

## **2.0 PROJECT DESCRIPTION COMMENTS AND RESPONSES**

**Comment 2-1 (Letter 24, Bob and Marcia Altabet, May 19, 2005; Letter 21, Frank Genova, May 23, 2005; Letter 17, Allison Lichtenberg, May 22, 2005; Letter 7, Suzanne and Jeffrey Steimel, May 20, 2005):** We are particularly dismayed that there was a hearing on the subject on May 9, 2005 that we were never advised about. In July 2002, we and other residents of Jefferson Court expressed concerns at a Yorktown Town Board meeting and in a follow-up letter to you. We were assured by the Town Board, the Planning Board and the developer that, as very interested parties, we would all be adequately advised of any Town Board or Planning Board meetings on the subject to reassure us that all of our concerns had been adequately considered during the decision process. On this basis alone, it would seem that more time should be allowed to provide that reassurance to residents of Jefferson Court as well as residents of Stonewall Court and Gay Ridge Road. Having only just found out that the DEIS was submitted, we need more time than the May 22 deadline allows for review and suggest an extension for at least another month. Similarly, we need time to review the traffic study presented on this subject. Without prior notification, residents along the various streets under consideration for access were not able to attend the May 9th Public Hearing.

***Response 2-1:** The Public Hearing on the Yorktown Farms Subdivision DEIS was advertised by the Town of Yorktown in a local newspaper and a notification was published in the NYS Department of Environmental Conservation's ENB Newsletter, as required by SEQRA Law. Surrounding property owners were notified by letter. Other Town requirements including posting of signs on the subject property indicating that a public hearing was to be held were complied with. The written comment period following the public hearing was extended from the required 10 days to two weeks. Written comments on the DEIS from the Town were submitted by the June Planning Board meeting held on June 23, 2005. Therefore, adequate time was provided for public comments, and additional comments received at the Planning Board Work Session held on May 23, 2005 -- after the end of the official public comment period on the DEIS -- have been summarized and addressed in this FEIS in order to thoroughly respond to concerns from area residents related to the project. It should also be noted that the DEIS was originally submitted in February 2004, allowing ample time for area residents to learn about the proposed plans. The Applicant also held meetings with nearby homeowners at their request to address concerns regarding drainage impacts, which resulted in revisions to the proposed stormwater management system to address these concerns.*

**Comment 2-2 (Letter 22, Allen Elliott, May 18, 2005):** The Planning Board should not do things in secret when its function is to represent the public. To cut off debate and then not issue the minutes of that decision until after the last day of debate is wrong. What are you afraid of, public opinion?

***Response 2-2:** See Response 2-1 regarding public notice of the May 9, 2005 public hearing and opportunities for public input. The minutes for the May 9, 2005 Public Hearing were prepared in a timely fashion consistent with procedures of the Yorktown Planning Department.*

**Comment 2-3 (Letter 22, Allen Elliott, May 18, 2005):** Whatever happened to quality of life principles and having open space to enjoy?

**Response 2-3:** *The project scope has been significantly reduced since the issuance of the DEIS. Only 22 homes are now proposed on 43 acres making the proposed project consistent with the density and character of the surrounding neighborhood. No significant impacts on neighborhood character are anticipated as a result of the proposed project. The project continues to include a significant amount of open space along the Route 6 frontage of the site and along the site's western side that will enhance quality of life for nearby residents.*

*Alternatives that have been examined in the DEIS include ones that address recommendations of the Town's Draft Comprehensive Plan, including lower density residential alternatives, and an initially recommended office complex alternative. Alternative development with significantly fewer units would not achieve the development potential of the site that is possible under the current zoning, although the increase in preserved open space would be consistent with policies of the Town's Draft Comprehensive Plan. In the Applicant's opinion, alternative office use that has been discussed for the site as part of the Town's Comprehensive Plan process would not be in keeping with the residential character of the area and would generate substantially more traffic than the proposed project.*

*In order to achieve further avoidance of wetlands and wetland buffer, a Mitigation Alternative has been prepared that now represents the Applicant's proposed action. As described previously and discussed by subject area in the following FEIS chapters, this plan includes 12 fewer lots than the proposed action evaluated in the DEIS (34), and 16 fewer lots than had originally been proposed (38). By reducing site density and environmental effects of the project, the proposed plan responds to the commentor's concerns regarding potential impacts of the project on quality of life in this area of the town.*

**Comment 2-4 (Letter 16, Alice Kiely, May 22, 2005):** In a residential area, with small children in very close proximity, the wetland drainage pits are an unattractive nuisance. They are unsightly and have to be fenced off to prevent injury and death to small children.

**Response 2-4:** *The basins, which are a requirement of the NYSDEC and NYCDEP, will be planted with attractive wetland plantings and are not expected to be unsightly. The basins detain a shallow permanent pool of water and are sufficiently removed from the residences that they would not be expected to present a public health or safety threat. The basins will be fenced if required by the Town.*

**Comment 2-5 (Letter 16, Alice Kiely, May 22, 2005):** Page 2-1 of the DEIS states, "the proposed project conforms with the existing zoning of the project site. With 34 four-bedroom single family homes, it has an overall density of one unit per 1.27 acres of land. The project would therefore comply with the recommendations set forth in the Town Development Plan to develop the central and northern sections of the town, where public sewers exist or are planned, and which are mapped for medium density residential use. Contrary to this, Supervisor Cooper is quoted in the *Getting to Know Yorktown Magazine* ((c) 2004, page 10). In "A Message from Yorktown Supervisor Linda Cooper," Supervisor Cooper states that "this is an exciting time for Yorktown. We are creating a new vision for our community through our Comprehensive Plan and looking ahead 10 and 20 years to what we would like to see here. We seek to relieve the threat of over development, minimize traffic congestion,

and provide adequate clean water as well as wastewater services. We want to encourage preservation of our natural resources and expand our open spaces."

**Response 2-5:** *The 2004 proposed project with 34 homes and the currently proposed Revised Plan include a significant amount of preserved open space which is proposed for dedication to the Town. This aspect of the project would help to accomplish the Town's objective of expanding open space resources with the residential setting. The Yorktown Farms project is consistent with current zoning in the area and is not expected to overburden the surrounding roadway network with traffic, nor result in any significant impacts on water resources or municipal services.*

**Comment 2-6 (Letter 17, Allison Lichtenberg, May 22, 2005):** In a more broad view of the environment and our society in general, we are making decisions which affect human life, animal and environmental life which will negatively affect us all. Why would this project be proposed after so many years of a moderately quiet, peaceful, family orientated neighborhood? Why is it that now we decide to create more parking lots, more useless buildings, more traffic; more pollution, deterioration of our society, destruction of natural wildlife and wetlands? Why? This subdivision is and will be a shock to all who live in this neighborhood off of Curry Street; Gay Ridge Road, Jennifer Ct., Timberlane Ct., Stonewall Ct. and Jefferson Ct. I am hurt and saddened that the town can make such a horrible decision which will obviously harm the once beautiful and serene neighborhoods.

**Response 2-6:** *Residential development of the project site was proposed in 2002 as part of the Somers Realty proposal. The project site consists of vacant land that is zoned for single-family residential development at a density similar to that of the surrounding homes (half-acre lots), although the proposed lots are considerably larger in size. The project has been designed to produce a modest and sustainable use of currently vacant land that consists of former farmland. The density of the proposed project is consistent with that of homes in the surrounding neighborhood, with some of the proposed lots being significantly larger in size, and can be expected to become an extension of the existing adjoining neighborhoods. The proposed Revised Plan reduces site disturbance and other environmental effects of the project evaluated in the DEIS. The extensive proposed off-site sewer improvements will benefit the local area.*

**Comment 2-7 (Letter 19, Daniel Kiely, May 20, 2005)** There are items that can be easily verified by a member of the public, the DEIS is frequently wrong. One should then question the validity of the numerous conclusions throughout the DEIS of minimal impact that can only be checked by an expert. It is incumbent upon the Planning Board to independently conduct the surveys and analyze the results necessary to evaluate the project and, if necessary, avail themselves of outside consulting firms. These firms must not have any current or previous relationships with the project sponsor, consulting engineer, planning consultant or law firms associated with this project.

**Response 2-7:** *The DEIS was circulated to all agencies with jurisdiction over portions of the project for which permits are required and comments were received from most of those agencies. The Town's Planning Department staff have provided detailed comments on the DEIS. New York State Environmental Quality Review Act (SEQRA) regulations found in Part 617.9 clarify that an EIS must be adequate with respect to its scope and content for the purpose of commencing public review. The purpose of the*

*FEIS is to respond to public and agency substantive comments and to revise information provided in the DEIS if necessary.*

**Comment 2-8 (Letter 6, Scott Marrone, May 22, 2005):** Since the project is called Yorktown Farms, why not let them build a farm. Why should Wilkins be the only game in town. We can use more apple trees and pumpkin patches, not hundreds of more residents and cars.

**Response 2-8:** *While the project site consists of vacant land, the site is not a viable property for agricultural use according to the Applicant, particularly given its surrounding residential context and existing market conditions. Returning the site to agricultural use would not be consistent with the objectives of the Applicant/owner of this property who wishes to develop it in accordance with present zoning.*

**Comment 2-9 (Letter 2, Bruce Barber, June 13, 2005):** Please explain further the comment that this project is a “sustainable use of land.”

**Response 2-9:** *In 1987, the World Commission on Environment and Development developed a definition of sustainability that was included in its findings, which became known as the Brundtland Report. It stated that “Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.” This term has since been widely used in the field of planning. In 2000, the American Planning Association adopted a Policy Guide on Sustainability that defined the concept in terms of natural systems as well as economic opportunities.*

*The statement in the DEIS that the project represents a sustainable use of land is made in the context of these established definitions of sustainability, and refers to the comparatively low intensity of development that is proposed, and its potential for limited environmental effects that would not compromise the ability of future generations of the town to meet their own needs.*

*With 34 homes proposed on 43 acres, the density of the project as proposed in the DEIS was considered to be moderate. It has been further reduced, with 22 homes currently proposed. The layout seeks to minimize impacts to the project site and natural resources such as wetlands, which is a key tenet of the concept of sustainability. In comparison to Office Development, traffic impacts are relatively low and would not be expected to overburden the surrounding roadway network. From an environmental perspective, the project as proposed would not compromise the ability of future generations in this community to enjoy the attractive setting of the project site within the context of the local neighborhood. It is not expected to impair the mobility of area residents, or impose a significant fiscal burden that would negatively impact Town residents. It is expected that resulting levels of environmental impact would be lower than the alternative use of the site for an office complex, while providing more benefit in terms of housing resources than alternative development consisting of considerably fewer homes.*

**Comment 2-10 (Letter 2, Bruce Barber, June 13, 2005):** Required permits include a Town of Yorktown Stormwater Permit and Blasting Permit, and a NYSDEC Wetland Permit.

**Response 2-10:** *Comment noted. The Applicant will secure all necessary regulatory approvals prior to construction.*

**Comment 2-11 (Letter 2, Bruce Barber, June 13, 2005):** Applicant should indicate whether stormwater infrastructure is intended to be dedicated to the Town.

***Response 2-11:** The Applicant proposes to offer for dedication the stormwater infrastructure, as well as the proposed road system, to the Town of Yorktown. Upon acceptance of the offer, the Town would be responsible for future roadway and infrastructure maintenance.*

**Comment 2-12 (Letter 2, Bruce Barber, June 13, 2005):** Discussion regarding wetland and wetland buffer impacts must be contained in the Executive Summary.

***Response 2-12:** A discussion of wetland and wetland buffer impacts related to the current proposed plan has been included in FEIS Section 1.0, Summary and Revised Project Description.*