

Final Environmental Impact Statement



Continuing Care Retirement Community

North Putt Corners Road, Village of New Paltz
Ulster County, New York

Applicant Submitted FEIS to Lead Agency:	<u>May 30, 2006</u>
Applicant Submitted Revised FEIS to Lead Agency:	<u>September 19, 2006</u>
Applicant Submitted Revised FEIS to Lead Agency:	<u>October 6, 2006</u>
Lead Agency Accepted FEIS as Complete:	<u>October 10, 2006</u>



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Woodland Pond at New Paltz Final Environmental Impact Statement

Proposed Action: Woodland Pond at New Paltz Continuing Care Retirement Community

Location: North Putt Corners Road, New Paltz, Ulster County, NY

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by Lead Agency: October 10, 2006

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1.0 INTRODUCTION

This Final Environmental Impact Statement (FEIS) has been prepared on behalf of the Village of New Paltz Planning Board for the proposed Woodland Pond at New Paltz Continuing Care Retirement Community (CCRC) located in the Village of New Paltz, Ulster County, New York.

In accordance with the New York State Environmental Quality Review Act (6NYCRR Part 617), the following steps of the process have been undertaken:

- **August 5, 2003** - The Village of New Paltz Planning Board was designated as Lead Agency for review of the proposed Type 1 Action after circulating the project application and Environmental Assessment Form (EAF) to all involved agencies.
- **July 27, 2004** - The Planning Board issued a Positive Declaration of Significance for the proposed action, requiring the Applicant to prepare a Draft Environmental Impact Statement (DEIS).
- **August 17, 2004** - The Planning Board initiated the SEQRA review process with a Public Scoping Session.
- **November 9, 2004** - A Final Scoping Document was adopted by the Village of New Paltz Planning Board.
- **September 1, 2005** - The Applicant submitted a Draft Environmental Impact Statement (DEIS) to the Village of New Paltz Planning Board.
- **February 7, 2006** - The Village of New Paltz Planning Board accepted the DEIS as complete and adequate for public review.
- **March 28, 2006** - A Public Hearing on the DEIS was held by the Village of New Paltz Planning Board on March 28, 2006 at Deyo Hall (6 Broadhead Street, New Paltz, New York).
- **April 14, 2006** – The written public comment period ended.
- **May 30, 2006** – Applicant submitted FEIS to the Lead Agency.
- **September 19, 2006** – Applicant submitted a revised FEIS in response to Lead Agency Comments.

- **October 6, 2006** – Applicant submitted an FEIS revised in response to additional Lead Agency Comments made on October 3, 2006.
- **October 10, 2006** – Lead Agency adopted the FEIS.

This document addresses all agency and public comments regarding the DEIS for the proposed CCRC, including written comments submitted to the Village of New Paltz and comments expressed during the March 28, 2006 Public Hearing. Although the comments represent a broad range of community interests and concerns, the major themes involve removal of excess material from the project site, remediation of contaminated soil, and the proposed location of the utility corridor. This FEIS will be issued and filed by the Village of New Paltz Planning Board, circulated for public review, and it will serve as the basis for the Lead Agency Findings.

In accordance with Section 617.9(b)(7) of the SEQRA regulations, this FEIS incorporates by reference the Woodland Pond DEIS, accepted as complete by the Village of New Paltz Planning Board acting as Lead Agency on February 7, 2006.

2.0 PUBLIC AND AGENCY COMMENTS

This section addresses comments received during the DEIS review period which was held from February 24, 2006 to April 14, 2006. Where applicable, comments are summarized or grouped into subject categories and summarized to allow a single response to address similar comments or questions raised more than once.

Written comments were received by the Village of New Paltz and orally at the DEIS Public Hearing held on March 28, 2006. A copy of the Public Hearing transcript is included as Appendix A and written comments are included in Appendix B.

Comment Referencing:

March 28, 2006 Public Hearing Comments

Comments made during the public hearing are referenced by stating the individual's name and the page number of the transcript in parentheses at the end of the comment. For example, a comment made by Mr. John Doe at the Public Hearing is referenced as “[*John Doe*, Public Hearing Transcript Page XX].”

The following individuals commented on the DEIS at the Public Hearing:

Written Comments

Comments received in writing are referenced by a unique comment number (see list below). In Appendix B, each comment letter is identified by a number in the upper right corner of the front page. The following individuals commented in writing on the DEIS:

Comment Number

- 1 Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.
- 2 Mr. Al Wegener, Landscape Consultant, written comment letter dated September 30, 2005.
- 3 Mr. Al Wegener, Landscape Consultant, written comment letter dated January 6, 2006.
- 3 Mr. and Mrs. Craig A. and Elizabeth D. Haight, written comment letter dated April 10, 2006.
- 4 Mr. and Mrs. Ken and Mary Gelhaus, written comment letter dated April 3, 2003.
- 5 Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated October 19, 2005
- 6 Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), written comment letter dated April 5, 2006.
- 7 Mr. Seth McKee, Co-Chair, New Paltz Open Space Committee, written comment letter dated April 14, 2006.
- 8 Mr. and Mrs. Ken and Mary Gelhaus, written comment letter dated April 12, 2006.
- 9 Mr. David Clouser, PE, LS, David Clouser and Associates, written comment letter dated October 20, 2005.
- 10 Mr. Richard P. Ruth III, PE, Brinnier and Larios, PC, written comment letter dated October 4, 2006.

- 11 Mr. Richard Tofte, Vice-President, Wallkill Valley Rail Trail Association, written comment letter dated April 14, 2006.
- 12 Ms. Toni Hokanson, Supervisor, Town of New Paltz, written comment letter dated April 14, 2006.
- 13 Ms. Laura F. Walls, Board President, New Paltz Central School District Board of Education, written comment letter dated April 17, 2006.
- 14 Mr. Robert M. Chamberlain, PE/PTOE, Resource Systems Group, email dated April 26, 2006.

Comments made by the following individuals are indexed below by FEIS page number.

<u>Commenter:</u>	<u>FEIS Page Number:</u>
Chairman George Danskin.....	18, 50, 51, 59, 60, 61, 66
Mr. Al Wegener	31, 32, 62
Mr. Albert Hoffman	66
Mr. and Mrs. Craig A. and Elizabeth D. Haight	67
Mr. and Mrs. Ken and Mary Gelhaus	68, 69
Mr. David Clouser, PE.....	14, 45
Mr. David Porter.....	14, 15, 19, 21, 22, 23, 24, 28, 33, 51, 52, 53, 64
Mr. Michael Zierler.....	16, 30, 34, 38, 41, 57
Mr. Phil Kissinger.....	18
Mr. Rich Tirendi	39, 52
Mr. Richard Ruth, PE.....	46, 47, 48, 49, 50
Mr. Richard Tofte.....	70
Mr. Robert Chamberlain, PE	16
Mr. Robert Chamberlin, P.E	37
Mr. Seth McKee	36, 54, 55, 57
Mr. Ted Fink, GREENPLAN, Inc. ...	9, 10, 11, 12, 13, 14, 20, 22, 23, 24, 27, 28, 29, 32, 36, 37, 40, 41, 43, 44, 56, 61, 71
Ms. Dolly Wooden	19
Ms. Dorothy Jessup	26, 65
Ms. Laura F Walls	70
Ms. Rachel Lagodka.....	29, 63
Ms. Toni Hokanson.....	16, 30, 41, 57
Reverend William Schnitzer	16, 26, 35, 64

Below are responses to comments raised by the public and involved and interested agencies during their review of the DEIS. In general, the order and categories of topics follow the outline of the DEIS.

3.0 RESPONSES TO COMMENTS

3.1 Purpose, Need, and Public Benefit

COMMENT 3.1.1

The DEIS states that seniors with an annual income of \$35,000 or more would be able to afford the proposed retirement community, although Table 1.2-1 in the DEIS indicated that the project's potential affordability would not include the majority of individuals in the 65 to 74, and 75+ age brackets in the preliminary market study area. The DEIS should discuss the regional need for affordable senior living facilities for persons in these income and age brackets. It should also explain how the 18 percent of all housing units in the preliminary market service area owned by seniors 65 and older would "likely be the target population for the proposed CCRC" (DEIS page 11) if the project would be unaffordable to most of these individuals. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated October 19, 2005 and written comment letter dated April 11, 2006.]

Response 3.1.1

Although there is no specific data stating the need for affordable senior living facilities for specific income brackets in the 65 and older age group, according to data from the 2002 Preliminary Market Analysis provided by the Kingston Regional Senior Living Corporation (KRSLC), the population aged 65 and older in the vicinity of the project area is projected to increase by 2,685, or 17%. These older age groups will account for an increasing proportion of the total population. As such, a public health objective is to provide lifecare opportunities for these age groups.

While there are several senior and assisted living facilities in Ulster County, a lifecare facility has never been developed in the mid-Hudson Valley. The local need for a lifecare facility is demonstrated by the 144 depositors that have already paid to secure future residence at the proposed CCRC. Over 90% of these depositors live in the primary market service area, or within 15 miles of the Woodland Pond project site.

Home ownership is an important statistic in determining the Primary Service Market Area (PMSA) because seniors will typically use the proceeds from the sale of a home to pay the entrance fee for a CCRC. In addition, the sale of their home may provide a portion or the entirety of the monthly maintenance expenses for the extent of their retirement or they may rely on other assets or retirement income to supplement this asset. CCRC residents find that the monthly maintenance fee is equal or less than their living expenses before moving into the community as the community provides many services and amenities that would be more costly for an individual homeowner. For these reasons, we have almost 150 deposits, 90% of whom now live within a 15-mile radius of the proposed CCRC site and many of the remaining have family or other connections to the Mid Hudson Valley.

There are 5,817 householders in the PMSA age 65 and older. In other words, 18% of all housing units in the PMSA are owned by seniors 65 and older. This would likely be the target population, or PMSA for the proposed CCRC, as approximately 77% of housing units in the PMSA are owner occupied (which is slightly higher than national average of 71%)¹. This means that approximately 4,479 households are situated in the primary market service area for the CCRC who own homes and were 65 years and older in 2000. Home values in the area are within the range to permit the majority of the primary market to be eligible at Woodland Pond at New Paltz.

COMMENT 3.1.2

Guidelines from HUD specify that generally no more than 30 percent of a person's income should be spent on housing costs. The discussion of the project's affordability to individuals with an annual income of \$35,000 or more should include discussion of the HUD guideline. For instance, a person earning \$35,000 and paying a monthly fee of \$2,160 would be paying 74 percent of their annual income for housing costs. Thus, it would appear that to afford the least expensive monthly fee listed on page 15; an individual would need an annual income of \$86,000 to meet the HUD guidelines. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated October 19, 2005 and Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.1.2

The 30 percent HUD guideline referred to in the comment above is to be spent solely on housing costs, such as mortgage or rent, and does not include

¹ According to the 2000 U.S.Census.

meals, housekeeping, maintenance and other services. The monthly maintenance fees at the Woodland Pond at New Paltz CCRC includes much more than “rent;” it also includes a wide array of services, including a meal plan, housekeeping, linen service, interior and exterior maintenance, grounds keeping, scheduled local transportation, programs and activities comparable to membership in a health club or gym and payment for educational, social and entertainment events, emergency response system, 24-hour security, parking, utilities (with the exception of telephone and cable), and if applicable, real estate taxes. Therefore, it is incorrect to compare the CCRC programs with traditional housing market and housing affordability indicators. In addition, the entry fee and the monthly maintenance fees include a long-term health care insurance component. Depending on which contract the resident chooses, they will be entitled to enriched housing (assisted living) and skilled nursing care if/when the need arises without change in monthly fees. The cost of these services for someone living outside of a CCRC can be prohibitive, in addition to housing costs, exceeds the HUD guidelines for housing. Please note that the HUD guidelines are often exceeded in areas of the country that typically have a higher cost of living, such as the Northeast. Also, a portion of the entrance fee and monthly fee paid by residents is considered to be advance funding for potential future long term care services (skilled nursing and/or enriched housing).

COMMENT 3.1.3

Page 12 of the DEIS states that in Ulster County the median housing sales price in 2004 was estimated at \$217,000. However, page 13 of the DEIS states that the median price was \$190,000. This discrepancy should be addressed. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.1.3

According to the report entitled ‘Priority Strategies to Support Housing Development in Ulster County’, prepared for The Ulster County Housing Consortium by Economic and Policy Resources and COPE Associates, Inc., the median price for a single-family home in Ulster County was \$190,000 in 2004. The text on page 12 of the DEIS has been revised accordingly.

COMMENT 3.1.4

The discussion of the Lifecare Plan fees on page 16 of the DEIS should be clarified. For instance, the DEIS states that the Lifetime Plan fee “is reduced by a 4% administrative fee upon move in and 2% for the next 48 months thereafter.” The DEIS should explain what additional fees would be required once the 48 months have expired. It should also indicate the amount of the Lifecare fee. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.1.4

Residents of Woodland Pond are required to pay a one-time entrance fee and a recurring monthly service fee. Fees are generally based on the size of the living accommodation, the care plan chosen, and the number of residents in each type of housing. Two care plans are offered to residents; the “Continuing Care Plan” and the “Lifecare Plan”.

1. The Continuing Care Plan requires a one-time continuing care fee and a recurring monthly service fee. Under the Continuing Care Plan the resident is entitled to 60 cumulative lifetime days of temporary or permanent skilled nursing care and 30 cumulative lifetime days of temporary or permanent enriched housing care, with no increase in their monthly service fee for this care. Under the Continuing Care Plan, the entry fee is 90% refundable to the residents or their estate whenever they leave the community.
2. The Lifecare Plan requires a one-time continuing care fee, a one-time lifecare fee, and a recurring monthly service fee. Residents who choose the Lifecare Plan will receive unlimited lifetime skilled nursing and enriched housing care with no increase in their monthly service fee because of their need for care.
 - Under the Lifecare Plan, there are no additional fees required after a resident’s first 48 months of living at the Woodland Pond CCRC, beyond the payment of the regular monthly fee.
 - Under the Lifecare Plan, the entry fee and continuing care fee is also 90% refundable to the residents or their estate when they leave the community. The lifecare fee refund, however, is reduced by an initial 4% administrative fee upon moving into the CCRC, and the refund declines by 2% per month. Beyond the initial 48 month period, the resident will still have all the benefits of the Lifecare Plan but will not have any refund due to them should they decide to leave the

community. The entrance fee is 90% refundable regardless of their tenure of residency.

- The amount of the Lifecare fee will vary depending upon when a resident signed up for Woodland Pond. The Lifecare Fee has risen several times over the past several months, in conjunction with increases in entrance fees. When Woodland Pond began marketing almost 18 months ago, the Lifecare Fee was \$48,000 for a single person. As of the end of April 2006, the Lifecare Fee was \$54,000.

3.2 Description of Proposed Action

COMMENT 3.2.1

The Description of the Proposed Action should state the number of bedrooms per unit for the proposed cottages. It appears from the parking analysis in Table 3.9.2-2 (page 193 of the DEIS) and from the estimated water demand in Table 3.11.1-1 (page 205) that all of the cottages are proposed as two-bedroom units. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.2.1

All of the individual cottages have two bedrooms each.

COMMENT 3.2.2

The DEIS should clarify the proposed materials for the clapboard siding, e.g., is wood clapboard or some other material proposed? [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.2.2

Wood clapboard siding will be utilized on the apartment wings and the community center. The Applicant's current plan is to use vinyl siding for the cottages. The economical feasibility of the use of fiber-cement board in place of vinyl siding will be evaluated during the site plan review process.

3.3 Soils and Geology

COMMENT 3.3.1

The Applicant has provided sampling of the existing topsoil layer to determine the presence of pesticide residue from the previous orchard farming operation. The pesticide levels were found to be higher than the maximum NYSDOH and NYSDEC recommended background threshold levels in many of the test locations for the presence of DDD, DDE, DDT, Dieldrin, Lead, and Arsenic. The DEIS discusses the potential removal of the contaminated soil from the site. However, it is unclear as to the Applicant's plan to manage this material, whether through encapsulation or off-site disposal. The DEIS should further discuss this matter and propose a more direct solution with an analysis of the associated impact. [Mr. David Clouser, PE, LS, David Clouser and Associates, written comment letter dated October 20, 2005.]

Response 3.3.1

The Ulster County Department of Health (UCDOH) policy on managing pesticide-contaminated soils from former orchards to be converted to residential use is to provide a minimum 6-inch clean soil cover for areas within 50 feet of a dwelling. The Applicant therefore, proposes to remove contaminated soil during construction keeping it covered and contained during construction and manage the soils by providing a minimum of 6 inches of clean cover soil and/or to incorporate soils under impervious surfaces such as roads, sidewalks, and parking areas. In addition, the Applicant has researched the feasibility of on site soil decontamination processes to reduce the amount of soil to be moved around the site. This process has proven to be more costly than the proposed management system.

COMMENT 3.3.2

The DEIS showed that there is serious toxicity throughout the entire site because it was a past apple orchard. The Applicant should conduct a new round of soil sampling to identify the depth of infiltration of toxic soils. This should be determined as part of the SEQRA process so the results of that test can be presented to the Planning Board and discussed in terms of appropriate mitigation. It is not appropriate for the Planning Board to pass off the responsibility for a mitigation plan to the County Health Department. Under SEQRA, it is the lead agency's responsibility. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006]

Public Hearing transcript, page 35 – 36 and Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.3.2

A second sampling event was conducted in August 2005 and is detailed in the Phase IIB Environmental Assessment and Remedial Alternative Evaluation Report dated October 2005 located in Appendix D. The purpose of this second sampling event was to identify the vertical extent of pesticide impacts to soil and to assist in determining site development options based on the quantity of -contaminated soil that may require on-site management or off-site disposal. The sample results indicate that soil contamination terminates between the 1- and 2-foot depth intervals in the heaviest contaminated areas.

Based on the sampling data, the volume of contaminated soil is approximately 46,000 cubic yards. As previously discussed, the Applicant plans to manage soils by providing a minimum of 6 inches of clean cover soil, and/or to incorporate soils under impervious surfaces such as roads, sidewalks, and parking areas.

COMMENT 3.3.3

The areas requiring soil removal should be re-sampled again following remediation to assure achievement of cleanup objectives. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 36 - 37.]

Response 3.3.3

Upon completion of remediation, the Applicant will collect post-excavation soil samples at each previously sampled grid location to confirm that contaminated soils have been removed to the appropriate depth, unless a previously sample has already been collected at that depth (see Appendix D, “Phase IIB ESA and Remedial Alternatives Report”).

COMMENT 3.3.4

There needs to be a storage plan for the toxic soil removal. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 37.]

Response 3.3.4

In accordance with NYSDEC guidelines, contaminated soil that has been excavated will be placed on an impervious material (e.g.: polyethylene sheeting) with the sides banked so as to control and contain run-off. During periods when no treatment or soil movement activities are on-going, the surface of the pile(s) will also be covered with an impervious material.

COMMENT 3.3.5

Several comments were received regarding the amount of cut/fill and the number of truck trips that may be required based on the potential amount of on-site soil movement. It would be helpful if the Applicant could provide more details on the amount of fill being removed from the site, the approximate number of truck trips, and construction scheduling. [Mr. Michael Zierler, Village of New Paltz Board of Trustees, March 28, 2006 Public Hearing transcript, page 47 – 49, Reverend William Schnitzer, March 28, 2006 Public Hearing transcript, page 71 – 72, Mr. Robert Chamberlain, PE/PTOE, Resource Systems Group, email dated April 26, 2006, and Ms. Toni Hokanson, Supervisor, Town of New Paltz, written comment letter dated April 14, 2006.]

Response 3.3.5

In an effort to reduce the amount of excess soil to be removed from the site, the Applicant has revised the site plan as follows:

1. Basement space in the community center has been eliminated;
2. The finished floor elevation of the entire project has been raised; and
3. Apartment wings have been redesigned to include a second “break,” or “step-down,” to adhere more closely to the site’s natural topography.

In addition, the cottages have been moved further away from the steep slopes on the western edge of the development area so that regrading of the western slope will end much further away from the wetlands.

These changes to the site plan have been incorporated to specifically reduce the amount of truck traffic entering and leaving the site and to minimize the limits of disturbance. These revisions have permitted a “balance” of the earthwork on the site. That is, the amount of cut or excavation on the site will approximately equal the amount of filling on the site. Therefore, significant truck trips related to exporting excess cut or importing general fill will not be required for the development of this project. Approximately 120,000 cubic yards will be excavated to fill areas on the site. Imported materials will be limited to construction materials typical of a development of this nature that are not found on a site including building materials, asphalt and road subbase materials and structural fill for limited portions of the building.

Changes to the site plan are summarized as follows:

Architectural (Main Building)

The architectural design of the main building has been revised to reconfigure the layout of the Health Center wings and Community Center and to modify the relative elevations of the apartment wings.

The architect added an additional level change in the apartment wings and raised the entire center wing approximately 10' to take better advantage of the existing contours. These revisions reduce the amount of necessary cut (excavation) within the building envelope and courtyard areas. For example, the courtyard areas between the apartment wings were previously at an elevation of approximately 360 feet because the apartment wing exterior exits into these courtyards were at the 360 feet level. The architectural modifications allow for the courtyards to be raised over 10 feet because the exterior doors exit at the 370 ± level.

In addition, the reconfiguration of the building allows for increased flexibility with respect to site grading by reducing interior site constraints.

Site Layout / Grades

The site layout has been revised to accommodate the main building layout changes. The main “spine” of the building has been moved such that it is not located directly through the peak of the site. Parking areas have been reconfigured and relocated such that the overall site development is

consolidated further than the previous site layout. This consolidation allows the finished floors of the main building to be raised approximately 3 feet, subsequently reducing excavation while not increasing the limits of disturbance on the site.

The loop drive that provided access to cottage units 1 through 12 has been eliminated and the sidewalk along the east side of the perimeter road has been relocated to the interior side of the road to help maintain acceptable disturbance limits for the project.

The above site modifications have been made without limiting site access to the patrons.

Although the site is now essentially balanced, during the site plan review process, the Board will evaluate an alternative that incorporates a retaining wall behind the cottages located in the northwestern portion of the site, in an effort to reduce the amount of fill placed on the westerly slope extending behind the embankment.

COMMENT 3.3.6

The Applicant has chosen to maintain everything on a uniform grade. This requirement to maintain a uniform grade throughout the building has an impact on the size of the site plan and the amount of material that needs to be moved. There are facilities of this kind that have elevators located throughout the building. There is the possibility of escalators, stairs and ramp ways, and I think that needs at least more documentation as to why the Applicant wants to maintain a uniform grade. [Chairman George Danskin, Village of New Paltz Planning Board, March 28, 2006 Public Hearing Transcript, page 67 - 68.]

Response 3.3.6

The Applicant has redesigned the building and the site plan in order to achieve a single grade within the building as well as a balanced site where the senior residents can walk without encountering severe grade changes.

Continuing care retirement communities typically serve senior populations that average approximately 76 years of age upon move-in. While most are healthy and active upon move-in, with the passage of time, increased frailty can become a limiting factor for residents.

COMMENT 3.3.7

When roads are built, the State Department takes material from one part of the road that's too high and moves it to a little smaller part of the road that's too low. Why hasn't that been considered for Woodland Pond to flatten out the low parts, put that material into -- flatten out the high parts, move that material to the low parts. Then we don't have to move any trucks or any material? [Mr. Phil Kissinger, March 28, 2006 Public Hearing Transcript, page 73.]

Response 3.3.7

Please see response to Comment 3.3.5. The Applicant has taken this suggestion. The building redesign and resulting site plan redesign has balanced the site so there is no longer the need to export excess soil.

COMMENT 3.3.8

Several comments were received regarding the potential movement of soil contamination. The DEIS states that toxic pesticides found in the on-site soil do not dissolve easily in water, so the potential impacts on surface and groundwater resources will be minimal. Will the chemical residue move into the wetlands through time, or will it remain stationary? [Ms. Dolly Wooden, March 28, 2006 Public Hearing Transcript, page 74 and Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 37.]

Response 3.3.8

Soil contamination resulting from the former apple orchard is primarily due to the presence of metals, such as lead and arsenic, and organochlorine pesticides, such as DDT and DDE, which tend to adsorb (stick) readily to soil. In a traditional pesticide application, the sprayed liquid that drips from leaves or is indirectly applied to the ground will permeate into the soil and eventually binds with the soil particles. Because of the bond and the strong inability to dissolve readily in water, organopesticides do not infiltrate very deep into the soil, and are typically observed within the top one to two feet. Similarly, metals such as lead and arsenic tend to bind to charged particles within soils, but can migrate from the soil due to infiltrating water. However, the potential for contamination of surface and groundwater resources will be reduced by the proposed action, as the Applicant plans to manage soils by

providing a minimum of 6 inches of clean cover soil, and/or to incorporate soils under impervious surfaces such as roads, sidewalks, and parking areas.

Pesticides that are at the ground surface may migrate over the ground due to erosion, especially in areas with high slopes or lack of vegetative cover. The most vulnerable time for soil erosion is when soils have been removed from root structures and are no longer protected by existing growth. However, a Preliminary Erosion and Sediment Control Plan has been developed to minimize soil erosion (see Appendix 9.7.2 of the DEIS). This plan includes construction methods and techniques to lessen erosion and to prevent sediment from migrating off-site. While every effort will be made to contain soils within the construction area, should minor amounts of soil travel off-site, the pesticides found in on-site soils do not dissolve easily in water, and therefore potential impacts to surface and groundwater are expected to be minimal.

In addition, the Applicant conducted pre-construction well sampling at five locations along North Putt Corners Road. No e-coli bacteria were present in any of the five well samples and no metals or pesticides sampled during the pre-construction monitoring exceeded NYSDOH Sub-Part 5-1 drinking water Maximum allowable Contaminant Level (MCL) standards. The Applicant will also conduct post-construction well sampling once the construction of the proposed community residence is complete. Water samples will be compared to pre-construction results as well as NYSDOH drinking water standards.

COMMENT 3.3.9

The Village Engineer should review the grading plan and verify that the area of disturbance is limited to 40 feet beyond building perimeters, five feet beyond primary roadways, and 40 feet beyond stormwater facilities. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.3.9

Comment noted.

3.4 Surface Water Resources

COMMENT 3.4.1

AFFIRM and Save the Woods and Wetlands organizations in the community discussed layout designs and wetland impacts with the Applicant during 2004-2005 period. We were pleased with the outcome in terms of the substantial redesign of the site plan with the primary goal in the absence of any Village ordinance protecting wetlands, the goal of maintaining at least 100-foot buffer along all the on-site wetlands. This goal was based on the commonly understood standards for protecting wetland integrity. This goal was achieved for the entire site plan except for two particularly very small areas, one of them being the cross-over from North Putt Corners Road over to the site itself, and we felt like we could live with the arrangement that was agreed upon at that point.

This new site plan buffer area was agreed to by everybody in good faith and confirmed verbally to us. We were shown a plan that did not include a scale, and now, unfortunately, we discovered that there is substantial intrusions into the 100-foot buffer, especially along the length that the large wetland, AA. But also for the southwest corner, wetland ZA, which is just west of the AAA wetland. None of the wetland and wetland buffer intrusions are consistent with the agreement that was made with the community groups. This is not consistent with the spirit of the agreement that we had made. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 26 – 32 and Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), written comment letter dated April 5, 2006.]

Response 3.4.1

The site plan in the DEIS is exactly the same as the plan that the Applicant presented to AFIRM and Save the Woods and Wetlands community groups during discussions in 2004 and 2005. In addition, the building redesign and resulting site plan redesign moves the project development further away from the wetlands on the east, west and south boundaries.

Approximately 48 acres of the project site will remain undeveloped upon full buildout, and the Applicant is committed to working with the Village, neighboring property owners, and other community leaders toward the creation of the Mill Brook Greenway.

COMMENT 3.4.2

There was no mention in the DEIS of the Village Board's intent to establish its own wetlands ordinance. There was also no mention of Eric Kiviat of Hudsonia, who studied that whole complex of wetlands. The DEIS claims that no part of the central wetlands complex exists on the Woodland Pond site, yet this is apparently inaccurate since Eric Kiviat's Hudsonia report established a connection with wetland ZA in the southwest section of the property. A DEC designation would require 100-foot buffers. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 31 and 32 and Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.4.2

Based on a draft version of the Village's Wetland and Watercourse Protection Law, wetland buffers would be established at a minimum of 100 feet for wetlands ranging from 1 to 12.4 acres in size, and a minimum of 50 feet for wetlands greater than 1/10 acre and less than 1 acre in size. There would be no required buffer area for wetlands 1/10 of an acre or less.² It should be noted that the Village has not yet adopted the proposed Wetland and Watercourse Protection Law.

Based on New York State Freshwater Wetlands Mapping, there are no NYSDEC wetlands on or contiguous to the project site. However, on-site wetlands ZC, ZD, and ZE connect off-site as part of a common wetland system that includes a connection to the wetland system associated with Tributary 13 of the Wallkill River, and the combined onsite and offsite area totals more than 12.4 acres, which qualifies for NYSDEC jurisdiction under the Freshwater Wetland Act. The wetlands therefore meet minimum acreage criteria under the Freshwater Wetlands Act for regulation by the NYSDEC. Therefore, in accordance with NYSDEC wetland buffer requirements and the proposed Village of New Paltz Wetland and Watercourse Protection Law, the Applicant will maintain at least a 100 foot buffer around all wetlands with the exception of AA.

The proposed layout has been designed to minimize disturbance to wetlands and reduce any indirect impacts associated with development. There will be less than 0.1 acres of permanent disturbance to Wetland AA as a result of expansion of the existing culvert for the site entrance. Two underground wetland crossings are proposed for utility lines at Wetlands ZE and ZD. This will not result in any significant or permanent wetland impacts.

² <http://www.villageofnewpaltz.org>

A large-capacity culvert is proposed at the wetland crossing by the main entrance drive. Although the final design of the culvert has not been completed, the intention of the culvert is to provide for the passage of flows between wetlands, to allow for the passage of wildlife between the wetlands, and to reduce the amount of disturbance of the wetland. The culvert will consist of headwalls and/or wing walls, a natural invert and a cross section suitable to allow the passage of aquatic and amphibian wildlife. The final design of the culvert will be coordinated with the Planning Board during the site plan approval process.

A discussion of Erik Kiviat's wetland quality assessment of the Mill Brook Greenway is provided in Section 3.2, "Surface Water Resources" of the DEIS. This section of the DEIS includes an analysis of the quality for each wetland found on the project site and a description of ecologically significant habitats found in the Mill Brook Greenway. In addition, section 3.4, "Fauna" of the DEIS includes a discussion of state endangered species that may be found in the vicinity of the project area, according to Erik Kiviat's "Wetland Assessment of the Proposed Mill Brook Greenway."

COMMENT 3.4.3

The DEIS claims that there is no connectivity between headwater wetlands AA and AB in the west and the central wetlands complex to the west of the property which the DEIS itself suggests should qualify for DEC protection. However, soil maps and on-site knowledge of neighbors in the area suggest that there may well be connectivity (going northward across Shivertown Road, then to the west and then southward directly in the central wetlands complex. This entire water system should thus be delineated and evaluated by through DEC inspection along this entire watercourse in order to make an official determination. Lacking substantive evidence, there is no justifiable basis for the DEIS assertion that no connectivity exists. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006 and Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 32 - 33.]

Response 3.4.3

The boundaries for wetlands AA and AB were field delineated by Stephen P. George of North Country Ecological Services in August 2000, and were verified by Dr. Louise A. Wold, on December 6, 2001. However, as a result of a site inspection by the Army Corps of Engineer, it was determined that Wetlands AA and AB are not isolated, due to a determination that Wetland

AB flows off-site to the north; there is a culvert underneath a roadway that connects the northern end of Wetland AA to the southern end of Wetland AB. The roadway and culvert are not considered “wetlands” for purposes of ACOE regulatory jurisdiction, although the culvert is the connecting point between the two wetlands and results in their regulation under the ACOE according to Section 404 of the Clean Water Act.

The DEIS, including a complete Wetland Delineation Report and associated mapping, was forwarded to the NYSDEC for review on September 2, 2005 and February 27, 2006. The Applicant has not yet received comments from the NYSDEC.

COMMENT 3.4.4

Several comments were received requesting evidence that boring underneath the wetland can be done without any damage to wetland quality. There are two wetland crossings for the water and wastewater pipelines at wetland ZE and ZD to the west of the site. The Applicant is proposing to bore underneath the wetlands for placement of a utility line; however, there is not adequate detail in the EIS to make an evaluation. The Applicant should present more evidence and examples that in fact that is an available, acceptable technology. The Applicant states that if boring cannot be conducted due to the depth of bedrock, an alternative would be trenching through the wetland. More detail should be presented that this will not be too disruptive of wetland ZD because this is part of a larger wetland complex which the DEC will probably designate under its own protection. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 34 – 35 and Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.4.4

The Applicant has been asked to run the sewer and water lines along North Putt Corners Road to Henry W. Dubois Road. This will require Town of New Paltz approval. Initial meetings with the Town Board did not achieve a verbal commitment that approval is possible due to issues they have with the Village of New Paltz water and sewer policies. In order to avoid further delays in the project, the Applicant will continue to plan to run the sewer and water lines through property proposed to be owned by the Applicant and simultaneously continue to attempt to obtain Town approvals for the North Putt Corners Road route. The Applicant will provide funding for the

improvements to the Village Water and Sewer System as necessary to supply water and sewer to the project.

It should be noted, however, that horizontal boring and directional drilling under wetlands are common construction practices used in the installation of utility lines. These methods are used specifically in instances where a minimal environmental impact is important. The staging areas for either method will be located an adequate distance from the wetland to ensure a buffer from drilling activities.

A small basin will be excavated at the bore entrance for the collection of excess drilling liquids, which will be removed from the site. Barriers such as silt fencing are used for additional protection against overflows. The drilling fluids used will depend upon the material encountered. If only overburden material is encountered, then the drilling fluid is typically a mixture of bentonite fine volcanic clay) and water. If rock drilling is needed, then the drilling fluid will be the same type that is used in the construction of potable water wells. All materials used during the boring process will be composed of non-hazardous materials.

The pressure of drilling liquid will be monitored during the boring to ensure that there are no changes in the pressure levels that would indicate a leak into the wetland. There will also be visual inspections of the stream to monitor for any potential migration of drilling fluids or slurries through the soil into the actual wetland.

In the event that directional boring cannot be implemented (i.e. due to shallow depth to bedrock) the ACOE's Nationwide Permit 12 would authorize the construction of a utility crossing through the wetlands using a trenching technique. If this method were to be used, Best Management Practices (BMPs) would be used during trenching, including the separation of topsoil from subsoil and replacement of the top 6 to 12 inches of topsoil in the wetland, with restoration of pre-existing contours. The total temporary impact area would be less than 0.1 acre. Following construction, trees would be replanted in the wetland.

In general, the use of erosion and sediment controls and stormwater BMPs during construction will ensure that soil and nutrient loads do not migrate to on- or off-site surface water or wetlands.

COMMENT 3.4.5

The pond which Woodland Pond is named after is very interesting. I had a conversation with Steve Erman. It was his father who owned the apple orchards. And the pond, the large pond is not a naturally occurring pond. What he did, there was some wetland there and a very small pond, and he thought it would be nice to improve the property. So in the late '50s, early 1950s, 1960s, he got a bulldozer and completely demolished that land and scoured it down all the way to the clay and said ah, good, and he took the clay and made the dam. So I know there's been some discussion whether man-made wetlands work at all. Even though people were swimming in it for a number of years, it has now filled itself in somewhat. And I think that this wetland that was man-made originally, if the beavers like it, I think it was successful. So I thought I'd throw that little piece in. [Reverend William Schnitzer, March 28, 2006 Public Hearing transcript, page 43 - 44.]

Response 3.4.5

Comment noted.

COMMENT 3.4.6

This land is not pure – how should I say it, its land that has been abused over a long, long period of time. I too walk there. I have been taking a great interest in walking there again. I walked there about 20 years ago when I lived near the site. In the last three years I've been walking there a lot. It's filled with all kinds of species that I'm sure weren't there before, particularly poison ivy. It has been abused not only by the farming, the pesticides, the toxic materials that were used in the past, but also by the ATVs, and I've seen people driving right into the wetlands. So I think the wetlands are important. I have a lot more respect for wetlands than I did before this process started. I've heard a lot of very good intelligent explanation of why we should be concerned about them, and I agree with that. But I think we also need to have that balance. We need to recognize that the wetlands are not pristine on that site. And we do need to have some compromise, some mitigation. But also everything will not be able to be solved and still have a project, which I think is an important project. So I'd just like everybody to think about that. [Ms. Dorothy Jessup, March 28, 2006 Public Hearing Transcript, page 61 - 63.]

Response 3.4.6

Comment noted.

COMMENT 3.4.7

A Jurisdictional Determination from the Army Corps of Engineers is pending. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.4.7

A Jurisdiction Determination letter has been received from the Army Corps of Engineers dated January 23, 2006 (see Appendix F).

COMMENT 3.4.8

The DEIS states that at least a 100 foot buffer will be maintained around wetlands ZC, ZD, and ZE (page 72-73). Figure 3.2.1-2 should label the on-site wetlands so this statement can be verified. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.4.8

Figure 3.2.1-2, "On-site Wetlands," has been revised to label on-site wetlands, which is provided in Appendix C.

COMMENT 3.4.9

The DEIS should explain in detail the measures that will be implemented to ensure the property will be closed to ATV's to prevent further damage to on-site vegetation, habitat, and surface water movements. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.4.9

Although the project site is currently undeveloped vacant land, the site is private property, and ATV traffic is therefore considered trespassing. However, it is the Applicant's opinion that the proposed CCRC and associated activities on the property will deter potential ATV users. Further, the CCRC will provide 24-hour security services. During winter months, the Applicant has agreed to maximize the use of mechanical means for snow removal and sand for traction, and then rely primarily on a material other than road salt to keep roads clear of snow and ice, provided the road salt alternative effectively maintains safe roads, sidewalks/walkways, and parking for the senior residents and CCRC staff.

COMMENT 3.4.10

The Applicant asserts in the DEIS that several bioretention areas will be located between the roadway and wetland AA and that those areas will mitigate stormwater dangers to the wetland because of intrusions on or proximity to the buffer. Apparently, bioretention area systems are a very new innovation in the Hudson Valley. Because of this, the major intrusion of these areas and the other footprint intrusions on the buffer, it is essential that the DEIS provide a great deal more information about the alleged protection to be offered, preferably with documented examples of success elsewhere as well. This should include more detailed discussion also about dangers to the wetlands from the very construction of these bioretention areas, including the fact that disturbing toxic soils from the past orchard in that location are an additional special risk. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), written comment letter dated April 5, 2006.]

Response 3.4.10

As described in Response to Comment 3.3.5, the site plan has been revised to significantly reduce the amount of cut to be removed from the site. As a result of these changes to the layout, the bioretention areas have been removed from the site plan. Conventional stormwater retention ponds will be used to treat stormwater run off in place of the proposed bioretention ponds.

COMMENT 3.4.11

The site plan includes a walkway between the largest bioretention area and wetland AA and this intrusion of the wetland buffer is not mitigated at all. With potential de-icing elements and/or other runoff from this walkway, the very close wetlands could easily be polluted. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.4.11

As described in Response 3.3.5, and illustrated on the plans provided in Appendix G, the site plan has been significantly revised to reduce the amount of material leaving the site. In so doing, the walkway adjacent to Wetland AA has been removed from the plan, and the limit of disturbance has been pulled back even further from the wetland.

During winter months, the Applicant has agreed to maximize the use of mechanical means for snow removal and sand for traction, and then rely primarily on a material other than road salt to keep roads clear of snow and ice, provided the road salt alternative effectively maintains safe roads, sidewalks/walkways, and parking for the senior residents and CCRC staff.

3.5 Vegetation

COMMENT 3.5.1

The DEIS refers to the “preservation” of areas of the site that will not be disturbed. The mitigation section (Section 3.3.3 of the DEIS) should discuss whether permanent open space preservation is proposed or whether the potential will exist for future development of these lands. [Mr. Ted Fink, GREENPLAN, Inc., dated October 19, 2005.]

Response 3.5.1

The Applicant has assured the Planning Board that the remaining acreage outside of the building envelope (approximately 48 acres) will remain undeveloped. In addition, the Applicant has made a commitment to participate in discussions with a joint Town and Village Open Space Committee to establish a public preserve, which may include a trails network through approximately 40 acres of the site.

COMMENT 3.5.2

I'm concerned about the trees. I noticed they are going to cut down all the vegetation on that whole spot, actually going to level it. [Ms. Rachel Lagodka, March 28, 2006 Public Hearing transcript, page 24 - 25.]

Response 3.5.2

Approximately 35 acres (42% of the site) will be converted to buildings, roadways, parking, landscaped areas, emergency access, maintenance drives, utilities and stormwater management facilities. As such, the development will affect the existing trees in that area; however, the project site is located in an area previously used as an apple orchard and avoids the more valuable forested habitat located in the western portion of the property. The remaining 48 acres, or 58 percent of the site, will remain undeveloped open space.

COMMENT 3.5.3

Several comments were received regarding on-site environmental constraints, such as steep slopes and the adjacent wetlands on the west side of the site. There is concern as to what sort of mitigation will be enacted during this movement of materials, extensive amount of material over the hillside, and how the Applicant intends to protect the wooded areas around there. How will the Applicant maximize protection of trees and upland areas around these wetlands? [Mr. Michael Zierler, Village of New Paltz Board of Trustees, March 28, 2006 Public Hearing transcript, page 50 – 51 and Ms. Toni Hokanson, Supervisor, Town of New Paltz, written comment letter dated April 14, 2006.]

Response 3.5.3

The location of the site development was established to minimize impacts to vegetation and avoid wetland areas. Grading of the site will be designed to reduce the impact to the natural vegetation of the site to the greatest practical extent while adhering to the principles of universal design. Significant trees as identified in the "Tree Conservation Plan," (see Figure 3.3.1-2 in the DEIS) within the perimeter of the development area will be protected and integrated into the newly established plantings to ensure their viability. Trees along the new woodland edges will be evaluated to determine their likelihood for survival and damaged trees removed to reduce the potential susceptibility to insect and/or biological attack due to micro-climatic changes.

With the revised layout, the area of disturbance has been reduced and cottages located in the western portion of the site, have been pulled in, thereby leaving more undisturbed land between the wetland and the embankment, minimizing the amount of impact to the existing woodland vegetation. The proposed drainage patterns will be designed to replicate the existing drainage patterns (therefore not altering subsurface conditions) and minimize the effects on the existing vegetation while adequately conveying runoff to the storm water management pond, located to the west of the development.

Tree and erosion protection measures will be implemented for regulation of on-site activities and mitigation of disturbance (to the greatest extent feasible) to the surrounding natural environment. Soil material and compaction testing, in accordance with American Society for Testing and Materials (ASTM) specifications, will be performed for areas of the site effected by filling, excavating and/or construction equipment activities to ensure adequate surface and subsurface drainage is provided. Newly established or previously effected existing areas that do not meet the specifications will be repaired/replaced and re-tested for quality assurance prior to acceptance.

COMMENT 3.5.4

In Section 3.3.3 on page 96 of the DEIS the Applicant is proposing to use “wax” type herbicides to manage invasive species. Information should be provided about these herbicides, their mode of action, spectrum of control, selectivity, residual effectiveness and possible effects on the environment, including drift consequences. Such information should include EPA findings on the use of these herbicides, and also that of Cornell and others in our region. [Mr. Al Wegener, Landscape Consultant, written comment letter dated September 30, 2005 and January 6, 2006.]

Response 3.5.4

The use of wax-type herbicides is no longer proposed to control invasive species on the grounds of the Woodland Pond CCRC. The reference to wax-type herbicides will be deleted from page 96 of the DEIS.

COMMENT 3.5.5

As agreed previously, it should be clearly stated that two tree surveys were conducted. This has not been done. The survey conducted by TCC in March 2005 inventoried trees suitable as habitat for Indiana bats; that is, large trees (even dead large trees) with cracks, crevices, or holes. In late May, TCC with the Village Landscape Consultant inventoried trees of significance from a landscape perspective. Some of the Indiana bat trees, such as the elms and ash, do not qualify as significant landscape trees. [Mr. Al Wegener, Landscape Consultant, written comment letter dated January 6, 2006.]

Response 3.5.5

On-site field investigations were conducted during November 2001, January 2002, April, May, and June 2004, and April 2005 to evaluate plant and animal species to characterize existing populations, habitats, and vegetation communities. Separate site survey work was conducted on March 15 and 16, 2005 to evaluate the potential for Indiana bat habitat. Additional site survey work was conducted in May 2005 in conjunction with the Village's ecological consultant to evaluate trees of significance from a landscape perspective, such as groupings, branching, trunk caliper, species diversity, and the ration of the crown to the total tree. The results of these surveys are combined on one map.

3.6 Fauna

COMMENT 3.6.1

Mitigation measures for fauna (Section 3.4.2 of the DEIS) should discuss whether preservation of habitat in the form of permanent open space designation is proposed. [Mr. Ted Fink, GREENPLAN, Inc., dated October 19, 2005.]

Response 3.6.1

Approximately 48 acres of the project site will remain undeveloped upon full buildout. The Applicant has committed both verbally and in writing that these 48 acres will not be developed in the future other than walking trails for its residents. Further, the Applicant has committed to participating with the Village of New Paltz Open Space Committee to explore the development of the proposed Mill Brook Preserve. As the legal and liability implications of such a Preserve for the project are unknown at this time, it is premature to

comment on the Applicant's level of participation in the future. The Applicant has assured the Planning Board that the remaining acreage outside of the building envelope (approximately 48 acres) will remain undeveloped. In addition, the Applicant has made a commitment to participate in discussions with a joint Town and Village Open Space Committee to establish a public preserve, which may include a trails network through approximately 40 acres of the site.

COMMENT 3.6.2

The Indiana bat was mentioned in the EIS, but there is little proactive response on the part of the Applicant, just an assertion that they are not likely to be residing in that area; that they would probably prefer to be further west. And in any case, there will still be trees to the west. They are proposing maybe they can fill bat houses. They will notify the USFWS if they are going to be cutting down any of the shagbark hickory trees to be removed, which are the habitat for the bats.

What I think should be investigated further in the EIS and SEQR process is whether there is any acceptable potential mitigation. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 38 - 39.]

Response 3.6.2

As stated in Section 3.4.2 of the DEIS, Indiana bats could potentially use the proposed development area at the Woodland Pond Site in New Paltz. As no mines or caves occur on-site, these bats, if present, would only utilize the site during their summer roosting period. During summer months, Indiana bats typically roost in large trees with significant solar exposure commonly located in floodplains or riparian areas. The key attribute of a roost tree is that it possesses physical characteristics such as exfoliating bark, cavities, or other structural features that provide cover, shelter, and protection. These trees may be dead or alive, but they must have the proper physical characteristics to serve as roosting habitat. Therefore, the potential impacts associated to this species as a result of the development of the site are limited to the forested areas only. Of the forested areas on the site, the red maple swamp associated with the Mill Brook provides the highest-quality potential habitat for Indiana bats. This is because this area contains a number of standing dead trees with loose bark. This watercourse provides potential flyway and feeding areas for bats roosting in its vicinity. The remainder of the forested area does not appear suitable for Indiana bats as it is comprised primarily of

a successional forest. This forest is comprised of smaller trees such as pin oak (*Quercus palustris*) that do not exhibit the prerequisite physical characteristics of roost trees.

As the project does not propose any impacts to the high-quality habitat in the red maple swamp, the potential for impacts to Indiana bats is negligible. Despite the limited potential for impacts to these bats, the Applicant will incorporate of trees species associated with roosting Indiana bats in the landscaping plan. Roosting Indiana bats are frequently associated with black locust (*Robinia pseudoacacia*) and shagbark hickory (*Carya ovata*). However, as black locust is considered potentially invasive in this area, the Applicant will plant a number of shagbark hickories on the site once development is complete. As these trees mature, suitable habitat will be created for a number of bat species.

It should also be noted that Indiana bats appear quite tolerant of human disturbance. During a tour of Indiana bat roost trees in the Hudson Valley hosted by the US Fish and Wildlife Service (USFWS), a number of roost trees were observed to be located in close proximity to residential dwellings. This is because the clearing associated with development provides additional solar exposure to roost trees, thereby increasing their quality as bat habitat. Furthermore, as indicated in the Indiana Bat (*Myotis soldalis*) Revised Recovery Plan prepared by the USFWS, when roost trees are removed from an area, these bats readily move to nearby trees. Bats also naturally move among roost trees in a season. Therefore, they are not dependent upon a single tree, but rather several trees spread out over a larger area.

In conclusion, as the only impacts to forested habitat associated with the Woodland Pond Site at New Paltz are to the low-quality potential bat habitat in the successional forest, the likelihood that this species will be negatively impacted from the proposed development is minimal. Although prime Indiana bat habitat was not found in the area of disturbance, if approvals are obtained in a timely fashion, the Applicant will make every effort to remove trees during the months of November through March, as this is the time of year when bats are in hibernacula elsewhere.

Finally, the maintenance of high-quality roosting habitat in the red maple swamp, the presence of potential roost trees in nearby areas (i.e., residential neighborhoods), and the planting of native roost trees in the landscaping plan will provide sufficiently buffer any potential impacts to this species by providing current and future alternate roost sites for any displaced bats.

COMMENT 3.6.3

How are you going to minimize loss of wildlife habitat? [Mr. Michael Zierler, Village of New Paltz Board of Trustees, March 28, 2006 Public Hearing transcript, page 50 - 51.]

Response 3.6.3

The greatest measure to reduce impacts to vegetation and wildlife is the design of the site, which places development in areas of previous disturbance and preserves wetlands and woodlands, which are higher quality habitat supporting greater biodiversity. More than half of the site (58%, or 48 acres) will remain undeveloped.

The project is not expected to have a significant effect on biodiversity, as the majority of the development will take place in an area of prior agricultural activity and the higher quality wetlands and forested areas will be preserved.

3.7 Cultural Resources

COMMENT 3.7.1

I'm pleased that the Applicant is taking seriously that site that was discovered that has some potential archeological significance, not a lot necessarily, but I have heard that they will be putting some fencing on it. It's way out of the immediate development area. And they've also indicated that they will, and we would be willing to work cooperatively as the Preservation Commission, as probably an educational opportunity for both the college and probably the high school and even the residents there. So hopefully in the future we are going to be working with them. But it's not directly impacted at this time. [Reverend William Schnitzer, March 28, 2006 Public Hearing transcript, page 41 - 42.]

Response 3.7.1

Comment noted.

COMMENT 3.7.2

There is one [historic] site on the project site, and it's called the M. Hasbrouck site. And one error in the DEIS, they say it is a 20th century

farm. It was at that time, but the 1875 map shows the farm being there. Some of those remnants and so forth go back a long way. If you research it all the way back, it's probably this whole site is part of the original Hasbrouck patent. It goes way back, and that site goes all the way down to the river, even though it has been divided up over the centuries. We are pleased with the way this is beginning to work out. [Reverend William Schnitzer, March 28, 2006 Public Hearing transcript, page 41 - 42.]

Response 3.7.2

Comment noted.

COMMENT 3.7.3

The Avoidance Plan should be forwarded to NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) for review and comments. A determination from OPRHP is required for the issuance of State permits. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.7.3

Based on correspondence received from the NYS OPRHP dated September 21, 2005, a Site Preparation Plan was prepared to protect a historic resource that was revealed during the Phase 1B Archaeological Survey. A copy of the Site Preparation Plan was submitted to the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) on February 28, 2006. No response has been received from the NYS OPRHP to date.

3.8 Visual Resources

COMMENT 3.8.1

We applaud the Applicant's willingness to visually screen its proposed structures "to the greatest extent possible" from the proposed preserve. We understand from the visual impact analysis that the proposed development would have minimal visual impact from three chosen locations within the proposed preserve. That is to say, the 54-foot high balloons flown in the Applicant's visual simulation were not visible from these locations, the closest of which was 1,300 feet from the western edge of the proposed development.

In order for the Open Space Committee to fully evaluate the visual impacts of the proposed development on the proposed preserve, in order to ensure that the development is screened to the greatest extent possible, it would be helpful for the DEIS to include other data points within the proposed preserve that are closer, i.e. further east, to the proposed development. This data, coupled with site visits, will allow the Open Space Committee, working with the Applicant, to best assess the visual impacts of the proposed development on the proposed preserve. [Mr. Seth McKee, Co-Chair, New Paltz Open Space Committee, written comment letter dated April 14, 2006.]

Response 3.8.1

In April 2005, the Village of New Paltz Planning Board, as Lead Agency, identified nine locations, or potential critical receptor points (CRPs), from which the proposed project may be visible. The Planning Board deemed these CRPs as appropriate vantage points to determine the potential for visual impacts from the proposed CCRC.

The locations of the CRPs are shown on Figure 3.6.2-1, “Viewpoint Location Map” in the DEIS. To determine the potential visibility of the proposed project from each of these locations, three balloons with a five-foot diameter were flown at a height of approximately 54 feet, the maximum height of the proposed buildings. Photos of the project site were taken from each CRP to determine whether the balloons were visible. If the balloons were visible, the proposed project would likely been seen from these locations; therefore, a visual simulation was prepared for any CRP where the balloons were visible. Under the Applicant’s proposed compact layout, visual impacts associated with the development will be limited by the varying topography of the surrounding area and the presence of existing and proposed vegetation in and around the site, as illustrated in the cross section provided in Appendix H, which shows the view of the proposed CCRC as seen from a person of average height standing in the proposed Millbrook Preserve.

COMMENT 3.8.2

Our copy of the DEIS did not include Figure 3.6.2-3 (Visual Simulation – CPR9). [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.8.2

The Visual Simulation for Critical Receptor Point 9 is included in the FEIS as Appendix E of this document.

3.9 Transportation

COMMENT 3.9.1

Verify existing parking regulations along North Putt, which is not provided and is not considered significant. [Mr. Robert Chamberlin, PE, RSG, Inc., dated October 18, 2005.]

Response 3.9.1

The Village of New Paltz Highway Department and the Ulster County Highway Department were contacted regarding parking regulations along North Putt Corners Road (Ulster County Route 17). However, both offices deferred to the Town of New Paltz parking regulations, as most of North Putt Corners Road in the vicinity of the project site runs solely through the Town of New Paltz. Therefore, based upon a conversation with Jennifer Dietz at the Town of New Paltz Highway Department, there are no specific parking regulations along North Putt Corners Road aside from the standard winter no parking regulations.

COMMENT 3.9.2

The County Department of Transportation Highways and Bridges does not have weight limits on their roads. A permit is required from the county for construction access onto their roads. The Town and Village should discuss the potential for some sort of bonding to ensure that repairs for the excessive use of those roads by trucks are something that the roads can handle, so the Village and Town won't have to bear the financial burden for repairs for our roads.

It would be very helpful if the Applicant would provide details on where these trucks are actually intended to go. If they are going to be traveling west and need to go down Village roads, then there should be better estimates of truck trips and tonnage per truck. [Mr. Michael Zierler, Village of New Paltz Board of Trustees, March 28, 2006 Public Hearing Transcript, page 49 - 50.]

Response 3.9.2

The site has been essentially balanced due to changes to the site plan, and therefore the number of trucks entering and leaving the site has been

significantly reduced. It is therefore, unnecessary for the Applicant to bond for potential damages to area roads.

COMMENT 3.9.3

In terms of traffic, there are some factual errors. There is no intersection of 299 and Henry Dubois. The Shop and Stop store is in the town, not the Village. They claim that no levels of service will be worsened because of the project, but in fact they provide an example of at least one lane, the eastbound left turn lane at 299/Putt Corners which will be worsened because of the project traffic. [David Porter, Co-Chair, Association for Intelligent Rural Management [AFFIRM], March 28, 2006 Public Hearing Transcript, page 39 - 40.]

Response 3.9.3

The Stop and Shop Supermarket is located in the New Paltz Plaza in the Town of New Paltz. The primary access to that facility is located opposite Cherry Hill Road. With respect to the Level of Service at the area intersections, the overall Level of Service at the intersection of Route 299 and North/South Putt Corners Road will remain the same. However, during the PM peak hour, the eastbound left turn movement is projected to change from a "B" to "C" Level of Service with an average vehicle delay of 24.4 seconds. A Level of Service "C" is acceptable during peak periods. Therefore, other than the signal timing adjustments identified above, no mitigation will be required for this movement.

COMMENT 3.9.4

My concern is the road condition, North Putt Corners Road condition during construction as far as silt, debris that's dropped from trucks, if we have a prolonged dry period or prolonged wet period, North Putt Corners Road could become a real mess to navigate on a daily basis. [Mr. Rich Tirendi, March 28, 2006 Public Hearing Transcript, page 58 - 59.]

Response 3.9.4

A stabilized construction entrance will be installed at the main site entrance along North Putt Corners Road, as shown in Appendix 9.7.7 of the DEIS. The purpose of a stabilized construction entrance is to reduce the tracking of soils onto public rights-of-way or streets.

Further, the Stormwater Pollution Prevention Plan (SWPPP) (see Appendix 9.5 of the DEIS) addresses measures to be taken to control dust during construction, including the blowing and tracking of soil onto public roadways. Construction measures such as wetting down work areas, appropriate erosion and sedimentation control, and minimization of site clearing at any one time will minimize dust emissions resulting from construction activities.

Temporary dust suppression measures may include, but not be limited to, the following:

- Vegetative coverings including temporary seeding and mulching to cover bare soil and to prevent wind erosion.
- Barriers including straw bales, silt fencing, crate walls to control air currents and blown soil.
- Periodic watering to keep dust at a minimum.

COMMENT 3.9.5

This section of the DEIS should be reviewed by the Village's Traffic Engineer. We believe mitigation for the Level-of-Service (LOS) "F" for some of the approaches at the NYS Route 299 and North/South Putt Corners Road should be proposed. Although the LOS of this intersection is expected to decrease from LOS "E" to LOS "F" under the No-Build scenario, the proposed project will further exacerbate this situation. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.9.5

Under the future No-Build conditions, during the peak PM hour the capacity analysis indicates that while the overall intersection will operate at a Level of Service "D" the westbound through movement will be operating at a Level of Service "F" with a 98.8 second average vehicle delay. Since the project will not be adding additional traffic to this movement, the delay under the Build condition will remain at a Level of Service "F" with 98.8 seconds. Regardless of the project, the traffic signal timings at this intersection will have to be adjusted to provide the most efficient operation for all movements through the intersection and by adjusting the timing, this Level of Service "F" could be improvement. If required by the Village, the Applicant will coordinate signal timing modifications with the New York State Department of Transportation to provide the most efficient operation at this intersection.

COMMENT 3.9.6

The Village, in consultation with the Village's Traffic Engineer, should decide whether it is desirable to create the potential for a future connection from the project site to lands to the southwest. As noted on page 177 of the DEIS, a roadway could be built to the property line and when adjacent properties are developed, the road could be extended. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.9.6

Comment noted. During the site plan review process, the Board will explore other transportation linkages, including paving of the secondary road.

COMMENT 3.9.7

One designated entrance/exit for 300 occupants is inadequate for the safe evacuation during emergencies. During times of elevated stress it is human nature to only exit by the normal practiced route. A second exit/entrance (even if gated) is a better plan. [Ms. Toni Hokanson, Supervisor, Town of New Paltz, written comment letter dated April 14, 2006.]

Response 3.9.7

Comment noted. During the site plan review process, the Board will explore other transportation linkages, including paving of the secondary road.

3.10 Land Use

COMMENT 3.10.1

The Applicant should show a way to transition from clearing the site to landscaping the site in a way that isn't a stark demarcation between suburban style landscaping and woods. We would like to see transitional areas that will be aesthetic for the people living there and aesthetic for the people walking in that area, and most importantly, provide transition habitats for wildlife. [Mr. Michael Zierler, Village of New Paltz Board of Trustees, March 28, 2006 Public Hearing transcript, page 51 - 52.]

Response 3.10.1

The purpose of landscaping at the edge of disturbed woodland areas is to establish a transitions zone. This zone serves as a visual transition from open meadow to shrubland to woodland. It also provides wildlife habitat. The transition zone will be created by planting woodland tree species, understory trees and native shrubs in a naturalistic way.

On the west of the proposed development area on the site, the land slopes down to the area fronting the existing on-site pond. As part of the proposed grading plan, the project seeks to expand this embankment with excess soil. Therefore, the replanting of this area will be an important part of ensuring that the developed area blends naturally with the remaining undeveloped lands.

In the planting of this area, a natural transition will be established from the existing conditions that currently include a combination of meadow and woodland to the residential living area that will make up the project. The first component of this planting scheme will focus on the embankment west of the cottages. These slopes will be seeded with wildflower and meadow species and plantings of native shrubs. This combination of meadow species and shrubs will create a natural-looking transition area while also assisting in the creation of a screen from any walking paths that might be located at the bottom of the hillside in front of the pond. The layout of the cottages, which are currently proposed for an area ranging between 30- 75 feet back from the slope, and the screening afforded by the combination of meadow and shrubs will establish the basis for the blending of the project into its natural surroundings. Further down the slope and closer to the disturbed edge of the woods, a mixture of understory trees and large shrubs will be planted in addition to some of the tree species from the disturbed woodland. Please see Appendix I, "Landscaping Supplement" for more detailed information.

The effect of this planting approach will be a meadow transitioning to a shrub border, and further transitioning to understory trees and to woodland. In addition to their beauty and visual screening, the meadow species, shrubs, and understory trees will serve to provide food and cover for wildlife. A similar treatment will be used along the detention pond and constructed wetland. The species used in this area will be more moisture tolerant.

3.11 Zoning

COMMENT 3.11.1

The discussion of sign lighting on page 189 of the DEIS should be revised to note that the Village's Outdoor Lighting Standards require that lighting for signs be directed downward (uplighting is prohibited). [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.11.1

The following text from page 185, Section 3.8.3 of the DEIS will be revised as shown below:

“In accordance with the Village of New Paltz Outdoor Lighting Standards, lighting fixtures along pedestrian pathways, the internal roadway network, and outdoor public areas will be attached to exterior mounted poles with a maximum height of 12 feet in order to maintain a human scale and reduce the spread of light beyond the areas where illumination is required.”

The text has been revised to read:

“In accordance with the Village of New Paltz Outdoor Lighting Standards, lighting fixtures along pedestrian pathways, the internal roadway network, and outdoor public areas will be attached to exterior mounted poles and directed downward with a maximum height of 12 feet in order to maintain a human scale and reduce the spread of light beyond the areas where illumination is required.”

COMMENT 3.11.2

Table 3.9.2-2 in the DEIS indicates that the apartments (“multiple” dwelling unit type) will consist of 81 one-bedroom units and 92 two-bedroom units. This does not correspond with the description of the action on page 32 of the DEIS, which states that the apartments will consist of 94 one-bedroom units and 83 two-bedroom units. This discrepancy should be addressed. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.11.2

The following text from page 32, Section 2.3 of the DEIS will be revised to read:

“The main building will be a four story structure that will consist of 60 one-bedroom “enriched housing” apartments, 40 one-bedroom “skilled nursing” units, and 177 apartments, which includes 81 one-bedroom and 92 two-bedroom units.”

COMMENT 3.11.3

Page 196 and 197 of the DEIS refer to section 212-41 (k) of the Village Code. We believe this should be Section 30.641 (look at this chapter). [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.11.3

On Page 196, the DEIS states, “In accordance with Section 212-41(K) of the Village Code, the Woodland Pond CCRC will provide a variety of housing types for persons age 62 or older.”

This text in the DEIS is in reference to Section 212-41(K)(1) of the Village of New Paltz Village Code, as updated April 1, 2006, which states “The Village of New Paltz wishes to encourage a variety of housing types to serve the present and future owner-occupied and rental housing needs in the Village, including housing for older persons for the following reasons: (a) Decent and appropriate housing is essential to sustaining the health and dignity of all Americans; (b) While great progress has been made in improving housing conditions, many older persons still cannot find or afford suitable housing; (c) Housing for older persons should be integrated with other services in order to maintain their independence; and (d) Many older Americans choose to live together with fellow senior citizens in retirement-type communities and appreciate living in environments tailored to their specific needs.”

Section 30.641 appears to refer to an older version of the Village Code.

3.12 Police, Fire, and Emergency Services

COMMENT 3.12.1

With regard to ambulance services, the DEIS does not indicate that the development will provide its own ambulance service. Therefore, it is assumed that the proposed project may cause significant additional demand on local ambulance services due to the physical condition of some of the future residents. The estimated amount of ambulance calls per year should be provided. [Mr. David Clouser, PE, LS, David Clouser and Associates, dated October 20, 2005.]

Response 3.12.1

The proposed project will not provide ambulance services. However, Woodland Pond at New Paltz will operate a skilled nursing facility and a 24-hour security system. When a resident experiences some type of health emergency, the staff on duty in the health center will respond to a call from the resident or an electronic notification through the CCRC's emergency response system found in every apartment or cottage. Once an assessment has been made as to the level of need associated with the health of the resident, the CCRC will take appropriate action. The experience of numerous other operating CCRC's is such that the number of ambulance calls is actually lower than for similar numbers of senior citizens living in their own homes elsewhere in the locality.

It is the experience of other CCRC's in New York State and around the country that immediate access to security and health professionals on site around the clock can mitigate the number of ambulance calls by the older population. Further, it should be noted that approximately 90% of depositors (potential residents) currently live within a 15-mile radius of the proposed site so these are the same residents that would be calling on the existing ambulance service today. Further, based on correspondence with the New Paltz Rescue Squad,³ there is adequate personnel and vehicles / equipment to provide sufficient EMS coverage to the Village of New Paltz, including the proposed development. The New Paltz Rescue Squad has (78) personnel employed and (5) vehicles.⁴

³ As per phone correspondence with Rescue Squad Dispatcher, dated July 15, 2005.

⁴ According to the U.S. Census Bureau, the Village and Town have a combined 2004 Census Population of 19,754. Based on the Urban Land Institute, *Development Impact Handbook, Exhibit 6.1-p. 93* (1994), the national standard of EMS personnel-to-population is (4.1) personnel per 30,000 residents (.09 personnel per 1,000 residents); therefore, the New Paltz Rescue Squad should have no fewer than (1.7) personnel. The national standard for EMS vehicles is (1) per 30,000 residents (.02 personnel per 1,000 residents); therefore, the New Paltz Rescue Squad should have no fewer than (1) ambulance / vehicle. The New Paltz Rescue Squad has (78) personnel employed and (5) vehicles, both of which exceed national standards.

Based on the Applicant's experience operating over 20 CCRC facilities throughout the country, it is estimated that Woodland Pond at New Paltz will average 2 to 5 emergency calls per week, all of which will go directly to the CCRC's emergency response system. It is anticipated that the number of ambulance calls in the Village may actually decrease, as many of the depositors are Village residents that would otherwise utilize the New Paltz Rescue Squad.

3.13 Utilities – Water

COMMENT 3.13.1

Reference – Water Supply – Woodland Pond DEIS, Volume 1 Section 3.11.1, Volume 3 Appendix 9.11 Utility Plan Sheet SP6, SP7, and SD2.

Any pumping systems or storage facilities required for maintaining proper fire flow requirements will be owned and operated by the owners of the facility. [Mr. Richard Ruth, PE, Brinnier and Larios, P.C., dated October 4, 2005.]

Response 3.13.1

Pumping and storage facilities built for Woodland Pond at New Paltz will be owned and maintained by Woodland Pond at New Paltz.

COMMENT 3.13.2

Reference – Water Supply – Woodland Pond DEIS, Volume 1 Section 3.11.1, Volume 3 Appendix 9.11 Utility Plan Sheet SP6, SP7, and SD2.

All water system components proposed to be constructed within the Village right-of-way will be subject to review and comments by the Ulster County Health Department and the Village Department of Public Works or its assigns and will conform to the requirements set forth by the Superintendent. [Mr. Richard Ruth, PE, Brinnier and Larios, P.C., dated October 4, 2005.]

Response 3.13.2

Comment noted. The Applicant will comply with all County and Village requirements.

COMMENT 3.13.3

Reference – Water Supply – Woodland Pond DEIS, Volume 1 Section 3.11.1, Volume 3 Appendix 9.11 Utility Plan Sheet SP6, SP7, and SD2.

All water valves installed within the Village's right-of-way shall be Super Centurion as manufactured by Mueller Co. to conform to the Village's water system. [Mr. Richard Ruth, PE, Brinnier and Larios, P.C., dated October 4, 2005.]

Response 3.13.3

The Applicant will comply with this request.

COMMENT 3.13.4

Reference – Water Supply – Woodland Pond DEIS, Volume 1 Section 3.11.1, Volume 3 Appendix 9.11 Utility Plan Sheet SP6, SP7, and SD2.

All hydrants installed within the Village's right-of-way shall be Super Centurion as manufactured by Mueller Co. to conform to the Village's water system. [Mr. Richard Ruth, PE, Brinnier and Larios, P.C., dated October 4, 2005.]

Response 3.13.4

The Applicant will comply with this request.

COMMENT 3.13.5

Reference – Water Supply – Woodland Pond DEIS, Volume 1 Section 3.11.1, Volume 3 Appendix 9.11 Utility Plan Sheet SP6, SP7, and SD2.

All water mains and appurtenances constructed within the Village's right-of-way shall be capable of being located within the Village's utility locating equipment. [Mr. Richard Ruth, PE, Brinnier and Larios, P.C., dated October 4, 2005.]

Response 3.13.5

All water mains will be constructed of ductile iron, which can be located using common metal detecting devices. The sanitary sewer lines will be constructed using PVC plastic with a metallic tape installed at the top of the trench to locate the line using a metal detector.

COMMENT 3.13.6

Reference – Water Supply – Woodland Pond DEIS, Volume 1 Section 3.11.1, Volume 3 Appendix 9.11 Utility Plan Sheet SP6, SP7, and SD2.

All bends, hydrants, and tees installed within the Village right-of-way shall be equipped with thrust blocks, steel rodding, and / or restrained joints as acceptable to the Superintendent of the Village Department of Public Works. [Mr. Richard Ruth, PE., Brinnier and Larios, P.C., dated October 4, 2005.]

Response 3.13.6

Joint restraints for the potable water piping will be provided according to the “Thrust Restraint Design for Ductile Iron Pipe, Fifth Edition, 2002,” or as amended. The type and use of thrust restraints will be discussed with the Superintendent prior to the preparation of construction drawings.

COMMENT 3.13.7

Reference – Water Supply – Woodland Pond DEIS, Volume 1 Section 3.11.1, Volume 3 Appendix 9.11 Utility Plan Sheet SP6, SP7, and SD2.

The Village would prefer the installation of a new 12” water main from Route 32 to the project connection point at the end of Bonticou View Drive over the tire pump and storage scenario if the installation will satisfy fire flow requirements to the project. [Mr. Richard Ruth, PE., Brinnier and Larios, P.C., dated October 4, 2005.]

Response 3.13.7

The Applicant is exploring the feasibility of obtaining Town of New Paltz approval to route water lines on North Putt Corners Road to Henry W. Dubois Road. If this route is approved, the 12” water main request will be mute. However, if the Applicant is unable to obtain timely Town approval

and must use the alternate proposed water line route, the Applicant will use a 6" diameter pipe.

Although the Village would prefer the installation of a new 12"- diameter line to replace the existing 6"- diameter line, the permitting and installation of piping within the New York State Department of Transportation right-of-way for the portion of the installation along Route 32 may be time consuming and expensive, potentially resulting in construction delays and an increase in fees for future Woodland Pond residents.

The Applicant will provide funding for the improvements to the Village Water and Sewer System as necessary to supply water and sewer to the project.

3.14 Utilities – Wastewater Generation

COMMENT 3.14.1

Reference – Sanitary Sewer – Woodland Pond DEIS, Volume 1 Section 3.12.1, Volume 3 Appendix 9.10 Utility Plan Sheet SP6, SP7, and SD32.

The Village concurs and encourages the alternative consisting of a proposed upgrade of the Stop 32 Pump Station and the construction of 4,000± of a 8" diameter force main on the Rail Trail directly to the wastewater treatment facility. [Mr. Richard Ruth, PE,, Brinnier and Larios, P.C., dated October 4, 2005.]

Response 3.14.1

Comment noted.

COMMENT 3.14.2

Reference – Sanitary Sewer – Woodland Pond DEIS, Volume 1 Section 3.12.1, Volume 3 Appendix 9.10 Utility Plan Sheet SP6, SP7, and SD32.

It should be noted that sewer overflows in the vicinity of Broadhead Avenue are cited in the NYSDEC Order of Consent and construction of the aforementioned alternative will alleviate these occurrences. [Mr. Richard Ruth, PE,, Brinnier and Larios, P.C., dated October 4, 2005.]

Response 3.14.2

Comment noted. As stated above, the Applicant will pursue two alternate routes for water and sewer in accordance with and coordinating with the Village Engineer.

COMMENT 3.14.3

Reference – Sanitary Sewer – Woodland Pond DEIS, Volume 1 Section 3.12.1, Volume 3 Appendix 9.10 Utility Plan Sheet SP6, SP7, and SD32.

It is apparent from the Preliminary Stormwater Pollution Prevention Plan that there will probably be no adverse impacts from stormwater generated from this project to the Village owned and operated stormwater system. [Mr. Richard Ruth, PE, Brinnier and Larios, P.C., dated October 4, 2005.]

Response 3.14.3

Comment noted.

COMMENT 3.14.4

I was disappointed not to see any discussion about gray water recycling or reuse. [Chairman George Danskin, Village of New Paltz Planning Board, March 28, 2006 Public Hearing Transcript, page 67.]

Response 3.14.4

Gray water recycling or reuse would require a significant amount of space for placement of diversion tanks and other structures needed to implement an effective gray water recycling system. Gray water recycling or reuse is therefore, not a feasible option on the Woodland Pond site due to the cluster design that has been pursued to avoid on-site wetlands and preserve open space on the site.

3.15 Solid Waste

COMMENT 3.15.1

I was pleased to see the commitment to on-site green waste management. [Chairman George Danskin, Village of New Paltz Planning Board, March 28, 2006 Public Hearing Transcript, page 67.]

RESPONSE 3.15.1

Comment noted.

3.16 Noise and Air Resources

COMMENT 3.16.1

It is inappropriate that a supposed on-site assessment for this project should be based on data from the Belleayre Mountain site, especially considering the more vulnerable health conditions for people who are going to be residing in the facility. There's a huge distance between the site and Belleayre. This site is very proximate to the Thruway, with all of its pollution. There is also a pollution inversion effect, as I understand it, because the Shawangunk Mountain range to the west, which affects much of the valley here. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 40.]

Response 3.16.1

The NYSDEC Bureau of Air Quality Surveillance operates the Ambient Air Monitoring System, which helps establish background levels of air quality for various locations throughout New York. The project site is located within the Hudson Valley Air Quality Control Region, Region 3, which is one of nine regions in New York State monitored for compliance with National and State Ambient Air Quality Standards (AAQS). Region 3 includes the following counties: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester.

The ambient air quality monitoring station closest to the project site is located in the Dutchess County community of Millbrook. However, monitoring of some air contaminants does not occur at Millbrook, or within NYSDEC's Region 3. The Millbrook station monitors ozone levels, while other ambient air quality stations in Region 3 monitor sulfur dioxide, particulates,

ozone, and lead. Table 3.14.1-4 in the DEIS summarizes the ambient air quality from NYSDEC air monitoring locations closest to the project site. The air monitoring station located closest to the project site that monitors inhalable particulates and ozone is the Balleayre monitoring station.

COMMENT 3.16.2

Air quality is an issue. The number of construction vehicles that are going to be using that proposed entranceway. The proximity to my home, it is of major concern to me, and I just want it on the record. [Mr. Rich Tirendi, March 28, 2006 Public Hearing Transcript, page 59.]

Response 3.16.2

The site has been essentially balanced due to changes to the site plan, and therefore the number of trucks entering and leaving the site has been significantly reduced.

Therefore, the proposed project is expected to have a minimal impact on air quality. There may be a slight increase in the one hour peak concentration of carbon monoxide levels at the site entrance during periods of increased construction traffic. However, this increase in traffic is not expected to result in significant air quality effects as this temporary increase will represent only a small fraction of traffic levels currently experienced in the vicinity of the project site, such as along NYS Route 299 and the New York State Thruway.

3.17 Fiscal Resources

COMMENT 3.17.1

As far as fiscal issues are concerned, I think it should be specified who is to pay for the new twelve-inch diameter water line from 32 Mulberry to the end of Bonticou, which was mentioned in the EIS. They didn't indicate who was paying for that. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 40 - 41.]

Response 3.17.1

It is the intention of the Applicant to pay for the upgrading of the water line from Mulberry to the end of Bonticou View, either directly or through the infrastructure bond that has been discussed previously with the Village.

COMMENT 3.17.2

There is nothing indicated about the cost of any additional fire, police or other such municipal services to this site, even though some of those kinds of services that ordinarily a municipality would provide are going to be provided by the complex itself. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 40 - 41.]

Response 3.17.2

The Applicant has stated its intention to negotiate an equitable Payment-In-Lieu-of-Taxes (PILOT) agreement with the Village, Town and School District that will provide sufficient revenue for necessary municipal services. Also, the project will maintain its own roads and provide 24-hour security so that the need for some municipal services will be limited.

3.18 Recreation and Open Space Resources

COMMENT 3.18.1

The Town of New Paltz Comprehensive Plan, adopted in 1995, cited the need to retain and protect the community's unique environmental features and natural resources. In recognition of this, the Town Board created the New Paltz Open Space Committee in 2000.

The draft New Paltz Open Space Plan, completed earlier this year and currently under consideration by the Town Board for adoption as part of the Town's Comprehensive Plan, identified several important "character areas" that should be conserved, places with similar natural and physiological features that determine the character of the land's uses and open space resources. One of the character areas cited in the plan is the "Heart of New Paltz: Greenways and Connections", the goal of which is to enhance the connections between the Village and surrounding lands. The Plan encourages trail and pedestrian connections between the Village and the Town's many

natural and cultural features. [Mr. Seth McKee, Co-Chair, New Paltz Open Space Committee, written comment letter dated April 14, 2006.]

Response 3.18.1

The proposed CCRC will preserve an interconnected system of permanent open space that protects and augments the natural and scenic features of the site. The site design provides physical separation between adjacent communities and the surrounding open space area with the provision of landscaping. Maintaining the open, forested, and recreational atmosphere in and around the community is vitally important. The Applicant supports creation of the Mill Brook Greenway and will continue to work with the Village to assist in its creation.

COMMENT 3.18.2

The proposed Mill Brook Preserve/Greenway encompasses woodlands that surround Tributary 13 and an associated feeder stream, along with various wetland areas. It is largely located within two valleys, one of which is a north/south running valley lying adjacent to the proposed Woodland Ponds at New Paltz development. The proposed preserve will safeguard an expanse of over 100 acres of woodlands and stream frontage in close proximity to the Village's population centers, and will provide a critical pedestrian trail linkage between said population centers and Moriello Park.

The Open Space Committee has held very positive meetings with the owners of lands located within the proposed preserve. Most of these landowners, including representatives of the Applicant, Kingston Regional Senior Living Corporation, and the New Life Corporation, expressed support for the proposal and interest in conveying land into the proposed preserve/greenway. In fact, the DEIS states that the Applicant is interested in retaining approximately 40 acres as undeveloped open space and dedicating a portion of the same as part of the proposed preserve. We commend the Applicant for its support for this proposed public preserve, and for its willingness to work with us to make it a reality. [Mr. Seth McKee, Co-Chair, New Paltz Open Space Committee, written comment letter dated April 14, 2006.]

Response 3.18.2

Comment noted.

COMMENT 3.18.3

The Open Space Committee requests a greater degree of specificity from the Applicant regarding dedication of land into the proposed preserve. Earlier discussions with landowners, including the Applicant, focused on the legal conveyance of real property into municipal ownership. Representatives of the Town Board, Village Board of Trustees, Open Space Committee and Wallkill Valley Land Trust have agreed that the proposed preserve should be owned by the local governments, depending on which municipality the relevant land lies within. (Portions of the proposed preserve are located in the Village, and other portions in the Town.) A conservation easement over the entire preserve would be held by the Land Trust to ensure its permanent conservation.

The Open Space Committee requests that the DEIS state specifically what lands the Applicant proposes to dedicate as part of the proposed preserve, and what the ownership of said lands would be. A map outlining the lands in question should be provided so that the public can evaluate the proposed dedication and compare it to the concept map of the Mill Brook Preserve, prepared by the Open Space Committee in 2003. [Mr. Seth McKee, Co-Chair, New Paltz Open Space Committee, written comment letter dated April 14, 2006.]

Response 3.18.3

As stated in response to Comment 3.5.1, Approximately 48 acres of the project site will remain undeveloped upon full buildout. The Applicant has committed both verbally and in writing that these 48 acres will not be developed in the future other than walking trails for its residents. Further, the Applicant has committed to participating with the Village of New Paltz Open Space Committee to explore the development of the proposed Mill Brook Preserve. As the legal and liability implications of such a Preserve for the project are unknown at this time, it is premature to comment on the Applicant's level of participation in the future. The Applicant has assured the Planning Board that the remaining acreage outside of the building envelope (approximately 48 acres) will remain undeveloped. In addition, the Applicant has made a commitment to participate in discussions with a joint Town and Village Open Space Committee to establish a public preserve, which may include a trails network through approximately 40 acres of the site.

COMMENT 3.18.4

The plans should identify the location of the proposed 21,000 square foot community garden space and the proposed 83,000 square foot Alzheimer's park/garden space so the Planning Board can verify that the requirement of the Zoning Law 30.64L6.e for a minimum of 125 square feet of usable outdoor common are per dwelling unit will be provided. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.18.4

The wander garden for residents of the Alzheimer's unit will be located on the west side of the health center on the northern side of that courtyard. Community garden space will be located outside all ground floor apartments, and around all cottages. These spaces will far exceed 21,000 square feet. In addition, at a yet to be determined parcel, a community vegetable garden area will be created for use by the residents.

3.19 Alternatives

COMMENT 3.19.1

In Section 5.4 of the DEIS, details of the proposed monument sign at the terminal vista should be provided, including a scaled drawing and information of proposed materials, colors, lighting, etc... This section should also address the use of a curved roadway entrance as requested in the Final Scoping Document. [Mr. Ted Fink, GREENPLAN, Inc., dated October 19, 2005.]

Response 3.19.1

The design of the monument signage has not yet been completed. Details will be provided to the Planning Board during site plan review. The roadway entrance has been designed to cross the wetland at a location that has already been crossed. This location has made it difficult to incorporate more than a minimal curve. However, the distance from North Putt to the interior road is approximately 360 feet. Therefore, the distance plus the use of berms and plantings should provide a significant visual buffer from North Putt.

COMMENT 3.19.2

Several comments were received regarding alternative routes for laying out sewer and water utility lines. The route proposed for utility connection travels through undeveloped woods and goes under a wetland. The proposed water and sewer route will impact the proposed Millbrook Preserve, which is cited in the DEIS as important for open space. The utility corridor will be at least two-thirds of a mile. In addition, the utility plans indicate a proposed pump station within 100 feet of a wetland. The utility lines will require sewer manholes and water valves for gaining access to these lines that are located at regular intervals along this route, which would further impact these woods and wetlands.

The DEIS states that access drives for water and sewer utilities will generally follow the location of these utilities, and that all weather drives will consist of crushed stone to minimize water runoff issues. Presumably the road will have to cross over the top of the wetland, so in fact there's a second wetlands crossing. We need to know more details about the type of roads you intend to use and whether or not what in fact we are doing is creating a road through this area we are also trying to create as a preserve.

The Village engineers, Brinnier & Larios, prepared plans for suggested alternatives of the utility lines. It's important that the FEIS investigate these alternative routes. We need to see detailed engineering drawings and analyses of the other routes, which were laid out in a report from July 13, 2004, entitled Sewer Section Alternatives for the Woodland Pond Project in New Paltz and was prepared by Brinnier & Larios. You need to provide a rationale for why we should use this route that allows utility lines to go through these sensitive undeveloped areas, with a detailed explanation of the impacts during the construction phase as well as the impact during maintenance. [Mr. Michael Zierler, Village of New Paltz Board of Trustees, March 28, 2006 Public Hearing transcript, page 52 – 58, Mr. Seth McKee, Co-Chair, New Paltz Open Space Committee, written comment letter dated April 14, 2006, and Ms. Toni Hokanson, Supervisor, Town of New Paltz, written comment letter dated April 14, 2006.]

Response 3.19.2

As stated in Response to Comment 3.13.7, the Applicant is attempting to obtain Town of New Paltz approvals for a utility route on North Putt Corners Road to Henry W. Dubois. The alternate route through the proposed Applicant property will be used if timely approvals from the Town cannot be obtained.

The utility route through the Applicant property was chosen to minimize impacts to both wetlands and the proposed Millbrook Preserve as a whole. The wetland crossings were selected so that there would be only two crossings and that they would be located at the narrowest points of the wetland. The sewer force main leaves the proposed preserve area within 240 feet of the pump station, at which point it is on the adjacent Stoneleigh property. If this route is taken, the water and wastewater lines will traverse only 580 feet of the proposed preserve in total, while the total length of the utility corridor stretches approximately two-thirds of a mile, or 3,500 feet. The water and sewer lines on the Stoneleigh property are located in areas that will be disturbed during construction activities; and therefore no new areas of disturbance will be created.

In a letter report entitled, "Sewer Connection Alternatives for the Woodland Pond Project," dated July 13, 2004, Richard Ruth of Brinnier & Larios, PC outlined an Opinion of Probable Cost for four sewer construction alternatives for Woodland Pond at New Paltz. The alternatives evaluated construction costs of sanitary sewers, upgrades to the existing system, and appurtenances required for connection to the Village sewer system. They did not include costs for improvements on the Applicant's property or adjoining private property.

The alternatives evaluated included:

- A: Connection from North Putt Corners Road
- B: Connection to Bonticou View Drive Sanitary Sewer
- C: Force Main from Proposed Lent Subdivision
- D: Proposed Sewer along Millbrook (Tributary 13) Connection to Prospect Street Sewer

Subsequently, the Applicant received a letter from Village Board Trustee, Michael Zierler, dated August 12, 2004 stating that based on a review of the above referenced Sewer Connection Alternative report, the Village felt options A and D were undesirable, and "settled" on options B and C.

In response to this letter and a letter from the Village Engineer, dated October 4, 2005 that states, "The Village concurs and encourages the alternative consisting of a proposed upgrade of the Stop 32 Pump Station and the construction of 4,000± of a 8" diameter force main on the Rail Trail directly to the wastewater treatment facility," in section 3.12 of the DEIS, the Applicant prepared an evaluation of option "B" that included a proposed connection to the existing sanitary sewer collection system at Bonticou View Drive via a sanitary sewer collection system that would traverse the

Woodland Pond and Stoneleigh project sites. A pump station would be located on the parent parcel from which the site is being subdivided to collect and pump effluent due to the drop in elevation between the project site and the manhole on Bonticou View Drive. A gravity sewer line would direct flow to the "STOP 32 pump station" located near the intersection of Bonticou View Drive and Route 32, with a final outflow to the Village Wastewater Treatment Plant (WWTP).

The Applicant designed the location of on-site utility corridor to minimize environmental impacts of the two required crossings by crossing the existing stream and wetland at their narrowest points. A 12-foot wide permeable gravel topped access road is proposed to be constructed over the sewer force main to allow access for maintenance and repairs.

Furthermore, in section 3.12.3 of the DEIS, the Applicant provides an evaluation of option "C" of the Brinnier & Larios letter report and reasoning why this option was not selected. This option would direct the collection system via the proposed Lent Subdivision to a pump station on Henry W. Dubois Dr., rather than the STOP 32 pump station. However, the Lent Subdivision is currently under construction with on-site wastewater systems.

This option was not selected as the Village wastewater system is currently operating under a NYSDEC Consent Order relating to sanitary sewer overflows during heavy rain events. The overflows occur on Water Street, Henry W. Dubois Dr., Prospect Street, and Mulberry Street due to excessive inflow and infiltration into the collection system. Accordingly, the Applicant chose to route sewer to Bonticou so as not to impact any of the existing overflow areas.

COMMENT 3.19.3

The dismissal of geothermal heating and cooling on the basis of cost was insufficient. It didn't give any idea of what the cost would be to whom and for how long and when we would reach a return, a balance and begin to get a payback. There was no mention of fuel types to be used at the site. And I'm talking about heating and heating fuel in particular. [Chairman George Danskin, Village of New Paltz Planning Board, March 28, 2006 Public Hearing Transcript, page 67.]

Response 3.19.3

The Applicant's architect and mechanical engineer have offered their professional opinions that the cold climate of the northeast, coupled with the fact that the project will be a very large residential structure serving senior citizens, makes it impractical to utilize geothermal heating and cooling without inclusion of a redundant back-up heating system. Problems have been noted in other large residential projects during periods of extreme cold where geothermal systems have been unable to keep up with the heating demand. The cost of including a redundant system capable of serving the entire campus is so high that geothermal heating has been eliminated as a possible choice for this project.

Furthermore, to heat a building the size of the proposed CCRC utilizing geothermal energy would require a large number of geothermal "wells" to be installed on site. The installation of such wells would impact the portion of the site that is to remain undeveloped, which runs counter to the intent of the Applicant and Lead Agency.

COMMENT 3.19.4

I read the reasons why the route on Henry W. Dubois wasn't preferable. It didn't go into why the problems with the pump station couldn't be rectified as part of this project, thus leaving the Village to comply with the Department Environmental of Conservation. But more importantly this community as a whole talks about saving open space. Unless something changes drastically, the way we'll save open space is by creating density elsewhere within the community. One of the best ways to create additional density is to improve the opportunities for public water and public sewers. Sewer line down Henry W. Dubois may have the potential to guide future development and encourage future development into that area, thus perhaps relieving some pressure on those areas that the public has generally recognized as valuable open space. [Chairman George Danskin, Village of New Paltz Planning Board, March 28, 2006 Public Hearing Transcript, page 69 - 70.]

Response 3.19.4

As stated in Response to Comment 3.13.7, the Applicant will attempt to obtain timely approvals for the utility route to run along North Putt Corners Road to Henry W. Dubois Road. For either route, however, the Applicant will coordinate all improvements with the Village Engineer.

Extension of the utilities along North Putt Corners Road and Henry W. Dubois would involve approximately 7,500 additional feet of sewer plus upgrade of 750 feet of force main from the Henry W. Dubois Pump Station and an additional 8,200 feet of water mains, which would disrupt traffic flows for a significant amount of time. In addition, this utility would require both Town and Village approvals. The Applicant is open to the discussion of using North Putt Corners Road for the utility corridor if written assurances could be obtained from the Town that the additional Town approvals would not delay the project, and thus increase project costs to the potential residents.

COMMENT 3.19.5

For the Alternative Layout of On-Site Structures, we recommend that the Applicant explore the possibility of locating the cottages around a pedestrian path and green in areas not constrained by steep slopes. This would provide common areas for cottage residents to socialize, and would enhance the pedestrian atmosphere of the project. It may also eliminate the need for a cul-de-sac in the vicinity of units 3-6. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.19.5

The Applicant was requested to concentrate development on the smallest portion as possible of the 83 acre site. The alternative layout was designed to achieve this goal. The Applicant has not located the cottages around pedestrian paths and a green, as it would increase the amount of disturbance on the site.

3.20 Effects on the Use and Conservation of Energy Resources

COMMENT 3.20.1

There was no mention of fuel types to be used at the site. And I'm talking about heating and heating fuel in particular. [Chairman George Danskin, Village of New Paltz Planning Board, March 28, 2006 Public Hearing Transcript, page 67.]

Response 3.20.1

The heating systems at Woodland Pond will utilize natural gas as a fuel source.

3.21 Miscellaneous

COMMENT 3.21.1

The following information should be included in the Landscape Plan:

1. Landscape-significant preserved trees (species and caliper),
2. Shrubs and perennials to be planted,
3. Soil specifications, considering above comments,
4. Location of light poles,
5. Planting methods,
6. Irrigation programs,
7. Road salt injury prevention measures,
8. Plan for management of lawn and plantings, and
9. Approval process for substitution and in the event of loss.

Trees not preserved should not be included in the Landscape Plan. [Mr. Al Wegener, Landscape Consultant, written comment letter dated September 30, 2005 and January 16, 2006.]

Response 3.21.1

The Landscape Plan will be revised during the site plan review process to address these comments. The Applicant has also provided a Landscaping Supplement in Appendix I that describes the protocol that will be followed to ensure that a proper substrate for long term tree growth is provided. The supplement also details the proposed planting scheme for the “transition” area behind the cottages to ensure that there is a gradual transition from the natural environment to the built environment. The details of soil testing, preparation, and tree planting will be finalized during the site plan review process.

The proposed Woodland Pond at New Paltz will retain a professional landscaping service to care for and maintain the grounds of the facility. At this time, however, a service provider has not yet been selected, and therefore a plan for the management of lawn and plantings has not yet been prepared. The Applicant will coordinate with the landscaping service that is ultimately hired to create a plan that will be in accordance with the Village Landscape Guidelines. As such, the plan will be written to ensure that:

- All plant material will be maintained in a healthy growing condition at all times;
- All materials that exhibit evidence of insect pests, disease, or damage will be appropriately cared for. Whenever necessary, dead or diseased plant materials will be removed and replaced with living plant materials to ensure continued compliance with the landscaping, buffering, and screening requirements of the Village Landscape Guidelines;
- All fences and walls will be maintained in good condition and repaired or replaced when necessary; and
- All landscaped areas will be kept free of refuse, debris, and weeds.

COMMENT 3.21.2

I've been hiking on the site and there are all kinds of cars that people have just driven there and abandoned. I'm concerned about those, because I think that once the brush grows you wouldn't be able to see them as clearly. [Ms. Rachel Lagodka, March 28, 2006 Public Hearing transcript, page 24 - 25.]

Response 3.21.2

Any refuse currently located on the project site will be removed prior to when residents move into the proposed CCRC.

COMMENT 3.21.3

I had some questions about whether an attempt was made to use pervious surfaces for as much of the paving as possible, since there's a lot of technology that's advanced in that area. And what didn't used to be possible in terms of having surfaces that cars can drive on that are still pervious and absorb

water there now is. [Ms. Rachel Lagodka, March 28, 2006 Public Hearing transcript, page 25.]

Response 3.21.3

The use of grass pavers, a type of open-cell unit paver in which cells are filled with soil and planted with turf, is discussed as a potential alternative to standard pavement in Section 1.5, "Project Alternatives Considered" and Section 5.3, "Alternative Methods to Stormwater Management" of the DEIS. Grass pavers could be used to decrease the amount of impervious area in low traffic areas, and to minimize thermal impacts when compared with regular pavement.

COMMENT 3.21.4

We urge the Village Board to pass a moratorium for Village approvals for any development projects involving at least one acre of on-site wetland or some other ordinance to prevent violation of the 100-foot standard. And we urge the Planning Board to insist on the same standard of at least 100-foot buffers as required mitigation in the present SEQR process. [Mr. David Porter, Co-Chair, Association for Intelligent Rural Management (AFFIRM), March 28, 2006 Public Hearing transcript, page 34.]

Response 3.21.4

Comment noted.

COMMENT 3.21.5

There is a paragraph in the state Environmental Law that I would like to read so that we maintain a balance, especially for the Planning Board, in all its considerations of this project, which has gone on for a considerable amount of time. It's included in section 617.1, Authority, Intent and Purpose. I'm going to read this one paragraph I think we ought to pay very close attention to:

"It was the intention of the legislature that the protection, enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of this part that a suitable balance of social, economic and environmental factors be

incorporated into the planning and decision-making processes of state, regional and local agencies." And this final sentence I think says a lot.

"It is not the intention of SEQR that environmental factors be the sole consideration in decision making."

[Reverend William Schnitzer, March 28, 2006 Public Hearing transcript, page 45 - 46.]

Response 3.21.5

Comment noted.

COMMENT 3.21.6

I'm a resident of New Paltz, and I am also an Applicant of Woodland Pond. I would like to first acknowledge the people who spoke very eloquently about some of the problems that are still to be addressed. And I would urge the Applicant to take very seriously comments about the spirit of the mediation. I was also a participant in the mediation. I think it's very important that the spirit of trust that was established between two groups be maintained.

I would also like to say that I thought that a very important point was made about the need for balance. I know that there are two issues that are not unrelated to each other. If there is any further delay, there are some of our Applicants who I know are quite elderly; two of them who happen to be personal friends of mine will be 90 this year, and they are waiting for Woodland Pond to open. I think also a lot of us are very concerned that it's becoming more expensive, and part of the cost is due to delay as construction costs go up.

I'm not saying forget about the concerns that particularly were raised by AFFIRM and others. I have a great deal of respect for these people. What I'm trying to say is that I hope that the New Life and Kingston Regional Health will take the suggestions seriously and try to address those, as it did before. Because that was one of the things that I think made everybody participating in that mediation feel that you responded so well, and that you will not be able to address all of them, but you can explain why you can't. [Ms. Dorothy Jessup, March 28, 2006 Public Hearing Transcript, page 60 - 61.]

Response 3.21.6

Comment noted.

COMMENT 3.21.7

I've been an Ulster County resident all my life. I'm currently a resident in Stone Ridge. I've looked at many states for this type of community, and I became very excited when I found out we were going to have such a community right here in my backyard, that I could continue to live in Ulster County. I could continue to use a lot of the services and the knowledge that I have of this area to stay here. And that's what has got me really interested in this. I know there's a lot of problems like you're talking about, but all these things can be worked out. I have been on these kinds of boards myself, and I know that these kind of things can be addressed. But I think it is an important project to have. There is nothing else like it around in this area. You have to go as far as Albany or someplace to find it. I think there are a lot of people like myself. I know some of the people I've met at the meetings are Ulster County residents that want to stay here in the county, and I've always been associated with small towns like New Paltz. It would be a wonderful place for us all to be able to walk into and be associated with. And I'm sure with the university here and everything it will be a very important place once that's established. And I would like to see it move forward also, as rapidly as possible. [Mr. Albert Hoffman, March 28, 2006 Public Hearing transcript, page 63 - 65.]

Response 3.21.7

Comment noted.

COMMENT 3.21.8

The one thing I would say on behalf of the Planning Board is we recognize this is a very important project. [Chairman George Danskin, Village of New Paltz Planning Board, March 28, 2006 Public Hearing Transcript, page 70.]

Response 3.21.8

Comment noted.

COMMENT 3.21.9

We have lived in New Paltz for 34 years, and are one of the original depositors (November 2004) for Woodland Pond at New Paltz.

Mrs. Haight's mother was a resident in a continuing care community for nine years, and so we have first-hand knowledge about the positive impact such a facility can have on its residents and the town in which it is located.

We are ethically, socially and politically committed to sound community environmental policies. We have followed Woodland Pond developments very closely, and believe that Woodland Pond has demonstrated the same strong environmental commitment.

The property in question is not pristine land (as some seem to imply), and even though not all its environmental problems can be resolved to everyone's satisfaction, Woodland Pond will significantly improve the site environmentally and aesthetically over what it is now.

At the March 28th meeting, a few residents appeared "miffed" that Woodland Pond is not following all of their recommendations, and implied that the project should not proceed until and unless all their ideas are implemented. These gentlemen have valid points of view, but Woodland Pond is not obligated to accept all their ideas and is clearly working in a professional and competent way to make the site environmentally sound.

The point about NYS guidelines requiring the Planning Board to balance the cultural, economic, environmental, community, etc. concerns in such cases was the most significant part of the hearing. It is unfortunate that the New Paltz Times left that out of its April 7th report of the hearing.

We want to thank you and the Board for conducting a good meeting, and specifically for your comments at the end. This process has gone on for too long, and we appreciate your statement that you will do everything possible to bring the procedure to a timely conclusion.

Please assure the members of the Board that Woodland Pond will bring incredible benefit to every aspect of the New Paltz community for generations to come. [Mr. and Mrs. Craig A. and Elizabeth D. Haight, written comment letter dated April 10, 2006.]

Response 3.21.9

Comment noted.

COMMENT 3.21.10

We were very interested to learn that Kingston Regional Health was planning to build a continuing care retirement community in New Paltz and went to their Kingston area orientation session in Lake Katrine on February 7, 2003. We were pleased when the board for the village of New Paltz approved their plans for Woodland Pond in April. Shortly after that, you were elected mayor and two new council members were elected to the board. Since then the project has not moved ahead because you and the other new members want to again review their plans and consider using the property for a proposed “open space” project.

We and other interested persons from the area are glad to know that this continuing care project will be located in New Paltz. We had been looking at other retirement communities outside of Ulster County, but, as 40-year residents of Ulster County, we would prefer a local continuing care community. If Woodland Pond becomes a reality, we can keep most of the physicians and health care providers we now have, we will not have to move too far away from our friends, and we can stay involved in our local volunteer activities. For the past 6 years, Mary has volunteered at the Huguenot Historical Library in New Paltz, and could continue to do so. We have enjoyed plays and concerts at the college and could continue to do so.

We would like to see the review process move along so that construction on Woodland Pond could start. We are in seventies and do not want to wait another 4 or 5 years to see this project become a reality. We need to know by December 1, 2003 if the review process is going to move ahead. Otherwise, we will have to out our names on a waiting list for a retirement community in Saratoga County or Orange County.

“Open space” is nice, but it will not help the economy of New Paltz like a retirement community will. Isn't there enough “open space” at nearby Mohonk and Minnewaska much less the undeveloped acres Woodland Pond plans to reserve? We hope you will give prompt, serious consideration to Woodland Pond so that, if approved, escalating building costs will not put the facility out of reach of long-time area residents. [Mr. and Mrs. Ken and Mary Gelhaus, written comment letter dated April 3, 2003.]

Response 3.21.10

Comment noted.

COMMENT 3.21.11

We have been interested in Woodland Pond at New Paltz since Kingston Regional Health Care had its first informational meetings back in June 2002. We put our name on the waiting list in March 2005 and are ready to send off our deposit for our apartment.

Yesterday, someone brought the New Paltz Times article about the March 28th meeting of the Planning Board to our attention. We were distressed to read that residents are still trying to put up roadblocks against the completion of this worthy project that will enable approximately 300 seniors to enjoy independent living, most of them in their hometown area. The article mainly talks about their views, while we understand that a number of people of New Paltz spoke in favor of this project. We hope that the views of those in favor of the project will prevail.

We actually thought that Kingston Regional Health Care and New Life would give up on New Paltz after Mayor West and the Village Board rejected the first plans for the project because of their concern for the wetlands on the property. We understand that KRHC and New Life negotiated in good faith with representatives of the environmental groups and came up with a completely different plan for the apartments and other buildings. KRHC has gotten all the NY State approvals for this plan. We hope this plan will go forward without further delay.

As 42-year residents of Ulster County, we would like to live in a local continuing care community rather than move to one in another county. The latter is becoming more and more likely as the construction date for the project keeps slipping. Mary has been involved with the Huguenot Historical Society for many years and knows the New Paltz area. We have attended plays and concerts at the Suny New Paltz and look forward to attending more of them if we move to Woodland Pond.

We have enclosed a letter we sent to Mayor West in August 2003 telling of our interest in Woodland Pond. We urge the planning Board to take the necessary steps so the project can move forward and construction can start in the next few months. [Mr. and Mrs. Ken and Mary Gelhaus, written comment letter dated April 12, 2006.]

Response 3.21.11

Comment noted.

COMMENT 3.21.12

We are not prepared to offer any opinion on one alternative versus another but would like to share with you common elements of our concern. The following elements represent shared values and concerns among board members and administrators.

First and foremost, with regard to any transportation issues is our concern for the health and safety of our students. In this case it may be important to clarify that Duzine is our primary school educating students K-2 and there is a town preschool on the premises as well.

As you deliberate this matter, the following are some of the school board's thoughts and values: we value the concept of community schools, schools that are integral to the surrounding community; we value healthy options for children including opportunities for bicycling and walking; we value transportation routes that offer the safety and security of alternatives and those that provide greater route flexibility and traffic efficiency.

If a through road is to be recommended, the following factors ought to be given high priority: No thoroughfare; no "through" truck traffic; roadway designed for "traffic calming" and very slow speed; cross walks with flashing lights; wide sidewalks separated from the roadway by a "greenway" curb; bike racks provided.

If a through road is to be recommended we ask that our Superintendent of Schools and Transportation Administrator be integrally involved in any design process, including final approval, so as to assure safety and security as well as bus drop off, parent drop off, and parking considerations. [Ms. Laura F Walls, New Paltz Central School District Board President, written comment letter dated April 17, 2006.]

Response 3.21.12

Comment noted.

COMMENT 3.21.13

The Draft Environmental Impact Statement for the Woodland Pond and Stoneleigh Woods projects presently under review by the Planning Board both refer to upgrading and extension of Village water and sewer lines. We

are concerned that this may include laying pipe beside the Wallkill Valley Rail Trail. While the section of the Rail Trail right-of-way within the Village of New Paltz is owned by the village, a conservation easement on the right-of-way is held by the Wallkill Valley Land Trust and the Wallkill Valley Rail Trail Association is responsible for overseeing management of the entire trail.

We request that appropriate consideration be given to the impact of the use of the right-of-way for this purpose. Specifically, we urge the Planning Board to ensure that any interference with public use of the trail during construction be minimal and that the trail surface and vegetation beside the trail be fully restored following construction. [Mr. Richard Tofte, Vice-President, Wallkill Valley Rail Trail Association, written comment letter dated April 14, 2006.]

Response 3.21.13

Comment noted.

3.22 Appendices

COMMENT 3.22.1

A determination from NYS Office of Parks, Recreation and Historic Preservation on the Avoidance Plan should be included in the DEIS. [Mr. Ted Fink, GREENPLAN, Inc., written comment letter dated April 11, 2006.]

Response 3.22.1

A Site Preparation Plan was prepared to protect a historic resource that was revealed during the Phase 1B Archaeological Survey. A copy of the Site Preparation Plan was submitted to the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) on February 28, 2006. The Applicant is awaiting a response from the NYS OPRHP.

Appendix A:
March 28, 2006 Public Hearing Transcript

Appendix B: Written Comments

Appendix C:
Revised Figure 3.2.1-2, “On-site Wetlands”

Appendix D:
Phase IIB Environmental Assessment and
Remedial Alternative Evaluation Report

Appendix E:
Visual Simulation for
Critical Receptor Point 9

Appendix F:
USACOE Wetland Jurisdictional
Determination Letter

Appendix G: Revised Plans

Appendix H: Cross Section

Appendix I: Landscaping Supplement