BFJ Planning

MEMORANDUM

Via email

To: Supervisor Howard B. Arden and Members of the North Castle Town Board

From: Frank S. Fish, FAICP, Principal and Sarah K. Yackel, AICP, Associate Principal
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Subject: Brynwood Golf & Country Club Scoping Document – Summary of scoping comments not included in the Final Scoping Document

Date: December 17, 2012

In preparing the Final Draft Scoping Document for the Brynwood Golf & Country Club Draft Environmental Impact Statement (DEIS) that was submitted to the Town Board on December 12, 2012, we carefully considered all of the scoping comments received during the DEIS Scoping Session held on November 26, 2012 and during the written public comment period that closed on December 6, 2012. Ten (10) people made comments during the Scoping Session and eight (8) written comment letters were received. As is evident in the Final Draft Scoping Document, many of the received comments were incorporated; however some of the comments were not. Comments that were not incorporated generally fall into two categories: 1) comments that were considered to be beyond the scope of the State Environmental Quality Review Act (SEQR) process; and 2) comments that were deemed to be presumptive in that they presumed certain environmental impacts would occur without the benefit of seeing the analysis of impacts that will be provided in the DEIS.

With respect to the first category of comments identified above, the purpose of SEQR "is to incorporate the consideration of environmental factors into the existing planning, review and decision-making process…" [NYCRR Part 617.1(c)] and SEQR further defines the environment as the "physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archaeological, historic or aesthetic significance, existing patterns of population concentration, distribution of growth, existing community of neighborhood character, and human health" [NYCRR Part 617.2(1)]. Comments deemed to be outside the scope and purpose of the SEQR-definition of environment have not been included.

With respect to the second category of comments, while these comments are potentially valid and relevant, they were not asking for specific environmental issues to be studied but rather were making comments on the actual project proposal. It was determined that these comments would be more appropriately made during the DEIS public comment period once the analysis of potential project impacts has been conducted.

In addition, the specific wording of many of the comments was not included verbatim in the Scope as the essence/intent of the comments was already captured in the Scope. Finally, certain other comments were not specifically incorporated into the sections identified by the commentor as they were included in other sections of

the DEIS Scope. For example, certain commenters requested the inclusion of additional alternatives analyzing various scenarios for determining school children and water impacts; the Scope was not revised to include these as specific project alternatives, but rather these alternative analysis scenarios were included in the environmental analysis chapters (DEIS Chapter IV).

Below is a summary of the Scoping comments not included in the Final Draft Scope. This summary is broken into the two categories outlined above and does not specifically reference individual commenters, but rather provides a generally summary of the types of comments and issues not included.

1. Comments Deemed to be Beyond the Scope of SEQR:

- Requests for detailed financial statements and disclosures from the project Applicant. Financial information (i.e. market study, tax and revenue projections, etc.) where needed to assess potentially significant adverse environmental impacts has been included; however, requests for financial disclosures or other proprietary information have not.
- Land value study showing cost per square foot of developable real estate. (Speculation is not grounds for a scope item.)
- Economic viability of the proposed development's water system and costs associated with developing, constructing and maintaining such a facility.
- Comments speculating on the future plans of the Applicant with respect to the project site.
- Request for analysis of school children to be generated by the project based on potential future sales prices starting at the highest price reasonably anticipated, then considering the school impacts at 95% of that price, and then 90% and on down. A detailed analysis of school children impacts under several scenarios is included in the Scope; however, the methodology suggested here was not.
- Alternatives analyzing the use of the golf course lands in the event the golf course does not remain financially viable. (Covenants, easements and deed restrictions can specifically address this issue and have been included for analysis in the Scope.)

2. Presumptive Comments/Potential DEIS Comments:

- Detailed site plan review comments on the Proposed Action and "As-of-Right" plan. (These types of comments should be made during the DEIS public review period.)
- In-door air quality impacts and associated mitigation to adjacent Coman Hills High School. (The DEIS needs to first determine whether there are impacts to air quality.)
- Assumption of STAR exemptions in the analysis of tax impacts. (This comment should be made once the analysis of the tax impacts has been conducted in the DEIS.)
- Analysis of "spot zoning." (This analysis can be done in the Final EIS, if applicable.)
- Preserve Old Post Road stone mile marker. (It must first be determined in the DEIS - Historic, Archaeological and Cultural Resources chapter – whether there will be any impacts to the Old Post Road stone mile marker.