

J. UTILITIES

Comment J-1

This office did not fully review the engineer's report for the water system, pending changes made with the FEIS. The water supply report will be reviewed concurrently with the subdivision plan, and the final design report will be required for final subdivision plan approval and possibly site plan approval, not necessarily with the FEIS. This office does note one preliminary concern, and that is that a 12" connector main should be constructed between the tap into the County water main and Lake Walton Road, to facilitate the Town expansion of the water supply to Revere Park.

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

Response J-1

The applicant and the Dutchess County Water and Wastewater Authority (DCWWA) had previously entered into an agreement for the DCWWA to provide public water to the site via a 12 inch diameter ductile iron pipe branch connection at approximate location Station 408 + 70 within the DCWWA's easement of the Dutchess County, NY Maybrook Corridor (that is, the existing Dutchess County Trailway). This branch connection has been installed.

The Town of East Fishkill will establish a Town Water District encompassing the site, instead of Dutchess County.

As detailed within Appendix C of this FEIS, the DCWWA has issued a letter to Hon. John Hickman, Superintendent of the Town of East Fishkill dated 12/5/2006 regarding their ability to provide water to the proposed subdivision subject to the Town forming a water district in accordance with the provisions of Article 12 of the Town Law and subject to the terms and conditions of a water sale agreement between the DCWWA and the Town.

As depicted on Figure II.J-1, a 12 inch connector main is proposed to be constructed by the applicant between the tap into the County Main and Lake Walton Road for potential connection to a possible future Town water main. The final plans are to be checked by the Town in order to insure that the main is extended across Lake Walton Road. The proposed District will be a Town District, as requested by the Town.

Comment J-2

This office did not fully review the engineer's report for the wastewater system, pending changes made with the FEIS. The wastewater report will be reviewed concurrently with the subdivision plan, and the final design report will be required for final subdivision plan approval, not necessarily with the FEIS. This office does note one preliminary concern, and that is that the FEIS should include an alternate, including a delayed start date for the subdivision, if the Town's Hopewell Hamlet collection and treatment system, which still does not have regulatory approval, is not operational when the first homes are ready for occupancy.

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

You state that if the system isn't up and running by the time you're ready to start building, you will have to consider alternatives. Are you going to address that in the final, or are you just going to leave it hang out there?

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

Response J-2

Discussions with the Town and Morris Associates indicate construction is scheduled to commence in Spring 2007, with the plant operational in Spring 2008. This timing conforms to the proposed time frame for Lake Walton Park.

As discussed in the DEIS, the applicant does anticipate constructing several model homes for sales purposes as well as locating a sales trailer on the site prior to this time. These model homes

will if necessary be connected to temporary holding tanks while the municipal sewer connection is being completed. More likely, the sales trailer will be serviced by private sanitary "port-a-johns" or equivalent, as well as a small temporary water holding tank.

Should the Town decide not to proceed with construction and operation of the Hopewell Hamlet Wastewater Treatment Plan, or decide to not serve Lake Walton Park or delay the completion of the plant beyond 2008, the applicant reserves the option to proceed with the design, permitting, and construction of a package wastewater treatment plant. The package plant would be designed to accommodate the anticipated flows from Lake Walton Park, and be situated on the property.

The plant would comply with all permitting requirements of the NYSDEC and the Dutchess County Health Department, who are the approval authorities. The design of the package plant would be such that no unpleasant odors would be generated that would impact the nearby homes and adjacent population. Effluent would be treated and discharged in accordance with all applicable regulations, with discharge into either an approved stream or via infiltration within the property.

Comment J-3

Under utilities in volume one, page twenty, it's mentioned that gas service is a possibility. Would that gas service be built in at the start of the project or would the lines have to be put in afterwards? If they were able to get gas service from Central Hudson.

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

Then the question would be would that infrastructure be put in place at the time of the original building or would it have to then involve more construction at a later date after the houses are put in?

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

Re: Gas service. Would the infrastructure for such service be put in place at the time of initial construction or at some future date? If at a future date, what additional disturbances to the environment and local area are foreseen, and what steps to mitigate the disturbances are planned?

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

Response J-3

Utility infrastructure will be installed at the time of initial construction of the roadway for each phase, with individual house connections to be made at the time of construction on each proposed lot.

Comment J-4

Trash/Debris: There are many mentions of the trash and debris left behind by former residents as they abandoned their homes. However, the DEIS does not discuss any remediation of the former dump area. For years, Mr. Brinkerhoff buried and dumped refuse, including automobiles and oil tanks in that area. This is located in the general vicinity of proposed lots #43-57. How will that area be reclaimed prior to construction?

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

Response J-4

Any such trash/debris that is encountered will be properly disposed of prior to construction by the applicant, to reclaim the area.

Comment J-5

Septic tank removal: It has been stated that the septic tanks from the abandoned mobile home lots will be removed. However, there are approximately 50 existing septic tanks in the former campground. Many of these "septics" were merely old 55 gallon drums modified into a septic tank. These tanks should be removed to avoid injuries due to possible sinkholes as the tanks rust and collapse.

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

Response J-5

So noted. Any such "drum" septic tanks where found will be removed and remediated prior to construction by the applicant.

Comment J-6

And if you can just clarify about the sewage treatment. On page eight it gives the location of ingress across the Town of East Fishkill, and I think that's already been moved from one side of the lake. Could you demonstrate how it is going to go across? This says that it is in the best location for future expansion to the existing IBM facility if needed; do you want to explain that? I don't know where that came from.

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

Response J-6

Appendix J of the DEIS contains the "Map, Plan and Report for Establishment of the Hopewell Hamlet Sewer District" by Morris Associates, P.S., L.L.C., dated 09/27/2002. The sewer district includes the proposed developments of Hopewell Glen, Lake Walton, Twin Creeks, Unity Plaza and Village Green as well as the existing Hopewell Hamlet area. The district has no plans for future expansion to the existing IBM facility.

Figure III.J-1 of the DEIS depicts the proposed sanitary infrastructure routing, which enters the Lake Walton site at the southeasterly portion of the site.

Comment J-7

I think the question is: Would you require that all of the houses use natural gas or would the homeowners have an option of heating oil or natural gas?

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

Response J-7

It is anticipated at this time that the Central Hudson Gas and Electric Corporation will provide gas service to the site, but that it will be up to the individual homeowner whether to utilize natural gas or heating oil.

Comment J-8

Residential street lighting will be provided you say by Central Hudson in an acorn decorative design and it just says at intersections. Is that going to be every five hundred feet or three hundred?

And that's by the homeowners association, not the town. It's not going to be the lighting district of the town.

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

Response J-8

Correct. There will be no proposed Town lighting district unless the Town desires such a lighting district.

Street lights are proposed at the property entryways, internal roadway intersections, the community center/school bus stop, and at the ends of the cul-de-sacs. In order to retain a rural setting, no street lights are proposed at other locations along the internal roadways.

Comment J-9

The progress on the county water system is – we are not really concerned about water storage on this site. It hasn't been really discussed in the DEIS and if that is something that you want clarified in the FEIS then we should make it clear at this point what the concerns are. Do you want to have a storage tank imposed there?

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

Response J-9

A water storage tank will be provided on the site (Figure II.J-1) to accommodate the DCWWA's requirement that a continuous feed be taken from the County's water main in accordance with County requirements for this system. The tank will be designed in accordance with DCWWA requirements, and reviewed and approved by the DCWWA, and the Town of East Fishkill. The Town will own and maintain the tank and other on-site water distribution infrastructure once the Town Water District for the site is created and approved. The tank is estimated to have a +70,000 gallon capacity and be sited on-grade with pumps to provide water pressure to the system.

The sizing of the tank and estimated flows will be critical in terms of system requirements and estimated costs to the future District residents. The DCWWA contract will be based upon a single "Take or Pay" volume, which will be measured daily and the DCWWA will review the application to be sure that adequate storage is present, as they prefer to have a constant withdrawal from their water main. In dealing with other proposed Town Districts (Hopewell Glen), the storage tank was oversized to provide some buffer to minimize the take or pay rate and allow for a more constant withdrawal during the higher demands of the summer. The take or pay value will likely need to be greater than the average daily demand, or else penalty clauses would apply. This value will also have to be approved by the DEC in a water taking permit. Any irrigation flows to be supplied through the DCWWA line will also need to be accounted within the flow estimate. This information will need to be provided during the final design and within the Map, Plan and Report for District formation.

At a meeting of the applicant with the Dutchess County Department of Health (DCDOH), the DCDOH indicated that the DCDOH does not require water storage for a fire event. The DCDOH stated that the water transfer pumps are to be able to meet the minimum hydrant flushing velocity. At the applicant's 03/01/2005 meeting with the Town's Fire Advisory Board (FAB), the FAB indicated water storage was not necessary. At the recommendation of the FAB, the applicant is providing a dry hydrant into a proposed dredged portion of Lake Walton that is proximate to Road C, with provision of a drafting pad (fire truck pull-off) adjacent to the hydrant (Figure II.J-2). The fire hydrants throughout the site will be color coded per ISO standards to indicate flow capacity.

Comment J-10

The fire department will get in, hook up, and they may run out of water in twenty minutes.

I understand that we have a lake here and we can run dry hydrants in the lake or whatever, but I think we have to address that. We are going to have some big houses here. If one goes up in flames and they need a little bit more water, then I think we have to look at what you're going to have there.

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

Response J-10

The Fire Advisory Board has requested that a dry hydrant be provided that would draw from the lake during time of fire emergency. The site drawings have been revised to accommodate this request (Figure II.J-2). Because this hydrant is proposed within the NYSDEC wetland buffer, with a pipe proposed into Lake Walton, this request is included in the applicant's NYSDEC permit application package, a copy of which has been provided to the Town when the package was submitted to the NYSDEC on 08/08/2005. The fire hydrants throughout the site will be color coded per ISO standards to indicate flow capacity.

Comment J-11

Can you get that in writing, because we have asked other developments to look into it, and also I have talked to my local elected official and the understanding is that individual developments were not going to hook up with it, only if they became part of the town-wide system. So it would actually have to be the Town of East Fishkill hooking into the main running down, and then the development would become part of the water system of East Fishkill, because we already have a standing where they have been denying other developments from tying into their water supply. So I would like to know whether this is standing or if this is an exception to the rule or what.

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

Response J-11

See Response J-1.

As detailed within Appendix C of this FEIS, the DCWWA has issued a letter to Hon. John Hickman, Superintendent of the Town of East Fishkill dated 12/5/2006 regarding their ability to provide water to the proposed subdivision subject to the Town forming a water district in accordance with the provisions of Article 12 of the Town Law and subject to the terms and conditions of a water sale agreement between the DCWWA and the Town. The County will provide public water to the site via a 12 inch diameter ductile iron pipe branch connection. The County has installed this connection.

Lake Walton Park will become a Town Water District, with the Town of East Fishkill owning and maintaining all water infrastructure.

Comment J-12

It appears that access to the Water Pump House would be via the Dutchess County Rail Trail. An alternative access to the proposed Pump House should be considered.

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

Response J-12

Dutchess County will provide public water to the site, and a Town Water District will be formed following installation of the infrastructure and receipt of all required permits by the applicant. The Town of East Fishkill will own and maintain the entire water supply system for the proposed project.

The applicant will provide suitable access to the Water Pump House adjacent to the County Trailway on the Lake Walton Park property. The access is proposed to be a graveled road with a gate for access by authorized Town vehicles only.

Comment J-13

She asked if there was a connection to the public water system that would be accessible to them later on. Mr. Staudohar said that would be one of the Board's questions.

(Statement at Public Hearing, Ms. Kosaa and Mr. Staudohar, dated 03/22/2005)

Response J-13

The proposed Town Water District encompasses the Lake Walton Park project site. Additional connections to the public water system will be determined by the Town of East Fishkill. This would be considered by the Town once the piping connection is complete and the District is operating. Typically either a petition is presented to the Town by residents interested in connecting to the water system or the Town will provide a mailing to nearby residents to gauge their interest in connecting to the water system.