

Supplemental Draft Environmental Impact Statement

January 9, 2009

“The Lake at Sylvan Way”
Grafton, NY 12082

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Exhibit Schedule

- Exhibit A.....Town of Grafton Minutes of Public Hearing October 20, 2008
& Written Comments Received from the Public.
- Exhibit B.....Memorandum dated December 2, 2008 from Fred Howard
PE, Rensselaer County Department of Engineering and
Letter dated December 2, 2008 from Russ Reeves, CEng,
PE, Town Engineer, Town of Grafton.
- Exhibit C.....Revised Subdivision Plat dated January 7, 2009.
- Exhibit D.....Alternative Septic Design Proposal: Peat Moss Fibre System.
- Exhibit E.....Purchase Contract for Otter Creek dated January 6, 2009.
- Exhibit F.....Tax Map “Density of Existing Lots” dated November 1, 2008.
- Exhibit G.....Copy of Parcel Sale Advertisement.
- Exhibit H.....Map of Lake Renee Plan by Continental Placers dated
October 18, 2007.

I. Project Summary.

A. Introduction.

This Supplemental Draft Environmental Impact Statement (“SDEIS”) 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.

B. Procedural History.

The Draft Environmental Impact Statement (“DEIS”) was submitted by the Developer to the Town of Grafton Planning Board and by resolution of that Board on October 1, 2008 was deemed complete and accepted. A Public Hearing on the DEIS was noticed and was held by the Town of Grafton Planning Board at the Grafton Town Hall at 6:00pm on Monday October 20, 2008. Oral and written comments were received at the time and place of the Public Hearing with the period for submission of written comments remaining open to Friday November 7, 2008.

A total of 11 written comments were received. Attached hereto as Exhibit “A” is a copy of the Town of Grafton Minutes of the Public Hearing as well as copies of the written comments received which are arranged in chronological order. Oral comments are specifically referenced and discussed as well. Comments were offered by: Allan Randall, Atsushi Akera, Maynard Krug, John Munn, David Hunt, Ph.D., Lawrence Howard, Esq., Rachel Riemann Akera, Bill Walsh*, Pierce Hoyt*, Lois Gundrum*, Andrea Miller, Alan Hasbrouck, Jr., Joseph Baniak, Meredith S. Mueller, Lisa Hoyt, and the Town.

*Oral comments only.

Additional specific comments on this Project were offered by Memorandum dated December 2, 2008 from Fred Howard, PE of the Rensselaer County Department of Engineering and by letter of the same date to the Grafton Planning Board from Russ Reeves, CEng., PE the Town Engineer for the Town of Grafton. Copies of both of these writings are included as Exhibit “B”.

This SDEIS incorporates and responds to all substantive comments received relating to the Project at the public hearing as well as concerning the DEIS and those comments received during the public comment period all in accordance with SEQRA. The totality of the approval process thus far combined with the DEIS, the public comment and input from others and this SDEIS provide a solid factual basis for the Planning Board's consideration of this Project, its features, impacts, mitigation, merits and the evolution of design as a result.

This process and basis is consistent with the foundation required and responsibilities of the Planning Board under SEQRA to take a "hard look" at the Project and its impacts.

This SDEIS is arranged topically in the same order as the DEIS with cross reference to the discussion of issues raised, both oral and written. This SDEIS identifies the topic, the comments/ input received, the Developer's response/comment including proposed mitigation and any modifications to the Project as a result of the input. The Developer's comment is set forth in italics for ease of review. An alternative analysis describing the evolution of this Project and the range of reasonable alternatives which were considered and which are feasible considering the objectives and capabilities of the Developer is set forth in Section VI.

C. Comments on the Overall Project.

1.) Summary of Global Concerns:

Comments from the public as well as by Fred Howard and Russ Reeves included technical engineering comments as well as concern about the density of the project, specifically that of the lakefront lots. The lakefront lot density of 15 proposed lots lead to issues of excessive clearing to accommodate home sites plus driveways as well as the area required for the raised bed septic systems. The density and the clearing of trees lead to secondary issues including potential erosion/ sediment run-off into the lake and impacts to the water quality as well as in connection with the cross grading of lots. The clearing was also articulated as resulting in potential negative visual impacts from and across the lake. The raised bed septics for each lot would also require the removal and replacement of soils. To accomplish this removal and replacement of soils will also require truck traffic with potential negative impacts to Town and County roads.

2.) Developer Alternatives/ Mitigation.

a) Evolution of the Project due to Public Input:

The proposed project has evolved over the course of the last year and a half. The property was acquired by the Developer on January 15, 2008. As a no action alternative, the Developer has offered this entire tract for sale as a single parcel of land since January of 2008. To date, there have been no offers received for this property as a single lot.

The Developer has proposed a number of further alternatives for this parcel with the initial number of lots proposed of 37 lots. The total number of lots was reduced to 27 lots with 15 being lakefront lots. Extensive green buffers and walking trails were incorporated into the project. The Developer also entered into a written agreement with the Friends of Dyken to convey a prime 23 acre lakefront tract of land to this not for profit to be used for educational purposes and never to be developed, serving to protect this parcel in perpetuity. The number of lots was then reduced from 27 lots then to 26 lots with the number of lakefront lots remaining at 15.

b) Further Modification to Project Design following Public Hearing.

Developer Comment: *As will be discussed in detail in this SDEIS, the Developer has now redesigned this Project to address issues identified through the public comment process and interaction with the Town to reduce the total number of lots to 22 and, significantly, to reduce the total number of lakefront lots from a total of 15 to 11 which is a 26.6% reduction in the number of lakefront lots. The Developer believes that this post public hearing substantial reduction in the number of lakefront lots serves to dramatically reduce any potential impacts of this Project which are discussed at length below. Attached as Exhibit "C" is a copy of the revised Subdivision Plat.*

Further, to address the concerns articulated regarding the removal and replacement of soils for the raised bed septic systems, the Developer has researched alternative septic designs which, if approved, would eliminate the need to remove and replace soils and therefore eliminate any adverse impact on Town and County Roads. Information regarding the alternative septic design proposed, a peat moss fibre system, is attached as Exhibit "D". The approval of this peat fibre septic design would also significantly reduce the amount of clearing of trees on each lot and serve to further mitigate any potential impacts on the lake.

3) Overall Project Comments by the Public.

David Hunt, Ph.D., Ecologist offered:

"I strongly support the evolution of the development plan to propose the E section of Lot #13 as the building area (and assumed sale of the W part of the lot to Friends of Dyken Pond). Because this action protects -80% of the important biodiversity features of the site that I track, someone who is looking to all "environmental" issues typically addressed in an EIS might consider this an appropriate balance, and I would take satisfaction in knowing that not all of the areas and/or features that I care about, track, and try to preserve were to be destroyed or impacted. The remaining 20% of the features, as mentioned in my October 14, 2008 letter seem best addressed via the goodwill of the developer and more importantly town & regional planning activities that better and more broadly address cumulative impacts" and

"Overall, the project probably represents a good balance of protecting and/or minimizing impacts to the existing important biodiversity features versus putting a major subdivision in a site which is not conducive to preserving the natural landscapes of the town or the Rensselaer Plateau region".

D. Restrictive Covenants.

David Hunt, Ph.D. Ecologist offered:

"In my opinion, Stonybrook has done much to try to preserve "natural beauty", many native biodiversity features, and ecological integrity at a local scale (within the 141 acre site) via the conception and proposition of restrictive covenants. Many of these covenants will also help to minimize impacts to nearby large-scale forest landscape features (such as forest interior core area and a forested wildlife corridor)".

Developer Comment: The restrictive covenants have been further refined to conform to the revised project configuration.

E. South Long Pond as a Cultural not Natural Resource.

David Hunt, Ph.D. raised the cultural importance of this man-made impoundment and concluded that:

“Most of my concerns about the county-rare aquatic species of the pond seem mitigated by the restrictive covenants (except perhaps for cumulative impacts to water quality). Again in my opinion, Stonybrook has done much to try to minimize water quality impacts at a local scale (within the 141-acre site) that could alter aquatic species composition and affect rare plants”.

Developer Comment: The Developer’s reduction in lakefront lot number from 15 to 11 dramatically reduces density and clearing as well as any potential impacts on the lake.

F. Alternative Site Design.

David Hunt, Ph.D. concludes that even a more clustered design is preferable from an ecological perspective and that:

“As the EIS states, given the large cost paid by Stonybrook to acquire the land, their goodwill in initially offering to sell the entire property to Dyken Pond Center, their goodwill in offering and presumably currently negotiating to sell the 23-acre Otter Cove parcel to Friends of Dyken Pond, and the moderate clustering of houses in the current site design plan (mentioned as a concern in the public comments of one person at the public hearing who thought that it was too dense), it seems to me that Stonybrook has done much to explore alternatives and I praise their efforts in doing so”.

Developer Comment: The present Project design of 22 lots total of which just 11 are lakefront lots represents a mild clustering with significant preservation of open space. The evolution of this Project represents a mitigation of impacts as a result of public input and its commitment to creation of a green project consistent with its natural surroundings.

II. Description of the Proposed Action.

A. Project Purpose, Need and Benefits.

1.) Adherence to Town Master Plan.

David Hunt, Ph.D. expressed concern about conformity with the 1990 Town Master Plan which recommends a minimum lot size of 15 acres vs. the 2 acre minimum size lot in the project yet again references the appropriateness of cluster development, even smaller lots with more intact natural areas then remaining. Mention was also made of the importance of the preservation of wildlife corridors (See Sections I (D) & I (F) above).

Maynard Krug raises issue of the gross acreage computation with gross average lot size said to be 3.81 acres rather than 5.4 acres as set forth in the DEIS.

***Developer Comment:** It is the Developer's position that the gross acreage computation as stated in the DEIS is correct at 5.4 acres and that the deductions suggested by Mr. Maynard penalize the Developer for conveying and/or protecting open space which is consistent with protecting necessary wildlife corridors and forest resources. Based upon the reduction in number of total lots from 26 to now 22, the adjusted gross average lot size is now 6.14 acres.*

2.) Green Development Objective.

David Hunt, Ph.D. indicates "I support "green development" as an objective, especially the aspect described in writing that is aimed to minimize adverse environmental impacts".

***Developer Comment:** The green nature of this project has been still further enhanced by the reduction in lot total from 26 to 22 and the proposal that alternative septic design, peat fibre septic systems, be approved for this Project.*

3.) Taxation Issues.

David Hunt, Ph.D. questioned if tax revenue from a development exceeds the cost of added municipal services and if an estimate should be prepared.

Developer Comment: *The Developer expects that many of the future homeowners will use their residence as a second home and as a result believes there will be little, if any, impact on the schools. Additionally, this Project will be accessed from a private road with no burden on the municipality to maintain this road. Based upon these facts alone it is reasonable to assume that the taxes to be paid by these homeowners will well exceed any added cost of municipal services resulting from this Project.*

B. Location.

Location is discussed throughout this SDEIS.

C. Design and Layout.

1.) Open Space Area Calculation.

David Hunt, Ph.D. points out that it is an additional 17 acres of land remaining in its natural state on the individual lots, not 35 acres. He also added that the open space calculation in the DEIS was based on 27 lots.

Developer Comment: *The reduction in the total number of lots from 26 to 22 still further increases the open space and amount of land remaining in its natural state.*

2.) Ecological Forest Conversion.

David Hunt, Ph.D. has suggested an additional calculation for the EIS: “The new calculated estimates for areas of forest condition on the site in a pre- vs. post-development state, as revised from my February 18, 2008 letter, where I detail anticipated impacts to the “State-Significant /County-Exemplary Forest Communities” based on planned changes in the forest condition and application of ranking guidelines of NYS DEC for the specific forest types, are as follows:

Existing condition (-2007):

118 acres of B-ranked (good) to BC-ranked (good to fair) condition forest

Post-development condition:

0 acres of B-ranked (good) condition forest

23 acres of BC-ranked forest (Otter Cove Parcel)

(degraded from B to BC due to degradation of adjacent landscape to E)

69 acres of D-ranked (poor) condition forest
(degraded from B to BC due to new fragmentation by 26 residents and roads)
26 acres non-forested (developed)
(converted from a forest to a cultural community due to forest clearing/displacement”).

D. Construction and Operation.

1.) Enforcement of the Protective Covenants.

A number of individuals expressed concern and offered comment on this issue including: Merideth S. Mueller, Joseph M. Baniak, Rachel Riemann-Akera, Atushi Akera, Lisa Hoyt, John Munn, Lois Gundrum, Alan Hasbrouck, Jr., Andrea Miller, David M. Hunt, Ph.D., and Lawrence E. Howard, Esq.

***Developer Comment:** The issue of the Town of Grafton’s authority and ability to enforce Planning Board and Town Board restrictions and protective covenants which are conditions of the Project approvals has been a priority of this Developer. The Developer believes that the Town’s ability to enforce these restrictions and covenants is consistent with orderly development of a project once lots are sold as well as with the best interest of the Town as a whole. The Developer has met with the Town on this topic, has retained counsel to research and work with the Town Attorney to determine how to approach this issue. The culmination of these efforts is that the Town Attorney has indicated that the Town is considering adoption of a Local Law expressly granting the Town the power and authority to enforce protective covenants and restrictions which are conditions to project approvals and to levy fines for violations. This authority of the Town would apply to all projects and approvals on a Town-wide basis.*

As an additional and further protection for this Project, the Sylvan Way Homeowners Association (“HOA”) would possess the authority to enforce these covenants and restrictions which would be incorporated into the HOA Declaration.

E. Approvals.

Approvals are discussed throughout this SDEIS.

III. Environmental Setting.

A. Geology/Topography.

David Hunt, Ph.D. suggests that for areas with >15% slope with proposed driveway construction, if there is possible impact to Otter Cove, mitigation measures to protect county-rare plants should be used, including using designs to minimize siltation or relocate driveway/ house site.

Developer Comment: *Consistent the Project's SWPPP and Storm Water Management Plan, all project storm water will be managed and controlled in full accordance with the NYS DEC storm water regulations.*

B. Water Resources.

1.) Water Quality Concerns of Dyken Pond.

Rachel Reimann-Akera, and Lisa Hoyt expressed concern about possible run-off into Dyken Pond.

Developer Comment: *As noted previously, the Developer's reduction in total lots from 26 to now 22 and reduction in lakefront lots from 15 to 11 will significantly reduce any concern about run-off and impacts to the lake. Additionally, all of the Project's storm water/ drainage for the road, septic system, home sites, driveways and wells will be completed in accordance with the approved engineering plans and with the Project's SWPPP. All such design is in complete compliance with the standards of the NYS DEC Storm water standards and requirements as well as with the Rensselaer County Health Department's strict guidelines which prohibit runoff into the lake in excess of the present amount.*

Additional protections for the Dyken Pond incorporated into this Project design include: 1) a single boat launch of 25' +/- is permitted along the entire 6000' of pond frontage. Since there will be no launching from individual home sites, drainage/ erosion from individual lots will be significantly curtailed if not totally eliminated, 2) none of the 100' waterfront buffer areas can be clear cut, nor uprooted, and at least 50% of the vegetation is required to remain, 3) For each individual lot, no more than 1 acre can be cleared/ altered, with the remaining land remaining intact, including the

understory, serving to protect wildlife, bird nesting, as well as to provide additional protection from runoff/ erosion.

2.) Well Drilling and Erosion and Sedimentation Control.

Alan Hasbrouck and Pierce Hoyt raised the issue of possible run-off migration of grey water from well drilling.

Developer Comment: *The engineer's approved plans and SWPPP will require appropriate drainage protections be utilized to prevent run-off from the slurry grey water associated with drilling wells. Additionally, most of the proposed wells are located at least 350' from the lake. Also, per Health Department requirements, 3 drilled wells have already been completed with comprehensive water quality and quantity testing; all tests meet the applicable requirements.*

3.) Road Layout & Profile Grading Plan for All Home Sites, Residential Sewage System Profiles for Each Home Site, Storm Water Drainage Design.

Developer Comment: *21 engineering design sheets (24" x 36") were submitted to the Rensselaer County Health Department, Herb Hasbrouck, Russ Reeves, P.E., Fred Howard, P.E., and Dan Casey, Sanitary Engineer. These were prepared by Harold Berger, Professional Engineer, Brian Holbriiter, Licensed Professional Surveyor, and Scott Reese, Registered Landscape Architect.*

The present significant modifications to the Project require the revision of both drawings and engineering reports. Modifications to the Project which are the result of input from Town and local officials as well as public comment, are as follows:

- a) Reduction in the number of total lots from 26 to 22 and the reduction in the number of lakefront lots from 15 to 11.*
- b.) Exact placement, and locations & design of the retention ponds, to accommodate possible future realignment of the confluence of Sylvan Way with South Long Pond Road, allow a more natural dispersion and purification of the storm water run-off, and be separated further to the west from the Gundrum land preservation area;*
- c.) Elimination of common access aprons;*
- d.) Inclusion of a vegetative clearing easement along the road frontage of Lot*

- # 1 to help ensure proper site distance;*
- e.) Re-design of the basins into more narrow elongated shapes closer to Sylvan Way for easier maintenance with multiple outlets that will disperse over level spreaders to reduce the single point concentrated outlets;*
 - f.) Change the traffic flow around the loop to one-way thereby improving traffic safety and minimizing the environmental impact in the area;*
 - g.) Culvert length shall be kept to a minimum to allow ease of maintenance;*
 - h.) Assurance through effective home site design with rain gardens that all lots will safely accommodate drainage;*
 - i.) Adjust the drainage swales along lot 10 to assure proper drainage in a relatively flat area, and to locate them further off the edge of the road to reduce any possible scouring close to the road edge.*
 - j.) Proposed consideration of Peat Fibre Septic Systems in place of the originally proposed raised bed systems. The use of Peat Fibre Systems will minimize the removal of existing vegetation on the individual lots as well as eliminate the need to both remove and replace soils as was required for the raised bed septic systems.*

4.) Otter Creek.

David Hunt, Ph.D. expressed concern about the conveyance of the Otter Cove parcel to the Friends of Dyken Pond and whether this conveyance will be consummated; John Munn and Lisa Hoyt echoed this concern.

Developer Comment: *The Developer has extended the Purchase Contract in which it agreed to convey this property to the Friends of Dyken upon final approval of this Project. Attached as Exhibit "E" is a copy of the Purchase Contract dated January 6, 2009. Consistent with that Purchase Contract, the Developer has offered to finance up to \$30,000.00 of this acquisition cost for the Friends. According to Jim Bonesteel of the Friends, at least 50% of the funding to purchase the Cove parcel has already been obtained.*

Upon obtaining final approval for this project, this parcel is to be conveyed to Friends of Dyken. Should the Friends of Dyken elect not to close, the Developer will place a restrictive covenant in the deed to this parcel to restrict its use in perpetuity for only recreational or educational purposes and that it may never be developed. This is an important conveyance not only for this project but also for the Dyken Environmental Center, because it results in preserving 1100' of contiguous water frontage with the 23 acre "Otter Cove" parcel which greatly enhances the protection of the 700 +/- acre Dyken Environmental Center.

5.) Stream Presence Onsite.

David Hunt, Ph.D. indicates while there are no federal or state designated streams there are potentially 1 or 2 intermittent streams, both of which are located on the protected Otter Creek Parcel.

***Developer Comment:** As discussed in detail above in Section III(B)(4), the Otter Cove Parcel will be preserved in perpetuity for recreational/ educational purposes and may never be developed.*

C. Air Resources.

1.) Air Quality.

No public comments received.

D. Terrestrial and Aquatic Ecology.

1.) Vegetation.

a.) State- Rare Species.

With respect to specific State Rare Species, David Hunt, Ph.D. indicates that Farwell's Water Milfoil is listed as "threatened", per the New York Natural Heritage Program. He further states that no direct impacts from this development will occur on this plant, especially because of the planned green buffer zone and planned limited lake access from residences.

Also mentioned by Lisa Hoyt, in order to prevent Eurasian Milfoil from being introduced into the lake via boats from residences on Sylvan Way, lot owners should be provided appropriate educational materials to help prevent this introduction from this development.

***Developer Comment:** As noted, the limitation in the site design of this Project to one boat launch area, with appropriate warning signage, should reduce the chance of introduction of Eurasian Milfoil into the lake. All lot owners will also be apprised of the following:*

"It is very important that boating, anglers, and other recreational enthusiasts take precautions to avoid transporting invasive species, particularly after leaving a water body known to have an aquatic invasive species. DEC

strongly recommends the following precautions: Inspect and clean your fishing and boating equipment and remove all mud, plants and other organisms that might be clinging to them.”

“Dry your fishing and boating equipment before using it on another body of water. Drying is the most effective “disinfection” mechanism and is least likely to damage sensitive equipment and clothing. A basic rule of thumb is to allow at least 48 hours for drying most non-porous fishing and boating gear at relative humidity levels of 70 percent or less.”

“Disinfect your fishing and boating equipment if it cannot be dried before its use in another body of water. Disinfection recommendations vary depending on the type of equipment and disease or of concern. Be particularly aware of bilge areas, live wells and bait wells in boats. These areas are difficult to dry and can harbor invasive species.”

David Hunt, Ph.D. also raises that it could be useful to update the County Rare Plant Occurrence Summary which was attached to the comments received with a survey of near shore areas, however he concludes: “It may be useful to update the information in the EIS based on the two attachments. I assume that no surveys of near shore areas along the property were done for the EIS to examine plants such as this state-rare species. If my information is in question, I suggest surveys be done to evaluate and/or refine it, although I suggest it is probably not necessary due to only very minor impacts suspected to this species from the project”.

b.) Forest Maturity and Condition.

David Hunt, Ph.D. states that the forest is not “old growth” but a “climax forest”. He also adds that the portion of this site to be developed is “assumed and suspected that the forest there is less mature than that in the area W of Otter Cove based on differences in past access and reports of recent logging activities”, but fragmentation of the developed portion of the site will result from the road and lot clearings.

Developer Comment: *The reduction in number of lots from 26 to 22 will reduce the amount of clearing required on each lot as would the approval of the proposed alternative peat fibre septic system design. Therefore, the combination of these Developer mitigations will result in a reduction in forest fragmentation as well as the preservation of existing vegetation.*

c.) Rare Communities.

A previously unknown example of one state-rare community type, the aquatic/riverine community “Spring”, was noted W of Otter Cove during a June 23, 2008 visit to the area.

***Developer Comment:** This Spring would be protected with the planned sale of the Otter Cove Parcel to Friends of Dyken Pond (See Section III(B)(4)).*

d.) Landforms.

David Hunt, Ph.D. suggests the addition of “Landscape Fragmentation” as it relates to disruption of forest/ wildlife corridors and one- forest interior area. Allan Randall mentioned preservation of forest tracts of land. Please see Section III (D)(2)(b) below for comment on this issue.

2.) Fish, Shellfish and Wildlife.

a.) Forest- Interior Mammal & Bird Presence.

David Hunt, Ph.D. indicates that four county-vulnerable forest- interior birds were heard calling in the area of the Otter Cove Parcel, which is being preserved and conveyed by the Developer to the Friends of Dyken. Dr. Hunt indicates that despite the forest fragmentation, this conveyance will protect all known habitat where the species have been noted. Additional suggested mitigation for the protection of birds and mammals is minimizing the domestic cat and dog populations and limiting loud noise during nesting seasons.

b.) Forest Fragmentation/ Contiguous Forest Area.

Allan Randall raised the importance of contiguous forest areas. David Hunt, Ph.D. indicates;
“As noted in the EIS, the project will impact only a small percent of the large Rensselaer Plateau Forest. The most significant impacts of the project are to key smaller features of the broad forest (forest-interior areas & forest corridors) that are necessary to maintain its ecological integrity but that are progressively shrinking across the plateau. While it is probably unfair to hold this one project responsible for cumulative impacts, without the planning

board addressing this issue, each subsequent development can make the same argument until the cumulative impact threshold is crossed and the regional importance of these features is lost forever”.

“The set aside of 50 +/- acres of green space, the extensive green buffers and various deed restrictions are being effectively utilized to find a reasonable balance between the needs of wildlife and the objectives and capabilities of the tax paying property owner”. “Many of the covenants (in this project) will also help to minimize impacts to nearby large scale forest landscape features (such as a forest interior core area and a forested wildlife corridor)”.

“The Rensselaer Plateau is approximately 100,000 acres of mostly forest, and only .03% (3/100ths of 1%) is affected by this development. To better protect this area now and in the future, other abutters, landowners, concerned citizens, the taxpayers, Towns, etc. can all contribute to protecting the 100,000 acre Plateau by adopting their own protective covenants, paying for the land through taxpayers dollars, enacting comprehensive zoning and/or other restrictive land use regulations, and complete a Town Comprehensive Plan”.

***Developer Comment:** As discussed, the reduction in number of lots from 26 to 22 will reduce the amount of clearing required on each lot as would the approval of the proposed alternative peat fibre septic system design. Therefore, the combination of these Developer mitigations will result in a reduction in forest fragmentation as well as the preservation of existing vegetation. The Developer believes that this process as well as the consideration of the peat fibre septic systems will prove to be of substantial benefit to the Town for the future.*

3.) Wetlands

David Hunt, Ph.D. indicates there is an approximately 1 acre wetland on the property, however “This wetland is expected to be safeguarded via the proposed sale of the W side of Otter Cove to Friends of Dyken Pond plus the 100-foot green buffer planned along the east side of this area”.

E. Agricultural Resources.

1.) Soils.

Comment made by Allan Randall regarding soils focuses on soils as they relate to septic systems.

Developer Comment: Please see Section III(H)(3) below.

F. Human Resources.

1.) Transportation Services.

a.) Roads.

John Munn, Bill Walsh and David Hunt, Ph.D. raised questions regarding:

- i) Mechanisms to Protect the Roads from Damage.
- ii) Road Maintenance.
- iii) Road Safety.
- iv) Sylvan Way Road Safety.

Developer Comment:

i) Mechanisms to Protect the Roads from Damage.

As discussed above, the Developer is proposing that alternative peat moss septic systems be approved for this Project. Utilizing peat fibre septic systems will greatly mitigate any impact to Town and County Roads by eliminating the need to both remove and replace soils as will be required for the raised bed septic systems which were originally proposed for this Project.

With respect to protections for the Town and County Roads, the Town Attorney has suggested that protection of the Town Roads could be addressed by enactment of a Local Law of the Town of Grafton authorizing the Town to require security or a bond from property owners Town-wide when proposed activities could be determined by the Town to create significant risk to a Town Road. Also, the Town presently has a law that empowers the Highway Superintendent to insure that the Town Roads are protected from damage which could occur during inclement weather or otherwise. Additionally, the future homeowners will be required to notify their contractors to contact the Town Highway Superintendent prior to moving heavy equipment to the sites to insure protection of the Road. Contractors and/ or property owners would be required to repair a Road if adversely affected during individual site development process.

ii) Road Maintenance.

Maintenance of Town Roads adjacent to this Project would be addressed in the same manner as maintenance of all other Town Roads which are maintained by the Town using available revenues for the benefit of the Town and its residents. The Developer has agreed to pay for 5” of gravel which could be used by the Town to cover the width and length of the Town’s South Long Pond Road to help maintain its integrity. The Developer has also committed to donate dust control equipment to the Town for the benefit of not only South Long Pond Road but also any road in the Town on which the Town chooses to use it.

iii) Road Safety.

The July 2008 Creighton Manning Engineering Reports clearly indicates that the traffic impact from the development will not impair the safety of the roads and intersections. With respect to Project safety improvements already completed and paid for by the Developer include: during the construction of the project driveway the Developer replaced and paid for an 80’ section of culvert along South Long Pond Road, significantly improving the drainage and visibility of the intersection with Sylvan Way, and installed a stop sign. With respect to future improvements, work at the intersection of proposed Sylvan Way with South Long Pond Road includes a 125’ entrance area which has been set aside. The Developer will continue to limit truck traffic to only when the weather is suitable without impairing the South Long Pond Road; this is consistent with practices employed during the driveway phase. With respect to the intersection of South Long Pond Road and Benker School Way, based upon input by the Highway Superintendent, additional land to the west is planned to be included to expand the turning radius and enhance the site distance. The Developer’s surveyor will locate the land and design the plan; a stop sign will then be added at a site to be chosen by the Highway Superintendent.

iv. Sylvan Way Road Safety.

As far Project road safety, the Developer, at the recommendation of the Grafton Town Highway Superintendent, has modified Sylvan Way to be one way around the cul-de-sac.

G. Land Use.

1.) Existing land use and zoning.

Existing land use is discussed throughout this SDEIS.

2.) Land use plans.

Land use plans are discussed throughout this SDEIS.

H. Community Service.

1.) Fire protection and emergency services.

Fire protection was mentioned by John Munn, Maynard Krug and Allan Randall questioning ease of access for fire fighting equipment and whether the dry hydrant should be located within this project.

Developer Comment:

After discussions with Town Fire Chief Jim Goyer and Grafton Highway Superintendent Herb Hasbrouck, the Developer will make a donation to the Fire Department to help the Department to purchase much needed equipment for use throughout the Town. Additionally, a clearing for a helicopter landing area is planned for the 2.2 acre green space located at the center of the Project cul de sac.

2.) Utilities.

No public comment received.

3.) Sewage treatment facilities and septic.

Alan Hasbrouck, Lisa Hoyt and Allan Randall referenced the septic systems.

Allan Randall also raised concern relating to depth of bedrock.

Developer Comment: *As mentioned above, the Developer is proposing that alternative design septic systems be approved for this Project. The type of system being proposed is a peat moss fibre system which would substantially reduce the amount of clearing on each lot and therefore preserve the open areas and existing trees and vegetation as well as greatly lessen any concerns about impacts to the lake from run-off. This proposed peat moss fibre septic system would occupy approximately 1,500 sq.ft. compared to a raised bed system which would result in 12,000 sq.ft. of disturbance. Additionally, the use of peat fibre septic systems would eliminate the need to remove and replace soils on each lot for the originally*

proposed raised bed septic systems and associated potential impacts to roads.

Should the peat fibre septic systems not be approved for this Project, as set forth in the DEIS, the lots will utilize raised bed septic systems. All of the septic system areas have been thoroughly examined at least on 4 different occasions to insure that all of the State and County Public Health requirements are satisfied. Several hundred deep holes to 4' to 6', and over 100 soils percolation tests have been completed not only in the planned septic areas, but also in the reserve areas. The septic areas have been examined by the Rensselaer County Health Department ("RCHD") staff and licensed engineers, and the 12 – 2' x 3' sheets of plans have been submitted to the RCHD for their review and approval. Also, in connection with these efforts the Developer has also confirmed the depth of bedrock; all septic systems will be designed to provide adequate percable soil in each system to eliminate the possibility of migration of septic effluent.

I. Demography.

1.) Density.

Density has been mentioned by individuals including: by Meredith Mueller, Alan Hasbrouck, Andrea Miller, Lisa Hoyt, Maynard Krug, and David Hunt, Ph.D.

Developer Comment:

This subject was addressed and discussed in the DEIS. Based on the initial 141 acres, the gross density of 26 lots is greater than 5.4 acres/ home site. However, consistent with the preservation of existing wildlife corridors and the continuity of the forest canopy and native vegetation, rather than impacting the entire site with 5+ acre lots this project clustered the lots and causes intact green space to remain to the east and west of the center of the property: To the east, 28 contiguous acres and 1,116' of water frontage has been set aside from development and to the west, 23 +/- acres with another contiguous 1,100' of water frontage also has been set aside from development. These 23 acres directly abut a 700 acre protected environmental center where no development will occur.

Since the filing of the DEIS and the receipt of public comment and input on the Project design, the Developer has reduced the total number of lots in this Project from 26 to 22 and has reduced the number of lakefront lots from 15 to

11, which represents a 26.6% reduction in lakefront density. This reduction in density will also significantly mitigate concerns regarding any visual or aquatic impacts as well as any engineering design issues.

With respect to overall Project design, this cluster-like design includes substantial buffers and green space preservation and is in direct contrast to the many small subdivided lots surrounding this site to the east and north which lack the waterfront set backs and the intact green space. As shown on the tax map dated 11/1/08, entitled “Density of Existing Lots”, which is attached as Exhibit “F”, these neighboring lots are 1 acre or less in contrast to Sylvan Way’s 2-5 acre lots.

It is also notable that this Sylvan Way site had a previous subdivision approval duly recorded in the Rensselaer County Clerk’s Office which consisted of 20 half acre lots in contrast to the gross average lot size of the Sylvan Way subdivision of now 6.14 acres. Mention has been made of the merits of the already approved Water’s Edge (WE) development being less dense, and with larger waterfront lots: the smallest lot size is 2.45 acres at WE, whereas the Lake at Sylvan Way’s smallest lot is 2.06 acres. A number of lots at WE are bisected and have considerable acreage on the non-lakefront side of the road, with all of the development occurring on the lakefront side of the road. Also, in contrast to WE, the protection of the shoreline is much greater for the Lake at Sylvan Way because of the strict 100’ buffer along the entire shoreline, and the prohibition against individual boat launches. The average water frontage per lot for WE is very similar to the Lake at Sylvan Way: around 400’. Significantly, a large portion of the total Sylvan Way Site water frontage, approximately 2200’ plus, is protected from further development, whereas, none of the water frontage was protected at WE.

With respect to a comparative analysis of proposed land use impacts for this Project, set forth below is a “Land Use Impact Analysis” which compares the amount of open space remaining to the amount of land proposed to be improved:

Land Use Impact Analysis

Total Acreage: 141

Land Preserved/

Open Space Acreage:

- | | |
|--|-------|
| 1) Land Preservation Area to Gundrum | 20.00 |
| 2) Land to include Gundrum house parcel | 3.25 |
| 3) Conveyance to Friends of Dyken | 23.00 |
| 4) 100' Buffer around Akera & Dyken Center | 6.50 |
| 5) 50' Buffer around Dyken Center | 2.70 |
| 6) Green Buffer between Sylvan Way &
Land Preservation Area | 4.76 |
| 7) 100' Buffer along the Lake- Maximum 50% Clearing
9.5 acres x .50 maximum | 4.75 |
| 8) Green Space in the Cul de Sac | 2.22 |
| 9) Road Buffer 35' x 1,800' | 1.50 |
| 10) Road Buffer 20' x 2,600' | 1.20 |
| 11) 22 lots- area protected from clearing | 45.12 |

Grand Total Land Preserved/

Open Space Acreage: 115.00

Land Acreage to be Developed/ Improved:

- | | |
|--|-------|
| 1) Clearing for the Road- 40' | 4.00 |
| 2) Clearing for each Lot-22 Lots Total | 22.00 |

Grand Total Land Acreage to be Developed/

Improved: 26.00

Summary:

	<u>Acres</u>	<u>Percent of Total</u>
Total Acres:	141.00	
Open Space Acres:	115.00	81.56%
Improved Acres:	26.00	18.44%

In terms of protecting land in its natural state, 22 building areas will occupy approximately 15.6% of the land.

In conclusion, this Project, as now configured, provides for the substantial continuity of open space and minimizes forest fragmentation. This provides the setting for a green community clearly minimizing environmental impacts which harmonizes with and contributes to the neighboring properties as well as the Dyken Environmental Center.

2.) Smart-Growth Community.

David Hunt, Ph.D. states: “I support smart growth communities & the developer’s goal to build one” yet in Dr. Hunt’s opinion smart growth would steer development to adjacent to existing roads not into a forest interior area.

3.) Community Character.

Lawrence Howard, Esq. referenced this project as gated and inconsistent with the type of development in this area.

Developer Comment: *The project will not be gated, but rather will have a private road with a stone and signed entrance very similar to other developments in Grafton, including Taconic Lake. The Developer believes that this Project as now designed represents a green and walkable community which will provide for a healthy and positive lifestyle for the homeowners which is consistent with the character of neighboring properties and respectful of the Project site as well as of its surrounding environment.*

J. Cultural Resources.

1.) Visual resources.

Alan Hasbrouck raised concern about allowing an acre of clearing per house lot and potential visual impacts from the lake. This issue was also identified by Lawrence Howard, Esq.

Developer Comment: *One acre of clearing per lot is the same as the limit in the Water’s Edge development in which Mr. Hasbrouck is a lot owner. Additionally, as discussed above, as a result of public comment the total*

number of lots in this Project has been reduced from 26 to 22; the number of lakefront lots has been reduced from 15 to 11 a 26.6% reduction. The Developer has also proposed the use of peat fibre septic systems in place of the originally proposed raised bed systems. Should this alternative style septic system be approved this will result in a further significant mitigation in the form of a reduction in clearing of trees as well as eliminating the need to remove and replace soils with its associated potential impacts on roads. Additionally, this proposed peat moss fibre septic system would occupy approximately 1,500 sq.ft. compared to a raised bed system which would require 12,000 sq.ft of disturbance. Therefore the combination in the reduction in the number of lakefront lots combined with the potential use of peat fibre septic systems will serve to substantially mitigate any concerns regarding visual impacts.

2.) Historic and archaeological resources.

No public comment received.

3.) Noise – construction.

No public comment received.

4.) Recreational.

a.) Boat Launch Area.

This issue was mentioned by John Munn, Maynard Krug and Allan Randall.

Developer Comment: *The boat launch is being designed by an engineer, architect and surveyor and being reviewed by the Town Highway Superintendent, Town Emergency Department and the Town Engineer to insure that it is properly designed and constructed. The area closest to the Pond will feature a turnaround to accommodate boat-loaded trailers.*

b.) Walking Trails.

Concern was expressed by Rachel Reimann-Akera, Lisa Hoyt, David Hunt, Ph.D. and Allan Randall, Joseph Baniak, all that the walking trails, if not narrower could be used by motorized vehicles.

***Developer Response:** The Developer agrees with the concerns regarding the potential impact on wildlife from the use of motorized vehicles. The width of the proposed hiking trails on the property will be reduced to 8' and are only to be used as a footpath/ walking trail with signage expressly prohibiting motorized vehicles. Project plans will be modified to effectuate this change.*

IV. Further Mitigation Measures to Minimize Environmental Impact.

A. Open Space Reduction.

David Hunt, Ph.D. indicates that the “100’ set-back will 1) prevent the complete shrinking of the existing 0.7-mile wide forest corridor and 2) minimize cumulative impacts to rare native aquatic plants of Dyken Pond/South Long Pond” yet the development will adversely impact the wildlife corridors which Mr. Hunt suggests would be mitigated by a denser clustering of lots.

B. Protections to Otter Cove.

***Developer Comment:** As discussed at Section III (B)(4) above, Otter Cove which is to be conveyed to the Friends of Dyken will serve to protect this parcel. David Hunt, Ph.D. acknowledged that this parcel is protected by this conveyance as well as the use of 100’ wide green buffer on Lot# 14, but indicates sensitive plants, if still present, could be protected by minimizing “unnatural soil erosion” running down Otter Creek and by minimizing introduction of invasive plants. Further the conveyance of this 23 acre parcel to The Friends of Dyken for \$100,000 represents a \$300,000 discount, since the Developer’s original plan was to include it with Lot 13 for a combined 26 acre parcel with over 1100’ of lake frontage (Lot 18 at Water’s Edge immediately across the Pond sold for \$425,000, and was 2.5 acres with 700’ of lake frontage).*

C. County-Wide Impacts.

David Hunt, Ph.D. indicates that: “The EIS claims to address global, national, and state-level concerns, as well as local concerns of neighbors such as local open space and road use. County-level information other than biodiversity information is addressed in the EIS (county health and highway issues). Many town concerns are also addressed”.

D. Species Disappearance.

David Hunt, Ph.D. states that: “The current site design has taken many measures to avoid impacts to the 3 county-rare species known from the property (in Otter Cove) reported in my April 11, 2008 letter, as well as 3 others, all aquatic plants, growing in near shore areas of Dyken Pont/ South Long Pond”.

V. Procedural Comments.

A. Completeness.

Lawrence Howard, Esq. has raised question regarding the completeness of this project review.

Developer Comment:

The extensive amount of review, professional studies, soil investigations, scores of exhibits, engineering details, wetlands review, surveys, numerous set of mitigation measures have been completed for this now 22 lot project originally encompassing 141 acres. A detailed list of topics and potential impacts has been identified and discussed in this SDEIS which developed from the oral and written comments from the Public as well as from the Town and other officials. This thorough and comprehensive process began in October 2007; the Town has gone on record stating that the process has been helpful and a future model for review of major projects. Additionally, the comprehensiveness of this process and the public comment received as well as other input including detailed comment from County Engineer Fred Howard, Town Engineer Russ Reeves and Town Highway Superintendent Herb Hasbrouck has resulted in the evolution of this Project from 37 lots at inception to now a total of 22 lots with the total number of lakefront lots having been reduced from 15 to a total of 11. As set forth in detail above, this reduction in the number of lots, especially the lakefront lots, has minimized the global impacts including forest fragmentation, drainage and sediment issues, visual impacts and has served to increase open space.

B. Strict Compliance Concerns.

1.) Scoping and Dates.

Lawrence Howard, Esq. raised the issue of scoping and the identification of the date of the acceptance of the DEIS and for the public comment on the DEIS.

Developer Comment: Public comments were readily accepted and solicited at the scoping session. The draft scope was duly prepared at the public hearing with November 7, 2008 broadly communicated by the Town Attorney at the public hearing to be the date by which public comments were to be submitted. This fact was also published and reported in the area newspaper.

2.) Environmental Notice Bulletin.

Lawrence Howard, Esq. raised the issue of publication in the Environmental Notice Bulletin (“ENB”).

Developer Comment: As reported by the Town Attorney at the November 17, 2008 Planning Board Meeting, the notice was appropriately published in the ENB on October 29, 2008.

VI. Alternative Analysis.

In accordance with SEQRA “.....The draft EIS should identify and discuss the following only where applicable and significant:.....”6 NYCRR sec.617.9(b)(5)(iii):

“A description of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. The description and evolution of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. The range of alternatives must include the no action alternative. The no action alternative should evaluate the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future, in the absence of the proposed action....” 6 NYCRR sec.617.9(b)(5)(iii)(v).

A. Acquisition of the Project Site.

The Developer acquired this 141 acre property over a year ago from a local Grafton property owner/lumber dealer. The objective in purchasing this property was to create a lakefront development, similar to one recently completed on the other side of Dyken Pond. Prior to purchasing the property, the developer hired a surveyor, engineer and landscape architect to design various land plans.

B. Project Designs Considered- Evolution.

Over a period of time nine proposed plans were evaluated with slightly different modifications and refined; eventually a 37 lot plan was finalized.

The original Sylvan Way plan submitted to the Grafton Planning Board in October, 2007, envisioned 37 lots with 22 lots fronting on South Long and Dyken Ponds. A number of concerned neighbors contacted the developer and the Planning Board to seriously consider reducing the number of lots and/or not propose any development along South Long Pond, Deer Run Way and the Cove to the south of Rynard Gundrum, Jr.'s family home. After considerable negotiation among all the parties, the Developer significantly changed the overall plans, namely:

- The number of proposed lots was reduced from 37 to 27 lots.
- All the lots along South Long Pond, Deer Run Way, and the Cove south of the Gundrum's were eliminated.
- The 2.2 acre lot within the cul-de-sac at the end of Sylvan Way was changed to Green Space.
- The 20 acres around Deer Run Way and the Gundrums was permanently changed to Green Space, as well as 3.25 acres which were annexed to the Gundrum family home. This agreement with the Gundrums resulted in another alternative plan, as follows:
- A 4-lot minor subdivision was proposed that split off the 20.00 acre Green Space, and a 3.25 acre parcel to be annexed to the Gundrum home parcel. Two other parcels were proposed that created a 23 +/- acre "Otter Cove" parcel, and the balance of the land, at 118 +/- acres would be where the primary development would occur. This 4-lot proposal was denied due to concerns about segmentation in the SEQR process. As a result, only the 20 acre Green Space and 3.25 annexation parcel were approved as a minor subdivision.

In the meantime, additional soils testing eliminated Lot #2 and it was combined with Lot #1, and a new proposed road configuration based on preferred slope, soils and drainage concerns resulted in combining Lots #9 and #10. These subdivision plans were then further modified as the original owner desired more Green Space between the 20 acre land preservation area and the proposed road, so an additional 5 +/- acre Green Space buffer was added.

At approximately the same time that the revised 26 lot subdivision plan was introduced to the public, the Friends of Dyken Environmental Center worked with the Developer to agree to convey the 23 +/- acre Otter Cove parcel to the Friends. This

parcel has 1100' of lake frontage on Dyken Pond and was originally proposed to be part of a 26 +/- acre building lot with road frontage access along Sylvan Way.

C. Other Alternative Project Designs-Rejected.

Another alternative plan was designed to create a “non-realty subdivision” of 24 lots. This would enable the developer to create 4 lots less than 5 acres, and then the other lots would be 5+ acres. This design would allow the developer to avoid the rigors of Health Department scrutiny.

However, after the compromise by the Developer to set aside for no development along Deer Run Way (23 +/- acres) and to convey the 23 acre “Otter Cove” parcel to The Friends of Dyken, the number of lots would have to be reduced to 16 in order to comply with the New York State “non-realty” subdivision laws. After considering the expense of the road necessary to reach the center of the property closer to the Lake, the expected sales of 16 lots would not be enough to pay for the land and the road, and would be not only an unprofitable proposition, but actually a losing calculation.

D. The 26 Lot Subdivision.

The proposed plan of 26 lots has had numerous revisions. Another alternative suggested by a neighbor was an open space/cluster style of development with the same number of units clustered on about 30 Acres +/- at the southeast corner of the property. Discussions with the engineer quickly rejected this alternative as unworkable because a common water supply and common sewer system would be necessary. In Grafton no public systems are available and private alternatives are legally questionable and scientifically not favored with the Project engineer flatly ruling it out as an option.

E. No Action Alternative.

1.) Sale as a Single Parcel.

With respect to a “no action alternative”, a no action alternative has been promoted for over a year now through extensive advertising on the web, in magazines and to mailing lists. Attached as Exhibit “G” is a copy of this ad.

Thus far, no one has desired to purchase the property as one parcel to be used for a private compound or for preservation or as an investment. The Friends of Dyken has indicated that they have discussed the possibility of purchasing the entire parcel for preservation, but other land trusts and government grants have not been forthcoming with the funding.

2.) Development as a Condominium.

Another no action alternative, since the Town of Grafton has no zoning law, would be a condominium-style development; such a development could occur with the subdivision of land not necessary.

3.) Develop Pursuant to Already Approved Lake Renee Plan.

This parcel could have been developed utilizing the pre-existing approved “Lake Renee” subdivision which is recorded in the Rensselaer County Clerks’ office. This development is an extension of the Deer Run Way development with small waterfront lots. All of the Lake Renee lots have already been surveyed, and the road layout design completed. The large remainder of the land could then be more fully developed with lots similar to the Lake at Sylvan Way. See attached map by Continental Placers dated October 18, 2007 which is attached as Exhibit “H”.

4.) Comments Regarding the Alternatives Analysis.

David Hunt, Ph.D. helps to summarize the Alternatives Analysis as follows:

“Pro: As the EIS states, given the large cost paid by Stonybrook to acquire the land, their goodwill in initially offering to sell the entire property to Dyken Pond Center, their goodwill in offering and presumably currently negotiating to sell the 23-acre Otter Cove parcel to Friends of Dyken Pond, and the moderate clustering of houses in the current site design plan (mentioned as a concern in the public comments of one person at the public hearing who thought that it was too dense), it seems to me that Stonybrook has done much to explore alternatives and I praise their efforts in doing so”.

F. The Present 22-Lot Subdivision.

As a result of comments from the public during this SEQRA process as well as detailed comments from the Town and its professionals as well as County officials the plan now has evolved, into an open space cluster style of development with now 22 total lots and only 11 lakefront lots.

This development centers around a host of 2.09 to 4.58 +/- acre individual lots around Dyken Pond with 46 acres +/- of open space to the west and northeast. These lots offer direct lake frontage and accommodate individual septic systems and wells, with appropriate separation distances. An additional 11 lots, generally around 2.06-5.78 acres +/- acre lots are included that will have lake access only for canoes, kayaks and boats with electric motors.

The 18-month evolution of this eventual 22 lot plan also involved considerable discussion with the neighborhood group and others. These back-and-forth communications and deliberations between the Developer and others has resulted in the creation of 27 protective covenants and to the proposed enactment of two new Local Town laws primarily designed to ensure the enforceability of the covenants and the protection of the roads.

As David Hunt, Ph.D. Ecologist (Ecological Intuition and Medicine, and the Rensselaer County Biodiversity Greenprint Project) points out in his 11/5/08 response to the DEIS: “Overall, as presented in the details below, the project (The Lake at Sylvan Way) probably represents a good balance of protecting and/or minimizing impacts to existing important biodiversity features versus putting a major subdivision in a site that is not conducive to preserving the natural landscapes of the Town or the Rensselaer Plateau region”.

During all of these above-mentioned considerations, the Developer, Stonybrook Land – a land development company, has been paying thousands of dollars in interest expense. Also, Stonybrook has installed a long driveway in the general location of the proposed Sylvan Way as a means to examine the land and proposed roadway to insure that the proposed development will be suitable for the land. While this driveway and the engineering/surveying have cost hundreds of thousands of dollars, its construction has allowed easier access into the property for soils examination, planning board review, engineering review of the future road and driveways and for wells to be drilled for Rensselaer County Health Department’s review.

David Hunt, Ph.D. further summarizes the development plan in his concluding statement on p. 12 of his submission:

“Summary: (A Holistic/Balanced Approach to Protecting Important Biodiversity Features of the Site). (p. 42). Pro: I strongly support the evolution of the development plan to propose the E section of Lot #13 as the building area (and assumed sale of the W part of the lot to Friends of Dyken Pond). Because this action protects 80% of the important biodiversity features of the site that I track, someone who is looking at all “environmental” issues typically addressed in an EIS might consider this an appropriate balance, and I would take satisfaction in knowing that not all of the areas and/or features that I care about, track, and try to preserve were to be destroyed or impacted. The remaining 20% of the features, as mentioned in my October 14, 2008 letter seem best addressed via the goodwill of the developer and more importantly town & regional planning activities that better and more broadly address cumulative impacts”.

VII. Conclusion.

This project results in the protection of 81.56% of the natural setting at Sylvan Way, creates enforceable protective covenants that limit impacts to the environment, sets aside the Otter Cove parcel for the Dyken Center, prepares for the long term viability of South Long Pond Road, while addressing the numerous existing local, county, state and federal regulations that regulate development.

All of the scoping issues have been thoroughly discussed and reviewed by the Town, and addressed by the Developer and Professional Consultants for over 13 months. The average gross density is over 6.14 acres per lot and is clustered in a moderate fashion – into 2 to 5 acre parcels. This serves to protect important wildlife corridors, natural vegetation and the lake as well as limiting forest fragmentation and visual impacts. The Developer believes that this Project and the process to reach this conclusion has been highly productive with the result being the evolution of this development into a Project which has successfully addressed and mitigated impacts and created a strong and viable Project to the credit of the Town and its residents.