Final Environmental Impact Statement

Dutchess Community College Proposed Student Housing

Creek Road/Cottage Road
Town of Poughkeepsie
Dutchess County, New York

Lead Agency:
Board of Trustees of Dutchess Community College
53 Pendell Road
Poughkeepsie, NY 12601

Contact: Mr. W. John Dunn, Vice President and Dean of Administration
Telephone: (845) 431-8000

Date of Submission: ______ June 4, 2010 ______
Date of Acceptance: ______ June 10, 2010 ______
### Applicant and Participating Consultants

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Fax: (716) 472-4076

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Fax: (845) 454-4026

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Phone: (518) 427-0382  
Fax: (518) 427-0384
# TABLE OF CONTENTS

1.0 **INTRODUCTION** ........................................................................................................1

1.1 Coordination under SEQRA ........................................................................ 1

1.2 Organization of FEIS ................................................................................. 2

1.3 List of Involved and Interested Agencies and Permits Required ........... 2

2.0 **RESPONSES TO COMMENTS** ......................................................................... 4

   General Comments .................................................................................................. 6

   Executive Summary (DEIS Section 1.0) ................................................................. 8

   Description of the Proposed Action (DEIS Section 2.0) .................................... 9

   Potential Environmental Impacts (DEIS Section 3.0) ...................................... 10

      Section 3.1 Geology, Soils, and Topography .................................................. 10

      Section 3.2 Stormwater Management .............................................................. 10

      Section 3.3 Ecological Resources ................................................................. 10

      Section 3.4 Wetland Resources ..................................................................... 10

      Section 3.5 Transportation ............................................................................ 10

      Section 3.6 Cultural Resources ..................................................................... 12

      Section 3.7 Utilities – Water and Wastewater .............................................. 12

      Section 3.8 Community Services .................................................................. 12

   Adverse Unavoidable Significant Environmental Impacts if the Project is Implemented (DEIS Section 4.0) ................................................................. 18

The Chazen Companies
June 4, 2010
Alternatives (DEIS Section 5.0).........................................................19
Irreversible and Irretrievable Commitment of Resources (DEIS Section 6.0)......20
Growth Inducing Aspects (DEIS Section 7.0)...........................................21
Effects on the Use and Conservation of Energy Resources (DEIS Section 8.0)....22
LIST OF TABLES

Table 1: List of Involved Agencies and Required Approvals ................................2
Table 2: List of Speakers at Public Hearing ..........................................................4
Table 3: Written Comments Received on the DEIS ..............................................5
Table 4: Index of Comments by Individual (Alphabetically by First Name)...........5
APPENDICES

Appendix A: April 13, 2010 Public Hearing Transcript

Appendix B: Written Comments Received on DEIS
1.0 INTRODUCTION

This Final Environmental Impact Statement (FEIS) has been prepared in compliance with Article 8 of the NYS Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and its implementing regulations at 6 NYCRR Part 617. It has been prepared at the request of the Board of Trustees of Dutchess Community College, acting as Lead Agency for the environmental review of the project. The Proposed Action is the construction of new student housing on the existing Main Campus of Dutchess Community College, located in the Town of Poughkeepsie, Dutchess County, New York. The new Dormitory Facilities are proposed in the area of an existing soccer field north of the tennis courts. The existing soccer field will be relocated to a vacant 24.36-acre parcel north of the campus owned by the County, held in trust for use by DCC, the use of which is to be determined by the College Board of Trustees. This FEIS, along with the Draft Environmental Impact Statement (DEIS) accepted as complete on March 23, 2010, will form the basis for the Lead Agency Findings.

1.1 Coordination under SEQRA

In accordance with the New York State Environmental Quality Review Act (6 NYCRR Part 617), the following elements of the SEQRA process have been undertaken:

- The Board of Trustees of Dutchess Community College, (hereafter, ‘Board’) was designated as Lead Agency for this action on August 4, 2009.

- Based upon the Criteria for Determining Significance in 6 NYCRR 617.7(c), the Board issued a Positive Declaration on August 11, 2009 and determined that a DEIS was required. Copies of the Environmental Assessment Form (EAF) were circulated to all involved agencies.

- A public scoping session was held on September 29, 2009, at which time the public was given the opportunity to comment on the proposed contents of the DEIS. A Final Scoping Document was adopted by the Board on January 26, 2010 (see Appendix 9.1 of the DEIS) that outlined the potential significant impacts to be analyzed in the DEIS. Upon adoption of the Final Scope, the Applicant embarked on the preparation of the DEIS and commissioned the following plans, reports, and studies, including, but not limited to: Preliminary Stormwater Pollution Prevention Plan (SWPPP), Phase 1 Cultural Resources Investigation, Traffic Impact Study, Water System Report, and Sanitary Report.

- The Board formally accepted a DEIS for circulation on March 23, 2010. The DEIS and Notice of Completion were duly circulated to all involved and interested agencies. In accordance with Section 617.9(b)(7) of the SEQRA regulations, this FEIS incorporates by reference the DEIS dated March 23, 2010 and all supporting appendices.
A public hearing allowing for public comment on the DEIS was held by the Board on April 13, 2010. The public comment period remained open until April 26, 2010. Copies of the transcript from the public hearing and the written comments received on the DEIS are provided in this FEIS as Appendices A and B, respectively.

1.2 Organization of FEIS

This FEIS responds to substantive public and agency comments regarding the DEIS for the proposed project, including oral and written comments submitted to the Board during the public comment period. This FEIS incorporates, by reference, the DEIS previously accepted as complete for public comment and review by the Board on March 23, 2010.

The FEIS consists of this Introduction (Section 1.0), an identification of the comments received, and responses to comments in the same organizational structure as the DEIS (Section 2.0). It is noted that general comments or opinions in support of or in opposition to the project are included in this FEIS, but generally, no response is made to such comments.

1.3 List of Involved and Interested Agencies and Permits Required

The following are the Involved Agencies for the project and the permit or approval authority they possess.

<table>
<thead>
<tr>
<th>Type of Approval</th>
<th>Involved Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater SPDES Permit</td>
<td>New York State Department of Environmental Conservation</td>
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<tr>
<td></td>
<td>Region 3 Headquarters</td>
</tr>
<tr>
<td></td>
<td>21 South Putt Corners Road</td>
</tr>
<tr>
<td></td>
<td>New Paltz, NY 12561</td>
</tr>
<tr>
<td>Curb Cut</td>
<td>Town of Poughkeepsie Highway Department</td>
</tr>
<tr>
<td></td>
<td>Town of Poughkeepsie Town Hall</td>
</tr>
<tr>
<td></td>
<td>1 Overocker Road</td>
</tr>
<tr>
<td></td>
<td>Poughkeepsie, NY 12603</td>
</tr>
</tbody>
</table>

The following Agencies have been identified as responsible for reviewing and commenting on all or a portion of the proposed project (Interested Agencies):

State University of New York  
State University Plaza  
353 Broadway  
Albany, New York 12246
NYS Office of Parks, Recreation, and Historic Preservation
State Historic Preservation Office
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

NYS Department of Transportation
Region 8 Headquarters
Regional Planning and Program Management Group
4 Burnett Boulevard
Poughkeepsie, NY 12601

Dutchess County Department of Health
387 Main Street
Poughkeepsie, NY 12601

Dutchess County Department of Planning
27 High Street
Poughkeepsie, NY 12601

Town of Poughkeepsie Town Supervisor and Town Board
Town of Poughkeepsie Town Hall
1 Overocker Road
Poughkeepsie, NY 12603

Town of Poughkeepsie Planning Board
Town of Poughkeepsie Town Hall
1 Overocker Road
Poughkeepsie, NY 12603

Fairview Fire District
258 Violet Avenue
Poughkeepsie, NY 12601
2.0 RESPONSES TO COMMENTS

This section addresses all comments received during the public comment period on the DEIS, which extended to April 26, 2010. Comments were submitted in writing and were also spoken orally at the DEIS public hearing held on April 13, 2010. A copy of the Public Hearing transcript is included in Appendix A and copies of written comments are included in Appendix B.

Comments are generally organized according to the structure of the DEIS. Where applicable, similar comments have been summarized into one general comment in order to allow a comprehensive response to the issue. Some of the written and oral comments presented in this section have been paraphrased.

Comment Referencing

Public Hearing Comments

Comments made during the public hearing 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, a comment made by Mr. John Doe at the Public Hearing is referenced as “[John Doe, Public Hearing Transcript Page XX].”

The following individuals commented on the DEIS at the Public Hearing held on April 13, 2010:

Table 2: List of Speakers at Public Hearing

<table>
<thead>
<tr>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ed Kellogg, Resident, Poughkeepsie, and Representative of Kirchoff &amp; Cerniglia Construction Management</td>
</tr>
<tr>
<td>Commissioner Bob Gephard, Fairview Fire District</td>
</tr>
<tr>
<td>Jim Doxsey, Resident, Poughkeepsie</td>
</tr>
<tr>
<td>Gary Lindstrom, Resident, Poughkeepsie</td>
</tr>
<tr>
<td>Bob Gorman, Resident, Poughkeepsie</td>
</tr>
<tr>
<td>Virginia Buechele, Resident, Poughkeepsie</td>
</tr>
<tr>
<td>Peter Sala, Resident, Poughkeepsie</td>
</tr>
</tbody>
</table>

Written Comments

Within this FEIS, comments that were received in writing are referenced by a unique comment number in no particular order (see list below). In Appendix B, each comment letter is identified by this number in the upper right corner of each page. Comments from written letters are referenced within the FEIS by stating the individual’s name, the number of the written letter,
the date of the letter, and the page number of the letter. For example, a comment made by Mr. John Doe in Letter #1 is referenced at the end of the comment as “[John Doe, Letter #1, date, Page X].” If a written letter contains more than one comment, each discreet comment is ordered alphabetically beginning with “A” and is referenced as such within the FEIS. For example, comment “C” of John Doe’s letter would be referenced as [John Doe, Letter #1, date, Comment C, Page X].”

The following individuals commented in writing on the DEIS:

<table>
<thead>
<tr>
<th>Letter Number</th>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Jennifer F. Cocozza, Senior Planner, Dutchess County Department of Planning and Development</td>
<td>April 26, 2010</td>
</tr>
<tr>
<td>2</td>
<td>Bradley M. Pinsky, Scicchitano &amp; Pinsky, PLLC, on behalf of the Fairview Fire District</td>
<td>April 26, 2010</td>
</tr>
</tbody>
</table>

Substantive comments raised by the public and involved and interested agencies during their review are addressed below. Comments expressed as opinion and/or those that do not concern potential environmental impacts of the project are not required to be incorporated into the FEIS response section, and/or may be responded to with “Comment noted.”

In general, the order and categories of topics follow the outline of the DEIS. General comments and those which do not concern a specific section of the DEIS are addressed first.

Comments made by individuals are indexed below by FEIS page number.

| Bob Gephard | 12 |
| Bob Gorman | 17 |
| Bradley M. Pinsky | 13, 14, 15 |
| Ed Kellogg | 6 |
| Gary Lindstrom | 6 |
| Jennifer F. Cocozza | 9, 10, 11, 12, 19 |
| Jim Doxsey | 6, 7 |
| Peter Sala | 16 |
| Virginia Buechele | 15, 16 |
General Comments

The comments included in this section of the FEIS are those that are general in nature and/or did not fit into the organizational structure of the DEIS, on which this FEIS is based.

Comment G-1: Expressed general support for the project as a representative of Kirchoff & Cerniglia Construction Management, in part because of the economic benefits from construction and the benefits that the College provides to the community. [Ed Kellogg, Kirchoff & Cerniglia Construction Management, Public Hearing Transcript, pages 5-7]

Response G-1: Comment noted.

Comment G-2: Expressed general support for the project and that the project will result in a reduction in traffic rather than an increase. [Gary Lindstrom, Public Hearing Transcript, page 11]

Response G-2: Comment noted.

Comment G-3: We had talked about earlier about the statistics, when the statistics were given to the New York State Commissioner Peter Granis on the EIS statement, in my opinion I believe that there were some misleading remarks on that statement. And it also stated that in the past that you have an agreement with the Fairview Fire District in reference to payment. That reference was null and void, because you had stipulated a given date that the dorms had to be built. So there is no agreement in place currently. And I believe that by mis-informing or potentially misleading the New York State into thinking that there is an agreement in place might have been a driving factor for you being able to receive the lead agency status. [Jim Doxsey, Public Hearing Transcript, page 9-10]

Response G-3: There was nothing misleading in the submission to the DEC concerning Lead Agency nor were the issues raised a factor in the DEC decision. The question of Lead Agency status was ultimately resolved in the stipulation agreement entered into between DCC, the Town of Poughkeepsie Planning Board, the Town of Poughkeepsie Zoning Board, and the New York State Department of Environmental Conservation on May 28, 2010, which confirmed DCC as the Lead Agency for the proposed project. With respect to the mitigation agreement with the Fairview Fire District, the agreement was signed by both parties, but DCC agrees that no enforceable agreement is in place. More importantly for SEQRA purposes, the SEQRA investigation demonstrates no need for mitigation. The level of service potentially needed by the Project represents a de minimus impact on the public service agencies. As to the Fire District, the DEIS notes (at p. 99) “given that the number of resident students compared to the total DCC population will be small (465 resident students compared to over 8,000 total students), the increase in calls for service is likely to be small.” No evidence has been submitted refuting the DEIS. The Fire District is fully financed in accordance with the state law, and the District can address any staff needs through the normal budget process.

The Chazen Companies
June 4, 2010
Although, therefore, no mitigation is required, the College made a number of offers to assist the District, all of which the District rejected. DCC offered a PILOT (“payment in lieu of taxes”) agreement far in excess (on a per bed basis) of the voluntary agreement Marist College has with the District equal to $30 per bed. In addition to the PILOT agreement, as outlined in the DEIS, the College proposed a contract with an outside provider to handle some calls and reduce the burden on the taxpayers.

**Comment G-4:** I believe by giving that misled information, both verbal and written, which is why you have received the go-ahead on this project, the negative cumulative impacts have not been addressed. You have not met with Town officials on a regular basis. You certainly have not met with the Commissioner nor the Chief of the Fairview Fire District. You have not met with multiple elected officials to bring forward what the cumulative -- whether they positive or negative -- impacts. And by misleading the public into thinking that you have done so, I think you're doing an injustice to the college, the community and the residents that it supports. [Jim Doxsey, Public Hearing Transcript, page 10-11]

**Response G-4:** The Comment relies on a number of inaccuracies. There was no misleading information, and the Project has not received any “go-ahead,” nor can it until SEQRA is completed. There is no requirement to meet with Town officials, DCC received significant input from the Town, including the scoping hearing comments, and to admit in one comment there is a signed agreement with the District and then in the next to say there was no contact with the District, is unworthy of response. All impacts, direct, indirect, or cumulative, reasonably related to the Project have been addressed, including the very minor potential impact on the Fairview Fire Department. Although no mitigation is required, DCC is willing to meet with the Fairview Fire District to address any concerns it has.
Executive Summary (DEIS Section 1.0)

No comments received.
Description of the Proposed Action (DEIS Section 2.0)

Comment 2.0-1: Length of Building The building, as proposed, is very large. According to the drawings the building's length will be approximately 585 feet, over 100 feet longer than Hudson Hall. Student housing on area educational campuses often use a grouping of smaller buildings or one building arranged in U-shaped or L-shaped layouts with courtyards and other site amenities to break up the bulk of one large structure. [Jennifer F. Cocozza, Dutchess County Department of Planning and Development, Letter dated April 26, 2010, Comment B, page 1]

Response 2.0-1: During the early conceptual stages of the project’s design, consideration was given to the use of several smaller buildings arranged in clusters. These configurations were rejected based on several factors, including: the comparative ease and efficiency of providing security and access control to one building rather than several; the ability to have one service entrance; and DCC’s desire to maximize the preservation of the grassy field so that graduation ceremonies could continue to be held there, even after construction of the dormitory.

The building’s capacity of 465 beds was chosen to ensure a sufficient student body to contribute to a vibrant residential community and to meet the expected demand for on-campus housing. A smaller building could be provided, but in order to maintain the number of beds, the building would have to be taller than it currently is. This was not considered a desirable option.

In addition, the topography of the site lends itself well to constructing the building into the hillside, so that it appears to be smaller than it is. The building has also been designed with a slight curve to it, which also appears to reduce its massing. Lastly, the architectural design of the building utilizes different finishes, colors, and textures to break up the building façade so that it does not appear to be one massive structure.
Potential Environmental Impacts (DEIS Section 3.0)

Section 3.1 Geology, Soils, and Topography

No comments received.

Section 3.2 Stormwater Management

No comments received.

Section 3.3 Ecological Resources

No comments received.

Section 3.4 Wetland Resources

No comments received.

Section 3.5 Transportation

Comment 3.5-1: The PM peak hour was not included in the TIS, although it was identified to be studied in the Final Scoping Document. Traffic generated in the morning is different than that which is generated in the evening. Without a PM peak hour count and traffic analysis, these trips and their impact on the surrounding roadway network cannot be evaluated. [Jennifer F. Cocozza, Dutchess County Department of Planning and Development, Letter #1, April 26, 2010, Comment C, page 1]

Response 3.5-1: Prior to actual data collection efforts, DCC advised the traffic engineer that normal peak periods of campus related vehicular activity occurred between 7:30 AM and 2:30 PM, Monday through Friday. This was confirmed by the observation of two distinct peak hour periods: 7:30 to 8:30 AM and 12:00 to 1:00 PM, which are coincident with the morning peak period and the mid-day peak period, respectively, of the local highway network. This was discussed on page 12 of the TIS for the project, included as Appendix 9.2 of the DEIS.
As such, the typical evening peak hour period for the adjacent roadway network (4:00 to 6:00 PM) is not coincident with that of the campus. The morning peak period and the mid-day peak period were determined to be the most potentially critical periods for assessing impacts related to DCC traffic. Therefore, the assessment of an evening peak hour period was deemed irrelevant to the purposes of evaluating potential traffic impacts of the proposed project.

It should also be noted that the proposed dormitory project is unlikely to increase the number of students/staff traveling to/from the campus, since the project is in response to the needs of the current student population, and will reduce the mobility of that population. Consequently, as discussed in the TIS (see page 16), no project-generated trips will be added to the Existing or No Build traffic volumes.

**Comment 3.5-2:** The traffic analysis did not include the Route 9G/Pendell Road intersection, although it was identified as needing study in the Final Scoping Document. [Jennifer F. Cocozza, Dutchess County Department of Planning and Development, Letter #1, April 26, 2010, Comment D, page 1]

**Response 3.5-2:** The Route 9G/Pendell Road intersection was omitted after discussions with DCC staff. It was determined that the adjacent signalized, “four-legged” intersection at Route 9G/Cottage Road best represented campus related traffic impacts on Route 9G and that no additional operational information was to be derived from its inclusion. Again, it is noted that the project is not likely to increase the number of students/staff traveling to/from the campus, since the project is in response to the needs of the current student population for on-campus housing, thus reducing trips. Therefore, the project itself will not add any traffic to this intersection.

**Comment 3.5-3:** An analysis of pedestrian movements could help evaluate what other improvements may benefit connectivity throughout the College campus. [Jennifer F. Cocozza, Dutchess County Department of Planning and Development, Letter #1, April 26, 2010, Comment E, page 1]

**Response 3.5-3:** Although a detailed analysis of campus-related pedestrian activity was not within the scope of the analysis, an evaluation of the “fixed-timed” pedestrian signal on Creek Road was undertaken (as described on page 11 of the TIS). The signal was found to be adequate for pedestrian safety but somewhat inefficient relative to the passage of vehicular traffic. The DEIS (see page 84) describes the proposed pedestrian connection between Lot D and the proposed soccer field on the Creek Road/Cottage Road site and recommends a pedestrian crosswalk, sidewalks, and signage to direct pedestrians appropriately. Furthermore, the siting of the proposed dormitory on the Main Campus provides direct pedestrian access to academic buildings and other facilities frequented by students, thereby reducing the potential for pedestrian/vehicular conflicts.
Comment 3.5-4: The DEIS indicates construction vehicles will access the site using Creek Road (page 19), which will force vehicles to make a left-turn from Creek Road to Cottage Road and could increase vehicle queues on Creek Road. Construction vehicles should be directed to use NYS Route 9G, which will allow vehicles to make right turns into the site. Using NYS Route 9G will also lessen the potential for vehicle conflicts with students crossing Creek Road from Parking Lot E. [Jennifer F. Cocozza, Dutchess County Department of Planning and Development, Letter #1, April 26, 2010, Comment F, page 2]

Response 3.5-4: Comment noted. Construction vehicle activity will be directed to Route 9G as the preferred route of site access/egress, wherever possible.

Section 3.6 Cultural Resources

No comments received.

Section 3.7 Utilities – Water and Wastewater

No comments received.

Section 3.8 Community Services

Comment 3.8-1: We have reviewed the document, and in consideration of time and complexity, we will be submitting written comments and concerns by the April 26th deadline. We look forward to working together and jointly addressing the fire and life-safety issues of the department, the community and the college. Thank you again, and we look forward to continued open discussion on this matter. [Commissioner Bob Gephard, Fairview Fire Department, Public Hearing Transcript, page 7]

Response 3.8-1: Comment noted. Comments submitted in writing by Counsel to the Fairview Fire Department are addressed below.

Comment 3.8-2: The project will result in an increased demand for fire and emergency medical services. The project will add a significant number of young adults living within the fire district. The district is confident that young adults will cause the setting of false alarms due to steam from showers, sprays and aerosols, and other typical causes of false alarms. The increased risk of true fires also significantly increases due to small appliances, candles, and other fire hazards. Moreover, young adults typically consume alcohol. It is widely known that emergency medical services which serve college campuses respond frequently for alcohol consumption related
injuries/emergencies. This campus will be no different. The combined impact of this project with the other multiple projects in the area is simply too much for the fire district to handle, unless the project is mitigated by adding at least one additional person to the fire district's manpower (discussed below). [Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, Letter #2, April 26, 2010, Comment A, page 1]

Response 3.8-2: The DEIS acknowledges that there is likely to be a minor increase in calls for service as a result of having a resident population on the DCC campus, where there currently is none. Whether that increase will be more than the reduction of calls for traffic accidents due to the reduction in trips by the same population, is unknown, but the commenter offers no evidence to support the claims of significant increase. Further, given that the number of resident students is small compared to the overall population of DCC as a whole, impacts are not expected to be significant. The Dutchess Community College Association currently contributes $5,000 per year to the Fire District to offset the cost of fire service. With the opening of the dormitory, the amount will increase to $20,000 per year, further offsetting any minor impact on the District.

Comment 3.8-3: The district disagrees that the entering into a "draft contract" (whatever that may mean) with a private ambulance service will in any way alleviate the need for the district's emergency medical services.

(1) The district, and not the college, is in charge of which ambulance responds to emergencies in its 911 territory. The district has appointed itself as the primary provider of Basic Life Support services. Any calls made to 911 will result in the dispatch of Fairview Fire District's ambulance and not in any other transporting ambulance while the fire district's ambulance is available. General Municipal Law 122-b prevents a private party from entering into its own arrangement with an ambulance service in an attempt to circumvent the primary ambulance service chosen by the district. 911 will not dispatch another ambulance and is prevented from doing the same, by law. [Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, Letter #2, April 26, 2010, Comment B, pages 1-2]

Response 3.8-3: According to the commenter, the only thing preventing the use of an outside provider to reduce the burden on the District is the District’s self-serving appointment of itself as primary provider. This does not raise a SEQRA issue. In any case, the full SEQRA review has shown no mitigation is required, therefore the commenter is not raising a SEQRA issue, but a political issue in his efforts to gain funds for the District from DCC students.

Comment 3.8-4: (2) Any arrangement with the students to call a private ambulance service directly, thus avoiding 911 is both futile and irresponsible. Persons are taught from grade school age to call 911 in an emergency. Urging students to call another number other than 911 is dangerous. It is also unlikely that students, who call on their cell phones for most emergencies, will call any other number other than 911. [Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, Letter #2, April 26, 2010, Comment C, page 2]
Response 3.8-4: The commenter represents an alternative provider and does not raise a SERQA issue. The agreement with Transcare does not require the students to call a number other than 911. Rather, 911 calls made from the College will be received at central dispatch, and then will be routed to Transcare.

Comment 3.8-5: (3) Transcare is the advanced life support provider for the fire district's residence [sic]. The loss of Transcare's ambulance which responding to a medical emergency at the college directly impacts the ability of the residents to receive advanced life support care as that care is being rendered to a student. The resources available to the fire district's residents are being further taxed and again limited. [Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, Letter #2, April 26, 2010, Comment D, page 2]

Response 3.8-5: The commenter represents an alternative provider and is not raising a SEQRA issue. The use of the Transcare contract would free up far more resources than it would tie up. Any time an ambulance or fire truck is dispatched on a service call, there is one less vehicle available for responding to additional calls. This is no different if an emergency vehicle is dispatched to DCC, whether today or in the future under a separate agreement with Transcare, or dispatched to any other incident. Like many other communities and fire districts, the Fairview Fire District has a mutual aid agreement to handle calls when all of the needed apparatus and/or staff are out on a call. This minor project will not create a statistically measureable likelihood of reducing the available vehicles and the commenter provides no evidence to the contrary.

Comment 3.8-6: (4) The ability to pay for ambulance services is not relevant to the fire district, as the fire district is presently unable to bill for ambulance services by law. [Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, Letter #2, April 26, 2010, Comment E, page 2]

Response 3.8-6: Regardless of who pays for the service, reducing the need for the Fire District to provide ambulance services to DCC results in a reduction in the work load on the Fire District and therefore increases its availability to handle other emergencies within the District.

Comment 3.8-7: (5) The college asserts that it is "open to future negotiations with the FFD to renegotiate a mitigation agreement". Being "open" to such a meeting is not mitigation. Moreover, despite the fact that the attorney for the fire district requested a meeting with the college, the college failed and perhaps refused to schedule a meeting. The college has not shown any willingness to enter into an agreement to mitigate any issues, though the district again makes such a request. Such mitigation might include a permanent agreement to pay for the cost of at least one additional firefighter/EMT, per year. Adding this firefighter/EMT permits the ambulance to treat a patient while leaving three (as opposed to the present two) firefighters remaining to staff a fire engine. This cost is projected at $135,000 per year. Without providing at least this amount to the fire district, the fire district is unable to lessen the impact of losing two firefighter/EMTs to a medical emergency at the campus. [Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, Letter #2, April 26, 2010, Comment F, page 2]
Response 3.8-7: The comment is not accurate, in that it asserts that there were no meetings, but as another comment notes, there was an agreement reached between the District and DCC, which, of course, was reached through the entities meeting with each other. DCC has in fact proposed two contracts, with the Fire District and Transcare. The District has continually increased its demands, now at $135,000 for a 465-bed project, which far exceeds the $120,000 Marist voluntary donates for 4,000 beds. Since the record does not support that any mitigation is required for a small increase in resident student population (coupled with a decreased in traffic trips) – a population already served by the District – no mitigation is required.

Comment 3.8-8: (6) The cumulative impact of this project combined with other projects in the area is substantial. Each new project may have "minimal" impact by itself, but this project may be the straw that breaks the camel's back. [Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, Letter #2, April 26, 2010, Comment G, page 2]

Response 3.8-8: There is no evidence to support this conclusory claim, which does not even list the alleged “other projects.” There are, in fact, no related projects. The students to be served are already part of the DCC population. Impacts will be less because there will be fewer trips by these students.

Comment 3.8-9: Your Draft Environmental Impact Statement does not address the projected increase in fire alarms with the projected 465-bed dormitory rooms. It only addresses, in my opinion, emergency medical services, and it is woefully insufficient in that regard also. First quarter of 2010 showed a 13.5 percent increase in the overall calls of the Fairview Fire District over 2009; a 27 percent increase between the first quarter of 2009 and the first quarter of 2010 in Dutchess Community College calls. [Virginia Buechele, Public Hearing Transcript, page 15]

Response 3.8-9: Please see Response 3.8-2 above. Further, there is no evidence to support a claim of a higher number of false alarms beyond a minor amount given the small size of the population. The DEIS properly discussed the minor potential impacts to community service.

Comment 3.8-10: New York State Codes will require an alarm system wired into central dispatch. I have no idea how you’re going to prevent your students from using cell phones and dialing 911 in the case of an emergency medical call. In such case, it will go into DC 911, and Fairview will be dispatched. If you think Transcare is going to station an ambulance on your college grounds 24/7, I think you’re sadly mistaken. All you have to do is listen to your scanner, and you will hear the number of times that either Transcare, Mobile Life or Northern Dutchess Paramedics has no ambulances available. [Virginia Buechele, Public Hearing Transcript, pages 15-16]

Response 3.8-10: Please see Responses 3.8-4 and 3.8-5 above.
Comment 3.8-11: Anyone who does not believe the number of fire alarms with dormitories will not increase is sadly mistaken. All you have to do is look around you, at Marist, Vassar and Bard. There will be automatic fire alarms. There will be CO detector alarms. There will be steam from showers. There will be cooking on hot plates, whether you allow them or not. There will be hairspray sprayed into detectors. There will be body spray sprayed into detectors. There will be pranksters, and there will be tampering. Don’t be blind. Our lives and the lives of your students depend on this. We’re begging you -- we are not asking you not to have dorms, we are begging you. [Virginia Buechele, Public Hearing Transcript, pages 17-18]

Response 3.8-11: Please see Response 3.8-2 above.

Comment 3.8-12: I’m 82 years old, and I pay more tax in the Town of Poughkeepsie than any other fire district. So I think it is important that you, some way or another, satisfy that I don’t have to pay more taxes for this project that Mr. Kirchoff thinks is a good project. I think it’s a good project too. But you have to look and see what it is going to cost these people in the Fourth Ward. I was a Councilman of this ward and I was a temp supervisor of this ward, and there are people in this Fourth Ward that eat one egg a day because they can’t afford two. You hear me? They eat one egg a day -- not two -- because they can't pay the taxes. And don’t tell me that this project, as good as it is, is not going to cause our taxes to go up. So someplace in this impact statement, listen to Virginia and listen to Bob and listen to these people that this could be detrimental for the taxpayers in the Fourth Ward of the Town of Poughkeepsie. [Peter Sala, Public Hearing Transcript, pages 19-20]

Response 3.8-12: Payment for construction of the dormitory will come from bonding and funds for operation of the dormitory will come from student rental payments. No taxpayer dollars will be used for the proposed project.

Comment 3.8-13: I believe this would be a negative impact on our community. I feel our resources – and we have already spoken on the fire resources being strained, but now I want to speak to the police resources. I would encourage the college to talk to the town police and ask their input as to the impact of putting 460 students here. Not only Dutchess County residents, but I believe these residents will come from Putnam County and further south, as in Sullivan Community College. That police force out there has a lot of problems. That staff has a lot of problems with people coming in from outside their local community. And I would agree, that if these dorms would serve Dutchess County residents, I would agree that might be a good idea. However, I don’t think that’s really the input here.

And I think there are some classes that are being offered over the Putnam line to gain access to people down south. I think that type of element and that type of people up here would create problems. Quite frankly, I think that people would come up here, that couldn’t afford a four-year school, to take a two-year program. And quite frankly, a lot of people do anyway, because they see it as a stepping stone to make sure they can – they will make it through that four-year plan. I think a lot of people will come up from down south, Westchester, Manhattan, Long Island, that can’t go to Marist, quite frankly, or Vassar, and be here for two years. And I think
our police force will be overwhelmed, not only just our fire but our police as well. [Bob Gorman, Public Hearing Transcript, page 13-15]

**Response 3.8-13:** As noted in the DEIS, the introduction of a residential population to the DCC campus may result in an increase in calls for service to the police department, but this increase is not expected to be significant. The Town's population is approximately 45,000 people; the increased demand from this project (which is serving residents already in the student population being served by the police) is de minimus at most. The reduction in traffic trips may cause a reduced demand for such services.
Adverse Unavoidable Significant Environmental Impacts if the Project is Implemented (DEIS Section 4.0)

No comments received.
Alternatives (DEIS Section 5.0)

Comment 5-1-6R: Alternative Locations We note that the area of disturbance necessary to build the proposed soccer field is 8.34 acres and that stormwater improvements and wetland protections will be necessary as a result. In looking at the proposed site plan and the land already held by the College, it appears that other locations and layouts may be possible that might eliminate the use of the Cottage Road parcel altogether. Did the College evaluate alternate locations and layouts for the proposed dormitory that used the existing land held by the College and allowed the field and track to remain in its centrally located place? [Jennifer F. Cocozza, Dutchess County Department of Planning and Development, Letter #1, April 26, 2010, Comment A, page 1]

Response 5-1-6R: Yes, alternative layouts and locations were reviewed. The College originally considered the Creek Road/Cottage Road parcel for the location of the dormitory. This would have allowed the soccer field and track to remain in their current condition and continue to be available for use by the campus population. However, it was the College’s preference to keep the dormitory on the Main Campus to enhance the resident students’ dormitory experience and make the option of living in an on-campus dormitory more appealing, as well as to better manage security and access to the dormitory. As noted in the DEIS, compared to the placement of the dormitory on the Main Campus, having the dormitory at a more distant location from the center of activity on campus would be less beneficial in terms of enhancing the sense of community and student life. In addition, the environmental constraints on the Creek Road/Cottage Road site would have resulted in the project having greater environmental impacts in that location than in the preferred location on the Main Campus, including in the areas of grading, wetland impacts, potential noise and land use conflicts, and pedestrian safety.
Irreversible and Irretrievable Commitment of Resources (DEIS Section 6.0)

No comments received.
Growth Inducing Aspects (DEIS Section 7.0)

No comments received.
Effects on the Use and Conservation of Energy Resources (DEIS Section 8.0)

No comments received.
DUTCHESS COMMUNITY COLLEGE

Public Comment Re:

DUTCHESS COMMUNITY COLLEGE

PROPOSED STUDENT HOUSING PROJECT

DRAFT ENVIRONMENTAL IMPACT STATEMENT

April 13, 2010

6:00 p.m.

Hall Theatre

POUGHKEEPSIE NY

BEFORE:

THOMAS LeGRAND, Board Chair

DR. DAVID CONKLIN, President

VINCENT DiMASO, Trustee

JOHN DUNN, Dean of Administration

RICHARD CHAZEN, Chazen Companies

MELISSA JOHANNESSEN, Chazen Companies

MICHAEL McCORMACK, LMV Architects

REPORTED BY: KAREN SCHMIEDER, CSR, RDR
MR. LeGRAND: Good evening, ladies and gentlemen. I'm Tom LeGrand. I'm the Chairman of the Board of Dutchess Community College. On behalf of myself and my fellow trustees and the distinguished members of the panel here, we'd like to welcome you to Dutchess Community College this evening.

The purpose of this public hearing is to receive comments from the public and other interested parties on the content of the Draft Environmental Impact Statement and the potential environmental impacts of the Proposed Student Housing Project and Soccer Field Relocation.

Please note that questions or comments will not be answered or addressed tonight. Rather, all substantive comments made at this hearing and submitted in writing will be addressed within the Final Environmental Impact Statement.
transcribing all comments made tonight at the hearing, and the transcript will become part of the Final Environmental Impact Statement as an appendix.

Whether you choose to speak tonight or not, you will also have the opportunity to submit written comments through April 26th. Written comments will also be included as an appendix to the FEIS. Written comments can be sent to John Dunn, Vice President and Dean of Administration, Dutchess Community College, 53 Pendell Road, Poughkeepsie, New York 12601.

After the conclusion of the public review period on April 26th, an FEIS will be prepared. Once it is finalized, it will be made available for public review for a period of at least ten days. After which a statement of findings will be prepared, and the SEQRA process will
We also ask that you refrain from repeating comments made by previous speakers. And thank you for attending.

Okay, the first speaker this evening will be Ed Kellogg. Ed.

Schmieder & Meister, Inc 845-452-1988
MR. ED KELLOGG: Good evening. I'm Ed Kellogg. I'm a resident in the Town of Poughkeepsie for -- I don't know, 25 years. And I'm here as a representative of Kirchoff & Cerniglia Construction Management in Pleasant Valley.

Our firm is obviously very much in support of the residential complex. As everybody knows, this is not a good time for construction. We find ourselves going up to the Albany area, out to central New York, down to Westchester looking for work. And at this time it's primarily to keep people employed.

We have about 200 employees, most of which live in Dutchess County, some of which are graduates of the college, including Joe. You know, I think it's very important that the school thrive. It is very much part of our cultural, educational and economic force here. And by the
college reinvesting in the campus here and providing this wonderful opportunity for students, I think it keeps them in pace with other community colleges throughout New York State. Our community college is just phenomenal and might set the bar for what you can do for residences. It keeps kids at home; hopefully they will stay here. It keeps people in the community. A lot of people sitting up here and a lot of people who I serve on boards with who are graduates of the college who have brought a lot of quality back into the fabric.

It is a very significant project. It will be wonderful if this were approved. And regardless of which firm got the work, it's very appealing to many of our local contractors here and subcontractors here, regardless of whether you're union or non-union, or prevailing
wages. No matter what it is, it is important for everyone. And I think for permanent employment as well, it sounds like to me that it will provide maybe not a tremendous amount of, but enough service oriented jobs and make the employment base of the college even more stable.

Most importantly, it provides a great opportunity for the kids. You know, I think especially these days, if they have the choice, they would stay close to home, and this would certainly provide that.

Thanks very much.

MR. LeGRAND: Thank you very much, Mr. Kellogg.

The next speaker will be Commissioner Bob Gephard from the Fairview Fire Department. Bob.

COMMISSIONER GEPHARD: Thank you. My name is Commissioner Bob Gephard, G-E-P-H-A-R-D. And Chief Galante is expressing his --
unfortunately, he had to go off on a fire call. He was going to be the speaker tonight, so I am substituting for him.

Anyway, good evening, and on behalf of the Fire District and the Board of Fire Commissioners, we thank you for the opportunity to offer comment on the Draft EIS for the Proposed Student Housing.

We have reviewed the document, and in consideration of time and complexity, we will be submitting written comments and concerns by the April 26th deadline. We look forward to working together and jointly addressing the fire and life-safety issues of the department, the community and the college.

Thank you again, and we look forward to continued open discussion on this matter. Thank you.

MR. LeGRAND: Thank for your comments, Mr. Gephard.
Next will be Jim Doxsey.

Jim.

MR. JIM DOXSEY: Good evening. My name is Jim Doxsey. I live at 55 Buckingham Avenue, in Poughkeepsie New York.

For fear of being redundant over my last statements from a few months ago, and going over my time limit of three and a half minutes, I'm certainly going to curtail this down to a much smaller scope of my comments from last time. My comments from our last public hearing still hold true. Everything that I said then I'm going to reiterate somewhat now. I'm going to try again from being redundant.

We had talked about earlier about the statistics, when the statistics were given to the New York State Commissioner Peter Granis on the EIS statement, in my opinion I believe that there were some misleading remarks on that statement. And it
also stated that in the past that you have an agreement with the Fairview Fire District in reference to payment. That reference was null and void, because you had stipulated a given date that the dorms had to be built. So there is no agreement in place currently. And I believe that by mis-informing or potentially misleading the New York State into thinking that there is an agreement in place might have been a driving factor for you being able to receive the lead agency status. I believe by giving that misled information, both verbal and written, which is why you have received the go-ahead on this project, the negative cumulative impacts have not been addressed. You have not met with town officials on a regular basis. You certainly have not met with the Commissioner nor the Chief of the Fairview Fire District. You have
not met with multiple elected
officials to bring forward what the
cumulative -- whether they positive or
negative -- impacts. And by
misleading the public into thinking
that you have done so, I think you're
doing an injustice to the college, the
community and the residents that it
supports.

Thank you for your time.

MR. LeGRAND: Thank you for
your comments, Mr. Doxsey.

Gary Lindstrom.

MR. GARY LINDSTROM: Gary
Lindstrom, L-I-N-D-S-T-R-O-M.

I would like to speak in
favor of the housing. I think it's a
very beneficial thing for the college
to have. And everything I see that
the college does they do in a
first-class manner, so I don't have
any hesitation that they'll do a good
job with this.

There's been negative
comments made about traffic impact;
there will be a traffic impact to this
area to have the residences here. But
I think it is just the opposite. In
that now there's been students that I
know of that live in places like
Wingdale and commute here, which
really makes for traffic. But for the
student it is a lot of costs, both in
dollars and time, in commuting to
commute to college. Even though it is
still in Dutchess County, it is a long
commute. Then there's other students
that rent housing in the city or town
of Poughkeepsie or in this area but
off campus. And of course, they are
commuting on and off the campus on a
regular basis. So I think if those
people resided right here in housing
on site, it would really cut down on
traffic in the area, rather than
increase it, as some have proposed.
So in that overall, I'm in
favor of the housing going forward.
MR. LeGRAND: Thank you very much for your comments.

Next, Bob Gorman.

MR. BOB GORMAN: Thank you.

Bob Gorman, 15 Hawkin Street,
G-O-R-M-A-N.

I would like to speak tonight, and I do appreciate the college's academic programs that they have here for Dutchess County residents. However, part of SEQR is to review the impact on the community, and I believe this would be a negative impact on our community.

I feel our resources -- and we have already spoken on the fire resources being strained, but now I want to speak to the police resources. I would encourage the college to talk to the town police and ask their input as to the impact of putting 460 students here. Not only Dutchess County residents, but I believe these residents will come from Putnam County.
and further south, as in Sullivan
Community College. That police force
out there has a lot of problems. That
staff has a lot of problems with
people coming in from outside their
local community.

And I would agree, that if
these dorms would serve Dutchess
County residents, I would agree that
might be a good idea. However, I
don't think that's really the input
here. And I think there are some
classes that are being offered over
the Putnam line to gain access to
people down south. I think that type
of element and that type of people up
here would cause problems. Quite
frankly, I think that people would
come up here, that couldn't afford a
four-year school, to take a two-year
program. And quite frankly, a lot of
people do anyway, because they see it
as a stepping stone to make sure they
can -- they will make it through that
So I would like to see as part of the SEQR process a community impact statement and have those items addressed by the police chief himself.

Thank you.

MR. LeGRAND: Thank you.

Virginia Buechele.

MS. VIRGINIA BUECHELE:

Virginia Buechele, B like in boy, U-E-C-H-E-L-E, Windsor Court, Town of Poughkeepsie.

I have reviewed your Draft Environmental Impact Statement, most specifically as it pertains to community services and to the...
information that was provided therein regarding the Fairview Fire District. Your Draft Environmental Impact Statement does not address the projected increase in fire alarms with the projected 465-bed dormitory rooms. It only addresses, in my opinion, emergency medical services, and it is woefully insufficient in that regard also.

First quarter of 2010 showed a 13.5 percent increase in the overall calls of the Fairview Fire District over 2009; a 27 percent increase between the first quarter of 2009 and the first quarter of 2010 in Dutchess Community College calls.

New York State Codes will require an alarm system wired into a central dispatch. I have no idea how you're going to prevent your students from using cell phones and dialing 911 in the case of an emergency medical call. In such case it will go into DC

Schmieder & Meister, Inc  845-452-1988
pranksters, and there will be plates, whether you allow them or not. There will be hair spray sprayed into detectors. Anyone who does not believe the number of fire alarms with dormitories will not increase is sadly mistaken. All you have to do is listen to your scanner, and you will hear the number of times that either Trans Care, Mobile Life or Northern Dutchess Paramedics has no ambulances available.

Anyone who does not believe the number of fire alarms with dormitories will not increase is sadly mistaken. All you have to do is look around you, at Marist, Vassar and Bard. There will be automatic fire alarms. There will be CO detector alarms. There will be steam from showers. There will be cooking on hot plates, whether you allow them or not. There will be hair spray sprayed into detectors. There will be body spray sprayed into detectors. There will be pranksters, and there will be
tampering. Don't be blind.

Our lives and the lives of your students depend on this. We're begging you -- we are not asking you not to have dorms, we are begging you for our lives. Thank you.

MR. LeGRAND: Thank you for your comments.

Yes, sir.

MR. SALA: I didn't sign, but can I say something?

MR. LeGRAND: Come up and sign up. The hearing is open. Anybody can certainly have the opportunity. Did you sign up on the sheet, sir?

MR. SALA: I'll sign it.

MR. LeGRAND: Anybody is welcome to speak. The hearing is open.

MR. SALA: Thank you for this opportunity to speak. I wasn't going to.

MR. LeGRAND: Will you state
your name, sir.

MR. PETER SALA: My name is Peter Sala, S-A-L-A, resident in the Town of Poughkeepsie for 50 years.

I wasn't going to say anything, but the last time I was here I commended the Board and also told them my feelings about the tax potentially that would be raised. And when it came out in the paper that said that Sala supported this project, I think that was only half of the truth.

What Mr. Kirchoff said this evening is true, and I agree with that. But listen to the other part, where I don't agree. I'm 82 years old, and I pay more tax in the Town of Poughkeepsie than any other fire district. So I think it is important that you, some way or another, satisfy that I don't have to pay more taxes for this project that Mr. Kirchoff thinks is a good project. I think it
is a good project too. But you have
to look and see what it is going to
cost these people in the Fourth Ward.

I was a Councilman of this
ward and I was a temp supervisor of
the this ward, and there are people in
this Fourth Ward that eat one egg a
day because they can't afford two.

You hear me? They eat one egg a
day -- not two -- because they can't
pay the taxes. And don't tell me that
this project, as good as it is, is not
going to cause our taxes to go up. So
someplace in this impact statement,
listen to Virginia and listen to Bob
and listen to these people that this
could be detrimental for the taxpayers
in the Fourth Ward in the Town of
Poughkeepsie.

Thank you for the
opportunity to be here.

MR. LeGRAND: Thank you, Mr.
Sala.

Okay, at this time is there
any further comment from any member of the public that's here this evening?

(No response).

Seeing that there is no additional comment at this point, we'll close the public hearing at this time. But I will remind everybody that written comments will still be accepted until April 26th, 2010.

Thank you very much for attending, and have a nice evening.

(Whereupon, the above-captioned public hearing concluded at 6:26 p.m.)

* * * * *
CERTIFICATION

I, Karen Schmieder, a Certified Shorthand Reporter, Certificate No. 768, and Notary Public, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of April 2010.

KAREN SCHMIEDER, CSR, RMR
Registered Diplomate Reporter
A
ability 22:12
able 10:13
above-captioned 21:16
academic 13:9
accepted 21:11
access 14:14
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add 4:3
additional 4:15
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15:13
addresses 16:7
addressing 8:17
Administration 1:16 3:14
afford 14:19
20:8
agency 10:14
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10:7,11
alarm 16:19
alarms 16:5
17:12,17,18
Albany 5:12
allotted 4:14
allow 17:20
ambulance 17:3
ambulances 17:9
amount 7:5
announced 4:7
answered 2:19
Anybody 18:14
18:18
anyway 8:5
14:22
appealing 6:21
appendix 3:6,11
appreciate 13:8
approved 6:19
April 1:8 3:10
3:18 4:17 8:15
21:11 22:16
Architects 1:19
area 5:13 12:3
12:15,21
asking 18:4
attending 4:22
21:13
automatic 17:16
available 3:20
17:10
Avenue 9:5
B
B 15:18
back 6:15
bar 6:7
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base 7:7
basis 10:22
12:18
begging 18:4,5
behalf 2:5 8:6
believe 9:22 10:8
10:15 13:13,23
17:11
beneficial 11:18
best 22:11
blind 18:11
Board 1:13 2:4
8:7 19:7
boards 6:13
Bob 7:19,20,22
13:3,4,5 20:15
body 17:22
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Buckingham 9:5
Buechele 15:16
15:17,18
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C
C 22:1,1
call 8:2 16:24
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campus 6:1
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Care 17:2,8
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Appendix B  Written Comments Received on the DEIS
To: Board of Trustees of Dutchess Community College  
Re: SQ10-134 DCC Student Housing DEIS

The Dutchess County Department of Planning and Development has reviewed the SEQRA information submitted for this project and has the following comments.

The College proposes to relocate the existing track and soccer facility and construct a 4-story, 160,000 square foot dormitory building with 465 beds. The soccer field is proposed to be rebuilt on a currently vacant wooded parcel, across from Parking lot D on Cottage Road.

Alternative Locations
We note that the area of disturbance necessary to build the proposed soccer field is 8.34 acres and that stormwater improvements and wetland protections will be necessary as a result. In looking at the proposed site plan and the land already held by the College, it appears that other locations and layouts may be possible that might eliminate the use of the Cottage Road parcel altogether. Did the College evaluate alternate locations and layouts for the proposed dormitory that used the existing land held by the College and allowed the field and track to remain in its centrally located place?

Length of Building
The building, as proposed, is very large. According to the drawings the building’s length will be approximately 585 feet, over 100 feet longer than Hudson Hall. Student housing on area educational campuses often use a grouping of smaller buildings or one building arranged in U-shaped or L-shaped layouts with courtyards and other site amenities to break up the bulk of one large structure.

Traffic and Pedestrians
The applicant has completed a traffic impact study (TIS) to determine the possible impacts to the surrounding road network. There are a few considerations we believe the Board should consider.

- The PM peak hour was not included in the TIS, although it was identified to be studied in the Final Scoping Document. Traffic generated in the morning is different than that which is generated in the evening. Without a PM peak hour count and traffic analysis, these trips and their impact on the surrounding roadway network cannot be evaluated.
- The traffic analysis did not include the Route 9G/Pendell Road intersection, although it was identified as needing study in the Final Scoping Document.
- An analysis of pedestrian movements could help evaluate what other improvements may benefit connectivity throughout the College campus.
SQ10-134, DCC Student Housing DEIS; Page 2 Cont.

- The DEIS indicates construction vehicles will access the site using Creek Road (page 19), which will force vehicles to make a left-turn from Creek Road to Cottage Road and could increase vehicle queues on Creek Road. Construction vehicles should be directed to use NYS Route 9G, which will allow vehicles to make right turns into the site. Using NYS Route 9G will also lessen the potential for vehicle conflicts with students crossing Creek Road from Parking Lot E.

We would be happy to discuss or clarify any of our comments with DCC representatives or consultants as you move forward with the SEQRA process.

Kealy Salomon, Commissioner
Dutchess County Department of Planning and Development

By

Jennifer F. Cocozza
Senior Planner
SCICCHITANO & PINSKY, PLLC
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(315) 475-8230 (fax)

David B. Garwood, Esq.
Nicole Brown, Paralegal
April 26, 2010

VIA FACSIMILE & FIRST CLASS MAIL
(845) 454-4026
The Chasen Companies
21 Fox Street
Poughkeepsie, New York 12601

Re: Dutchess Community College – SEQRA APPLICATION

To whom it may concern:

We represent the Fairview Fire District. The District opposes the grant of a negative declaration under SEQRA. We have reviewed the application and strongly disagree with the findings contained therein. We were instructed by your office to send in our opposition directly to you.

The project will result in an increased demand for fire and emergency medical services. The project will add a significant number of young adults living within the fire district. The district is confident that young adults will cause the setting of false alarms due to steam from showers, sprays and aerosols, and other typical causes of false alarms. The increased risk of true fires also significantly increases due to small appliances, candles, and other fire hazards. Moreover, young adults typically consume alcohol. It is widely known that emergency medical services which serve college campuses respond frequently for alcohol consumption related injuries/emergencies. This campus will be no different.

The combined impact of this project with the other multiple projects in the area is simply too much for the fire district to handle, unless the project is mitigated by adding at least one additional person to the fire district’s manpower (discussed below).

The district disagrees that the entering into a “draft contract” (whatever that may mean) with a private ambulance service will in any way alleviate the need for the district’s emergency medical services.

(1) The district, and not the college, is in charge of which ambulance responds to emergencies in its 911 territory. The district has appointed itself as the primary provider of Basic Life Support services. Any calls made to 911 will result in the
dispatch of Fairview Fire District’s ambulance and not in any other transporting ambulance while the fire district’s ambulance is available. General Municipal Law 122-b prevents a private party from entering into its own arrangement with an ambulance service in an attempt to circumvent the primary ambulance service chosen by the district. 911 will not dispatch another ambulance and is prevented from doing the same, by law.

(2) Any arrangement with the students to call a private ambulance service directly, thus avoiding 911 is both futile and irresponsible. Persons are taught from grade school age to call 911 in an emergency. Urging students to call another number other than 911 is dangerous. It is also unlikely that students, who call on their cell phones for most emergencies, will call any other number other than 911.

(3) Transcare is the advanced life support provider for the fire district’s residence. The loss of Transcare’s ambulance which responding to a medical emergency at the college directly impacts the ability of the residents to receive advanced life support care as that care is being rendered to a student. The resources available to the fire district’s residents are being further taxed and again limited.

(4) The ability to pay for ambulance services is not relevant to the fire district, as the fire district is presently unable to bill for ambulance services by law.

(5) The college asserts that it is “open to future negotiations with the FFD to renegotiate a mitigation agreement”. Being “open” to such a meeting is not mitigation. Moreover, despite the fact that the attorney for the fire district requested a meeting with the college, the college failed and perhaps refused to schedule a meeting. The college has not shown any willingness to enter into an agreement to mitigate any issues, though the district again makes such a request. Such mitigation might include a permanent agreement to pay for the cost of at least one additional firefighter/EMT, per year. Adding this firefighter/EMT permits the ambulance to treat a patient while leaving three (as opposed to the present two) firefighters remaining to staff a fire engine. This cost is projected at $135,000 per year. Without providing at least this amount to the fire district, the fire district is unable to lessen the impact of losing two firefighter/EMTs to a medical emergency at the campus.

(6) The cumulative impact of this project combined with other projects in the area is substantial. Each new project may have “minimal” impact by itself, but this project may be the straw that breaks the camel’s back.

Very truly yours,

SCICCHITANO & PINSKY, PLLC

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