

CHAPTER III

3.0 Responses to Comments

This section addresses comments received during the

DEIS review period which was held from September 8, 2004 to November 5, 2004, and includes both written comments and comments made at the DEIS public hearings held on September 8, 2004, September 27, 2004, and October 25, 2004. Additional comments made at the public meetings on June 16, 2005 and June 30, 2005 following the presentations by BFJ Planning, consultants to the Village of Tarrytown and, the responses thereto form the first part of this chapter.

Comments from the public hearings and written comments have been grouped into subject categories and summarized, so that when applicable, a single response may address similar comments or questions raised more than once. Written comments are provided in Appendix A and public hearing transcripts are provided in Appendix B of this FEIS.

3.1 Public Hearing Comments

Comments made during the public hearings are referenced by stating the individual's name and the page number of the transcript in parentheses at the end of the comment. For example, the comment made by Mr. John Doe at one of the Public Hearings will be referenced as "Mr. John Doe, September 8, 2004 Public Hearing Transcript Page 21)." A copy of the transcript of the Public Hearings is provided herewith. The following individuals commented on the DEIS at the Public Hearings:

SEPTEMBER 8, 2004 PUBLIC HEARING

Mr. John Lynch, Village of Tarrytown Resident

Mr. Judson Siebert, Keane & Beane, P.C. - Village of Sleepy Hollow Attorney

Mr. Mark Fry, Village of Tarrytown Resident

Mr. Stu Schectman, Village of Tarrytown Resident

Ms. Cherie Gaines, Village of Tarrytown Resident

SEPTEMBER 27, 2004 PUBLIC HEARING

Mr. Jeffrey Anzevino, Scenic Hudson - Senior Regional Planner

Mr. John Lynch, Village of Tarrytown Resident

Mr. Judson Siebert, Keane & Beane, P.C. - Village of Sleepy Hollow Attorney

Mr. Mark Fry, Village of Tarrytown Resident

Mr. Robert Geneslaw, AICP, Turner Geneslaw, Inc. – Village of Tarrytown Planning Consultant

Mr. Stu Schectman, Village of Tarrytown Resident

Mr. Victor Tafur, Riverkeeper, Inc. Representative

Mr. William Cerbone, Village of Tarrytown Resident

Ms. Molly MacQueen, Village of Sleepy Hollow Representative

Ms. Cherie Gaines, Village of Tarrytown Resident

OCTOBER 25, 2004 PUBLIC HEARING

Mr. John Lynch, Village of Tarrytown Resident

Mr. Mark Fry, Village of Tarrytown Resident

Mr. William Cerbone, Village of Tarrytown Resident

Ms. Carol Griffith, Village of Tarrytown Resident

Ms. Linda Viertel, Village of Tarrytown Resident

Ms. Cherie Gaines, Village of Tarrytown Resident

June 16, 2005 PUBLIC MEETING

Presentation by BFJ Planning, Village of Tarrytown Trustees, Planning Board and Residents

June 30, 2005 PUBLIC MEETING

Presentation by BFJ Planning, Village of Tarrytown Trustees, Planning Board and Residents

Written Comments*

Presentation by BFJ Planning consultants to Village of Tarrytown dated 6/16/05

Presentation by BFJ Planning consultants to Village of Tarrytown dated 6/30/05

In Appendix B, each comment letter is identified by the author and the date of the letter. The following individuals commented in writing on the DEIS:

Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter dated 10/13/04

Brian Dempsey, P.E., PTOE, TRC Raymond Keyes – Village of Sleepy Hollow Representative, written comment letter dated 9/20/04

Mr. Edward Buroughs, AICP, Westchester County Planning Board, written comment letter dated 10/13/04

Mr. John Canning, Adler Consulting – Village of Tarrytown Traffic Consultant, written comment letter dated 11/4/04

Mr. John Vernille, Village of Tarrytown Resident, written comment letter dated 11/3/04

Mr. Judson Siebert, Keane & Beane, P.C. - Village of Sleepy Hollow Attorney, written comment letters dated 8/30/04 and 11/4/04

Mr. Michael Sakala, Westchester County Department of Health, written comment letter dated 9/13/04

Mr. Robert Geneslaw, AICP, Turner Geneslaw, Inc. – Village of Tarrytown Planning Consultant, written comment letter dated 8/30/04

Mr. Steven Scalici, P.E., STV, Inc., written comment letter dated 9/8/04

Mr. William Cerbone, Village of Tarrytown Resident, written comment letter dated 10/25/04

Ms. Barbara Rinaldi, New York State Department of Environmental Conservation (NYSDEC), written comment letter dated 10/13/04

Ms. Victoria Beerman, written comment letter dated 11/3/04

Mr. Peter Wise, DelBello Donnellan Weingarten, written comment letter dated September 20, 2004

Mr. Mark Chertok, Sive Paget & Riesel, written comment letter dated November 4, 2004

*Note: Written comments are provided in Appendix A of this FEIS.

3.1.1 ENGINEERING DRAWINGS

3.1.1-1 Comment: In terms of site plan drawings, the plans included with the DEIS are titled “Conceptual” and lack the level of detail typically provided at the environmental review stage of a site plan application. The plans do not provide a basis for evaluation, for example, stormwater management, landscaping, design elements of buildings, design and location of site amenities (walkways, lighting, etc.), and building relationships. The consideration of such items is often part of the environmental review (Mr. Edward Buroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: Comment noted. Revised site plan drawings indicating landscaping, design elements of buildings, design and location of site amenities (walkways, lighting, etc.), and building relationships are attached as Appendix 1. The stormwater management issues are addressed in Appendix C.

3.1.2 PROJECT DESCRIPTION

3.1.2-1 Comment: The height of the proposed buildings should be shown in feet above the ground as well as stories (Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 97 - 98).

Response: The height of the buildings of the Preferred Alternative, which has been embraced by the Village of Tarrytown Board of Trustees and the Planning Board following a public process in 2005, will not exceed 45 ft and will range from 35-45 ft.

The individual building heights are detailed in Chapter 2 of this FEIS and vary from 35 ft – 45 ft. The maximum number of stories is three.

3.1.2-2 Comment: The project description, and the Scoping Document contained in the DEIS, are at variance with prior project submissions and the Scoping Document adopted on December 16, 2003. This discrepancy should be addressed and, if a revised Scoping Document was adopted, information should be provided as to when the revisions were made and the rationale for an alteration of the previously accepted written scope (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter dated 11/4/04).

Response: The Final Scoping Document dated 4/27/04, details the proposed action as follows:

- Construction of 88 Townhouses
- Construction of two new office buildings
- Restaurant and professional offices with apartments above

- Parking garage

The DEIS, as such, addresses this program, evidenced by Table 1.B.2-1 in the DEIS.

The Preferred Alternative, embraced by the Village of Tarrytown Board of Trustees and the Planning Board following a public process in 2005, is as follows:

- Construction of 238 residential units
- Renovation/Construction of 65,000 sf of office space
- Construction of 5,000 sf of restaurant space
- Construction of 10,000 sf of retail space
- Provision of 900 parking spaces in residents garages and outdoor surface areas

3.1.2-3 Comment: The differences between office and professional office uses, which are referenced in a separate fashion, should be identified and quantified (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04).

Response: The offices are general business purpose space.

<u>Building Type</u>	<u>Use</u>	<u>Area</u>
New Construction*	General Office	5,000 sf
Rehabilitated	General Office	60,000 sf
New Construction*	Retail‡	10,000 sf
New Construction*	Restaurant	5,000 sf
Total		80,000 sf

* The new construction for these uses will occur within the mixed-use River House located along West Main Street.

‡ It is anticipated that there will be only limited consumer retail and more “design studio” type uses.

3.1.2-4 Comment: Information should also be provided with respect to the parking garage use including the manner in which it will serve the general public and the various uses (including residential, office, professional office, restaurant, etc.) within the Ferry Landings development (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter dated 11/4/04).

Response: The Preferred Alternative embraced by the Village of Tarrytown Board of Trustees and the Planning Board following a public process in 2005 has eliminated the need for a parking garage.

3.1.2-5 Comment: Demand characteristics of the restaurant should be identified, including its number of seats and hours of operation (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04).

Response: The restaurant(s) will comprise 5,000 sf of first floor space in the River House along West Main Street and will seat 50 - 80 patrons and is anticipated to operate from 11:30am until 10:00pm.

3.1.2-6 Comment: The tax map (Figure ES-2) included in the Executive Summary and the listing of the properties included are inconsistent (Mr. Judson Siebert, Keane & Beane, P.C., written comment letters 11/4/04 and 8/30/04).

Response: The Executive Summary listing of the properties is shown on the Village of Tarrytown Tax Maps as Sheets 1, Block 0000, Parcels 6B, 13 (partial), 21, 23, 24, 24A and 75. The site map known as ES-1 and ES-2 are revised and attached hereto.

3.1.2-7 Comment: The graphic provided with the project description in Chapter 1 is inconsistent with the components described in the text (numbers of townhouses, square footage of commercial development, etc.) This is also in need of clarification and/or correction (Mr. Judson Siebert, Keane & Beane, P.C., written comment letters 11/4/04 and 8/30/04)

Response: The Preferred Alternative embraced by the Village of Tarrytown Board of Trustees and the Planning Board following a public process in 2005 is as follows:

- Construction of 238 residential units
- Renovation/Construction of 65,000 sf of office space
- Construction of 5,000 sf of restaurant space
- Construction of 10,000 sf of retail space
- Provision of 900 parking spaces in residents garages and outdoor surface areas

3.1.2-7 Comment: For the proposed office component, the traffic study and the site plan present conflicting square footages and land use information. The DEIS identifies a total office area of 340,000 gross sf while the traffic study provides information for 125,000 sf of office and 125,000 gross sf (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 88).

Response: The Preferred Alternative includes 60,000 sf of commercial office space and 5,000 sf of new office space. The trip tables have been updated to reflect the current development project. (See Appendix E).

3.1.2-8 Comment: Page 135 of the DEIS refers to 10,000 sf of commercial space, while the document in several places refers to one restaurant and no retail. Are these consistent (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04).

Response: Consistent with the Preferred Alternative site plan described herein, there will be 80,000 sf of commercial space within The Riverhouse. This commercial space will include 65,000 sf of commercial office space and 15,000 sf of storefront retail space along West Main Street. The most likely tenants for this retail space include a commercial bank (5,000 sf), a restaurant (5,000 sf), and non-convenience services or showroom space (5,000 sf), such as a realtor office or interior design firm, so as to provide an amenity to the Village of Tarrytown, not in competition with Main Street.

3.1.2-9 Comment: Figure 1-3, “Conceptual Site Plan”, Sheet number SP4, “Conceptual Site Plan”, Table 1.B.2- 1, “Ferry Landings Total Build-Out”, and Table 6 “Hourly Trip Generation Rates and Site Generated Traffic” should all be consistent with regard to the total square footage of each of the Project components. Figures ES-1, ES-2 and ES-3 should be revised to reflect the recent acquisition of the Barrier property. While the DEIS evaluates the impact of a total of 670,000 s.f. of development, there are some minor discrepancies between the various Tables and Figures which should be resolved to allow the reviewer to more easily understand the details of the proposed action (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: The hourly trip generation rates and site generated traffic volumes and related figures have been updated to reflect the current development plan. (See Traffic Appendix E).

3.1.2-10 Comment: The site as identified by parcel boundaries shown on the tax map and the location maps included in the draft EIS do not match the site boundaries as shown on the conceptual site plan. In particular, the southeast portion of the site is not included as one of the project tax parcels on a number of maps. The described acreage of the project is also stated inconsistently (Mr. Edward Burroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: The correct size of the parcel is 23.9 acres. A revised tax map is attached.

3.1.2-11 Comment: The cover of the DEIS indicates that the Planning Board and Village Board are co-lead agencies, while the title page has only the Planning Board.

The title page should identify a Village contact person, date of submission (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: Comment noted.

3.1.2-12 Comment: The DEIS should include a list of Appendices and a list of activities requiring Village Board special permit approval (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: The Village Board of Trustees will be required to confirm the development incentives referenced herein which follow the consensus on the Preferred Alternative reached by the Village of Tarrytown Board of Trustees and the Planning Board following a public process in 2005 (see Chapter 2 Development Agreement of this FEIS).

3.1.2-13 Comment: The DEIS should include the adoption date for the scoping document and positive declaration (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04).

Response: The proposed Type I Action is the subject of a Positive Declaration issued by the Village of Tarrytown Planning Board on April 27, 2004 in which the Planning Board issued a Positive Determination of Environmental Significance pursuant to SEQRA and directed the Applicant, Ferry Landings LLC, to prepare a DEIS. The Final Scoping Document was adopted by the Village of Tarrytown on April 27, 2004.

3.1.2-14 Comment: It would be helpful to include a parking table for the various uses after Table 1.B.2-1 of the DEIS (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04).

Response: Comment noted. Please reference Table 4.1-2 Parking Requirements and Provision which detail the number of parking spaces provided.

3.1.2-15 Comment: Westchester County Department of Health (WCHD) subdivision approval will be required and WCHD operation permits for the County Asphalt Plant will be required. Construction permits for the plant relocation may also be required

(Mr. Michael Sakala, Westchester County Department of Health, written comment letter 9/13/04).

Response: Village and other agency subdivision approvals will be applied for, as well as Village building permits and Westchester County construction permits. The balance of the comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.2-16 Comment: Several comments were received regarding why the Applicant is seeking to obtain separate approvals for actions relating to the Ferry Landings development, including relocation of the asphalt plant and the Village DPW building, instead of seeking a comprehensive site plan review and approval for the entire project. Please include copies of negative declarations which terminated the environmental review for these separate actions, and supporting documentation for the segmenting of the environmental review for these actions from the overall environmental review that is the subject of this DEIS (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04 and Mr. Edward Buroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: The reviewer is referred to the attached Negative Declarations (provided in Appendix 4 of this FEIS), which set forth the Village's position. Regarding relocation of the asphalt plant the comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

The Tarrytown DPW building project and the relocation of Village Hall are projects of the Village, independent of the Ferry Landings Site Plan, and are not part of the Ferry Landings site.

3.1.2-17 Comment: DEC Commissioner Policy Number 2 (CP-29) identifies requirements for DEC staff to implement when reviewing applications for certain permit types, including those that will be required for this project, when a potential EJ community may be affected by a permit action to be taken by DEC. In conformance with CP-29, DEC will require the Applicant, at a minimum, to conduct an enhanced public participation program in accordance with CP-29 Section V.D. as part of the permit application process (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: The comment, which directly references the air permitting upon relocation of the asphalt plant to the rear of the site, is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.2-18 Comment: The list of permits required from the DEC is incomplete. State Pollutant Discharge Elimination System (SPDES) permits will be required for discharge of Stormwater and heating and cooling system discharge to the Hudson River and, if, as the site plan indicates a marina or docking facility is planned for the site, permits for dock construction and any associated Hudson River dredging may be required (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: No marina or docking facility is planned as there are two marinas and other docking facilities located on Village owned land and within one half-mile of the project site.

In regard to the SPEDES permit, The NYSDEC requires a permit for stormwater discharges from municipal storm water systems in urbanized areas and for construction activities disturbing one or more acres. The permit required is part of the State Pollutant Discharge Elimination System (SPDES).

In the context of stormwater controls, the DEC has separate guidelines for redevelopment projects; permits are required based on the review of the individual project. The term "Redevelopment" refers to modification to any existing previously developed land which involves soil disturbance.

Any deviation from the normal technical standards by DEC is accepted at the discretion of their reviewers. DEC noted there was no increase to the impervious areas effecting hydrology discharge rates; they reviewed potential downstream impacts,

wetland impacts, etc. Based on their October, 2004 findings, DEC has accepted the stormwater plan as adequate for water quality controls.

DEC also reviewed water quality controls. DEC noted the proposed plan reduced the impervious area by a minimum of 20 percent over the total site area (existing and planned). The plan also converted impervious areas to pervious areas; including landscaping and grassed areas.

DEC determined both water quantity and water quality guidelines were met and they will not require a SPDES Permit for this site, only a filing of an (NOI) Notice of Intent with the DEC to start work.

3.1.2-19 Comment: The DEIS does not include a comprehensive description of the structures and physical improvements that are proposed to be included in the project and the information in the submission is not always consistent. For example, the River Walk Townhouses are described to encompass both 86 and 88 units. A restaurant is discussed but not located. The draft EIS mentions retail, restaurant, and professional office uses, but the site plan drawings only identify commercial uses (Mr. Edward Buroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: The Preferred Alternative embraced by the Village of Tarrytown Board of Trustees and the Planning Board following a public process in 2005 is as follows:

- Construction of 238 residential units, 88 of which are townhouses
- Renovation/Construction of 60,000 sf of existing office space
- Construction of 5,000 sf of new office space
- Construction of 15,000 sf of retail space (including a 5,000 sf restaurant)
- Provision of 900 parking spaces in residents garages and outdoor surface areas

Note: Please refer to section 2.4.1 through 2.4.7 of this DEIS for further description of each structure/parcel.

3.1.2-20 Comment: The DEIS states that a former stable building on Railroad Avenue will be adaptively and creatively reused. However, the document does not provide more information about such plans and the building is not labeled on the site plan. This building is in a state of disrepair and is located adjacent to the proposed site of the relocated asphalt plant (Mr. Edward Buroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: While the interior of the former stable building (approximately 2,800 sf) is in disrepair, the roof has been well maintained and rehabilitation into an arts studio/facility is contemplated. The historic integrity of the building will be evaluated as part of the plans for its renovation or removal, and the proposed rehabilitation work includes the restoration and repair of the wood floors and beams, and will leave the exterior brick façade as it is, with masonry repairs as necessary. If this does not prove feasible for a gallery type use the building may be removed.

3.1.3 PUBLIC BENEFITS

3.1.3-1 Comment: The DEIS indicates that the Tarrytown Village Code provides a discretionary approval to the Village Board for development incentives and lists the public benefit features and development incentives. Please provide a list of which public benefit features and development incentives are being considered for this project as part of the environmental review (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: The Village development incentives being considered pertain to the height of the building which will include certain three story structures (35 ft - 45 ft maximum). For this project the following public benefits should be considered:

- 1) The dedication to the Village of a perpetual 1100 ft easement on the Hudson River to assure public access.
- 2) The construction of an Aquatic/Recreation Center to be located on West Main Street (this is estimated to cost \$3.5 million). This will be transferred to the Village for one dollar.
- 3) Sidewalks to link waterfront parks will be constructed.
- 4) Public open space will be provided in the proposed development and will be landscaped for passive recreation space for Tarrytown area residents.
- 5) A new state of the art DPW has been provided for the Village of Tarrytown on the land adjacent to the development.
- 6) New sidewalks on West Main Street will provide a pedestrian link to the river for Tarrytown residents.

These reflect the stated preferences of the Village Board of Trustees and Planning Board. The Superintendent of Schools pointed out the need for a swimming facility for the school system as none currently exists.

3.1.4 SUMMARY OF POTENTIAL IMPACT'S AND MITIGATION MEASURES

3.1.4-1 Comment: Why are there so many area and bulk elements close to or at limit? Plans do not appear to be advanced enough for so accurate a calculation (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04).

Response: Area and bulk elements in the DEIS are estimated for a 'worst case scenario' based on the Concept Plan provided in Appendix N, Volume II of the DEIS. Therefore, upon final build-out of the proposed Ferry Landings development, it is possible that area and bulk calculations will fall below estimates provided in the DEIS.

3.1.4-2 Comment: There should be a brief reference to the remediation program (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04).

Response: A portion of the project site is a former manufactured gas plant, of which environmental remediation took place per the New York State Department of Environmental Conservation's Voluntary Brownfield's Cleanup Program (NYSDEC BCP). Remediation, which began in the spring of 2004, was approved and supervised by the NYSDEC. The following elements were a part of the BCP approved work plan and have all been completed:

- Excavate and remove the coal tar holders
- Construct a sheet pile barrier to isolate oil residue from the Hudson River
- Remove contaminated river sediment
- Construct recovery trenches to collect oil residue
- Excavate and remove contaminated soils
- Backfill excavated areas with clean soils
- NYSDEC sign-off

3.1.4-3 Comment: Page 9 of the DEIS indicates "building set back from the river by about 80 ft." The Conceptual Grading and Utility Plan, sheet SP2, 2 of 3, in appendix N of the DEIS has a scaled distance of about 60 feet. Recent discussions regarding the promenade have used a walkway width of ± 60 ft. This should be resolved (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04).

Response: The correct setback from the Hudson River to the buildings is 100 ft.

3.1.4-4 Comment: Several comments were received regarding the need for more regarding deed restrictions, including the areas subject to the deed restrictions, the location of the monitoring wells on a map, and the remediation plan would be helpful in the Hazardous Materials section on page 10 (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04 and Mr. Michael Sakala, Westchester County Department of Health, written comment letter 9/13/04).

Response: Deed restrictions are used as a prudent method to control future excavations associated with construction activities on the site. The NYSDEC/DOH will establish testing requirements when excavations are to be performed to preserve health and safety. A map indicating the location of the monitoring wells is included in Appendix F.

There are three deed restrictions on the site that protect the current recovery systems. These restrictions ensure that construction activities cannot disrupt these areas without formal DEC consent. There are no such deed restrictions required for monitoring wells, which can be relocated if necessary. A map detailing the locations of these recovery systems is contained in Appendix F.

3.1.4-5 Comment: Page 12 of the DEIS refers to Levels of Service in Table 6-2. That table is titled "2004 Existing Traffic Volumes Weekday Peak AM Hours" (Mr. Robert

Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04).

Response: The DEIS table 6-2 references the levels of service the commenter is referring to figure 6-2 which shows the 2004 existing traffic volumes-weekday peak early morning hour.

3.1.4-6 Comment: Suggest adding reference to Ichabod’s Landing, with a fuller description of this and Lighthouse Landing, including such elements as acreage, approximate number of dwelling units, and sf of commercial space (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04).

Response: Ichabod’s Landing is a 44 townhouse unit complex on 3.4± upland acres in the southernmost corner of the Village of Sleepy Hollow, along River Street and Beekman Avenue. The project will also feature private recreational facilities including a swimming pool and cabana. Construction is nearing completion on this development which includes a 40-ft setback from the Hudson River for public access.

Lighthouse Landing is the proposed redevelopment of the former General Motors automobile assembly plant site located in the southwestern corner of the Village of Sleepy Hollow. The DEIS for this project is currently underway. The proposed development is a mixed-use project with 1,562 residential units, 185,000 sf of retail space, 95,000 sf of office space, a 150-room hotel, and associated parking (4,107 car parking garage) and a proposed Metro North Railroad station. While the total site is 96.2 acres, only 58 acres (west of the railroad tracks) will be developed, and of that developable land, there will be an eighty percent coverage ratio with a total of 4,800,000 sf of developed density.

3.1.4-7 Comment: The DEIS indicates that “proposed wastewater generation for the project is similar to the water usage rate.” Was allowance made for water used for landscaping or other purposes that does not go to the sewage treatment system (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04)

Response: The wastewater generation and water usage rates were anticipated with no loss factor due to landscaping purposes etc. The Village Engineer has determined there is a surplus capacity of water above need by approximately eighty percent. This amount was deemed more than adequate for the minimal requirements for landscaping irrigation etc. The landscaping plan will incorporate numerous water conservation features, such as, seasonal aspects for watering requirements, plantings with indigenous species in order to minimize irrigation needs, watering schedules that maximize benefit and minimize quantity and the use of mulch to as a beneficial groundcover where appropriate.

3.1.4-8 Comment: Consideration should be given to providing some narrative regarding the proposed promenade and the open space elements of the Ferry Landings

project (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04).

Response: The River Walk promenade will encompass 1,100 ft of Hudson River waterfront along the project site. Buildings will be set back by 100 ft from the river and the paved promenade will be 8 to 15 ft wide. The curved esplanade will be constructed of pavers with lighting and street furniture, and will feature landscaped areas designed in accordance with the Village of Tarrytown Waterfront Master Plan and Westchester County's Hudson River Walk Design Treatment Standards.

Including the River Walk, a total of 6.14 acres of public open space is provided in the Proposed Action. There is open space in four areas of the site, providing views of the Hudson and in a riverfront park at the North West corner of the site. Public access to this open space can be achieved both through vehicular or pedestrian means via internal roadways and sidewalks or the River Walk promenade. It is anticipated that the open space will be "passive recreation" space with seating and landscaping features. There is a public parking area in close proximity to the Park area.

3.1.4-9 Comment: The DEIS indicates that it is anticipated that the project construction/demolition will begin prior to the completion of site plan approvals being received. Please explain (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: The Proposed Action, as defined by the Final Scoping Document, will commence upon completion of site plan approvals and appropriate construction permits. Various adjacent actions, such as the Village of Tarrytown Department of Public Works (completed), the removal of the asphalt plant (scheduled for early 2007), and the construction of the Village of Tarrytown Village Hall are all on an their own independent time lines, per their own approvals, as are other Village improvements to the waterfront park, recreational areas, etc.. As such, permitting and construction phases for the adjacent actions will not necessarily occur simultaneously.

3.1.5 LAND USE

3.1.5-1 Comment: The Village and the Applicant should consider all options to achieve the goal of removing the County Asphalt Plant since the operation of this industrial facility in close proximity to existing and new residential development is incompatible. No reference is made as to the proposed relocation of the Asphalt Plant in proximity to residences on neighboring streets (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 22 and Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.5-2 Comment: The project site is waterfront property created by grant for the purpose of the majority use of the property getting in and out of the property by means of the Hudson River. The land use of this property was at the minimum. They are entitled to the percentage and the level that they previously used and anything above that must be applied appropriately and that is the application that should be before all the boards as well as relevant to the Village of Sleepy Hollow (Mr. William Cerbone, September 27, 2004 Public Hearing Transcript Page 29 - 31).

Response: The Proposed Action is compliant with the current zoning of the property and the applicant will obtain all required approvals.

3.1.5-3 Comment: Tarrytown once had single-family homes not townhouses, not offices of 250,000 sf with 3.5 people in each of them and you are changing the character of the Village in a way that needs to be seriously analyzed (Ms. Cherie Gaines, September 27, 2004 Public Hearing Transcript Page 54 - 55).

Response: The project site currently houses degraded industrial activities and the Proposed Action represents a significant improvement consistent with the goal of the Tarrytown LWRP, as described in detail in Table 2.C-1, "Consistency with Tarrytown LWRP," of the DEIS, which is appended hereto. It should be further noted that the amount of office space has been significantly reduced in The Preferred Alternative in comparison to the amount of office space proposed in the DEIS.

The Village of Tarrytown has a total of 4,553 housing units.¹ According to the Multi-family Housing Listing, 2000, produced by the Westchester County Planning Board, the Village of Tarrytown consists of approximately 2,089 multi-family housing units. Therefore, as approximately forty five percent or the total housing stock in the Village is multi-family housing, the proposed Ferry Landings development will be compatible with the existing housing stock and land uses found in Tarrytown.

3.1.5-4 Comment: Several comments were received regarding the proposed density on the project site. The Applicant should consider more residential uses which generate lower amounts of traffic, pedestrian circulation, and infrastructure needs. A mix of commercial and office uses will involve additional traffic that hasn't been discussed in this proposal such as mail carriers, UPS trucks, and people to fix copy machines and printers (Ms. Cherie Gaines, September 8, 2004 Public Hearing Transcript Page 17, Ms. Cherie Gaines, September 27, 2004 Public Hearing Transcript Page 56 – 57, Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 75, Mr. Michael Durand and Ms. Mary Anne Cosentini, written comment letter).

Response: Comment noted and addressed in the Preferred Alternative embraced by the Village of Tarrytown Board of Trustees and the Planning Board following a public process in 2005 which considers a greater proportion of residential uses (238 units) and eliminates the 250,000 sf of new office construction. The reduced traffic impact of this alternative is significant and is provided in section 3.1.23.

¹ According to the U.S. Census Bureau, 2000.

3.1.5-5 Comment: The land use map should be revised to accurately reflect that several parcels along the Sleepy Hollow waterfront are no longer committed to manufacturing use (including the General Motors Site and Horan's Landing) (Mr. Judson Siebert, Keane & Beane, P.C., written comment letters 11/4/04 and 8/30/04).

Response: The land use map (Figure 2.A-1 in the DEIS) was obtained from the Westchester County government website (<http://giswww.westchestergov.com>), and therefore, the Applicant does not have the ability to revise this map.

3.1.5-6 Comment: A discussion on page 36 of the DEIS identifies what land uses currently exist on site but does not indicate where each of these facilities will be relocated. Please provide a map indicating where each of these facilities is currently located and where they would be relocated. Include a discussion of current truck traffic routes and any anticipated traffic rerouting that will result from the relocations (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: This list describes the land uses existing on the site. Each has been numbered and annotated to identify their current and relocated location(s). Referred to in Appendix 7.

- 1). Peckham Materials (The Asphalt Plant Operator) - Peckham Materials occupies approximately three acres on the northwest part of the site. It partially covers lots P21, 22, 23 and 24. Due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.
- 2). Barrier Oil - Barrier Oil is located in the southeast section of the site. They are on lots 6B, P16, 17, 18, 19 and 75. They will not relocate on the site and this site will become residential with commercial on the first floor.
- 3). Former Anchor Motor Freight – Located on the southeastern portion of the site on lot P15. The building is empty. It will be remodeled and expanded as office space.
- 4). Perk-Up, Inc. - A two-story building located to the northeast of the site on an adjacent lot P12. Incorporated into the Village DPW on lot P12 and 13 (partial).
- 5). Union Free School District of the Tarrytown's – This monthly tenant is located in the northeastern portion on the site on lots P13 and 14 (partially). They plan to relocate off the site in a different area on Town of Tarrytown School's property
- 6). There are various monthly auto transport tenants who will leave the locality (lots P13-partial, P14-partial and P20-partial).
- 7). In the southwestern area on lot P21 of the site is a large surface parking lot used with several abandoned buildings, will be demolished and cleared for the proposed development.

8). The vacant two-story brick building and approximately 0.5 acres of vacant land on the northeastern corner of lot P13 will remain, and will be remodeled for future use potentially as an arts center/gallery/studio. All necessary approvals and permits will be obtained for this proposed redevelopment activity.

Current truck traffic uses the northern egress from the site onto Division Street. This will largely be eliminated after the above uses are discontinued.

3.1.6 ZONING

3.1.6-1 Comment: Is there anything in our existing code that can restrict what type or how much retail or commercial uses can be included in the Ferry Landings development (Ms. Linda Viertel, October 25, 2004 Public Hearing Transcript Page 47 - 48).

Response: The Applicant is proposing a mixed-use development of apartments, townhouses, offices, offices with apartments on upper floors, one restaurant, a waterfront boardwalk, and associated parking. The development will be located within the WGBD Zoning District. In accordance with Chapter 305, "Zoning Schedule," of the Tarrytown Village Code, restaurants and public or private passive recreational facilities are allowable uses in the WGBD Zoning District. In addition, business and professional offices and single or multifamily uses are allowable by Special Permit in the WGBD Zoning District, subject to review and approval by the Village of Tarrytown Board of Trustees. As noted in the DEIS, the Applicant is applying for applicable permits and approvals. The Village can, therefore, review potential environmental effects that could result from the proposed action and require mitigation measures to alleviate potential effects. However, the type and amount of proposed uses are allowable based upon the Village of Tarrytown Zoning Code.

3.1.6-2 Comment: The Village Zoning Code requires that twenty five percent of every residential building must be a commercial use. That means the ground floor of every four-story building has to be commercial use, and up to two thirds of each of those residential buildings maybe a commercial use, being either retail or office (Mr. Mark Fry, October 25, 2004 Public Hearing Transcript Page 57).

Response: The current zoning does require that the ground floor of certain buildings fronting on West Main Street, must be commercial being either retail or office. The current exception is all buildings that are within 450 feet of the River; they may be all residential. In order for the buildings on West Main Street to become all residential or to reduce the amount of commercial below twenty five percent a zoning amendment is required. This is addressed in the Development Agreement in Chapter 2 of this FEIS which extends the exception area further up West Main Street to accomplish the Preferred Alternative embraced by the Village of Tarrytown Board of Trustees and the Planning Board following a public process in 2005.

3.1.6-3 Comment: Do we have control over the kind of architectural facades or plantings that will be included as part of the development (Ms. Linda Viertel, October 25, 2004 Public Hearing Transcript Page 49)

Response: The Village of Tarrytown Architectural Review Board will review the architectural facades and its recommendations will be submitted to the Village of Tarrytown Planning Board, which will also review the landscaping plan, prior to approval.

The Village of Tarrytown Planning Board and Architectural Review Board have approval rights in regard to architectural facades and landscaping.

3.1.6-4 Comment: Several comments were received regarding the definition of a 'story'. On page 47 of the DEIS, it is stated that the standard for the WGBD Zoning District is 2.5 stories or 25 ft. The request of the development is for 30 ft – does this mean that the request is for three stories. How is below ground level parking factored into this. Does this account for a story or does the first story begins with the first floor of commercial or residential use. The DEIS should define how tall one story is and state exactly how tall all buildings are going to be (Mr. Stu Schectman, September 8, 2004 Public Hearing Transcript Page 20 - 22 and Mr. Mark Fry, September 8, 2004 Public Hearing Transcript Page 26 - 27, 31 - 32).

Response: The New York State Code and the Village of Tarrytown code are attached hereto and will be complied within the plans. According to the New York State (Tarrytown) Building codes, a basement shall be considered a story when it is partly or completely above the grade plane. Since there will be no basements in any of the proposed commercial or residential structures, all stories will be completely above grade.

A story is the distance from the top of the floor finish to the top of the ceiling joints or, to where there is not a ceiling to the top of the rafters.

The proposed commercial and residential structures for this project will be three story with a total height of 35-45 ft.

3.1.7 PUBLIC POLICY

3.1.7-1 Comment: How does the DEIS fit in with the LWRP, does it have the same goals, does it fit into what the specifications of the LWRP are (Ms. Carol Griffith, October 25, 2004 Public Hearing Transcript Page 9 - 10).

Response: The proposed action will adaptively reuse 24 acres of underutilized commercial and industrial land along the Tarrytown waterfront in a manner that will advance the Village of Tarrytown LWRP's recommendations for development and use of the Hudson River waterfront in and around the Village. The project will incorporate design measures that evoke a traditional feel and provide public access to the Hudson River, a sharp contrast to the vacant paved landscape that the site currently offers.

The following table is an excerpt from Chapter 2 in the DEIS:

Policy #	LWRP POLICY & PROJECT COMPLIANCE
1	<p>“Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.”</p> <p>The project site currently is extremely underutilized, home only to industrial uses that are not compatible with the waterfront location or with surrounding land uses. Ferry Landings proposes a mixed-use development with residential, commercial, retail, and open space for recreation.</p>
2	<p>“Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.”</p> <p>The proposed action includes a RiverWalk esplanade along the shoreline, which will present opportunities for fishing and passive recreation along the River.</p>
3	<p>“Further develop the State’s major ports...as centers of commerce and industry, and encourage the siting, in these port areas...of land use and development which is essential to or in support of the waterborne transportation of cargo and people.”</p> <p>The Historic Hudson Ferry has operated on-site in the past, and may continue to do so. In addition, the possibility exists for future commuter Ferry service across the Hudson to the Tarrytown Marina from Rockland County or down the River to New York City.</p>
4	<p>“Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.”</p> <p>The proposed action maintains a mix of residential, commercial, and light industrial uses, as well as open space, that have co-existed on the site throughout its history. Furthermore, the project re-opens the River to public access, which has been prohibited according to the site’s current uses.</p> <p>The Historic Hudson Ferry has operated on-site in the past, and may continue to do so. In addition, the possibility exists for future commuter Ferry service across the Hudson to the Tarrytown Marina or down the River to New York City.</p>
5	<p>“Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.”</p> <p>The proposed action is sited in an area that has already been developed, and though currently underutilized, maintains access to adequate infrastructure and services to support the project.</p>

6	<p>“Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.”</p> <p>The proposed action is in compliance with permitting procedures, including the State Environmental Quality Review (SEQR), to which this document and the Draft Environmental Impact Statement (DEIS) pertain.</p>
FISH AND WILDLIFE POLICIES	
7	<p>“Significant coastal fish and wildlife habitats...shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.”</p> <p>No significant habitats are listed on the State Coastal Area Map along the Tarrytown waterfront. The proposed action would not affect habitat in the Hudson River.</p>
8	<p>“Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effects on those resources.”</p> <p>The proposed action will not introduce any hazardous materials to the site or to the Hudson River. Construction mitigation will prevent any adverse impact to the Hudson River or to the surrounding areas, and stormwater runoff will comply with NYSDEC Stormwater Management Regulations.</p>
9	<p>“Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.”</p> <p>Ferry Landings will include a riverfront promenade that will enhance access to the River. The project will not adversely affect fish or wildlife stocks.</p>
10	<p>“Further develop commercial finfish, shellfish and crustacean resources in the coastal areas...”</p> <p>This policy does not apply to the proposed action.</p>
FLOODING AND EROSION POLICIES	
11	<p>“Building and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.”</p> <p>The project does not involve the construction of any building or structure within the 100-year flood zone, nor will it have any impact on upstream or downstream flooding conditions. There are small areas in the center of the site where the existing elevations are within the 100-year flood plain, and these will be raised and graded as shown on the plan in Appendix C.</p>

12	<p>“Activities or development in the coastal area will be undertaken so as to minimize damage to naturally resources and property from flooding and erosion by protect[ing] natural protective features including beaches, dunes, barrier islands and bluffs...”</p> <p>The shore of the project area is entirely lined with man-made structures, including bulkhead and riprap. No naturally protective features are present along the Tarrytown waterfront. Therefore, this policy is not applicable.</p>
13	<p>“The construction of reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrates in design and construction standards and/or assured maintenance or replacement programs.”</p> <p>The policy is not applicable to the project, as no coastal erosion control structures are proposed.</p>
14	<p>“Activities and development including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.”</p> <p>The policy is not applicable to the project, as it will not cause increases in the peak flow or volume of runoff from the subject site into the Hudson River.</p>
15	<p>“Mining, excavation, or dredging in coastal waters shall not significantly interfere with the natural coastal processes...”</p> <p>The policy is not applicable, as the project does not involve any of the stated actions.</p>
16	<p>Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function...”</p> <p>The policy is not applicable to the proposed action, as it does not involve the use of public funds or the creation of erosion protective structures.</p>
17	<p>“Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setback of buildings and structures...”</p> <p>Plans for the proposed action have buildings set back at least 100 feet from the Hudson River.</p>

18	<p>“To safeguard the vital economic, social and environmental interests of the State, Village, and of their citizens, proposed major actions in the coastal area must give full consideration of those interests, and to the safeguards which the State and Village have established to protect valuable coastal resource areas.”</p> <p>Pursuant to State Environmental Quality Review (SEQR) regulations, this document, the Draft Environmental Impact Statement, analyzes the proposed action according to all of the above criteria.</p>
PUBLIC ACCESS POLICIES	
19	<p>“Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized in accordance with reasonable anticipated public recreation needs and the protection of historic and natural resources in providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.”</p> <p>The project site is currently underutilized and prohibits public access to the waterfront. The proposed action will include a RiverWalk, in addition to other open/green space, which will provide active and passive recreation opportunities and access to the Hudson River.</p>
20	<p>“Access to publicly owned foreshore and to lands immediately adjacent to the foreshore or the water’s edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining land uses. Such lands shall be retained in public ownership.”</p> <p>The project site is privately owned, however, Pierson Park, which abuts the project site, will be linked to the RiverWalk esplanade, which will extend along the area’s entire shoreline.</p>
RECREATION POLICIES	
21	<p>“Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.”</p> <p>The proposed action would allow water-related recreational uses as principle uses in an area now severely underutilized and unattractive. Public transportation to the project area is already provided by Metro-North Railroad, and will continue to operate.</p>

22	<p>“Development, when located adjacent to the shore, will provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.”</p> <p>The proposed action calls for a mixed-use development with provision for water-related recreation along the shore.</p>
HISTORIC AND SCENIC RESOURCES POLICIES	
23	<p>“Protect, enhance, and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the nation.”</p> <p>The site has no historical, architectural, archeological, or cultural significance at any jurisdiction level. The site consists partially of landfill and from the early 19th-mid 20th centuries has accommodated industrial uses.</p>
24	<p>“Prevent impairment of scenic resources of statewide significance, as identified on the coastal area map...”</p> <p>The area has not been identified as a scenic resource of Statewide significance.</p>
25	<p>“Protect, restore, or enhance natural and manmade resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.”</p> <p>The proposed action complies with the WGBD bulk requirements, and will not adversely affect the local viewshed. Moreover, the proposed action seeks to replace industrial waterfront uses with residential, commercial, and recreation uses, which will make the Tarrytown shoreline more attractive and viable.</p>
AGRICULTURAL LANDS POLICY	
26	<p>“To conserve and protect agricultural lands in the State’s coastal area, any action shall not result in a loss, not impair the productivity of important agricultural lands, as identified on the coastal area map, if that loss or impairment would adversely affect the viability of agriculture in an agriculture district, or if there is no agriculture district in the area surrounding such land.”</p> <p>The policy is not applicable, as the area does not have any agricultural lands.</p>
ENERGY AND ICE MANGEMENT POLICIES	
27	<p>“Decisions on siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment and the facilities need for a shorefront location.”</p> <p>The policy is not applicable, as major energy facilities are not part of the proposed action.</p>

28	<p>“Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.”</p> <p>The policy is not applicable, as the proposed action will not affect the Hudson River and its ice.</p>
29	<p>“Encourage the development of energy resources on the Outer Continental Shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.”</p> <p>The policy is not applicable, as the project site is located outside of the specified area, and because it does not involve the development of energy facilities.</p>
WATER AND AIR RESOURCES POLICIES	
30	<p>“Municipal, industrial, and commercial discharge of pollutants, including, but not limited to, toxic and hazardous substances, into coastal waters will conform to State water quality standards.”</p> <p>The proposed action will have a Stormwater Management Plan and system that will comply with NYSDEC standards. In addition, impervious surface area will decrease, which will aid in infiltration levels, thereby reducing peak flow volumes of stormwater runoff.</p>
31	<p>“State coastal area policies and purposes of approved Local Waterfront Revitalization Programs will be considered while receiving coastal water classifications and while modifying water quality standards; however, those waters already over-burdened with contaminants will be recognized as being a development constraint.”</p> <p>The waters of the Hudson River in the vicinity of the project site are classified as SB, which indicates that the water is saline and suitable for primary contact, including swimming. This classification does not represent a development constraint for future developments that occur in conformance with the WGBD zoning; the proposed action will occur in compliance with the WGBD zoning regulations.</p>
32	<p>“Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.”</p> <p>The policy is not applicable, as Westchester County’s conventional sewage system already exists within the proposed action area.</p>
33	<p>“Best management practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.”</p> <p>Appendix C details the Stormwater Management Plan that will be employed by the proposed action. There are no combined sewer overflows in the project area.</p>

34	<p>“Discharge of waste materials into coastal waters from vessels will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.”</p> <p>The policy is not applicable, as the proposed action will not involve vessels or discharge of waste from them.</p>
35	<p>“Dredging and dredge soil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.”</p> <p>The policy is not applicable, as the proposed action does not involve dredging or the handling of dredged materials.</p>
36	<p>“Activates related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will present or at least minimize spills into coastal waters...”</p> <p>The policy is not applicable, as the proposed action does not include plans for the shipment or storage of petroleum or other hazardous materials.</p>
37	<p>“Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.”</p> <p>Best management practices will be used throughout construction to minimize non-point discharges. The landscaped areas will use a minimum amount of fertilizer consistent with maintaining the vegetation.</p>
38	<p>“The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.”</p> <p>The policy is not applicable, as the project site is not over a sole source aquifer, and the planned uses will not affect the groundwater.</p>
39	<p>“The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources.”</p> <p>The policy is not applicable, as the proposed action does not involve the transport, storage, treatment, and/or disposal of solid and/or hazardous wastes.</p>
40	<p>“Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.”</p> <p>The policy is not applicable, as the project does not involve steam discharge from electric generating and industrial facilities.</p>

41	<p>“Land use or development in the coastal area will not cause national or State air quality standards to be violated.”</p> <p>The proposed action will not cause air quality standards to be violated.</p>
42	<p>“Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.”</p> <p>The policy is not applicable, as the proposed action does not involve prevention of deterioration determinations.</p>
43	<p>“Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.”</p> <p>The proposed action will not generate significant amounts of acid rain precursors.</p>
44	<p>“Preserve and protect tidal wetlands and freshwater wetlands and preserve the benefits derived from these areas.”</p> <p>The project area does not contain and freshwater or tidal wetlands. However, it is located adjacent to the Hudson River and as such the design and construction of the Ferry Landings project will treat the Hudson River and its shoreline with the utmost care. In addition, no changes are planned for the Hudson River shoreline, and the project encourages recreation uses to occur along the riverfront.</p>

3.1.7-2 Comment: A proposed local waterfront revitalization plan is pending with the State of New York Department of State. Since the LWRP is not being utilized, the public is at a disadvantage from receiving the benefits of a proper review of the LWRP. It is requested that the Village of Tarrytown provide the proposed LWRP which had previously been sent to the Department of State and all attachment to the concerned parties previously noticed (Mr. William Cerbone, written comment letter).

Response: The proposed LWRP is attached.

3.1.7-3 Comment: Although the layout of the proposed development concept appears to be consistent with the recommendations of the Waterfront Plan that was recently prepared by the Village, the Waterfront Plan is not mentioned or discussed in the draft EIS. It would be appropriate that the EIS assess the proposal in the context of the Village’s established planning policies and recommendations as well as describe the status of those plans (Mr. Edward Buroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: Comment noted. At the time of writing the DEIS, the Waterfront Plan had not yet been approved by the Village, and therefore, it was thought inappropriate to incorporate into the DEIS.

The Proposed Action does in fact comply with the recommendations and guidelines set by the Village of Tarrytown Waterfront Master Plan. In short, the Village of Tarrytown undertook a planning process to analyze the Village’s existing waterfront

conditions and present recommendations to achieve the goals of this underutilized area. The Tarrytown Waterfront Plan presents a series of specific goals and objectives intended to serve as a guide for achieving the desired growth and development pattern along the waterfront in Tarrytown. The proposed project is consistent with the following policies as described below:

Goal 1 – Increase / enhance public access to the waterfront.

The proposed development will replace an underutilized area of industrial land along the Hudson River with a mixed-use development that will offer both passive and active recreational activities by providing trails and greenways throughout the site and along the Hudson River that connect with the existing network in the area. The project will also serve as a major component of the County's RiverWalk program.

Goal 2 – Stimulate waterfront economic development in Tarrytown.

The proposed action is sited in an area that has already been developed, and though currently underutilized, maintains access to adequate infrastructure and services to support the project. The proposed Ferry Landings development will enhance to the local and regional tax base and it is anticipated that future residents of the development will patronize a variety of local retail and commercial establishments. Local businesses are expected to provide many of the goods and services future residents will require. The additional population from the project will help sustain these local businesses.

Goal 3 – Encourage more tourists to discover the Tarrytown waterfront.

The Village of Tarrytown is a Greenway Compact Community, and as such, the design and layout for the proposed Ferry Landings development is consistent with Greenway guidelines, and will provide for a pedestrian friendly environment. Furthermore, the project re-opens the River to public access, which has been prohibited according to the site's current uses.

In addition, the adaptive redevelopment of the site opens up the potential for future ferry service, such as the Historic Hudson Ferry which has operated on-site in the past.

Goal 4 – Retain and enhance Tarrytown's quality of life.

The proposed Ferry Landings development is consistent with the surrounding land use pattern, and the proposed action will adaptively redevelop an underutilized section of land along the Hudson River. The project will increase green and open spaces, provide public access to the Hudson River, and offer passive and active recreational opportunities.

3.1.8 SOILS

No comments received.

3.1.9 VEGETATION AND WILDLIFE

3.1.9-1 Comment: Several comments were received regarding 200 on-site trees in the Vegetation and Wildlife section of the DEIS. Is this correct as an existing condition (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04 and Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04)

Response: A typo in the DEIS incorrectly identified number of trees on site; there are not 200 on-site trees. The correct tree-count for the existing condition of the project site is 15 trees.

3.1.9-2 Comment: Add a discussion of impacts anticipated to the Submerged Aquatic Vegetation beds in the project vicinity (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: Chapter 3.D of the DEIS discusses the impact of the Proposed Action on Submerged Aquatic Vegetation (SAV) beds. Per the Charles I. Keene study, "Essential Fish Habitat Assessment for the Tarrytown Former MGP Site Remediation Project Tarrytown, New York," completed by Haley & Aldrich in December 2003 (included as Appendix D of the DEIS), there are no beds of SAV adjacent to the site. The area abutting the property is a shallow area (less than 15 ft at mean low water [MLW]) though there is a mid-river navigable channel dredged to a depth of approximately 35 ft at MLW. SAV occur in shallow water between low water and 3 meters deep². Therefore, as there are no beds of submergent aquatic vegetation (SAV) immediately offshore from the project site, and the river bottom is mostly composed of silt, clay, and localized areas of gravel³, there will be no disturbance to SAV.

The benthic community (plants, animals and bacteria that live in the sediment) will not be disturbed. The Hudson River is nearly 2.5 miles wide at this development site. Water depth across the Hudson River adjacent to the site ranges from 1 to 45 feet. The deepest part of the channel is closer to the east bank or Tarrytown side of the river. Water depth near the existing waterfront bulkhead at the project development site ranges from 7 feet to about 20 feet at a distance into the river of 150 feet. This corresponds to the width of the Tarrytown Warf navigation Channel. This navigational channel is maintained by the Corps of Engineers and was last dredged by them in 1992. There are no beds of submergent aquatic vegetation immediately offshore from the site. Sediments will not be altered or rates changed. Turbidity will not increase and water depth will not change. There will be no alteration to tidal flow, river currents or wave patterns.

² http://www.css.cornell.edu/iris/rip/hudson/Presentation/present_files/frame.htm

³ Ibid.

3.1.10 WATER AND WATERFRONT RESOURCES

3.1.10-1 Comment: The DEIS lacks analysis of the impacts on the Hudson River. The report says that the project will not alter the shoreline and it is not anticipated that the project will require any operation to the existing bulkhead or fill material. However, there is currently dredging going on in the river, and the DEIS should include an analysis as to what would be the best option for the bulkhead. The basic approved remediation plan from the DEC does show changes in those bulkheads and Figure Numbers 2 and 3 of that document (Mr. Victor Tafur, Riverkeeper, September 27, 2004 Public Hearing Transcript Page 34).

Response: The cleanup of the site is not a Type-I Action, and therefore is not subject to the SEQRA process, and is not included in the DEIS. Existing conditions, as described in the DEIS, are taken as site conditions post-remediation.

Haley & Aldrich, a geotechnical and environmental engineering firm, assessed the construction and condition of the waterfront structures at the Tarrytown MGP site, and found that the waterfront structures are in serviceable condition for the intended use, as described by the development plan.

3.1.10-2 Comment: Several comments were received regarding improvements to the waterfront, including the possibility for a fixed dock and marina or docking facility. Please describe the proposed facilities, including the number of slips proposed, both as dockage for residents and transient slips; size of the fixed dock and floating dock/finger piers; any boat and kayak launching facilities and associated parking; pump out stations; and, fueling facilities (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04 and Mr. Edward Burroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: No marina or docking facilities are proposed for the development per the Final Scoping Document and the DEIS. The Village of Tarrytown has multiple facilities on Village owned land that are located within one half-mile of the project site.

3.1.11 AIR QUALITY

3.1.11-1 Comment: From the standpoint of the EPA, calculations are based on facilities that operate year round. This assumes that the emissions emanating from these plants is linear if it were even all year round, but for six months they get hit hard and there is no difference from a health standpoint. There is definitely a direct relationship between harm and concentration of the pollutants whether there is criteria air pollutants or whether they are toxic (Mr. John Lynch, September 27, 2004 Public Hearing Transcript Page 37 - 39).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-2 Comment: This plant shouldn't be built anywhere near the aquatic center, from the standpoint of the kids, it shouldn't be built anywhere near a senior citizen center, anywhere within 1500 ft of the two elementary schools and for some of the business owners it's, if we want to put stacks, it's going to be 200 ft from the Tarrytown Bakery which is right on the end here up against the H bridge that provides the pizza dough for a number of pizzerias around here (Mr. John Lynch, September 27, 2004 Public Hearing Transcript Page 41 - 42).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-3 Comment: With respect to the modeling used to identify total calculated pollutants, the procedure called SCREEN is used and it's calculated from an hourly rate to an annual rate of polluted concentration, but the way which this was calculated is not specified (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 82 – 83).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-4 Comment: Although New York State has promulgated its own regulations for particular matter analysis, the air analysis utilized the procedure for the State of Maryland (Ms. Molly MacQueen, Village of Sleepy Hollow, and September 27, 2004 Public Hearing Transcript Page 83).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-5 Comment: The DEIS does not factually or effectively identify or compare pre- and post-development air quality conditions (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04, and Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04, and Mr. John Lynch, September 8, 2004 Public Hearing Transcript Page 36 - 37).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-6 Comment: What is the documented past operating output of the plant. The appendices to your letter include pages taken from a submission provided to Tarrytown setting forth, without documentary support, an annual estimated tonnage output of 131,053 (in 1999) to 90,000 tons (in 2003) (Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-7 Comment: The materials submitted have not entirely accounted for production changes brought about by proposed plant modifications (Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-8 Comment: The only “analysis” of fugitive dust control is a reference to a barrier wall and landscaping being constructed around the new facility. Although the DEIS states that this will contain fugitive dust, there is no quantification as to how much fugitive dust may actually be contained by this structure nor any comparison or quantification of current fugitive dust escape (Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-9 Comment: The air quality modeling used the SCREEN3 model with source characteristics and emission rates based on the maximum production rate of 375,000 tons of asphalt per year. Building downwash was included in the analysis; however, terrain elevations for receptor locations were not included in the analysis (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-10 Comment: The lowering of the relocated Asphalt Plant by 20 ft to reduce visibility may result in poor dispersion from a lowered stack height. As part of the Ferry Landings project, three to four story office, residential, and mixed use buildings are proposed to be located adjacent to the HMA plant. The air quality modeling analysis should include flagpole receptors to determine the air quality impacts on the potential open windows and air-intake vents located on these buildings (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04 and Mr. Michael Sakala, Westchester County Department of Health, written comment letter 9/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-11 Comment: According to the Environmental Impacts Analysis for the Proposed Relocation of a Hot Mix Asphalt Facility in Tarrytown, New York (May 24, 2004), a conversion factor of 0.06 was used to convert the SCREEN3 modeled 1-hour concentrations to an annual concentration. The Screening Procedures for Estimating the Air Quality Impact of Stationary Sources (revised) recommends a conversion factor of 0.08 (plus or minus 0.02) to convert 1-hour SCREEN concentrations to annual concentrations (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-12 Comment: The Environmental Impacts Analysis for the Proposed Relocation of a Hot Mix Asphalt Facility in Tarrytown, New York (May 24, 2004) states that the New York State Department of Environmental Conservation (NYSDEC) does not have regulations in place for hazardous air pollutants (HAPs). However, the NYSDEC does have published Guidelines for the Control of Toxic Ambient Air Contaminants (1991) and has developed short-term guideline concentrations (SGCs) and annual guideline concentrations (AGCs) for many HAPs (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the Asphalt Plant will cease operation and be completely removed from the site.

3.1.11-13 Comment: The report states that 8-hour screening levels (SLs) for the State of Maryland are smaller (lower), and therefore, more conservative than the NYSDEC 1-hour SGC. However, a comparison of the maximum modeled 1-hour concentrations to the 1-hour SGC and the maximum modeled 8-hour concentrations to the SLs is necessary to determine which standard is more conservative (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-14 Comment: The Asphalt Plant is a danger to the health of Tarrytown residents. By moving the Asphalt Plant, Cortlandt, Division Street, and Hudson may experience up to a forty percent increase in particulate matter concentrations (Mr. John Lynch, September 8, 2004 Public Hearing Transcript Page 30, 46).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-15 Comment: Westchester County has a standard for particulate matter concentrations, which are 2.5 and 15 micrograms per cubic meter annually. Here we

have 21.7, that over the EPA limit of 15 by forty five percent (Mr. John Lynch, September 8, 2004 Public Hearing Transcript Page 46).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-16 Comment: Information regarding potential air quality impacts is based on computer modeling. Not a single test has been done at that plant, and it would be wise for the Village of Tarrytown to hire an expert to examine the community. We can certainly ask the County Department of Health to test and to determine whether or not the plant is dangerous (Mr. Mark Fry, September 8, 2004 Public Hearing Transcript Page 60 - 61).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-17 Comment: The DEIS states that the existing burner will be replaced and new bags will be installed for the relocated Asphalt Plant. Please provide information on the new equipment, which may require permits from the Westchester County Department of Health (Mr. Michael Sakala, Westchester County Department of Health, written comment letter 9/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-18 Comment: An impact study is required to simulate air contaminant concentrations past the property line for the new plant location and proposed plant parameters. Those modeled outfall concentrations should be compared with the annual and short-term guideline concentrations listed in the NYSDEC Division of Air Resources Air Guide (Mr. Michael Sakala, Westchester County Department of Health, written comment letter 9/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.11-19 Comment: This project is located at an inactive Hazardous Waste site and is subject to a voluntary cleanup program. Significant free-product plumes of petroleum ore located throughout the site and several building footprints are proposed over these plumes. Locating buildings over or in the immediate vicinity of a plume must be avoided (Mr. Michael Sakala, Westchester County Department of Health, written comment letter 9/13/04).

Response: The remediation plan approved by NYSDEC established clean-up methods and procedures to deal with free-product plumes and this has been addressed in the clean-up project which is now complete.

3.1.11-20 Comment: The DEIS states that ‘impact from tall-stack gaseous emissions is more regional than local,’ and that “Analysis shows” ... “such impact is well within established limits”. Please define regional versus local impact and what analysis states that the impact is acceptable (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.12 NOISE

3.1.12-1 Comment: 375,000 tons of asphalt production would be done in season not a year, which is an extraordinary amount of production. I've been right up close to it three or four times and it makes an enormous amount of noise (Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 72 - 73).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.12-2 Comment: Adding large-scale development in Tarrytown and Sleepy Hollow will add to the noise in what now a mostly tranquil spot (Mr. John Vernille, written comment letter).

Response: Tarrytown and Sleepy Hollow were both home to major industry on the river. The lack of activity, which has caused urban blight, is not a community benefit, and redevelopment plans will provide mitigation for any noise generated. The proposed development provides for green landscaped open space which will add a tranquil area as will the Riverwalk.

The development proposed in Tarrytown is a mixed use residential, retail (minor) and office development. The Ferry Landings location in Tarrytown currently is not tranquil as there are five industrial and distribution businesses currently operating on the site. These include:

County Asphalt-Asphalt Plant

White Plains Dodge-auto storage

Alex Towing-Auto Storage-tow truck

Supreme Transport-auto storage

Tarrytown School Bus Storage-bus storage/maintenance

The redevelopment plan which removes all these industrial and distribution businesses and replaces them with residential, and minor amount of retail, and office will significantly reduce the noise produced by this site.

3.1.12-3 Comment: The noise assessment fails to identify the standard upon which its conclusions were based, does not take into account new equipment to be utilized at the plant in its new location, fails to set forth supporting calculations or documentation with respect to its conclusion that noise from the plant will blend into ambient levels, and fails to set forth data concerning the efficiency of a proposed barrier (Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.12-4 Comment: The report makes a general conclusion that noise from the relocated plant will be identifiable, but will blend into ambient levels. No supporting calculations or documentation of any kind is provided in the report to substantiate this claim. The analysis should contain a study of the sound levels associated with the new equipments since the noise signature of the new equipment could be substantially different from the existing equipment. In addition, the analysis does not indicate whether the extrapolated noise levels are based on current output or maximum production rates (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.12-5 Comment: There is a mention of a possible barrier effect of an existing building, but no details as to whether the effects of the building were accounted for, which building is referred to, or the size of the building (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The buildings referenced are the newly erected DPW (20,000 sf) and the brick former stable building (2500 ± sf). However, the comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.12-6 Comment: An unsubstantiated conclusion is made that predicted sound levels will exceed ambient levels by 3 to 6 dBA, which is apparently an unstated reference to the NYSDEC noise policy, but no detail is provided as to which existing levels are being used as a baseline, what the future levels will be, or how the future levels were arrived at (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: Given the proposed change in use, ambient noise levels are reduced as truck traffic and school bus traffic is eliminated. Please note that due to actions taken

by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.12-7 Comment: A brief discussion states that noise mitigation will include certain unnamed features, and then a statement that incorporating these features will be required to meet an unstated New York State limit of 67 dBA for urban residential areas (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: Please note that due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.12-8 Comment: The Department of Housing and Urban Development noise standard is discussed in this report. This standard is applicable to federally funded residential housing, and, if being applied to this project, it should be made clear that it is being used as a guideline only. Further, the report should clarify that the 65 dBA level is an Ldn (day-night) level (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: Comment noted. Guideline only. Clarification correct. The USEPA guidelines are similar and also are taken into effect in the report. Please note that due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.12-9 Comment: A conclusion is presented that increases in noise will be 0 to 3 dBA, but there is no discussion of how this increase was determined, for which locations this increase is calculated for, what the existing levels are, or what the future levels will be (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.12-10 Comment: The truck noise analysis in this revised report differs from the previous report. The conclusion is now that there will be no increase in noise due to truck traffic. No detail is provided as to how this conclusion was arrived at (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.13 HAZARDOUS MATERIALS

3.1.13-1 Comment: An objection was brought up many years ago to putting residential property down there. We have no residential area in the Village of

Tarrytown that I'm aware of that has a contaminated site within its boundaries or within its locality. By putting residents down there you are creating, in fact, a community or residential area in the Village of Tarrytown that does border on contamination (Mr. William Cerbone, October 25, 2004 Public Hearing Transcript Page 16).

Response: The New York State Department of Environmental Conservation (NYSDEC) in cooperation with the New York State Department of Health has approved the remedial work for the site under the provisions of the NYSDEC Brownfield Cleanup Program (BCP), which was successfully completed in January 2005.

3.1.13-2 Comment: The Tarrytown LWRP states that activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters. The response is that the policy is not applicable, the proposed action does not include plans for shipment or storage of petroleum or hazardous materials (Mr. William Cerbone, October 25, 2004 Public Hearing Transcript Page 11).

Response: The proposed action does not include businesses engaged in the shipment or storage of petroleum or hazardous materials.

3.1.13-3 Comment: Of some concern is that a certain portion of the site will be suitable for residences and a certain portion will be suitable for commercial uses. Will the office buildings and County Asphalt office building stay on top of a hot spot and recovery wells and so forth? I am wondering if for more flexibility on the planning and the possibility of possible acquisition for some of that property for parklands if it won't be better to bring it all up to the standards of for residential usage (Mr. Mark Fry, October 25, 2004 Public Hearing Transcript Page 38 - 39).

Response: The site plan calls for two of the existing office buildings to remain on the site: the Penske Building on Parcel P15 and the County Asphalt Building on Parcel P22. The Penske Building has no evidence of environmental contamination and can be reused or demolished without restrictions. The County Asphalt building did not require any clean-up provided it remained in its current use. In the event this is changed, the NYDEC has a testing protocol to determine if any further clean-up is required.

3.1.13-4 Comment: The DEIS is inadequate as it fails to fully provide a description as to the remedial measures to be performed under the Voluntary Cleanup Agreement with the New York State Department of Environmental Conservation (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04).

Response: The remedial measures are described in section 3.4.2 of this FEIS in addition to the Appendix 11.

3.1.13-5 Comment: It appears that contaminated earth is being cleaned and returned to the site, and those areas, as well as other areas, are to be monitored following

development. There is no definition of the word “storage” and the issue has to be raised whether the creation of bulkheads internal to the development site, to hold back and contain contaminated areas, from spreading to the Hudson River constitute storage. If the term “storage” is considered to include this circumstance, then the next question is whether such “storage” is an appropriate land use under the Village Code and within the discretion of lead agency boards (Mr. William Cerbone, written comment letter Mr. William Cerbone, October 25, 2004 Public Hearing Transcript Page 16 - 17).

Response: The use of bulkheads on the site is to provide an additional safety barrier to prevent movement of any remaining nonaqueous phase liquids (NAPL) to the Hudson River. The bulkheads were installed in conjunction with a recovery trench to collect any NAPL before it reached the bulkhead. The recovery trenches enable monitoring and if required, removal of any accumulated NAPL. This collection activity was not for storage purposes and does not create land use questions under the Village Code. The measure is pursuant to the NYSDEC approved and completed remediation program. Please refer to Appendix 11.

3.1.13-6 Comment: There are two areas which required remediation and internal bulk heading were (1) in the center of the area far from the shore, and (2) on the shore. It can be reasonably assumed that the tidal activity cause the area on the shore to spread west into the Hudson. This begs the question as to what caused the contaminated area in the center of the development to spread north. Without knowing what the answer to this question is, it is difficult for a resident to conclude that the proposed cleanup with the internal bulk heading of the contaminated area in the center of the development will actually remedy the spreading of the contamination. What is at risk is that the contamination will continue to spread possibly in a direction other than northerly because of the extent of the internal bulkhead which is being created and intended to encapsulate the contamination (Mr. William Cerbone, written comment letter and October 25, 2004 Public Hearing Transcript Page 11 – 15).

Response: The contamination was caused by waste associated with the former MGP (Manufactured Gas Plant) operations, commonly referred to as dense, nonaqueous phase liquid (DNAPL). This waste is best described as a tar and is denser than water. The remediation of this DNAPL was aimed at its removal from areas at the source. This removal eliminated the source product, and coupled with monitoring recovery trenches and bulkheads, allows for identification and removal of any residuals, as well as providing a safety barrier to the Hudson River, pursuant to the NYSDEC approved and completed remediation program. This remediation has been reviewed by the independent environmental consultant hired by the Village to review the environmental aspects of the project.

3.1.13-7 Comment: The existing conditions section should be expanded to include a summary of the Brownfield Cleanup performed under the NYSDEC plan (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 8/30/04 and Mr. William Cerbone, October 25, 2004 Public Hearing Transcript Page 11 – 15).

Response: The existing conditions sections of the DEIS discuss the conditions before development of the Proposed Action, but post-remediation. Details of the remediation program which has been conducted are discussed in Section 3.4.2 of this FEIS. Please refer to Appendix 11.

3.1.13-8 Comment: The existing environmental site conditions must be defined as to the type and extent of contamination. Details of how this contamination will impact the proposed project must be provided. Remediation and mitigation proposals must be fully described (Mr. Michael Sakala, Westchester County Department of Health, written comment letter 9/13/04). Please refer to Appendix 11.

Response: Since the Proposed Action will occur post-remediation, that is taken as the existing conditions throughout the DEIS. Details of the remediation program which has been completed are discussed in Section 3.4.2 of this FEIS. Please refer to Appendix 11.

3.1.14 STORMWATER MANAGEMENT

3.1.14-1 Comment: The proposed project would increase stormwater pollution to the Hudson River and has no real stormwater pollution prevention plan. Basically, the developer is asking the Boards to waive the pollution prevention plan. I think they can do better. Why start off with asking to waive a good drainage plan? They should improve it. There are ways to do so and without getting into the details. For example, the Hudson River program has some suggestions and of course, DEC has guidance that should be followed and they should, they can improve this and not just put some pipes and throw it into the river (Mr. Victor Tafur, Riverkeeper, September 27, 2004 Public Hearing Transcript Page 33).

Response: There is a Stormwater Pollution Plan in place and the proposed Project does not increase stormwater pollution to the Hudson River. There has been at no time a request to waive this requirement.

With respect to “doing better”, the existing site contains approximately 24 acres of impervious area, constituting ninety two percent of the total Project area. The existing runoff travels overland to catch basins and then discharges into the Hudson River. The proposed system is a dramatic improvement to the existing system. The amount of impervious surfaces on the site will decrease from approximately 24 acres to under 18 acres; a reduction of over twenty five percent. In addition the existing stormwater run off from the asphalt areas is loaded with grease, sediment, oil and other nutrients. Not only will the impervious surface be significantly reduced but it will be also designed to capture and filter the sediments and pollutants on site before they reach nearby bodies of water.

As mentioned, a full Stormwater Pollution Prevention Plan (SWPPP) has been developed in accordance with the 2003 New York State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges Associated with Construction Activities GP 02-01 and New York State Department of

Environmental Conservation (NYSDEC) New York State (NYS) Stormwater Design Manual (SMDM).

There have been several meetings with the DEC addressing both water quantity and water quality issues. Their major concern with Redevelopment Sites is the “Post-Development Flows” as compared to “Pre-Development Flows.” DEC guidelines dictate that if there is a greater than twenty percent reduction in “Post Development” quantities, their water quality guidelines are satisfied without any further action(s).

3.1.14-2 Comment: According to the DEC all new development must meet MS4 requirements that means Municipal Separate Stormwater Sewer System and all of the stormwater must be treated on site. There is no option. And I think it would be extremely irresponsible, I believe, for this Board to waive MS4 (Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 68).

Response: The Stormwater Pollution plan (SWPP) will meet all DEC requirements with respect to treatment on site. There will be no requests for any waivers to the DEC guidelines. In fact, the DEC guidelines are not only met but exceeded; the runoff on the site will be reduced by greater than twenty percent.

3.1.14-3 Comment: In terms of drainage, we should look at the stormwater management, see if it's up to snuff. There also should be a critical look at the use of pavers versus asphalt. There is going to be a reduction in the blacktop in this project compared to what there is now because of the nature of the green space left over but you could further remedy that by thinking in terms of pavers than complete asphalt covering. (Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 98 - 99).

Response: The Stormwater Management Plan is current and addresses all issues with respect to soil loss, stormwater maintenance schedules, and implementation of erosion and sediment control practices. There will be site specific erosion control measures to minimize soil loss to both the development Property and the adjoining properties.

The Stormwater Management Plan will also follow the New York State Guidelines for Urban and Sediment Control and the New York State General Permit for Stormwater Discharges.

The use of pavers has been considered to reduce the runoff even further and will most likely be utilized in several areas. Specifically, the Riverwalk and some small parking areas will be constructed of pavers. The use of pavers in crosswalks and sidewalks is also under consideration.

3.1.14-4 Comment: Adding large-scale development in Tarrytown and Sleepy Hollow will add to the runoff (Mr. John Vernille, written comment letter).

Response: The impact of the proposed development will be a positive one as it relates to both stormwater and runoff to the Hudson River. The Project will eliminate the industrial area from the waterfront and provide significant green space. After

construction, stormwater runoff will be reduced even further by the addition of the proposed landscaping amenities; over 200 trees and 1,000 shrubs/bushes will be installed throughout the site. A buffer of landscaping will be installed along the existing shoreline to reduce even further the anticipated runoff to the Hudson River.

3.1.15 TRAFFIC

3.1.15-1 Comment: The project will have multi-modal transportation access, thereby reducing traffic impacts (Mr. Bob Geneslaw, AICP, Village of Tarrytown Planner, September 27, 2004 Public Hearing Transcript Page 4).

Response: As noted in the comment, Tarrytown Train Station is located roughly 0.25 miles from the project site and is served by Metro North Commuter Railroad's Hudson Line, which operates peak hour trains at 15 minute intervals and off-peak trains at 33 minute intervals. In addition, the train station serves as a Bee-Line bus stop, which provides service to the Bronx, Yonkers, Dobbs Ferry, Ardsley, Irvington, Elmsford, and White Plains at 15-45 minutes intervals. The service also connects Tarrytown to Ossining and Port Chester, as well as to the White Plains Trans-Center, where one can transfer onto other Bee-Line buses or onto Metro North's Harlem Line. Furthermore, the Tappan Zee Express bus connects Rockland County to the Tarrytown Train Station, thus providing people living or working in Rockland County with an alternative means of transit to the Ferry Landings site.

The site is conveniently located adjacent to the Tarrytown train station and this together with access to bus services provides a multi-modal transportation access to the site which will reduce the need for automobile travel. The Traffic Impact Study prepared as part of the DEIS takes some credit for these services however, it is likely that their convenience and availability will further reduce traffic impacts from the project. Thus, the traffic impact analysis is conservatively high.

3.1.15-2 Comment: Several comments were received stating that the DEIS should include a cumulative impact analysis that includes an evaluation of potential impacts and potential mitigation measures, based on anticipated traffic generated by projects in both Tarrytown and Sleepy Hollow. There should be continuous inter-municipal cooperation between Tarrytown and Sleepy Hollow in order to achieve the safest and most efficient traffic flow through both villages (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 14 – 16, Mr. Michael Farley, September 27, 2004 Public Hearing Transcript Page 59, Mr. Michael Farley, September 27, 2004 Public Hearing Transcript Page 61, Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 87 – 89, and Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04, Mr. Mark Fry, September 8, 2004 Public Hearing Transcript Page 32).

Response: As required in the scoping document, the traffic study for Ferry Landings also included a cumulative impact analysis accounting for other developments in the area including a scenario which fully evaluates the proposed Lighthouse Landing project. Improvements are identified in the traffic study.

3.1.15-3 Comment: The DEIS should include scenarios that consider shuttle service and enhanced transit serving the Tarrytown train station, as well as, the feasibility of a new station at Lighthouse Landings and Sleepy Hollow (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 14 - 16).

Response: The Ferry Landings site is located within accessible walking distance of the Tarrytown train station.

3.1.15-4 Comment: It's unclear whether the traffic study is based on the asphalt plant's current production or if the number of trips is based on the plant's permitted production capacity of 375,000 tons. Scenic Hudson recommends the traffic study should include some accounting for truck trips generated by the future operation of the asphalt plant. We believe that the rounded 150,000 ton figure represents a reasonable compromise anticipating some increase in production without assuming the worst case scenario which as the DEIS suggests will never occur (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 17 - 18).

Response: The Traffic Impact Study includes the traffic generated from the current asphalt plant. At the time of the traffic study, the plant was operating and accounted for. No reduction was taken for existing uses which will be eliminated upon development. Please note that due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

The traffic evaluation for Ferry landings included the existing traffic for the asphalt plant operation as part of the existing traffic volumes on the area roadway network. Based on the Preferred Alternative which includes the elimination of the asphalt plant, there will be a reduction in traffic including significant truck traffic on the area roadways including traffic utilizing the H-Bridge. Furthermore, the traffic analysis did not take credit for the reduction in the school bus traffic, which would be eliminated as part of the site development plans. This traffic equals to approximately 20 vehicles hourly during peak periods.

Thus, based on the above, the traffic analysis for Ferry landings presents a conservative analysis of future traffic conditions and the reduction in truck traffic from the elimination of the asphalt plant and school bus traffic will actually improve the operations projected at the area intersections. (See Traffic Appendix E)

3.1.15-5 Comment: One of the traffic mitigation measures proposed is the removal of on-street parking on Broadway near the intersection of Nepperhan Road. The FEIS should state the number of on-street parking that is proposed for removal, the impact for the loss of this parking, and mitigation for the loss of these parking spaces (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 18 – 19 and Mr. Steven Scalici, P.E. – STV Incorporated, written comment letter 9/8/04).

Response: The Traffic Impact Study does not propose the removal of on-street parking on Broadway near the intersection of Neperhan Avenue. It does identify this modification as a potential means of further improving the capacity of the intersection.

3.1.15-6 Comment: The DEIS proposes to mitigate traffic impact by modifying portions of other streets to function as one-way roadways. The FEIS should indicate the precise proposal for conversion of one-way streets and the analysis on resulting traffic patterns (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 18 - 19).

Response: The DEIS does not propose the use of one-way roadways as part of its mitigation. However, as requested in the scoping document, it does identify that one-way streets would improve overall traffic flow on Broadway through the Main Street intersection and could be implemented if the Village desired.

3.1.15-7 Comment: Comments remarked that a design standard of C is not suitable for the Village. I see no reason why we should have what you consider a medium traffic flow when everybody knows that there is an "A" and you are bypassing it. This Planning Board also lives in the village. Traffic is not moderately acceptable along Broadway at the time of day those intersections tick off (Ms. Cherie Gaines, September 8, 2004 Public Hearing Transcript Page 16 and September 27, 2004 Public Hearing Transcript Page 49 – 50 and Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 24).

Response: In suburban areas such as Tarrytown, during peak periods, it is not unusual to design for Levels of Service "D" or even in some cases Levels of Service "E". Levels of Service "A" would typically only be seen during off-peak hours on local residential streets.

3.1.15-8 Comment: All of the proposed uses are going to involve additional traffic that hasn't been discussed in the DEIS. Offices have deliveries not just UPS trucks; they get paper supplies and all kinds of things. They have mechanics come, even computer experts to fix the machine that isn't working that day. That's all additional traffic (Ms. Cherie Gaines, September 27, 2004 Public Hearing Transcript Page 56).

Response: The trip generation rates published by the Institute of Transportation Engineers include all trips generated by the proposed land uses. These would include delivery and service trucks, etc. The peak hour trip generation rates utilized in the Traffic Impact Study account for these trips.

3.1.15-9 Comment: Signal work studies and studies for new traffic signals have not been prepared for the DEIS. In the face of not having these you cannot be assured that the mitigation of such signals would, in fact, work (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 84).

Response: The traffic study contained in the DEIS includes capacity analyses which incorporate signal phasing and timing improvements. The detailed design plans for these would be completed as part of the site plan approval process and the highway

work permit process. In some cases, these changes may require signal controller replacement, additional actuation loops, etc. These details are typically addressed in these later stages of project approvals.

3.1.15-10 Comment: Several comments were made regarding the potential impact on traffic operating conditions at the intersection of Broadway (Route 9) and Franklin Street. The DEIS asserts that proposed improvements would work along Route 9 and Franklin Street. The analysis states that if a traffic signal is installed at that Route 9/Franklin Street intersection there would be increased gaps, opportunity to turn under Route 9 and this would benefit Church and the Park Street intersections, but how this appears in the capacity analysis is not specified. There are two intersections along Route 9, Beekman and Bedford Road, that would have their signal times and phase-ins changed. These analyses are not presented. It's neither apparent that the mediation provided by the signal timing would be effective. (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 84 – 85, Mr. John Canning, Adler Consulting, written comment letter 11/4/04, and Mr. Steven Scalici, P.E. – STV Incorporated, written comment letter 9/8/04)

Response: The provision of traffic signals on uninterrupted flow networks provides gaps for adjacent intersections. These gaps were not taken credit for in the traffic analysis, however, the platooning of vehicles and gaps created by these signals do provide the ability for traffic entering and exiting adjacent unsignalized intersections to function at better operation levels. With respect to the signal improvements, these design details would be undertaken during the Highway Work permit and site plan approval process. The traffic study compares Levels of Service for No-Build and Build conditions. For Levels of Service “C” or better a drop of Level of Service i.e., “B” to “C”, is not considered a significant impact. However, for Levels of Service less than “C”, a drop or change in Level of Service i.e., “D” to “E”, would be a change for which mitigation should be considered. If the Level of Service remains unchanged no mitigation is required.

3.1.15-11 Comment: It's asserted in the DEIS that traffic signals can be traffic calming devices. This can be true if the signals are warranted and if there is documentation suggesting that traffic signals can actually increase diversions and accidents as people move to avoid them there would be a reassignment resulting from the signals. This also needs to be analyzed (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 86).

Response: The DEIS does not propose traffic signals as traffic calming devices. The traffic calming devices referenced in Traffic Impact Study are for localized streets which would include the local streets such as Riverview, Park, Church, Independence and Miller. The types of traffic calming measures such as speed tables, speed humps and other related measures are in conformance with the New York State Department of Transportation design manual and would be implemented if the Village desires. The new traffic signals identified in the DEIS are to address existing capacity and safety constraints.

3.1.15-12 Comment: Construction vehicles related to the project's peak hours is not indicated in the volume tables (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 86).

Response: The traffic generation analyzed in the DEIS for the peak hours would be higher than the peak hour construction traffic during the construction phases of the project. There is no separate distinction for construction vehicles.

3.1.15-13 Comment: There is a missing intersection at Beekman and Cortland Street. It appears to be very highly used and very important to the Beekman arterial and really ought to be included in the DEIS (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 86).

Response: The intersection of Beekman Avenue and Cortlandt Street was not identified as part of the Scoping Document for the Ferry Landings Traffic Study. However, as requested, utilizing available information a separate capacity analysis has been undertaken for this intersection. The analysis indicates the Level of Service from No-Build to Build conditions would remain the same. A copy of the analyses can be found in the Traffic Appendix hereto.

3.1.15-14 Comment: Link trips are not specified in the DEIS. For example, you hop in your car to go to the pharmacy and you continue on to go to the library. You've made a single trip with a couple of stops. That's a link trip (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 86 - 87).

Response: Comment noted and responded to in the Traffic Appendix E.

3.1.15-15 Comment: For the Ferry Landings analysis there is a retail credit of twenty percent while Lighthouse Landing is using twenty five percent. There is an inconsistency that really ought to be justified (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 87).

Response: The Ferry Landings analysis includes a conservatively low credit of twenty percent which is less than the twenty five utilized in the Lighthouse Landing study. If the higher twenty five percent credit used in the Lighthouse Landing study is applied to the Ferry Landings traffic, the traffic impacts and traffic generation from the project would be less. Therefore, the Ferry Landings study provides a conservatively high analysis of potential traffic impacts from the project.

3.1.15-16 Comment: In the no build studies in the area for a number of projects subjected to the SEQRA process used a two percent growth factor. This uses a one percent growth factor and that analysis needs to be adjusted (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 88).

Response: The one percent background growth factor was utilized in the Traffic Impact Study based on historical information. While other studies in the area may have used a higher growth factor, the one percent is justified since the traffic study

also accounts separately for the traffic from other significant proposed developments in the area. There is no need to use a higher growth factor.

3.1.15-17 Comment: There are a number of items that were identified in the scoping document that do not appear to be addressed in the DEIS. This includes evaluation of the annual average daily traffic, especially along Route 9 between Benedict Avenue and New York State 119 (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 89).

Response: Appendix E to the Traffic Impact Study provides a summary of the Average Annual Daily Traffic (AADT) volume along the Route 9 corridor. As can be seen, the actual AADT's along Route 9 since the 1980's have been reduced. (See Appendix E).

3.1.15-18 Comment: The DEIS should address the adequacy of parking additions both on- and off-site, pedestrian conditions, mass transit, and truck traffic generation and deliveries (Mr. Judson Siebert, Keane & Beane, P.C., September 8, 2004 Public Hearing Transcript Page 10 – 12 and written comment letter 8/30/04, Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 89 – 90, and Mr. Edward Buroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: The delivery and truck traffic generation is included as part of the ITE database. In the Traffic Impact Study, mass transit trips are identified as a percentage of total trips. During the site plan approval process, the final parking calculations for the site will be reviewed with the Village.

3.1.15-19 Comment: Another analysis detail, the version of HC Assist, the highway capacity software that was utilized, and the location of the automated traffic orders should be provided (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 90).

Response: The Highway Capacity Manual software utilized in the capacity analysis was Version 4.1d. This was the latest available version at the time of the traffic study. The automatic traffic recorder locations are noted on the top of the data sheets contained in Appendix E of the Traffic Impact Study. (See Attached Figure). The data included locations on Route 9 south of Franklin and on Franklin Street west of Route 9. (See Traffic Appendix).

3.1.15-20 Comment: Peak hour factor for existing No-Build, build, and heavy vehicle traffic appears to be shown as two percent on all intersection approaches but it's not clear whether truck traffic is proportionally higher on Route 9, as some of the other roads which are not open to trucks (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 90).

Response: The peak hour factors and truck percentages used represent peak hour conditions. The side roads, which may even have lower truck percentages, were not adjusted.

3.1.15-21 Comment: Funding for off-site intersection improvements is not identified (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 90 - 91).

Response: The assignment of the off-site improvements, many of which are required regardless of the proposed development, will be determined by the lead agency, i.e., Village of Tarrytown, as part of the SEQRA Findings Statement. The applicant has identified its willingness for a fair share contribution towards such improvements, and those improvements directly associated with the project will be fully mitigated.

3.1.15-22 Comment: The DEIS notes that the amount of traffic generated by the proposed project will not significantly change the level of operation at any of the intersections studied. This statement is not true. Especially considering that a number of approaches deteriorate from level of service E to F, which is specified in my comments. They include H-bridge and Railroad Avenue, Franklin Avenue, Riverview Avenue intersection which drops from a C to an E, U.S. Route 9 and Church Street remains unchanged at level of service A for both the a.m. and p.m. (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 91).

Response: As summarized in Table 2 of the traffic study, the intersections analyzed for those locations projected to operate at overall Levels of Service "C" or less under the No-Build will operate at similar overall LOS under the Build conditions. The referenced Levels of Service shown for the individual movements are for unsignalized intersections, some of which will become signalized intersections in the future. Also, as noted in item 3 on page 14 of the traffic impact study, the provision of a traffic signal at the intersection of Route 9 and Franklin Street will provide increased gaps in the traffic streams on those roadways and this will benefit these adjacent unsignalized intersections. This would include the intersection of Franklin Street and Riverview Avenue. The analysis shown in the DEIS does not take credit for this. Furthermore, the applicant will agree to monitor this intersection for potential signalization. With a traffic signal, this intersection will operate at a Level of Service "C" or better.

The applicant identifies improvements at various locations, many of which are recommended regardless of the project. Some of the specific improvements in the document include the signals at the "H-ramps" and at Franklin Street and Route 9. The assignment of the improvements or fair-share contribution by the applicant will be determined by the Village of Tarrytown as part of the Findings Statement for the project.

3.1.15-23 Comment: Several comments were received regarding traffic counts. Specific dates should be given for traffic data collected. Observations should be taken during the heavy season and during times of school bus circulation, not during summer months and off-hours (Mr. William Cerbone, October 25, 2004 Public Hearing Transcript Page 18 and written comment letter and Ms. Cherie Gaines, October 25, 2004 Public Hearing Transcript Page 43 - 44).

Response: The traffic counts collected in the area do not reflect summer traffic counts, they include historical data as well as traffic count data collected during the peak hours i.e., 7:00-9:30 am, 3:30-7:00 pm and 11:00-3:00 on Saturdays. These specific counts were collected during the months of November, 2003; April and May 2004.

3.1.15-24 Comment: The DEIS states that the traffic counts were done between 6:30 a.m. and 10:00 am, 3:30 pm and 7:00 pm and then weekends, 11:00 am to 3:00 pm. It doesn't tell you what the industry standard is for engineering for determining what is an average period. Is an average period a four hour period. Rush hour period does not go from 6:30 am until 10:00 pm, and by elongating it from 6:30 am to 10:00 p you are diluting the standard of what's occurring between 7:00 pm and 9:00 am and 7:00 am and 8:30 am. These periods are distinguished but not defined. There is the reasonable possibility that the acknowledged but undefined peak period is diluted, statistically speaking (Mr. William Cerbone, October 25, 2004 Public Hearing Transcript pages 19 – 20 and written comment letter).

Response: While the traffic study included counts which covered several hours on several days, the traffic analysis utilizes a one hour peak which occurs during the time periods noted, for example if the peak one hour is between 7:30 am to 8:30 am; this period was used for the analysis even though the traffic counts survey covered a 3 to 4 hour period. This is the industry standard for analyzing peak one hour conditions. The primary reason for counting multiple hours is to insure that the peak one hour volume is obtained within that overall time period.

3.1.15-25 Comment: I don't know what the capacity of the H-bridge is and I don't understand why the engineering standards required by this Board isn't to tell us what is the traffic capacity of that wonderful peculiar H-bridge. What traffic flow can it handle. It's an H-bridge. It's an oddly shaped construction. It has a capacity. That and our local streets have a capacity. No one is telling us and the engineering standards should be what is the capacity of the H-bridge to handle traffic.

Response: The capacity of the H-Bridge is of the function of the turning movements which occur at the associated intersections on the bridge. The capacity analysis contained in the DEIS identify all turning movements. It indicates that local streets, including the H-Bridge do have the capacity to handle the projected traffic to the riverfront, especially when coupled with the recommended local street improvements, which will generally benefit local traffic flows.

3.1.15-26 Comment: Will public access to the Hudson be impeded because the local streets don't have a capacity to handle the increased traffic (Mr. William Cerbone, October 25, 2004 Public Hearing Transcript Page 21 - 22)

Response: Public access to the Hudson River will be provided. The provision of traffic signals and other improvements should improve access to the waterfront.

3.1.15-27 Comment: The Village Code catalogues and defines streets (see Code Section 263-2) and the minimum right of way (see Code Section 263-13). The DEIS

should define these streets according to the Village Code and analyze the capacity of the inner village streets to handle the larger flows of traffic which can be reasonable anticipated by the proposed development. The analysis should include the capacity of streets and intersections. Route 9, a major state road, State Road Number 9, it's not Broadway, it's State Route Number 9 is a major state thoroughfare that probably would barely, if at all qualify as a major arterial street in our local zoning code. That's not analyzed, the width of it isn't analyzed, the capacity isn't analyzed (Mr. William Cerbone, October 25, 2004 Public Hearing Transcript Page 22 – 24 and written comment letter).

Response: The streets within the site have been defined according to Village Code, and their capacity has been analyzed (see Volume III of the DEIS, pages 10-14, as well as Appendix C). A local streets analysis is provided in Appendix E, Sections 2 and 6 of this FEIS.

3.1.15-28 Comment: Tarrytown Village Mayor Paul Janos stated that the Village of Tarrytown anticipated consideration of either changing the direction of traffic at River Street (the H-Bridge Access Road); creating a cul-de-sac at River Street, or establishing a five (5) ton limit on the H Bridge. Confirmation as to whether these measures are to be considered or undertaken should be provided, as should an explanation as to the rationale underlying their implementation. Impacts of these measures must also be analyzed (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04).

Response: Changes to the roadway network i.e., one-way or replacing additional weight limits, would be a function of the Village Board and is not proposed as part of this project.

3.1.15-29 Comment: Comments were made regarding whether the Division Street access can be constructed entirely within the Village of Tarrytown. Clarification is necessary as to whether the proposed action will require site plan approval from Sleepy Hollow, and whether Sleepy Hollow is thereby an Involved Agency under SEQRA (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04 and Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: Comment noted. The Division Street access is proposed to be constructed entirely within the Village of Tarrytown. All streets proposed for this project have been defined according to Village Code. Traffic flow and capacity have been addressed in Appendix E of the FEIS. Detailed plans will be provided as part of the site plan approval process.

3.1.15-30 Comment: Detail should be provided as to mitigation measures designed to reduce traffic impacts including the addition of trolley loop service (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04).

Response: The proposed Ferry Landings development is located in close proximity and walking distance of the Tarrytown train station and the related bus stops.

Therefore, no trolley service is proposed at this time. This may be reviewed further by the Village of Tarrytown as part of the approval process.

3.1.15-31 Comment: The idea that the only access to this complex will be via the “H” bridge adjacent to the railroad station is, indeed, alarming for anyone who is aware of the amount of traffic that this bridge carries right now, without any additional traffic from 88 town houses, 40 loft apartments, commercial and administrative traffic (Mr. Michael Durand and Ms. Mary Anne Cosentini, written comment letter).

Response: The traffic conditions analyzed in the Traffic Impact Study (provided in Appendix E of this FEIS) include existing traffic utilizing the H-Bridge and project future loadings on the H-Bridge with the project and other developments. It should be noted that access via Division Street is also provided to the site and was analyzed as such in the Traffic Impact Study, which is included in Appendix E of this FEIS.

Based on the results of the evaluation in the traffic study and the improvements which were identified and recommended by John Collins Engineers, P.C., the roadway system will accommodate existing and future traffic conditions.

3.1.15-32 Comment: The new inland location of the County Asphalt Plant will result in the elimination of the plant’s current West Main Street access. As a consequence, all ingress and egress to the relocated plant will be on and off Division Street at a point where Division Street makes a significant bend in a northwesterly direction (Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.15-33 Comment: An analysis of the Division Street access is contained in the Traffic Appendix herewith.

Response: The Traffic Impact Study includes assignment of site traffic to the driveways and includes an analysis of traffic conditions at the intersection of the site driveway with Division Street. A copy of the Traffic Impact Study is provided in Appendix E of this FEIS.

3.1.15-34 Comment: Information should be provided for the amount of incoming and exiting traffic (by access point and vehicle type/size) for the existing Asphalt Plant and surrounding roadways (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.15-35 Comment: A discussion should be provided concerning the impacts of the elimination of the West Main Street access point, which would re-route all Asphalt

Plant traffic to the northern leg of the H-Bridge (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.15-36 Comment: The possibility of an alternate truck route via Broadway to Beekman Avenue is discussed. The current truck route is via Broadway to Central Avenue. Thus the Beekman Avenue alternative would increase truck traffic along the local roadway network of Sleepy Hollow (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: There is currently a weight limit restriction on truck traffic on Beekman Avenue and the current route to Broadway is via Central Avenue which will be maintained. Alternate routing is not proposed at this time.

3.1.15-37 Comment: Additional information should be provided in the FEIS indicating, using truck- turning templates, that emergency apparatus will be able to make the more acute turns on the internal roadway system (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: Internal roadways will be designed so as to allow for truck and emergency vehicle maneuvering, per standardized turning templates. The Village will review these designs as part of the site plan review and approvals process.

3.1.15-38 Comment: Operations for the Asphalt Plant could increase beyond existing levels, thus increasing traffic, based upon the permitted size. Existing operations are approximately 183,000 tons per year; however, the latest NYSDEC permit for the site is 375,000 tons per year and thus traffic could increase significantly (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: As indicated in the DEIS traffic study, the traffic engineering firm, John Collins Engineers, P.C., did not apply a reduction in the traffic volumes which were being generated by the existing uses on the site even though none of these uses will remain after the construction of the Ferry Landings development. The uses include the school bus operations, as well as the automobile dealer storage and the asphalt plant. Once these uses are eliminated, these trips would be eliminated from the roadway network. Therefore, by keeping these uses in the traffic calculations, the projections are conservatively high. In terms of the peak hour effect of this conservative approach, the bus trips which would be eliminated would equate to approximately 20 to 25 buses during the AM peak hour. Since no credit or reduction for these trips was taken, the analysis provides a conservative estimate of future traffic conditions generations by the site since the traffic engineers have also added trips for the new uses proposed.

Furthermore, by not removing these bus trips from the network, these trips were also grown by the four percent growth factor that was applied to all traffic, again making the future traffic projections conservatively high.

Please note that due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.15-39 Comment: Will the use of the H Bridge and the local streets utilized by the people coming to the new development of Tarrytown and Sleepy Hollow interfere with the public use of the same roads when accessing Hudson River facilities (Mr. William Cerbone, written comment letter).

Response: The traffic study includes the effect of additional traffic to the various developments in the Village of Tarrytown as well as Sleepy Hollow, and based on this, the roadway system will accommodate existing and future traffic conditions.

3.1.15-40 Comment: Cut-through traffic through area streets, including Church Street, Independence Street, Park Street, Prospect Avenue, and Miller Avenue, to the waterfront has been a subject of concern for residents and raised two village authorities for several decades. Any increase of capacity at the waterfront without alleviating the cut-through issue, will further reduce the quality of life for the impacted area (Mr. William Cerbone, written comment letter).

Response: As identified in the Traffic Impact Study, traffic calming measures and other related improvements are available to reduce cut through traffic through areas such as Church Street, Independence Street, Park Street, Prospect Avenue and Miller Avenue. The final details of traffic calming will be reviewed with the Village to insure that appropriate measures are installed.

3.1.15-41 Comment: Any increase in traffic will have a significant impact both to those who already live there and utilize the roads, as well as those who come in to utilize the proposed development. No attempt is being made by the developer and the Village of Sleepy Hollow to create new patterns of traffic at an eastbound direction to directly connect Beekman Avenue to the Saw Mill River and Sprain Brook Parkways. The use of local roads and the corridor of Route 9, south of the Village of Sleepy Hollow, are not appropriate for the 100 percent of traffic generated from this site and Sleepy Hollow (Mr. William Cerbone, written comment letter).

Response: Comment noted.

3.1.15-42 Comment: The DEIS references traffic improvements or repairs that may be made along Franklin Avenue, Route 9, and the H Bridge, but makes no indication as to when and if these repairs will be undertaken. The FEIS should provide details and scheduling of what actually is proposed and a thorough analysis of H-Bridge impacts should be (Mr. Judson Siebert, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 80 – 81 and Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04).

Response: The “H-Bridge” is under the inspection review of the New York State Department of Transportation and physical inspections are performed on a biennial basis. A professional engineering firm reviewed the condition of the bridge, confirming what was observed and noted in the latest 2003 NYS DOT report.

The condition of the bridge is overall sound and the Load Capacity of the Structure exceeds that of any bridge with no load rating limitations imposed.

In the opinion of the Professional Engineers, and from an aesthetic perspective, the “H-bridge” looks in worse shape than it actually is primarily due to cascading rust on the concrete guard walls from the old rusted safety fence that exists above.

The recommendation of the Professional Engineers is for the renovation or replacement of this fence and either the sand blasting or the painting of the concrete abutments to remove the rust stains.

The DEIS identifies the improvements some of which are required regardless of the proposed Ferry Landings development. The Village will determine which improvements will be required by the developer and fair share contributions are proposed. These will be a part of the Finding Statement for the project.

It must be fully recognized that no work, even for aesthetic reasons shall be performed without the direct involvement and approval of the NYS DOT, as it has jurisdiction over the structure.

3.1.15-43 Comment: Items referenced in the scoping document but not included in the DEIS include an evaluation of the annual daily traffic volume for Broadway between Benedict Avenue and Route 119 in a post-development phase when compared to the level of activity which shall prevail when the General Motors plant was in operation, an evaluation of the impacts associated with the Village assigning Main Street and Franklin Avenue to create a one-way couplet (Mr. Judson Siebert, Keane & Beane, P.C., September 8, 2004 Public Hearing Transcript Page 10 - 12).

Response: Information regarding Average Annual Daily Traffic volumes on Broadway is presented in the DEIS, Appendix E. Copies of the historical information are included. This data indicates that the AADT has been reduced from its previous highs (See Appendix E). The effect of signing Main Street and Franklin Avenue as one-way couplet will reroute traffic volumes in the area. An additional analysis is contained in the Appendix E of this FEIS which shows the capacity analysis for these intersections.

3.1.15-44 Comment: We believe that a direct pedestrian connection between Main Street and the waterfront is a component critical to the successful linking of this waterfront development to Tarrytown's central business district on Main Street. We urge that the FEIS provide this pedestrian connection (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 20 - 21).

Response: Infrastructure already exists that allows direct pedestrian connections between the Tarrytown waterfront and Main Street via the municipal sidewalk system. There are currently two pedestrian bridges crossing the railroad tracks, linking the waterfront to the eastern portion of Tarrytown and Main Street. In addition, a third ADA-compliant pedestrian crossing is planned by the village and awaits funding. Once on the east side of the railroad tracks, Main Street is within walking distance and sidewalks are provided for the safety of pedestrians.

3.1.15-45 Comment: Although the relocation of the Asphalt Plant and the DPW garage are not part of the subject application, the DEIS drawings should show where these properties may gain access to the local street system so that the reviewer can determine if either of these properties will be accessed over project roadways (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: The comment is no longer applicable. Due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site. The DPW will not be accessed over project roadways, but instead directly from Division Street.

3.1.15-46 Comment: Additional information should be provided in the FEIS indicating the calculated sight distances at the site driveways and comparing them to the required sight distance for 30 mph roadways (200 ft) (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: The site distances from the current Asphalt Plant and DPW to the Division Street egress is 240 ft. The site distances from the DPW onto Division Street at the western most egress point is 200 ft to the west and 200 ft to the east. At the eastern most egress point the site distances from the DPW onto Division Street/Railroad Avenue is 220 ft to the west and 210 ft to the east. Please note that due to the actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.15-47 Comment: Clarification should be provided in the FEIS as to the location of Green Street (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: Comment noted. Green Street extends South from Railroad Avenue along the western edge of the Metro North Commuter railroad.

3.1.15-48 Comment: The incorrect reference to the intersection of Main Street with Valley Street on page 93 of the DEIS should be noted in the FEIS (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: Comment noted.

3.1.15-49 Comment: The FEIS should document how traffic volumes during the peak AM and PM Highway Hours on a weekday compared with the Peak School Generator Hours in the vicinity of the Washington Irving and Morse schools (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: The traffic volumes collected for the peak am and pm Highway Hours were higher than those in the vicinity of the Washington Irving and Morse schools.

3.1.15-50 Comment: The FEIS should contain a discussion of how traffic volumes during the peak PM Highway Hours on a typical weekday compared with the peak pm Highway Hour on a Friday on Broadway (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: Based on machine traffic counts collected along Route 9, the weekday peak PM typical volumes were found to be comparable to the Friday peak hour volumes with variations of approximately three to four percent. However, the data does indicate that on a Friday evening, there are higher continuous peak hours i.e., longer time periods of higher volumes than on a typical week day. A copy of the machine traffic counts are contained in the Appendix E.

3.1.15-51 Comment: For informational purposes, the FEIS should include a comparison of Annual Average Daily Traffic (MDT) volumes on Broadway when the General Motors Plant was in operation with projected future AADT volumes (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: The Traffic Appendix of the FEIS includes historical Average Annual Daily Traffic volumes along Route 9 and the daily volumes when GM was opened were significantly higher than current daily volumes.

3.1.15-52 Comment: The FEIS should clarify whether the contemplated Recreation/Aquatic Center was included in the No-Build traffic volumes and, if so, whether the associated relocation of nonresident parkers to the east side of the railroad was appropriately accounted for in the traffic study (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: Due to the actions taken by the Tarrytown Board of Trustees and the Planning Board in relocating the Village Hall and the Aquatic/Recreation Center, the nonresident parking lot will remain as it currently is.

3.1.15-53 Comment: Information should be included in the FEIS to substantiate the assumption that no site traffic will travel through the Miller Park neighborhood (Mr. John Canning, Adler Consulting, written comment letter 11/4/04).

Response: Based on the traffic volume projections, no significant site generated traffic is expected to utilize the Miller Park neighborhood although, the volumes expected are shown on in the figures.

3.1.15-54 Comment: The DEIS indicates that in the past two years truck transport has replaced water/barge transport of materials supplying the hot mix asphalt (HMA) facility. Please provide assessment of any impacts associated with additional truck traffic generated by this change and, discuss the permanent removal of water borne transport options for the HMA and its future operations once it is relocated (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.15-55 Comment: The proposed traffic circulation pattern within the development site and on all roads west of the Metro-North Commuter Railroad tracks is not discussed. The plans do not indicate whether the proposed streets/parking courts will be one or two-way. We recommend that this aspect be addressed in more detail (Mr. Edward Burroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: At this time the streets West of the Metro North Commuter Railroad tracks are expected to remain two way streets and final details will be developed on the site plans for the internal roadways.

3.1.15-56 Comment: While the draft EIS states that sidewalks will be provided, the conceptual site plans do not show pedestrian amenities in detail. The draft EIS should discuss the need for, and the means for improved pedestrian access on the H-Bridge (Mr. Edward Burroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: Comment noted. Please refer to Appendix 13.

3.1.15-57 Comment: Bee-Line bus routes serve the proximity of the site with a stop at the Tarrytown train station. The Tappan Zee Express Bus connection to Rockland County also serves the Tarrytown train station. The DEIS does not mention these services even though the traffic study assumes that ten percent of the trips to the development site will be via transit services including Metro North Commuter Railroad train service (Mr. Edward Burroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: The traffic study assumes usage of the Tarrytown train station and assumes twenty percent residential trips will utilize the train service. It is within walking distance of the site.

(The Tarrytown Train Station is located roughly 0.25 miles from the project site and is served by Metro North Commuter Railroad's Hudson Line, which operates peak hour trains at 15 minute intervals and off-peak trains at 33 minute intervals. In addition, the train station serves as a Bee-Line bus stop, which provides service to the Bronx, Yonkers, Dobbs Ferry, Ardsley, Irvington, Elmsford, and White Plains at 15-45 minutes intervals. The service also connects Tarrytown to Ossining and Port Chester, as well as to the White Plains Trans-Center, where one can transfer onto other Bee-Line buses or onto Metro North's Harlem Line. Furthermore, the Tappan Zee Express bus connects Rockland County to the Tarrytown Train Station, thus providing people living or working in Rockland County with an alternative means of transit to the Ferry Landings site.)

3.1.15-58 Comment: Have signal warrant studies, per the *Manual on Uniform Traffic Control Devices* been conducted for the recommended new traffic signals at each end of the H Bridge (Mr. Steven Scalici, P.E. – STV Incorporated, written comment letter 9/8/04)

Response: See Appendix E.

3.1.15-59 Comment: Please indicate if restriping will be required on Franklin Street. If so, what are the recommendations and have such changes been examined in the Future Build with Mitigation analyses (Mr. Steven Scalici, P.E. – STV Incorporated, written comment letter 9/8/04).

Response: There is no proposed restriping on Franklin Street. The restriping will occur on Route 9 at the intersection with Franklin Street.

Note: Responses to Sive, Paget & Riesel PC comments dated November 4, 2004 are contained in the FEIS Traffic Appendix E.

3.1.16 SOCIOECONOMIC – POPULATION AND HOUSING

3.1.16-1 Comment: The DEIS acknowledges that office uses bring in 3.5 employees per thousand sf. This is equal to approximately 875 workers per day, at least five days a week, one shift. Even offices now sometimes have more than one shift. Many computer dominated operations have a couple of shifts. In addition, the Applicant proposes 128 residential units some of which will be lofts, some of which will be townhouses. Based on four people per unit, this equals approximately 512 people, which is 1,427 people minimum on site everyday. This does not include cleaning crews, relatives who come in and out of these townhouses. 1500 people a day rock bottom minimum in our village in a very small area. I am concerned that the density contemplated here is not going to enhance the quality of life for any of us. There should be a better analysis of population impact (Ms. Cherie Gaines, September 27, 2004 Public Hearing Transcript Page 52 – 54 and (Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 74).

Response: The Preferred Alternative embraced by the Village of Tarrytown Board of Trustees and the Planning Board following a public process in 2005 is as follows:

- Construction of 238 residential units
- Renovation/Construction of 65,000 sf of office space
- Construction of 15,000 sf of retail & restaurant space
- Provision of 900 parking spaces in residents' garages and outdoor surface areas.

3.1.16-2 Comment: Several comments were received regarding workforce and/or affordable housing for people in the area with median incomes, such as the working young and municipal employees. We are basically pushing these people right out of existence in Westchester County. The draft EIS does not discuss the subject of affordable housing. (Mr. John Lynch, September 27, 2004 Public Hearing Transcript

Page 94 – 95 and October 25, 2004 Public Hearing Transcript Page 34 and Mr. Edward Burroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: The applications of affordable housing have been reviewed and compared with the stock of such units. In the past, the availability has exceeded the demand.

However, due to the actions of the Tarrytown Board of Trustees and Planning Board, an opportunity for the Applicant to provide 12 units (5%) of affordable housing has been secured as detailed in the Development Agreement in Chapter 2 hereof.

3.1.16-3 Comment: Census information relating to the Village of Tarrytown should be compared to that of adjacent communities and/or to Westchester County as a whole (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04).

Response:

1980-2000 US Census Demographic Data

	1980		1990		2000	
	Tarrytown	Westchester County	Tarrytown	Westchester County	Tarrytown	Westchester County
Population	10,648	866,599	10,739	874,866	11,090	923,459
Percent Change	--	--	1%	1%	3.3%	5.6%
Number of Households	3,961	307,450	4,110	320,030	4,553	337,142
Percent Change	--	--	3.7%	4.1%	9.7%	5.3%
Average Household Size	2.5 Persons	2.71 Persons	2.42 Persons	2.64 Persons	2.33 Persons	2.67 Persons
Percent Change	--	--	-3.2%	-2.6%	-3.7%	1%

Source: U.S. Census Bureau

3.1.16-4 Comment: More detailed information should be provided with respect to housing within the Village of Tarrytown, including information on housing type,

median prices, age and percentages of owner-occupied and rental housing. The housing to be provided within the Ferry Landings development should be fully described and assessed in relation to existing housing (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04).

Response:

2000 Village of Tarrytown Demographic Data

	Village of Tarrytown	Ferry Landings
Number of households	4,553	533
One-Person households	1,416	160
Two- or more person households	3,117	373
Median Value*	\$281,700	\$800,000
Median years housing structure built	1952	2006
Percent owner occupied housing	52.5%	90%
Percent renter occupied housing	47.5%	10%
*For owner-occupied housing units.		

Source: 2000 U.S. Census

3.1.17 FISCAL AND ECONOMIC

3.1.17-1 Comment: What is going to happen to businesses that are up on Main Street and the regular business district? Is anything being thought about? I see you are considering taking some parking spaces away which is according to us, the people who have shops on Main Street, not a good idea. What will be the financial or the economic impact of the project to the town (Mr. Michael Farley, September 27, 2004 Public Hearing Transcript Page 59 – 60, 62).

Response: The fiscal and economic impacts of the project are significantly positive in increasing average tax and merchant revenues from new residents. The very limited amount of retail included in the project is to mitigate any negative impact that such uses may have on Main Street retail businesses. In addition to increased tax revenue, the additional disposable income brought into the Village and Community by virtue of the new residents in the proposed development will generate additional sales at local area businesses.

3.1.17-3 Comment: Who is providing the financing for this project? Normally there are disclaimers and disclosures about buying property on a former Brownfield. In this particular case, normally there is price adjustment because of that, as well (Mr. John Lynch, October 25, 2004 Public Hearing Transcript Page 30 - 31).

Response: The project is privately financed.

3.1.17-4 Comment: With regard to an assessment of municipal costs, Sleepy Hollow questions whether the “proportional valuation method” utilized in the DEIS is applicable to a residential project and whether this method was properly applied so as to provide a sufficient assessment of municipal costs attributable to the residential and non-residential aspects of the Ferry Landings development (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04).

Response: One would generally utilize a residential/non-residential cost projection based on the proportion of expenditures attributable to residential/non-residential expenditures, respectively. However, the necessary information – expenditures and real property values attributable to residential/non-residential uses – was not made available to the applicant, despite the applicant’s attempts to acquire such information from the Village of Tarrytown (5/26/04), the Town of Greenburgh (6/03/04), and the Town of Mount Pleasant (5/04/04), as well as Westchester County, through Freedom of Information Law (FOIL) requests in July 2004. Subsequent attempts over the following three months were made to obtain this information, but no response was received from any of the above mentioned municipalities.

As such, the proportional valuation method provides an acceptable indication of the fiscal impact of the Proposed Action on the municipality. The Proportional Valuation Method is an average costing approach used to project the impact of development on local costs, which assumes that municipal costs increase with the intensity of development, taken as proportional to property values. Taken for the whole project, the Fiscal Analysis indicates that total municipal expenditure attributable to the Ferry Landings project will be \$463,955, while tax revenue from the project will be \$1,635,361, creating a net-surplus to the municipality of \$1,171,406.

3.1.17-5 Comment: Information concerning the assessed value/market value of the properties comprising the project site should be presented and identified in proportionate relationship to all properties within the Tarrytown School District (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04).

Response: The assessed real property value of Ferry Landings is \$10,155,000, which brings to total assessed real property value of the Tarrytown School District after completion of the project to \$72,071,678. Therefore, Ferry Landings will constitute roughly fourteen percent of total assessed real property value within the Tarrytown School District.

3.1.17-6 Comment: The basis for the use of a twenty percent refinement coefficient should be described (Mr. Judson Siebert, Keane & Beane, P.C., written comment letters 8/30/04 and 11/4/04).

Response: The proportional valuation method used in the Fiscal Analysis section of the DEIS (Chapter 7) has a tendency to over-estimate the municipal costs attributable to high-value projects such as Ferry Landings, which is valued at nearly \$200-million. This occurs because the additional services and infrastructure needed to support the project are far more marginal than the huge value that the project creates; while Ferry Landings will constitute roughly thirteen percent of total assessed real property values in the municipality, the development will not require thirteen percent growth of municipal services and infrastructure – the project creates more value than it requires in costs. Therefore, a refinement coefficient is used to more accurately project increased municipal costs. The Fiscal Impact Handbook, Burchell & Listokin, Center for Urban Policy Research, 1978, and The New Practitioners Guide to Fiscal Impact Analysis, 1985 both describe the rationale for determining refinement coefficients. Based on the Fiscal Analyses completed for similar, contemporary projects, which have used a refinement coefficient of fifteen percent (fifteen percent of assessed project value associated with municipal expenditures); a refinement coefficient of twenty percent (twenty percent of assessed project value associated with municipal expenditure) produces a conservatively high estimate of municipal costs associated with the development.

3.1.17-7 Comment: A comment was made in a report on another river town, Piermont. A view of the Hudson River is worth, in terms of value of a home, such as the value of condos at Rivercliff for example, between \$50,000 to \$150,000, based on two identical properties one of them has a Hudson River view, one of them did not. So, the views from the river are a precious resource that we need. (Mr. Mark Fry, September 8, 2004 Public Hearing Transcript Page 30).

Response: Comment noted. The proposed site plan maintains many view corridors and enhances the Tarrytown Hudson Riverfront by replacing a decrepit industrial landscape with a mixed-use, visually pleasing, landscaped, public-accessible development.

3.1.17-8 Comment: The analysis of projected tax generation as a result of the proposed development refers to a “surplus tax payment.” Since taxes are established to meet projected expenditures, it may be helpful to present the percent reduction in taxes for the average home and business property. Related to the tax impact, will Section 485 b of the Real Property Tax Law or other tax incentives be utilized, and if so, has their effect been considered (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04)

Response: Sixty two percent of taxes go to the Union Free School District of the Tarrytown’s, and it is anticipated that the additional tax revenue generated by the Proposed Action for the school district will be fully absorbed into the capital and debt servicing programs. The Proposed Action will generate a surplus to the municipality of \$1,171,406 (computations detailed in Chapter 4 and Appendix F of the DEIS), however, it is the decision of the Village administrators as to how to spend this additional revenue or whether the Village tax rate can be reduced as a result of this additional revenue.

3.1.18 COMMUNITY FACILITIES AND RECREATION

3.1.18-1 Comment: With respect to the proposed action, the aquatic center does not appear to be analyzed in the study (Ms. Molly MacQueen, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 88).

Response: The proposed Aquatic/Recreation Center is not part of the Proposed Action. The Village of Tarrytown has designated a site on West Main Street for the construction of the proposed aquatic center. The center, if constructed as currently envisaged, will contain a 25-meter Olympic pool, fitness and community space, locker rooms, and recreation offices.

3.1.18-2 Comment: Scenic Hudson suggests that the parcel slated for future development in the northwestern portion of the site be developed as a park in order to connect the open space system along Tarrytown and Sleepy Hollow waterfront (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 19).

Response: This is provided for in the Ferry Landings project and detailed in Chapter 2 of the FEIS (see Development Agreement).

3.1.18-3 Comment: More detail has to be presented on the dock, on the sidewalks, on connecting the waterfront to the village (Mr. Victor Tafur, Riverkeeper, September 27, 2004 Public Hearing Transcript Page 35).

Response: Public access to the Hudson River is planned in coordination with new Village facilities as described herein. The waterfront is connected to the Village via existing infrastructure, namely two pedestrian bridges that cross the railroad tracks, providing access to the sidewalk network to the east of the tracks, by which pedestrians can reach Main Street.

3.1.18-4 Comment: Scenic Hudson commends the Applicant for providing the waterfront walkway of sufficient width which we believe will become an integral part of Westchester County's Riverwalk (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 20).

Response: Comment noted. The waterfront walkway will incorporate street furniture and landscaping features meeting the criteria of the Westchester County Riverwalk.

3.1.18-5 Comment: I am prepared as a resident of this village to live with what we have. Granted, this is not the perfect Village Hall. Okay, I concede that. You have it later on your agenda and that I might say okay, develop a Village Hall and if we can't afford it because they don't want to go forward with it at their expense then maybe we have to go back to our own citizens (Ms. Cherie Gaines, September 27, 2004 Public Hearing Transcript Page 58).

Response: Comment noted.

3.1.18-6 Comment: Where will parklands be located on the project site? What will be included in the parkland (Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 99).

Response: Including the River Walk, a total of 6.14 acres of public open space is provided in the Proposed Action. Public access to this open space can be achieved both through vehicular or pedestrian means via internal roadways and sidewalks or the River Walk promenade. These open spaces will support passive recreation activities and will provide view corridors and access to the Hudson Riverfront.

3.1.18-7 Comment: Is the land upon which the Village Hall is proposed currently parkland. I generally get a vague answer that the highway building was on the property. Is this the only opportunity to build a new Village Hall, on Village parkland. This municipal building could be built anywhere, a court facility where criminals are adjudicated, where people are brought in handcuffs, and a police station which is basically part of the penal system. This is all to be occurring on parkland in the vicinity of programs being operated for the entire age group of residents (Mr. William Cerbone, October 25, 2004 Public Hearing Transcript Page 27 - 29).

Response: The Village Hall is being constructed on the east side of the rail tracks on Village owned land. This is not Village parkland.

3.1.18-8 Comment: The proposal to move the Village administrative offices away from the center of town certainly is not in the better interest of the community (Mr. Michael Durand and Ms. Mary Anne Cosentini, written comment letter).

Response: The Village of Tarrytown passed a bond issue for the construction of a Village Hall several years ago and such construction is urgently needed due to the dilapidated state and inadequacy of the current facility.

3.1.18-9 Comment: The proposed Riverwalk and the proposed addition to open green space will provide at the most a minimum degree of public water-related recreational access. The developer has chosen to fit into the definition of public water related recreational resource and facility a walkway which does not provide access into the Hudson River nor any recreational involvement with the Hudson River but rather a passive form of activity, the nature of which is duplicated and already existing parks within the immediate vicinity of the project. An opportunity to provide actual water-related business and recreational activity are being lost.

Response: As the waterfront is bulkhead, rather than soft edged, it is not possible to create the conditions to allow for tactile access to the river. No marina or docking facility is planned as there are two marinas and other docking facilities located on Village owned land and within one half-mile of the project site.

3.1.18-10 Comment: There is no public access into or onto the Hudson River. In light of the suburban nature of the immediate community and the communities reasonable expected to be served by the area to be developed, actual recreational access into the

Hudson River is more appropriate as opposed to solely a recreational activity on the shore (Mr. William Cerbone, written comment letter).

Response: Given the nature of the waterfront along the project site – bulkhead – it is not possible to create conditions that would allow for the access into the Hudson River. However, this existing condition is perfect for the creation of onshore recreational activities.

3.1.1811 Comment: Fishing has occurred without interruption for decades along the waterfront. The question is whether a fishing pier is being provided by the developer or by the State is in question. Duplicating fishing rights which already exist is not significant enough. Actual public access to the Hudson River by reason of beach and boating should be mandated (Mr. William Cerbone, written comment letter).

Response: A fishing pier is being provided by the Village. Access to the Hudson River by boat is provided from Village-owned marinas and from a proposed Village-owned boat ramp.

3.1.18-12 Comment: The proposed development along the Hudson River and the proposed public access walkway will be servicing a significantly developed suburban area in the New York City metropolitan region. A setback of the river of 70 ft is inadequate because of the expected utilization of the general public and the publicly stated interest in having maximum views. It is proposed that a 200 ft setback from the existing shoreline inland occur (Mr. William Cerbone, written comment letter).

Response: The Preferred Alternative provides for a 100 ft setback for the walkway and a 150 ft setback for the park on the northern portion of the site. This setback exceeds those provided by other private Hudson Riverfront development projects, and is adequate for public viewing and walking paths, as proposed.

3.1.18-13 Comment: We commend the Applicant and Village for including a segment of Westchester River Walk as part of the proposal. A more complete description of the proposed segment will be needed to ensure that the proposed design is consistent with the conceptualized design guidelines the County has developed for Riverwalk. The DEIS should include more detail regarding the use, function, proposed ownership of the open space (Mr. Edward Burroughs, AICP, Westchester County Planning Board, written comment letter 10/13/04).

Response: Comment noted. The applicant plans to adhere to the conceptual design guidelines presented by Westchester County.

3.1.19 SOLID WASTE, WATER SUPPLY, AND SANITARY SEWAGE

No comments received.

3.1.20 EMERGENCY SERVICES

No comments received.

3.1.21 SCHOOLS

3.1.21-1 Comment: The school district in and of itself should make some very definitive comments from the standpoint because there are large developments planned which will have a huge impact on how we look at school bond issues and everything else (Mr. John Lynch, September 27, 2004 Public Hearing Transcript Page 92 – 93).

Response: The tax revenue to be generated by the proposed development will far exceed the cost to the school district based on the estimated number of children projected to be added. The Ferry Landing development will therefore have a very positive financial impact to the district and will definitely help pay debt service on a bond issue required to pay for the expansion and improvement of the schools. In addition, public green space will be added to the riverfront which will benefit local children giving them added space to recreate. Should the development include an aquatics center, school children would have access to additional recreational facilities, also benefiting the school system.

Discussion of other developments is not relevant to this FEIS.

3.1.21-2 Comment: Chapter 2 of the DEIS makes reference to the current use of approximately three (3) acres of the project site as a depot for the parking of school buses by the Union Free School District of Tarrytown (the “Tarrytown School District”). The Ferry Landings development will displace this use, with a consequent impact upon the provision of school bus services to students within the Tarrytown School District. This impact must be addressed in detail (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 11/4/04).

Response: The “Tarrytown Schools” buses are a monthly tenant and plan to relocate to a site owned by the school system in another more convenient location for its services.

3.1.22 CULTURAL RESOURCES

3.1.22-1 Comment: The DEIS makes reference to ferry service at the site. Please provide dates when the ferry was last in service. Also, please provide a location map for the ferry and appurtenant structures (i.e. ferry ticket booths and associated parking) and identify where future ferry service may be located if future commuter service is established. On page 66 of the DEIS there is reference to a Hudson River Mansion Ferry being relocated until after construction. Does this reference the same ferry operation or an additional ferry service? If a second ferry service, please provide a map showing where the ferry service will be relocated to and what impacts may be as with this relocation. Also indicate where the Hudson River Mansion Ferry will be located onsite once project construction is complete (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: Ferry Service from the port of Tarrytown began in 1841, lasting until November 30, 1941, when Ferries Operating Company, Inc. discontinued its Nyack-

Tarrytown ferry run, ending 101 consecutive years of service. Service was revived in October 1942, when Robert Lee of South Nyack reestablished Nyack-Tarrytown ferry service.

Ferry service continued into the 1950s until the opening of the Tappan Zee Bridge, New York State Thruway, Palisades Interstate Parkway, and Bear Mountain and George Washington Bridge, no longer made ferry service the travel means of choice and ferries eventually ceased operations. Throughout the 1970s and the 1980s, unsuccessful attempts were made to revive ferry service from the port of Tarrytown.⁴

No commuter ferry service has operated at the site and no commuter ferry service is planned to serve the site. The Hudson River Mansion Ferry tour will be relocated to the Village-owned waterfront park.

3.1.23 VISUAL RESOURCES

3.1.23-1 Comment: There is only one paragraph on visual impacts and I'm addressing the impact to the river and from the river. There are no renderings, there is no real analysis and typically that is done very easily nowadays. If you have those elements before you, you can really decide whether the impacts to and from the river are fine or what measures to be undertaken (Mr. Victor Tafur, Riverkeeper, September 27, 2004 Public Hearing Transcript Page 35).

Response: Please refer to Appendix D and Chapters I and II of this FEIS which contain multiple renderings. As the DEIS states, the project will replace industrial and abandoned riverfront uses with a mixed-use development open for public access to the waterfront. This is consistent with the goals of the Tarrytown LWRP and the Village of Tarrytown Waterfront Master Plan.

3.1.23-2 Comment: The scope requires that the visual modeling provide an overview of the entire project area. The Applicant should utilize photo simulations and 3-D modeling techniques to assess viewshed impacts along the Hudson River and points inland. Before and after depictions of the project site should be provided from several vantage points including: Horan's Landing, Ichabod's Landing, Kingsland Point Park, the General Motors site, Hudson Street, Division Street, from Asbury Terrace, Franklin Towers, from River Cliff, from Whispering Hills, and from Main Street. The 3-D model of Ferry Landings should show different parts of the project, the relative heights of each part, the location of each part relative to other parts, and the relation of each part to the river. All of this should be done to the same scale and should also include areas surrounding or immediately contiguous to the project (Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 69 – 71, 95 and Mr. Judson Siebert, Keane & Beane, P.C., written comment letters 11/4/04 and 8/30/04).

Response: The applicant has produced an actual physical model of the site and surrounding area as well as a computerized 3-D model. The 3-D model allows for views from all angles; images of the vantage points from the GM site, Ichabod's Landing, Kingsland Park, Hudson Street, Division Street, Asbury Terrace, Franklin

⁴ <http://www.co.rockland.ny.us/Arts/map93.html>

Towers, Rivercliff, Whispering Hill, and Main Street are included. In addition, views from the Hudson River, the H-bridge and Pierson Park are also included in Appendix D and Chapters I and II of this FEIS. Photo simulations of the 3-D model are provided in Chapters 1, 2 and Appendix D of this FEIS, and have been made available to the Village of Tarrytown.

3.1.23-3 Comment: Existing river views that will be altered or compromised by the project should be addressed. As the Riverkeeper mentioned views not only are not only important to be looked at to the river but also from the river essentially. Also, what about the views from the current parks (Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 98).

Response: The DEIS assesses the visual impact of the project from the Tappan Zee Bridge (south of the project site), Pierson Park (south of the project site), the H-Bridge (east of the project site), Ichabod's Landing (north of the project site, located within the Village of Sleepy Hollow), Beekman Avenue (north of the project site, located within the Village of Sleepy Hollow), and the Hudson River (west of the project site).

As the reviewer will note, the Proposed Action replaces an industrial and abandoned use along the Hudson River with a stylistically-consistent, mixed-use, landscaped development that will bring people to and provide visitors with access to the Hudson River.

3.1.23-4 Comment: The visual analysis should provide a more detailed discussion of the revegetation plan (Mr. Judson Siebert, Keane & Beane, P.C., written comment letter 8/30/04).

Response: The re-vegetation plan is provided with the site plans submitted in the appendix to the FEIS.

3.1.23-5 Comment: The visual materials do not depict the asphalt plant in its new location, as it will actually appear (through the use of photo simulation or other means). Instead, the visual representations are pictures of the plant at its current location, coupled with the statement that it will no longer be visible at this location (Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04).

Response: Visual materials including a computerized 3-D model and a physical model have been prepared which show the project. Please note that due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.23-6 Comment: Several comments were received regarding the lack of a straight corridor of openness from the top of the H Bridge down to the river. When you get to the top of that H Bridge that you're entering this new development, it's really important to see the river. The townhouses are going to look like one big block, but they form a U that angles and overlaps each other, even though the people who live there might have a view out of little crevasses. The FEIS should provide profile views of the view corridor to the river (Mr. Stu Schectman, September 8, 2004 Public

Hearing Transcript Page 22 - 25 and Mr. Mark Fry, September 8, 2004 Public Hearing Transcript Page 29 - 29).

Response: Comment noted. There are several view-corridors provided from different vantage points in Tarrytown shown in Chapter I of this FEIS.

3.1.23-7 Comment: The proposed height of the buildings should be compared with the height of existing buildings along Main Street and Broadway (Mr. Robert Geneslaw, AICP – Village of Tarrytown Planning Consultant, written comment letter 8/30/04).

Response: The Village of Tarrytown has a variety of building heights on Main Street and Broadway. The buildings range from two stories to four stories. The range is between 22 ft and 52 ft. This can be compared with the Ferry Landings building heights which vary from 35 ft to 45 ft being three stories. (See Chapter 1 photographs of Tarrytown Buildings.)

3.1.24 ALTERNATIVES

3.1.24-1 Comment: I urge the Board to consider an alternative that is about a substantial amount of parkland, let's say a one-third or one-quarter parkland and about two thirds residential, possibly with somewhat increased density in order to make it all financially feasible and just a couple of restaurants or whatever, accommodations for the local residents (Mr. Mark Fry, October 25, 2004 Public Hearing Transcript Pages 63 - 64).

Response: The Preferred Alternative embraced by the Village of Tarrytown Board of Trustees and the Planning Board following a public process in 2005 details a plan that is approximately twenty five percent open space and greenspace. Alternates containing more density than this were not included because of the negative impact of traffic on the project

3.1.24-2 Comment: An alternative assessment is to be provided addressing the Ferry Landings development with the Asphalt Plant removed entirely from the Project site. Moreover the alternatives analysis in the DEIS should be expanded to provide more detail for each impact issue. As previously noted, the traffic generation characteristics, impervious surface impacts, and net fiscal impact for each alternative must be detailed so as to allow for a proper assessment. The discussion of potential impacts and evaluation of relative significance compared to the Proposed Action should be expanded for the incentive and lower density alternatives (Mr. Judson Siebert, Keane & Beane, P.C., written comment letters 8/30/04 and 11/4/04).

Response: The alternative assessments in the DEIS provide detail on traffic, visual, fiscal, air quality and noise impacts.

3.1.24-3 Comment: The No Build Alternative indicates that 800,000 sq ft of storage generates an 80,000 gallon per day water supply demand and waste water discharge. Please explain why (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: The No-Build Alternative reflected outdoor storage of 800,000 sf of storage should not generate any demand for water and wastewater discharge. This was incorrectly shown on Table 10-1 Alternative Comparison. It has been corrected to show zero (0) water and wastewater discharge. The revised Table 10-1 is attached.

3.1.24-4 Comment: The project as proposed incorporates relocation of the Village Hall and an asphalt plant. Please add a discussion of impacts associated with relocation of these facilities including alternative locations considered (Ms. Barbara Rinaldi, NYSDEC, written comment letter 10/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site. The Village Hall is now anticipated to be moved to a new location on the East side of the tracks. The Village Hall is accounted for in the traffic projections.

3.1.25 MISCELLANEOUS

3.1.25-1 Comment: This is a very good project and we acknowledge the hard work that has gone into it from both the Village and the Applicant and we are committed to making sure that this happens and we would like to work closely with the Village to insure that all the details are taken care of as the project moves through the SEQRA process.

Ferry Landings proposes to revitalize the contaminated portion of the Tarrytown waterfront with the construction of mixed-use development appropriate for this Setting. The project includes a relatively low number of housing units per acre and enhances open space and public access to the Hudson with a waterfront esplanade. As we indicated in our scoping comments, Scenic Hudson believes that the redevelopment of this site is extremely important and we commend the Village for working to develop a project with many positive features (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 12 - 13).

Response: Comment noted.

3.1.25-2 Comment: The resulting project will be a source of community pride and held as a model for waterfront development elsewhere along the Hudson River (Mr. Jeffrey Anzevino, Senior Regional Planner - Scenic Hudson, September 27, 2004 Public Hearing Transcript Page 23).

Response: Comment noted.

3.1.25-3 Comment: I don't understand that plant is marginal. They could pick that plant up tomorrow. My understanding is they don't own the land so this number that's been flowing down here six million dollars with Mr. Clarke contributing three million dollars, what is that going for. If it's rated as industrial as somebody mentioned, I haven't actually sized it at 4 acres if it's industrial, \$250,000 and its 4 acres that's a million dollars. Some of the numbers that are floating around don't make sense and

before anybody spends a dime they better understand what they are paying for. You shouldn't be putting money in the back pocket at the expense of the citizens when that whole thing should be considered from the public health's standpoint and from that point on then they should resolve the issues down here. Whether it's Scenic Hudson or Riverkeepers, they shouldn't spend their hard-earned money on a situation that shouldn't exist to begin with (Mr. John Lynch, September 27, 2004 Public Hearing Transcript Page 44 - 45).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.25-4 Comment: The Planning Board should not approve relocation of the Asphalt Plant to another location along the river. The public is relieved to see that the Village is attempting to remove the plant from the project site entirely (Mr. Stu Schectman, September 27, 2004 Public Hearing Transcript Page 46, Ms. Cherie Gaines, September 27, 2004 Public Hearing Transcript Page 47 – 48, Mr. Mark Fry, September 27, 2004 Public Hearing Transcript Page 65).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.25-5 Comment: It is our position that the DEIS is in need of significant supplementation because this is really the crux, this is the meat of SEQRA and you have to have detail, you have to have elaboration, you can't have a document that's full of conclusory assertions or statements as was said by one of the Village residents earlier, the devil is in the details and that's true (Mr. Judson Siebert, Village of Sleepy Hollow, September 27, 2004 Public Hearing Transcript Page 79 - 80).

Response: The level of detail contained in the DEIS is consistent with the request of the Planning Board, the scoping document, and the intent of SEQRA and followed on extensive public process which continued through 2005 and resulted in the Preferred Alternative embraced by the Village of Tarrytown Board of Trustees and the Planning Board which is as follows:

- Construction of 238 residential units
- Renovation/Construction of 70,000 sf of office space
- Construction of 5,000 sf of restaurant space
- Construction of 5,000 sf of retail space
- Provision of 900 parking spaces in residents garages and outdoor surface areas

3.1.25-6 Comment: I am not aware of any great amount of answers ever given to anybody from the questions that were presented to the Board of the Village of Tarrytown and to the informal, the members who met informally. I'm at a complete disadvantage of talking about zoning issues, planning issues because the basic

questions were never answered (Mr. William Cerbone, October 25, 2004 Public Hearing Transcript Page 10).

Response: This FEIS addresses public comments regarding the Draft Environmental Impact Statement (DEIS) for the proposed Ferry Landings mixed-use development, including written comments submitted to the Village of Tarrytown and comments expressed during the September 8, 2004, September 27, 2004, and October 25, 2004 Public Hearings and Public Meetings on June 16, 2005 and June 30, 2005. In accordance with Section 617.9(b)(7) of the SEQRA regulations, this FEIS incorporates by reference the Ferry Landings DEIS, accepted as complete by the Village of Tarrytown Planning Board acting as Co-Lead Agency on October 25, 2004.

Over the past three years (2003, 2004 & 2005), the Applicant has been present at Village of Tarrytown hearings, meetings, and work sessions. Of these, over 50 have been open to public comment allowing for full participation. Within the 2004/2005 calendar years alone, there were over 40 such meetings, 35 of which have been open to the public. The dates and content of these meetings are documented in the appendix hereto.

3.1.25-7 Comment: I think that since the Applicant received a large amount of money from Mr. Peckam for this 99 year lease I think that if he were to give back that same amount of money that might be the best way of acquiring that land. I think the figure was 6 million dollars that he received. If he were to give back 6 million dollars then I think this could be done without any expenditure of public funds because I question whether public funds should be used to acquire private property in that respect as far as it goes to the asphalt plant. As it goes for the public parkland, the strip of land along the water, I think that's a wonderful use of public funds and I would encourage the Board to pursue that (Mr. Mark Fry, October 25, 2004 Public Hearing Transcript Page 56 - 57).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.25-8 Comment: Reference is made to a condition placed in the Negative Declaration in connection with the enactment of the zoning amendments, by which the Tarrytown Board of Trustees committed to monitor output of the facility and, in the event of a significant increase in production, pledged to make a request for a Health Analysis by the New York State Department of Environmental Conservation and the Westchester County Department of Health. I am somewhat surprised that a "condition" would be placed in this Negative Declaration, inasmuch as it is my understanding that these zoning amendments constituted a Type I action under the SEQRA regulations. Under the SEQRA regulations, a conditional Negative Declaration is improper for a Type I action. In addition to this legal concern, it seems, from Sleepy Hollow's perspective, that any conditions of this nature should have been placed in the site plan approval issued by the Tarrytown Planning Board in May 2004. The Tarrytown Planning Board, however, proceeded to grant site plan approval

without any conditions (Mayor Philip Zegarelli, Village of Sleepy Hollow, written comment letter 10/13/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.25-9 Comment: The relocation of the Asphalt Plant should be analyzed in conjunction with the entire Ferry Landings development (Brian Dempsey, P.E., PTOE, TRC Raymond Keyes, written comment letter 9/20/04).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.1.25-10 Comment: I've found consultant's reports over and over again on a myriad of issues to be poor, to say the least and when I asked what were the directions, what were the instructions, who managed, who gave them the information, who prepped the individual that we've just spent tens of thousands of dollars on and there is an unpleasant response to that inquiry so let's make the inquiry now, before (Mr. Judson Siebert, Keane & Beane, P.C., September 8, 2004 Public Hearing Transcript Pages 10-11).

Response: The DEIS has fully reviewed all issues necessitated by the Final Scoping Document (April 27, 2004) and disclosed all responses and was accepted as complete by the Village of Tarrytown Planning Board on October 25, 2004 and supplemented by a public process in 2005 which resulted in the "Preferred Alternative".

3.1.25-11 Comment: Who is going to be responsible? What are the instructions? What information, is the Village code going to be given to the individual? Is the street width going to be given to him? What's going to be provided, can you have a hearing on that to determine what is the information that you get critical information back not the nature of this report which I think is very boilerplate and I'm sorry someone paid for it (Mr. William Cerbone, October 25, 2004 Public Hearing Transcript Page 26 - 27).

Response: The DEIS is prepared under the guidelines of SEQRA and is followed by an FEIS and a site plan review process, which address the issues in the comment.

3.1.25-12 Comment: While public hearings have been held for over ten years, public approval of multiplex movie theaters, large grocery stores, residential developments of up to 1,000 units and other proposals have not met public approval. The transcripts are available through the Village. The present proposal of a recent vintage and hearings that can by some individuals is defined as public hearings have occurred. At most of the so-called public hearings, questions have been asked of public officials and representations have been made by public officials that the Village would respond with answers or further details on inquiries. The Village has failed to respond to any inquiry by the undersigned and the question of whether true public hearings have occurred is an issue (Mr. William Cerbone, written comment letter).

Response: Over the past three years (2003, 2004 & 2005), the Applicant has been present at Village of Tarrytown hearings, meetings, and work sessions. Of these, over 50 have been open to public comment, allowing for full participation. Within the 2004/2005 calendar years alone, there were over 40 such meetings, 35 of which have been open to the public. The dates and content of these meetings are contained in the appendix hereto.

3.1.25-13 Comment: The more detailed the DEIS is the better opportunity there is for the public and for the Board to weigh in on the potential impacts and of a proposed action in a very detailed and specific fashion. However, in this DEIS there are instances where there are references to improvements that would be made, and the statement that improvements will be made and how this will alleviate conditions or improved conditions or properly mitigate conditions, but the report itself doesn't identify or address configurations of those improvements, their specifications, or their working characteristics (Mr. Judson Siebert, Keane & Beane, P.C., September 8, 2004 Public Hearing Transcript Page 14 - 15).

Response: Specific improvements and mitigating measures are addressed well beyond the SEQRA requirements.

3.1.25-14 Comment: While I am absolutely in support of smart growth along the Hudson, I urge you to take very seriously Ned Sullivan's Op Ed piece in the New York Times and revisit your current plan.

By incorporating more green space, seeking to remove and relocate the asphalt plant, and taking advantage of the chance to have Tarrytown and Sleepy Hollow work together in the plan, you can be part of a positive movement to develop the Hudson River's riverfront in a more forward thinking, smart, and GREEN manner (Ms. Victoria Beerman, written comment letter).

Response: The comment is no longer applicable as due to actions taken by the Tarrytown Board of Trustees and the Planning Board, the asphalt plant will cease operation and be completely removed from the site.

3.2 Meetings

Following are a list of meetings the Applicant conducted with Tarrytown (and Sleepy Hollow) public officials and trustees:

2003 Tarrytown Meetings Regarding Ferry Landings	
Date	Event
7/11/03	Initial Meeting
8/8/03	Site Meeting
8/13/03	Planning Board
8/25/03	Planning Board
9/22/03	Planning Board
9/25/03	Working Meeting
9/29/03	Planning Board

10/15/03	Trustees
10/20/03	Trustees
10/27/03	Planning Board-Scoping
11/3/03	Trustees
11/7/03	Working Meeting
11/17/03	Public Hearing
11/19/03	Working Meeting
11/24/03	Planning Board-Scoping
11/25/03	Public Information Meeting
12/1/03	Trustees
12/2/03	Working Meeting
2003 Tarrytown Meetings Regarding Ferry Landings (cont'd)	
<u>Date</u>	<u>Event</u>
12/8/03	Planning Board
12/9/03	Meeting with Westchester County
12/10/03	Professional Working Meeting
12/15/03	Trustees
12/18/03	Trustees

2004 Tarrytown Meetings Regarding Ferry Landings	
<u>Date</u>	<u>Event</u>
1/5/04	Trustees
1/6/04	Planning Board
1/9/04	Sleepy Hollow (Mayor & Planners)
1/14/04	Working Meeting
1/15/04	Working Meeting
1/20/04	Trustees and Sleepy Hollow Mayor
1/20/04	Trustees
1/26/04	Planning Board
1/31/04	Planning Board
2/12/04	Trustees
2/17/04	Sleepy Hollow Work Session
2/17/04	Trustees
2/23/04	Planning Board
2/25/04	Trustees Extra Session
2/27/04	Planning Board
2/28/04	Trustees (Contract)
3/1/04	Trustees
3/5/04	Professional Working Meeting
3/8/04	Trustees
3/22/04	Planning Board
4/14/04	Planning Board
4/19/04	Sleepy Hollow & Tarrytown Joint
4/27/04	Planning Board Public Hearing
5/14/04	Planning Board Work Session
5/24/04	Planning Board (Asphalt Site Plan)
5/26/04	Trustees
6/9/04	Lawsuit Meeting in White Plains

6/15/04	Architectural Review Board
6/28/04	Planning Board Meeting
7/16/04	Work Session
8/10/04	Board Meeting
9/7/04	Board of Trustees (DEIS Completion)
9/8/04	Planning Board Meeting (DEIS Completion)
9/20/04	Trustees Asphalt Overlay
9/27/04	Planning Board DEIS
10/18/04	Proposed Zoning Code Amendments
10/20/04	Informal Meeting Scenic Hudson
10/25/04	Planning Board
11/16/04	Planning Board
11/17/04	Meeting with Westchester County
11/17/04	Empire State Meeting with all parties
12/15/04	Planning Board

2004 Sleepy Hollow Meetings Regarding Ferry Landings

Date:	Event:
1/9/04	Background briefing meeting with Sleepy Hollow Village Administrator.
1/20/04	Presentation to Mayor Zegarelli and Village Officials.
2/17/04	Presentation to Sleepy Hollow Trustees and others at Work Session.
4/19/04	Meeting with Mayor Zegarelli and Mayor Janos to discuss process.

2004 Tarrytown Meetings Regarding Ferry Landings

Date:	Event:
1/10/05	Board of Trustees Work Session
1/18/05	Board of Trustees
1/20/05	Tarrytown Boards/Scenic Hudson
1/31/05	Planning Board – Site Plan Review
2/2/05	Working Meeting
2/7/05	Planning Board/Trustees FEIS Completion
2/10/05	TRIAC
2/15/05	Joint Findings Work Session
3/3/05	TRIAC
5/13/05	Subcommittee Re: Memo of Agreement
6/16/05	Planning Board/Board of Trustees
6/30/05	Planning Board/Board of Trustees
7/26/05	Board of Trustees Executive Session
7/29/05	Subcommittee Re: Memo of Agreement
9/9/05	Subcommittee Re: Memo of Agreement
9/14/05	Subcommittee Re: Memo of Agreement

2005 Sleepy Hollow Meetings Regarding Ferry Landings

Date:	Event:
2/8/05	DEIS Meeting – 8pm Village Hall

2/12/05	DEIS Public Hearing – 10am Village Hall
2/15/05	DEIS Public Hearing – 8pm Sleepy Hollow High School
2/22/05	DEIS Public Hearing – 8pm Village Hall

2005 Sleepy Hollow Meetings Regarding Ferry Landings (cont'd)	
<u>Date:</u>	<u>Event:</u>
1/10/05	Board of Trustees Work Session
1/18/05	Board of Trustees
1/20/05	Tarrytown Boards/Scenic Hudson
1/31/05	Planning Board – Site Plan Review
2/2/05	Working Meeting
2/7/05	Planning Board/Trustees FEIS Completion
2/10/05	TRIAC
2/15/05	Joint Findings Work Session
3/3/05	TRIAC
5/13/05	Subcommittee Re: Memo of Agreement
6/16/05	Planning Board/Board of Trustees
6/30/05	Planning Board/Board of Trustees
7/26/05	Board of Trustees Executive Session
7/29/05	Subcommittee Re: Memo of Agreement
9/9/05	Subcommittee Re: Memo of Agreement
9/14/05	Subcommittee Re: Memo of Agreement

3.3 Westchester County DEIS Comments

Written Comments provided by various Westchester County agencies (such as Westchester County Planning and DEC) are provided in Appendix A of this FEIS. The response to those comments are provided in the pages that follow.