
Village at Whispering Pines Senior Living District

2200 Helderberg Avenue
Town of Rotterdam, Schenectady Co., New York



Final Environmental Impact Statement (DEIS)

Volume I

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June 2018

Note: Paper copy of the FEIS includes three volumes. The electronic version is divided into individual pdf files and is not separated into volumes.

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FOR THE

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- DEIS Appendix L – Updated Real Property Tax Revenue for the Project at Full Build-out, June 2018

ACRONYMS AND ABBREVIATIONS

Acronym / Abbreviation	Definition / Denotation
APE	Area of Potential Effect
BMP	Best Management Practices
CDRPC	Capital District Regional Planning Commission
CFR	Code of Federal Regulations
DEIS	Draft Environmental Impact Statement
FEIS	Final Environmental Impact Statement
GHG	Greenhouse Gas
GIS	Geographic Information Systems
GPD	Gallons Per Day
GPH	Gallons Per Hour
GPS	Global Positioning System
LOS	Level of Service
MGD	Million Gallons Per Day
MPH	Miles Per Hour
MS4	Municipal Separate Storm Sewer System
NLEB	Northern Long-eared Bat
NRCS	Natural Resources Conservation Services
NRHP	National Register of Historic Places
NYCRR	New York Code of Rules and Regulations
NYNHP	New York Natural Heritage Program
NYSDEC	New York State Dept of Environmental Conservation
NYSDOT	New York State Dept of Transportation
NYSTA	New York State Thruway Authority
NYSSMDM	New York State Stormwater Management Design Manual
OSHA	Occupational Safety and Health Administration
RRv	Runoff Reduction Volume
SEQRA	State Environmental Quality Review Act
SHPO	New York State Historic Preservation Office
SPDES	State Pollution Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan
USACOE	United States Army Corp of Engineers
USDA	United State Department of Agriculture
USFWS	United State Fish and Wildlife Services
USGS	United States Geological Survey
WQv	Water Quality Volume

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1.0 RESPONSE TO SUBSTANTIVE PUBLIC COMMENT

In accordance with 6 NYCRR Part 617.9(b)(8), the FEIS must respond to substantive comments received. The following table identifies substantive comments received during the public comment period specific to environmental impacts associated with the State Environmental Quality Review (SEQR) process. Comments received during the public comment period that are not relevant to the evaluation and identification of environmental impacts, the development of appropriate mitigation measures or comments that concur with or object to the proposed action without elaboration are not included in this table. However, such comments are considered by the Lead Agency and are incorporated into the public record. To avoid unnecessary repetition, several broad categories or topic areas have been created based on the topic areas evaluated in the DEIS so that related comments could be grouped appropriately. Many comments could fall under more than one topic, but to avoid repetition have been addressed within a single topic area or category. Also, several commentors provided comments on multiple topic areas and those comments are reflected in the table below.

Village at Whispering Pines Senior Living District

Final Environmental Impact Statement (FEIS)

Response to Substantive Public Comments Received Through May 25, 2018 (Close of Public Comment Period)

In accordance with 6 NYCRR Part 617.9(b)(8), the FEIS must respond to substantive comments received. The following table identifies substantive comments received during the public comment period specific to environmental impacts associated with the State Environmental Quality Review (SEQR) process. Comments received during the public comment period that are not relevant to the evaluation and identification of environmental impacts, the development of appropriate mitigation measures or comments that concur with or object to the proposed action without elaboration are not included in this table. However, such comments are considered by the Lead Agency and are incorporated into the public record. To avoid unnecessary repetition, several broad categories or topic areas have been created based on the topic areas evaluated in the DEIS so that related comments could be grouped appropriately. Many comments could fall under more than one topic, but to avoid repetition have been addressed within a single topic area or category. Also, several commentors provided comments on multiple topic areas and those comments are reflected below.

Topic Area	Commentor	Comment Reference	Overview of Comment	Response to Comment
Executive Summary / Description of Proposed Action	Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	List required permits/approvals; differentiate between SEQR involved and interested agencies in DEIS Table 2-3	The table has been updated, identifying interested and involved agencies. See FEIS Section 2 - Errata Sheet
Topography, Geology & Soils	Jack Dodson	Written Comment, May 25, 2018	Mitigation of runoff	DEIS Table 1-2 identifies a summary of measures to avoid, minimize and/or mitigate impacts. Sediment and erosion control measures will be employed during construction which will comply with the project specific SWPPP and NYSDEC SPDES General Permit for Construction Activity. DEIS Section 3.0 and 3.2 also describe these measures in detail.
Water Resources	Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	3.2.1.1: There appears to be some discrepancy between the USACE JD letter and the documentation provided in the DEIS. Clarification should be provided. The JD notes that there were modifications to the wetland delineation following a USACE site visit. These modifications should be reflected in the text of the DEIS so that the acreages are consistent with the approved JD.	Section 3.2.1.1 has been updated to correctly list the regulated wetlands on the project site. Further the wetland numbers/types have been modified to correspond to the USACOE reviews. See FEIS Section 2 - Errata Sheet
	Jack Dodson	Written Comment, May 25, 2018	Impact of high groundwater table	DEIS Section 3.2 describes groundwater impacts and mitigation. Groundwater in the vicinity ranges from 4 feet to over 16 feet below the ground surface. Potential temporary impacts could occur during construction, however through the implementation of measures in the site-specific SWPPP, long term adverse impact to groundwater are not anticipated.
Climate & Air	Jack Dodson	Written Comment, May 25, 2018	Identification of sustainable approaches that should be included	Section 8.1 of the DEIS notes the project sponsor is not proposing any LEED- qualified energy efficient measures. Stormwater systems will be incorporated that meet the NYSDEC standards for green infrastructure and are discussed in Section 3.2.3 of the DEIS as well as the Stormwater Feasibility Study found in Appendix F of the DEIS. Exterior lighting will employ dark sky principals and are planned to be LED fixtures. Solar powered units are not proposed as part of the project. The mulching of trees that are removed as part of the project would be available for reuse but is not being proposed. No mitigation measures are being required by the USACOE. Existing wetlands will be protected during construction by installing fence barriers along their perimeter. There are no permanent impacts proposed to regulated wetlands. Refer to Section 3.4 of the DEIS regarding biological, terrestrial and aquatic ecology .

Biological, Terrestrial & Aquatic Ecology	Christy Dodson	Public Hearing Transcript; page 81	Impact on wildlife and vegetation	<p>DEIS Section 3.4 addresses biological, terrestrial and aquatic ecology. An updated habitat suitability assessment was conducted focusing on potential threatened and endangered species habitat (see DEIS Appendix J).The assessment identified wildlife species commonly found in suburban areas. Additionally, another site visit was conducted as recently as May 2018 to evaluate potential for lupine and no lupine was found on the property.</p> <p>3.4.1.3: The site conditions suggest potential suitable habitat for the presence of lupine. Open areas undergoing periodic disturbances, whether natural or not, help to control competing vegetation, and as such, the survey component is very important. Therefore, please provide documentation that the site survey conducted considered wild lupine.</p> <p>A field survey was conducted for lupine in the spring of 2017 and most recently in May 2018. No lupine has been found on the property. See Updated Threatened and Endangered Species Habitat Suitability Assessment Report in DEIS Appendix J.</p> <p>DEIS Section 3.2 describes surface waters, including wetlands. A USACOE jurisdictional determination was issued on December 12, 2017 and is located in DEIS Appendix 12. The project will comply with all ACOE requirements. DEIS Section 3.4 addresses biological, terrestrial and aquatic ecology. An updated habitat suitability assessment was conducted focusing on potential threatened and endangered species habitat (see DEIS Appendix J).The assessment identified wildlife species commonly found in suburban areas.</p>
	Margaret Mary Burch	Email comment, May 25, 2018	Impact on wildlife and vegetation	
	Dr. Kathy Grant	Written Comment, May 24, 2018	Impact on wildlife and vegetation	
	Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018		
	Jack Dodson	Written Comment, May 25, 2018	Impacts on wetlands, vegetation and habitat	
Aesthetic & Visual Resources	Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	Clarify if vegetation shown in the line of site profiles represents existing or proposed.	A narrative description has been provided which identifies and differentiates between existing and proposed vegetation. See FEIS Section 2 - Errata Sheet
	Jack Dodson	Written Comment, May 25, 2018	Suggestions for visual renderings	DEIS Section 3.5 describes aesthetic and visual resources. DEIS Appendix B includes architectural renderings and DEIS Appendix C includes a visual assessment. Earthen berms and landscaping are proposed to provide a visual buffer from neighbors. In addition, existing wooded areas will be retained to the greatest extent possible to provide further visual buffers.
Historic, Cultural & Archeological Resources	Jack Dodson	Written Comment, May 25, 2018	suggestion for interpretative display	DEIS Section 3.6 describes Historic, Cultural & Archeological Resources and documentation is included in DEIS Appendix H1. DEIS Appendix H2 is a letter from NYS Office of Parks, Recreation and Historic Preservation indicating that the project "will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places."
Open Space & Recreation	Jack Dodson	Written comment, May 25, 2018	Suggestion for Town to purchase the project site	Comment noted
	Thomas E DeLorenzo	May 4, 2018 letter; page 2	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	<p>This project proposes to include a sidewalk is along the east side of Helderberg Avenue along the length of the project site which would provide safer pedestrian connections within the area (See DEIS Appendix P - Project Plans). DEIS Section 3.8 addresses potential traffic impacts in more detail. The project is expected to have minimal impacts on traffic operations during the operation stage at intersections in the study area with increases in overall intersection average vehicle delay of one to four seconds. Construction of the project will have minor, short-term impacts on traffic around the project site. Construction and associated delivery traffic during construction will consist of large vehicles which may require traffic controls to facilitate safe entry and exit into the project site. Construction vehicle access will be limited to Helderberg Avenue. There will be large trucks traveling on Helderberg Avenue for food deliveries to the site approximately three times per week, typically occurring in the morning between 6:00 and 9:00 a.m. Other deliveries to the site will be via box trucks or vans (dairy trucks, UPS, FedEx, service vehicles) consistent to vehicles that are already traveling on the roadway network servicing the existing residents along Helderberg Avenue and within the adjacent neighborhoods.</p>
	Shelley Dodson	May 11, 2018 Public Hearing written comment	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	

Bill Sheehan	May 11, 2018 Public Hearing transcript, page 23	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Del Pierce	Public Hearing Transcript; page 32	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Shelley Dodson	Public Hearing Transcript; page 40	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Richard Larmour	Public Hearing Transcript; page 44	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Susan Sempremo	Public Hearing Transcript; page 59	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Mark and Ann Ando	May 16, 2018 email	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Rayanne Sheehan	Written Comment, May 16, 2018	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Margaret Mary Burch	Email comment, May 25, 2018	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Paul Pflieger	Written Comment, May 20, 2018	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Del Pierce	Email Comment, May 25, 2018	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Victor Murdock	Email Comment, May 24, 2018	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Dave and Theresa Minbiole	Email comment, May 24, 2018	Pedestrian Safety, overall increased traffic (including trucks) and impact of construction vehicles	
Melvin Mintz	Public Hearing Transcript; page 18	Truck traffic impacts on Thruway overpass	As noted, large truck deliveries to the site will be limited to approximately three times a week and will travel to the site via Helderberg Avenue. There are no posted weight restrictions on Helderberg Avenue or the Thruway overpass bridge indicating that there is a concern with deliveries to the site. The majority of site deliveries will be in box trucks or vans (dairy trucks, UPS, FedEx, serve vehicles), which are vehicles that are already traveling on Helderberg Avenue and within the adjacent neighborhoods.

Joe Villano	Public Hearing Transcript; page 62	Identify what studies have been completed	A traffic impact evaluation was completed and is included in DEIS Appendix G.
Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	The analysis in the Draft EIS is based on the ITE Trip Generation, 9th Edition as opposed to the ITE Trip Generation, 10th Edition, which is the latest edition. However, the number of trips estimated to be generated by the proposed project is similar between the two editions. As such, the analysis contained within the Traffic Evaluation sufficiently addresses the likely impact associated with this project and no additional analysis or mitigation is necessary as part of this EIS.	Comment noted
		The DEIS should acknowledge there will be an impact to traffic along the Helderberg Avenue, Curry Road, Altamont Avenue, West Lydius and Route 146 corridors.	See DEIS Section 3.8.A detailed traffic impact study was completed for the project consistent with the Approved Final Scoping Document that outlines and analyzes the increase in peak hour traffic on Helderberg Avenue, Curry Road, Altamont Avenue, West Lydius Street, and Route 146. The results of the traffic study illustrate mitigation that includes clearing of vegetation along the project frontage to maximize sight lines at the southern site driveway and coordination with NYSDOT regarding minor signal timing changes at the Helderberg Avenue/Curry Road intersection during the AM peak hour.
		The DEIS should acknowledge that a level of service (LOS) E rating downgraded to LOS F is not good for the Curry Road/Helderberg Avenue intersection as a result of constructing this project. A LOS F is the worst rating possible and the traffic delays are experienced by residents of the Town daily. There is much frustration and rage at this intersection.	The DEIS clearly acknowledges the noted drop in level of service from an E to F between the No-Build and Build conditions on the southbound intersection approach at the Helderberg Avenue/Curry Road intersection during the AM peak hour. The study further recommends a shift in the traffic signal timing of approximately 5 seconds to eliminate this drop-in level of service and result in a level of service and average vehicle delay consistent with the No-Build conditions prior to the site development. NYSDOT is reviewing the updated DEIS for the current application. However, it is noted that as part of the previous application at the site (where the site development plan resulted in a higher peak hour trip generation than the current proposal), NYSDOT issued a letter dated June 14, 2017 stating: "We agree with the conclusion of the reports that the proposed development will not have a significant impact on the adjacent State highway system." NYSDOT further stated that the merits of minor signal timing changes at the Curry Road/Helderberg Avenue traffic signal should be coordinated with NYSDOT as the project progressed.

Traffic & Transportation

<p>Changing the timing of the traffic light at the intersection of Curry Road/Helderberg Avenue will not improve the functionality of this intersection. This is a dangerous intersection for pedestrians and bicyclists. Many pedestrian/ bicyclists accidents have occurred at this intersection over the years. This project will exasperate an already bad situation. How will this be mitigated?</p>	<p>Refer to the response to the comment above regarding the operation of the Curry Road/Helderberg Avenue intersection. The DEIS analysis included a detailed crash evaluation at the Curry Road/Helderberg Avenue intersection for the three year period from 2014 to 2016. The evaluation indicated that one bicyclist and two pedestrian crashes occurred during the three-year study period. An overall review of the three-year crash history indicated that there were no discernable accident patterns occurring at the Curry Road/Helderberg Avenue intersection and that the traffic volume generated by the site is low having a minor impact on the intersection operations.</p>
<p>The DEIS should acknowledge that commercial truck traffic turning left from Curry Road to Helderberg Avenue south is non-existent. This alignment is not designed for a tractor trailer turning south on Helderberg Avenue. Significant tractor trailer traffic the likes of Sysco Foods and DeCrescente Distributing Co. will be a common occurrence along Helderberg Avenue. How will commercial truck traffic be mitigated?</p>	<p>The statement that there are no commercial trucks turning left from Curry Road to Helderberg Avenue south is incorrect. During the turning movement counts completed for the study (two-hours during the morning and two-hours during the afternoon) a total of four trucks (2-axle, six wheels or larger) were counted making the noted left-turn maneuver from Curry Road westbound onto Helderberg Avenue southbound. There were also three trucks turning right from Curry Road onto Helderberg Avenue southbound, and a total of eight trucks counted on Helderberg Avenue northbound. In addition to the truck traffic, 25 busses were counted traveling to and from Helderberg Avenue during the two-hour count period. The Curry Road/Helderberg Avenue intersection is a NYSDOT intersection designed to state standards and Helderberg Avenue is a county road classified as an urban major collector with no vehicle restrictions; therefore, no commercial truck mitigation is needed. Large truck deliveries to the site will be limited to approximately three times a week and will travel to the site via Helderberg Avenue. There are no posted weight restrictions on Helderberg Avenue or the Thruway overpass bridge indicating that there is a concern with deliveries to the site. The majority of site deliveries will be in box trucks or vans (dairy trucks, UPS, FedEx, service vehicles), which are vehicles that are already traveling on Helderberg Avenue and within the adjacent neighborhoods.</p>
<p>Traffic backups are a common occurrence during peak morning rush hour along Helderberg Avenue heading north turning right onto Curry Road. Buses cannot turn right on red at this intersection resulting in backups of this intersection to Crestwood Drive. Traffic backs up into the intersection because customers try to turn left into the Dunkin Donuts drive through from Helderberg Avenue. How can this problem be mitigated? Why would commuters/school bus drivers want this issue to get worse?</p>	<p>The project will generate 22 southbound vehicle trips and 21 northbound vehicle trips on Helderberg Avenue at the Curry Road intersection during the AM peak hour and 30 southbound trips and 29 northbound trips during the PM peak hour. This magnitude of traffic equates to approximately one vehicle trip in each direction every 3 minutes in the morning peak hour and one vehicle trip in each direction every 2 minutes in the afternoon peak hour. The traffic study completed for the project illustrates that this increase in traffic is significantly less than the NYSDOT and Institute of Transportation Engineers (ITE) industry standard thresholds of 100 vehicle trips generated on any intersection approach to identify locations where the magnitude of traffic generated has the potential to impact operations at an intersection. This industry guideline is consistent with the results of the traffic analysis where the overall intersection average vehicle delays changes only a few seconds when comparing the future conditions with and without the project. Also see the response to comment 2 above.</p>

Jack Dodson

Written
Comment, May
25, 2018

<p>The DEIS should acknowledge that 100 vehicle trips weekdays and 136 vehicle trips weekends are artificially low numbers. How will all this true traffic be mitigated? Revise the traffic analysis for the worst case scenario and then provide the best case, operational case and worst case for comparison.</p>	<p>The traffic evaluation was completed consistent with industry guidelines with a focus on the weekday AM and PM peak hours where 95 AM peak hour trips are generated and 130 PM peak hour trips are generated. The trip generation for the site was calculated following the industry standards using data published by the Institute of Transportation Engineers and both NYSDOT and the Town's traffic consultant (CHA) have agreed with the trip generation estimate. The traffic evaluation illustrated that the surrounding roadway network can adequately service the traffic anticipated with the proposed site and residents will not be confined to their homes and unable to travel. The mitigation recommended for the development based on the results of the detailed traffic evaluation have been outlined in detail in the DEIS.</p>
<p>The Mohonasen school teams run Helderberg Avenue from the school exit onto Helderberg Avenue south to Cypriana Terrace to run the "hill" and then return. An active group of runners, walkers, dog walkers and bicyclists share the roadway (no shoulder) with motorists that speed through this route on a daily basis. This project will bring more traffic; commercial truck traffic; construction traffic (concrete, dump trucks, and material deliveries) to the transportation corridor. What mitigation measurements are proposed to minimize this assault on resident's quest for recreation and enjoyment of their community? A pedestrian/bicyclist fatality has not occurred despite many close calls. Increased traffic will more likely make this unfortunate incident a reality. No development should proceed along this corridor without the continuation of a sidewalk from the Mohonasen School Complex to County Line Road along Helderberg Avenue.</p>	<p>The proposed project will provide sidewalks along the project frontage and along the east side of the street improving the pedestrian access on Helderberg Avenue on lands controlled by the project sponsor. The development of the project does not preclude the use of the roadway by the current multimodal users.</p>

<p>The embankment from the entrance to the Whispering Pines Golf Course south to the Matarazzo property should be removed back into the properties a minimum 200 feet to align with the grade of the adjacent properties on each side. This would provide better drainage; provide at grade alignment with Helderberg Avenue, create space for a proposed sidewalk the length of Helderberg Avenue and improve utility access and maintenance.</p>	<p>The site will be constructed and graded appropriately for drainage. Sidewalks are proposed along the project frontage and will be designed and constructed to meet Town and County standards.</p>
<p>The sight distance for vehicles making left hand turns from the Netherlands (requires exiting from a steep grade from Netherlands Boulevard — difficult in winter), Old Church Road (alignment very poor to Helderberg Avenue) and Ghents Road onto Helderberg Avenue. Increase traffic will exasperate this condition and likely cause more accidents.</p>	<p>Sight distance at an intersection is a measure of the line of sight for drivers at an intersection or traveling along the mainline towards an intersection. The level of traffic does not change the line of sight nor does it change the sight distance guidelines that the Netherlands Boulevard, Old Church Road, and Ghents Road intersections were designed to meet.</p>
<p>With the increased volume of traffic entering/exiting the proposed development from the primary access drive (across from Ghents Road), the sight distance issues identified, and speed/volume of traffic along Helderberg Avenue, we contend a traffic signal light is required at this primary access point. With proper signage north of the Thruway Bridge and speed monitoring devices (radar), signage south of the proposed development, traffic would be controlled.</p>	<p>The site access intersections will be designed to meet the American Association of State Highway and Transportation Officials (AASHTO) guidelines based on the measured operating speeds along Helderberg Avenue. The volume of traffic generated at the site does not satisfy warrant criteria for the installation of a traffic signal; therefore, a traffic signal is not recommended at the site.</p>

			What mitigation measures are proposed to protect the assisted living/memory care residents from a tractor trailer (loaded with fuel/propane, etc.) from crashing into POD 5 and POD 6 as a result of falling asleep at the wheel?	The site is being designed to meet the applicable Town standards and guidelines for buildings and setbacks. Site layout, vehicular circulation and truck turning templates will be evaluated in further detail during Site Plan review. It should be noted that this potential tragedy while unlikely, is not limited to residents of Whispering Pines or this location exclusively.
			A waiver should not be granted by the NYSDOT for the level of service change from no build to build conditions. Why make an existing problem worse?	NYSDOT is reviewing the updated DEIS for the current application. However, it is noted that as part of the previous application at the site (where the site development plan resulted in a higher peak hour trip generation than the current proposal), NYSDOT issued a letter dated June 14, 2017 stating: "We agree with the conclusion of the reports that the proposed development will not have a significant impact on the adjacent State highway system." NYSDOT further stated that the merits of minor signal timing changes at the Curry Road/Helderberg Avenue traffic signal should be coordinated with NYSDOT as the project progressed.
			How will pedestrian/bicyclist traffic impacts be mitigated on a county road with no shoulders where the road is shared with vehicles?	The proposed project will provide sidewalks along the project frontage and along the east side of the street improving the pedestrian access on Helderberg Avenue on lands controlled by the project sponsor. The development of the project does not preclude the use of the roadway by the current multimodal users.
			How will the increased risk of seniors driving on roads frequented by children walking/biking to school be mitigated?	The proposed project will provide sidewalks along the project frontage and along the east side of the street improving the pedestrian access on Helderberg Avenue on lands controlled by the project sponsor. The development of the project does not preclude the use of the roadway by the current multimodal users.
Noise	See Public Health & Safety and/or Traffic & transportation			
	Peter Liholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	Define normal workday hours / hours of operation.	The normal workday hours and hours of operation have been described based upon the uses proposed. See FEIS Section 2 - Errata Sheet
	Jack Dodson	Written Comment, May 25, 2018	Multiple comments	See DEIS Section 3.9 for evaluation of noise and odor impacts and proposed mitigation. Construction phase activities and operation phase activities will comply with the Town of Rotterdam Noise Ordinance (Town Code Chapter 188).
	Del Pierce	Public Hearing Transcript; page 32	Concern with emergency access and impacts	
	Jennifer Abel	Public Hearing Transcript; page 72	Concern with emergency access and impacts	
	Shelley Dodson	Public Hearing Transcript; page 42	Concern with emergency access and impacts	

Public Health & Safety	Dr. Roy Oyangen	Public Hearing Transcript; page 77	Concern with emergency access, fire apparatus availability and impacts	Operation of the proposed project is expected to result in a marginal increase in emergency services demand, as it represents a growth in population. However, this growth will not pose unusual challenges or place demands on local service providers that are different from other senior residential projects. (See FEIS Section 3.10). The health care model planned for the assisted living and memory care will allow residents to get primary care from on-site medical professionals and gives staff access to after-hours consultation with medical professionals. This provides the opportunity for staff to get advice and support from on-site medical professionals before making a decision to send a resident to the hospital. No direct impacts to the safety of the community are anticipated, although emergencies may arise on occasion independent of facility operations. A letter indicating the coordination with Rotterdam Fire District #2 to ensure the project is designed in a manner that addresses fire district concerns has been included in FEIS Appendix E.	
	Rayanne Sheehan	Written Comment, May 16, 2018	Concern with emergency access and impacts		
	Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	3.10.3: Provide documentation of contact / coordination with the police, fire and emergency services regarding their ability to serve the proposed project.		Correspondence were sent to and recieved from the responding emergency services agencies and will be incorporated into the FEIS for reference as FEIS Appendix D.
	Jack Dodson	Written Comment, May 25, 2018	Public health concerns related to traffic		See DEIS Section 3.8 and response to traffic impacts above.
	Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	3.11.1 The correct reference to the Agriculture zone is a not A-1; Clarify the use of the terms Care Home and Home Care used in the text; 3.11.2: The EIS should clearly state the request for a zone change from Agriculture zone to a Senior Living District. Clarify if the zone change is specific to the project site or if it is anticipated that this new zone could be mapped in other areas within the Town.	See FEIS Section 2 - Errata Sheet	
	Jack Dodson	Written Comment, May 25, 2018	Consistency with Comprehensive Plan	The Findings Statement for the Generic Environmental Impact Statement (“GEIS”) that was completed as part of the Comprehensive Plan found that the Town has a “severe shortage of senior citizen apartments” and that the “Town should encourage the development of new housing that is reasonably priced through the adoption of specific regulatory measures” in order to meet the shortage. (Comprehensive Plan, GEIS Findings Statement, at 9). The Project, and the new Senior Living District, meet the needs identified by the GEIS Findings Statement by providing diverse housing options for senior citizens, including single-family homes, apartments, and assisted living and memory care facilities.	

Land Use & Zoning	Thomas E DeLorenzo	Written Comment, May 4, 2018	Establishing a Senior Living District in Rotterdam is spot zoning.	<p>Establishing a Senior Living District in Rotterdam is not spot zoning. It is well settled under New York Law that “zoning determinations enjoy a strong presumption of validity, which can only be overcome by a showing that the decision to rezone was unreasonable and arbitrary.” <i>Boyles v. Town Bd. Of Town of Bethlehem</i>, 278 A.D.2d 688, 690 (3d Dep’t 2000) quoting <i>Matter of Save Our Forest Action Coalition v. City of Kingston</i>, 246 A.D.2d 217, 221 (3d Dep’t 1998) (upholding the validity of the zoning change and noting that “if the validity of the determination is even fairly debatable it must be sustained”). Spot zoning has been defined by New York courts as the process of “singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of that property and to the detriment of other property owners.” <i>Matter of Daniels v. Van Voris</i>, 241 A.D.2d 796, 799 (3d Dep’t 1997) (holding that zoning amendment was not illegal spot zoning in part due to the court’s determination that the amendment benefited the community). In evaluating a claim of spot zoning, courts consider several factors, including: (1) whether the rezoning was consistent with a comprehensive land use plan; (2) whether it was compatible with surrounding uses; (3) the likelihood of harm to surrounding properties; (4) the availability and suitability of other parcels; and (5) the recommendations of professional planning staff. <i>Boyles</i>, 278 A.D. 2d at 690 quoting <i>Save Our Forest</i>, 246 A.D.2d at 221. The ultimate question, however, is whether the change was something “other than part of a well-considered and comprehensive plan calculated to serve the general welfare of the community.” <i>Id.</i> quoting <i>Matter of Daniels</i>, 241 A.D.2d at 799. Moreover, the Findings Statement for the Generic Environmental Impact Statement (“GEIS”) that was completed as part of the Comprehensive Plan found that the Town has a “severe shortage of senior citizen apartments” and that the “Town should encourage the development of new housing that is reasonably priced through the adoption of specific regulatory measures” in order to meet the shortage. (Comprehensive Plan, GEIS Findings Statement, at 9). The Project, and the new Senior Living District, meet the needs identified by the GEIS Findings Statement by providing diverse housing options for senior citizens, including single-family homes, apartments, and assisted living and memory care facilities. The Planning Commission of the Town of Rotterdam twice recommended approval of the Senior Living District, this also supports approval of the zoning change and the Project as it demonstrates that the adoption of the proposed zoning change and the approval of the Project would be part of a well-considered and comprehensive plan that is responsive to the needs of the community. New York courts have found that impermissible spot zoning did not exist in situations strikingly similar to the one here. For example, in <i>Boyles v. Town Board of the Town of Bethlehem</i>, 278 A.D.2d 688 (3d Dep’t 2000) the Appellate Division, Third Department considered whether the rezoning of a 6.7-acre parcel of land to facilitate the development of an assisted-living residence for senior citizens constituted impermissible spot zoning. In that case, the applicant sought to build an assisted living facility consisting of 94 units for senior citizens on a 6.7-acre parcel of land, and sought the rezoning of the property from “Residence ‘A’” to “planned Commercial District” as well as a negative declaration under SEQRA. The Town Board adopted a negative declaration under SEQRA and adopted a local law that rezoned the property. A lawsuit was then filed challenging the local law that rezoned the property, contending, among other things, that the rezoning constituted impermissible “spot zoning.” Supreme Court granted summary judgment dismissing the lawsuit and the Third Department affirmed holding that the rezoning was not impermissible spot zoning as while the rezoning benefited the property owner, there was “no doubt that the community at large” benefited as well, and that the decision to rezone was “part of, and consistent with, a comprehensive plan . . . to serve the general welfare of the community.” <i>Id.</i> at 690-691 (noting that the size of the parcel alone is not determinative especially where demographic studies and citizen comments demonstrated a need for the senior citizen housing facility and where the property owner had adjusted the initial proposal in response to comments and to minimize the likelihood of harm to surrounding residences). Here, as in <i>Boyles</i>, the Applicant has made changes to its proposed Project in response to community members comments and to minimize any perceived potential harm to the surrounding community including by substantially decreasing the number of residential units, limiting the height of the proposed buildings, and eliminating the urgent care facility, among others. For the reasons set forth above, rezoning from Agricultural to “Senior Living District” will serve the needs of the community, is in accordance with a well thought out comprehensive plan, and is not spot zoning.</p>
	Jack Dodson	May 11, 2018 Public Hearing written comments	Establishing a Senior Living District in Rotterdam is spot zoning.	
	Del Pierce	Public hearing transcript; page 31	Establishing a Senior Living District in Rotterdam is spot zoning.	
	Paul Pflieger	Written Comment, May 20, 2018	Establishing a Senior Living District in Rotterdam is spot zoning.	
	Jack Dodson	Public hearing transcript; page 49	Establishing a Senior Living District in Rotterdam is spot zoning.	
	Peter Frigaletto	Public hearing transcript; page 75	Establishing a Senior Living District in Rotterdam is spot zoning.	
	Del Pierce	Email comment, May 25, 2018	Establishing a Senior Living District in Rotterdam is spot zoning.	

	Jack Dodson	Written Comment, May 25, 2018	Establishing a Senior Living District in Rotterdam is spot zoning.	
Growth and Community Character	Melvin Mintz	Public Hearing Transcript; page 19	Tax Base/Revenue	Tax revenue from the project will increase due to the change in use. Further, one parcel currently subject to agricultural exemption will no longer qualify for such exemptions. See DEIS Section 2.4 and DEIS Appendix L for further information about tax revenue. This information was provided by the Town of Rotterdam Assessor on August 8, 2017.
	Gennaro Sguelia	Email comment; April 30, 2018	Tax Base/Revenue	
	Peter Frigaletto	Public Hearing Transcript; page 19	Tax Base/Revenue	
	Rosemarie Pierce	Email comment, May 25, 2018	Tax Base/Revenue	
	Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	Tax Base/Revenue	The Executive Summary references the appendices which includes the taxable values . Appendix L notes that the data was prepared by the Town Assessor. The data has been further expanded for clarification purposes. See FEIS Section 2 - Errata Sheet
	Bill Sheehan	Public Hearing; Transcript page 22	Project in wrong location/impact on neighborhood	The Project Sponsor has entered into contracts with the owners of the golfcourse, the vacant land and several homes in order to assemble a parcel of sufficient size to support the proposed project. This property comprises approximately 90 acres of land in an area of the Town of Rotterdam with excellent access to I-90 and I -890 and surrounding Town and County roads. The property also can be served by public sewer and water with a reasonable investment in infrastructure by the Project Sponsor. This location and the size of the assembled parcels make this the best location for the Senior Living District. The Project Sponsor does not own or control any other property in the Town of Rotterdam. Moreover, the golf course will be redeveloped in some fashion as it is for sale as is the Brown parcel which represent the majority of the acreage.
	Nick Esposito	Public Hearing Transcript; page 43	Project in wrong location/impact on neighborhood	
	Debra Grasso	Public Hearing Transcript; page 82	Project in wrong location/impact on neighborhood	
	K. Newton	email comment; May 2, 2018	Project in wrong location/impact on neighborhood	
	Paul Pflieger	Written Comment, May 20, 2018	Project in wrong location/impact on neighborhood	
	Joe Matarazzo	Public Hearing, Transcript page 35	Project in wrong location/impact on neighborhood	
	Victor Murdock	Email comment, May 24, 2018	Project in wrong location/impact on neighborhood	
			Pursuant to the State Environmental Quality Review Act in a case known as IBM vs. Horn, project opponents attempted to force a private applicant to examine additional sites for the proposed project, the court held that SEQRA does not require that an applicant go out and purchase alternative sites to be considered for a particular project. Only if the applicant already owned or controlled property that was suitable for the project, could the applicant be required to look at such an alternative site. During the course of the public hearing several person's commented that the proposed project was needed in the Town of Rotterdam but not at this location. No other suitable locations were identified for the project and the Project Sponsor does not own or control any other properties in the Town of Rotterdam.	

Del Pierce	Email comment, May 25, 2018	Project in wrong location/impact on neighborhood	
Dr. Kathy Grant	Written Comment, May 24, 2018	Project in wrong location/impact on neighborhood	
Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	DEIS Section 7.0 should refer to estimates provided in DEIS Section 3/12 regarding population	See FEIS Section 2 - Errata Sheet
Jack Dodson	Written Comment, May 25, 2018	Building Height and overall community character	DEIS Section 3.12 address community character. Additionally, the maximum height of any building in proposed project will be three stories. The exact height to the top of the roof for three stories is variable depending upon the type of the roof. The Project Sponsor expects that the actual height will be well under 60 feet.
Del Pierce	Public Hearing Transcript; page 32	Capacity of wastewater treatment to handle additional flow; Capacity of water source to handle additional demand.	The project is not anticipated to have a significant impact on the Town's water supply system or sanitary sewer system. DEIS Section 3.13 addresses community facilities and services, including details regarding water and wastewater services. The Town's available water source capacity is 10 MGD, with an observed peak demand of approximately 8.6 MGD. The expected peak day demand of the proposed project is 0.3 MGD. When accounting for the project's peak demands, there is a reserve source and treatment capacity of 1.1 MGD. DEIS Appendix D includes an Engineer's Report for Water identifying water demand of the project through a dynamic water demand model utilizing industry standards for evaluation including the <i>AWWA Distribution System Requirements for Fire Protection M31 Manual of Water Supply Practices</i> and the <i>Insurance Services Office (ISO) Guide for Determination of Needed Fire Flow</i> . Regarding the wastewater, there is no municipal sewer system immediately adjacent to the project site, but two options were evaluated that extended sewers either to the Hamburg Street Sewer District or the Helderberg Meadow Sewer System. The analysis of these options is included in Appendix E. The analysis identifies capacity for each option and if adequate capacity does not exist, the analysis identifies upgrades that would be made entirely at the Project Sponsor's expense in cooperation with service providers. See updated reports in DEIS Appendix D.
Jack Dodson	May 11, 2018 Public Hearing written comments	Capacity of wastewater treatment to handle additional flow	
Richard Larmour	Public Hearing Transcript; page 45	Concern with sewer and water	
Mark and Ann Ando	May 16, 2018 email	Concern with sewer and water	
		Please include the Barton & Loguidice May 18, 2018 memorandum regarding the Hydraulic Model Verification in the Final EIS. In addition, the DEIS states the water main along Helderberg Avenue is 10", however, the Barton & Loguidice memorandum identifies this as a 12" main. Please clarify and correct.	
			The B&L memorandum has been referenced in the FEIS. In regards the the diamater of the existing water main along Helderberg Avenue, the modeling applied a different size in order to calibrate field data obtained. While the initial water report used a project specific hydraulic model, the model that B&L has is for the entire town, has a higher level of reliability, and accounts for many more system variables. B&L concluded that the project would not impact system operation, the same conclusion is supported by the project specific water study. See FEIS Errata Sheet and updated DEIS Appendix D – Updated Engineer's Report for Water, dated June 2018

Community Facilities & Services	Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	The Town has previously indicated that Sanitary Sewer Option 2, conveyance to the Helderberg Meadows District, evaluated in the DEIS is not a viable option.	Comment noted. The Option remains part of the project evaluation. See FEIS Errata Sheet and updated DEIS Appendix E – Updated Engineer’s Report for Sanitary Sewer, dated June 2018
			The applicant has proposed that the Town of Rotterdam will own and maintain the proposed Whispering Pines water supply and sanitary sewer infrastructure which will be located in onsite easements. However, it should be noted that the Town of Rotterdam has not agreed to accept ownership or maintenance responsibilities for any of the proposed utilities or infrastructure.	The utility reports continue to indicate that these utilities will be offered to the Town. Should there be a desire by the Town not to take ownership of one or both utilities, there are appropriate mechanisms that can be used for the Home-owner’s Association to own and maintain the system. See FEIS Errata Sheet and updated DEIS Appendix E – Updated Engineer’s Report for Sanitary Sewer, dated June 2018
	Roy Richardson / Kate Komoroski Barton Loguidice, DPC (Town Designated Engineer)	Written Comment, May 18,2018	Using the existing hydraulic water model developed for the Town of Rotterdam’s domestic water distribution system, B&L reviewed pressures through various operational scenarios and fire flows. Based on the results included herein, little to no change to the minimum or maximum pressures or fire flows observed within the overall water system were noted between the pre and post inclusion of the Whispering Pines Senior Living Complex.	Comment noted
	Jack Dodson	Written Comment, May 25, 2018	Multiple Comments	DEIS Section 3.13 addresses community facilities and services, specifically sewer and water infrastructure. DEIS Appendices D and E have been updated.
	Shelley Dodson	Public Hearing Transcript; page 39	consideration of single family alternatives	See DEIS Section 5 for the alternatives analysis, which included No Action, Alternative Site layout and Alternative Site Use alternatives.

Alternatives	Jack Dodson	Written Comment, May 25, 2018	consideration of alternatives	
	Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	5.5 Table 4-1 should be labeled 5-1; clarify heading "proximity of living to adjacent lots"	See FEIS Section 2 - Errata Sheet
	Melvin Mintz	Public Hearing transcript, page 19; May 11, 2018	consideration of single family alternative	See DEIS Section 5 for the alternatives analysis, which included No Action, Alternative Site layout and Alternative Site Uses.
DEIS Appendices	Peter Lilholt, CHA (Town Designated Engineer)	Written Comment, May 25, 2018	Update DEIS Appendix D	DEIS Appendix D updated
			Update DEIS Appendix E	DEIS Appendix E updated
			Update DEIS Appendix I	Update of DEIS Appendix I not necessary. See FEIS Errata Sheet for text corrections/clarifications.
			Update DEIS Appendix J	DEIS Appendix J updated
			Update Appendix L	DEIS Appendix L updated
Thomas E DeLorenzo	May 4, 2018 letter; page 1	The Town Board lacks the authority to adopt a local law that is substantially similar to a local law that was rejected last year.		

Jack Dodson	May 11, 2018 Public Hearing written comments	The Town Board lacks the authority to adopt a local law that is substantially similar to a local law that was rejected last year.	
Jack Dodson	Public Hearing Transcript; page 48	The Town Board lacks the authority to adopt a local law that is substantially similar to a local law that was rejected last year.	
Peter Frigaletto	Public Hearing Transcript; page 75	The Town Board lacks the authority to adopt a local law that is substantially similar to a local law that was rejected last year.	<p>While the Project has substantially changed since last year (496 units now proposed equaling a living unit reduction of 184 residential units; building height reduced from 4 to 3 maximum stories; medical office and urgent care removed; reduction of parking spaces from 456 to 374 spaces; no commercial uses included) , even if you took the position that it was substantially similar, the Town Board has the authority to approve the proposed local law without regard to the actions a different Town Board took last year. Only Boards such as Zoning Boards of Appeals which are appellate boards and only when acting in that capacity, are prevented from denying a use or area variance request and then later approving a request from the same applicant that is substantially similar. Courts have held that this “rule” only applies to ZBAs where they are exercising their appellate jurisdiction and not where a ZBA is considering the issuance of a special use permit. This rule never applies to a legislative body like a Town Board. In fact, a Town Board cannot bind future Town Boards and so the current Town Board is free to adopt a local law after the exact local law has been previously rejected by a differently composed Town Board. In this case of course, the Project and the local law have been revised to address public concerns and the Town Board is well within its legislative power to approve the Local Law and the Project. While the Proposed Law will implement a new zoning classification that is not currently recognized by the existing Town Zoning Code; the 2001 Comprehensive Plan clearly recognizes the need to provide additional senior living options to Town residents. The proposed Senior Living District and the Project are designed to fulfill the goals of the 2001 Comprehensive Plan. The senior project and the proposed zoning change to a “Senior Living District” are part of a well-considered and comprehensive plan, as the development and the zoning change are designed to meet the implementation tasks set forth in the Comprehensive Plan. (Comprehensive Plan §2.2.3 (to expand opportunities for housing for the elderly and disabled and to encourage housing diversity, and non-residential diversity).)</p> <p>The procedure for an Environmental Impact Statement (EIS) is identified in 6 NYCRR Part 617 - State Environmental Quality Review (SEQR). The procedural steps taken in this process are also identified in FEIS Section 1.0 - Executive Summary. All timeframes, noticing and filings meet the requirements of SEQR. See FEIS Appendix A for documentation of notices.</p>
Mark and Ann Ando	May 16, 2018 email	The Town Board lacks the authority to adopt a local law that is substantially similar to a local law that was rejected last year.	
Jack Dodson	Written comment, May 25, 2018	The Town Board lacks the authority to adopt a local law that is substantially similar to a local law that was rejected last year.	
Jack Dodson	Written Comment; May 21, 2018	Procedural questions	
Gennaro Sguelia	Email comment; April 30, 2018	Procedural questions	

Jack Dodson	written comment; April 30, 2018	Procedural questions	
Howard Vincent	Public Hearing Transcript page 69	Procedural questions	
Jack Dodson	Written Comments, May 25, 2018	Procedural questions	
Terry Copeland	Public Hearing Transcript page 49	Unavoidable impacts	As a clarification, DEIS Section 4 identifies potential unavoidable impacts and also identifies general avoidance and mitigation measures for each potential impact.
Jack Dodson	Written Comment, May 25, 2018	Unavoidable impacts	
Marilyn Guidarelli	Written Comment; May 12, 2018		Comment noted
bseastrand@yahoo.com	Email comment; May 14, 2018		Comment noted
Lori Brooks	Email comment; May 14, 2018		Comment noted
Charles Weissend	Email comment; May 14, 2018		Comment noted
Cindy K.	Email comment; May 14, 2018		Comment noted
John and Latefa Lang	Written Comment; May 14, 2018		Comment noted
Jean Bambury	Written Comment, May 4, 2018		Comment noted
Lalanya Gardner	Email comment; May 15, 2018		Comment noted

Roma Barbera	Written Comment; May 7, 2018		Comment noted
Joseph Sano	Email comment, May 2, 2018		Comment noted
John Evertsen	Written Comments, May 25, 2018		Comment noted
Amy Mlodzianowski-DePaolo	Written Comment, May 15, 2018		Comment noted
Josyh Mlodzianowski	Written Comment, May 23, 2018		Comment noted
Jane Rey	Email Comment, May 23, 2018		Comment noted
Dorothy Valachovic	Email comment attachment, May 24, 2018		comment noted
Kathleen Spring (Mohonasen School)	Written Comment, May 4, 2018	Support for sidewalks	comment noted
Lisa Gallo	Email Comment, May 14, 2018	Support for project expressed with suggestion to keep affordable	Comment noted
Joseph Sano	Email Comment, May 1, 2018	Support for project due to employment opportunities, property values; public recreation opportunity	Comment noted
Jimmy Pallutti	Email comment; May 14, 2018; Email comment April 27, 2018		Comment noted
Terry Neals	Email comment; May 15, 2018		Comment noted
Jennifer Lewis	Email comment; May 21, 2018		Comment noted
Shelley Dodson	Public Hearing Written Comment, May 11, 2018	Expression of opposition without substantive environmental comment	Comment noted

	Jack Dodson	Public Hearing Written Comments, May 11, 2018		Comment noted
	Joe Barone	Public Hearing Transcript; 46		Comment noted
	Howard Vincent	Public Hearing Transcript; page 65		Comment noted
	Multiple	Opposition Petition, May 25, 2018		Comment noted
	Victor Murdock	Email comment, May 24, 2018	Moratorium on high-density development	A moratorium is a temporary prohibition on development, requires an action by the Town Board and is not a part of this proposed project.
	Rosemarie Pierce	Email comment, May 25, 2018	Quality of senior care	The proposed project will provide a high quality of care for its residents in a healthy and safe community. A variety of maintenance free housing options, activities and services will be provided to residents such as residential dining, a fitness center, swimming pool/spa, therapy room and salon. DEIS Section 2.3 describes this in further detail.
	Jack Dodson	Written Comments, May 25, 2018	General disagreement with DEIS conclusions and evaluations	Comment noted
	Jack Dodson	Written Comments, May 25, 2019	Multiple suggestions and statements; bonds and covenants	Suggestions noted. The Town Planning Board as part of site plan review process will determine what bonds will be required for the construction of roadways and infrastructure. With respect to sewer infrastructure, the Town Board will address this as part of the process of establishing sewer and water districts that include the property. There is no basis in NYS law or the Town law to require a decommissioning bond for a residential project. The HOA covenants will be provided to the planning board as part of the site plan review process.
Proposed Local Law	Jack Dodson	Written Comment, Public Hearing, May 11, 2018	Multiple comments on proposed local law	See attached <i>Response to Comments on Proposed Local Law</i> .

2.0 ERRATA SHEET

The following reflects corrections to text within the Draft Environmental Impact Statement (DEIS):

- DEIS Page 8, paragraph 4, after last bullet – Add Following the completion of the SEQRA process, various regulatory approvals and/or permits will need to be obtained which are identified in Table 2.3.
- DEIS page 19, paragraph 1, row 4 – Replace \$1,257,000 with \$1,193,000.
- DEIS page 19, paragraph 1, row 5 – Replace \$672,400 with \$638,400.
- DEIS Page 19, paragraph 1, row 6 – Add The project's taxable value as prepared by the Town of Rotterdam Assessor is included in Appendix L. An update to the calculations is also included in Appendix L.
- DEIS page 19, paragraph 1, row 4 – Replace \$1,257,000 with \$1,193,000
- DEIS page 19, paragraph 1, row 5 – Replace \$672,400 with \$638,400.
- DEIS Page 21-22, Table 2-3, row 2 – Replace Involved/Interested with Involved.
- DEIS Page 21-22, Table 2-3, row 3 – Replace Involved/Interested with Involved.
- DEIS Page 21-22, Table 2-3, row 4 – Replace Involved/Interested with Involved.
- DEIS Page 21-22, Table 2-3, row 5 – Replace Involved/Interested with Involved.
- DEIS Page 21-22, Table 2-3, row 6 – Replace Involved/Interested with Involved.
- DEIS Page 21-22, Table 2-3, row 7 – Replace Involved/Interested with Involved.
- DEIS Page 21-22, Table 2-3, row 8 – Replace Involved/Interested with Interested.
- DEIS Page 21-22, Table 2-3, row 9 – Replace Involved/Interested with Involved.
- DEIS Page 21-22, Table 2-3, row 10 – Replace Involved/Interested with Involved.
- DEIS Page 21-22, Table 2-3, row 11 – Replace Involved/Interested with Involved.
- DEIS page 28, Section 3.2.1.1 - Surface Waters – Replace in its entirety Section 3.2.1.1 with the following:

3.2.1.1 Surface Waters

A review of the U.S. Geological Survey (USGS) topographic maps determined that no intermittent or perennial streams are mapped on the Project Site. This was confirmed during a site review conducted in the Fall of 2016 and Summer of 2017.

No New York State freshwater wetlands are located within the Project Site. A review of the NYSDEC mapping indicates the closest state freshwater wetland is located approximately 0.23 miles southwest of the Project Site (see Figure 4).

Gilbert VanGuilder Surveyors conducted a federal wetland delineation of the Project Site in February 2017, March 2017 and May 2017 and identified on-site waters of the U.S. including jurisdictional wetlands. Using the methodology prescribed in the 1987 Wetland Delineation Manual, three wetland areas were identified Project Site. The Wetland Delineation Report is found in **Appendix I1**. The Army Corps of Engineers met with representatives of Gilbert VanGuilder Surveyors on the Project Site in the summer of 2017 to confirm the delineation. A wetland delineation report was submitted to the USACOE for review and signature to confirm jurisdiction (jurisdictional determination). The USACOE issued a jurisdictional determination on December 12, 2017 for the project and is included in **Appendix I2**.

Wetland No. 2 is a forested wetland, 6.04 acres in size and is in the southern half of the Project Site. This forested wetland has a dominant tree species of Ash, Elm and Maple. Soils in this wetland are mucky sand with a Munsel Soil Color of 10YR3/1 with little mottling. Standing water was observed within this wetland at each site visit. This wetland continues southerly from

the site and connects to a large wetland complex that directly abuts the Normans Kill, which flows southerly and enters the Watervliet Reservoir.

Wetland No. 1 (open water) is a man-made water feature, 0.39 acres in size, located on the Whispering Pines Golf Course, having 1-foot high banks containing standing water. This wetland is no closer than 220 feet to the nearest jurisdictional wetland. It is also 10 feet higher in elevation than the nearest jurisdiction wetland. This wetland is not located in any mapped floodplain. This wetland is saturated and inundated mainly by seasonal high groundwater and the water elevation does not fluctuate significantly throughout the year.

Wetland No. 1 (emergent) is an emergent wetland directly abutting Wetland No. 1 (open water). This wetland is located within the maintained portion of the golf course and therefore is devoid of hydrophytic vegetation. It does however contain hydric soils and evidence of hydrology. Wetland No. 1 (emergent) is 0.04 acres in size.

The jurisdictional determination area as evaluated by the USACOE is 93.35 acres. The total jurisdictional wetlands located within the project area are 6.08 acres, and total jurisdictional open waters are 0.39 acres.

No regulated streams or drainage runs were identified within the Project Site. The closest stream/river are unnamed tributaries of the Normans Kill located approximately 0.5 miles west of the Project Site. Both are identified as class C NYSDEC streams and are not subject to the NYSDEC Protection of Waters regulations. The best usage of a Class C waters is fishing. These unnamed tributaries flow west, draining into the Normans Kill approximately 1.8 miles west of the Project Site. The Normans Kill flows southeast, discharging into the Watervliet Reservoir approximately 1.8 miles southwest of the Project Site. The Normans Kill continues from the Watervliet Reservoir, flowing in a southeasterly direction converging with the Hudson River approximately 14.2 miles from the Project Site.

- DEIS Page 42, paragraph 1, row 5 – Add after ‘topography’ and vegetation.
- DEIS Page 42, paragraph 3, row 2 – Add after ‘simulations’ representing a combination of existing and proposed vegetation
- DEIS Page 57, paragraph 6, row 6 – Add between ‘minimal’ and ‘Overall’ Given the variety of care levels, housing options and services within the project, hours of operation will vary but will be similar to any residential development. The golf course is anticipate to follow hours of operation typical for a golf course which will likely be sun up to sundown, spring through fall.
- DEIS Page 60, paragraph 2, row 1 – Delete A-1
- DEIS Page 60, paragraph 5 – Add at end of paragraph: The current Town zoning also does not define the term “home care”.
- DEIS Page 63, paragraph 2, row 1, first sentence – Add The proposed action involves a request for a zone change from Agriculture to a Senior Living District as outlined in the proposed local law.
- DEIS Page 67, paragraph 5, row 7 – Replace 73,400 with 88,772 and 189 with 228.
- DEIS Page 68, paragraph 4, row 2 – Replace 54 with 56.
- DEIS Page 68, paragraph 4, row 6 – Replace 40 to 54 with 44 to 64
- DEIS Page 68, paragraph 4, row 2 – Replace 54 with 56.
- DEIS Page 68, paragraph 6, row 2, second sentence, – Add after ‘of the project,’ inclusive of irrigation.
- DEIS Page 68, paragraph 6, row 2– Replace 189 with 236.
- DEIS Page 69, paragraph 8, row 3 – Replace 400 with 428.

- DEIS Page 70, paragraph 1, row 2 – Replace 189 with 228.
- DEIS Page 70, paragraph 1, row 2 – Replace 325 with 364.
- DEIS Page 70, paragraph 1, row 3 – Replace 75 with 64.
- DEIS Page 70, paragraph 1, row 3 – Replace 519 with 443.
- DEIS Page 70, paragraph 3, row 4 – Replace 400 with 495.
- DEIS Page 70, paragraph 3, row 3 – Replace 75 with 64.
- DEIS Page 70, paragraph 6, row 1 – Replace 73,384 with 88,772.
- DEIS Page 70, paragraph 6, row 2 – Replace 243,500 with 228,128 and 73,384 with 88,772.
- DEIS Page 79, paragraph 1, row 1 – Replace Table 4-1 with Table 5-1.
- DEIS Page 79, Comparative Summary of Alternate Site Layout and Uses Table Title – Replace Table 4-1 with Table 5-
- DEIS Page 79, Comparative Summary of Alternate Site Layout and Uses Table, row 7– Add units after ‘living’.
- DEIS Page 81, paragraph, row 5 – Add See Section 3.12 for population estimates.
- DEIS Appendix D – Replace Engineer’s Report for Water, dated April 2018 with Updated Engineer’s Report for Water, dated June 2018
- DEIS Appendix E – Replace Engineer’s Report for Sanitary Sewer, dated April 2018 with Updated Engineer’s Report for Sanitary Sewer, dated June 2018
- DEIS Appendix J – Replace Threatened and Endangered Species Habitat Suitability Assessment Report prepared by Gilbert VanGuilder, Land Surveyors, PLLC, dated May 2017 with Updated Threatened and Endangered Species Habitat Suitability Assessment Report prepared by Gilbert VanGuilder, Land Surveyors, PLLC, dated May 2018
- DEIS Appendix L – Updated Real Property Tax Revenue for the Project at Full Build-out, June 2018