

Second Supplemental Draft Environmental Impact Statement

January 23, 2009

“The Lake at Sylvan Way”

Grafton, NY 12082

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Exhibit Schedule

Exhibit A.....The Lake at Sylvan Way - Subdivision Plat -
Last revised January 12, 2009.

Exhibit B.....The Lake at Sylvan Way - Layout Plan Lots 1-8
Dated January 12, 2009

Exhibit C.....The Lake at Sylvan Way - Layout Plan Lots 10 -27
Dated January 12, 2009.

Exhibit D.....Letter from Fred Howard, P.E. of the Rensselaer County
Department of Health to the Town of Grafton Planning
Board Dated January 23, 2009.

I. Introduction.

This Second Supplemental Draft Environmental Impact Statement (“SSDEIS”) has been prepared in accordance with Article 8 of the Environmental Conservation Law (“SEQRA”) and underlying regulations set forth in 6 NYCRR Part 617. The Developer is seeking approval to complete the subdivision of a 141 acre parcel of land acquired in January 2008 into residential lots. This parcel is located in the Town of Grafton, along the westerly side of South Long Pond.

The Supplemental Draft Environmental Impact Statement dated January 9, 2009 (“SDEIS”) was prepared to comprehensively address oral and written public comment originating from the October 20, 2008 Public Hearing as well as technical comments received by writings dated December 2, 2008 from Russ Reeves, PE, engineer for the Town of Grafton as well as from Fred Howard, PE of the Rensselaer County Highway Department and Health Department.

This SSDEIS dated January 23, 2009 has been prepared by the Developer to further communicate the additional refinements and further mitigations incorporated into this Project and its design as a result of technical input from both the Town of Grafton and its professionals as well as further input from both the Rensselaer County Department of Health and the Rensselaer County Highway Department.

II. Additional Technical Input.

A.) Technical Review Meeting- January 9, 2009.

A technical meeting with the Developer and the Town of Grafton Professionals with the Rensselaer County Department of Health and the County Highway Departments was held on January 9, 2009. At this Meeting the following topics were discussed and evaluated:

1.) Visual/ Lake Impacts:

It was discussed that the reduction in number of Lots from 26 to then 22 would serve to substantially mitigate both Lake water quality as well as visual impacts, but it was suggested by the Town and County that the clearing for septic systems on certain Lots, such as Lots 15 and 23, be staggered with adjacent Lots to minimize any possible impacts. The Developer reaffirmed the

restrictive covenants which will serve to minimize these impacts such as the covenant 100' buffer along the waterfront as well as the fact a local law will serve to render these protections enforceable by the Town should a violation be threatened. Please see Exhibit "A".

2.) Septic Design:

With respect to septic design, all Lots are proposed to have raised bed septic systems with Lots 1, 5, 6, 7, 11, 12, 19, 24, 26 and 27 to include removal and replacement of soil to accommodate the raised bed systems. The possible location of at least some of the materials to be removed to within the Project was discussed as a means to mitigate off-Project road impacts. The prospect of retaining on-site certain of the material to be removed was to be further considered and evaluated.

It was also discussed, and agreed by the Developer, that septic systems for Lots along the Lake be modified such that the expansion areas are closest to the Lake and the regular septic system furthest from the Lake.

3.) Project Layout:

In an effort to improve Project layout and further mitigate visual impacts, it was suggested, and the Developer has agreed, to relocate the house lot for Lot 14 to the North/ higher on that Lot. The Developer has also agreed to review overall Project locations of home sites to further improve Project layout and design. Please see Exhibits "B" and "C".

4.) Hiking Trail:

The Project drawings to be amended to be consistent with the Developer's agreement to reduce the width of the Hiking Trail from 15' to 8' to eliminate the concern regarding the use of these trails for motorized vehicles. Please see Exhibit "A".

5.) Boat Launch:

With respect to the Project's common Boat Launch, the Town has requested and the Developer has agreed to expand the turn-around area to 100' x 100'. Please see Exhibit "C".

6.) Stormwater and Grading:

Project storm water and the grading of lots was discussed with the Developer; it was requested that the Developer have created and submit a 50 scale drawing of both the Northerly and Southerly parts of the Project showing all lots, home sites, proposed septic layout, well and grading, as well as to identify replacement soil lots, to allow a further technical review of the overall Project by the Town and County Professionals. This further technical review meeting was scheduled for January 22, 2009.

7.) Project Road:

The Developer has agreed to have Project road profiles, as specified by the Town and County professionals, prepared and submitted for the Technical Meeting on January 22, 2009.

B.) Technical Review Meeting- January 22, 2009.

A second technical meeting with the Developer and the Town of Grafton Professionals with the Rensselaer County Department of Health and the County Highway Departments was held at the offices of the Department of Health on January 22, 2009. The detailed discussion and dialogue at this second technical meeting resulted in further Project refinement and mitigation, as well as in the issuance of a letter from Fred Howard, P.E. of the Rensselaer County Department of Health dated January 23, 2009 granting Concept Approval for the project Sewage Disposal Systems. A copy of this letter is attached as Exhibit "D".

1.) The Lots:

a) Visual and Lake Impacts:

The staggering of the development of Lots 15 and 23 to substantially mitigate any visual or Lake impacts as mentioned above, was discussed in more detail. It was agreed that neither Lot 15 nor Lot 23 may be disturbed while either of their adjacent Lots are being developed to until the cleared area is stabilized. The Town Engineer has agreed to review and approve the stabilization practice to be employed. Consistent with this Lot 15 may not be disturbed to allow development if Lots 14 or 16 are then disturbed and Lot 23 may not be disturbed if Lots 22 or 24 are disturbed until the cleared area is stabilized. It is intended that of these two groups of three Lots: 14-16

and 22-24, that no two adjacent Lots shall be disturbed at the same time, unless and until appropriate soil stabilization consistent with good engineering practices and the requirements of the Town Engineer is achieved. Please see Exhibit “C”.

b.) Septic and Leach Field Layout:

It was suggested that the septic system leach fields be configured to be wider and narrower. The leach fields would have the same number of square feet but fewer laterals and a “bow-tie” shape. This modification to design will be made by the Developer.

c.) Septic System- Replacement Soil Lots:

As discussed above, for constructing the raised bed systems Lots 1, 5, 6, 7, 11, 12, 19, 24, 26 & 27 will require the removal of existing soil and replacement with appropriate percable soil. Concern has been expressed about potential adverse impacts on Town or County roads from the truck traffic necessary for the removal and replacement of soils. The following mitigations were discussed and agreed upon:

i.) Rock/ Stone/ Boulders.

It was discussed that any rock, stone or boulders in the material removed may be retained on the Project for use as landscaping, stone walls or boundary markers to mitigate any off-site road impacts.

ii.) Truck Route.

It was agreed that any trucks hauling such material must travel directly to and from the Project via NYS Route 2, to County Route 85, to South Long Pond Road with no other routes to be permitted.

iii.) Hours of Truck Travel.

Truck travel shall be restricted to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, with no such Truck travel on Saturday or Sunday.

iv.) Alternative Septic Systems.

The Rensselaer County Department of Health (the “RCDOH”) has indicated that any consideration of alternative design septic

systems, such as the peat fibre systems as was discussed in the SDEIS, would be post final approval and in the discretion of the RCDOH on a case by case basis.

v.) Rensselaer County Department of Health Sign-off.

With respect to the twelve (12) Lots not requiring replacement soil, the RCDOH final sign-off shall be after final approval by the Planning Board. With respect to the ten (10) Lots requiring replacement soils, the RCDOH final sign-off shall also be post final approval by the Planning Board, but also after the soil replacement on these Lots has been completed.

d.) Well Relocation:

As a result of input from the Town, topography and the ability to access the location with a drilling rig, the well for Lot 4 has been relocated.

e.) Driveways:

The Developer has worked with the Town Highway Superintendent to locate the driveways and agree upon the slope for each Lot with the driveway slope and location for each Lot now agreed upon. Due to the topography on certain Lots and the need to exactly locate and construct the driveway, the Developer has also agreed to construct a portion of the driveway on Lots 3, 4, 5 and 7, with Lots 6 and 8 still to be determined after further review in the field between the Developer and the Town.

f.) Grading Easement:

In the interest of allowing the contours and grade along Lot lines, in the area to be cleared for the home site, septic and driveway to be maintained, it has been suggested that a grading easement be reserved in each deed. The Developer has agreed to reserve a 15' grading easement in the deed for each Lot to allow the Lot owner the right to enter 15' onto the adjacent Lot for purposes of maintaining the contour and grade in the immediate area of the Lot owner's area cleared for purposes of the home site, septic and driveway. The specific contours and grade to be maintained and preserved shall be as set forth on the approved drawing showing all contours and topography, which is

identified as “The Lake at Sylvan Way Grading Plan Lots 1-8” and “The Lake at Sylvan Way Grading Plan Lots 10-27” with copies of these approved plans to be filed with Town of Grafton Planning Board and the Rensselaer County Department of Health.

2. Sylvan Way - The Road:

a.) Entrance Geometry:

As a result of input from the Town, the Developer has realigned the Road entrance with the basin moved to the South side of the Road. This reconfiguration creates a more perpendicular intersection with South Long Pond Road, serving to slow traffic and thereby enhancing safety. This relocation also places the pond in an area with less steep slopes which will likely eliminate the need to later re-configure should this Road be offered for dedication.

b.) Culverts:

Additional culverts have been added along the up-hill side of the Road to catch storm water. Additionally, as a result of the last technical meeting the culvert lengths have been reduced with the longest culvert now 60’ long with which the Town professionals are satisfied.

c.) Detention Ponds:

Detention Ponds have been moved away from the Gundrum property line to the East yet remain, as requested by the Town, outside of the Road ROW.

d.) Access to Detention Ponds:

Access to the detention ponds was discussed, with the Developer having designed a small access drive to each pond and a level area directly adjacent to each pond to allow access to clean out and properly maintain the basins. There will be a turnaround at the end of each access drive.

e.) Road Specification, Fabric and Profiles:

The Road is being constructed consistent with the Town of Grafton Type I Road Specification which requires road fabric, base material then top material. Based upon agreement with the Town Highway Superintendant, blacktop paving is not required since South Long Pond Road is also a gravel road. Base material is typically 16" of "Clean Bank Run", with 4-6" of "Item 4" as the top material. A drawing of the Road Profile was discussed. The Town Engineer indicated that if the road fabric is upgraded, the amount of base material could be decreased. The Town Engineer also suggested testing the existing base to determine suitability which could further reduce base layer requirements.

f.) Flat Area:

At the flat area of the Road between stations 1,900 and 2,400, the Town Engineer has suggested that a honeycomb fabric or other fabric to facilitate the movement of water under the sub-base of the Road be considered. The Town has suggested and the Developer has agreed that the sub-drainage in this area "day-light", and that no catch basins be used.

g.) Cul de Sac:

At the suggestion of the Town, the portion of the Road in the Cul de Sac shall be 12' wide with a 2' shoulder on each side and shall be one way, counterclockwise to the right to further enhance Project safety.

h.) Velocity of Storm Water Flows:

i.) Rock Lined Weirs.

It has been suggested and agreed that additional rock-lined weirs with rip rap be used to further reduce the velocity of flows.

ii) Otter Cove.

With respect to storm water design above Otter Cove, to further dissipate any velocity it has been suggested that a flared rip-rap apron from the proposed 24" culvert outlet, with "check dams" every 50' and a "level spreader" be installed. The

design intent is to have the storm water run-off from the level spreader sheet flow over the undisturbed woodland floor before reaching Otter Cove. The Developer has agreed to this design.

i.) Green Space/ Rain Gardens:

It was discussed that some drainage from the Road will collect in the Green Space of the Cul de Sac; any drainage coming down the associated diversion swales would travel into the rain gardens located on each Lot.

j.) Easements.

i) Inspection/ Emergency Easements.

The Town has suggested that an Easement for purposes of inspection as well as for emergency purposes be granted to the Town to allow the Town to enter the Project to address any issues relating to the Project detention ponds or related to storm water infrastructure such as in connection with the culvert and drainage swales above and at Otter Cove. The Developer has agreed to grant these easements to the Town.

ii) Drainage Easement.

The Town has also requested that a drainage easement be granted on Lot 12 across the North Westerly corner of the intersection of Sylvan Way with the Project Cul de Sac at an angle of 45 degrees. The Developer has agreed to grant this drainage easement to the Town.

k.) Emergencies:

The Town has suggested that in the event that the Town is required to address an emergency at the Project, the Town would invoice the Homeowner's Association (the "HOA") on a time and material basis to address any such circumstance.

C. Additional Project Features and Mitigation.

1.) Helicopter Clearing:

It has been suggested by the Town that a cleared area sufficient to allow a Helicopter to land for emergencies be created on the North side of the Green Space which is the center of the Cul de Sac. The Developer has agreed to create this open space. Please see Exhibit "C".

2.) Environmental Engineering and Project Maintenance Manual:

The Town has requested that an "Environmental Engineering and Project Maintenance Manual" be created for use by the HOA and as a reference material for the Town. This Manual will provide details of the procedure/requirements for maintaining the detention ponds, culverts, swales, aprons, spillways, rain gardens, etc., as well as details regarding each individual Lot. Additionally, the site disturbance limits and maintenance requirements will be reaffirmed with certain portions of the Project SWPPP and Erosion and Sediment Control Plan to be incorporated into this document.

3.) Local Law:

It was discussed that the Town intends to enact Town Law establishing a permit system and to post roads with a 10 ton weight limit as a means to mitigate any impact to roads from truck traffic on a Town-wide and continuous basis from any project or property in the Town of Grafton.

4.) Additional Items:

i.) Gravel for South Long Pond Road.

The Developer has agreed to pay for 2,500 cubic yards of gravel (8,000' x 20' x 5"= 66,720 cubic feet= 2,471 cubic yards) for South Long Pond Road, this gravel shall be spread, rolled and compacted by the Town.

ii.) Water Wagon.

The Developer has agreed to pay for a "Water Wagon" for use by the Town Highway Department, in its discretion, throughout the Town, as will fit present Town equipment. This Water Wagon was generally

described in the attachments to the DEIS.

iii.) Signage.

The Developer shall pay for signage for use on the Project Road, Sylvan Way, including a Road name sign “Sylvan Way”, a “Stop Sign”, “One Way” and “Do Not Enter”, following the Manual on Uniform Traffic Control Devices.

iv.) Benker School Road.

a.) Locate Corner Pins.

The Developer has agreed to have his land surveyor locate the corner pins of the lot at the sharp turn on Benker School Road to facilitate the Town’s reconfiguration of this curve.

b.) Benker School Road Stop Sign.

If the Town is unable to acquire the piece of land on Benker School Road to allow it to eliminate the sharp turn, the Developer shall pay for a “Stop Sign” at the intersection of South Long Pond Road and Benker School Road.

v.) Fire Department.

The Developer has agreed to make a donation to the Town of Grafton Fire Department, in an amount to be agreed upon, with the funds to be used in the discretion of the Fire Department.

III. Conclusion.

This SSDEIS evidences the considerable evolution of this Project and the extensive mitigation measures employed. The significant technical scrutiny, input and dialogue has lead to identification and resolution of fine nuances of the Project resulting in subtle refinements which are consistent with the intent and goal of the SEQRA process.