

**I. COMMUNITY SERVICES**

**Comment I-1**

Statement: "...Van Wyck Junior High School, ... appear to be able to absorb the projected "new" students and operate within their State rated capacities.

Observation: VWJHS has just installed modular classrooms outside of the school building proper, in addition to converting office space to classrooms, in order to handle the increasing student population. An increase of 36 students (Assuming an even division in ages and grades of students from the proposed development) would appear to drive a requirement for additional classroom space.

(Memorandum from Mr. & Mrs. Vitek, to the Town of East Fishkill Planning Board, dated March 22, 2005)

There is a statement in there regarding community services that states that the Van Wyck Junior High School appears to be able to absorb the projected new students and operate within their state rate capacity. I would like to observe the fact that they have just installed two modular classroom buildings outside of the main building to handle the overflow, in addition to converting office space into classrooms.

The addition of thirty-six students, which would be phasing in—assuming that there is equal division of grade levels in the development—would drive another classroom in addition to that. So that would also have to be considered.

(Statement at Public Hearing, Mr. Vitek, dated February 22, 2005)

Van Wyck Jr., High is so crowded right now that they are experiencing water and septic problems.

(Memorandum from Mr. and Mrs. Vitek, to the Town of East Fishkill Planning Board, dated April 4, 2005)

**Response I-1**

*At a meeting with Wappingers Central School District officials on 05/24/2005, School District officials stated that Lake Walton Park is one of a number of proposed residential developments within the District, and that the District is accounting for these projects within their overall Master Plan. In other words, Lake Walton Park is being taken into account by the District's Master Plan.*

*In addition, as discussed in the DEIS, the proposed Lake Walton Park development is estimated to generate  $\pm$ \$934,456 in school taxes, an estimated  $\pm$ \$858,046 increase compared with the school taxes paid on the current property. The DEIS contains an analysis that estimates the proposed project will generate a \$1,043-\$5,843 annual school tax surplus per new student generated from the project. These funds are therefore available for the use of the School District as the District sees fit.*

**Comment I-2**

Would it be possible to put a dock on that passive area? Understanding the legal, I guess, insurance issues, it's something – and I would really like to be able to go out there and go fishing off the dock, at least, or something.

(Statement at Public Hearing, Mr. Staudohar, dated February 22, 2005)

If I may, the aspect of revitalizing this lake and using it for a recreational purposes is going to depend in primary part on the DEC and on their wetland permit, and that would include anything in terms of disturbances for that public access point, as well, so it would include a dock or beach area as part of that. That would require not only that disturbance of the dock, but also a clearing around that area as well as dredging perhaps. I'm just the attorney so I don't know about the engineering issues, but that's something that we would have to look at and discuss with them as well. I think that's something that we can address in the FEIS.

(Statement at Public Hearing, Mr. Dominic Cordisco, Esq., dated February 22, 2005)

### **Response I-2**

*A public dock would require an Article 24 wetlands permit from the NYSDEC, and it raises potential liability issues. The passive public access area is envisioned as a place to rest and observe the lake for the public utilizing the Dutchess County Trailway (Figure II.I-1A). The applicant/HOA will not own and maintain public access to the lake. It is the applicant's intention to subdivide this parcel off from the project and offer to dedicate it to the Town of East Fishkill or Dutchess County who would own and maintain the property and amenities. Certain minor amenities are contemplated for the peninsula for which the applicant is willing to place money in escrow in order to pay for the costs of agreed upon amenities. Since it is contemplated that the Town or County will own the parcel, the owner will be responsible for policing, garbage pick-up, maintenance, liability, etc.*

*At a meeting held on 10/20/2006 with the Dutchess County Department of Public Works, they confirmed their willingness to accept the dedication of the passive public recreation area subject to an agreement with the County. It is the intent of the applicant in further discussions with the Dutchess County Department of Public Works that no swimming, fishing or boating will be permitted from the land portion of the public access peninsula. This is subject to an agreement with the County.*

*A confirmation letter from the Dutchess County Department of Public Works regarding the passive public access area is forthcoming.*

### **Comment I-3**

The rail trail is going to be a public walking trail. Are there going to be any signs or any signage that say Town of East Fishkill, passive recreation area, or anything?

(Statement at Public Hearing, Mr. Staudohar, dated February 22, 2005)

**Response I-3**

***Signage will be funded by the applicant's escrow for amenities. Signage will then be maintained by the County.***

**Comment I-4**

Along those lines, you might also want to clarify, as far as you said there would be no motorboats, would that also include electric engines or just rowing type?

(Statement at Public Hearing, Mr. Staudohar, dated February 22, 2005)

**Response I-4**

***No electric or other types of motorized engines will be permitted on the lake.***

**Comment I-5**

There is a correction that needs to be made in the recreational fees; passes are not required to utilize Redman Park. You may buy them, but they're not required. It states that there are 191 acres of open space, but most of that is going to be wetland. As far as I can tell it would not be accessible to the residents.

If it's going to be listed as an area that they can wander through or walk through, what would their impact be in that wetland area or would there be trails marked or areas listed as not being able to go into?

On the proposed public access area off of the rail trail, would there be any facilities available for the public such as restroom facilities, shelter in case of rain, trash and lighting? If so, how would trash be taken in and out or would that be provided by the people using it?

(Statement at Public Hearing, Mr. Vitek, dated February 22, 2005)

**Response I-5**

*Figure II.I-1B depicts the proposed site amenities for Lake Walton Park. In response to NYSDEC concerns, nature pathways are not proposed.*

*Regarding the proposed public access area off of the Dutchess County Trailway, please see Response I-2.*

**Comment I-6**

Have you gotten any plans at all from the county about what they're proposing for the rail trail?

(Statement at Public Hearing, Chairperson Drummond, dated February 22, 2005)

**Response I-6**

*Discussions with the DCDPW indicate that a 60 foot right-of-way with a 10-foot wide asphalt pathway will be provided for bicycling and walking, with unpaved shoulders provided for pedestrian traffic. The County anticipates with the exception of the emergency access as described in Response I-11, no snow plowing during the winter, with the Trailway utilized by cross-county skiers and other winter pedestrian users. No motorized vehicles will be permitted. The County indicated they will enter into discussions with local municipalities regarding such issues as policing, trash collection, general maintenance, etc., of the portions of the Trailway within each respective municipality.*

**Comment I-7**

Something else that also was brought up was about public access to the private recreation area; would the homeowners association be permitted to sell passes to the public for utilization of that private area?

(Statement at Public Hearing, Mr. Vitek, dated February 22, 2005)

**Response I-7**

*The proposed recreational area within Lake Walton Park (Figure II.I-1C) will remain private, for use by the Lake Walton Park residents.*

**Comment I-8**

The tennis court; it has non-lit. Is that realistic?

(Statement at Public Hearing, Mr. Koch, dated February 22, 2005)

**Response I-8**

*The tennis courts are not proposed to be lit, intended to be utilized primarily during the warmer months when daylight is longer.*

*As illustrated in Figure II.I-2, the tennis courts have been relocated to the intersection of Road A and Road C. This was formerly the location of the proposed school bus pick-up/drop-off area, which has been relocated to the recreation area (Figure II.I-1C) which is judged by the applicant to be a safer location. This necessitated relocating the tennis courts due to size constraints of the recreational parcel. The tennis courts will be heavily screened from the adjoining properties to the west with evergreen plantings, and an earthen berm will be provided. In addition, a 100 foot setback will be provided to the nearest property line.*

*Though the tennis courts are not proposed to be lit, they are intended to be utilized primarily during the summer months when daylight is longer. Since there is no artificial lighting, it is the applicant's opinion that it is not necessary to impose restrictions on hours. Furthermore, based upon the new location and the proposed landscaping and screening from adjacent property, no additional mitigation is judged necessary. In the event that the applicant or future Homeowners Association chooses to provide lighting, this matter will have to be readdressed as an amendment to the Site Plan and the Planning Board will have an opportunity to review the proposal and the potential impacts at that time.*

### **Comment I-9**

I can't actually find it in here, but it was mentioned as far as the effect of this development as far as the police department and the fire department. You went to the police department and the fire department and got a description of basically their equipment and you basically said that it will not have an effect. You state the access would offset any effect it would have on the fire and police department, but I don't remember seeing it in here.

Do you have a statement from the fire commissioner and also the chief of police? You have to go to the actual officials of those departments and get statements stating that instead of just coming to conclusions.

(Statement at Public Hearing, Mr. Koch, dated February 22, 2005)

### **Response I-9**

*Lake Walton Park was previously developed as a residential mobile home park, and as such required fire and police protection services. A meeting was held with the Fire Advisory Board on 03/01/2005. They requested:*

- a) Maximum 500 feet spacing between fire hydrants. This will be provided, as indicated on the enclosed full-scale plans.*
- b) Emergency access. Two emergency access points are being provided from the Dutchess County Trailway. The Advisory Board reacted favorably to the two proposed access points from Lake Walton Road.*
- c) Placement of a dry hydrant into a proposed dredged portion of Lake Walton that is proximate to Road C, and provision of a drafting pad (fire truck pull-off) adjacent to the hydrant. These items are being provided (Figure II.J-2).*

*d) Posting on the site prior to construction road names and house/lot numbers, so the Fire Department can easily determine which location to go to in case of a construction-related or other emergency. This will be accommodated.*

*Discussions with Sgt. Keefe of the Town of East Fishkill Police Department on 07/01/2005 indicate that the additional homes proposed at Lake Walton Park will demand additional police services, such as calls from burglar alarms, disturbances, disputes, etc. Sgt. Keefe noted that because the Lake Walton roadways (except Road B) are proposed to remain private, the Town of East Fishkill Police Department will be unable to write traffic tickets, although they will respond to a complaint. It was noted that with the additional taxes that are anticipated to be generated from the project (along with other proposed developments), more monies might be available to the Police Department for additional staffing and other police needs.*

**Comment I-10**

So if anybody is on that public access piece in violation or does something that's in violation of it, who is going to be acting on that?

(Statement at Public Hearing, Chairperson Drummond, dated February 22, 2005)

So realistically you're allowing public access, but you're not allowing access for anybody to get in there and police it.

(Statement at Public Hearing, Chairperson Drummond, dated February 22, 2005)

Ms. Drummond said that, from discussion from the last meeting, they have not sufficiently addressed how police protection would be able to get into the public area to make sure it is appropriately covered, but she understands this would be addressed in the FEIS. She said it is not in the plan, but she knows they are aware that the emergency access and patrol needs to be addressed.

(Statement at Public Hearing, Chairperson Drummond, dated 03/22/2005)

**Response I-10**

*See Response I-2.*

**Comment I-11**

That's just it. How would a rescue vehicle get in there in the event that they need to?

(Statement at Public Hearing, Chairperson Drummond, dated February 22, 2005)

They're going to have to be able to, because there are two emergency accesses in case of flooding, so cars are going to have to get in there, and that's another thing you might as well cover right now. From the people who are actually building the rail trail, you need permission that it is permitted that cars in emergency situations are permitted up and down the rail trail. Is there a gate at the end of it? How are they going to block off normal traffic and how would they open up the rail trail for emergency access if it ever is needed?

But there is an easement for the sewer. Can we make the easement wide enough so it could be used as an emergency connection?

(Statement at Public Hearing, Mr. Koch, dated February 22, 2005)

There are two (2) emergency access roads proposed where access would be onto the Dutchess County Trail. Vehicular traffic on a walking/biking trail is not a feasible plan. Alternative emergency access should be considered.

(Memorandum from Ms. Lindsay Carille, Dutchess County Planner, to the Town of East Fishkill Planning Board, dated February 18, 2005)

**Response I-11**

*As indicated in Appendix I, the Dutchess County Department of Public Works has stated that the County agrees to two emergency access points to the site via the Dutchess County Trailway.*

*Figure II.I-3 illustrates the proposed emergency access for the site utilizing two access points to the Trailway. In this manner a "loop" emergency roadway is in effect created, linking the two cul-de-sac ends of Road C. The County has requested that the applicant provide heavier pavement on that portion of the Trailway (approximately 2,100 feet) that would potentially be used by emergency vehicles. In addition, the homeowners association would be responsible for plowing this portion of the Trailway following any significant snowfall. The snow plowing service contracted by the HOA to plow the subdivision's private roads will be able to access the County Trailway at each of the site's emergency access road points, in affect creating a giant circular plow path which encompasses the site roadways as well as the portion of the Dutchess County Trailway to be plowed. The intent is to plow one lane of the Dutchess County Trailway to provide for emergency access by authorized vehicles while maintaining an unplowed path for cross country skiing. The Dutchess County DPW has accepted this plan noting only that if, in the future, the roads within the subdivision become public, the Town of East Fishkill would then be responsible for plowing the emergency access on the trailway.*

*All non-emergency motorized vehicular traffic would continue to be prohibited from using the Trailway, as specified in the DCWWA letter in Appendix I. The emergency access points will be provided with a barrier to prevent unauthorized vehicular traffic from accessing the Dutchess County Trailway. Some non-resident hikers may come off of the Dutchess County Trailway into the site, however signage will be posted stating that Lake Walton Park is private property and no trespassing is permitted. As part of site plan approval, drawings of the Dutchess County Trailway emergency access points and signage will be provided for review by the Town of East Fishkill and the Dutchess County DPW.*

*At a meeting held on 10/20/2006 with the Dutchess County Department of Public Works, they reconfirmed their willingness to allow Emergency Access to the subdivision via the Dutchess*

*County Trailway subject to an agreement with the County. A confirmation letter from the Dutchess County Department of Public Works is forthcoming.*

**Comment I-12**

This office did not fully review the plan set, including the subdivision and the site plan for the community center, pending changes made with the FEIS. No preliminary plan approval can be recommended at this time, and it appears the applicant is not expecting preliminary plan approval until after the SEQR Findings have been made. The applicant will change the current plans, prepared for the DEIS, as needed, and then the revised plans will be given a close review by this office.

(Letter from Morris Associates, P.S., L.L.C. to Ms. Norma Drummond, Town of East Fishkill Planning Board, dated March 17, 2005)

**Response I-12**

*So noted.*

*Site Plans for the Community Center will be submitted to the Town following SEQR Findings. Figure II.I-1C depicts a conceptual plan for the recreational center, which includes a swimming pool, and a dock into Lake Walton for access to non-motorized boats and fishing for the Lake Walton Park Community. In addition, a playground is proposed, and the barn is proposed to become a recreational hall. The specific plan for the recreational center will be established as part of site plan approval for this area.*

**Comment I-13**

Public Access: I would like to see an alternative public access area be developed. Should the level of the lake be raised two feet, as possibly suggested, the proposed area would then be under water.

(Memorandum from Ms. Kim DiGiacomo, to the Town of East Fishkill Planning Board, dated April 1, 2005)

**Response I-13**

*The lake level is no longer proposed to be raised following discussions of the initial Lake Management Plan with the NYSDEC, and please see Response I-2 for a discussion of public access from the Dutchess County Trailway.*

**Comment I-14**

The FEIS should include a discussion and resolution of the matter of public access to Lake Walton. The County "rail trail" provides views of the lake, and a "picnic area" may be allowed on the peninsula attached to the rail trail. It appears no swimming would be permitted from that site. Former Planning Board member Steve Farfaro had expressed his desire to have public access to Lake Walton, noting that the previous owners had always allowed public access, and that "the bass fishing was excellent".

(Memorandum from Morris Associates, P.S., L.L.C., to Ms. Norma Drummond, Town of East Fishkill Planning Board, dated March 17, 2005)

What about access to the public? Is there going to be swimming allowed in the lake; is there going to be fishing allowed?

(Statement at Public Hearing, Chairperson Drummond, dated February 22, 2005)

**Response I-14**

*See Response I-2 for a discussion of public access from the Dutchess County Trailway.*

**Comment I-15**

Red Wing Park is located off of Route 82, not 83. Season passes are \*not\* required to utilize the facility.

(Memorandum from Mr. & Mrs. Vitek, to the Town of East Fishkill Planning Board, dated March 22, 2005)

**Response I-15**

*The applicant appreciates the noting of this correction.*

**Comment I-16**

Will the 191 acres of open space be accessible to the development residents? What impact would access to those areas, some of which will be wetlands, have on those areas?

(Memorandum from Mr. & Mrs. Vitek, to the Town of East Fishkill Planning Board, dated March 22, 2005)

**Response I-16**

*In response to NYSDEC concerns, a nature pathway system is not proposed.*

**Comment I-17**

Will a swimming area be included in the recreational area to reduce the potential impact on the utilization of Red Wing Park?

(Memorandum from Mr. Victor Vitek to the Town of East Fishkill Planning Board, dated March 22, 2005)

**Response I-17**

*A swimming pool is proposed at the Community Recreation Area, as depicted on Figure II.I-1C, for use by the Lake Walton Park community.*

**Comment I-18**

Preston Morton questioned if the dock area would be left natural and where it borders between the existing street and homes, would it be landscaped or rough like it is today?

(Statement at Public Hearing, Mr. Morton, dated 03/22/2005.)

**Response I-18**

*The proposed dock area for use by the Lake Walton Park Community is depicted on Figure II.I-1C, and will consist of a mix of existing vegetation and landscape plantings. Where the Lake Walton Park property borders between the existing street and homes, the existing vegetation from the property line to 50 feet within the Lake Walton Park property will be left in its natural wooded state to provide a dense screening. The intent is to preserve the existing screened views into the site.*

**Comment I-19**

Ms. DiDato also has a concern with the bus turnaround being on the corner and she suggested a different spot where she felt there was a better view.

(Statement at Public Hearing, Ms. Edvidge DiDato, dated 03/22/2005.)

**Response I-19**

*See Response G-1.*

*The school bus pick-up/drop-off area has been relocated away from the Road A entryway and to the recreation parcel (Figure II.I-1C).*

**Comment I-20**

He referred to the public access area and said that if picnic tables were placed there, who would be responsible for the trash, the carry-in and carryout and said that clean up would inevitably have to occur because people do not always respect the environment.

**Response I-20**

*See Response I-2 for a discussion of public access from the Dutchess County Trailway.*