at affected intersections.

See response to Comment 5612 above.

5806

Given the high number of intersections that operate at unacceptable levels of service (E or F) in this corridor, and given the magnitude of the proposed project, it is incumbent on the applicant to analyze other large-scale mitigation measures. The impacts and feasibility of the Rte 9A bypass needs to be addressed.

Improvements are suggested in the DEIS and in the revised Traffic Study in FEIS Appendix 6 which mitigate the potential impacts from the Project. The New York State Department of Transportation, as well as other parties, is considering regional improvements in the area including the Route 9A Bypass, the connection of Route 9A Southbound to the Taconic State Parkway Southbound, and modifications to the Tappan Zee Bridge, among others. These major projects all have their own individual studies performed or to be performed. Each of these projects would improve traffic operating conditions in the area to some degree.

5807

Traffic mitigation measures are needed for the Miller Avenue neighborhood, since this neighborhood will receive a substantial portion of the overflow traffic that tries to avoid the bottlenecks further north along Broadway. We expect that a large portion of the vehicles that have been assigned in the DEIS to Franklin Street will actually intrude into the Miller Avenue neighborhood, since there is no available capacity at the Broadway/Franklin intersection.

Improvements are suggested in the DEIS and the revised Traffic Study in FEIS Appendix 6 for the intersection of Broadway and Franklin which would benefit the unsignalized intersections by providing gaps in the traffic stream as well as diverting some traffic from the Miller Avenue neighborhood. The Applicant would agree to a fair share contribution for traffic calming measures in the Miller Avenue neighborhood.

6003

Both Adler Consulting's and BFJ's analysis conclude that the traffic generated by the proposed development in the critical peak PM highway hours will result in considerably greater negative impacts than those described in the DEIS. Even at the lower traffic levels of the DEIS, the Applicant describes a series of mitigation measures to be undertaken in Tarrytown, including the elimination of parking spaces to provide for vehicle turning lanes and the installation of traffic control devices at intersections where only stop signs exist today. Specifically:

[a] The installation of a traffic light at the County House Road/Neperan Road intersection located by the Tarrytown Lakes;

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- [b] The elimination of 15 on-street parking spaces to create north and southbound left-turn lanes at the intersection of Broadway and Main Street;
- [c] Signal timing modifications at Main Street at Depot Plaza due to a reduction in operating conditions during the Peak AM/PM and Saturday hours;
- [d] The implementation of left turn restrictions on Riverview Avenue at Franklin Street due to reduced level of operating conditions - this mitigation measure may also effect traffic operations at the intersection of Miller Avenue and Franklin Street, which will need to be analyzed;
- [e] The installation of a traffic light and the elimination of approximately 20 on-street parking spaces to create a northbound left-turn lane at the intersection of Franklin Street at Broadway;
- [f] The conversion of the existing northbound right-turn lane at Benedict Avenue at Broadway into a through/right-turn lane. This conversion would also necessitate the elimination of parking spaces for Franklin Street at Broadway;
- [g] The re-stripping of Route 119 approach at Broadway to permit right turns from the middle lane as well as the right-hand lane;
- [h] Signal timing modifications on Route 119 at the I-287 Westbound Ramps;
- [i] Yet to be determined mitigation measures at the intersection of Central Avenue and Broadway in order to address operating conditions anticipated to be "failing" during the Peak PM and Saturday hours;
- [j] Yet to be determined mitigation measures at the intersection of Prospect Avenue and Broadway. This intersection is arguably the "most congested intersection in the Village of Tarrytown" and given that the DEIS already notes that significant traffic impacts will occur to the signalized intersection upstream and downstream from those for which the need for mitigation has been identified;
- [k] Yet to be determined mitigation measures for the Miller Park neighborhood. The DEIS fails to recognize and mitigate potential impacts to this area; however, it is anticipated that more than 100 trips will be added unless specific and effective traffic calming measures are identified and implemented.

We have reviewed these proposed mitigation measures and have concluded that the Village of Tarrytown will not implement [as listed above] [a], [b], [d], [e], [f], and [g]. Further, the Village of Tarrytown cannot respond to items [i], [j] and [k] because no mitigation measures have been proposed for the impacts at these locations.

We respect to [a], the installation of a traffic light at the County house Road/ Neperan Road intersection located by the Tarrytown Lakes would negatively impact the scenic character of the lakes. Moreover, in 1997 this measure was considered and rejected as both inappropriate and ineffective in a series of public hearings reviewing roadway improvements to Neperan Road.

We respect to [b], [e] and [f], the elimination of on street parking and the creation of dedicated turning lanes would harm local businesses and residences by exacerbating the existing parking shortage and would also severely negatively impact the "small town" character of our business district but also acts as a pedestrian barrier, and as such is a vital component of the pedestrian friendly character of our Village. Its removal would amplify the "highway" aspects of Broadway and would lead to a situation currently experienced by Villages such as Ossining where Route 9 has become a major high-speed boulevard and

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pedestrian traffic is minimal.

With respect to [d] the implementation of turn restrictions simply moves the problem to another location and does not mitigate the impact.

With respect to [g], New York Department of Transportation Regulations prohibit double right-hand turn lanes across a crosswalk such as that which is proposed by the applicant.

Improvements are suggested in the DEIS and in the revised Traffic Study in FEIS Appendix 6 which, in the Applicant's opinion, mitigate the potential impacts from the Project. The improvements are generally recommended without and with the Project. Some of the improvements are also discussed in the Ferry Landings DEIS, FEIS and Findings Statement, as well as in the Central Business District Traffic and Parking Study conducted by Adler Consulting for the Village of Tarrytown in 1998. The traffic signal at the intersection of Neperan Road/County House Road is no longer recommended, nor needed as a result of the change in background traffic volumes utilized in the revised Traffic Study and the reduction in the density of the residential and commercial portions of the Project. The left turn restrictions are not recommended at this time. The Applicant would agree to a fair share contribution for traffic calming measures in the Miller Park neighborhood. The pedestrian crossing at Route 119 will be discussed with the New York State Department of Transportation (NYSDOT) as part of the Highway Work Permit process. If deemed necessary by the NYSDOT, the pedestrian phase could be switched to occur when the jughandle movement occurs.

6124

L. IMPACTS OF IDENTIFIED MITIGATION MEASURES

In reviewing the DEIS, it is clear that the proposed Lighthouse Landing development will have a significant adverse traffic impact on many intersections in the neighboring Village of Tarrytown. On page III.I-36 the DEIS indicates that "mitigation measures have been identified for certain of the locations impacted by the Lighthouse Landing Project." In reviewing these measures it has been determined that many of them will require Village of Tarrytown approval and some will have their own, unintended impacts. These mitigation measures are:

- Installing a traffic signal at the intersection of County House Road with Neperan Road – signalizing this intersection, which falls under the jurisdiction of the Village of Tarrytown, would significantly impact the bucolic nature of the Tarrytown Lakes, particularly on quiet evenings and mornings. Both sides of the Tarrytown Lakes are popular recreational zones. The FEIS should identify an alternative means of mitigating the Project's traffic impact at this location.
- Modifying the signal timing at the intersection of Main Street with Depot Plaza to accommodate traffic leaving the Site would require the consent of the Village of Tarrytown.

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- Prohibiting left turns from Riverview Avenue to Franklin Street, which is a Village-owned intersection, would push all of the left-turning vehicles to Miller Avenue, creating an even greater impact at that location. Prohibiting left turns at Miller Avenue would, in turn, push all the traffic over to the intersection of Main Street with Washington Avenue, requiring a reanalysis of that intersection. The FEIS should identify an alternative means of mitigating the Project's traffic impact at the intersection of Riverview Avenue with Franklin Street.
- Prohibiting left turns from East Franklin Street to Broadway may require a modification of Village Code to permit enforcement;
- The elimination of on-street parking at the intersection of Main Street with Neperan Road will have an adverse impact on the businesses in those neighborhoods where, as demonstrated in the DEIS, there is already a shortage of parking in this area. It will also alter the character of the Village at this location, as indicated on page III.I-1, where it is stated that "the retention of parking is sometimes desirable to maintain low traffic speeds in these areas, and thus increase pedestrian safety." The Village should determine whether any action is required on its behalf to eliminate parking at this location. The FEIS should identify an alternative means of mitigating the Project's traffic impact at this location.
- The elimination of on-street parking on Broadway from Benedict Avenue through Franklin Street will have an adverse impact on the businesses along that portion of Broadway, many of which do not have off-street parking. The Village should determine whether any action is required on its behalf to eliminate parking at this location. The FEIS should identify an alternative means of mitigating the Project's traffic impact at this location.
- Allowing two lanes of traffic to turn right from NY Route 119 to Broadway concurrently with a "WALK" phase on for the crosswalk across Broadway is in contravention of New York State Department of Transportation (NYSDOT) design criteria, as detailed in Subsection 272.6 (c)(2) and Subsection 272 7(d)(I) of New York Codes Rules and Regulations, as well as inferred in Subsection 5.10.5.5.E of the NYSDOT *Highway Design Manual*. The proposed mitigation presents an adverse safety impact to pedestrians using the crosswalk. As indicated on page III.I-13 of the DEIS, this was the intersection that experienced the highest number of accidents (25) in the 3-year study period. The FEIS should identify an alternative means of mitigating the Project's traffic impact at this location.

See response to Comment 6003 above.

6518

5. TRAFFIC IMPACTS

According to the traffic study in the draft EIS, existing conditions for 25 intersections within the study area range between levels of service (LOS) A through C for peak travel periods with the exception of two intersections which fare poorly with LOS E and F. These two intersections are Route 9 at Beekman Avenue (signalized) and Route 9 at Franklin Street (unsignalized).

The traffic study then describes future "no-build" conditions if the project were not to be constructed. This analysis does include in the calculations as given the new traffic from several other developments in the area, including Ferry Landing in Tarrytown. Under this scenario, six of the 25 study intersections

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would fail (LOS F) in the AM peak, nine intersections would fail in the PM peak and five intersections would fail in the Saturday peak. These calculations do not reflect any possible mitigation measures that might be required to be put in place by applicants of the other proposed projects.

For the build scenario with the new train station, the traffic analysis found 12 intersections would fail in the AM peak, 13 would fail in the PM peak, and nine would fail in the Saturday peak. This represents a cumulative impact from the project which will result in three additional intersections failing in the AM peak, four additional intersections failing in the PM peak and four additional intersections failing in the Saturday peak. The draft EIS states that the applicant would contribute a fair share to mitigate these identified impacts at 13 intersections. The mitigation measures range from traffic signal re-timings to turn lane additions. It should be noted, that in most locations the addition of a turn lane to an intersection would require the loss of on-street parking.

For the build scenario without the new train station, the traffic analysis found results very similar to the scenario with a new train station, reflecting the study's assumption that no one would drive from Lighthouse Landing to an adjacent train station, but would instead take the proposed shuttle bus.

	<u>Peak AM</u>	<u>Peak PM</u>	<u>Saturday Peak</u>
No-build	6	9	5
Build w/train station	12	13	9
Build w/o train station	11	13	9

The traffic analysis does not address the potential role of non-motorized transportation (bicycling and walking) for local trips. These trips could be facilitated through expanded bicycle facilities such as bicycle lanes on roads and bicycle parking, on and off the Lighthouse Landing site.

The improvements proposed will provide for better levels of service. In addition, the density of the residential and commercial components of the Project has been reduced and thus the trip generation from the Project has been reduced. The Project is designed to be pedestrian and bicycle friendly. The roadway design anticipates the sharing of the roadway between automobiles and bicycles, with sidewalks provided for pedestrians. The riverfront open space provides bicycle and pedestrian paths. In addition, there are areas to bicycle in the adjacent parks. Some residents may utilize their bicycle to travel to the retail facilities and/or the train station.

PM1201

I've got ten T's that I would like to bring up.

The first one is traffic. Anyone on a Friday traveling through here, anyone who remembers the General Motors situation, when the plant was in session, when it let out, it was impossible to drive through the town at that time, and it's going to be worse and magnified. That's a very key issue. And just surveying traffic

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lights and lanes is not going to be sufficient. You're going to have to do some eminent domain and put some new roadways in.

Comment noted.

PH4402

Let me read some numbers. Our traffic consultant, George Jacamar estimated this on one of our major streets which is on the way to the Tappan Zee Bridge. On West Franklin and Route 9, he estimates that the vehicular traffic will increase by 287 vehicles during the AM peak hours, 327, 326 vehicles during the PM peak hours and 402 vehicles during the Saturday peak hours. This is in anticipation of the development as proposed, Sleepy Hollow. This now takes us from an E level which is the next to the worst to an F level which is impossible. And that's only one of our intersections. And we believe that Sleepy Hollow may have to deal with the same sort of tie-ups. So we urge you to please look very carefully at your traffic levels, at your major intersections and like the one I just described, it will be something that will affect the quality of life.

I think I indicated that we are in agreement in drawing down 40 percent. If, indeed, you follow through with that, that's a great help.

The DEIS Traffic Study recommends various traffic mitigation measures to improve operating conditions. In addition, the density of the residential and commercial components of the Project has been reduced under the FEIS Alternative Plan, as described previously.

PH4804

In looking at the mitigation measures that were proposed in the Village of Tarrytown, we have concerns relating to two. The first was the proposal to modify the striping on the Route 119 approach to Broadway. Right now it's two left turns and one right turn. The proposal is to make a middle lane a shared left and right turn. Our concern is that will open up New York State and possibly this agency to liability because you will now be allowing two lanes to turn right across a crosswalk and right now it's only a single lane. Typically, a single right turn lane is allowed to go when the crosswalk is clear. It's obviously a less safe condition for pedestrians and we are concerned about that.

The pedestrian crossing will be discussed with the New York State Department of Transportation (NYSDOT) as part of the Highway Work Permit process. If deemed necessary by the NYSDOT, the pedestrian phase could be switched to occur when the jughandle movement occurs.

PROPOSED SHUTTLE BUS OPERATIONS

4105

4. While the Traffic Study discusses the use of mass transit usage, there is no detailed evaluation as to the adequacy of such facilities or any details regarding the jitney or public bus transportation needed to serve the development. In addition, if no Sleepy Hollow train station is built, more trips will be destined to the Tarrytown train station via the H Bridge and this should be evaluated in detail.

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The Applicant has contacted the Westchester County Department of Transportation regarding extension of Bee Line bus service down Beekman Avenue to River Street adjacent to the Lighthouse Landing site. Analyses of the H-Bridge without a new train station are contained in the revised Traffic Study in FEIS Appendix 6. If a new station is not built on-site, the Applicant will provide shuttle service to the existing Metro-North Tarrytown station and/or Philipse Manor station. The Applicant is amenable to providing a covenant for the development to ensure such future shuttle operation without a new station. The proposed shuttle service will make stops and operate at a frequency to serve the needs of the Lighthouse Landing residents. The schedule for shuttle service will be established with consideration of project occupancy and Metro-North's train schedule. It is anticipated that the shuttle hours of operation will initially be geared toward weekday morning and evening commuting hours, but service could be increased or varied as necessary to meet the changing needs of project residents. A sufficient number of shuttle buses will be active, particularly during the peak commuter periods. Additional details regarding the shuttle service are contained in Section III.H of the DEIS and Appendix 9 of this FEIS.

4714

Section IV.RC, Page IV-20 – More details of a possible shuttle service should be provided. How many buses would be needed for given bus seating capacities? What would be the preferred routing between the development site and the Tarrytown station? Where would people be dropped off at the Tarrytown station? Will there be dedicated pickup locations within the confines of that station? Where would buses be stored on the development grounds during off hours?

If the train station is not constructed, the shuttle service will include a sufficient number of buses as required based upon actual demand. Shuttle service will be more frequent during the peak commuter periods. These vehicles will tend to use River Road. An appropriate drop-off location will be coordinated with Metro-North. The shuttle buses would be either provided by a third party service or stored overnight in a garage. Additional details regarding the shuttle service are contained in Section III.H of the DEIS and Section II.H of this FEIS.

MONITORING OF FUTURE TRAFFIC CONDITIONS

4109

8. Lastly due to the size of the proposed development and the potential variability of assumptions (generation, credits, distribution) used in determining the traffic projections, a monitoring type program should be

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adopted as part of any approvals to make sure that the project does not exceed the projected traffic estimates and that the mitigation measures are appropriate to accommodate the traffic level.

4373

73. The Applicant has indicated that several of the intersections will need to be monitored in the future, after the project is complete. Who will be responsible for the monitoring? What happens if, during the course of time, or at full build-out the intersection in question fails, or is severely impacted?

6122

J. PROJECT PHASING AND MONITORING

Little could be found in the DEIS regarding phasing of the Project. If the Project is to be built in phases, the Applicant should be required to monitor the level of traffic generation that occurs after each phase is built and to compare it to what was projected. In the event that the monitoring program indicates that the impacts of the Project will be greater than projected in the DEIS, the developer should be required, as a condition of approval, to further mitigate the Project's impact or reduce the ultimate size of the Project accordingly.

Similar to monitoring Project-traffic during phasing, the Applicant should be required to monitor the level of traffic activity along Broadway as various regional projects such as the Route 9A Bypass are completed. The final Project build-out could be conditional upon the materialization of beneficial impacts to the US Route 9 corridor from other regional projects. These issues should be addressed in the FEIS.

No traffic monitoring program is proposed. Conservative projections and detailed analyses have been performed in the DEIS Traffic Study and the revised Traffic Study in FEIS Appendix 6. The Project density has been reduced between the DEIS Plan and the FEIS Alternative Plan, resulting in a corresponding reduction in Project traffic volumes, and mitigation measures have been proposed. In addition, sensitivity analyses were performed to ensure that improvements proposed are appropriate. The left turn restrictions on some of the minor street approaches are not currently recommended due to the reduction in background traffic volumes utilized in the revised Traffic Study and the reduction in density of the residential and commercial components of the Project.

TRAFFIC COMPUTER SIMULATION ANALYSIS

4706

Section III.I.4A, Page III.I-38 to -42 – A lengthy discussion is provided regarding 13 intersections that would be affected by background or adjacent development traffic (including Ferry Landing). Per typical EIS methodologies, mitigation is only performed for a proposed project's significant impacts, not for background projects.

Why was this entire mitigation (for background projects) completed within the confines of the mitigation of the potential impacts of this Lighthouse Landing DEIS?

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The fourth paragraph on Page III.I-38 is confusing. Does the County have LOS impact criteria or not? To espouse that a LOS F is acceptable for some individual movements or intersections but operate at better LOS during other times of the day is unacceptable. A LOS F is indicative of failure operations with long delays and lengthy queues.

The mitigation section discusses a number of strategies that were analyzed along the US Route 9 corridor at specific intersections. The corridor itself is composed of many closely spaced locations, where operations at one location can have deleterious effects at upstream intersections. To ensure that the entire affected corridor functions properly (i.e., ensuring that spillback impacts are identified, if any), a Synchro computer simulation must be performed of each study period.

Comments 6 through 10 refer to this DEIS discussion that ensues on pages III.I-39 to -43. Reading through this text, mention is then made of without and with the proposed project. This is confusing since it contradicts the last paragraph at the bottom of Page III.4A-38.

All of the mitigation for background projects is provided in the DEIS as there are no approved mitigation improvements yet for these projects.

The County does not have an LOS impact criteria. Some intersections currently operate at Level of Service E or F during the peak hours.

A Synchro analysis has been performed and is contained in the revised Traffic Study in FEIS Appendix 6. The Synchro analysis is consistent with the HCS analysis and shows that the improvements proposed will mitigate the impacts of the traffic from the Project. The analysis also shows that the recommended improvements will provide an overall benefit to the traffic operating conditions along the Route 9 Corridor.

Some of the intersections are operating at poor levels of service and the improvements are recommended with or without the Project.

4710

Section III.I.4A, Page III.I-42, Item 10 – A previous DEIS submission indicated that if a traffic signal is installed at the Rte. 9/Franklin Street intersection, increased gaps in the traffic stream along Route 9, which will benefit the Church, Independence, and Park intersections to the near south along Route 9. This same reference is missing in the 1/11/05 DEIS. Yet the question still remains: How was this incorporated in capacity analyses for these latter three intersections? How were the “benefits” to the Church, Independence and Park intersections determined and indicate the specific nature of such benefits? Was a computer simulation completed to ascertain these

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improvements for these very close intersections?

A Synchro analysis has been performed and is contained in the revised Traffic Study in FEIS Appendix 6. The Synchro analysis shows that the improvements proposed will mitigate the impacts of the traffic from the Project. The analysis also shows that the recommended improvements will provide an overall benefit to the traffic operating conditions along the Route 9 Corridor. The Synchro analysis supports the findings of the HCS analysis. A computer simulation was also performed.

5603

1) The site plan proposes three intersections along Beekman Avenue within about 400 feet (Hudson Street, Beekman Place and River Street extension). This is likely to create conflicts between the various turning movements at these intersections.

Scenic Hudson suggests that this arrangement of intersections should be analyzed in more detail using a traffic simulation program, such as Synchro.

In addition, an alternative configuration consisting of the creation of one single intersection between Beekman Avenue with River Street and Beekman Place should be investigated. Finally, this single intersection should be studied as a roundabout.

As illustrated on the FEIS Alternative Plan, this area has been reconfigured. Analyses of the reconfigured area are contained in the revised Traffic Study contained in FEIS Appendix 6. These analyses indicate that the intersections will operate at good levels of service.

6108

C.1. Miller Park Neighborhood

One page 2 of correspondence dated June 6, 2003, concerning the scoping document for Lighthouse Landing, Adler Consulting noted that “many of the Village of Tarrytown’s intersections and thoroughfares are already overburdened” and that any significant increase in traffic will end up “driving more non-locals to the local residential streets.” This will significantly impact the quality of life for the residents of these otherwise tranquil neighborhoods. At that time, Adler Consulting requested that “the Environmental Impact Statement (EIS) for the proposed development must adequately mitigate them.”

The DEIS has neither identified nor mitigated these impacts, although it does reveal that they will be impacted. It indicates that 4 percent of trips generated by Project will come from and return to the Miller Park neighborhood. Based on our experience, which has been corroborated repeatedly in conversations with Village of Tarrytown officials, not only will almost all of these trips pass straight through the neighborhood, but the proportion of Project traffic that will do so will be far in excess of the 4 percent projected. Existing traffic volumes in the Ferry Landings development DEIS indicate that 33 percent of Franklin Street traffic diverts through the Miller Park neighborhood in the peak direction and 15 percent diverts through the neighborhood in the off-peak

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direction. Based on this information, it is calculated that the Lighthouse Landing development will add 120 cars to this residential neighborhood during the peak hours.

Table 10-15 of the DEIS traffic study indicated that it will take 211 seconds, on average, to make the right turn from Franklin Street to Broadway in the a.m. and that it will take another 70 seconds, on average to pass southbound through the intersection of Benedict Avenue with Broadway. Add to that the estimated 30 seconds that it will take to pass eastbound through the intersection of Franklin Street with Washington Street (which is not analyzed in the DEIS) and one realizes that it will take over five (5) minutes to travel from Riverview Avenue along Franklin Street to Broadway and then south past Benedict Avenue during the morning peak-hour. It won't take very long for the residents of Lighthouse Landing, the majority of whom will be leaving via this route to go to work at this time, to realize that there is an alternative route through Miller Park.

In the opposite direction, Table 10-15 indicates that it will take 147 seconds, on average, to travel north along Route 9 through Benedict Avenue and 35 seconds, on average, to turn onto Franklin Street. Add to this the estimated 50 seconds that it will take to pass westbound through the intersection of Franklin Street with Washington Street and it is apparent that it will take almost four (4) minutes to travel from Benedict Avenue along Broadway to Franklin Street and then west past Riverview Avenue. Employees and patrons traveling to work and shop at Lighthouse Landing in the morning will be quick to discover the alternate route through Miller Park.

In the evening, the situation is projected to be even worse. Based on the information provided in Table 10-16, and assuming that it takes 50 seconds to pass through the intersection of Franklin Street with Washington Street in the eastbound direction and 40 seconds in the westbound direction, the DEIS indicates that it will take over nine (9) minutes to travel from Riverview Avenue along Franklin Street to Broadway and then south past Benedict Avenue, while it will take over five (5) minutes to travel from Benedict Avenue along Broadway to Franklin Street and then west past Riverside Avenue. Table 10-17 indicates that conditions on Saturday will be the same as during the weekday mornings.

On page 12 of the June 6, 2003 letter on the Project Scoping, Adler Consulting requested that "the EIS should document why and how motorists divert" to these local roadways. The information provided in the DEIS supports the conclusion that the impact on the Miller Park neighborhood must be accurately quantified in the FEIS and that a real program of improvements must be identified and evaluated to mitigate this impact. A traffic simulation model of the following streets and all the intersections thereon should be developed:

- Franklin Street, from Riverview Avenue to Broadway;
- Broadway from Franklin Street to Church Street;
- Church Street;
- Independence Street;
- Park Avenue;
- Miller Avenue;
- Riverview Avenue;

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- Glen Street;
- Bridge Street; and
- MacArthur Lane (south of Bridge Street)

The simulation analysis should show the current flow patterns through these streets, however they will change with time, how they will be impacted by the Project and how the Project's impact will be mitigated by improvement measures. Measures to be considered include traffic calming devices and a closed-loop, coordinated signal system which would incorporate the existing signal at the intersection of Broadway with Benedict Avenue, the new signal at the intersection of Broadway with Franklin Street and possibly a new signal at the intersection of Washington Street with Franklin Street.

Additional traffic counts at the Miller Park neighborhood were performed at the intersections of Riverview Avenue & Glen Street, Miller Avenue & Park Avenue, US Route 9 & Park Avenue, US Route 9 & Independence Street, and US Route 9 & Church Street. These traffic counts indicated that some cars were traveling through the Miller Park area during the Peak Hours. Analyses of these intersections are contained in the revised Traffic Study in FEIS Appendix 6. A Synchro analysis for the Route 9 Corridor is also included in the Traffic Study in FEIS Appendix 6. The Synchro analysis supports the findings of the HCS analysis, that the suggested improvements will provide an overall benefit to traffic operating conditions along the Route 9 Corridor. These improvements will benefit the Miller Park area. The Applicant would agree to a fair share for traffic calming measures that could be implemented in the Miller Park area. Possible traffic calming measures that could be provided include speed humps or curb extensions, among others. Traffic calming was also proposed in conjunction with Ferry Landings.

PEDESTRIAN CIRCULATION

4718

General Comment - An assessment of pedestrian conditions both on- and off-site should be addressed.

As part of the DEIS, pedestrians were counted at the adjacent intersections and were accounted for in the capacity analyses. The majority of the adjacent streets have appropriate sidewalks and crosswalks. On-site, the Project will be designed to be pedestrian friendly with vehicles traveling appropriate speeds. Sidewalks and crosswalks will be provided throughout the Site.

6224

24. Site generated traffic may have an impact on the Upper Beekman Avenue pedestrian environment. Are there any recommended traffic-calming options (e.g., textured crosswalks, bulb-outs) that could help maintain pedestrian

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comfort and safety?

The Applicant will work with the Village to implement traffic calming measures on Beekman Avenue, such as those suggested above. The Applicant contends that the existing stop signs and traffic signals along Beekman Avenue help to calm traffic.

CONSTRUCTION TRAFFIC

4712

Section III.L.3 - Intersection capacity analyses should be performed for the peak period of construction, given that as many as 700 employee vehicles and 160 truck trips each day would be generated. Specify the duration of the peak-construction period. Please indicate construction-related vehicle trip generation for the daily peak hours. If mitigation is required, please specify. This is a significant omission of the DEIS.

Peak Hour traffic from the Project is expected to be higher than the Peak Hour traffic during construction as the construction traffic would tend to occur during non-peak periods. In addition, construction will be a temporary condition. The construction traffic will be dispersed throughout the day, thus limiting its impact on existing uses such as Morse School. Additional information regarding the construction traffic from the Project is contained in Section III.L of the DEIS and Section II.L of this FEIS.

4906

b. The traffic study should also address the potential impact created by the construction process for the commuter parking lot. For the same reasons previously stated, the analysis should include a scenario where Continental Street, via the Pocantico Street/US Route 9 intersection, serves as the primary access route for construction-related traffic. The Applicant should provide details regarding the frequency, intensity and duration of construction-related traffic for significant stages of construction.

The construction details will be determined during the site plan approval process. The majority of the construction traffic for the commuter lot will utilize Beekman Avenue. Additional information regarding the construction is contained in Section III.L of the DEIS and Section II.L of this FEIS.

6118

Based on the information provided on page III.L-2 of the DEIS, it is estimated that construction of the development will generate up to 350 peak-hour employee trips and 160 or more truck trips per day (80-entering and 80 exiting trips). It is noted that this is more traffic that will be generated by any other project recently approved in either Village and is even more traffic than will be generated by the entire Ferry Landings development. Furthermore, because of the weight restriction on the Beekman Avenue Bridge, it can be expected that almost all of the truck trips will be added to the H-Bridge and Central Avenue

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corridor in Tarrytown. The DEIS provided no further analysis of the impact of these trips, other than to say (also on page III.L-2) that other modes of transporting construction materials “may be feasible” but will be “dependent on a variety of factors.”

Clearly, the addition of just the employee traffic to the Study area will, in and of itself, have a significant adverse impact, which will be exacerbated by the addition of truck traffic. The FEIS should acknowledge these impacts and identify real mitigation measures, not ones that may or may not be feasible, depending on prevailing economic conditions. Failing this, the lead agency should require the Applicant to complete the ultimately-identified traffic mitigation measures, including the repair/replacement of the Beekman Avenue Bridge, prior to the commencement of a significant level of construction activity.

Peak Hour traffic from the Project is expected to be higher than the Peak Hour traffic during construction as the construction traffic would tend to occur during non-peak periods. In addition, construction will be a temporary condition. The Beekman Avenue bridge will be upgraded to current highway design loading (AASHTO HS25 truck loading; 45 tons as currently required by the NYSDOT) either through public funding or by the Applicant if such funding is not available. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the Site.

6904

4) DEIS Section III-L: With the number of anticipated construction vehicle trips the project will generate, how will the construction traffic impact the condition of the existing infrastructure (i.e. roadways, utilities, bridges, etc.)? A traffic circulation plan should be provided for the construction traffic into and out of the Village.

See the response to Comments 4213 through PM2005 in Section II.L (Construction Impacts) of this document. Detailed plans will be provided during the site plan approval stage. The Peak Hour traffic from the Project is expected to be higher than the Peak Hour traffic during construction as the construction traffic would tend to occur during non-peak periods. In addition, construction will be a temporary condition. The Beekman Avenue bridge will be upgraded to current highway design loading (HS25) either through public funding or by the Applicant if such funding is not available. Reconstruction of the bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the Site. Additional information regarding the construction is contained in Section III.2 of the DEIS and Section II.L of this FEIS.

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The project site is currently owned by the Town of Mount Pleasant Industrial Development Agency, and leased by the Agency back to GM. Because property owned by an industrial development agency is exempt from real estate taxation, the Agency and GM entered into an agreement in 1985 requiring GM to make payments in lieu of taxes to the Village. Pursuant to the August 2002 Settlement Agreement between the Village and GM, the project site is required to be restored to "fully taxable status" within 90 days after the Applicant receives site plan approval and preliminary subdivision approval for the first phase of the project. Since the site will be restored to taxable status before any construction is completed and any portion of the project is occupied, significant tax revenue will be generated to the Village at a time when the impact of the project on Village services is minimal, thereby yielding surplus revenue to the Village. In the Applicant's opinion, the surplus tax revenue will be sufficient to offset any costs incurred by the Village during the construction period, including any costs for road repairs. However, as requested by the Village, the Applicant will agree to be liable for the costs of any necessary repairs to road damage along Beekman Avenue caused by Lighthouse Landing construction traffic, and will provide an appropriate bond to the Village to secure that obligation.

TRAFFIC ANALYSIS OF FUTURE USES ON EAST PARCEL

4908

d. It is also noted that the Applicant's traffic study does not include analysis of any future uses of the GM East Parcel, other than the proposed 400-space commuter parking lot proposed by the Applicant. Therefore, the impacts associated with the construction of a new Village DPW Site and the expansion of DeVries Park on the GM East Parcel are not addressed at all. Based upon recently disclosed information that is not identified in the DEIS, it appears that the future use of the "viaduct" providing access to the GM East Parcel from Beekman Avenue appears to be in question because of recently identified structural deficiencies. It is HHV's understanding that those conditions may prevent use of the "viaduct" by trucks and possibly other vehicles as well. If the "viaduct" cannot be used for access to the GM East Parcel, the traffic study conclusions would be inaccurate and even more traffic would be using the Pocantico Street/US Route 9 intersection and Continental Street.

The DEIS Traffic Study incorporates analyses of the East Parcel with the 400 space commuter lot as well as the new DPW facility. The revised Traffic Study contained in FEIS Appendix 6 for the FEIS Alternative Plan contains traffic to be generated by the East Parcel including the 550 space commuter lot, the new DPW facility, the

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soccer fields proposed to be constructed by the Village on the East Parcel, and the fire/ambulance station proposed to be constructed by the Village on the South Parcel. The viaduct will support traffic destined to the East Parcel, except for large DPW truck traffic (greater than 19 tons). The Applicant proposes to repair the existing viaduct to its original design load (H15, 19 tons). All commercial vehicles (except those exceeding the proposed H15 design loading) will be able to access the East Parcel from the viaduct. Heavy trucks and equipment with weights in excess of the H15 loading will access the East Parcel from Continental Street.

4919

c. The conceptual site plan for the DeVries Park expansion (DEIS Figure II.C-54) identifies two new soccer fields, two new basketball courts and a new 100-space parking lot, with primary access to DeVries Park proposed to be changed from DeVries Avenue to Continental Street. When HHV originally met with the Village to discuss the DeVries Park expansion in 2003, the need for one soccer field and a swimming pool at that location was identified and both of those features were incorporated into the alternative conceptual site plan prepared by HHV and submitted for the Village's consideration as part of the DEIS scoping process. The combination of including more recreational facilities and creating a new access road to DeVries Park would result in more traffic using Continental Street in the future as well as additional noise from use of the recreational facilities and the added traffic. Those changes would have an impact on Philipsburg Manor unless they are adequately mitigated.

Access to the new facilities on the East Parcel will be provided from Beckman Avenue and Continental Street. The traffic analysis for the FEIS Alternative Plan in the updated Traffic Study in FEIS Appendix 6 considers the use of Continental Street to access the East Parcel. The traffic volumes that will utilize Continental Street during the various hours and the various analysis scenarios are illustrated in the revised Traffic Study in FEIS Appendix 6 including Figure 6.39b with a new train station and Figure 6.42b without a new train station.

US ROUTE 9/POCANTICO STREET/PHILIPSBURG MANOR DRIVEWAY

4907

c. Two parameters of the Applicant's traffic study that directly impact operations at the Pocantico Street/US Route 9 intersection are (1) the projected distribution of site-generated traffic and (ii) the projected split between the internal and external trips created by the proposed development. The traffic study indicates that traffic volumes passing through the Pocantico Street/US Route 9 intersection will increase by approximately 191, 205 and 249 trips for the weekday morning, weekday afternoon and Saturday midday peak hours, respectively. During the weekday morning peak hour, these projections are based on the assumption that approximately 20 percent of the total external site-generated traffic will approach the project site passing via the Pocantico

II. RESPONSES TO DEIS COMMENTS

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Street/US Route 9 intersection and approximately 21 percent of the total site-generated traffic will be considered internal trips. Similar projections are made for the weekday afternoon and Saturday midday peak periods.

Proposed mitigation for the projected increase in delays created by the additional trips includes modifying the existing traffic signal at the Pocantico Street/US Route 9 intersection. These modifications are projected to maintain a level of service comparable to what is currently experienced.

A major concern is the possibility that the assumptions that serve as the basis for these projections will not be realized. Changes to either or both parameters (“I” or “ii” above) could create a significant impact to operations of the overall intersection and specifically to the eastbound (i.e., Pocantico Street) approach, which currently operates (and is projected to continue to operate) with significant delays, a poor Level of Service and a volume-to-capacity ratio well in excess of 1.0.

To better describe the implications of using incorrect assumptions, HHV’s traffic engineers have conducted a supplementary analysis of potential traffic impacts. Attached Tables 1, 2 and 3 provide illustrative examples of the sensitivities associated with the projections. For example, a weekday morning peak hour scenario indicates that a change to the percent distribution by 10 percent (from 20 percent to 30 percent) combined with a change to the percent of internal trips by 11 percent (from 21 to 10 percent) would result in an increase in site-generated traffic by 71 percent. Under this scenario, the projected site-generated traffic passing through the Pocantico Street/US Route 9 intersection would change from 191 trips to 327 trips, an increase of 136 trips. Similar increases would be experienced during the weekday afternoon and Saturday midday peak periods.

Due to the poor current and projected future operating conditions of the Pocantico Street/US Route 9 intersection, it is recommended that the Applicant be required to address how this intersection would operate and what mitigation measures could be implemented if the site-generated traffic volumes varied in accordance with the previous example.

The density of the residential and commercial components of the Project has been reduced in response to comments, and thus the trip generation from those components has also been reduced. Improvements are proposed in the DEIS and the revised Traffic Study in FEIS Appendix 6 that mitigate the potential impacts of the Project. These analyses indicate that the Levels of Service will be similar to the No Build conditions. Sensitivity analyses are also contained in the revised Traffic Study. The sensitivity analyses confirm that the traffic impacts from the Project can be adequately mitigated even with even more conservative assumptions with regard to transit use and internal Project trips used in the traffic studies for the DEIS.

4910

f. For Philipsburg Manor (which also serves as the visitor center for Kykuit) to

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remain an attractive destination that contributes to the success of the heritage tourism industry in the Village, it is important that visitors be able to travel to the site with a minimum of inconvenience. HHV is concerned about features of the proposed Action that would result in additional traffic congestion and/or delays at the Philipsburg Manor site driveway. As indicated in the attached Tables 4, 5 and 6, it is projected that increased delays would be experienced at the HHV driveway in the future once the Applicant's proposed traffic signal timing adjustments are made at that intersection.

The traffic signal timing adjustments will improve the operation of the entire intersection, so that the intersection will operate at generally the same or better than No Build conditions.

GRAVITY MODEL

5609

b. The DEIS estimates the percentage of internal trips (trips made between the various uses on the project site) based on the gravity model used to distribute traffic in the region. The gravity model distributes traffic in proportion to the attractions in each traffic analysis zone, and in inverse proportion to the distance between those zones and the project site.

Whereas a gravity model is appropriate for regional traffic distribution, it is not appropriate to estimate the percentage of internal traffic. Table 10-8 indicates that 45% of internal trips is based on the population forecast of 2,961 in the project zone and on an average travel distance of 0.10 mile. In this case this distance should be zero, which would lead to 100% of internal traffic, given the gravity model methodology.

The selection of the 0.10-mile distance is an aleatory choice. If the analyst had picked an average distance of 0.05 miles the percentage of internal trips would have been 62%, and with a 0.2 mile distance the percentage would have been 29%.

Using the gravity model is contrary to the procedures recommended by Institute of Traffic Engineers (ITE), as explained in the Trip Generation Handbook Second Edition, June 2004 (An ITE Recommended Practice). The procedure used in the DEIS is incorrect because the "gravity model reduction" results in numbers of inbound trips and outbound trips that are different. The internal traffic reduction must be the same or inbound and outbound trips, since each internal trip represents a trip produced by one use (an outbound trip end) and attracted to another use (an inbound trip end) within the project site. We attach a spreadsheet that shows the traffic generation calculation for a mixed-use project in New Jersey. This spreadsheet shows a separate credit taken for transit and walk modes, and an estimation of internal trips for each possible exchange between pairs of uses. In that case the internal capture rate was estimated at 15% of the lowest of the trip exchanges. The internal capture rate may be different for the Lighthouse Landing uses.

The gravity model utilized is the standard method to determine the trip distribution to retail facilities. It incorporates the residential

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population in a reasonable radius of the Site. The types of retail facilities at the Project would tend to draw locally, including from the new residents of the Project. As described in Section III.I of the DEIS, many of these trips from the residents would be for smaller items as the Project residents would tend to make more trips for daily items in comparison to people traveling from farther away who look to purchase a particular item, but would come less frequently. As the Project is designed to be pedestrian friendly, many Project residents would walk to the retail facilities.

6104

B. 2. Retail Trip Credit for Lighthouse Landing Patrons

The DEIS used a gravity model to project that a 45 percent of the retail trips would come from within the Lighthouse Landing development. Yet this model was overly sensitive to one single, critical variable, the average distance from the proposed retail to the on-Site residences. The gravity model assumed this distance to be 530 feet (1/10th of a mile) without any data demonstrating how this value was reached. Adler Consulting examined the gravity model and discovered that for every 50-foot change in average distance from the proposed retail to the on-Site residences there is a 2.2 percent change in the proportion of retail trips that come from the residences at Lighthouse Landing. Without a detailed evaluation of the relative location of each residence to each retail store, the model is prone to widely varying results. Based on a review of information provided in the DEIS, Adler Consulting determined that the weighted average distance from the center of each residential block to the center of the Project's retail core (Beekman Place) is actually 0.15 miles. Using this value, the model predicts that only 35 percent of trips will come from on-Site residences.

On page III.I-24 of the DEIS, the DEIS discusses the results of "a zip code survey at an existing Turco's Supermarket in Yorktown Heights" and notes that "although the centroids for some zip codes fall outside the 5-mile radius, a significant portion of the areas encompassed by those zip codes lies within the five-mile radius." These statements and the information provided in Table 16-6 of the DEIS are remarkable. Considering that 15 percent of the surveyed customers come from as far away as Fishkill, Harrison, Mamaroneck, Mahopac, Cross River, Carmel and Briarcliff Manor, it is reasonable to assume that a substantial portion of the surveyed customers from Somers, Ossining, Katonah and Croton, whose zip codes straddled the five-mile radius, also came from greater than five miles away. Based on a review of the data as well as the zip codes and their location relative to a five-mile radius from Turco's Yorktown Heights store, it is calculated that approximately 35 percent of the surveyed customers probably came from outside the five-mile radius.

Furthermore, and perhaps more importantly, the survey revealed that 47 percent of the supermarkets customers came from the Yorktown Heights zip code, which is estimated to have a population of approximately 25,000. Based on this information, it seems most unreasonable and certainly not conservative to assume that 45 percent of Lighthouse landing retail shoppers will come from the on-Site resident population of 2,961.

The Institute of Transportation Engineers' (ITE) *Trip Generation Handbook*

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contains data which indicates that, for a 145,000 sf retail facility, 35 percent of PM and Saturday trips are captured from passing traffic. Based on this information and a review of the gravity model, it is Adler Consulting's opinion that it is more appropriate to assume that 35 percent of retail traffic will come from the other components of the Lighthouse Landing development. In performing our analyses, which are attached, we determined that the use of this value is slightly elevated when compared with the overall proportion of the remainder of Site traffic which would be expected to be retail oriented (22 percent). A value of 20 percent would, in our opinion, be more reasonable and conservative. This, again indicates that the retail component of the development is disproportionate to the remainder of the Project.

To provide a reasonable and conservative evaluation of the Project's traffic impacts, the traffic study performed for the DEIS should be revised to reflect the lower level of retail trip activity that will be generated from the other on-Site components of the development.

The retail square footage for the Project has been reduced in the FEIS Alternative Plan. The gravity model utilized is the standard method to determine the trip distribution to retail facilities. It incorporates the residential population in a reasonable radius of the Site. The types of retail facilities at the Project would tend to draw locally, including from the new residents of the Project. As described in Section III.I of the DEIS, many of these trips from the residents would be for smaller items as the Project residents would tend to make more trips for daily items in comparison to people traveling from farther away who look to purchase a particular item, but would come less frequently. As the Project is designed to be pedestrian friendly, many Project residents would walk to the retail facilities. Some of the patrons from the Turco's that were surveyed were coming from work or some other location as opposed to from their residence. In addition, a Sensitivity Analysis was performed in the revised Traffic Study in FEIS Appendix 6, which indicated that the Levels of Service would remain generally the same.

EMERGENCY SERVICE RESPONSE

5804

The DEIS also needs to address the impacts of this project on emergency vehicles in Tarrytown. Emergency vehicles rely heavily on Broadway as a major access route for emergencies, as well as on the critical side streets affected by this project. With more and more intersections deteriorating to LOS F over longer time periods, emergency service may become delayed substantially. This needs to be addressed and mitigated. One potential mitigation measure that needs to be investigated is a signal preemption treatment for emergency vehicles at signalized intersections whereby emergency vehicles can activate the signal controller and obtain a faster green.

II. RESPONSES TO DEIS COMMENTS

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The density of the residential and commercial components of the Project has been reduced under the FEIS Alternative Plan. In addition, the updated Traffic Study in FEIS Appendix 6 recommends traffic mitigation to improve traffic operating conditions which would improve the movement of emergency vehicles. The Applicant is amenable to discussing with the Village a fair share of an emergency signal pre-emptive system. The New York State Department of Transportation could consider an emergency signal pre-emptive system in its long-range regional improvement plan.

5901

At least four to five times a year the traffic on Route 9 is so bad that the Fire Chief has to call upon members of the Department to move our fire trucks out of the firehouses to a different location in the Village so that the Department can respond to emergencies promptly. Usually, the fire trucks are moved to the General Foods property on South Broadway when Route 9 between the Thruway overpass and the business district of the Village is impassable.

There is significant potential impact from the proposed Lighthouse Landing Development in Sleepy Hollow given the large number of residential units and commercial uses proposed and the net increase in traffic which will result if the plan as currently envisioned is fully implemented.

Lastly, the Fire Department has been looking into a signal preemption system which could aid our response times on Broadway.

The density of the residential and commercial components of the Project has been reduced under the FEIS Alternative Plan. In addition, the revised Traffic Study in FEIS Appendix 6 recommends traffic mitigation to improve traffic operating conditions which would improve the movement of emergency vehicles. Discussions have been held with the Village regarding emergency services. The Applicant is amenable to discussing with the Village a fair share of an emergency signal pre-emptive system. The New York State Department of Transportation could consider an emergency signal pre-emptive system in its long-range regional improvement plan.

6006

The development's negative impacts on the Miller Park neighborhood, as well as its adverse impact on emergency response times, are also highlighted by our consultant's reviews. As indicated in a January 2005 joint letter from both Village's traffic consultants, there already is extensive traffic congestion in both Villages, a situation that hinders emergency response vehicles when called to an incident. Consequently, we urge that the Applicant be required to more carefully review both of these areas of concern.

The density of the residential and commercial components of the Project has been reduced under the FEIS Alternative Plan. In addition, the revised Traffic Study in FEIS Appendix 6 recommends

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traffic mitigation to improve traffic operating conditions which would improve the movement of emergency vehicles. The Applicant is amenable to discussing with the Village a fair share of an emergency signal pre-emptive system. The New York State Department of Transportation could consider an emergency signal pre-emptive system in its long-range regional improvement plan. The Applicant would agree to a fair share contribution for traffic calming measures in the Miller Avenue neighborhood.

6121

I. IMPACT ON EMERGENCY RESPONSE TIMES

The DEIS indicates that some of the major corridors in the Village of Tarrytown, namely Broadway Franklin Street, are currently operating at capacity, that existing congestion will only worsen with the passage of time and that the Lighthouse Landing development will only exacerbate the problem. Emergency response providers are already encountering problems on Broadway, particularly Cobb Lane to Franklin Street, with overcrowded conditions. When an emergency response vehicle is trying to travel through these areas, there are not sufficient places for the heavy volume of traffic on the roadways to let them pass. This issue was raised in our June 3, 2003 correspondence and is again apparently in the review of the DEIS, yet there was no attempt to address the issue. The FEIS must identify acceptable measures to relieve the additional congestion caused by Project traffic, such as the installation of a fire-preemption-system at the key signalized intersection, to mitigate for the impact of the additional Project traffic.

The density of the residential and commercial components of the Project has been reduced under the FEIS Alternative Plan. In addition, the revised Traffic Study in FEIS Appendix 6 recommends traffic mitigation to improve traffic operating conditions which would improve the movement of emergency vehicles. The Applicant is amenable to discussing with the Village a fair share of an emergency signal pre-emptive system. The New York State Department of Transportation could consider an emergency signal pre-emptive system in its long-range regional improvement plan.

PARKING IN SLEEPY HOLLOW AND TARRYTOWN BUSINESS DISTRICTS

6125

M. IMPACT OF ADDITIONAL PARKING ON TARRYTOWN'S BUSINESS DISTRICT

The DEIS contained a 21-page study on the adequacy of parking at Lighthouse Landing yet not a single sentence, as far as we could ascertain, regarding the impact of the additional vehicles that will visit and park in the central business districts of the Villages of Tarrytown and Sleepy Hollow.

The DEIS indicates the destination of seven percent of Lighthouse Landing residential trips will be in the Sleepy Hollow central business district and a

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.I · Traffic and Parking

further two percent will be in the Tarrytown central business district. Applying the DEIS gravity model to the Main Street area in Tarrytown indicates that Lighthouse Landing will increase retail parking demand in the Tarrytown Main Street area by approximately 7.5 percent (this was conservatively assuming a distance of 0.15 miles from Main Street residential to Main Street retail).

A review of the parking survey data provided in Table 12-3 of the DEIS revealed that there was barely enough parking on the February Saturday afternoon that the survey was conducted. Nine (9) of the 10 block-faces on Broadway from College Avenue to Elizabeth Street were effectively full-parked and that a total of 98 percent of these spaces were occupied. Furthermore, the two municipal lots in this area were at 87 percent of capacity. It is our experience that demand is even greater in the spring, summer and fall. Interestingly, although there was a parking survey of Beekman Avenue (which indicated that 12 of the 16 block faces were fully parked) there was no survey of Main Street Parking in Tarrytown. However, a survey of the municipal lot at Main and Washington indicated that it was completely full from 12:00 PM to 2:00 PM on same Saturday. Clearly, the DEIS indicates that there is no room for additional parking in the Village of Tarrytown's central business district on Saturdays (conditions are not much better on weekdays at lunchtime). It also indicates that the residential component of the Lighthouse Landing development will generate additional parking in this area, impacting the area's residents. The FEIS needs to identify how much additional parking will be generated and how the impact of this additional parking will be mitigated, possibly by reducing the size of the Project.

As described earlier, the density of the residential and commercial components of the Project has been reduced. The existing commercial areas in the downtown, as outlined in DEIS Appendix 7C and further discussed in Section II.C of this document, will benefit from the Lighthouse Landing project as there will be increased patronage to the various stores and services that exist in the areas. The Applicant would agree to establish an interface between the proposed shuttle service and a potential future inter-municipal trolley/jitney loop to travel between the project and the downtown portions of the Villages. The Applicant has contacted the Westchester County Department of Transportation regarding extension of the Bee Line Bus No. 13 to the Site.

PH4004

The main factor is the parking situation is so congested in this Village now. Beekman Avenue will be nothing but a ghost street with this unit going down there.

The Applicant will work with the Village to provide additional parking in the downtown area.

PH4202

I'm from Tarrytown, so I'm well aware of the lawsuit, but reaching out to some of the mainstream business owners in terms of traffic and parking issues I don't think has been done yet.

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Comment noted.

PH4806

One final issue that the DEIS does not appear to touch on at all, although there is a detailed parking analysis for the site, is the project's impact on the DBD either in Sleepy Hollow or in Tarrytown. It's true that the rest of this development will shop and visit the retail and restaurant facilities that will be on site. But, hopefully, and I would imagine they will also visit the commercial establishments on Beekman Avenue and on Main Street. And when they do they will be looking for somewhere to park and there is no parking.

So, the DEIS should consider what the project's impact will be on these neighborhoods.

The existing commercial areas in the downtown, as outlined in DEIS Appendix 7C and further discussed in Section II.C of this FEIS, will benefit from the Lighthouse Landing project as there will be increased patronage to the various stores and services that exist in the areas. The Applicant would agree to establish an interface between the proposed shuttle service and a potential future inter-municipal trolley/jitney loop to travel between the project and the downtown portions of the Villages. The Applicant has contacted the Westchester County Department of Transportation regarding extension of the Bee Line Bus No. 13 to the Site.

ACCIDENT DATA

6126

N. TRAFFIC SAFETY

On page III.I-13, the DEIS notes that "the locations that did exceed the Statewide average accident rates were along US Route 9 at Benedict Avenue, (signalized), and West Franklin Street and Central Avenue (both unsignalized)...and Main at Washington Street and Cortland Street/Depot Plaza (both signalized)." It is noted that the DEIS indicates that the Project will have a significant adverse impact at all of these intersections (except for the intersection of Main Street with Washington Street), yet there was no attempt to quantitatively assess the impact of these additional trips on traffic safety or to identify potential mitigation, other than the capacity-related improvements previously described.

As indicated in Table 12-1, the documented accident rates were particularly high at the intersections of Central Avenue with Broadway (where it was more than two times the average rate) and Main Street with Washington Street (where it was 36 percent higher than the average rate). These two locations are of particular concern because, in the first instance, all of the Project's truck traffic will pass through this intersection, and, in the second instance, there is a high level of pedestrian activity.

The FEIS should provide a quantitative analysis of the Project's impacts at these

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.I · Traffic and Parking

intersections, which should include identifying factors that are contributing to the elevated accident rates and identifying any necessary mitigation measures.

The mitigation improvements proposed at the various intersections will help improve traffic flow and thus will improve traffic operating conditions and improve safety, as traffic would flow in a more appropriate and efficient manner. The New York State Department of Transportation indicates that the improvements will help reduce the number of accidents and lists numerous accident reduction factors for various improvements on different type roadways under different conditions. For example, providing a left-turn lane could reduce right-angle accidents by 63% and rear-end accidents by 39%. The Village should review their intersections that currently have higher accident rates. The Beekman Avenue bridge will be upgraded to current highway design loading either through public funding or by the Applicant if such funding is not available so that the trucks are not utilizing Central Avenue.

II. RESPONSES TO DEIS COMMENTS
DEIS Sec.III.J · Air Quality

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.J · Air Quality

COMMENT NUMBER	COMMENT/RESPONSE
	<u>AIR QUALITY IMPACTS ON VILLAGE - REDUCTION IN DENSITY</u>
502	<p>2) Air Quality - The increased traffic that will result from the waterfront redevelopment will have a significant impact on the air quality of the Village. Decreasing the number of units in the redevelopment will go a long way in preserving the overall air quality of the Village. In addition, the use of specific types of vegetation to mitigate air pollution should be investigated.</p> <p>An assessment of potential air quality impacts from the proposed waterfront development was conducted following the procedures of the New York State Department of Transportation's <u>Environmental Procedures Manual</u> (2001) (NYSDOT EPM), the results of which are presented in the DEIS (at Section III.J). This assessment concluded that all of the studied intersections met certain screening criteria listed in the NYSDOT EPM, and thus, it is highly unlikely that the Project will contribute to or cause a violation of the national ambient air quality standards (NAAQS) for any pollutant.</p> <p>DEIS Section III.J also includes studies of potential air quality impacts from the proposed parking areas and potential building heating and hot-water system emissions. The results of both studies, combined with the results of the traffic impact study, indicated that the Project will not result in any violation of the NAAQS. Please refer to DEIS Section III.J for a complete description of the air quality traffic screening analysis, parking lot analysis, and building heating and hot-water system analysis. The proposed parking garages will be mechanically ventilated to maintain consistent fresh air flow as discussed in DEIS Section III.J.</p> <p>As indicated above, the Project, as defined in the DEIS, would not have a significant impact on the air quality in the Village of Sleepy Hollow. Moreover, in response to community concerns about the density of the village and potential environmental impacts, the FEIS presents the FEIS Alternative Plan, which decreases the number of housing units and reduces the amount of commercial floor area, and provides for increased open space and landscaping in comparison to the DEIS Plan. Further, as noted in the response to Comment PM401 below, the Applicant will consider all aspects of the LEED (Leadership in Energy and Environmental Design) conservation and sustainability categories during the design of the individual buildings</p>

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as part of the site plan approval process. Accordingly, although the Project as presented in the DEIS would not have any significant impacts on air quality, any decrease in the number of units proposed for the Project will only serve to further reduce its already minimal air quality impacts.

Detailed landscaping plans will be submitted by the Applicant as part of the Site Plan Application review process for all individual buildings and phases of the Project.

602

2) Air Quality – The enormity of the waterfront redevelopment, its increased traffic, and buildings will have a large impact on the air quality of the Village. The impact on air quality must be studied and mitigated to the greatest extent possible as set forth in the Clean Air Act. How will the redevelopment fit into the current State Implementation Plan? I am concerned about the health of my children and the impact of more mobile sources of air pollution in the Village of Sleepy Hollow. I believe, cutting the number of units in the redevelopment will go a long way in preserving the overall air quality of the Village. Additionally, the use of specific types of vegetation to mitigate air pollution must be investigated.

Please refer to the Response to Comment 502 for a discussion of potential air quality impacts and the possible benefits from reducing the number of units and the amount of commercial floor area, and increasing the open space areas, as proposed under the FEIS Alternative Plan. In addition, as noted in the response to Comment PM401 below, the Applicant will consider all aspects of the LEED (Leadership in Energy and Environmental Design) conservation and sustainability categories during the design of the individual buildings as part of the site plan approval process.

SEQRA requires that projects be designed such that they “avoid or minimize” adverse environmental impacts to the maximum extent practicable”, 6 NYCRR Section 617.11(d)(5). As demonstrated by the air quality analysis conducted and presented in the DEIS, this standard has been met, as no significant impacts to air quality will result from the traffic generated by the proposed Project analyzed in the DEIS and perforce from the REIS Alternative Plan. Because the Project will not violate the NAAQS, it will not result in a violation of the State Implementation Plan (SIP).

The Clean Air Act does not contain a comparable requirement to avoid and minimize impacts. The Act does require, however, that certain agencies undertake an analysis of a project’s conformity with the relevant SIP. 42 U.S.C. § 176(c). NYSDEC has adopted

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transportation conformity regulations that essentially mirror the federal regulations as part of its SIP and require that any “recipient of Federal funds designated under title 23 U.S.C. or the Federal Transit Laws” make a transportation conformity determination for certain “regionally significant” projects that it adopts or approves. 6 NYCRR § 240.22(a). The proposed Project involves only improvements to Route 9 to mitigate traffic impacts from existing conditions and from the proposal; accordingly, it should not be considered a “regionally significant” project. Regardless, the air quality modeling conducted by the Applicant demonstrates that the project would not result in any non-compliance with the SIP.

PM401

We prepared a letter dated February 3rd that we would like included in the record. You must have received it. And those comments are specific to the draft EIS, and some of them include comments on specifically the number of residential units which our organization believes should be reduced. We think it's too many. And that also goes to specific impacts on traffic, air quality.

Please refer to the Response to Comment 502 for a discussion of potential air quality impacts and the possible benefits from reducing the number of units and the amount of commercial floor areas, and increasing the open space areas, as proposed under the FEIS Alternative Plan. The following responds to the letter dated February 3rd.

As presented in Section III.J of the DEIS, nitrogen oxides (NO_x) and volatile organic compounds (VOCs) are both precursors to ozone formation and both are emitted by mobile sources (i.e., vehicles). It typically takes several hours for NO_x and VOCs to react and ultimately produce ozone. Given that ozone production usually occurs some distance downwind of the initial release of NO_x and/or VOCs, it is not expected that there will be a significant increase in ground-level ozone at or near the project Site. For that same reason, ozone production is usually studied on a regional level, as opposed to a microscale level (i.e., partial section of a municipality). However, given that Westchester County is a non-attainment area for ozone (i.e., the County, like most of the New York Metropolitan area, has not achieved the NAAQS for ozone established under the Clean Air Act), efforts, which are described below, have been made to mitigate potential increases in ozone formation associated with the increased traffic and the NO_x and VOC emissions associated with building heating and hot-water systems. Furthermore, the NYSDEC has in place a State Implementation Plan (SIP), which has been approved by the U.S. EPA, to control emissions of ozone precursors from motor

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vehicles in the New York Metropolitan Area, including Westchester County. The SIP controls motor vehicle emissions through an enhanced Inspection and Maintenance (I/M) Program to comply with the enhanced I/M performance standard prescribed in 40 Code of Federal Regulations (CFR) Part 51.351(a).

As discussed in DEIS Section III.H, a new Metro-North Railroad train station is proposed as a potential element of the Project that would serve the Lighthouse Landing resident commuters, as well as existing area train riders that travel to and commute from the existing Tarrytown and Philipse Manor train stations. This option also calls for shuttle bus service between the proposed train station and the Site. If a new train station is not constructed, the Applicant will provide shuttle service to transport the Project residents and workers to the existing Metro-North Railroad Tarrytown and/or Philipse Manor train stations. Thus, with or without the train station, the Project will mitigate potential emissions of NO_x and VOCs from vehicles traveling in Westchester County and specifically within the Village of Sleepy Hollow.

The Lighthouse Landing Project will incorporate environmental design through the evaluation and implementation of Leadership in Energy and Environmental Design (LEEDS) measures. These measures may include, but are not limited to, conducting CO₂ monitoring; utilizing low-emitting materials; installing roof terraces; ozone protection; and using recycled construction debris. The LEEDS measures are based upon well-founded scientific standards and represent state-of-the-art building design which addresses environmental concerns. There currently are no plans for implementing the green rooftops initiative at the project site. However, many of the goals of the green rooftops initiative can be met by analyzing and implementing the LEEDS measures for the Lighthouse Landing Project. For example, by utilizing energy efficient building designs, the amount of energy required for heat and hot-water will be reduced and, thus, emissions of NO_x and VOC associated with the necessary combustion equipment (i.e., hot-water boilers) will be minimized.

PM1401

The density is not even remotely reasonable. A lot of people are talking about traffic and, you know, congestion. I'm going to approach it from a different angle that GM could understand. This will be from the standpoint of the emissions of ethanol and contamination of Pocantico River and health impacts of Sleepy Hollow and Tarrytown.

II. RESPONSES TO DEIS COMMENTS

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Elliott Spitzer recently, within the past year, banned MTB. What was done here was basically traded one people for another. When MTB happens, ethanol has an implication on health impacts. It basically effects particularly the elderly and the unborn. Woman should understand the negative aspects of ethanol, particularly in pregnancy. And the emissions coming from gasoline is an impact, even though you think you're not drinking it, you're breathing it with every breath.

So, in any case, the impact from a standpoint of the ethanol issues and also from the standpoint that particularly certain sections of Sleepy Hollow and particularly Tarrytown are being booked in from an overall pollution envelope, because of the tollbooth that we are proposing here. And if we look along with the environmental impact, what the emissions are for the vehicle population, I'm not talking about the flow right now, I'm talking about the total vehicle population in this area versus also relative to the bridge, whoever does that analysis is going to find some wide opening facts.

PH4101

So I'm approaching the ethanol side of this thing mainly directed at the density. I want to make sure that we get the level of density that we need to protect public health rather than possibly a generic EIS. So I will be submitting documents to the effects of ethanol for toxicity and neurogenic health as a result of abrafabrid (phonetic) admissions.

In particular since I have been here looking at the maps over these buildings 2, 3, 5, 6, 7 which have center courtyards have all problem with that for the people that live in those buildings.

According to multiple studies (cited below) conducted to determine the potential human health impacts of ethanol emissions from automobiles, the potential human health impacts due to the inhalation of ethanol from automobile emissions will be negligible. Furthermore, ambient background levels of ethanol are minimal and, thus, any potential increase in ambient ethanol levels due to the increase in vehicular traffic in conjunction with the proposed Project will not pose a human health risk for the surrounding area.

The Occupational and Safety Health Administration and the National Institute of Occupational Safety and Health have both set 8-hour average ethanol airborne permissible exposure limits (PELs) of 1,000 parts per million (ppm). These limits represent the concentrations to which healthy workers may be exposed 8 hours a day and 40 hours a week without experiencing adverse health effects. Understanding that healthy workers do not reflect the potentially sensitive general population (especially children and the elderly), NYSDEC uses a safety factor of 10 to adjust the 8-hour PEL for protecting the general population including sensitive individuals, children, and the elderly (December 22, 2003 Department of Air Resources Air Guide 1).

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Following the NYSDEC methodology results in an ambient threshold of 100 ppm for ethanol, which would be protective of the health of all individuals

In a report titled Air Quality Impacts on the Use of Ethanol in California Reformulated Gasoline (1999), the California Environmental Protection Agency calculated a maximum 1-hour modeled ambient ethanol concentration of 165 parts per billion (i.e., 0.165 ppm) in its South Coast Air Basin (i.e., the most congested and populated area of California). The calculation was based upon measured ambient concentrations and maximum modeled concentrations, assuming the use of a mixture of 10% ethanol by volume and 90% reformulated gasoline in the vehicle fleet. By comparing this maximum modeled concentration, which was calculated for the highly congested Southern California Region, to the estimated health threshold shows an ambient concentration of less than 0.2% of the derived health threshold (100 ppm). Thus, it can be concluded that vehicular ethanol emissions have a negligible impact on human health, as indicated by modeled ambient ethanol concentrations in a highly congested area that are approximately 600 times less than the concentration at which adverse health effects might be experienced.

This conclusion is further supported by studies conducted by the National Science and Technology Council in Interagency Assessment of Oxygenated Fuels (1997) and Cambridge Environmental in Ethanol – Brief Report on its Use in Gasoline (1999). Both studies concluded that toxic effects are highly unlikely to result from exposure to the low ambient air levels associated with the use of ethanol in gasoline.

The pathway posing the greatest risk to human health is through ingestion of ethanol, as opposed to inhalation. Ethanol is the active ingredient in alcoholic beverages and the effects through ingestion have been studied at length. The risk associated with maternal alcohol ingestion is fetal alcohol syndrome (FAS). As noted in the Cambridge Environmental Study Ethanol – Brief Report on its Use in Gasoline (1999), the frequency of FAS is doubled for children of heavy drinkers as compared to children of non-drinkers. The study also indicated that in Porto Alegre, Brazil, where 17% of vehicles run on pure ethanol, that a person could receive 0.5 milligrams of ethanol per day through the inhalation pathway, which is approximately 60,000 times smaller than the level in which daily ethanol

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consumption has shown proven effects on pregnant women. Thus, it can be concluded that the ingestion pathway poses a far greater risk to pregnant women, as opposed to inhalation of outdoor air.

AIR QUALITY - GENERAL

702 Furthermore, the increase in buildings and vehicles will have an enormous impact on the quality of both our air and water. The ability to use the Hudson River has attracted many residents to our area. If water quality deteriorates, the area will lose much of its desirability. It would be irresponsible to allow the redevelopment to disrupt the ecological balance of the Hudson, especially after so much effort has been made to clean up the river.

802 Additionally, we are concerned about the development's impact on air quality, noise, and the overall environmental quality of our area. The enormity of the waterfront redevelopment, its increased traffic, and buildings will have a large impact on the air quality of the Village.

901 I am concerned about the development's impact on the environmental. Specifically, I am extremely concerned that 1,564 new residential condominiums will impact air quality, and the overall environment of our area.

1402 Additionally, we are concerned about the development's impact on air quality, noise, and the overall environmental quality of our area. The enormity of the waterfront redevelopment, its increased traffic, and buildings will have a large impact t on the air quality of the Village.

Please refer to the Response to Comment 502 for a discussion of potential air quality impacts from the proposed development. Please refer to Response to DEIS Comments, DEIS Section III.K–Noise for a discussion of noise impacts from the proposed development.

2020 d) How can a study be done on Air Quality if an environmental remediation plan has not been developed?

The remediation phase of the Project is separate from the operational phase of the Project. The air quality impacts from the operational phase of the Project are assessed in DEIS Section III.J and the results of the study showed that there are no potential violations of the NAAQS as a result of the proposed waterfront development.

As part of the Remediation Action Work Plan (RAWP), a Health and Safety Plan (HASP) will be developed. This Plan will govern remedial activities and assure compliance with the Occupational Safety and Health Act. The HASP will include, or there will be a separate Community Air Monitoring Plan (CAMP) that would monitor for pollutants of concern (e.g., volatiles and particulate matter) at the Site

II. RESPONSES TO DEIS COMMENTS

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and at the Site perimeter. The monitoring for particulate matter (dust) will use real time monitoring equipment to ensure that neither members of the public nor Site workers are exposed to elevated levels of dust. The HASP and CAMP must be approved by NYSDEC prior to commencing any remediation activities

4721

Air Quality

All comments with regard to air quality previously put forward were properly addressed in the latest version of the DEIS. As a result, with regard to these issues the applicant has adequately addressed the completeness aspect of the DEIS. The findings and conclusions of the DEIS that no air quality impacts will occur as a result of the project seem appropriate.

4723

General Comment – If traffic analyses changes as a result of comments made above in the traffic-related section, then both air- and noise-quality analyses would need to be rerun.

As noted in the Response to Comment 502, the FEIS Alternative Plan decreases the number of dwelling units and amount of commercial floor space, while increasing the amount of open space. As a result of these modifications, the traffic Levels of Service (LOS) improved or stayed the same as in the original Traffic Study. Furthermore, the traffic volumes at the intersections studied in the air quality analysis decrease. Because the LOS are improving and the traffic volumes are decreasing, the overall air quality impacts would only improve due to the FEIS Alternative Plan. Thus, the conclusions of the air quality assessment presented in DEIS Section III.J will not change due to the FEIS Alternate Plan (i.e., it is highly unlikely that the Project will cause a violation of the carbon monoxide National Ambient Air Quality Standards).

PM403

Additionally we have submitted comments on air quality, on the potential that we have here to include environmentally friendly building products. We suggest something called green rooftops initiative that is provided by EPA. I mean, this is an opportunity to build a community that is unprecedented, trend setting. And we would like you to include us in the process, and we hope that you will.

As discussed in the Response to Comment PM 401, the Lighthouse Landing Project will incorporate environmental design through the evaluation and implementation of Leadership in Energy and Environmental Design (LEEDS) measures. While there are currently no plans to implement the green rooftops initiative at the Site, many of the goals of this initiative can be met by analyzing and implementing the LEEDS measures for the Lighthouse Landing Project, which will ensure that the project will be at the forefront of environmental design.

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In addition, to improve the environmental design and visual appearance of the development, the FEIS Alternative Plan provides for increased open space and landscaping.

POST-CONSTRUCTION AIR QUALITY IMPACTS & MITIGATION

406

4) Air Quality – Appendix 12, page 3-3 of the DEIS specifically states, “Westchester County is part of a severe ozone non-attainment area that encompasses most of the New York City Metro Area.” Increasing traffic into the Lighthouse Landing development coupled with the various other development projects will increase the precursors of ground-level ozone (NO_x and VOCs). Though ozone production depends on other factors such as the presence of sunlight, given that we are in non-attainment, the DEIS should better address 1) how the development will impact ozone production; and 2) mitigation efforts. For example, EPA has a Green Roof Tops initiative in New York City. We suggest, in keeping with our theme of Sleepy Hollow as a “showcase” community, Roseland explore and implement the green roof tops concept specifically, and other natural/vegetative air quality mitigation options in general. Again, overall air quality could best be served by reducing the 1,564 housing units and exploring as many public transportation options as possible including light rail.

Please refer to the Response to Comment PM 401 for a discussion of the Project’s potential impacts to rates of ozone production, as well as the potential reduction air quality impacts from the FEIS Alternative Plan, which reduces the housing density and amount of commercial floor area, as well as the potential for developing a new train station as part of the Project.

2904

AIR QUALITY - How much would the additional furnaces, cars, and trucks affect our already poor air quality?

Please refer to the Response to Comment 502 for a discussion of the potential air quality impacts from the development.

5630

‘Green’ Cleanup

The remedy should be designed so that implementation minimizes the impact on the environment and the local community. We urge that the following principles be incorporated into the design and implementation of this remedial action.

Energy efficiency

Equipment used in all phases of remedial action and construction should be energy efficient.

Low-sulphur fuel

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DEIS Sec. III.J · Air Quality

To minimize odors and other air emissions emitted to the local community low-sulphur fuel should be used in remediation and construction equipment.

Air Emissions

The strictest air emissions standards must be adhered to in operation of the thermal desorption unit. Any exceedances of such standards should force the shutdown of the unit until the problem can be remedied and strict air emissions standards can be met.

There are no plans to employ a thermal desorption unit. Equipment used during the remediation and construction activities at the site will be typical machinery used at such sites. Every effort will be made to ensure that the equipment is in good working order and as energy efficient as possible.

5033

Since the GM site is within a non-attainment area for purposes of the federal Clean Air Act, and the site as a whole is an indirect source of air emissions from the many motor vehicles congregating there, under SEQRA the FEIS should show how the development will minimize or reduce atmospheric emissions that cause non-attainment of the national ambient air quality standard for public health. This is another reason for studying use of a trolley or other fixed rail system, as well as cutting back on the density of the site.

PH2811

I would also note that we have to do in the EIS an analysis of the implications of this transport for places where cars are going to end up idling. Because of the State implementation plan for the Clean Air Act, we have a revision to the New York State implementation plan required in about five years or less because of the adjustment to the health standards in our area.

As you know, we are not in an area where we have consistently clean area all year. We don't meet the air quality standards for some of the air pollutants. And we want to be careful as this project gets developed that we are consistent with the State implementation plan.

Please refer to the Response to Comment 602 for a discussion regarding the Project and the State Implementation Plan.

CONSTRUCTION AIR QUALITY IMPACTS & MITIGATION

4606

Construction Impacts and Mitigation – Additional detail is needed with respect to the mitigation measures that will be provided to protect the buildings and residents at Ichabod's Landing and adjacent neighborhoods, such along Hudson Street, from dust; construction noise from pile driving, slab crushing and other activities; vibrations from pile driving and other activities; any potential release of contaminants; construction vehicle traffic, etc. Ichabod's Landing does not appear to be identified as a receptor for the noise impact analyses or for specific mitigation measures that would be needed due to its proximity to construction activities. Alternatives to the trucking of construction materials, such as by rail

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.J · Air Quality

as suggested in the DEIS, should be explored further.

An assessment of construction-related air quality impacts is provided in Section III.J of the DEIS. During the heavy construction phase (i.e., the first 24-30 months of construction), dust mitigation measures will be employed. Mitigation measures are proposed to help reduce short-term, temporary air quality and noise impacts, including, but not limited to the following:

- Keeping construction vehicle speed low to reduce dust suspension;
- Covering trucks carrying soils and other dry materials with tarps to control dust;
- Installing gravel anti-tracking pads at the construction access to remove dirt and debris from truck tires;
- Construction vehicles will be staggered and controlled over the course of the day to avoid concentrations of truck trips over short time periods;
- Covering exposed stockpiles of soil and gravel to eliminate wind-driven dust suspension, or as an alternate, minimizing the height of these piles;
- Periodic washing of paved surfaces within and adjacent to the project site during dry periods as a means to suppress dust suspension;
- Applying water, as necessary, during concrete slab removal and crushing;
- The application of water on stockpiles and unpaved roads during dry periods as a means to suppress dust suspension; and
- Final grading and landscaping of exposed areas as soon as possible.
- Construction hours of operation will conform to Village requirements.
- The Applicant will consider the use of low sulfur diesel fuel to reduce emissions from on-site diesel-powered construction equipment such as compressors, generators, bulldozers, backhoes and similar equipment.

In addition, construction vehicles will be properly maintained and idling will be minimized to mitigate potential air emissions during construction. Thus, it is expected that there will be minimal air quality impacts at Ichabod's Landing and in adjacent neighborhoods from the construction phase of the project. Furthermore, according to NYSDOT EPM, emissions from construction vehicles are

II. RESPONSES TO DEIS COMMENTS

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“temporary” and “self-correcting once the project is completed”. As such, emissions from construction vehicles are not expected to be significant.

See the response to Comments 4337 through 5203 in Section II.L (Construction Impacts) of this document evaluating the potential for materials transport to the project site by barge and rail to reduce construction truck trips.

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COMMENT NUMBER	COMMENT/RESPONSE
	<u>CONSTRUCTION NOISE IMPACTS & MITIGATION</u>
4348	<p>48. The Applicant expects that replacement of 30% of the piles will be required. The potential impacts from this pile driving activity should be more fully evaluated relative to hours of operation, noise and length of operation.</p> <p>Noise levels associated with pile driving activities and their potential impacts are evaluated in the DEIS Noise Report (Appendix 13) and discussed in DEIS Section III.K. Noise levels associated with pile driving are discussed, as well as the anticipated noise levels at noise-sensitive locations. The Noise Report acknowledged that pile driving, when it occurs, would be the most significant construction-related noise source. Accordingly, and as discussed in the Noise Report, the Applicant proposed to minimize the potential impact associated with pile driving by limiting this activity to daytime hours only, in accordance with the Village of Sleepy Hollow noise ordinance. Whereas under the DEIS Plan the proposed building footprint areas with new pile foundations encompassed approximately 12.2 acres, the FEIS Alternative Plan reduces said footprint areas to approximately 8.3 acres, representing a reduction of 32 percent in the building area required to install new piles to construct the project.</p> <p>Pile driving activities are anticipated to be reduced under the FEIS Alternative Plan, given the reduction in the residential units and the amount of commercial floor area. Construction staging and duration is anticipated to be similar under the FEIS Alternative plan.</p>
4606	<p><u>Construction Impacts and Mitigation</u> – Additional detail is needed with respect to the mitigation measures that will be provided to protect the buildings and residents at Ichabod’s Landing and adjacent neighborhoods, such along Hudson Street, from dust; construction noise from pile driving, slab crushing and other activities; vibrations from pile driving and other activities; any potential release of contaminants; construction vehicle traffic, etc. Ichabod’s Landing does not appear to be identified as a receptor for the noise impact analyses or for specific mitigation measures that would be needed due to its proximity to construction activities. Alternatives to the trucking of construction materials, such as by rail as suggested in the DEIS, should be explored further.</p> <p>The Site covers a large area (95 acres). As discussed in the DEIS Noise Report (Appendix 13), no one offsite residential area will be exposed to consistent noise levels for an extended period of time as construction progresses through the Site. All of the impacts from</p>

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.K · Noise

construction are temporary in nature. The construction noise analysis, which included noise generated by slab crushing activities, considered all existing residential areas and did not identify any significant noise impacts from construction activities. Noise level calculations for residential areas were conducted by assuming that construction noise would emanate from the approximate center of the site. This was conducted because of the size of the site, in order that a quantitative estimate of construction noise could be provided. The nearest identified residence to the center of the site is located approximately 1,000 feet away (the same as the Kingsland Park receptor). The construction analysis utilized the same receptors as where ambient monitoring was conducted, such that direct comparison of noise levels could be performed, which is why Ichabod's Landing was not identified as a construction noise receptor. Ichabod's Landing, while not identified as a receptor, and Hudson Street are at least 1,000 feet away from the center of the site. Construction noise will always vary based on equipment in operation and the distance the equipment are from any residence or area. It is understood that portions of Ichabod's Landing are directly adjacent to the site, and as such, construction equipment will at times be closer to Ichabod's Landing. This is also true of other residential areas on Beekman Avenue, Barnhart Avenue, etc. Conversely, equipment will be much farther from these areas when construction occurs at the north and west ends of the site, resulting in much lower noise levels at these locations. Maximum, short-term pile driving sound levels, at the most proximate residential area at Ichabod's Landing, would be on the order of 93 dBA. This would only occur when the nearest pile is driven. Noise levels will reduce with distance as piles further away are driven.

As illustrated in FEIS Figure Nos. II.L-1 through II.L-3, West Parcel construction activities are planned to occur in the vicinity of Ichabod's Landing between Year 1 and Year 3 of the construction sequencing. In addition, South Parcel construction activities proximate the Hudson Street neighborhood and Ichabod's Landing will occur during Years 1, 4, 5 and 6 of the construction sequencing. Vibrations from construction equipment (including pile driving) propagate through the ground by means of surface waves and secondarily by body (shear and compressional) waves. The amplitude of these waves diminishes with distance from the source. This attenuation is due to two factors: expansion of the wave front (geometrical attenuation) and dissipation of energy within the soil itself (material damping). Assuming the use of a 15,000 ft-lb pile hammer, at a distance of approximately 328 feet (100m), vibrations

II. RESPONSES TO DEIS COMMENTS

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due to pile driving are expected to be barely above the threshold of perception, yet well below the damage thresholds (Wiss, J. F., "Damage Effects of Pile Driving Vibration," Highway Research Board Record 155, 1967).

Most Village residences are located well beyond this distance. Ichabod's Landing is located approximately 125 feet (38m) from the closest pile driving. Nonetheless, according to the Wiss study, while some vibrations may be perceived at this most proximate distance and only when the most proximate piles are driven, no damage is expected to occur.

As indicated in the response to Comment 4348, the FEIS Alternative Plan reduces the extent to which new piles foundations are necessary by approximately 32 percent in comparison to the DEIS Plan.

The DEIS notes that pile driving would generate the highest level of noise, and mitigation (i.e., limiting this activity to daytime hours) will be provided. Accordingly, no significant adverse impacts to residences are expected.

Comments related to dust are addressed in FEIS Section II.J (Air Quality) of this document. Construction related traffic impacts are addressed in FEIS Section II.L of this document.

4912

b. The DEIS does not address the noise impacts associated with use of Continental Street for construction traffic access.

Minimal use of Continental Street for construction traffic access is expected as discussed in Section II.L of this document as well as in the updated traffic study for the FEIS Alternative Plan presented in FEIS Appendix 6. The majority of heavy vehicle access is planned for Beekman Avenue and other roads. As such, no significant traffic noise impacts would be expected along Continental Street.

4915

e. The DEIS does not identify the use of acoustic buffering techniques to minimize noise impacts resulting from the construction of future uses on the GM East Parcel.

PH2820

We also need to come up with a buffer that is one for noise somehow to deal with the question of the construction impacts of noise on the park so the people who continue to use the park during construction can have an expectation of when they will not have an excessive amount of noise intruding on that. Part of that is a temporary phenomenon we are going to have to endure.

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The construction noise analysis presented in the DEIS evaluates noise levels in the Kingsland Point Park and concludes that no long-term impacts are expected. The DEIS also noted that diesel engines are a significant source of construction noise, and the use of functional mufflers will be required on all construction equipment in order to reduce construction noise levels. No acoustic buffering is proposed for construction of the public uses planned on the East Parcel.

NOISE - GENERAL

802 Additionally, we are concerned about the development's impact on air quality, noise, and the overall environmental quality of our area. The enormity of the waterfront redevelopment, its increased traffic, and buildings will have a large impact on the air quality of the Village.

1402 Additionally, we are concerned about the development's impact on air quality, noise, and the overall environmental quality of our area. The enormity of the waterfront redevelopment, its increased traffic, and buildings will have a large impact on the air quality of the Village.

The DEIS Noise Report (Appendix 13) evaluated noise resulting from use of the Project, due to both the additional traffic and onsite sources. The traffic noise analysis revealed that noise level increases due to traffic would be below the project impact criterion and would not result in any noise impacts. In addition, as described in Section II.I of this document, the FEIS Alternative Plan will result in a reduction in peak hour traffic generation in comparison to the DEIS Plan, with no changes to anticipated traffic noise impacts.

The Project itself will not contain any noise-generating sources, other than HVAC systems. Project HVAC systems are not anticipated to result in any significant impacts to future project residents, and as such, would not result in any significant impacts to offsite residents.

4723 General Comment - If traffic analyses changes as a result of comments made above in the traffic-related section, then both air- and noise-quality analyses would need to be rerun.

The updated traffic analysis in the FEIS Alternative was reviewed for potential changes to the noise analysis. Noise level increases associated with the FEIS alternative traffic volumes will remain essentially the same, or slightly less than under the DEIS analysis. As such, no significant traffic noise impacts are anticipated with the FEIS Alternative plan.

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PM2013

Also I'm sure this will increase trash in the river and noise.

The DEIS Noise Report (Appendix 13) indicated that no significant impacts would be expected due to operation of the project. The stormwater pollution prevention plan for the construction phase will control debris and will prevent any adverse effects on the River.

POST-CONSTRUCTION NOISE IMPACTS & MITIGATION

4911

a. The DEIS does not examine the relationship between proposed building locations, building architecture and/or building materials and potential noise impacts.

No significant noise-generating equipment is anticipated for use at the Site. The HVAC systems will be typical of residential developments. These systems are not anticipated to result in any significant impacts to future project residents, and as such, would not result in any significant impacts to offsite residents. The presence of Project buildings will, in fact, shield offsite residents from some of these sources, further reducing any offsite noise impacts. As discussed in DEIS Section III.K.4 b, noise levels in the two residential buildings proposed adjacent to the Metro-North tracks (i.e., Buildings 13 and 17 in the DEIS Plan, and Buildings I and N in the FEIS Alternative Plan) will be minimized through a combination of double-paned windows and insulated walls.

4913

c. The DEIS does not address the long-term noise impacts on Philipsburg Manor that would result from increased use of Continental Street once the project is occupied. If the results of a revised traffic study reveal that more traffic will use Continental Street to access the GM East Parcel than currently envisioned, additional analysis of noise impacts associated with that change should also be examined.

See the response to Comments 4914 and 4919 below.

4914

d. The DEIS does not address the impacts of noise associated with the operation of the new Village DPW Site that is proposed to be located on the GM East Parcel, nor does it address potential impacts associated with the features of the proposed DeVries Park expansion on that same parcel (i.e., two new soccer fields, two new basketball courts and a new 100-space parking lot).

4919

c. The conceptual site plan for the DeVries Park expansion (DEIS Figure II.C-54) identifies two new soccer fields, two new basketball courts and a new 100-space parking lot, with primary access to DeVries Park proposed to be changed from DeVries Avenue to Continental Street. When HHV originally met with the Village to discuss the DeVries Park expansion in 2003, the need for one

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.K · Noise

soccer field and a swimming pool at that location was identified and both of those features were incorporated into the alternative conceptual site plan prepared by HHV and submitted for the Village's consideration as part of the DEIS scoping process. The combination of including more recreational facilities and creating a new access road to DeVries Park would result in more traffic using Continental Street in the future as well as additional noise from use of the recreational facilities and the added traffic. Those changes would have an impact on Philipsburg Manor unless they are adequately mitigated.

The amount of traffic utilizing Continental Street for access to the recreational facilities is expected to be minimal and intermittent, typical of other area recreational areas as indicated in the information presented in the FEIS traffic study. Traffic associated with these facilities is included in the trip generation calculations described in the revised Traffic Study contained in FEIS Appendix 6. These are listed for the various peak hours on the Trip Generation tables and illustrated on the Build Traffic Volume figures for the various conditions.

The relocated Village DPW facility site would be located in the East Parcel, near Kendall Avenue and Continental Street. The majority of activities associated with this facility would be limited to daytime, weekday hours. A discussion of the proposed Village DPW facility is presented in FEIS Section I (Introduction). The DPW currently uses a portion of the East Parcel for composting activities. The DPW accesses the area from Continental Street, and, as such, some DPW activity is already experienced along Continental Street. An important aspect of this project is that the viaduct, which is currently closed, will be repaired to restore it to the original design load of 19 tons. DPW trucks and vehicles under 19 tons will therefore utilize the viaduct, avoiding Continental Street.

Provided in the following table are typical sound levels of DPW vehicles and equipment¹.

Typical Sound Levels of DPW Equipment

Equipment Type	Sound Level at 50 Feet (dBA)
Sewer Jet	80
Utility and Pickup Trucks	65
Dump Trucks	85

¹ Equipment type based on Village of Sleepy Hollow listing of motor vehicles as of March 2004, as presented in Lighthouse Landing DEIS Appendix 1E.

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DEIS Sec. III.K · Noise

Utility Vacuum Truck	80
Front End Loader	80
Bus	80
Garbage Truck	85
Backhoe	85
Car (Sedan)	60
Roller	85
Street Sweeper	80

Source (BBN, 1971; NYSDEC, 1974; MADEP)

A review of these data shows that the highest typical sound level of any DPW vehicle or equipment is 85 dBA. Heavy equipment such as backhoes are no louder than garbage trucks or dump trucks that already access the compost site along Continental Street.

The proposed DPW facility garage will be located approximately 300 feet from the nearest residences on Kendall Avenue. This distance will act to greatly reduce any noise transmitted from activity in the garage.

No significant noise impacts are therefore anticipated along Continental Street or at the nearest residences on Kendall Avenue due to the relocated DPW facility.

TRAIN NOISE

4722

Noise

HUD noise exposure standards were correctly applied to assess potential rail based noise impacts on the Proposed Action. However, the DEIS also uses FTA procedures to determine potential noise impacts related to the Proposed Action. Unfortunately, these FTA procedures are not compatible with respect to an assessment of a proposed housing development near an existing rail line. As a result, its use (other than to predict existing noise levels due to the Metro North main line and to predict future noise levels of its associated parking lot) is inappropriate. This section therefore requires revision.

Concerning the conclusions reached from the noise impact assessment using the HUD noise exposure standards, the resulting noise exposure at Buildings 13 & 17 would be in the "Normally Unacceptable" range. The DEIS in paragraph 7 of section 5.5.2 characterizes it as being just over the "Acceptable" range. While technically correct, this is confusing to persons reviewing the text. Therefore, the text should be changed to accurately reflect the exact HUD noise rating and a table presenting the actual HUD noise exposure standards should also be included in the text for clarification. As a result, the text should also elaborate further on why mitigation measures are being considered.

With the exception of the above, the findings and conclusions of the DEIS with

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DEIS Sec. III.K · Noise

respect to noise-related issues seems appropriate.

PH5303

However, the land that is currently being proposed for our seniors is closest to the railroad tracks. You know, I hope that the frequent noise and disturbances for the trains that come up to 1 AM in the morning doesn't have an impact, a negative impact on our seniors, as well.

As noted in the comment, the FTA procedures were used to calculate rail line noise. Use of the FTA procedures was required as part of the DEIS Scoping Document for the Project. As noted in the DEIS, the FTA noise impact assessment guideline is derived from the HUD guideline. The text of Section III.K(3)(a)(3) on page II.K-8 of the DEIS is revised as follows:

To further evaluate potential noise impacts, both the calculated FTA rail line noise level and the extrapolated ambient data were compared to the HUD noise standards for proposed residential housing. This comparison is appropriate because 1) the project is proposed residential housing; and 2) the FTA impact criteria are derived from HUD's noise standards. HUD evaluates what the existing noise environment is for a location where housing is proposed. HUD considers that an area is acceptable for residential housing if the existing (measured) L_{dn} does not exceed 65 dBA. Above 65 dBA to 75 dBA, the area is considered "normally unacceptable", while over 75 dBA, it is unacceptable. HUD allows for development in "normally unacceptable" environments if additional mitigation is proposed for the housing. Comparing the extrapolated measurement (65 dBA) to the HUD standard reveals that the current noise level is at the upper end of the "acceptable" range. The extrapolated data are, as noted previously, considered to be conservative since it is assumed that the majority of the noise measured at Kingsland Point Park was due to train noise. Comparing the calculated estimated rail line noise (66 dBA) would place the edge of proposed Building 13 under the DEIS Plan (the area) just into the "normally unacceptable" range. Remaining areas and buildings, located further from the railroad tracks, would be in the "acceptable" range.

Keeping in mind that the HUD standards are only guidelines for this project (they only apply as standards to federally funded projects) the project developers, recognizing that proposed Buildings 13 and 17 were close to the rail line, would consider mitigation measures, such as double pane windows and insulated walls, for the eastern portion of these buildings to reduce interior noise levels.

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DEIS Sec. III.K · Noise

The FEIS Alternative Plan has the senior housing relocated to areas in the site further from the railroad tracks than in the DEIS plan. None of the other residential housing in the FEIS Alternative Plan is closer to the railroad tracks than under the DEIS plan. As such, potential noise impacts with the FEIS Alternative Plan would be similar to or less than those associated with the DEIS Plan.

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COMMENT NUMBER	COMMENT/RESPONSE
	<u>BEEKMAN AVENUE BRIDGE</u>
1906, 4405	<p>4. <u>Beekman Avenue Bridge</u> The DEIS calls for replacement of the Beekman Avenue Bridge. Page III.L-13 references that developer would be willing to pay its “fair share of the cost for improvements” to the Beekman Avenue Bridge. The bridge would need to be reconstructed to bear more tonnage than it is currently able to handle. This requirement is the result of the project needs. MNR would not fund this construction.</p>
2021, 4214	<p>a) The report from McLaren states that Metro North owns and maintains the Beekman Ave. Bridge. Is this correct? If they are the Owners, than they will be the agency to issue Permits for the demolition and reconstruction of the new Bridge. Roseland states they are not paying for repair of this Bridge. Who is responsible to secure a new design, get permits and build this new Bridge?</p>
2022, 4215	<p>b) Who is going to pay for all the Metro North costs associated with construction of the new Bridge (design review costs, inspection costs, flag protection costs, etc.)? Has a “force account” been set up with Metro North to start this work? It seems like the most important access to (from) the site, has not been addressed properly.</p>
2008	<p>a) When is the Bridge going to be replaced? Obviously, the Bridge should be repaired before any construction begins. Otherwise, all traffic can not enter an exit the site over Beekman Ave. and will tax the adjacent roads and towns. Have these alternate routes been identified and evaluated for truck loading requirements?</p>
2010, 4205	<p>c) If the Bridge is not going to be replaced immediately and alternate routes are not allowed, how will the Bridge be monitored to insure the weight limit is not exceeded with trucks entering (exiting) the site?</p>
2011, 4206	<p>f) If the Bridge is not going to be replaced immediately, has the traffic study included the alternate routes that will be taken by the trucks?</p>
2012, 4207	<p>d) How can the surrounding road systems have been designed if Metro North has not agreed to any conceptual plans for the replacement Bridge?</p>
2017	<p>a) Are all the trucks going to exit through Tarrytown if the Beekman Ave. Bridge is not ready?</p>
4202	<p>b) When is the Bridge going to be repaired? The Bridge should be repaired before any construction begins. Otherwise, all traffic can not enter and exit the site over Beekman Ave. and will tax the adjacent roads and towns. Have these alternate routes been identified and evaluated for truck loading requirements?</p>
4339	<p>39. In order to accommodate construction vehicles, the Beekman Avenue Bridge needs to be upgraded. The Applicant should describe the extent of the</p>

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upgrade required, the anticipated timing to complete as part of the overall project, and potential traffic or utility impacts from this construction. Ownership of the bridge also needs to be definitively determined. The Applicant should also identify height or other Metro-North related issues with the bridge reconstruction. Is it possible to construct a new bridge next to the existing bridge and then roll over to minimize disruption? Potential design features to create a more appealing and distinctive gateway should also be discussed and provided. A construction routing plan needs to incorporate potential disruption to the Beekman Avenue Bridge.

5201

1. Beekman Avenue over MNCR tracks – We concur the structure must be significantly upgrade or replaced to adequately serve during construction and for final access over MNCR tracks for the area. This should be addressed as soon as practical as significant impacts on the project costs and construction schedule are anticipated due to its location over active MNCR tracks, its use as primary access during and after construction, and limited work area.

4201

a) Has the actual thickness of the Bridge been measured? Since the quantity of truck traffic for this Project will be excessive, it is imperative that the rating not be compromised.

4203

c) Has a study been done of the existing utilities on the bridge (identified as water, sewer, gas and electric)? Have the utility Companies approved installing their utilities on this new Bridge?

4204

d) When will the soil borings and geotechnical report be done for the new Bridge so a design can be submitted to Metro North for approval? Roseland is indicating they will not be paying for this Bridge, so who is going to pay for the design?

The Beekman Avenue bridge will be upgraded to current highway design loading (AASHTO HS25 truck loading; 45 tons as currently required by the NYSDOT) either through public funding or by the Applicant if such funding is not available. If public funding is made available for all or a portion of the cost of the bridge upgrade, the Applicant has proposed to reallocate 50 percent of any savings toward the DPW facility provided the gross cost of the bridge does not exceed \$2.1 million. The Applicant will cover the cost of the Metro-North Force Account that will be required during construction. The reconstruction of the Beekman Avenue bridge will take place at the early phase of the overall project schedule to allow construction vehicles to access the site. During construction of the bridge, one lane of traffic in each direction and one sidewalk will be maintained. The owner of the bridge, Metro-North, will review the design plans and provide necessary forces (flagmen) to complete the construction at the contractor's expense. The existing abutments will be evaluated for the upgraded truck loading but it is not anticipated that the existing abutments will be replaced due to their excessive weight when

II. RESPONSES TO DEIS COMMENTS

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compared to the additional truck loading. In conjunction with the design of the new superstructure, an analysis will be performed to verify the capacity of the existing abutments to sustain the design loads. In addition, as part of the bridge rehabilitation, the existing deterioration in the abutments (spall and cracks) will be repaired. Geotechnical investigations will also be performed to determine the allowable soil bearing capacity. All existing utilities carried by the bridge will be maintained during construction with minimum interruption at final hookup from existing lines to new lines. The bridge will be constructed in two stages with new utility lines constructed on the completed portion of the bridge. The utility work will be coordinated thoroughly with all utility companies involved.

EAST PARCEL VIADUCT

- 2013 a) When is the Viaduct going to be replaced? The Viaduct should be repaired before any construction begins. Is Roseland going to pay for the repairs?
- 2014 b) Has Metro North been involved with the repair of the Viaduct since is adjacent to their Property. Who is going to pay for the Metro North costs (design review costs, inspections costs, and flag protection) while the Viaduct is being designed and the work is being done?
- 4208 a) When is the Viaduct going to be replaced? The Viaduct should be repaired before any construction begins. Is Roseland going to pay for the repairs?
- 4209 b) Has Metro North been involved with the repair of the Viaduct since is adjacent to their Property. Who is going to pay for the Metro North costs (design review costs, inspection costs, and flag protection) while the Viaduct is being designed and the work is being done?
- 5202 2. Beekman Viaduct - The November 1, 2004 Viaduct Evaluation only recommends the northern span be replaced and the concrete deck repaired. The structure appears from the description to be the original components from 1960 with a design loading of H15 (two-axle truck). Current design loading would be HS20 (three axle truck) as a minimum with a recommended design loading of HS25. If the concrete deck is the original, it is 44 years old. Concrete roadway decks can have a life span ranging from 25 years to 50 years depending on loads, freeze-thaw cycles, de-icing agents, and structure stiffness. The existing deck may be at the end of its useful life. Additionally the adjacent sheetpile retaining wall and cribwall at the east side of the structure is in poor condition with undermining at the cribwall evident in one location. If the east side access is to be retained, further studies into its load carrying capacity, the need for the viaduct, cost benefit analysis of rehabilitation versus replacement based on the capacities and needs, and stability and future reliability of the adjacent retaining wall and cribbing should be pursued.
- PM802 The second item has to do with the viaduct associated with the bridge and the same kind of questions concerning its condition, its need for repair, whose

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going to pay for it, how is it going to be done, schedule, fines, et cetera.

The existing Beekman Viaduct was designed in 1960 to carry a maximum truck load of 19 tons. Current truck loading exceeds this value. Therefore, several options are being considered to upgrade the capacity of the Viaduct. One option is to demolish the existing viaduct and replace it with a new viaduct on the existing vertical and horizontal alignment for an estimated cost of \$3.7M. Another option is to demolish the existing viaduct and construct an at grade access road to the east of the existing viaduct using concrete retaining walls to retain the earth for an estimated cost of \$2.5M. This cost does not include right-of-way acquisition that may be required.

Depending on which option is selected, the adjacent sheetpile retaining wall and crib wall will be either stabilized with riprap or completely demolished and replaced with a concrete retaining wall.

The Applicant proposes to contribute \$1.7 million to the Village for repair of the existing viaduct to its original design load (H15) or 19 tons. Alternatively, these funds could be used by the Village for another access alternative to the East Parcel. Per the Applicant's structural engineering consultant, McLaren Engineering, it is recommended that the northernmost span (# 16) be replaced. All structural steel will be cleaned and painted and the concrete deck repaired. A new asphalt overlay will be constructed along with a new drainage system to minimize soil erosion on the east embankment. In addition, stabilization of the embankment at the center of the viaduct is recommended. The concrete curbs will be repaired, the steel guide rails cleaned and painted, and a new guide rail constructed along the west side of the road north of the viaduct. The estimated \$1.7 million cost does not include the cost of railroad flag protection that may be required for access to the underside of the viaduct and to provide materials for the slope stabilization of the east embankment.

It is noted that there is no relationship between the viaduct repair and the Beekman Avenue Bridge replacement as they are separate structures with no physical connection.

CONSTRUCTION TRAFFIC & ACCESS

2018

b) What is the estimated number of trucks exiting the site each day with hazardous material? What kind of plan is in effect to insure the trucking does not use Tarrytown streets during rush (school) hours?

It is expected that approximately 14,000 cubic yards of material

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including soils removed as part of the remedial process will be removed from the site. It is planned that a substantial portion of the contaminated fill that will be transported from the Site will go by rail, rather than by trucks. The Applicant anticipates that the implementation of the Interim Remedial Measures, which will generate most of this contaminated fill for off-site transport and disposal, will be over a period of approximately 4 to 5 months. It is expected that over 75% of the estimated 14,040 cubic yards of contaminated soils to be disposed off-site during this remedial phase would be transported by rail (based on the current practices of anticipated disposal locations). As described in Section II.B of this FEIS, those soils would contain lead, petroleum, chromium or TCE. The Applicant will work with the Village to mitigate potential impacts of truck trips on rush hour traffic conditions. Although it is GM's intent to use rail to ship all contaminated soils requiring off-site disposal, it is prudent to assume that some materials may not be accepted for disposal at facilities that receive waste by rail. These may include soils that may exceed the receiving landfill's permit limits, and certain bulk materials that may be encountered (such as timbers, steel, or liquids) that may not be acceptable for disposal at facilities serviced by rail.

4906

b. The traffic study should also address the potential impact created by the construction process for the commuter parking lot. For the same reasons previously stated, the analysis should include a scenario where Continental Street, via the Pocantico Street/US Route 9 intersection, serves as the primary access route for construction-related traffic. The Applicant should provide details regarding the frequency, intensity and duration of construction-related traffic for significant stages of construction.

During construction of the commuter/resident parking lot, all commercial vehicles (except those exceeding the proposed H15 design loading (19 tons) planned with the viaduct repair) will be able to access the East Parcel from the viaduct. Heavy trucks and equipment with weights in excess of the H15 loading will access the East Parcel from Continental Street. Construction of the commuter/resident parking lot is expected to occur in Year 6 of the construction sequencing as presented in FEIS Figure Nos. II.L-6. However, since there will no need to import significant amounts of soil to construct the commuter parking lot, trucking operations will be limited to construction workers, equipment and materials. There may be periods when vehicle access may approach 60 to 75 vehicles per day.

4213

d) The schedule shows bringing in 150,000 cy of material for surcharging

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before any Bridge repairs are done? Is this correct, all truck traffic will go through Tarrytown?

6217

17. The Applicant should prepare a construction routing plan identifying how materials will be brought to the site.

6904

4) DEIS Section III-L: With the number of anticipated construction vehicle trips the project will generate, how will the construction traffic impact the condition of the existing infrastructure (i.e. roadways, utilities, bridges, etc.)? A traffic circulation plan should be provided for the construction traffic into and out of the Village.

PM803

Next question has to do with the fill discussed in the DEIS stating something like 350,000 cubic yards of fill material will be required. There is 150,000 cubic yards that will be generated by the demolition process and 200,000 cubic yards will be imported. This goes to the issue of not only the grading issues, the fill, the flood drains, but how are you going to transport the materials into and out of the site considering the issues at Beekman Avenue bridge, viaduct, et cetera.

PM2005

We haven't also addressed, outside of the line, in the short statement we saw tonight, about the construction traffic. Just having lived through the widening of 87, 287 interchange, it's been a nightmare for us, the noise and sounds. And I can't imagine what this kind of construction will do to Route 9, 'cause that's pretty much the only access to it from some of the major corridors. That is not truly represented in that document.

Similar to the DEIS Plan, the FEIS Alternative Plan requires approximately 200,000 cubic yards of import soil to bring the Site to the required elevations. During the first year of construction, approximately 80,000 cubic yards of soil will be imported to be used as general fill and surcharge material. It is anticipated that up to 100 loads of material will be delivered during peak operations or approximately 200 vehicle trips per day. These trips will be spaced throughout the day. Reconstruction of the Beekman Avenue Bridge is expected to commence during the early phase of the overall project schedule to allow construction vehicles to access the site. As discussed herein, the Beekman Avenue Bridge currently has a 12-ton weight limit. Prior to reconstruction of the Beekman Avenue Bridge, Lighthouse Landing construction vehicles exceeding 12 tons approaching from the south on Route 9 are anticipated to turn left onto either Franklin Street or Central Avenue, and proceed over the H-Bridge to Railroad Avenue, Division Street and River Street to enter the Site. Lighthouse Landing construction vehicles over 12 tons approaching the Site from the north on Route 9 would most likely turn right onto Wildey Street and proceed over the H-Bridge to Railroad Avenue, Division Street and River Street to the Site.

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Construction vehicles under the 12-ton weight limit approaching Lighthouse Landing from the north and south on Route 9 would logically turn onto Beekman Avenue and proceed directly to the Site. Similarly, upon completion of the Beekman Bridge Avenue Bridge, Lighthouse Landing construction vehicles on Route 9 would turn onto Beekman Avenue and proceed directly to the Site. Construction truck routes exiting the Site would tend to be the reverse of the approach routes described above.

Since the site will be restored to taxable status before any construction is completed and any portion of the project is occupied, significant tax revenue will be generated to the Village at a time when the impact of the project on Village services is minimal, thereby yielding surplus revenue to the Village. In the Applicant's opinion, the surplus tax revenue will be sufficient to offset any costs incurred by the Village during the construction period, including any costs for road repairs. However, as requested by the Village, the Applicant will agree to be liable for the costs of any necessary repairs to road and infrastructure damage along Beekman Avenue caused by Lighthouse Landing construction traffic, and will provide an appropriate bond to the Village to secure that obligation.

6118

F. INADEQUATE EVALUATION OF CONSTRUCTION TRAFFIC IMPACTS

Based on the information provided on page III.L-2 of the DEIS, it is estimated that construction of the development will generate up to 350 peak-hour employee trips and 160 or more truck trips per day (80-entering and 80 exiting trips). It is noted that this is more traffic that will be generated by any other project recently approved in either Village and is even more traffic than will be generated by the entire Ferry Landings development. Furthermore, because of the weight restriction on the Beekman Avenue Bridge, it can be expected that almost all of the truck trips will be added to the H-Bridge and Central Avenue corridor in Tarrytown. The DEIS provided no further analysis of the impact of these trips, other than to say (also on page III.L-2) that other modes of transporting construction materials "may be feasible" but will be "dependent on a variety of factors."

Clearly, the addition of just the employee traffic to the Study area will, in and of itself, have a significant adverse impact, which will be exacerbated by the addition of truck traffic. The FEIS should acknowledge these impacts and identify real mitigation measures, not ones that may or may not be feasible, depending on prevailing economic conditions. Failing this, the lead agency should require the Applicant to complete the ultimately-identified traffic mitigation measures, including the repair/replacement of the Beekman Avenue Bridge, prior to the commencement of a significant level of construction activity.

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Peak Hour traffic from the Project at build out is expected to be higher than the peak hour traffic during construction as the construction traffic would tend to occur during non-peak periods. In addition, construction will be a temporary condition. As noted in the response to Comments 1906 through 4204 above, reconstruction of the bridge will occur at an early phase of the overall project schedule to allow construction vehicles to access the site. Due to the reduced project size, the amount of construction traffic associated with the FEIS Alternative Plan is expected to be somewhat lower than that estimated for the DEIS Plan in Section III.L of the DEIS.

7005

Construction Access

Increasing the allowable load rating of the existing upland infrastructure (i.e. Beekman Avenue Bridge or other load limited access bridges/routes) through a repair or replacement program, as may already be a consideration of the Master Plan, would additionally benefit the vehicular transport of construction materials that may otherwise need to arrive or be produced on-site by barge (by water transport) which would increase construction costs.

The reconstruction of the Beekman Avenue bridge will occur at an early phase of the overall project schedule to allow construction vehicles to access the site from Beekman Avenue. Further, it is estimated that the volume of truck traffic will vary throughout the duration of the project but is expected to average approximately 70 round-trips per day during the construction period, with fewer truck trips expected during the earliest and latest stages of construction. Attempts will be made to stagger truck trips throughout the day spanning an assumed 10-hour work-day. Thus, it is anticipated that between 15 and 20 truck trips might occur during the peak hours. A discussion of the feasibility of barging material to the site follows.

To provide a comprehensive comparison of land and water transportation of material, it is necessary to include all components of the importation of fill material, from the source to placement on the project site. A summary of the components of the land and water transportation is included below.

A. Land Transportation

1. Material Source – Typically, material is secured from other construction projects that have 5,000 to 20,000 cubic yards of material to export. The construction market at the time of the project construction will determine the specific locations of the material to be imported to the project site.

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2. Transportation – At the source site, the material would be loaded onto trucks and the trucks would then travel on the road network to the project site. The trucks will take the material to the location on the project site where it will be required for construction and phasing plan. After dumping, the material will be graded and compacted.

B. Water Transportation

1. Material Source – Similar to land transportation, it will be necessary to determine projects that have material to export that is suitable for the project requirements. However, with water transportation, the source sites must be located within a reasonable proximity of the loading facility. The Applicant recognizes that dredge projects within the NY metropolitan area may be a potential source of fill material. As the project proceeds, the Applicant will continue to pursue all reasonable dredge sources to determine if the quality and quantity of material would meet the project requirements.
2. Truck Transportation – Similar to land transportation, the material will need to be trucked from the source sites to the water loading facility. The material would be dumped and stockpiled at the loading facility. This would require personnel to manage the deliveries and, at a minimum, a bulldozer to push material onto the stockpile and to assist in the on-loading process. The cost of this component is similar to land transportation.
3. Loading of Material – The fill material must be placed on barges for transportation to the project site. The only feasible location for on-loading material would be at existing facilities along the Hudson River or New York Harbor. Such locations would include existing quarries in Haverstraw Bay and further up river in Tomkins Cove and Hamburg. These locations would require obtaining an agreement with the owner of the facilities and creating a staging area that would not disrupt existing operations. A conveyor system or crane with a clamshell bucket will be required to load the barges. A barge can carry approximately 1,200 tons (650 CY) of soil material. It will be necessary to stockpile material and schedule deliveries

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such that the barging operation can proceed without interruption, as this would add additional cost.

4. Off-Loading of Material – This would require establishing a marine handling station offshore of the site. This would include a spud anchored deck barge with a crane to offload barges. The barges would dock adjacent to the spud barge and would then be offloaded to an onsite stockpile.
5. Onsite Transportation – The material that is off-loaded from the barge will either be stockpiled or loaded directly onto trucks. The material will then need to be hauled and dumped to the location on the project site where it is needed for fill and/or surcharge.

A comparison of water transportation and land transportation costs and components for fill material to be brought to the site is presented in FEIS Table II.L-1. Using water transportation, the reduction in average daily truck trips per day is estimated at approximately 16 round trip truck trips. This estimate anticipates the fill operation will be substantially completed within a 2-year period (assuming 250 work days per year and an average truck hauling capacity of 25 CY per truck). For purposes of estimating daily costs attributable to each component, a daily fill placement quantity of 400 CY has been utilized.¹ Based on the project's approximate 200,000 CY total fill requirement, the water transportation costs are estimated at \$10 million, while land transportation costs are estimated at \$3.8 million. This results in an approximate 265% increase in operational costs using water transportation. As noted in Table II.L-1, water transportation costs would also include the rental and operation of a barge and crane over the entire 2-year period. This would create additional costs as there would be many times when the barge and crane are inactive.

As shown in Table II.L-1, water transportation includes many components, and associated costs, that are not required by land transportation. Many other projects within the New York waterway have considered this option, and in all cases determined it was

¹ 16 trucks x 25 CY/truck = 400 CY/Day. Average daily fill placement quantity of 400 CY/Day x 500 days = 200,000 CY.

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unfeasible². The only materials that are feasibly barged to construction sites are those that are required in building piers. In those cases, it is logical to deliver materials by water since they will not be double handled because they will be taken directly off storage barges and placed into the pier.

ALTERNATIVE TRANSPORT MODES FOR CONSTRUCTION MATERIALS

4337 37. The Applicant needs to further explore additional measures to minimize the amount of truck traffic that will be required during the construction period. During subcommittee discussions, the Applicant indicated that it would not likely be feasible to utilize barges or the railroad to bring in much of the construction materials. An explanation of the factors that limit the feasibility of these alternatives should be included in the FEIS. Those materials that could be supplied effectively by rail or barge also need to be identified. Who owns the rail sidings located in proximity to the East and West parcels?

4338 38. It was noted during discussions that using barges would require building a wharf out over the riprap. Contact should be made with the ACOE and the DEC to discuss what permitting issues are involved, as this type of structure could have potential for adaptive reuse, after construction is complete, as a valuable water-dependent use and public amenity. The Applicant needs to confirm and verify the location of the Federal channel needs to be confirmed with the appropriate sources (ACOE and/or the Coast Guard) and through a survey instrument.

5203 3. Site Access during Construction – The applicant should be encouraged to explore the possibility for using rail and/or waterborne means for delivery of materials and equipment to the site, especially with respect to large loads, given the 12-ton load posting on the Beekman Avenue Bridge over MNCR. Any reduction in the number of truck trips on local streets represents a significant benefit.

The reconstruction of the bridge will occur at an early phase of the overall project schedule to allow construction vehicles to access the site. Based on inquiries conducted by the Applicant, while barges have been used to facilitate construction of piers and bridges in the New York harbor area, there are no known instances where barges have been utilized along the lower Hudson River for large scale material transport for upland projects at the scale of Lighthouse Landing. Although Lighthouse Landing does include several piers and other waterfront structures, the overwhelming majority of the

² Projects within the New York waterway which have considered water transportation for construction include the White Bridge Reconstruction, the New York City Department of Corrections Bronx facility and Port Imperial, New Jersey.

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development is upland construction work. And it is the upland work that requires the overwhelming majority of deliveries of materials, equipment and fill to the Site. A barge operation at Lighthouse Landing is not practical as it would involve triple handling of material (i.e., from supply source to barge to waterfront area, followed by vehicular transport to the upland construction site). Furthermore, discussions with area contractors, construction managers and engineering professionals have not revealed any known operators willing and/or able to undertake such an operation. In the Applicant's opinion, while the use of barges for the upland construction work at Lighthouse Landing might be technically feasible, it is economically impractical. A comparison of land and water transportation of construction materials is provided in the response to Comment 7005 above. At the time of construction, the Applicant will consider the economic feasibility of importing and exporting construction materials to and from the Site by freight rail. Further, the Applicant plans to retain select rail sidings on both the East and West Parcels to facilitate such rail transport of materials.

CONSTRUCTION WORKFORCE

4340

40. What steps will the Applicant take to encourage local contractors and skilled workforce as part of developing and implementing local programs for hiring initiatives?

Local workers and contractors will be solicited by the Applicant at the time of construction. The Applicant will work with the Village to identify the most appropriate way to encourage local hiring. The Applicant will be engaging a general contractor and will request the general contractor undertake the practices discussed below.

It is the policy of the developer and its affiliates to comply with all federal, state and local law, policy, orders, rules, regulations, which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status. The objective of this Policy is to ensure that Minority and Women-owned Business Enterprises (M/WBEs), Minority Group Members and women share in the economic opportunities generated by the developer's participation projects.

Contacting procedures for Lighthouse Landing will request all successful bidders of trade contractors to join in the Applicant's commitment to support the local Sleepy Hollow economy. The

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developer will employ two methods to achieve these goals. Initially, Lighthouse Landing will seek from the Village of Sleepy Hollow a list of individuals seeking entry-level or experienced employment with various trade contractors. In addition, when a contract has been awarded to a contractor who utilizes secondary trades to perform their work, the Contractor will be requested to hire and give preference to a business located in the Village of Sleepy Hollow, prior to hiring a secondary contractor located outside the Village.

CONSTRUCTION SEQUENCE SCHEDULE

4341

41. Significant portions of the waterfront open space are proposed to be improved in years 4 and 5. The Village is interested in the opportunity to provide at least a rudimentary open space connection and access along the River from Horan's Landing through to Kingsland Point Park, as early as possible. It is suggested that the installation of buffering and plantings near Kingsland Point Park also be incorporated into the earliest stages of construction (year 1). Year 2 should be the completion of the open space area at the adjacent to and in the vicinity of the extension of Beckman Avenue with the balance (with the exception of the plaza area in front of the hotel by year 3). In this way the completed riverwalk component is open to the public as soon as possible at the end of the year 3 construction cycle.

The applicant will provide public access to the water front as early as practicable once construction begins and it is anticipated that partial pedestrian access will be provided by the third year after start of construction. Security and safety measures will need to be in place before access will be provided to the public.

4342

42. The Applicant needs to provide an indication as to why the hotel and accompanying plaza could not be completed as part of the year 3 construction phasing.

The timing of the hotel construction will depend on market conditions and the development of access to this part of the site. The construction of the waterfront plaza area is independent of the Hotel and can be constructed as part of the waterfront park earlier in the construction sequence.

4343

43. The construction of the public works facility should occur in Phase 1 to fit into the proposed construction-phasing plan to enable the orderly relocation of the DPW onto the East Parcel.

The construction of the public works facility could be started in the first phase of construction, but the timing of the work will be as directed by the Village of Sleepy Hollow.

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4344

44. The Applicant should provide details relative to current ownership of the viaduct and describe the condition of the viaduct leading to the east parcel and any repairs that would be necessary for it to serve as an access for DPW trucks, construction vehicles, etc. The Applicants should undertake improvements as part of the Phase 1 construction activity and discuss the benefits of undertaking the improvements prior to commencement of improvements to the Beekman Avenue Bridge. Further, the Applicant needs to consider other mitigation relative to site construction impacts to the community, such as installing recreation amenities on the East Parcel as part of the first phase of the development and constructing the public works garage, thus permitting DPW's relocation and expediting the redevelopment of the old site on River St.

The repair of the viaduct will restore the original carrying capacity of the bridge system (H15 design loading; 19 tons). All commercial vehicles (except those exceeding the H15 design loading) will be able to access the East Parcel from the viaduct. Heavy trucks and equipment with weights in excess of the H15 loading will be able to access the East Parcel from Continental Street. The DPW currently utilizes the East Parcel and West Parcel for storage of equipment and material. The timing of the amenities and DPW facilities will be as directed by the Village of Sleepy Hollow.

4350

50. The Applicant should indicate how the construction-related timing would affect the installation of Beekman Place. Certain portions of the adjoining development (buildings 2, 6 and 8) are scheduled to be constructed in years four and five. Is it correct in assuming that the foundations for these buildings will also act as the foundation for Beekman Place?

The construction of Beekman Place can proceed independently of the construction of the building foundation systems adjacent to Beekman Place. This can be accomplished by constructing temporary earthen embankments into the building footprint area of the adjoining buildings. However, it is expected that Contractors will coordinate the construction efforts of the road with that of the building foundations to limit unnecessary earth moving and excavation operations. All work will follow proper construction procedures and the buildings will comply with the required building codes as it relates to structural systems and stability.

4605

Construction Phasing - Other aspects of the project that warrant comment include construction phasing and impacts. Again, considering the effect on residents of Ichabod's Landing, as well as the overall benefit to all Village residents, we believe that it would be appropriate for the open space immediately north of Ichabod's Landing, and the continuation of the waterfront along the southerly portion of the Lighthouse Landing site, to be completed as part of the proposed Riverfront Phase 1 instead of Riverfront Phase 2. The

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.L · Construction Impacts

waterfront at Ichabod's Landing, and the reconstruction of Horan's Landing park, will be completed within 18 months, and it is only logical that the waterfront be extended at the earliest possible time so that it can be enjoyed by the community. It is also desirable that the buildings closest to Beekman Avenue and to existing Village neighborhoods, including Ichabod's Landing, be completed as early in the project's phasing as possible so that the duration of direct construction impacts is minimized and so that the community is effectively buffered from subsequent phases of construction activities. At this point, we are speaking as the developer, but shortly there will be Ichabod's residents who would undoubtedly support the early completion of these improvements in Phase 1.

As Beekman Place will be part of the initial construction, the portions of buildings placed in this area will also be completed earlier than the remainder of the project. Efforts will be made to provide some pedestrian access to the waterfront as soon as may be practicable, but adequate security and safety measures will need to be in place.

EAST PARCEL SOIL CAPACITIES

4345

45. Given that the Village is seeking to relocate its DPW facilities to the east parcel, the soil bearing capacities on this parcel should be investigated to ensure the viability of constructing new buildings in that location. Is there the potential for capture and use of energy production from methane from the East Parcel?

Based on the limited soil borings obtained at the proposed DPW facility, it appears that the site generally consists of reclaimed land over compressible organics and/or clay. The organic layer is approximately 40 feet thick at the proposed site. Therefore, the site may be either developed by utilizing piles or by pre-surcharging. Additional borings will be required to complete the geotechnical design at the site.

Due to the age, small size of the former landfill, the relatively limited period of time that this landfill was used (in the 1920s and 1930s), and the large amount of ash present in the landfill, it is not anticipated that usable quantities of methane are being generated at the present time. The available quantity will only diminish over time.

CONSTRUCTION ACTIVITY IMPACTS & MITIGATION

4346

46. The Applicant has indicated that they could set up a concrete batch plant on-site. This could help limit the impact from large numbers of trucks arriving in a concentrated period for big pours, and reduce the amount of regional truck trips. An on-site asphalt plant would not be viewed as favorably by the subcommittee since it has more significant dust and noise impacts. The

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.L · Construction Impacts

Applicant needs to identify impacts related to the operation of such construction-related operations as concrete batch plant and rock crushing.

The use of a concrete batch plant may be considered by the applicant. The use of the plant will not reduce the number of trucks to the site since the same amount of material, although in its raw state, will be delivered to the site. An onsite asphalt concrete plant will not be considered for this project. Remains of concrete foundations will be crushed from the site and reused as fill. The slab crushing operations would take place in the first two years of construction. The crusher would be located either central or north of the existing foundations and separated from residential structures to the maximum extent practicable. Removal of the broken slabs without crushing is not being considered due to the extensive trucking required to dispose of it offsite. Alternative transport modes for construction materials are being evaluated by the Village, and have been reviewed by the Applicant as indicated in the response to Comments 4337 through 5203 above.

4348

48. The Applicant expects that replacement of 30% of the piles will be required. The potential impacts from this pile driving activity should be more fully evaluated relative to hours of operation, noise and length of operation.

It is anticipated that up to 30% of the existing piles may be saved for reuse in the new buildings. The pile driving activities will be limited to the permitted hours of construction activity set forth in the Village of Sleepy Hollow local code, Chapter 36, Noise. Permitted hours include the hours of 8:00 AM and 7:00 PM weekdays and on Saturday, between the hours of 9:00 AM and 6:00 PM. Pile driving operations may occur throughout the construction project for the apartment and higher structured buildings. The low rise town homes will not require piles for foundation support.

4602

Also, an important consideration, from a practical standpoint, is the fact that although the DEIS refers to Ichabod's Landing as a "future" project, the reality is that Ichabod's Landing will most likely be fully occupied by new residents before construction is commenced on the GM site. Since Building 4 at Ichabod's Landing, which is closest to Lighthouse Landing, is already well along in its construction, it will undoubtedly be fully occupied prior to the start of construction of Lighthouse Landing. Therefore, any design or construction activity to be done in proximity to the common boundary must consider that residents will be directly effected.

4606

Construction Impacts and Mitigation - Additional detail is needed with respect to the mitigation measures that will be provided to protect the buildings and residents at Ichabod's Landing and adjacent neighborhoods, such along Hudson

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. III.L · Construction Impacts

Street, from dust; construction noise from pile driving, slab crushing and other activities; vibrations from pile driving and other activities; any potential release of contaminants; construction vehicle traffic, etc. Ichabod's Landing does not appear to be identified as a receptor for the noise impact analyses or for specific mitigation measures that would be needed due to its proximity to construction activities. Alternatives to the trucking of construction materials, such as by rail as suggested in the DEIS, should be explored further.

As previously indicated, the units closest to Ichabod's Landing will be started under phase 1 to reduce the extent of construction immediately adjacent to these homes. See the response to Comment 4606 in Section II.J of this document regarding mitigation measures proposed to help reduce air quality and noise impacts on Ichabod's Landing and adjacent neighborhoods during project construction.

6222

Typical hours of operation for construction activity should be provided. The Applicant should also identify those elements of the project where variation would potentially be needed.

Refer to response to Comment 4638 above.

DESIGN & GEOTECHNICAL CONSIDERATIONS

5204

4. Vibration – We note that the latest version of the DEIS shows a number of the roadways previously supported by common structures adjacent to buildings to now be on fill or structures independent of the buildings. Care must be taken during design to determine if vibration isolation is required for upper residential and commercial stories of structures from adjacent or underground stories or roadways conveying vehicular traffic.

Care will be taken to avoid transmission of vibration from roadways to adjacent buildings. This will be done by constructing the roadway on grade or isolating the elevated roadways from the adjacent buildings with expansion joints.

5205

5. Geotechnical Considerations – Within the area underlain by soft compressible deposits, the DEIS calls for preloading and surcharging in the roadway areas to deal with the potential settlement caused by placement of the fill required to achieve the proposed grades. The general staging plan for the development indicates such site improvement work will be accomplished in the first stage prior to constructing any buildings. Any new piles should be driven only after the required settlement due to preload and surcharge has been achieved to mitigate against downdrag on the new piles. It should be noted, however, that where this preload and surcharge is placed adjacent to existing piles that are to be re-used, the potential and effect of any downdrag loading should be accounted for in the final design of the project.

The effects of downdrag from soil surcharge will be taken into account

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. III.L · Construction Impacts

for reuse of the existing piles. New piles will be driven after surcharging, or the effect of downdrag from surcharging will be accounted for.

FEIS TABLE NO. II.L-1

LIGHTHOUSE LANDING
SLEEPY HOLLOW, NEW YORK

COMPARISON OF TRANSPORTATION COSTS FOR FILL MATERIAL ⁽³⁾

Component	Water Transportation			Land Transportation		
	Cost Per CY	Avg. Production Per Day (CY)	Avg. Cost Per Day	Cost Per CY	Avg. Production Per Day (CY)	Avg. Cost Per Day
Material Source						
Material Cost	\$ 3.00	400	\$ 1,200	\$ 3.00	400	\$ 1,200
Truck Transportation						
Truck Transport of Material from Source to Barge/Site (20 mile round trip) ⁽¹⁾	\$ 16.00	400	\$ 6,400	\$ 16.00	400	\$ 6,400
Manage stockpile at load site ⁽¹⁾	\$ 3.10	400	\$ 1,240	N/A	N/A	N/A
Loading of Material						
Load Material on Barge ⁽²⁾	\$ 3.90	400	\$ 1,560	N/A	N/A	N/A
Transport Barge ⁽²⁾	\$ 8.00	400	\$ 3,200	N/A	N/A	N/A
Spud Barge Mobilization (\$80,000 pro-rated over 200,000 CY)	\$ 0.40	400	\$ 160	N/A	N/A	N/A
Barge/Crane rental over 2-year period, pro-rated over 200,000 CY ⁽²⁾	\$ 7.50	400	\$ 3,000	N/A	N/A	N/A
Off-Loading of Material						
Unload Barge (Crew Cost only)	\$ 2.70	400	\$ 1,080	N/A	N/A	N/A
On-site Transportation						
On-site Load and Haul ⁽¹⁾	\$ 5.50	400	\$ 2,200	N/A	N/A	N/A
Total	\$ 50.10		\$ 20,040	\$ 19.00		\$ 7,600
Total Project Cost for 200,000 CY over 2-yr. period (500 work days)	\$ 10,020,000			\$ 3,800,000		

⁽¹⁾ Reference - Means Heavy Construction Cost Data, adjusted to NY.

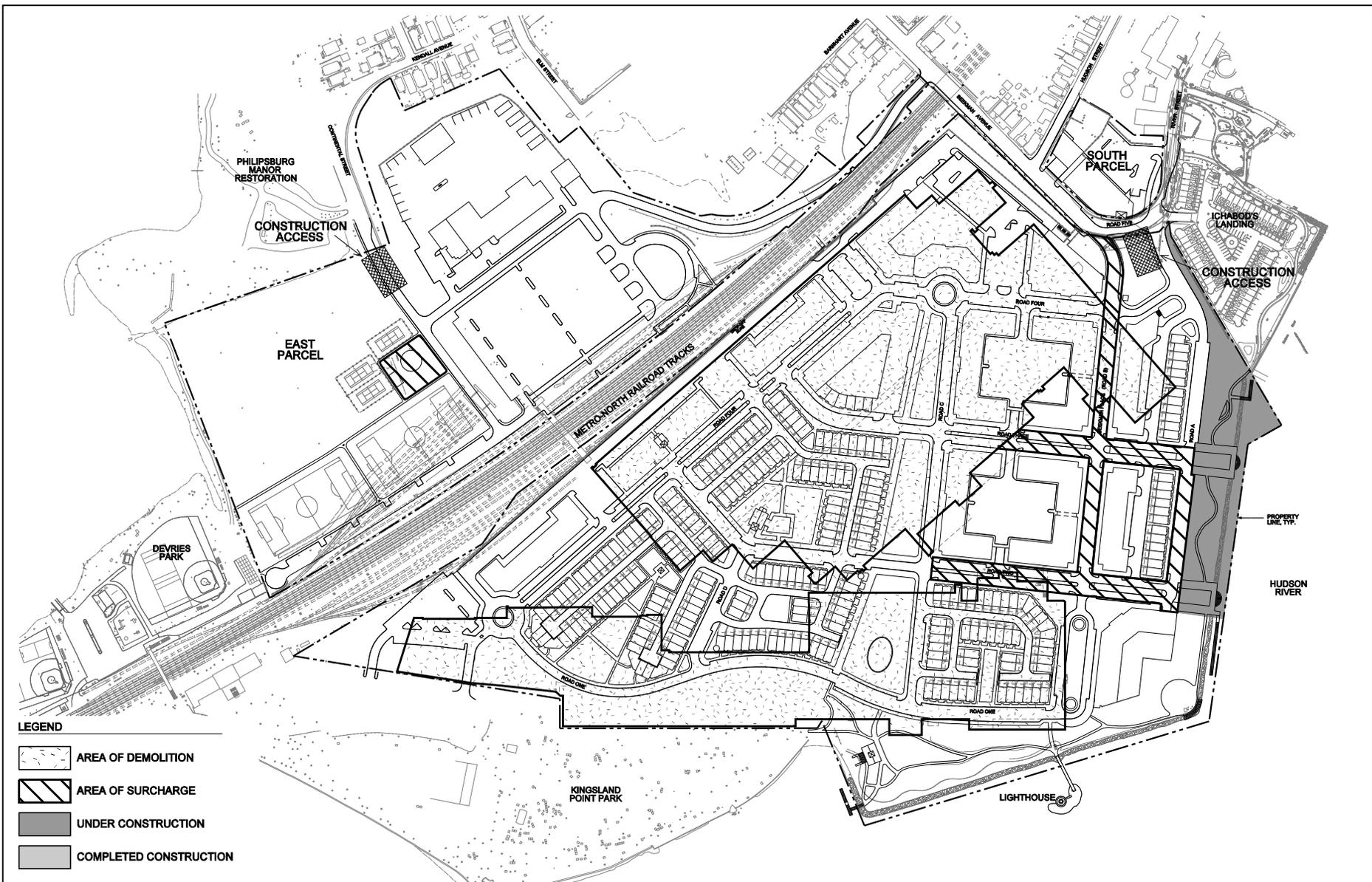
⁽²⁾ Reference - DMJM Harris, 11/08/05 Village letter.

⁽³⁾ Comparable cost assessments may vary over time. Quantity-specific comparisons of alternative means of material transport will be conducted at the time of construction bidding.

Notes:

Fill Required = 200,000 CY

Use 1.5 Tons/CY = 300,000 Tons



- LEGEND**
-  AREA OF DEMOLITION
 -  AREA OF SURCHARGE
 -  UNDER CONSTRUCTION
 -  COMPLETED CONSTRUCTION

GM
ROSELAND
PROPERTY COMPANY

N 

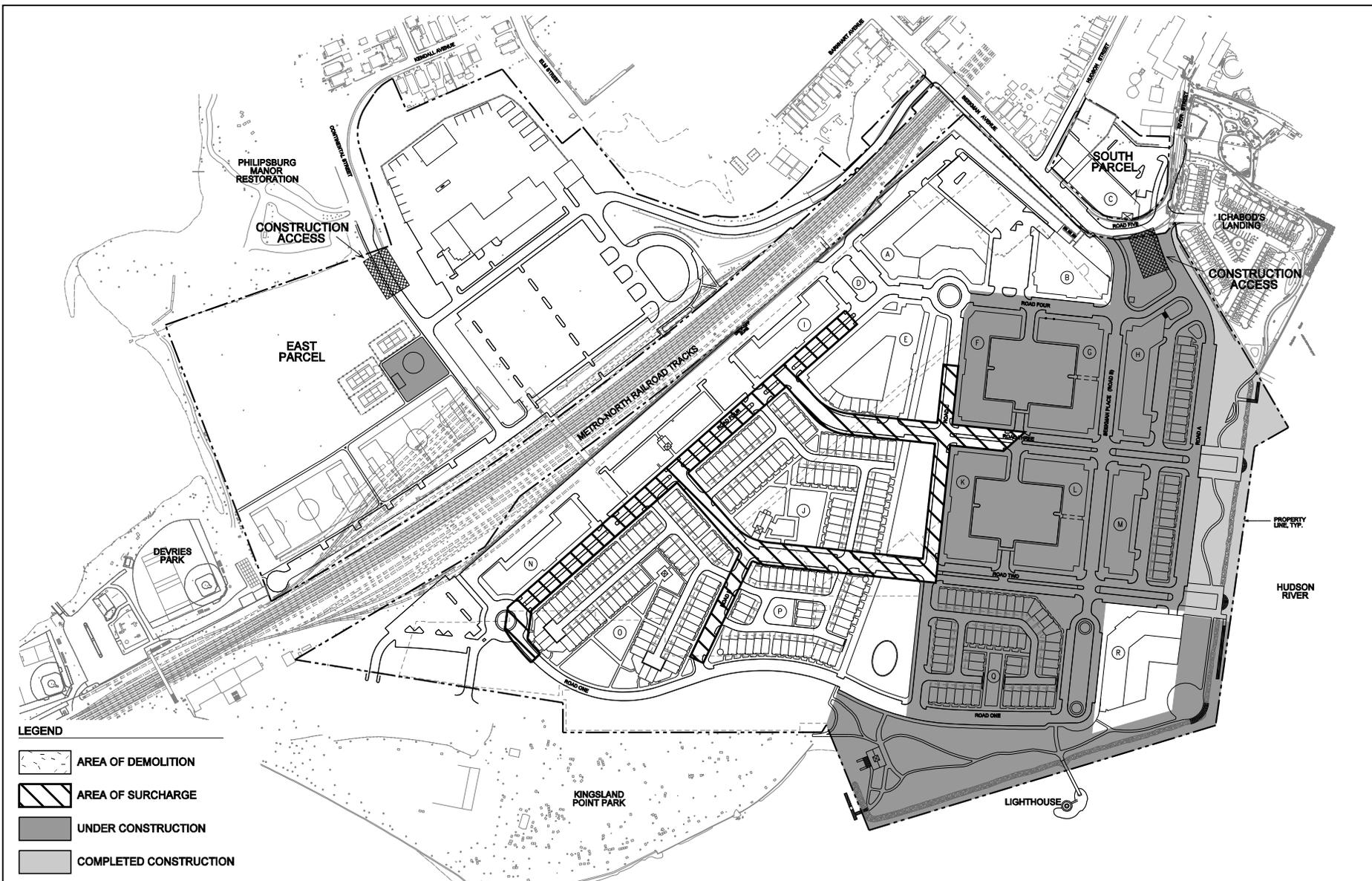
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DIVNEY • TUNG • SCHWALBE



**FEIS ALTERNATIVE PLAN -
PROPOSED CONSTRUCTION SEQUENCING - YEAR 1**
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. I.I.L-1



- LEGEND**
-  AREA OF DEMOLITION
 -  AREA OF SURCHARGE
 -  UNDER CONSTRUCTION
 -  COMPLETED CONSTRUCTION

GM
ROSELAND
PROPERTY COMPANY

N 

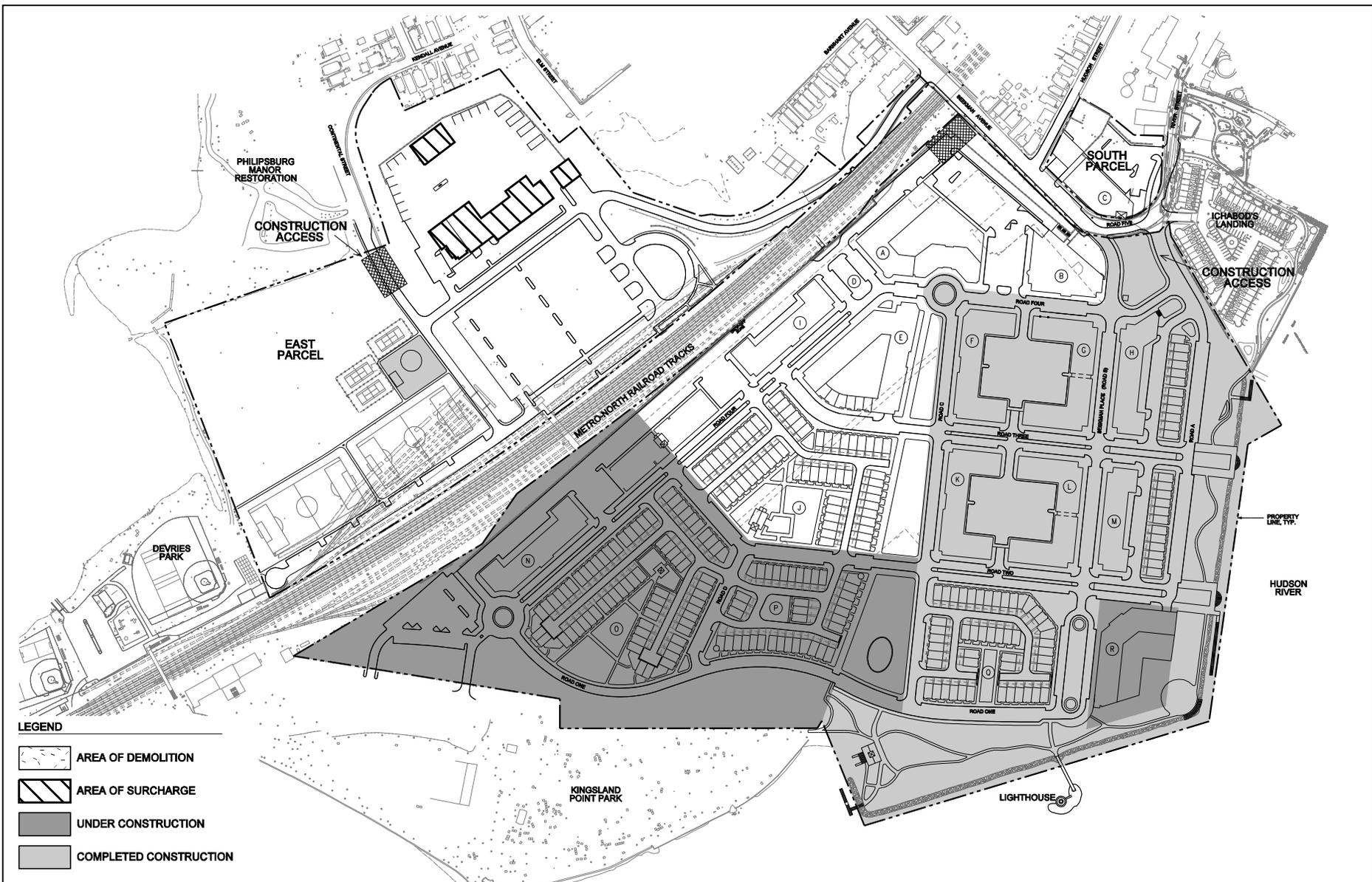
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**FEIS ALTERNATIVE PLAN -
PROPOSED CONSTRUCTION SEQUENCING - YEAR 2**
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II.L-2



- LEGEND**
-  AREA OF DEMOLITION
 -  AREA OF SURCHARGE
 -  UNDER CONSTRUCTION
 -  COMPLETED CONSTRUCTION

GM
ROSELAND
PROPERTY COMPANY

N 

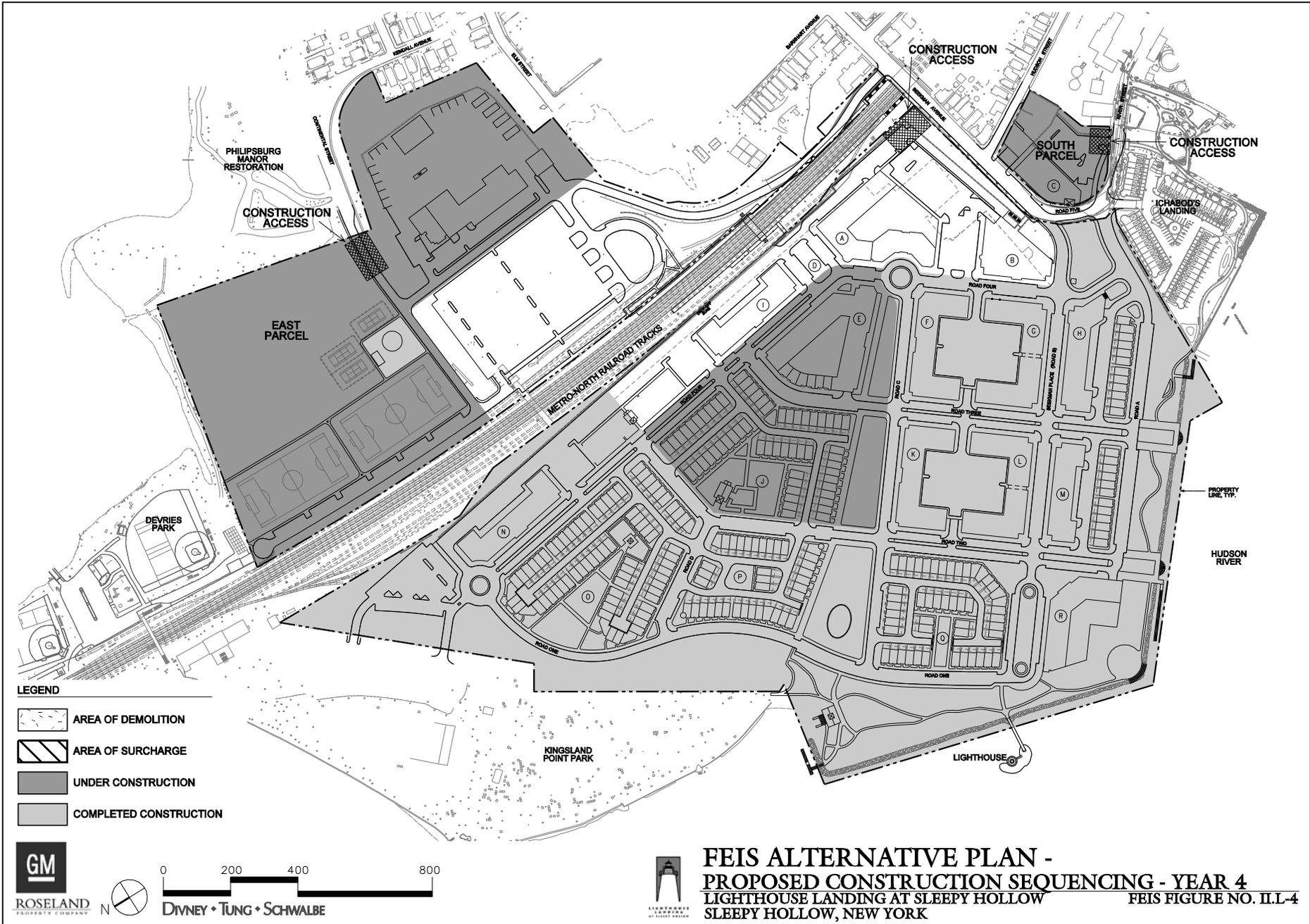
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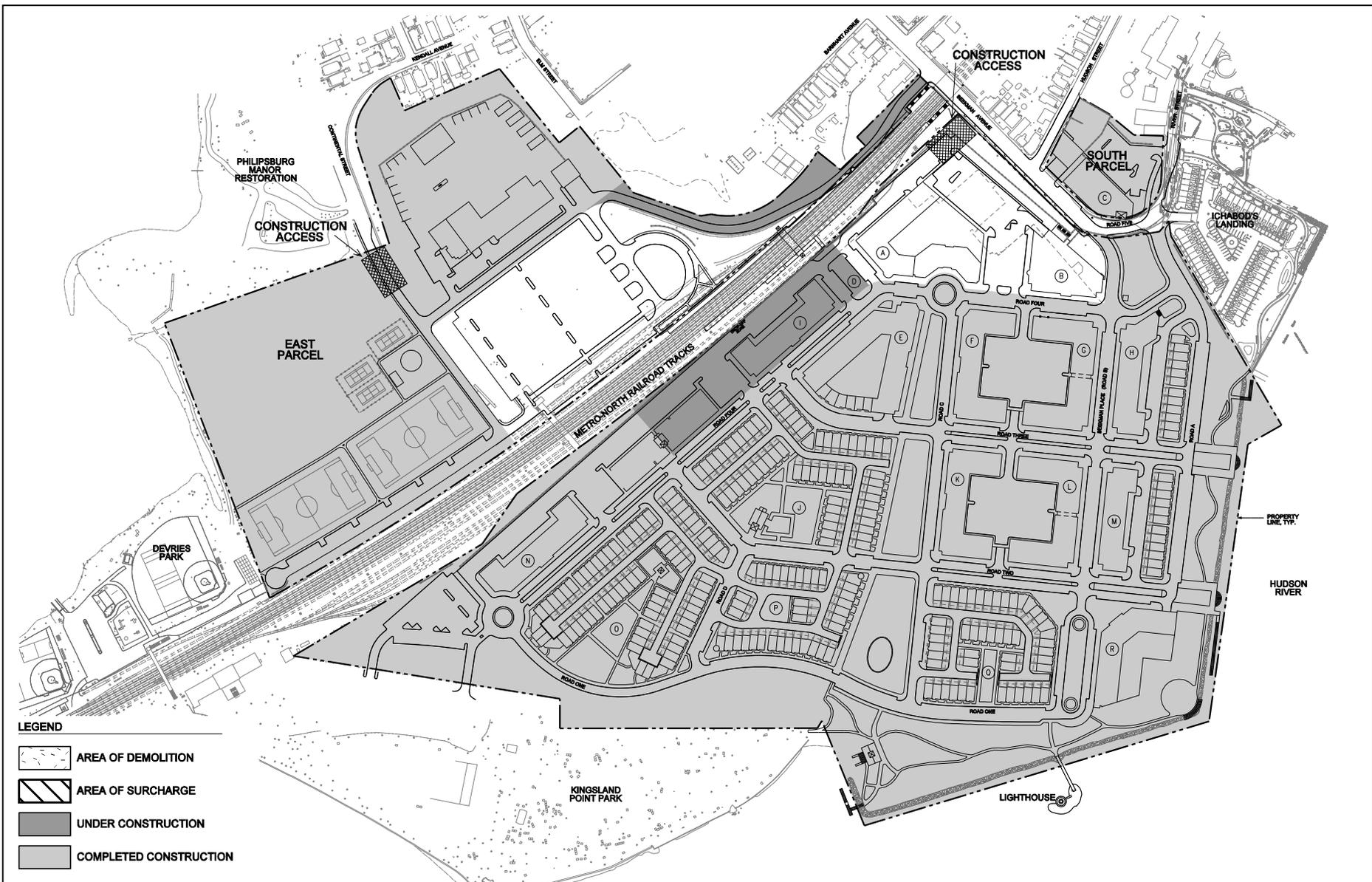
DIVNEY • TUNG • SCHWALBE



**FEIS ALTERNATIVE PLAN -
PROPOSED CONSTRUCTION SEQUENCING - YEAR 3**
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. I.I.L-3





- LEGEND**
-  AREA OF DEMOLITION
 -  AREA OF SURCHARGE
 -  UNDER CONSTRUCTION
 -  COMPLETED CONSTRUCTION

GM
ROSELAND
PROPERTY COMPANY

N 

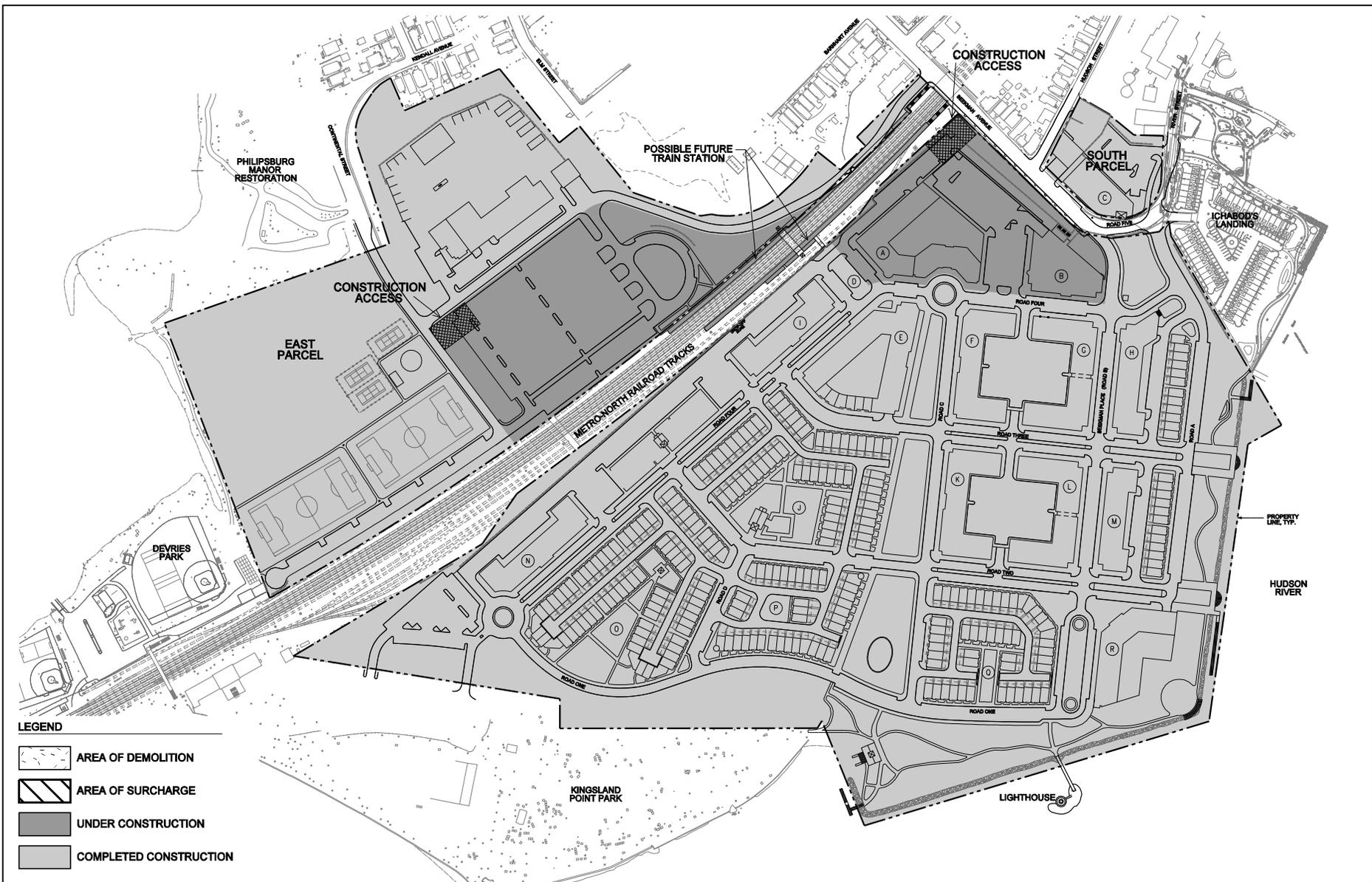
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DIVNEY • TUNG • SCHWALBE



**FEIS ALTERNATIVE PLAN -
PROPOSED CONSTRUCTION SEQUENCING - YEAR 5**
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. I.I.L-5



- LEGEND**
-  AREA OF DEMOLITION
 -  AREA OF SURCHARGE
 -  UNDER CONSTRUCTION
 -  COMPLETED CONSTRUCTION

GM
ROSELAND
PROPERTY COMPANY

N

0 200 400 800

DIVNEY • TUNG • SCHWALBE



**FEIS ALTERNATIVE PLAN -
PROPOSED CONSTRUCTION SEQUENCING - YEAR 6**
LIGHTHOUSE LANDING AT SLEEPY HOLLOW
SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. I.I.L-6

II. RESPONSES TO DEIS COMMENTS
DEIS Sec.IV · Alternatives

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. IV · Alternatives

COMMENT NUMBER	COMMENT/RESPONSE
	<p style="text-align: center;"><u>GENERAL</u></p>
5003	<p>Beyond these threshold evaluations, the FEIS will need to set forth reasoned alternatives, other than the project proposal as set forth in the DEIS, in order: (i) to reduce the density of site development to conform to the density of the existing and approved Ichabod's Landing project; (ii) present alternative configurations for the building and street locations to enhance views and design; (iii) proposed a more detailed presentation of alternative ways to address transportation; (iv) identify and elaborate suitable alternative options for water-dependent uses and recreational access from the site to the Hudson and Pocantico Rivers; and (v) set forth alternative analysis as to how the establishment of an estuarine mouth for the Pocantico River could address both flood control and the need to provide water-dependent recreational uses, while buffering the project from Kingsland Point.</p>
5005	<p>This location of this unique site, environmentally and socially and culturally and economically, calls for a design that exceeds the thinking of usual development sites. Accordingly, attention needs to be given in the FEIS to reasoned alternatives for its development, so that the Board of Trustees has the basis in the FEIS to make the findings of fact and the ultimate choices about the development that are best for the Village and, as the local stewards of this site for the people of the State of New York, for the environment for present and future generations. The State Environmental Quality Review Act (SEQRA), in Article 8 of the Environmental Conservation Law, is explicit about the Village's duties here. Sleepy Hollow has adopted the SEQRA rules for use within the Village and takes SEQRA seriously. SEQRA requires the presentation of a full factual basis for all the proposed development aspects presented, as well as a presentation of reasonable alternatives for different development options. The Planning Board does not find the reasoned elaboration of such alternatives in the DEIS at present, and considers this a defect of the approval of the DEIS which can and must be corrected in the preparation of the FEIS.</p> <p>In response to comments made during the DEIS public hearings, correspondence received during the DEIS comment period, and subsequent discussions with the Lead Agency, its consultants and other parties, the Applicant is proposing modifications to the Project, described and detailed within this FEIS as the FEIS Alternative Plan. In the Applicant's opinion, the FEIS Alternative Plan is a reasonable alternative to the original Proposed Action that takes into account elements of the alternatives presented in the DEIS and the public input described above. Under the FEIS Alternative Plan, the number of residential units proposed has been reduced by 20% to well below the maximum density permitted within the RF District and virtually</p>

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. IV · Alternatives

the same density as the Ichabod's Landing project¹. In addition, the office space has been reduced by 30% and the retail space by 27%. The hotel program has also been modified to eliminate the conference center, cut the restaurant space in half and reduce the number of rooms. Concomitant with these reductions have been modifications to the development plan, alternative (and preferred) configurations for the building and street designs have been developed, including the provision of additional public open space along the site perimeter and interior and a buffer between the town houses and Kingsland Point Park that generally ranges from 75 to 175 feet in width.

The reductions in the proposed residential and commercial programs have yielded significant reductions in traffic, ranging from approximately 17% to 18% during Weekday AM and PM peak hours and approximately 15% during the Saturday peak hour. The Applicant considered other means to further accommodate traffic concerns, such as using the existing rail tracks for a light rail or similar vehicle between the Philipse Manor and Tarrytown stations². However, Metro-North has indicated that it would not permit use of the tracks for such purposes due to collision concerns³. Vehicular access for normal daily operations and emergency service to the Project Site is discussed in the response to Comments 2301 through PH5712 in Section II.D of this document. If a new train station is not constructed on-site, the Applicant will provide project residents and workers with shuttle service to the existing Metro-North Tarrytown station and/or Philipse Manor station. In addition, the Applicant would be amenable to creating a transportation interface between the Lighthouse Landing shuttle and a potential inter-municipal trolley/jitney loop connecting the Sleepy Hollow waterfront with Tarrytown, Beekman Avenue and the Route 9 corridor.

Additional water-dependent uses are proposed along the Site riverfront in coordination with the Village Consulting Planners' Waterfront Use Master Plan. These include a fixed pier/floating dock along the northern shoreline opposite Kingsland Point Park, and near

¹ The permitted density within the RF District is stated as a minimum of 2,200 square feet of gross development area (GDA) per dwelling unit (Sleepy Hollow Zoning Code § 62-5.1Y). Under the FEIS Alternative Plan, the proposed 1,250 dwelling units within the 94.5 acre Site provide for 3,293 sf GDA per unit. The 44 Ichabod's Landing units within its 3.4 acre site provide for 3,366 sf GDA per unit.

² See letter from Divney Tung Schwalbe to Metro-North dated September 19, 2005.

³ See letter from Metro-North to Divney Tung Schwalbe dated October 28, 2005 in FEIS Appendix 1, Relevant Correspondence.

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. IV · Alternatives

the proposed interpretative center, a floating dock (“dock and dine”) for the southern shoreline between Roads Two and Three, and the removal of riprap at the juncture of the Site and Kingsland Point Park to widen and lengthen the small beach to facilitate its use for River access and small boat launching. See further discussion of the FEIS Alternative Plan in FEIS Section I.

As described in DEIS III.A.14, the establishment of an estuarine mouth for the Pocantico River within the Site is not part of the Applicant’s proposal and would not achieve the basic objectives and goals of the Project. Through the provision of a newly proposed landscaped buffer between Kingsland Point Park and the project Site, generally ranging from approximately 75 to 175 feet in width, the FEIS Alternative Plan maintains an open space for a conservancy or other not-for profit entity to study the potential for the creation of an estuary linking the Pocantico River to the Hudson River and serving as a second outlet channel. See also Responses to Comments 302 through PH5110 in FEIS Section II.B.

PROGRAM & DENSITY ALTERNATIVES

4355

55. Given the Village’s concern with respect to taxes and jobs, the Applicant should explore in greater detail the ability to incorporate some flex office, live/work lofts, business incubators uses to provide tax ratables and potential employment opportunities for area residents? Further, the Applicant should prepare a matrix of the alternate uses that could be accommodated on site and provide anticipated impacts of each, to the extent known.

6603

I would encourage the Lead Agency and Roseland to take into consideration alternative uses when adopting the FEIS and the final plans for the redevelopment.

- Reduction of the number of housing units by increasing per square footage of each unit, while keeping the overall project footprint constant.
- Diversifying the uses of the property to include residential, commercial and either light industrial or a business incubator.

The addition of a more mixed use for the project will lessen the number of residential units, decrease demand on services, increase the non-residential property and the higher tax rate that commercially assessed property yields. Furthermore, a business incubator can provide additional jobs with pay scales that far exceed those associated with the retail jobs envisioned for this development.

PM1608

Since I would like to see less residential units, some light industrial, that might free up some space.

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. IV · Alternatives

Under the FEIS Alternative Plan, Buildings I and N along Road Four are proposed to be “live/work” loft apartments with open plans that would allow for flexibility in creating combined living and working spaces. A 50,000 square foot flex/office building was discussed as an alternative use for a portion of the East Parcel at DEIS IV.B.2.b, and would be proposed by the Applicant if the commuter parking lot or any of the proposed Village uses on the East Parcel were to be reduced in size. Such a flex/office building could also be used as “incubator space” for new businesses.

The “Comparison of Proposed Plan with Project Alternatives” matrix presented in DEIS IV has been updated to include the FEIS Alternative Plan and its quantitative characteristics. See FEIS Table I-2.

A preliminary fiscal comparison of the suggestion of the Village Board to substitute 136,000 square feet of incubator/light industrial space on the West Parcel in lieu of 100 residential rental apartment units indicates that the fiscal impacts of the project to the Village would be generally similar. The FEIS Alternative Plan is already projected to result in significant annual net fiscal surpluses to the Village and School District, at approximately \$0.63 million and \$1.5 million, respectively. The incubator/light industrial space would generate more traffic than the 100 rental apartment units. The incubator/light industrial space would generate approximately 134 more trips than the apartment units during the weekday AM peak hour, 121 more trips in the weekday PM peak hour, and approximately the same number of trips during the Saturday peak hour. The Applicant does not support incubator/light industrial space on the West Parcel.

PH4206

I mentioned it last meeting – how our DEIS should reflect more than one possible use of the train station space were it not to exist. I urged you to keep it open space rather than add a flex building which your plans show to be an office building, commercial space generating far more traffic than residential space.

But really what your DEIS should also reflect is other alternative spaces. You will be space users. You will be opening up the project substantially if you have a loss of that parking lot, and yes, open space first is on everyone’s list to reduce density. But that space also allows you to think creatively about the project as a whole.

Comment noted. The FEIS Alternative Plan shows land allocated for public open space totaling 10.3 acres on the East Parcel and 14.7 acres on the West Parcel. While open space could be an alternative use for the land under the commuter lot, this would likely eliminate the

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. IV · Alternatives

opportunity to provide a flex/office use in a location as identified in the Village's Linkage Study and discussed at DEIS IV.B.2.b.

5031

Parking should meet the requirement of 2 parking spaces per residential unit. The number of such units should be reduced by 25% from what is proposed in the DEIS, in order to meet this required provision of parking spaces. Density of residential units should be on the same scale as the Ichabod's Landing development, or even less dense. The Planning Board considers that the building density on the site contains too much bulk, and is not in keeping with the patterns of use in the rest of the Village of Sleepy Hollow, or other nearby river towns. A mix of building designs should be provided, as a reasonable alternative to the apartment blocks indicated in the DEIS. The pattern of the inner Village in Sleepy Hollow, and in other river towns, is small lanes, which reflect historical evaluation, and not the formal planned grid of a large city such as in Manhattan. If the intent in the residential sector is to simulate the design of an historic Hudson community, the streetscapes, building heights and designs, should be reconsidered. Alternatives to the proposed design should be provided in the FEIS.

Under the FEIS Alternative Plan, the Applicant proposes to reduce the residential component of the project by 20% and the retail and office components by 27% and 30% respectively, and to revise the street pattern to better relate to adjoining properties and introduce additional open space within the interior and perimeter of Lighthouse Landing. In coordination with the Village Consulting Planners, the Applicant has expanded the Lighthouse Landing Design Guidelines to encompass all of the districts and building types proposed within the Site. See additional description at FEIS I. The Applicant will submit detailed designs for the individual buildings and sites consistent with these Guidelines, as accepted by the Village Board of Trustees, during the site plan approval stage of the project. The FEIS Alternative Plan explains that there is sufficient parking on-site based on shared space and similar concepts, and that there is no need for additional parking spaces. The Applicant will present, as necessary, specific parking plans for each of the buildings during the site plan approval stage that will demonstrate compliance with the RF District parking provisions. The Village of Sleepy Hollow has requested that its design consultant prepare a concept study as presented in FEIS Figure No. II.IV-2.

5614

Density and Building Heights

The current proposal, 1562 units of residential construction, 180,000 sq. ft. of commercial space, 50,000 sq. ft. office space and a 147 room hotel is far too dense for the size of the site and the traffic constraints it must work with. The residential portion alone represents a density of 24.2 units per acre based on the area of the parcel west of the MetroNorth easement where the development will occur (64.5 acres – including the 8 acres for the park – as opposed to the 97 acres that includes the eastern parcel). This density is substantially above the

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. IV · Alternatives

adjoining Ichabod's Landing at 15 units per acre and the Lower Village at 15.5 units per acre. With the addition of the commercial and office space as well as the hotel and without including the park area, the actual density that will be perceived and experienced will be substantially higher than 24.2 units per acre. This represents approximately a 60% higher density than either the Lower Village or Ichabod's Landing, and as such will bear little relationship to Sleepy Hollow or any place in the Hudson River valley north of Yonkers. As discussed above, we believe that should the project be built at the proposed density, significant negative impacts to an already stressed traffic situation would occur. We strongly urge the Village to insure that the ultimate project is in scale with both the limitations of the property, and the larger Village context in which it is sited. Unfortunately, the DEIS only examined alternatives that were slightly smaller (and larger) than the preferred alternative. We believe that additional analyses of smaller, less dense alternatives should be provided. We believe that alternative analyses of both 750 and 900 residential units should be provided prior to the Village making a final determination. A density similar to the Lower Valley for example would mean only 1000 units without counting the commercial, office and hotel space. With that additional component, a Lower Village density would put the unit count closer to 750 units.

In keeping with the character of the existing village we believe that it would be desirable to keep the building heights of this development lower than is proposed or is permitted in the zoning law. In particular this should apply to the buildings at the periphery of the development including the northern side facing Kingsland Point Park. We recommend limiting the buildings to three stories or 35 feet in these areas. The townhouses as proposed are of equal massing and height to all the other buildings proposed.

6008 In sum, our consultants' reviews indicate that the measure proposed by the Applicant in the DEIS are not likely to adequately mitigate the serious negative environmental impacts to be generated by the project. Based on our consultants' analyses, we believe that the Final Environmental Impact Statement (FEIS) should include a review of an alternative that would include a 50 percent reduction in density, or an alternative that would provide for similar levels of mitigation.

6403 The DEIS also does not provide a satisfactory description and evaluation of the range of feasible, reasonable alternatives to redevelopment of the site primarily for residential uses. The lower density alternatives presented in the DEIS simply decreases the number of residential uses on the site by approximately 6% (100 units) or 12% (200 units) without any reconfiguration of the project or reduction in site building coverage. The FEIS should analyze more scaled back alternatives, with a greater reduction in residential units, a mix of commercial and other water-dependent and water-related uses, and increased open space, especially adjacent to Kingsland Point Park. Such alternatives may mitigate traffic issues and help to bring the development more in line with the existing community character of the Village. With a greater reduction in residential units at the site, and an increase in water-dependent uses, alternatives should be able to be identified that would advance implementation of the Village's LWRP.

If commercial water-dependent and water-related uses would not be appropriate at the GM site, the FEIS should include a detailed summary of assessment

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. IV · Alternatives

leading to, or supporting, such a conclusion.

PM2102

First, I have concerns over Roseland's proposed density. We are not naïve. We know how negotiations work is that one party proposes in excess of what it wants. In this case exceedingly large numbers of units. And then the other party, us, says it's too many. And the number is reduced to a compromise.

Roseland has of course planned for this and have even included in our packet a section entitled "Reasonable Alternatives to the Action". For those who have not seen this, alternative one is to do nothing and leave the site as it is. Alternative two is what I have just described, wherein they would compromise, reduce the number of units to only 1,362.

Let's not be fooled or pressured into acquiescing. We can create reasonable alternative number three, which is simply to drastically reduce residential units. If we demand reasonable alternative number three, our elected officials will hear us and will hopefully make decisions on our behalf. Roseland will still make money and leave, and we will have the village that we see fit.

PM2403

The next thing was the alternatives. I was a little bit – I was glad the woman brought it up. Because when I read about, you know, the only alternative is 100 units less, I thought gee, there has got to be more than that. Maybe that could be worked with.

PH3403

While you are looking at that, this whole process only scopes three alternatives: One, add a hundred units, two, subtract a hundred units, three, do nothing.

Out of the entire range of possibilities for the future of this Village with this huge key parcel, those are the alternatives this process will study.

And you know at the time that they set the final scope for this, there should have been somebody in the Village Government saying, some of the consultants saying look we want to look at more possibilities than that and insert it even generic statements into this form so that the DEIS would be scoping 15 or 20 alternatives, some of them actually from the community people saying up front this is how the process works. ...

1500 units with only one parking space per unit if each of the people have two cars, only two cars, means you are going to have another 1500 cards floating up and down this street fighting for the three spaces across the street.

Under the FEIS Alternative Plan, the Applicant proposes to reduce the residential component of the project by 20% and the retail and office components by 27% and 30% respectively, and to revise the street pattern to better relate to adjoining properties and introduce additional open space within the interior and perimeter of Lighthouse Landing. The proposed 1,250 dwelling units within the 94.5-acre Site is well below the maximum overall site density permitted within the RF District – which was intended to reflect Village character - and virtually the same density as the adjoining Ichabod's Landing project

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. IV · Alternatives

(see also response to Comments 5003/5005 above). Reductions of the magnitude suggested by the commenters (i.e., to 750 or 900 residential units) are not feasible alternatives to the Proposed Action, given the objectives and capabilities of the Applicant and the extent of the infrastructure, open space and other Village improvements that are part of the project. Further, potential significant adverse impacts of the Proposed Action will, in the Applicant's opinion, be mitigated to the maximum extent practicable; accordingly, the further reduction in density suggested by the comment would not achieve any material environmental benefit, but would result in a loss of revenues and benefits. FEIS Table No. IV-1 has been prepared comparing the DEIS Plan and FEIS Alternative Plan with alternate project densities of 1,225 and 1,200 dwelling units, and identifying the incremental effect of every 25 less dwelling units.

PH2807

We recognize that there is a proposal for a Metro North station, and there is every expectation as Metro North goes forward, it will provide a station. But we think the alternative of what will happen if Metro North were not to provide this station, that needs to be analyzed, it is a realistic possibility and there are some down side risks and alternatives to the site if it's not to be developed.

With the station we have suggested that the one story parking area on the east side actually be a small parking garage and have more than one story because it is well below Beekman Avenue. And you could camouflage a building to look like an old Hudson town mill building and put in parking.

One of the reasons we think that parking, additional parking, would be useful would be because from the fees for that you could help generate a revenue stream that could pay for the reconstruction of the viaduct, the little road that comes down passed the General Motors old union hall building on to the east parcel.

The FEIS Alternative Plan shows an expanded on-grade commuter/resident parking area with 550 spaces on the East Parcel that would be constructed by the Applicant to serve the proposed train station. See FEIS Figure No. II.IV-1, Land Use Plan. The construction of a decked parking structure is not necessary to accommodate the parking needs for Project resident or commuters. As part of the FEIS Alternative Plan, the northern span of the existing viaduct is proposed to be replaced to restore the original H15 design loading of all its spans, which would accommodate passenger vehicles and light trucks. This viaduct work will be undertaken either through public funding or by the Applicant if such funding is not available.

A discussion of an alternative project without a station was provided at DEIS IV.C; as shown in that Section, and discussed further in the

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. IV · Alternatives

FEIS Sections II.H and II.I, the Applicant would provide a shuttle service to the Tarrytown and/or Philipse Manor stations if the station is not constructed.

ALTERNATIVE INCORPORATING A PIER

6524

8. WATERFRONT BOAT ACCESS

The draft EIS dismisses potential ferryboat access to the site via a new ferry pier due to duplication at nearby sites that are better located on a deep water channel. While this is a reasonable conclusion, the Village should consider the need/suitability for access point(s) for smaller boats such as canoes and kayaks. Currently, the Hudson River Valley Greenway is developing a Hudson Water Trail for use by canoes and kayaks traveling up and down the Hudson River. The applicant should consider adding an amenity to the site so as to be a part of this proposed tourism effort. This could perhaps be done as part of the proposed fishing pier, if the fishing pier is deemed feasible.

The FEIS Alternative Plan provides for a number of additional water-dependent uses along the riverfront, including a T-shaped pier/floating dock and floating dock for non-motorized small craft launching along the northern shoreline opposite Kingsland Point Park, and a widened and lengthened beach are at the juncture between the Site and Kingsland Point Park, which will also provide a alternative location to walk a kayak or canoe into the water. See FEIS Figure No. I-2, Illustrative Plan.

7003

New Fishing Pier

The Village Open Space Framework Plan proposes a recreational pier to be aligned with Beckman Avenue. Although sheltered in Tarrytown Harbor, the proposed location of the pier is problematic due to its proximity to the North Channel (Reach C) and therefore vessel traffic. Over-water construction will require approval from various permitting agencies, including USACE, USCG and NYSDEC, which will be difficult to obtain or not be approved if the proposed pier extends too close to or into the nearby paralleling channel. We estimate that this constraint will limit pier length to roughly 80 feet. However, locating a fishing pier in proximity to areas subject to repeated vessel traffic (essentially anywhere in Tarrytown Harbor) is a conflict in use as fishing requires ample surrounding areas to cast lines; having the potential to develop into a safety issue.

A more appropriate alternative may be to locate the fishing pier along the west frontage south and/or north of the lighthouse to distance it from vessel traffic. As this frontage will seasonally receive appreciable ice flow due to lack of sheltering, a concrete pier supported on steel pipe or concrete piling is justified and/or ice-breaker piling could be driven north of the structure to break up larger contiguous sections of ice. The pier may be topped with timber decking and ornamental railings to retain natural aesthetic qualities. We recommend the pier not extend beyond the lighthouse, but rather be T-shaped to provide for

II. RESPONSES TO DEIS COMMENTS

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appreciable lengths of pier for fishing, yet continue to allow the lighthouse to be the focal point; being the furthest construction offshore (see attached sketches.

7004

Permitting - Pier Construction

As permitting reviews tend to focus on avoiding and minimizing over water construction (coverage), it remains the task of the design team to justify the length, width and orientation of a new pier to obtain permit approval. Quite often, the reviewing agencies may require that pier construction (viewed as a negative and therefore referred to as a taking) be offset through a process called mitigation, which would provide other areas/lands returned (given-back) to the aquatic environment at a preferable 1.5:1 ratio, but typically no less than 1:1 ration. The absence of available areas/lands to give-back, through the generation of inter-tidal or other means, may result in required additional new construction, such as pile fields or other sub-aqueous structural habitat, which are viewed positively by the agencies as they promote marine habitat.

Generally speaking, a 15-foot wide pier may be justifiable for bidirectional passage of person walking the pier adjacent to bench seating and/or persons fishing; a wider pier may be desirable if also intending to provide access of maintenance and/or emergency vehicles. It's anticipated that a reduction in pier length is often the means by which regulatory agencies will look to reduce open water coverage. These types of details should be determined and a strategy formulated prior to meeting with the various agencies to discuss the project and submission of permit applications.

As part of the FEIS Alternative Plan, the Applicant proposes to construct an L-shaped fishing pier near the extended line of Beekman Avenue as it meets the Hudson River. The top of the "L" would extend out perpendicular to the shore for approximately 40 feet, and the bottom of the "L" would run in an easterly direction, parallel to the shoreline, for approximately 50 feet. See FEIS Figure No. I-2, Illustrative Plan. Both elements of this structure will be eight feet in width. The fishing pier would extend approximately 15 feet over the existing riprap. The depth of the river in this area is eight feet at low tide and thirteen feet at high tide.

In the Applicant's opinion, this design avoids potential conflicts with the Federal Navigation Channel, which is located approximately 130 feet offshore from this portion of the Site. The configuration also maximizes the number of fisherman who can safely fish off of the pier, and the L-shaped design minimizes exposure to ice floes.

PH2810

We also need to take a look at the possibility that the Waterfront Revitalization Plan has for a ferry landing so that ferrys could actually dock here and bring pedestrians from the south or anywhere else who want to visit the area.

As part of the FEIS Alternative Plan, the Applicant proposes to construct a floating dock adjacent to the Road Two belvedere that

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. IV · Alternatives

would provide temporary tie-up space for transient boaters. See FEIS Figure No. I-2, Illustrative Plan. A boat tie-up has been identified along the Ichabod's Landing shoreline, just south of the Site, as shown in the Village Consulting Planners' Waterfront Use Master Plan (see FEIS Appendix 7A). Although not specifically contemplated as ferry landing, ferries were accommodated at the Ichabod's Landing bulkhead during the Village-hosted ferry-go-round event in the Fall of 2005.

In the Applicant's opinion, a ferry dock cannot be constructed on the southern reach of the Site shoreline because, as explained in the DEIS (at IV-16 to 17), the proximity of the Federal Navigation Channel precludes this location. A ferry landing location near the hotel, at the southwest corner of the Site, might be achieved by installing a floating barge. Such a barge would need to be at least 30 by 90 feet in size, with spud anchors. The tops of such anchors would extend approximately 20 feet above mean low water. In the Applicant's view, this structure would violate the aesthetic integrity of the historic Tarrytown Lighthouse. A ferry pier on the Site would unnecessarily duplicate a function which, as noted above, can be served informally from the Ichabod's Landing bulkhead, as well as have adverse aesthetic effects.

EAST SIDE MASTER PLAN (See FEIS Figure No. II.IV-3)

Richard Alan Daley Architects, one of the Village Consulting Planners, has prepared a plan for the East Parcel. The East Side Master Plan (hereinafter "East Side Plan") modifies the FEIS Alternative Plan as described below. The East Side Plan incorporates a DPW facility consistent with that shown on the FEIS Alternative Plan, consisting of a main DPW garage building, salt storage shed, composting area, material bins, fueling facility, and surface parking for DPW vehicles and staff. The East Side Plan replaces the 550-space at-grade commuter/resident parking lot proposed under the FEIS Alternative Plan with a 250-space at-grade parking area (for recreational, public use, and Lighthouse Landing resident overflow parking)¹ and shifts the two proposed soccer fields to the southern section of the parcel adjacent to the at-grade lot. A future 250-space parking deck located above the at-grade lot for commuter use is also shown on the East Side Plan with access proposed from Beekman Avenue via an at-grade road. In addition, whereas the East Side Plan shows two tennis courts in the northern portion of the parcel adjacent to DeVries Park, the FEIS Alternative Plan provides three tennis courts in the central portion of the parcel. Unlike the FEIS Alternative Plan, the East Side Plan does not identify a potential water storage tank on the East Parcel. Both Plans show surface parking along a cul-de-sac road extending to Devries Park².

The East Side Plan contemplates a tenant farm in the northern portion of the parcel as a westerly extension of the existing Philipse Manor Restoration. The Applicant has offered to contribute this portion of the East Parcel to Historic Hudson Valley ("HHV") for this prospective use, provided HHV agrees to meet the conditions for the Applicant's donation of land to the Village described above. If HHV accepts the land and subsequently cannot meet these conditions, the property will revert to the Village. The components of the proposed tenant farm include a barn, stable, sheep cote, farmhouse, smokehouse, pasture, hay field, hay barracks, and a garden. The East Side Plan shows a mitigation salt marsh along the southern bank of the Pocantico River replacing the existing ditched wetlands to be filled as a result of the proposed improvements. Wetland mitigation under the FEIS Alternative Plan will be handled by creating new wetlands to mitigate the filled wetlands at a 2:1 ratio in two swale areas located east of the proposed soccer fields and north of the proposed DPW facility³.

¹ The Applicant has agreed to build 150 spaces of the 250-space at-grade parking lot.

² The East Side Plan was prepared by Village consultants, and the Applicant does not concur with all of its elements - most particularly the provision of the 250-space at-grade parking lot and a deck on top of that.

³ If the Village accepts the East Side Master Plan as the preferred alternative, the Applicant, in cooperation with the Village, would evaluate plan adjustments to replace the existing ditched wetlands along the proposed at-grade parking area with newly created wetlands in another area of the East Parcel, which would achieve comparable mitigation. Depending on the wetland mitigation location(s), the contemplated salt marsh may not be necessary. Protection of the existing rail sidings would also be evaluated as part of the East Parcel plan adjustments.

With respect to potential impacts, Historic Hudson Valley (“HHV”) has indicated⁴ that the tenant farm would not be a separate attraction, but rather an extension of the existing Philipsburg Manor Restoration use. HHV believes that the tenant farm would not, therefore, be a separate generator of visitors, but rather strengthen the overall attractiveness of its current program. HHV has informed the Village, consistent with the view, that the tenant farm is not expected to generate any meaningful addition in visitors. Accordingly, no significant traffic impacts are anticipated during peak hours from this alternative element of the East Side Plan.

Another aspect of the East Side Plan would be a westerly extension of the existing overflow parking lot serving Philipsburg Manor Restoration to provide approximately 44 additional parking spaces with a cul-de-sac turnaround area on the East Parcel. In addition, parking would be available along the cul-de-sac extending to Devries Park (50± spaces). Woodland plantings would be provided adjacent to these parking areas. This aspect of the Plan would avoid the loss of existing overflow parking for Philipsburg Manor Restoration. In addition, to accommodate the potential need for additional parking during special events, HHV would seek permission from the Village to use parking areas planned in other sections of the East Parcel when needed.

The tenant farm would be an extension of the historical landscape within the Philipsburg Manor Restoration with fields, pasture and garden areas; therefore, the use would be consistent with land use, zoning and public policy, and would not be expected to result in any significant visual impacts. Impervious surface coverage area within the tenant farm would be quite low and drainage patterns would be compatible with the surrounding area. There would be no adverse effect on community facilities, services or utilities, as the number of visitors to Philipsburg Manor Restoration is not expected to materially increase. Noise levels would not be expected to significantly increase for the use of visitors to this portion of the East Parcel. HHV would evaluate the potential for archaeological effects on this portion of the East Parcel. There would be no adverse fiscal impact, as the land would not generate tax revenues whether owned by the Village or HHV. However, strengthening the attractiveness of Philipsburg Manor Restoration, which contributes to the Village through the attraction of tourists, would be a positive impact. The use entails very limited construction and such effects would be expected to be very short in duration. When HHV’s plans for the tenant farm become more concrete, it would apply for site plan approval for any proposed use of this portion of the East Parcel as required by the Village, and would be subject to SEQR review to the extent required by the Village to ascertain whether there would be new significant adverse environmental impacts not within the parameters of impacts discussed in this FEIS.

⁴ Based on November, 2006 telephone conversations between the Applicant and HHV representatives. See also the 12/19/06 letter from Michael Gerrard, Arnold & Porter LLP to Village Administrator Dwight Douglas in FEIS Appendix 1 (Relevant Correspondence).

ALTERNATIVE VILLAGE GREEN INTERSECTION DESIGN (See FEIS Figure II.IV-4)

The Village of Sleepy Hollow and the Applicant are considering an alternative design for the Beekman Avenue/River Street/Beekman Place intersection, providing for a traffic roundabout (unsignalized) in lieu of the intersection configuration included in the FEIS Alternative Plan (see FEIS Figure No. II.IV-4, Alternative Village Green Intersection Design). The alternative roundabout plan includes a Village Green, which increases the buffer at the interface between Lighthouse Landing and the adjacent Ichabod's Landing in comparison to the FEIS Alternative Plan. In addition, the alternative roundabout plan includes a pedestrian promenade (approximately 14 feet wide) along the Ichabod's Landing property line, which would also serve as an emergency lane/secondary exit from Road A in the event of an emergency.

The roundabout alternative plan offers several urban design enhancements to a critical point in the Beekman Avenue corridor. It creates the opportunity for a prominent entry statement and arrival point at the entrance to Lighthouse Landing at its primary linkage point with the remainder of the Village. This could be adorned with a significant fountain, sculpture or other amenity to announce the arrival to the Village's new waterfront. Activities around the periphery of this central feature, such as a pavilion overlooking the Village Green, will create a sense of place at the southerly end of Lighthouse Landing's "Main Street", Beekman Place, and complement the 1897 Lighthouse at the northerly terminus. The plan also provides a for a simple straight line extension of Beekman Avenue to the Hudson River west of the roundabout, which enhances the connection between Beekman Avenue, the downtown and the riverfront itself. This alternate plan also provides the opportunity to create a usable public open space so that gardens can be incorporated into the design, as previously recommended by the Village design consultants (Beyer Blinder Belle), and an appropriate grading transition can be made with the existing adjacent residential development, Ichabod's Landing.

It is anticipated that the more free flowing nature of the traffic pattern around the roundabout will help to reduce traffic delays, and the need for vehicles starting and stopping.

FEIS TABLE NO. IV-1

LIGHTHOUSE LANDING
SLEEPY HOLLOW, NEW YORK

COMPARISON OF FEIS ALTERNATIVE PLAN WITH DEIS PLAN AND OTHER PROJECT ALTERNATIVES

Characteristic	FEIS ALTERNATIVE PLAN			Incremental Effect of Every 25 Less Dwelling Units
	DEIS Plan (FEIS Figure No. I-1)	FEIS Figure No. I-2 Change from DEIS Plan	FEIS Alternative Project Densities 1225 Dwelling Units 1200 Dwelling Units	
Site Area (Acres) ⁽¹⁾	94.5	No Change	94.5	No Change
Residential Units				
Rental Apartments (Flats)	922	-333	564	-25 (-4.3%)
Condo Apartments (Flats)	216	+157	373	0
Senior Rental Apartments (Flats)	200	-160	40 ⁽²⁾	0
Townhomes	224	+24	248	0
Total	1,562	-312 (-20%)	1,225	-25 (-2.0%)
			* 564 including 21 Village workforce units	
			* 539 including 21 Village workforce units	
Residential Rental to Ownership Ratio				
Total Rental Units	1,122 (72%)	-493	604 (49%)	-25 (-4.1%)
Total Ownership Units	440 (28%)	181	621 (52%)	0
Total	1,562 (100%)	-312	1,225 (100%)	-25 (-2.0%)
Overall Residential Density (DU/acre) (RF District - 1 DU/2200 sf site area = 19.8 DU/acre)	16.5	-3.3 (-20%)	13.0	-0.3
			12.7	
Commercial Uses				
Office (sf)	50,200	-15,200 (-30.3%)	35,000	No Change
Retail (sf)	180,000	-48,000 (-26.7%)	132,000	No Change
Hotel (rooms)	147	-7 (-4.8%)	140	No Change
Building Coverage				
SF	803,000* (740,000)	+27,000 SF (+3.4%)	830,000 ⁽²⁾	No Change
Percent of Site	20%		20.2%	No Change
FAR	± 0.67	-0.07	0.60	No Change
Building Height				
Stories	5	No Change	5	No Change
Feet	<65'	No Change	<65'	No Change
Impervious Coverage				
Acres	65* (64)	-5 acres (-7.7%)	60	No Change
Percent of Site	69%* (68%)		63%	No Change
Publicly Accessible Open Space				
Acres	26.5 to 33.5	-1.5 to -8.5	25.1	No Change
Percent of Site	28 to 35%	-2% to -9%	27%	No Change
Public Use Areas				
Acres	Inc. in Open Space	-	13.8	No Change
Percent of Site	Inc. in Open Space	-	15%	No Change

LIGHTHOUSE LANDING
SLEEPY HOLLOW, NEW YORK

COMPARISON OF FEIS ALTERNATIVE PLAN WITH DEIS PLAN AND OTHER PROJECT ALTERNATIVES

Characteristic	DEIS Plan (FEIS Figure No. I-1)	FEIS ALTERNATIVE PLAN			Incremental Effect of Every 25 Less Dwelling Units
		FEIS Figure No. I-2	Change from DEIS Plan	FEIS Alternative Project Densities 1225 Dwelling Units	
Total Public Areas					
Acres	33.5	39.3	+5.3 acres	38.8	No Change
Percent of Site	35%	42%		41%	No Change
Traffic Net Increase ⁽⁴⁾					
AM Peak Hour	739	612	-127 (-17.2%)	594	-7 (-1.2%)
PM Peak Hour	866	710	-156 (-18.0%)	692	-9 (-1.3%)
Saturday Midday Peak Hour	1,113	948	-165 (-14.8%)	926	-10 (-1.1%)
Residents	2,999	2,514	-485 (-16.2%)	2,420	-47 (-1.9%)
Workers (Retail, Office & Hotel)	675	584	-91 (-13.5%)	584	No Change
Public School Children ⁽⁵⁾	217	211	-6 (-2.8%)	205	-3 (-1.5%)
Net Annual Fiscal Surplus (in \$ Millions) ⁽⁶⁾					
Village of Sleepy Hollow	\$1.09	\$0.63	-\$0.46 (-42.2%)	\$0.66	+\$0.03
Town of Mt. Pleasant	\$0.00	\$0.03	+\$0.03	\$0.03	\$0
School District ⁽⁵⁾	\$2.26	\$1.50	-\$0.76 (-33.6%)	\$1.48	-\$0.02
Westchester County	\$0.97	\$0.96	-\$0.01 (-1.0%)	\$0.96	0
Water Demand (gpd)	397,075	350,000	-47,075 (-11.9%)	342,000	-5,000 (-1.5%)
Sanitary Flow (gpd)	360,977	315,000	-45,977 (-12.7%)	311,000	-4,500 (-1.5%)

* Figure adjusted; original DEIS figure shown (in parentheses)

⁽¹⁾ Dry land area within 96.2-acre total site area.

⁽²⁾ Includes 216 Loaf (Live-Work) Units and 21 Village workforce affordable rental units.

⁽³⁾ Consists of 40 affordable senior rental units.

⁽⁴⁾ Traffic from Project's residential and commercial components, based on Institute of Transportation Engineers publication entitled "Trip Generation", 6th Edition for the DEIS Plan and 7th Edition for the FEIS Alternative Plan. These projections are, in the Applicant's opinion, conservatively based on the Tarrytown Union Free School District public school student generation multipliers.

⁽⁵⁾ The net annual fiscal surplus represents the difference between project-generated public services and project-contributed public revenues. Pursuant to the fiscal impact analysis presented in FEIS Appendix 4A, the calculations of project-generated public service costs and project-contributed public revenues to the applicable tax jurisdictions are such that the incremental reduction in the number of rental apartments minimally decreases the annual fiscal surplus to the school district, and minimally increases the annual fiscal surplus to Sleepy Hollow. However, under all scenarios (whether 1,250 du, 1,225 du, or 1,200 du) the proposed project results in an annual fiscal surplus of over \$0.6 million to Sleepy Hollow and over \$1.45 million to the school district.

⁽⁷⁾ Assumes the total building footprint area for the 1225 du and 1200 du alternatives would be identical to the FEIS Alternative Plan @ 1250 du as a result of minor adjustments in unit floor areas to absorb the floor area related to the 25 du and 50 du reductions.





More building frontage, less parking lot frontage along boulevard.

Widen Central green space from boulevard-median into park.

Re-organize townhouse block layouts (north of central green space).
 - Smaller block sizes.
 - Townhouse street frontage.

New townhouses lining parking base.

Potential additional building site should be studied.
 - More Office/ Retail

Re-design road system & public space at end of Beekman.
 - Formalize space with well-defined edges.

Longer Pier, on axis with Beekman.

Ground floor retail w/ potential affordable units above

Incubator/ Light Industrial

Retail corner store

Commercial uses should extend to the waterfront

Floating dock for boat tie-up adjacent to hotel plaza.

Reduced townhouse heights in key locations.
 - Increased width with same overall floor area.

Water feature in central green space.
 - Potential winter skating rink.

Expanded beach area.
 - Configured to provide a more protected mini harbor for boat tie-up

Hide "alley-view" from park.

Replace rip-rap with bulkhead at hotel plaza.

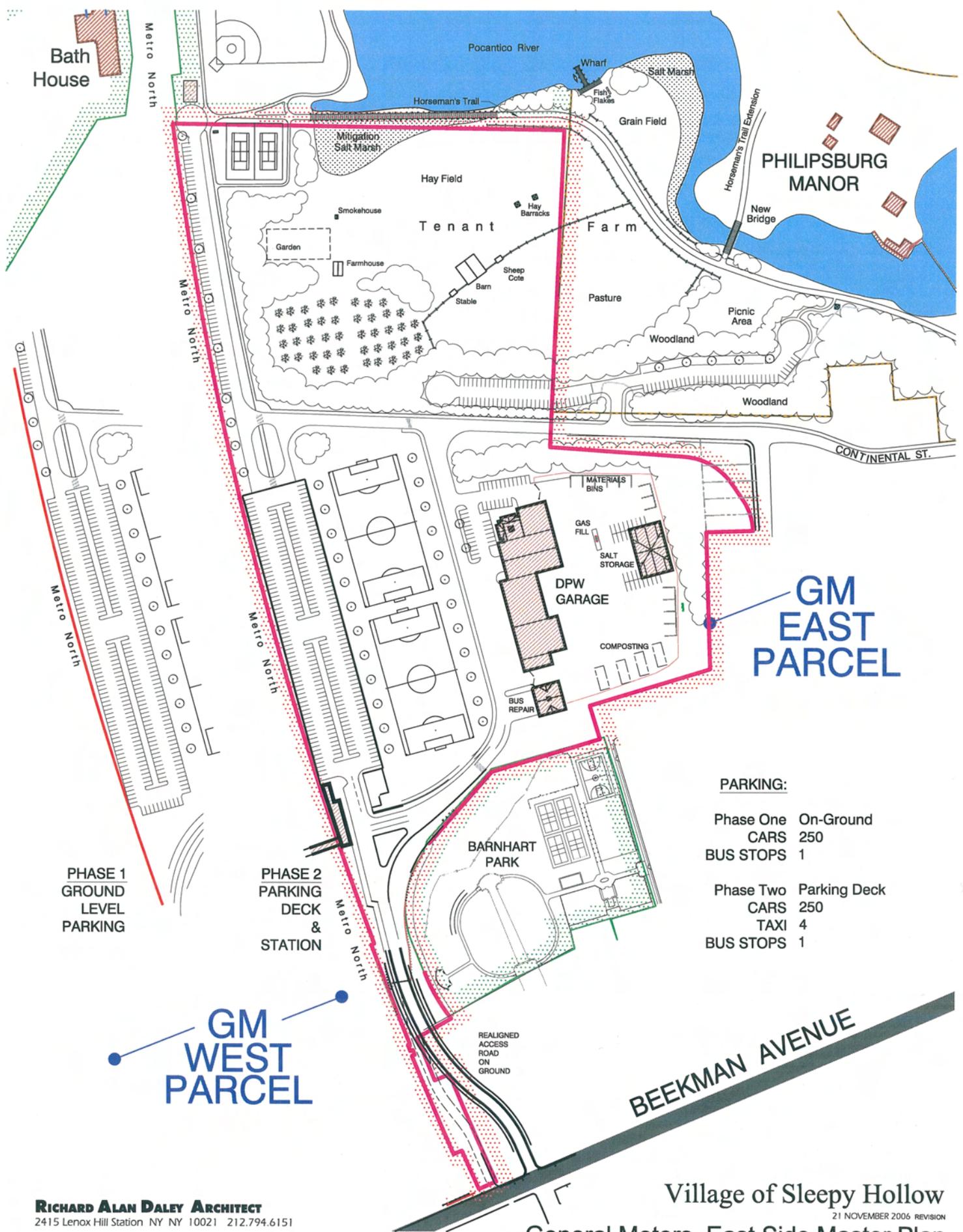
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 Date 12/18/06
 Project No. 1814.05
 Drawing No. #

VILLAGE OF SLEEPY HOLLOW
 Lighthouse Landing Site Plan

DRAFT

DESIGN STUDY
 ALTERNATIVE





GM EAST PARCEL

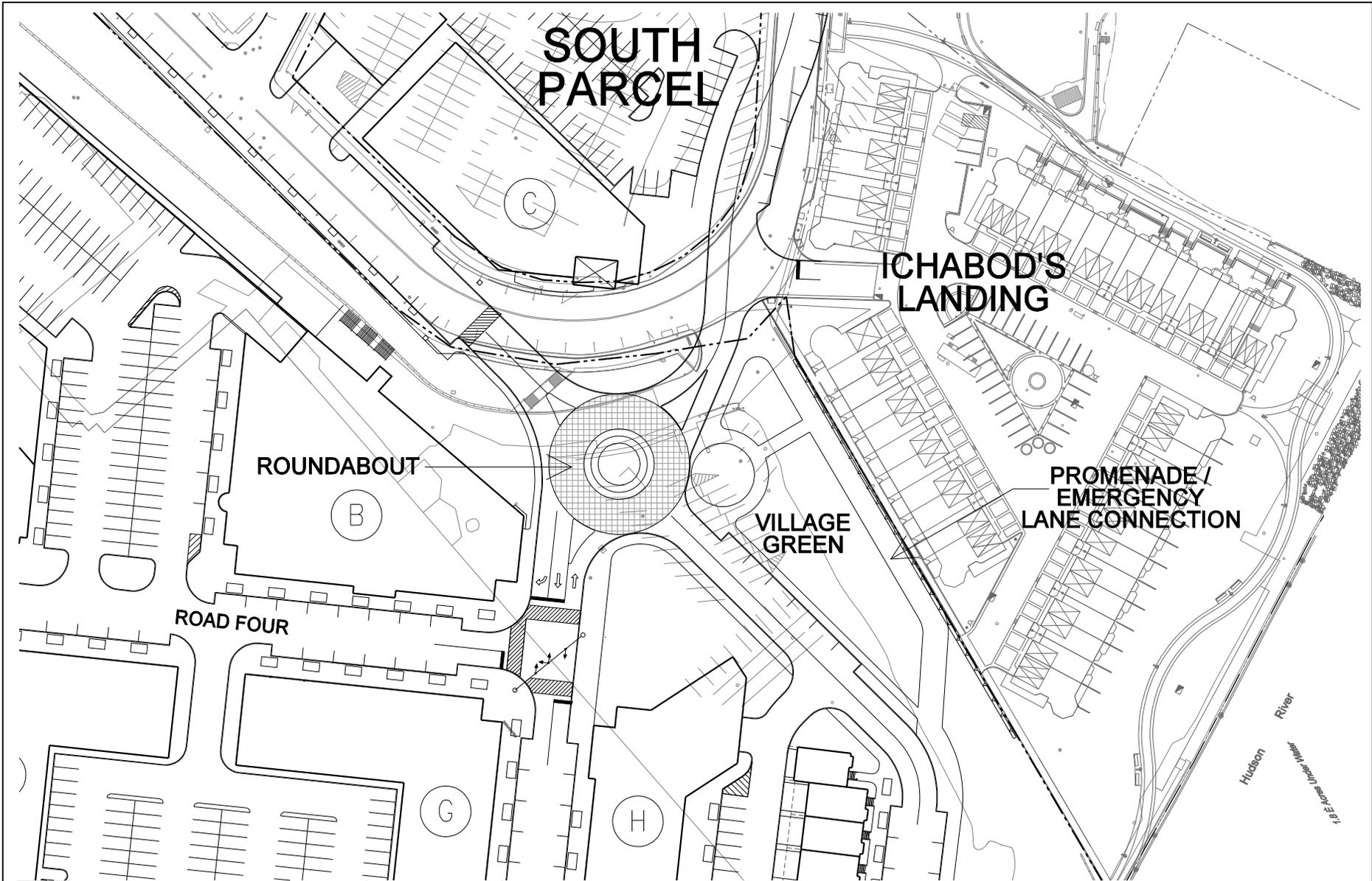
GM WEST PARCEL

PARKING:

Phase One	On-Ground
CARS	250
BUS STOPS	1
Phase Two	Parking Deck
CARS	250
TAXI	4
BUS STOPS	1

PHASE 1
GROUND
LEVEL
PARKING

PHASE 2
PARKING
DECK
&
STATION



GM

ROSELAND
PROPERTY COMPANY



0 50 100 200

DIVNEY • TUNG • SCHWALBE

RTKL



ALTERNATIVE VILLAGE GREEN INTERSECTION DESIGN
 LIGHTHOUSE LANDING AT SLEEPY HOLLOW
 SLEEPY HOLLOW, NEW YORK

FEIS FIGURE NO. II.IV-4

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. VII · Energy Conservation

II. RESPONSES TO DEIS COMMENTS

DEIS Sec. VII · Energy Conservation

COMMENT NUMBER	COMMENT/RESPONSE
5032	<p>The site should exceed the NYS energy efficiency codes, and be LEAD certified once it is completed, as is required for Ichabod's Landing. The project should include a "green roofs" provision, as being developed in New York City, Chicago and elsewhere. The site should be an exemplar of energy savings, to minimize the environmental impact of the site's operation and to benefit the persons who will live and use the Lighthouse Landing site. Since the state of the art in energy efficiency is advancing, Lighthouse Landing should be expected to exceed that which is required and attained at Ichabod's Landing.</p>
PM403	<p>Additionally we have submitted comments on air quality, on the potential that we have here to include environmentally friendly building products. We suggest something called green rooftops initiative that is provided by EPA. I mean, this is an opportunity to build a community that is unprecedented, trend setting. And we would like you to include us in the process, and we hope that you will.</p>
PH2806	<p>We can develop this site using state of the art energy efficiency...</p> <p>So we expect as energy efficiency comes, the footprint of this site will be a very energy efficient footprint. And we will not produce excess costs for those who have to pay their energy bills, but will also keep green house gases down and so on.</p> <p>The Applicant will consider all aspects of the LEED (Leadership in Energy and Environmental Design) conservation and sustainability categories during the design of the individual buildings as part of the site plan approval process. Potential LEED strategies and measures to be employed include brownfield redevelopment, stormwater management, water-efficient landscaping, reuse of construction debris, use of recycled, renewable and local/regional materials, use of low-emitting materials, insulating wall and roof materials and systems, ozone protection and CO2 monitoring. Green roofs may be considered at the time of initial building designs.</p>