

# Significant Sales Tax Legislation

The significant statutory changes to the sales tax since 1994 are summarized below.

Subject	Description	Effective Date
<b>Legislation Enacted in 1994</b>		
Racehorses	Exempted certain registered racehorses used in authorized pari-mutuel events.	June 1, 1994
Vendor Allowance	Enacted the vendor allowance credit for timely filed quarterly or annual returns at the rate of 1.5 percent of State sales tax collected up to a maximum of \$100 per return.	September 1, 1994
<b>Legislation Enacted in 1995</b>		
Homeowners' Associations	Exempted dues paid to homeowners' associations operating social or athletic facilities for their members.	September 1, 1995
Meteorological Services	Exempted the sale of meteorological information services.	September 1, 1995
<b>Legislation Enacted in 1996</b>		
Clothing and Footwear	Exempted clothing and footwear priced under \$500 for the one-week period of January 18-24, 1997.	January 18-24, 1997
Promotional Materials	Expanded the exemption for certain printed promotional materials distributed by mail to customers in New York State.	March 1, 1997
<b>Legislation Enacted in 1997</b>		
Buses	Provided an exemption for buses used to transport persons for hire, and related parts and services.	December 1, 1997
Clothing and Footwear	Exempted clothing priced under \$100 for the one-week periods of September 1-7, 1997, and September 1-7, 1998. Permanently exempted clothing priced under \$100.	September 1-7, 1997 September 1-7, 1998 December 1, 1999
Homeowner Association Parking	Exempted parking services sold by a homeowners' association to its members.	December 1, 1997
Various Coin-Operated Devices	Raised the exemption threshold for bulk vending machine sales to 50 cents from 25 cents, exempted coin-operated car washes, exempted coin-operated photocopying costing under 50 cents, and exempted certain hot food and beverages sold through vending machines.	December 1, 1997
Vendor Allowance	Increased the sales tax vendor allowance from 1.5 percent to 3.5 percent of State tax collected, capped at \$150 per quarter.	March 1, 1999
<b>Legislation Enacted in 1998</b>		
Clothing and Footwear	Included footwear in the September 1-7, 1998, temporary clothing exemption and raised exemption threshold to \$500 from \$100. Exempted clothing and footwear priced under \$500 during the January 17-24, 1999, period.	September 1-7, 1998 January 17-24, 1999
	Included footwear in the permanent clothing exemption beginning on December 1, 1998, and raised exemption threshold from \$100 to \$110.	December 1, 1999
Coin Telephones	Increased the exemption threshold for coin-operated telephone calls to 25 cents from 10 cents.	September 1, 1998
College Textbooks	Exempted textbooks purchased by college students that are required for their courses.	June 1, 1998
Computer Hardware	Exempted computer system hardware used to design and develop computer software for sale.	June 1, 1998
Internet Access Service	Codified State policy of exempting charges for Internet access services.	February 1, 1997
Materialmen	Allowed certain materialmen (i.e., building materials suppliers) to remit sales tax returns on either a cash or an accrual basis.	June 1, 1999
Telephone Central Office Equipment	Expanded existing exemption for telephone central office equipment to include such equipment or apparatus used in amplifying, receiving, processing, transmitting, and re-transmitting telephone signals.	September 1, 1998

Source: 2006-07 NYS Executive Budget - Economic and Revenue Outlook: Analysis and Methodology, pp. 230-233.

Subject	Description	Effective Date
<b>Legislation Enacted in 1999</b>		
Clothing and Footwear	Changed the effective date of the permanent exemption for clothing and footwear priced under \$110 from December 1, 1999, to March 1, 2000.	March 1, 2000
Computer Hardware	Temporarily exempted clothing and footwear priced under \$500 for the periods of September 1-7, 1999, and January 15-21, 2000.	September 1-7, 1999; January 15-21, 2000
	Provided an exemption for computer system hardware used to design and develop internet web sites for sale.	March 1, 2001
Farm Production	Expanded the farm production exemption to include fencing and certain building materials. Converted the refund for tax paid on motor vehicles to an exemption.	March 1, 2001
Telecommunications Equipment	Exempted machinery and equipment used to upgrade cable television systems to provide telecommunications services for sale and to provide internet access service for sale.	March 1, 2001
Theater	Exempted certain tangible personal property and services used in the production of live dramatic or musical arts performances.	March 1, 2001
<b>Legislation Enacted in 2000</b>		
Farm Production	Exempted property, building materials and utility services used in farm production. Expanded definition of farms to include commercial horse boarding operations.	September 1, 2000
Internet Data Centers	Exempted computer hardware and software purchased by Internet Data Centers (web site hosting facilities) operating in New York. Included required equipment such as air conditioning systems, power systems, raised flooring, cabling, and the services related to the exempted property.	September 1, 2000
Vending Machines	Exempted food and drink sold through a vending machine that costs 75 cents or less.	September 1, 2000
Telecommunications Equipment and Communications Services	Exempted property used to provide telecommunications services, internet access services, or a combination thereof. Also, exempted certain services to the exempted property, such as installation and maintenance. Provided a three-year exemption for machinery and equipment used to upgrade cable television systems to a digital-based technology.	September 1, 2000
Radio and Television Broadcasting	Exempted machinery and equipment (including parts, tools and supplies) and certain services used for production and transmission of live or recorded programs. A broadcaster includes Federal communications licensed radio and television stations, television networks, and cable television networks.	September 1, 2000
Pollution Abatement	Exempted manufacturing and industrial pollution control equipment and machinery.	March 1, 2001
Transmission and Distribution of Electricity and Gas	Phased out over three years the sales tax on the separately purchased transmission of electricity and gas.	September 1, 2000
Empire Zones	Exempted property and services used or consumed by qualified businesses within Empire Zones.	March 1, 2001
Purchase of Gas or Electricity from Outside of New York	Imposed a compensating use tax on purchases of gas or electricity from vendors located outside of New York.	June 1, 2000
<b>Legislation Enacted in 2001</b>		
Empire Zones	Added eight new Empire Zones, for a total of 66 zones throughout the State. Four of the eight new Empire Zones became effective immediately.	October 29, 2001
<b>Legislation Enacted in 2002</b>		
Temporary Exemption in Liberty Zone	Temporarily exempted most tangible personal property priced under \$500 sold in the Liberty and Resurgence Zones in New York City for the periods of June 9-11, July 9-11 and August 20-22, 2002.	June 1, 2002

<b>Subject</b>	<b>Description</b>	<b>Effective Date</b>
EFT Threshold Change	Lowered the Electronic Fund Transfer threshold from \$1 million to \$500,000.	September 1, 2002
<b>Legislation Enacted in 2003</b>		
Surcharge	Raised the State sales tax rate from 4 to 4.25 percent through May 31, 2005.	June 1, 2003
Temporary repeal of clothing exemption	Temporarily repealed the exemption on items of clothing and footwear priced under \$110 and created two clothing exemption weeks at the same \$110 threshold.	June 1, 2003
Use tax line on PIT return	Required a line on PIT returns for taxpayers to report use tax owed.	May 24, 2003
<b>Legislation Enacted in 2004</b>		
Extend Temporary Repeal of Clothing Exemption	Extended the expiration date to May 31, 2005, for the temporary repeal of the exemption on items of clothing and footwear priced under \$110 and created two exemption weeks at the same \$110 threshold.	August 20, 2004
Aircraft Parts and Services	Exempted parts used exclusively to maintain, repair, overhaul or rebuild aircraft parts or aircraft services.	December 1, 2004
Vessels Providing Local Transit	Provided refunds and credits for certain vessels used to provide transit service and certain related property and services.	December 1, 2004
Contractors and Affiliates	Required contractors, subcontractors and their affiliates who make deliveries of taxable services or tangible personal property valued at more than \$300,000 to New York locations to register as sales tax vendors.	August 20, 2004
<b>Legislation Enacted in 2005</b>		
Extend Temporary Repeal of Clothing Exemption	Extended the expiration date to March 31, 2007, for the temporary repeal of the exemption on items of clothing and footwear priced under \$110 and created two exemption weeks at the same \$110 threshold. If the 2006-07 Executive Budget proposes tax cuts, the year-round exemption for such items takes effect on April 1, 2006.	April 12, 2005
Manhattan Parking Vendors	Made permanent the sales tax enforcement provisions relating to parking vendors in Manhattan.	April 12, 2005
Metropolitan Commuter Transportation District Sales Tax Rate	Increased the sales and use tax rate in the Metropolitan Commuter Transportation District (MTCD) from 0.25 percent to 0.375 percent.	June 1, 2005
Sales Tax Medicaid Intercept	Provided for the State to calculate an optional local "Medicaid amount", and for such amount to be intercepted from local sales tax distributions and directed to the State.	April 12, 2005
Amusement Park Admissions	Extended until October 1, 2006, the 75 percent sales tax exemption of the amount charged for admission to a qualifying place of amusement.	April 12, 2005
Lower Manhattan Office Space	Provided sales tax exemption for property used to furnish or equip lower Manhattan office space.	August 30, 2005
Residential Solar Energy	Exempted the sale and installation of residential solar energy systems equipment from sales and use taxes.	July 26, 2005
In Bay Car Washes	Exempted coin-operated or fully automated car washing, waxing or vacuuming from sales and use taxes.	December 1, 2005
Marine Terminal Facilities	Exempted certain machinery and equipment for marine container terminals in New York City from State sales and use taxes.	December 1, 2005
Waste Transfer Stations	Exempted certain waste transfer services from State and local sales and use taxes.	December 1, 2005
State Charter Credit Unions	Exempted State charter credit unions from sales and use taxes.	March 1, 2006
Direct Shipment of Wine	Provided for certain limited direct interstate shipments of wine.	August 11, 2005
Electricity	Exempted electricity, refrigeration and steam services produced by a cogeneration facility owned by certain cooperative corporations.	March 1, 2006

# Sales Tax Sharing Agreements

Albany	City Town Village	4.00%	The County retains 80% and distributes 40% to the cities, towns and villages. The 40% distribution is divided between the towns and cities on the basis of published decennial census population figures. Within the towns of Coeymans and Colonie, the town total is divided between the town and the respective village on the basis of assessed value, per signed agreements. Within the Town of Green Island, the town total is divided between the Town of Green Island (10%) and the Village of Green Island (90%) per signed agreement. Within the Towns of New Scotland and Guilderland, the town total is divided between the town and the village based on population by agreement within the town.
Allegany	County retains 100%	4.50%	N/A.
Broome	City Town Village	4.00%	The County retains 2.575% and distributes the remaining 1.425% to the City of Binghamton, towns and villages within the county. The distribution is based on population.
Cattaraugus	Town Village	4.00%	Olean Salamanca
Cayuga	Town Village	4.00%	Auburn
Chautauque	City Town Village	4.25%	The first 3%: the County retains 50% and the remaining 50% is distributed to cities, towns and villages based on population. The additional 1.25% is retained by the County.
Chemung	City Town Village	4.00%	The first 3%: the County retains 50% and distributes the remaining 50% to cities, towns and villages based on share of population. The additional 1% is retained by the County.
Chenango	Town Village	4.00%	Norwich
Clinton	City Town Village	3.75%	The first 3%: the County retains 50% and distributes the remaining 50% to towns and villages based on full value. The additional 1%: is retained by the County and is dedicated to construction, operations and maintenance, and debt service for a county public safety building.
Columbia	City Town Village	4.00%	The first 3%: up to \$27.1 million, the County retains 55% and distributes 45% to all other municipalities. For amounts over \$27.1 million, the County retains 65% and distributes 35% to municipalities; distributions to the City of Plattsburgh are based on population; distributions to towns and villages are based on full value. The additional 0.75%: is retained by the County.
Cortland	City Town Village	4.00%	The County retains 70% and distributes 30% (quarterly) to municipalities based on share of population from the latest census. Village distribution is based on the % of full value of real property in the village vs. the full value of the town. The county, per agreement with the City of Hudson, pays the city an additional \$40,000 quarterly from the County share. In exchange, the City agrees to waive its pre-emptive right.
Delaware	County retains 100%	4.00%	The County retains 56%, distributes 17.5% to the City of Cortland, and 28.5% to towns and villages, based on full value.
Dutchess*	City Town Village	3.75%	N/A.
Essex	City Town School district Niagara Frontier Transportation Authority	4.75%	The County distributes 10.123% to the cities of Beacon (30.3%) and Poughkeepsale (68.7%) and 6.33% to the town-wide area of the County based on population. The balance is retained by the County.
Franklin	County retains 100%	3.75%	The first 3%: the County retains 35.3055%; 10.0087% is distributed to the Cities of Buffalo, Lockswanna and Tonawanda on the basis of population; 25.6658% is divided among the Cities of Buffalo, Lockswanna and Tonawanda and the towns on the basis of population. The amount distributed to towns is based on full value and population and 29% is divided among all the school districts with territory in the County on the basis of average daily attendance. The Cities of Lockswanna and Tonawanda are guaranteed an annual minimum of \$1,172,708 and \$1,534,871, respectively. The additional 1%: 0.1250% is distributed to the Niagara Frontier Transportation Authority and the balance is retained by the County. The next 0.25% (effective June 2005) is retained by the County. A portion of the next 0.5% (effective January 2005) will be shared with the cities, towns and villages.
	County retains 100%	3.00%	N/A.

County	Town/Village	Rate	Notes
Fulton	Town/Village	4.00%	The County retains 50% and distributes 50% to towns and villages, based on full value.
Genesee	City/Town/Village	4.00%	The County retains 50%, distributes 10% to the City of Batavia, and 34% to towns and villages, based on assessed valuation.
Greene	County retains 100%	4.00%	N/A
Hamilton	County retains 100%	3.00%	N/A
Herkimer	City/Town/Village	4.00%	The first 3%: the County retains 62.24%, the City of Little Falls receives 4.43% and 33.33% is distributed to the towns and villages; 50% of this distribution is based on population, 50% is based on full value. The additional 1%: the City of Little Falls receives \$70,000 distributed quarterly. Towns and villages receive \$630,000 distributed quarterly in the same percentages as the 3% distribution. The County retains the rest.
Jefferson	City/Town/Village	3.75%	The first 3%: the County retains 49%, and distributes 23% to the City of Watertown, and 28% to towns and villages, based on share of assessments (updated annually). The additional 0.75% is retained by the County and designated for Medicaid.
Lewis	County retains 100%	3.75%	N/A
Livingston	Town/Village	4.00%	The first 3%: the County distributes 6.87% to towns and villages based on equalization rates, assessments, and population. The additional 1% is retained by the County to offset Medicaid expenses.
Madison	Town/Village	4.00%	The County retains 50% and distributes 50% to towns and villages based on full value.
Monroe	City/Town/Village/School district	4.00%	Monroe County adopted a new formula in 2000. The provisions are as follows: the Morin/Ryan Act formula remains in effect for the first 3%, including the hold harmless provision for schools and villages. The additional 1%: schools receive 5% based on enrollment, towns receive 3% based on population, villages receive 1.25% based on population. The remaining 90.75% is divided between the City of Rochester and the County so that when added to the 3% tax calculated under the Morin/Ryan Act, both the City and County shares are equal.
Montgomery	City/Town/Village	4.00%	The first 3%: the County retains 50%, distributes 15% to the City of Amsterdam and 35% to towns and villages based on full value. The additional 1%: the County retains 90% and distributes 10% to the City of Amsterdam.
Nassau*	City/Town/Village	4.25%	The first 3%: the County retains 100%. The next 0.75%: the County distributes 1/3 to fund a local government assistance program for the three towns and two cities within the County. The assistance is distributed quarterly, on a per capita basis, based on the most recent decennial census. Villages also receive assistance, in an amount not to exceed one-sixth of the revenues received from the imposition of the 0.75% sales and use tax that are remaining after the towns and cities have received their funding. In 2005, the villages received a lump sum amount of \$750,000 which was distributed on a per capita basis. The final 0.50%: is retained by the County.
Niagara	City/Town/Village	4.00%	The first 3%: the County retains 47%, distributes 16% to E-911 and 51.4% to cities, towns, and villages. Villages receive a portion of the town share based on real property values, except Somerset. Somerset receives its share based on population. The additional 1%: is retained by the County to support Medicaid expenses.
Oneida	Town/Village	5.50%	The first 3%: the County retains 50% and distributes 50% to towns and villages based on full value. The next 1%: towns and villages receive \$1.5 million distributed by population and the County receives the balance. The final 1.5%: is retained by the County.

Onondaga	City Town Village School district	4.00%	Generally, town shares are based on population. Village shares are based on their share of full value in the town. School shares are based on average daily attendance. During 2000, the County Legislature adopted a revised sales tax formula for the first 3%. It guarantees that sales tax revenues will not decline for the City of Syracuse, Towns and School Districts from one year to the next. The formula provides shared growth from 0-2% each year. If growth exceeds 2%, the County retains 100% of the excess. For negative growth, all jurisdictions are held harmless at the prior year level. Two successive years of negative growth triggers the possibility of a re-opener of the sales tax agreement. During 2004, actual results were as follows: County (39.39%), City (25.14%), Towns (28.85%), Schools (6.82%). During the period 2005-2010, the additional 1% is subject to the following distributions: County (72.70%), City (11.35%), Towns/Villages (13.04%), Schools (2.91%).
Ontario	Town Village	3.00%	New distributions would be effective March 1, 2006, pending State approval of a proposed 0.125% rate increase and a revised sharing agreement. The first 3%: The County retains 50% and distributes 50% to cities, towns and villages based on population and assessed value. Assuming countywide sales tax collections increase, towns would receive no less than the sales tax amounts received in the 2004 base year. The proposed 0.125% (bringing the local tax rate to 3.125%): Pending State legislative approval, proceeds from the proposed additional rate would be distributed to cities, towns and villages. The County would not retain any share of the additional 0.125% rate. Starting in 2008, \$100,000 (from the additional 0.125%) would be set-aside annually to be split between the Cities of Canandaigua and Geneva; this amount would increase \$50,000 each year.
Orange*	City Town Village	3.75%	The County keeps 73.616% and distributes 26.384% to cities, towns, and villages. The three cities receive 32.525% of the 26.384% broken down as follows: City of Newburgh 43.995%, City of Middletown 40.841%, and City of Port Jervis 15.164%. The towns and villages receive 87.475% of the 26.384% based on population, except for the Town of Highlands and the Village of Highland Falls, which are based on their ratio of full value to entire town.
Orleans	Town Village	4.00%	The first 3%: the County retains 77.7811%, and distributes the remainder to towns and villages based on population/full value—subject to a cap of \$1,369,671 million. The balance goes to the County. The additional 1% is retained by the County.
Oswego	Town Village	4.00%	Up to \$10 million: the County retains 80% and distributes 20% to towns/villages. Over \$10 million: the County retains 90% and distributes 10% to towns/villages. Distributions to towns and villages are based on population.
Otsego	City Town Village	4.00%	The County retains 76%, distributes 12% to towns and villages (based on full value) and 12% to the City of Oneonta.
Pulham*	County retains 100%	3.50%	N/A.
Rensselaer	City Town Village	4.00%	The County retains 65.9%, distributes 19.8% to the City of Troy and 28% to the City of Rensselaer. Towns and villages are distributed 11.6% plus an additional 3.5% of any distributions that exceed a base amount (1999 collections). Distributions to towns and villages are based on property value.
Rockland*	Town Village	3.625%	The County retains 3.5% and distributes 0.125% to towns and villages, based on population.
St. Lawrence	City Town Village	3.00%	The County retains 60% and distributes 6.437389% to the City of Ogdensburg. The remainder is distributed to towns and villages based on assessed valuation and population.
Saratoga	City Town Village	3.00%	In addition to the amount distributed under Section 1262d, \$3 million is distributed by population. The City of Mechanicville receives an additional \$542,000 and the Town of Milton receives an additional \$60,000 annually.
Schenectady	City Town Village	4.00%	The first 3%: the City of Schenectady is guaranteed minimum of \$11 million, and the towns are guaranteed a minimum of \$7.8 million. Each town and village shall receive a proportionate share based on full value. Village distribution shall be pursuant to NYS statute. Next 0.5%: Metropolitan (70%), towns and villages (30%). Distribution of the 30% to towns and villages is based on population in accordance with latest decennial Federal Census. Final 0.5%: fully retained by County. (Note: The County retains, for County purposes, the balance of funds collected from the first 3.5%, up to 60%. Any amount in excess of 60% is to be shared with city, towns and villages).
Schoharie	Town Village	4.00%	The County retains 85% and distributes 5% to towns and villages, based on assessed value.
Schuyler	Town Village	4.00%	The County retains 75% and distributes 25% towns and villages based on assessed value.
Seneca	County retains 100%	4.00%	N/A.

Stauben	Town Village	4.00%	Coming Hornell	The first 3%: the County retains 50% and distributes 50% to towns and villages, based on full value. The additional 1%: Coming receives \$600,000. Hornell receives \$550,000, and towns and villages share \$750,000, based on full value. The County retains the balance.
Suffolk*	County retains 100%	4.25%		N/A.
Sullivan	County retains 100%	3.50%		N/A.
Tioga	Town Village	4.00%		The first 3%: the County retains 67% and distributes 33% to towns and villages based on population and full value, respectively. The additional 1%: is retained by the County for capital projects, debt service and to help offset mandates.
Tompkins	Town Village	4.00%	Ithaca	The first 3%: the County retains 50% and distributes 50% to towns and villages based on population. The additional 1%: the County retains 50%, distributes 25% to the City of Ithaca based upon income from City and shares 25% with towns and villages
Ulster	Cities Town	4.00%		The County retains 85.50%, distributes 11.50% to the City of Kingston and 3% to towns based on full value.
Warren	Town Village	3.00%	Glens Falls	The County retains 80% and distributes 50% to towns and villages, based on full value. The County also has an agreement (signed in 2004) to pay Glens Falls 2% of the County share on a quarterly basis. This payment is in addition to the City's pre-employed 1.5%.
Washington	County retains 100%	3.00%		N/A.
Wayne	Town Village School district	4.00%		The County retains 60%, and distributes 33% to school districts and 17% to towns. Distributions to school districts are based on average daily attendance. Distributions to towns are based on population. Where there is a village within the township, a distribution is made between the town and village based on assessed value. The school districts are capped to a maximum distribution of \$5.4 million. The balance is retained by the County.
Westchester	City Town Village School district	3.00%	Mount Vernon New Rochelle White Plains Yonkers	The County retains 1.5%. The next 1 percent is distributed as follows: 33.3% to the County; 50% to towns, villages, Rye and Peekskill; 16.75% to school districts. The next 0.5% is distributed as follows: 70% to County; 20% to towns, villages, Rye and Peekskill; 10% to school districts.
Wyoming	County retains 100%	4.00%		N/A.
Yates	County retains 100%	4.00%		N/A.
*Local tax rate does not include 0.375% for the Metropolitan Commuter Transportation District.				



# Frequently Asked Questions on the Sales Tax

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- **What local jurisdictions can impose the general sales tax?**

Cities and counties. (See §1210 of the Tax Law.)

- **At what rate may the tax be imposed?**

Generally, up to 3 percent, in increments of 0.25 percent.

(Note: Most counties and certain cities, have received legislative approval to impose sales tax at a rate in excess of 3 percent. Most often the additional sales tax is 1 percent in addition to the 3 percent.)

- **Can a county, and a city in a county, both impose in the city the general sales tax at the rate of 3 percent?**

Yes, but in the absence of a statute providing otherwise, the maximum combined rate in the city may not exceed 3 percent. As a rule, the county and the city each have a prior right to impose within the city the general sales tax at the rate of 1.5 percent. This can occur in a variety of combinations. For example, a county could impose a 2 percent rate and the city a 1 percent rate or the county could impose a 1 percent rate and the city a 2 percent rate. (See §1224 and §1262 (d) and (e) of the Tax Law.)

If a county is imposing a 2 percent rate and the city wants to impose a 1.5 percent rate, the city may do so. However, the county must be notified in advance. When the city's 1.5 percent tax rate becomes effective, the county's 2 percent tax rate (in the city boundary) rolls back to 1.5 percent. As a result, the total sales tax rate within the city will be 3 percent. In the area of the county outside the city, the tax rate remains 2 percent.

- **Who administers the sales tax?**

The New York State Department of Taxation and Finance.

- **When may a local sales tax be imposed?**

The local sales tax (including increases to the sales tax) may be imposed on December 1, March 1, June 1 or September 1, unless otherwise approved by the law. (See §1210(d) of the Tax Law.)

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■ **Who distributes the receipts from local sales taxes?**

The State Comptroller distributes net receipts monthly to the local taxing jurisdictions (counties, or cities that impose their own sales tax) on the basis of amounts certified by the State Tax Commissioner. Distributions within a county are made by the chief fiscal officer of the county and must be made at least quarterly.

■ **Can a county share its sales tax receipts with other local governments or for educational purposes?**

Yes. Unless the city in the county imposes its own sales tax, the county also has the option to retain all of its sales tax receipts for county purposes. If, however, a city in the county imposes its own sales tax, the county is required to allocate a portion of its sales tax receipts to the cities and towns other than the city imposing its own sales tax.

■ **Can a county voluntarily share its sales tax receipts with just the cities in the county, without also sharing a portion of the receipts with the towns in the county?**

Yes, but only pursuant to a sales tax agreement between the county and the cities within the county. In the absence of a sales tax agreement, to the extent that a county does not elect to use its sales tax receipts for county or educational purposes, the receipts must be allocated to all cities and towns within the county.

■ **Can a county distribute sales tax receipts to school districts but not to cities and towns in the county?**

Yes. (See §1262 (a) and (c) of the Tax Law.)

■ **If a County gets approval to increase its sales tax rate above the 3 percent allowed by statute, must it share that additional sales tax with other localities, in accordance with existing sharing agreements?**

Maybe. It depends on the terms of the legislation authorizing the additional sales tax, the terms of any existing sales tax agreement, or both.

■ **Who is entitled to the interest earned by the county when investing sales tax receipts during the period prior to distribution to other municipalities?**

While sales tax receipts are in the custody of the county, they are considered to be county moneys. The interest earned on the temporary investment of these moneys belongs to the county. (Opinion of the State Comptroller No. 79-472.)

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- **If a county voluntarily shares its sales tax receipts, and a town and all villages within the town elect to receive their shares of sales tax receipts in cash, how may the town use these moneys?**

The town must use the sales tax receipts to reduce taxes levied for "part-town activities," and any balance remaining or portion thereof, in the discretion of the town board, may be applied to reduce general town taxes, county taxes levied in the area of the town outside the villages, or may be used for "part-town activities," or any combination thereof.

- **Can a county, city or school district get help from the State regarding sales and compensating use taxes?**

Yes. A county, city or school district should contact the Office of Counsel at the New York State Department of Taxation and Finance (Tax Department) at (518) 457-2153 to ask for help. The Tax Department will answer questions about how a locality goes about imposing sales and use taxes, changing its rate of tax, repealing taxes and providing exemptions (clothing and footwear, residential energy sources, solar energy equipment, Empire Zone businesses, etc.). The Tax Department will also answer questions about what happens when a county and a city in the county each want to impose sales and use taxes.

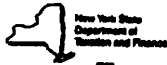
- **Does the Tax Department have model enactments for localities to use?**

Yes. The Tax Department has model local laws, ordinances and resolutions that localities are required to use. The locality should contact the Office of Counsel at (518) 457-2153 to request the appropriate model enactment.

- **Are there deadlines for a locality to adopt a local law, ordinance or resolution relating to local sales and use taxes?**

Yes. New sales and use taxes and changes to existing sales and use taxes must take effect on the first day of a sales tax quarterly period (March, June, September and December 1st). Generally, the locality is required to adopt its local enactment and mail in accordance with statutory requirements a certified copy of the enactment to the Tax Department at least 90 days prior to the effective date. The locality should contact the Tax Department as early in the process as possible, in order to ensure that its enactment can take effect on the desired effective date.

# Sales Tax Rate Table



## Publication 718-A

(2/06)

### Enactment and Effective Dates of Sales and Use Tax Rates

Use this publication to determine the enactment and effective dates of sales and use tax rates imposed, increased, or decreased by the various localities. The rates indicated cannot be added to determine the combined state, county, and city tax rate. Refer

to Publication 718, *New York State Sales and Use Tax Rates by Jurisdiction*, for the combined rates. Any items changed from the previous version are noted in *boldface italics*.

Jurisdiction	%	Enacted	Effective
New York State	2	14 Apr. 1965	1 Aug. 1965
	3	29 Mar. 1969	1 Apr. 1969
	4	2 Apr. 1971	1 June 1971
	4½	15 May 2003	1 June 2003
	K 4	15 May 2003	1 June 2005

Albany County	2	11 Dec. 1967	1 Mar. 1968
	3	15 Dec. 1969	1 Mar. 1970
	C 4	31 July 1992	1 Sep. 1992
Allegheny County	2	16 Nov. 1967	1 Mar. 1968
	3	14 Oct. 1975	1 Mar. 1976
	4	14 Oct. 1986	1 Dec. 1986
C 4½	13 Sep. 2004	1 Dec. 2004	
Bronx County	See <i>New York City</i> on page 3		
Broome County	2	13 July 1965	1 Aug. 1965
	3	19 Feb. 1974	1 June 1974
	C 4	3 Feb. 1994	1 Mar. 1994
Cattaraugus County	3	21 Nov. 1967	1 Mar. 1968
C 4	30 Dec. 1965	1 Mar. 1966	
Cayuga County	3	19 Mar. 1968	1 June 1968
C 4	28 July 1992	1 Sep. 1992	
Chautauqua County	3	10 May 1968	1 Sep. 1968
	G 4½	4 Feb. 2005	1 Mar. 2005
Chemung County	2	12 July 1965	1 Aug. 1965
	3	12 Dec. 1967	1 Mar. 1968
	C 4	12 Aug. 2002	1 Dec. 2002
Chenango County	2	2 Dec. 1968	1 Mar. 1969
	3	23 Sep. 1991	1 Dec. 1991
	C 4	15 July 2002	1 Sep. 2002
Clinton County	3	24 Nov. 1967	1 Mar. 1968
	C 3½	28 Apr. 2004	1 June 2004
Columbia County	2	29 Nov. 1971	1 Mar. 1972
	3	8 Dec. 1962	1 Mar. 1963
	C 4	28 Jan. 1995	1 Mar. 1995
Cortland County	3	24 Nov. 1967	1 Mar. 1968
	C 4	5 Aug. 1992	1 Sep. 1992
Delaware County	2	13 June 1960	1 Sep. 1960
	3	14 Nov. 2001	1 Mar. 2002
	C 4	8 Oct. 2003	1 Dec. 2003
Dutchess County	A 1	9 Dec. 1975	1 Mar. 1976
	3	11 Dec. 1969	1 Mar. 1990
	C 3½	28 Feb. 2003	1 June 2003

Erie County	2	27 July 1965	1 Aug. 1965
	3	30 Nov. 1971	1 Mar. 1972
	4	10 Dec. 1984	1 Mar. 1985
	4	18 Dec. 1996	1 Jan. 1997
	3	Effective 1 Jan. 1968 - 9 Jan. 1968	
M 4	7 Jan. 1998	10 Jan. 1998	
L 4½	23 June 2005	1 July 2005	
C 4½	10 Jan. 2006	15 Jan. 2006	
Essex County	3	4 Dec. 1967	1 Mar. 1968
C 3½	19 July 2004	1 Sep. 2004	
Franklin County	2	22 Aug. 1967	1 Dec. 1967
3	29 May 1968	1 Sep. 1968	
Fulton County	3	11 Dec. 1967	1 Mar. 1968
C 4	8 Aug. 2005	1 Dec. 2005	
Genesee County	2	25 June 1965	1 Jan. 1966
	3	26 Nov. 1960	1 Mar. 1961
C 4	22 June 1994	1 Sep. 1994	
Greene County	2	22 Mar. 1968	1 June 1968
	3	1 Feb. 1977	1 June 1977
	C 4	4 Feb. 1993	1 Mar. 1993
Hamilton County	3	4 Jan. 1968	1 June 1968
Herkimer County	3	14 Dec. 1967	1 Mar. 1968
	C 4	5 July 1994	1 Sep. 1994
Jefferson County	2	12 July 1965	1 Aug. 1965
	3	14 Nov. 1967	1 Mar. 1968
	C 3½	27 July 2004	1 Sep. 2004
Kings County	See <i>New York City</i> on page 3		
Lewis County	2	24 Aug. 1961	1 Dec. 1961
	3	6 Jan. 1967	1 Mar. 1967
	C 3½	30 Apr. 2004	1 June 2004
Livingston County	3	30 Nov. 1967	1 Mar. 1968
C 4	1 Apr. 2003	1 June 2003	
Madison County	2	15 Dec. 1967	1 Mar. 1968
	3	28 Aug. 1984	1 Dec. 1984
	C 4	1 Apr. 2004	1 June 2004
Monroe County	3	20 July 1965	1 Aug. 1965
	3½	3 Aug. 1992	1 Sep. 1992
	H 4	10 Feb. 1993	1 Mar. 1993
C 4	10 Feb. 1993	1 Dec. 1993	
Montgomery County	3	5 Dec. 1967	1 Mar. 1968
	C 4	22 Apr. 2003	1 June 2003

- A — Enacted July 11, 1981, effective September 1, 1981, an additional tax of ¼% is imposed in these localities for the benefit of the Metropolitan Commuter Transportation District (MCTD). Enacted April 12, 2005, effective June 1, 2005, the additional tax imposed in these localities for the benefit of the MCTD increased to ½%.
- B — Effective December 31, 2013, additional ¼% tax will expire.
- C — Effective November 30, 2007, additional tax will expire.
- D — Effective November 30, 2007, 3% will expire.
- E — Effective November 30, 2007, additional ½% will expire.

- F — Effective March 1, 2007, ¼% will expire.
- G — Effective August 31, 2006, additional tax will expire.
- H — Effective November 30, 1993, additional ¼% plus ½% rates expired, replaced effective December 1, 1993, by additional 1% (see footnote C).
- I — Effective August 31, 2026, additional ½% tax will expire.
- J — Effective November 30, 2007, ¼% will expire.
- K — Effective May 31, 2005, additional ¼% expired.
- L — Effective January 14, 2006, additional ¼% expired.
- M — Effective February 28, 2006, additional 1% tax will expire.

Note: This table is updated periodically throughout the year and can be accessed at [http://www.tax.state.ny.us/pubs\\_and\\_bulls/publications/sales\\_pubs.htm](http://www.tax.state.ny.us/pubs_and_bulls/publications/sales_pubs.htm)

Jurisdiction	%	Enacted	Effective
Nassau County	2	9 Dec. 1968	1 Mar. 1969
	3	29 Nov. 1971	1 Mar. 1972
	4	16 July 1976	1 Sep. 1976
	A 3	16 July 1976	1 Sep. 1977
	4	25 Apr. 1983	1 Jun. 1983
	4	10 Sep. 1984	1 Jan. 1985
	3½	10 Sep. 1984	1 Jan. 1985
C 4½	23 July 1991	1 Sep. 1991	
New York County	See New York City on page 3		
Niagara County	3	3 Dec. 1968	1 Mar. 1969
	C 4	22 Jan. 2003	1 Mar. 2003
Oneida County	D 3	27 Oct. 1982	1 Dec. 1982
	4	3 Aug. 1982	1 Sep. 1982
C 5½	3 Feb. 2006	1 Mar. 2006	
Onondaga County	2	11 Sep. 1967	1 Dec. 1967
	3	11 Oct. 1968	1 Dec. 1968
C 4	15 July 2004	1 Sep. 2004	
Ontario County	2	26 May 1967	1 Sep. 1967
	3	12 Mar. 1970	1 June 1970
Orange County	A 1	10 Sep. 1982	1 Dec. 1982
	2	26 Oct. 1983	1 Dec. 1983
	3	13 Dec. 1991	1 Mar. 1992
C 3½	2 Apr. 2004	1 June 2004	
Orleans County	2	30 Nov. 1967	1 Mar. 1968
	3	4 June 1970	1 Sep. 1970
	C 4	1 May 1993	1 June 1993
Oswego County	3	11 Apr. 1968	1 Mar. 1967
	C 4	24 June 2004	1 Sep. 2004
Otsego County	2	7 Dec. 1967	1 Mar. 1968
	3	16 Oct. 1991	1 Dec. 1991
	C 4	3 Sep. 2003	1 Dec. 2003
Putnam County	1	10 Feb. 1977	1 June 1977
	A 2	14 Oct. 1980	1 Mar. 1981
	2½	17 Oct. 1983	1 Dec. 1983
	2	5 May 1987	1 Sep. 1987
	3	1 Nov. 1988	1 Mar. 1989
	C 3½	15 July 2005	1 Sep. 2005
Queens County	See New York City on page 3		
Rensselaer County	2	24 July 1968	1 Dec. 1968
	3	27 Oct. 1982	1 Dec. 1982
	C 4	25 July 1994	1 Sep. 1994
Richmond County	See New York City on page 3		
Rockland County	2	20 Dec. 1983	1 Mar. 1984
	A 2½	27 Nov. 1990	1 Mar. 1991
	F 3	19 July 1991	1 Sep. 1991
	J 3½	14 Feb. 2002	1 Mar. 2002
St. Lawrence County	3	13 Nov. 1967	1 Mar. 1968
Saratoga County	3	22 Apr. 1982	1 June 1982
Schenectady County	½	29 Sep. 1968	1 Dec. 1968
	3	24 Jan. 1989	1 Mar. 1989
	3½	14 July 1996	1 Sep. 1996
E/I 4	28 Apr. 2003	1 June 2003	

A — Enacted July 11, 1981, effective September 1, 1981, an additional tax of ¼% is imposed in these localities for the benefit of the Metropolitan Commuter Transportation District (MCTD). Enacted April 12, 2005, effective June 1, 2005, the additional tax imposed in these localities for the benefit of the MCTD increased to ½%.

Jurisdiction	%	Enacted	Effective
Schoharie County	2	20 Jan. 1984	1 June 1984
	3	17 Dec. 1991	1 Mar. 1992
	C 4	12 Mar. 2004	1 June 2004
Schuyler County	3	27 Nov. 1967	1 Mar. 1968
	C 4	14 Dec. 1999	1 Mar. 2000
Seneca County	1	12 Jan. 1982	1 Mar. 1982
	3	13 July 1982	1 Sep. 1982
	C 4	13 Aug. 2002	1 Dec. 2002
Steuben County	2	27 Nov. 1967	1 Mar. 1968
	3	22 Nov. 1971	1 Mar. 1972
	C 4	26 Oct. 1992	1 Dec. 1992
Suffolk County	2	2 Dec. 1968	1 Mar. 1969
	A 3	8 Feb. 1972	1 Sep. 1972
	B 3½	12 Sep. 1984	1 Dec. 1984
	3½	31 July 1991	1 Sep. 1991
	4½	6 Aug. 1992	1 Sep. 1992
	C 4	16 Nov. 1995	1 Jan. 1996
Sullivan County	2	20 Dec. 1967	1 Mar. 1968
	3	6 Jan. 1975	1 Mar. 1975
	C 3½	9 May 2003	1 June 2003
Tioga County	2	27 May 1968	1 Sep. 1968
	3	14 May 1984	1 Sep. 1984
	3½	10 Jan. 1994	1 Mar. 1994
	C 4	19 Sep. 2003	1 Dec. 2003
Tompkins County	3	28 Nov. 1966	1 Mar. 1967
	C 4	1 Sep. 1992	1 Dec. 1992
Ulster County	1	13 Feb. 1969	1 June 1969
	3	9 Dec. 1976	1 Dec. 1977
	3½	12 Aug. 1993	1 Dec. 1993
	C 4	30 July 2002	1 Sep. 2002
Warren County	3	27 Nov. 1967	1 Mar. 1968
Washington County	3	25 Feb. 1970	1 Sep. 1970
Wayne County	2	15 Nov. 1967	1 Mar. 1968
	3	20 Feb. 1968	1 June 1968
	C 4	18 Nov. 2003	1 Mar. 2004
Westchester County	A 1	22 Dec. 1971	1 Sep. 1972
	1½	28 Dec. 1981	1 June 1982
	2½	22 July 1991	15 Oct. 1991
	3	24 Feb. 2004	1 Mar. 2004
Wyoming County	3	25 Nov. 1980	1 Mar. 1981
	C 4	13 Oct. 1992	1 Dec. 1992
Yates County	3	20 Nov. 1967	1 Mar. 1968
	C 4	30 July 2003	1 Sep. 2003

- B — Effective December 31, 2013, additional ¼% tax will expire.
- C — Effective November 30, 2007, additional tax will expire.
- D — Effective November 30, 2007, 3% will expire.
- E — Effective November 30, 2007, additional ½% will expire.
- F — Effective March 1, 2007, ½% will expire.
- G — Effective August 31, 2006, additional tax will expire.
- H — Effective November 30, 1993, additional ½% plus ¼% rates expired, replaced effective December 1, 1993, by additional 1% (see footnote C).
- I — Effective August 31, 2026, additional ½% tax will expire.
- J — Effective November 30, 2007, ½% will expire.
- K — Effective May 31, 2005, additional ¼% expired.
- L — Effective January 14, 2006, additional ¼% expired.
- M — Effective February 29, 2006, additional 1% tax will expire.

Jurisdiction	%	Enacted	Effective
<b>Cities</b>			
Amsterdam	a 1½	15 Mar. 1988	1 Mar. 1989
	—	Repeal effective 1 June 1984	
Auburn	o 2	29 June 1995	1 Mar. 1998
Batavia	a* 1½	14 July 1980	1 Mar. 1981
	—	Repeal effective 1 Mar. 2000	
Canandaigua	1	13 July 1985	1 Aug. 1985
	a 1½	13 July 1987	1 Mar. 1988
	—	Repeal effective 1 Mar. 2006	
Corning	a* 1½	5 Aug. 1974	1 Dec. 1974
Cortland	a/l 3	12 June 1980	1 Mar. 1981
	—	Repeal effective 1 Mar. 1985	
Elmira	a 1½	29 Sep. 1971	1 Mar. 1972
	—	Repeal effective 1 Mar. 1993	
Fulton	2	5 Dec. 1987	1 Mar. 1988
	3	9 Dec. 1971	1 Mar. 1972
	r 4	28 Feb. 2003	1 June 2003
Geneva	1	14 June 1987	1 Sep. 1987
	a 1½	14 June 1987	1 Mar. 1988
	—	Repeal effective 1 Mar. 2006	
Glen Cove	d/h 1½	9 Oct. 1979	1 Mar. 1980
	h 2	28 June 1983	1 Mar. 1984
	—	Repeal effective 1 Mar. 1988	
Glens Falls	a 1½	19 June 1988	1 Mar. 1989
Gloversville	a 1½	23 June 1987	1 Mar. 1988
	t 3	12 July 2005	1 Dec. 2005
Hornell	1	1 Apr. 1989	1 June 1989
	a* 1½	23 June 1970	1 Mar. 1971
Ithaca	a* 1½	25 June 1989	1 Mar. 1970
Johnstown	t 3	29 June 1987	1 Mar. 1988
Mechanicville	e 2	10 June 1970	1 Sep. 1970
	—	Repeal effective 1 June 1985	
Mount Vernon	1	23 Feb. 1972	1 June 1972
	d/e 2	27 June 1974	1 Sep. 1974
	q 2½	28 Aug. 1984	1 Dec. 1984
Newburgh	1	27 Oct. 1988	1 Dec. 1988
	—	Repeal effective 1 Mar. 1988	
New Rochelle	d/e 2	4 May 1976	1 Sep. 1976
	m 3	27 July 1993	1 Sep. 1993
New York City	3	22 July 1985	1 Aug. 1985
	d 4	27 June 1974	1 July 1974
	4½	4 June 2003	4 June 2003
	s 4	4 June 2003	1 June 2005

- a — City preempted the county tax; within city, county tax rate, exclusive of any additional rate, is 1½%.
- b — County preempted 1%.
- c — Within city, the county rate is 1½%.
- d — Enacted July 11, 1981, effective September 1, 1981, an additional tax of ¼% is imposed in these localities for the benefit of the Metropolitan Commuter Transportation District (MCTD). Enacted April 12, 2005, effective June 1, 2005, the additional tax imposed in these localities for the benefit of the MCTD increased to ½%.
- e — County preempted ¾%.
- f — County preempted 1½%.
- g — Within city, the county rate is 2%, exclusive of any additional rate.
- h — City preempted the county tax. Within city, the county rate is 2½%.
- i — City preempted the county tax. Within city, the county rate is 2% for the period March 1, 1984, through December 31, 1984.

Jurisdiction	%	Enacted	Effective
Norwich	a 1½	27 June 1989	1 Mar. 1990
Ogdensburg	a 1½	13 June 1988	1 Mar. 1989
	—	Repeal effective 1 Dec. 2000	
Olean	a* 1½	23 Apr. 1988	1 Mar. 1989
Onondaga	1	13 June 1972	1 Dec. 1972
	a 1½	13 June 1972	1 Mar. 1973
	o 2	20 Apr. 2004	1 June 2004
Oswego	2	27 Nov. 1967	1 Mar. 1968
	p 3	10 Jan. 1972	1 Mar. 1972
	r 4	29 June 2004	1 Sep. 2004
Plattsburgh	e 2	15 July 1985	1 Aug. 1985
	—	Repeal effective 1 Mar. 1993	
Poughkeepsie	d 1	7 July 1985	1 Aug. 1985
	2	9 Jan. 1989	1 Mar. 1989
	—	Repeal effective 1 Mar. 1990	
Rome	c 1½	22 Oct. 1980	1 Dec. 1980
	1½	27 June 1980	1 Sep. 1980
	k* 1½	Additional rate expired 1 Sep. 2000	
Salamanca	a* 1½	27 May 1988	1 Mar. 1989
Saratoga Springs	1	3 Feb. 1989	1 June 1989
	2	3 Aug. 1970	1 Dec. 1970
	f 3	28 July 1980	1 Sep. 1980
	—	Repeal effective 1 June 1985	
	c 3	18 Dec. 2001	1 June 2002
Schenectady	3	28 Oct. 1982	1 Mar. 1983
	2½	5 Dec. 1983	1 Mar. 1984
	—	Repeal effective 1 Mar. 1989	
Sherrill	g* 1	27 Dec. 1976	1 June 1977
Troy	1	5 Dec. 1988	1 Mar. 1989
	a 1½	4 June 1970	1 Mar. 1971
	0	27 Oct. 1982	1 Dec. 1982
Utica	a* 1½	8 Apr. 1982	1 June 1982
White Plains	d/e 2	30 Apr. 1973	1 Sep. 1973
	n 2	28 July 1993	1 Sep. 1993
Yonkers	1	30 Dec. 1967	1 June 1968
	2	10 Dec. 1988	1 Mar. 1989
	b 3	3 Jan. 1970	1 Mar. 1970
	c/d/e/g 4	25 Nov. 1975	1 Jan. 1976

- j — Effective January 1, 1985, county rate is not subject to preemption. City rate is 1½% for the period January 1, 1985, to the date of repeal.
- k — ¼% expired effective September 1, 2000. Was not subject to preemption by county.
- l — City preempted the county 1% additional tax. (Effective from September 1, 1982, to the date of repeal; within the city, county tax rate is 2% and city tax rate is 2%.)
- m — Additional 1% is not subject to preemption; will expire on December 31, 2007.
- n — Additional ½% is not subject to preemption; will expire on August 31, 2007. (City rate is 2% through that date.)
- o — City preempted 2% of the county tax.
- p — County may not preempt any of the city's tax. City rate is 3%.
- q — Additional 1% is not subject to preemption.
- r — County may not preempt any of the city's tax. City rate is 4%. Effective November 30, 2007, additional 1% tax will expire.
- s — Effective May 31, 2005, additional ¼% expired.
- t — City preempted county tax. Within city, the county rate is 2%.
- — The city may not preempt any of the additional tax the county is presently allowed to impose.

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ARTHUR G. HEVESTI

LOCAL GOVERNMENT ISSUES IN FOCUS

# Property Taxes in New York State

## Summary of Findings

This research brief summarizes issues associated with the property tax, provides an overview of recent trends and analyzes the tax burden across regions and types of local government.

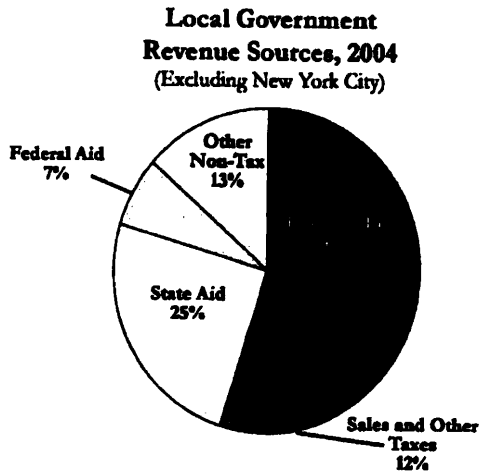
- The property tax is by far the largest tax imposed by local governments in the State, representing 79 percent of all local taxes outside of New York City.
- Per capita property tax burdens in New York are 49 percent higher than the national average and property taxes measured as a share of personal income are 28 percent higher.
- This disparity is even greater for taxpayers in most of the State, since New York City's property taxes are relatively low compared with other local governments (because it collects revenue from a number of other local taxes, including a personal income tax).
- Local property tax levies grew by 60 percent from 1995 to 2005, more than twice the rate of inflation during that period (28 percent). Most of this growth occurred in the last 5 years – when property tax levies increased by 42 percent, compared to inflation of 13 percent.
- Levy increases have moderated somewhat in 2006, particularly for counties, which benefited from last year's Medicaid cap. However, growth rates continue to be substantially above inflation for most classes of government.
- Although taxpayers in suburban downstate counties pay the highest property tax *bills* per household, they have some of the lowest full value *rates* in the State, since their property values are much higher as well. These low rates are partly due to the growth in property values between 1995 and 2005, which was much stronger downstate than upstate.
- Property taxes add to the overall high cost of living in downstate suburbs, where property taxes per \$1,000 of personal income average about \$65 (compared to the State median of \$53), and are a major contributor to higher housing costs.
- Assessment quality varies throughout the State, and in many areas properties with similar market values may have very different assessments and tax bills. This can lead to dissatisfaction and challenges to assessments that have a significant impact on the property tax base.

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**Overview**

The property tax is by far the largest tax imposed by local governments in New York State, representing 79 percent of all local taxes outside of New York City. Local property tax levies totaled \$38 billion in 2005 – reflecting an increase of more than \$11 billion (42 percent) since 2000 and generating more revenue than even the State’s \$28 billion personal income tax. In fact, even including other sources of revenue (such as State and Federal aid) it is still the largest single source of all revenue for local governments in New York State, accounting for 43 percent of all municipal revenues in 2004.

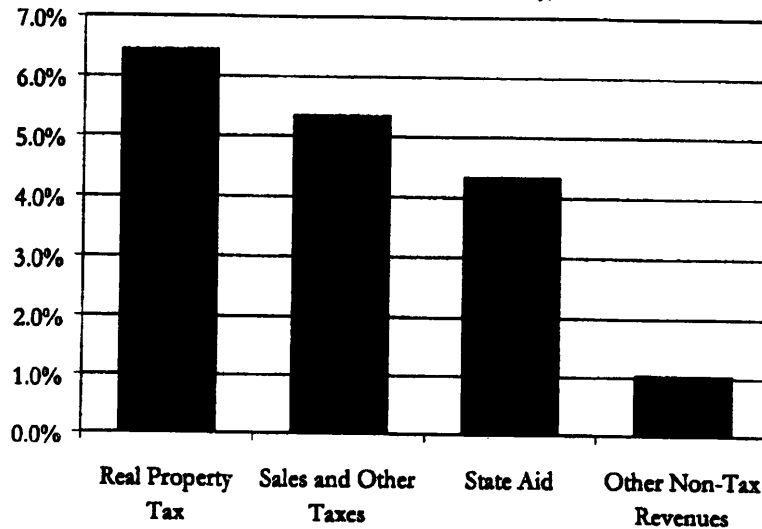


During the late 1990s, the economic expansion allowed most local governments to keep property tax increases below inflation. More recently this trend has reversed, as economic slowdowns and resulting contractions in other revenues have placed additional pressure on local property tax levies. As a result, the property tax is currently the fastest growing local revenue in the State.

Unlike sales taxes and State aid, the property tax is a relatively stable, locally-controlled revenue source. It pays for services like schools, roads and libraries as well as the local share of some State programs such as Medicaid. Property taxes are generally used to balance municipal budgets after accounting for all other sources of revenue – this means they tend to increase more quickly if other revenues stagnate or decline. This tendency to grow during tough economic times – when combined with its sheer size and the perception that assessments are inequitable or that the burden falls unfairly on certain classes of taxpayers – has made the property tax a lightning rod for criticism.

The magnitude of the property tax, its visibility and recent growth have all brought considerable pressure to bear on State policy makers to provide relief. In 1997, lawmakers responded by enacting the School Tax

**Average Annual Growth in Revenue Sources, 2000-2004**  
(Excluding New York City)



Relief (STAR) program, which exempted the first \$30,000 of property value from taxation for homeowners (\$50,000 for lower-income seniors). Last year's State Budget included a cap on local Medicaid cost increases for counties and New York City and an increase in revenue sharing aid for other municipalities. The 2006-07 State Budget also contains property tax relief initiatives, but the outcome of those proposals is currently caught up in the budget disagreement between the Governor and the Legislature.

This research brief summarizes issues associated with the property tax and provides an analysis of recent trends. As the analysis shows, the property tax burden varies significantly among regions and types of local governments, and can be described very differently when property values or income are taken into consideration. A discussion on the methodology can be found in the "Notes on Data" section at the end of the report.

### **Local Tax Burden**

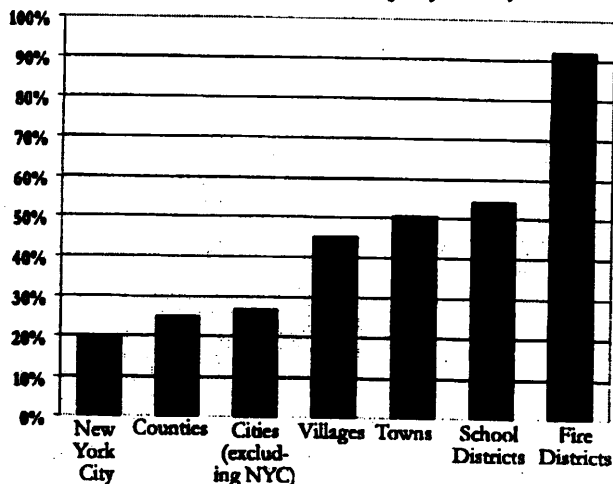
Tax burdens in New York State are generally higher than in the rest of the nation:

- New York taxpayers have the highest combined State and local tax burden in the nation, with a total tax bill of \$131 for every \$1,000 of personal income in 2002, nearly 26 percent higher than the national average.
- New York's high tax burden is entirely driven by high local taxes – State taxes are about average, at \$64 per \$1,000 of personal income, versus \$62 for the nation as a whole.
- Local taxes are the highest in the country, at \$67 per \$1,000 of personal income, 60 percent higher than the national average of \$42. Maine is the next highest state at \$55 – nearly 20 percent lower than New York.

### **Dependence on the Property Tax as a Revenue Source**

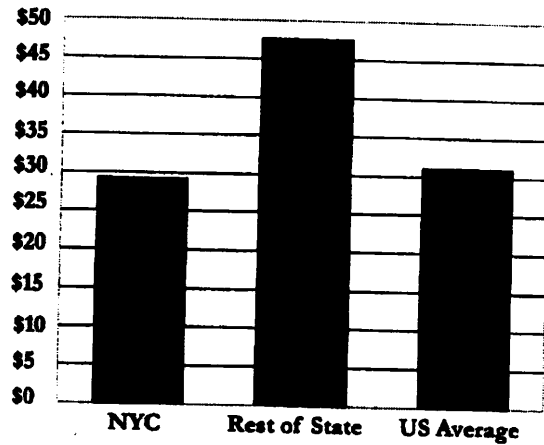
While the property tax is the primary revenue source for most local governments in the State, reliance on it varies considerably. Counties and cities also rely heavily on the sales tax and receive only about one-quarter of their revenue from property levies. In comparison, fire districts receive over 90 percent of their revenue from this source. For school districts, property taxes make up just over half of total revenues, but among individual districts the percentage ranges from less than 10 percent to more than 90 percent (this variance largely depends on local wealth and reliance on State school aid).

**Percent of Revenue from Property Taxes, 2004**



- Although New York does not rank first in any individual major local tax, it is among the top seven states for the three major taxes: local property, sales and personal income. It is the combination of high local taxes across the board that causes the State's overall local tax ranking to rise to the top.
- Local property taxes in New York were \$1,406 per capita in 2002, or 49 percent above the national average, and \$40 per \$1,000 of personal income, or 28 percent above average.
- This disparity is even greater for taxpayers in most of the State, since New York City's property taxes are relatively low compared with other local governments (because it collects revenue from a number of other local taxes, including a personal income tax). Outside of the City, property taxes per capita are \$1,634 – 73 percent above the national average. Accordingly, and because its large size sways averages, many of the descriptive statistics presented in this report exclude the City.
- Over the last 10 years, property tax levies have grown by 60 percent, more than twice the rate of inflation during that period (28 percent). Most of this growth occurred in the last 5 years – when property tax levies increased by 42 percent, compared to inflation of 13 percent.

Property Taxes Per \$1,000 of Personal Income  
NYC vs. Rest of State vs. US Average, 2002

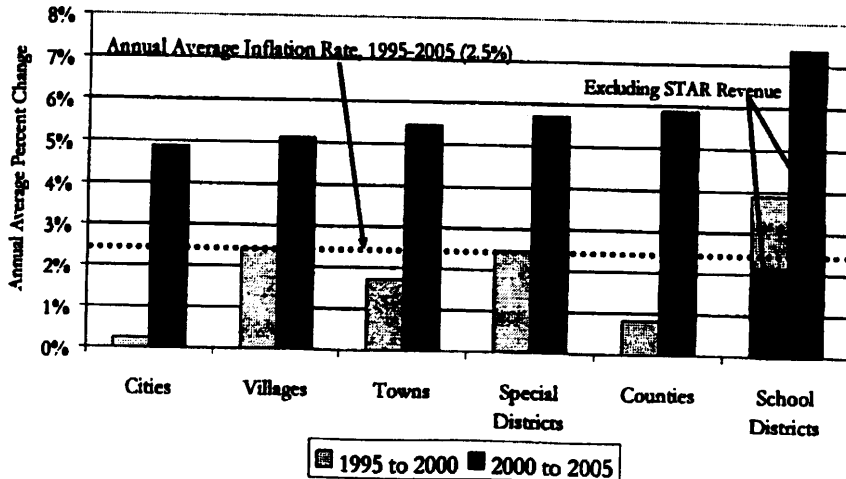


Property taxes are also highly visible – most homeowners see the amount on their tax bills twice a year (once for schools and once for all other local governments). Tax rates are a subject of annual public debate, and school budgets are approved or defeated by popular vote in most districts (with the exception of the fiscally dependent school districts in the “Big Five” cities).

### Property Tax Growth

Property taxes are also growing rapidly – a trend especially evident in recent years. Local governments as a whole had average annual increases in property tax levy of only 2.3 percent during the 1990s, and counties, cities, towns and villages all kept annual levy increases below the inflation rate of 2.5 percent. Slow property tax growth during that period

Annual Average Percent Change by Class of Government,  
1995-2000 vs. 2000-2005  
(Excluding NYC)



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was also related to increased growth in other sources of revenue (especially sales tax revenue growth due to the healthy economy) and moderating costs, including low interest rates for capital projects and lower-than-usual pension contributions (driven by extraordinary returns on pension fund investments during that period).

School districts were the only local governments to have property tax growth that outpaced inflation between 1995 and 2000. However, when the amount of STAR reimbursements (which were being phased in during that period) is deducted from school levies, net growth was lower than inflation. The impact of levy growth on local taxpayers varied, therefore, depending on whether they were eligible for STAR. Homeowners saw much lower growth than rental or other commercial property owners, who account for about half of the tax base.

From 2000 to 2005, the economic impact of the recession and the attacks of September 11, 2001 reduced State aid at the same time other local revenues slowed. These changes, coupled with growth in local costs for health care and employee benefits, produced more rapid property tax growth. All classes of government shared in this acceleration, with levies growing faster than inflation during the period. School district levies grew at an average annual rate of 7.3 percent, significantly outpacing inflation even after accounting for STAR.

Although data are still preliminary, levy increases appear to be moderating somewhat in 2006, particularly for counties. In part, this is a result of recent State-level actions. The cap on local Medicaid cost increases, for example, has had a dramatic effect on county tax levies. As described in a recent OSC update, county tax levy increases slowed from an annual average increase of 7.0 percent statewide from 2000 to 2005 to 3.3 percent in 2006. State revenue sharing and school aid increases may have also had an impact. Preliminary school district and village levy data show growth slowing for those classes of government as well, although less dramatically (from 7.8 percent in 2005 to 6.8 percent for 2006 for school districts, and from 6.3 percent to about 5.5 percent for villages). However, growth rates for most classes continue to be substantially above inflation.

### *Why Use the Property Tax?*

Despite the problems associated with the property tax, it is well-suited to local administration and is used in all 50 states to support local governments. Among its positive aspects:

- It is a reliable and effective way for local governments to raise revenue, in that it is imposed on a known, stable tax base and can be relatively easy to administer.
- It is better insulated from economic downturns than other taxes, especially the sales tax, which is the most common major alternative tax.
- Having a single major identifiable local revenue source for municipalities and schools offers direct accountability and keeps the pressure on these local governments to carry out their operations in a cost-effective manner.
- It taxes wealth missed by other taxes (such as the wealth of non-resident second home owners or certain businesses).

# Levy per Household 2005



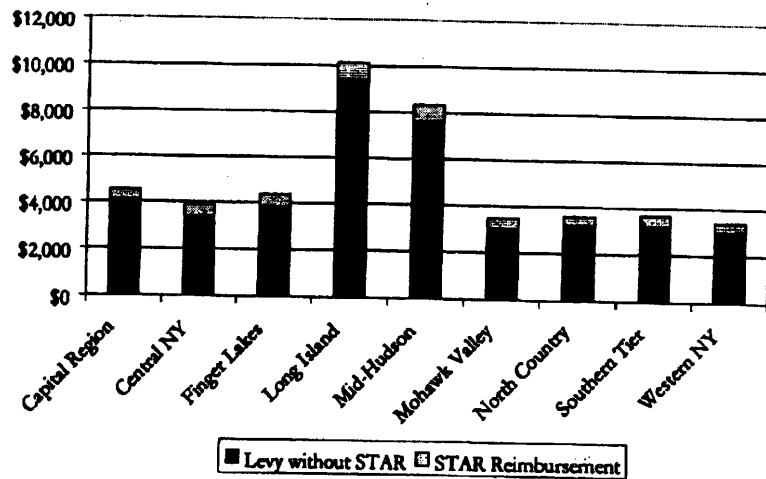
## Regional Tax Burden Patterns

There is a great deal of variation across the State in property tax levels, growth rates and relative burden. Adding together all the property taxes imposed by counties, cities, towns, villages, school districts and other local entities provides a comprehensive view of the overall property tax burden by county and region. The Office of the State Comptroller collects much of the levy and assessment data necessary for such an analysis (see the "Notes on Data" at the end of this report for more detail). These data are published annually on the OSC website, [www.osc.state.ny.us/localgov](http://www.osc.state.ny.us/localgov).

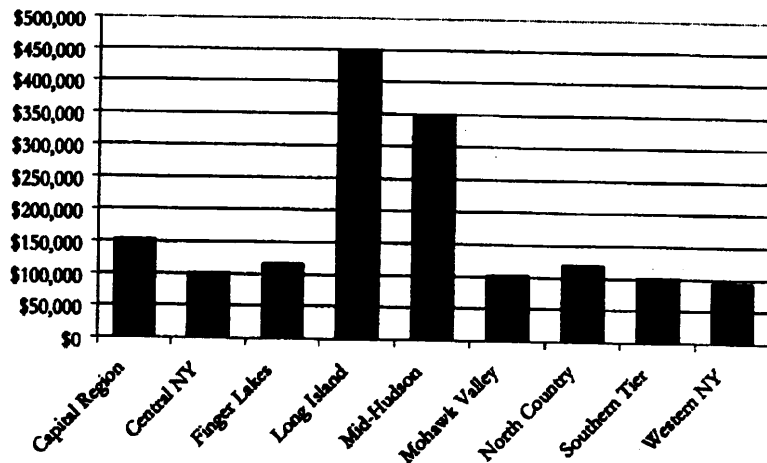
The simplest measure of burden is total taxes per household. By this measure the property tax burden falls most heavily on taxpayers in suburban downstate counties. Nassau, Putnam, Rockland, Suffolk and Westchester counties have tax burdens per household that are more than twice the statewide average. The remaining downstate suburban counties – Dutchess, Orange, Sullivan and Ulster – are also well above average. By contrast, several western and northern counties have overall burdens that are 20 percent or more below the average.

The fact that total taxes per household are higher in those counties, however, may not indicate by itself that property taxes are more burdensome there. Downstate residents are generally wealthier, and therefore may be able to afford higher taxes. Property values – one measure of household wealth and ability to pay – are, in fact, three to four times higher in Long Island (Nassau and Suffolk counties) and much of the Mid-Hudson Valley (Putnam, Rockland and Westchester counties) than in other regions of the State.

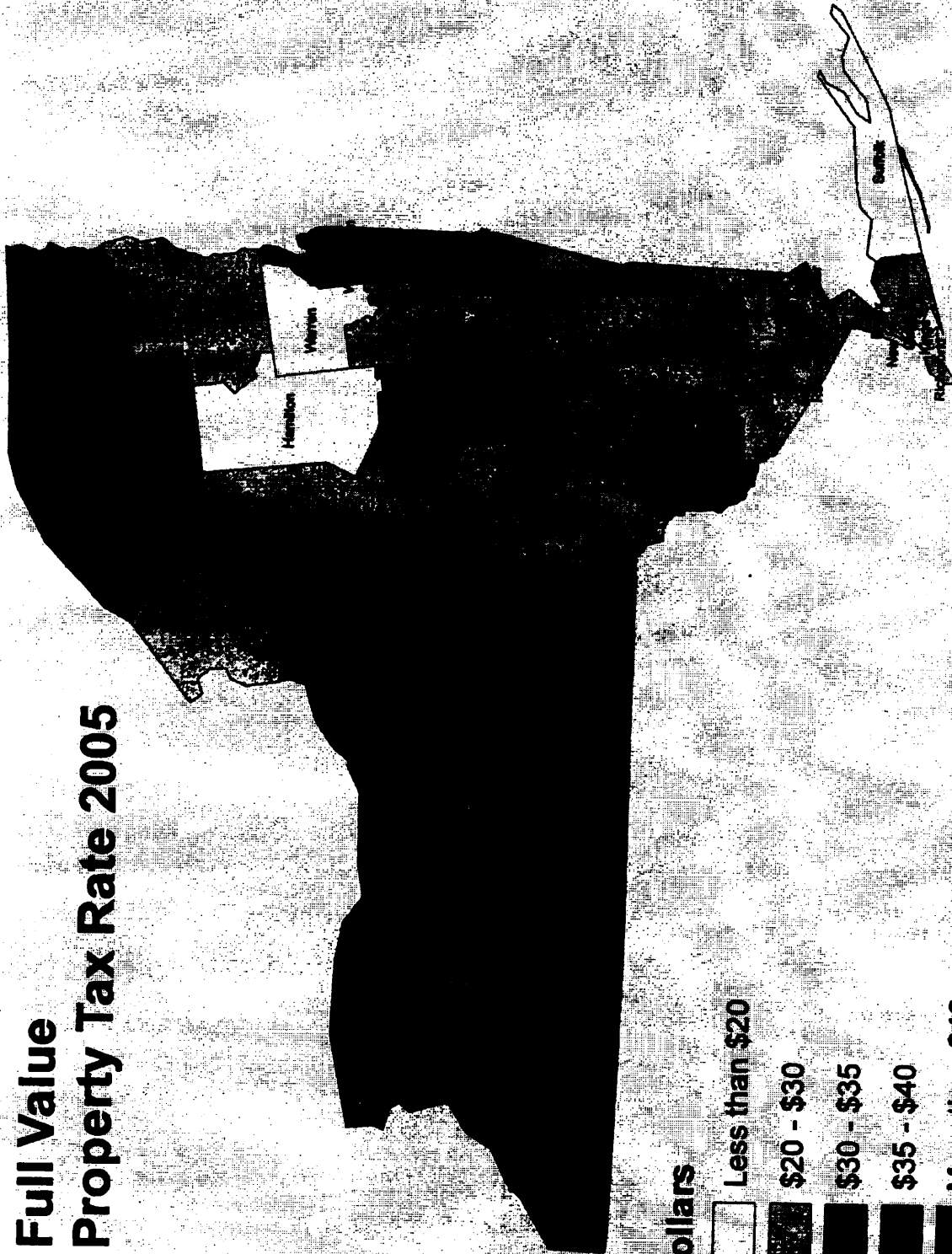
Levy Per Household by Region, 2005



Full Value Per Household by Region, 2005



# Full Value Property Tax Rate 2005



Dollars

- Less than \$20
- \$20 - \$30
- \$30 - \$35
- \$35 - \$40
- More than \$40

**Anomalies: Hamilton County, New York City, and Erie County**

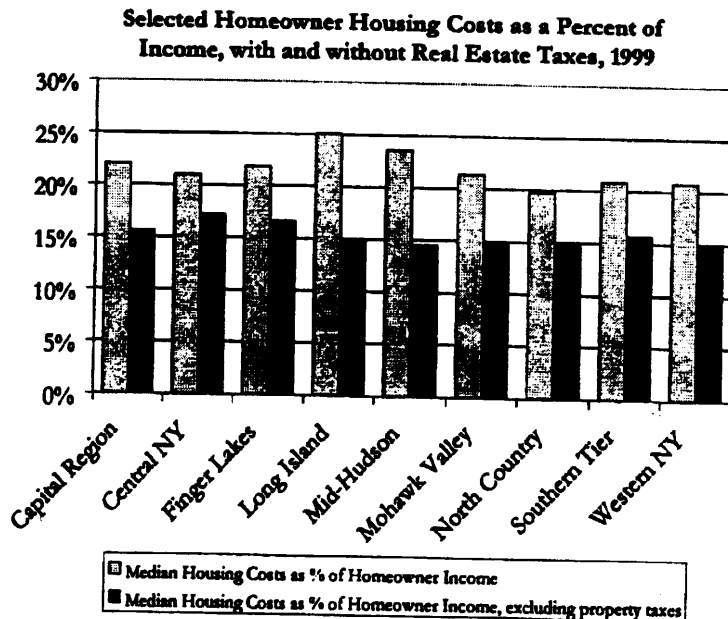
Hamilton County, at three times the average tax burden per household, is not comparable to other New York counties in several respects: its extremely small population, relatively high proportion of vacation homes and large amount of taxed Adirondack State Park land cause it to show up as an outlier in all of the analyses.

New York City, with its extensive service needs and high cost of living, might be expected to have high property tax burdens, at least in terms of total dollars per household, if not per \$1,000 of full value or personal income. Yet, by all measures it is either average or low. This is because, unlike other local governments in the State, New York City collects a large portion of local revenue through a personal income tax and a variety of other taxes, lowering its dependence on the property tax as a source of revenue.

Erie County had a relatively low overall tax burden in 2005, but taxpayers saw an increase in 2006, when County-level taxes rose by 19 percent in response to that County's fiscal crisis.

Full value property tax rates give an indication of tax burden relative to property wealth. Overall full value rates in 2005 ranged from less than \$20 per \$1,000 in Hamilton, Suffolk and Warren counties to over \$45 per \$1,000 in Allegany, Chenango and Montgomery counties, with higher rates being generally found in the western areas of the State, where property values are particularly low. By this measure, property taxes look much more affordable than average downstate, especially in property-wealthy Suffolk and Westchester counties.

But "property wealth" can be looked at from another perspective: housing costs, such as mortgage payments, are higher in downstate markets. This could be an indicator of taxpayer stress, rather than of ability to pay more in property taxes. The Census collects information on housing costs as a percentage of household income, and by this indicator, housing costs were, on average, somewhat higher compared with income in the two downstate regions outside of New York City in 1999. The recent "housing bubble" in coastal metropolitan areas has probably exacerbated this further.



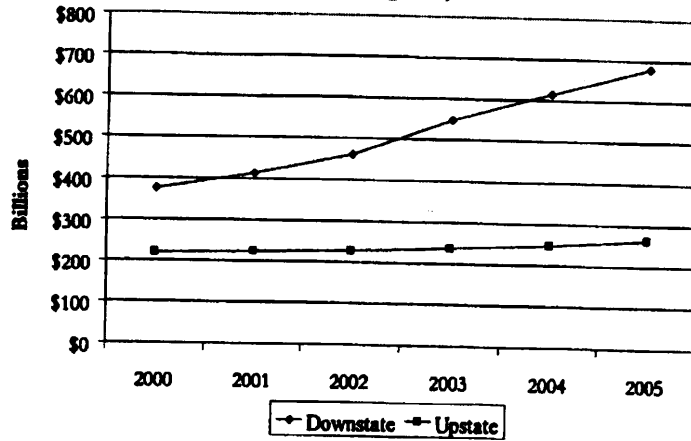
However, further analysis of the data shows that the major reason for this difference is the property tax itself – housing costs excluding real estate taxes were fairly even as a percent of personal income across all regions of the State.

Looking at the measure of ability to pay that is most commonly used to compare tax burden across states – levy per \$1,000 of personal income – shows yet another picture. The tax burden on property-owners in suburban downstate counties looks relatively higher by this measure compared to the full value tax rate, but relatively lower than the nominal measure of levy per household. Outside of Hamilton County, levies per \$1,000 of personal income ranged from a low of \$37 in Jefferson County to highs of over \$65 for most of the Mid-Hudson Valley.

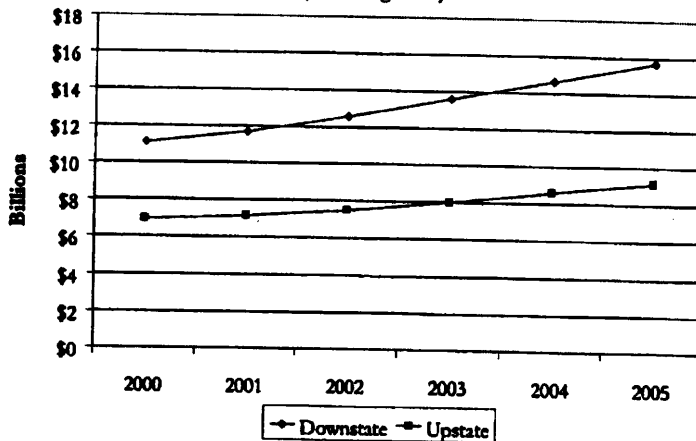
Much of the disparity in measures of tax burden between the full value tax rate and share of personal income can be explained by the rapid increase in property values downstate, particularly in downstate suburbs. From 1995 to 2005, average full value grew by 7.0 percent per year in downstate suburban counties, almost five times as fast as the average annual upstate growth of 1.5 percent.

As total property value rises, the tax rate needed to achieve the same total levy goes down. Thus, even though levies grew slightly faster downstate than upstate from 1995 to 2005 (annual average change of 5.4 percent versus 3.7 percent), tax rates responded by falling downstate while rising upstate.

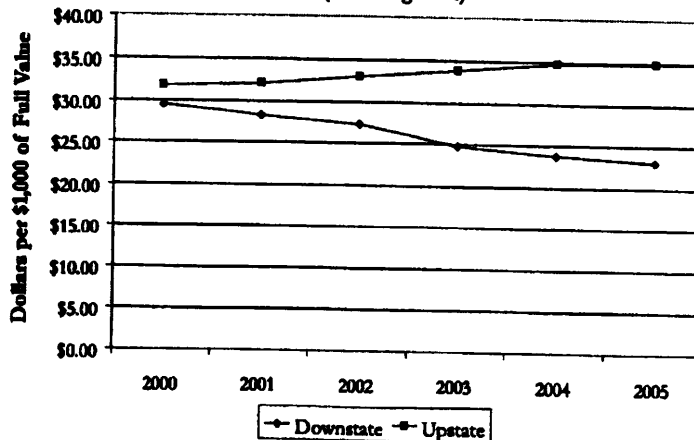
**Trends in Full Value, Upstate vs. Downstate, 2000-2005**  
(Excluding NYC)



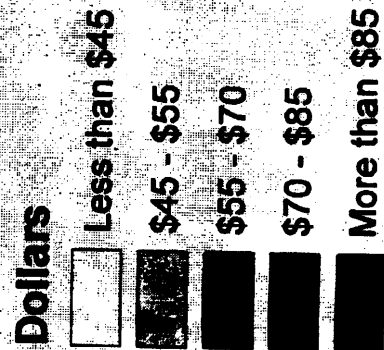
**Trends in Levy, Upstate vs. Downstate, 2000-2005**  
(Excluding NYC)



**Trends in Full Value Tax Rate, Upstate vs. Downstate, 2000-2005**  
(Excluding NYC)



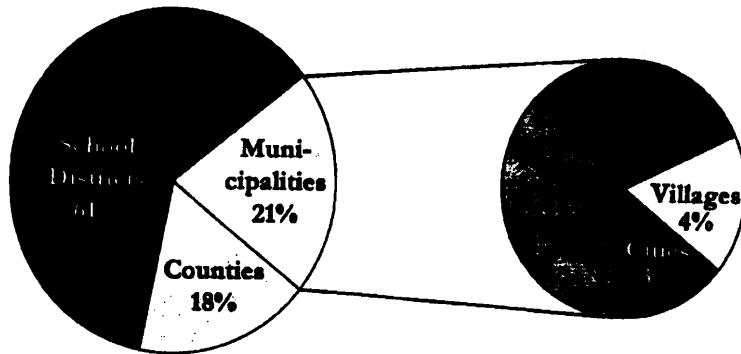
# Levy per \$1,000 Personal Income 2005



## School Taxes

School taxes represent the largest portion of the overall property tax burden (61 percent outside of New York City) and, as noted above, have generally been increasing more rapidly than municipal property taxes (counties, cities, towns and villages). The reasons for this are twofold. First, schools consume more public resources than other types of local government, accounting for 48 percent of total local government expenditures in 2004, and demands upon public education have been escalating. Second, property taxes are the only significant source of local revenue for most school districts. A relatively small number of districts receive sales tax distributions or impose a consumer utility tax, and of course, New York City is an exception – being funded by a municipal tax base which includes personal income, sales and other taxes.

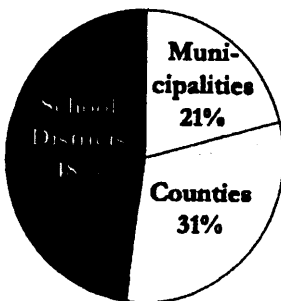
**Distribution of Property Tax Levy by Class, 2005**  
(Excluding New York City)



As with total property taxes, school taxes vary around the State, with some of the highest full value tax rates in high-need districts, where property values tend to be low, but some of the highest total bills in wealthier areas, where property values are much higher.

Because of their magnitude, visibility and growth, school taxes have been the subject of many property tax relief measures over the past decade. These include STAR – a \$2.5 billion State-funded property tax exemption program – and a variety of fiscal accountability measures including property tax report cards, a single statewide school budget/school board voting day and contingency budget caps, all created at least in part with the intent of dampening school spending and property tax growth.

**Local Government Revenues by Class, 2004**  
(Excluding New York City)



As noted earlier, STAR exempts the first \$30,000 of every homeowner's property value (\$50,000 for lower-income senior citizens), and the foregone local revenue is reimbursed by the State. Renters (who pay taxes indirectly through their rent) and businesses receive no benefit from STAR. Adjustments are made for local assessing practices, and in counties with higher-than-average home prices, the exemptions are increased proportionally.

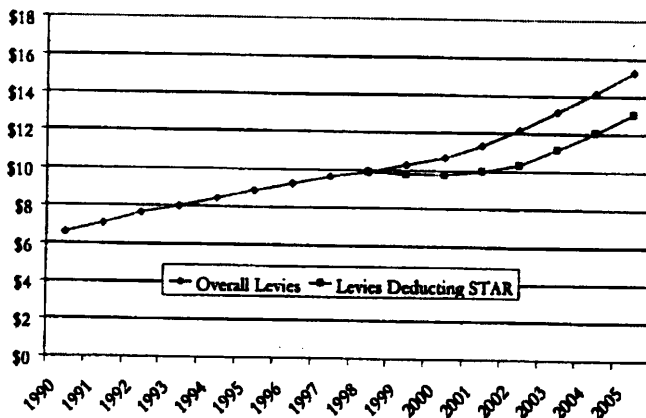
STAR benefits go disproportionately to higher-wealth areas. The pattern of STAR funding is therefore the exact inverse of the pattern of State school aid, which generally provides

greater aid to lower-wealth, higher-needs districts. Big cities and other urban areas also receive a relatively small proportion of STAR exemption benefits, because they have a much smaller proportion of homeowners than suburban areas, and also because many have more complex revenue structures.

STAR was originally proposed with an accompanying spending cap, which was not enacted. A series of proposals have been made since that time to link STAR to caps on the growth in school budgets or otherwise govern or limit tax or spending increases (including this year's Executive Budget). However, these proposals have not been adopted primarily because of objections to limiting local school spending decisions or governing them through a formula, particularly since voters have an annual opportunity to accept or reject local budgets and elect school board members.

Although often described as a tax cut, STAR exemptions are actually a transfer of tax burden, from homeowners paying local school property taxes to taxpayers statewide. While STAR indisputably provides property tax relief for those receiving it, its long-term impact may well be an overall increase in State and local taxes. The reason for this is that STAR lowers the effective tax rate on homeowners – the largest group of people who vote on and otherwise influence local school budgets. For many seniors, STAR effectively eliminated their school tax burden. By reducing the local tax share paid for greater school spending, STAR actually provides an incentive to increase school spending – an impact which has been described in several studies. This incentive is strongest, ironically, in the some of the highest spending areas – where high taxes and high home values combine to provide the highest STAR benefits.

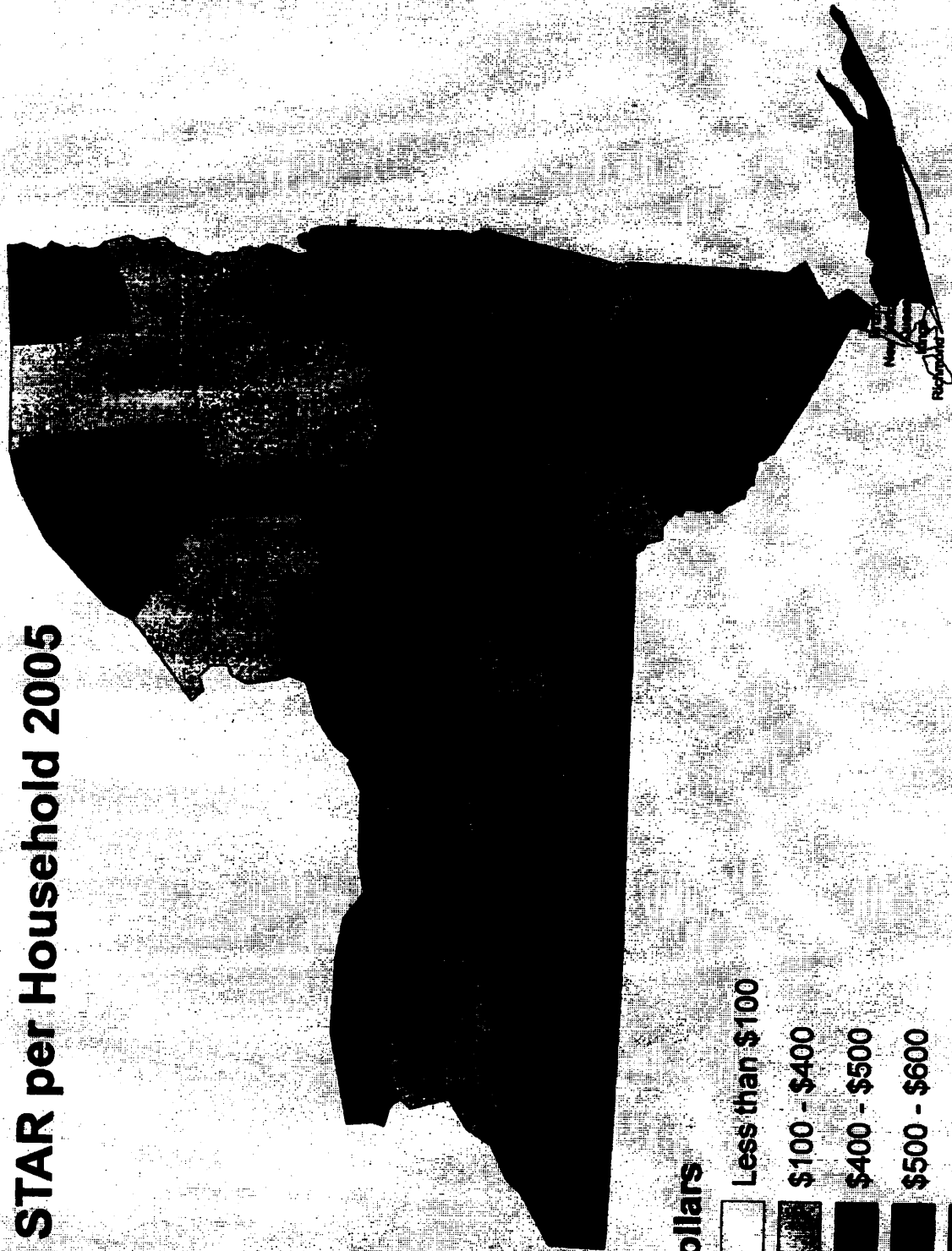
**School Property Tax Levies**



This impact from STAR may have been strongest during the period it was being phased in (from 1998-99 through 2001-02), as the annually increasing amounts of tax relief provided an offset to annual levy increases. Now that STAR is fully phased in, however, increases in school taxes have re-emerged as a matter of concern – despite the fact that STAR has lowered the direct property tax burden paid by homeowners. The implementation of STAR significantly reduced the net increase in levies for a time. That effect has now ended, and school property tax levy increases are being felt in their entirety again.

The budget adopted by the Legislature this year added nearly \$1 billion for STAR rebate checks equal to 30 percent of each homeowner's existing STAR benefit (for example, a taxpayer entitled to \$1,000 STAR savings off the property tax would get a check for \$300). The rebate checks would be mailed out by the end of October, based on the previous year's STAR exemptions, and taxpayers may need to declare them as income on Federal and State income tax returns. In addition, the Legislature enacted a "cost-of-living" increase in the enhanced exemption for moderate income seniors (at a cost of \$72 million). Subsequently the Governor vetoed the STAR rebate program, which differs significantly from his "STAR Plus" proposal, which was set at \$400 per homeowner, but was contingent on a school district's compliance with a new spending cap. The increase in the enhanced exemption for seniors was originally proposed by the Governor and was not vetoed.

# STAR per Household 2005



Dollars

- Less than \$100
- \$100 - \$400
- \$400 - \$500
- \$500 - \$600
- More than \$600

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## ***Fairness Issues***

A common complaint about the property tax is that it is unfair. This perception derives from a number of factors, including that property taxes are often considered regressive (the burden falls more heavily on lower-income taxpayers as a percentage of their income), and that home values may not accurately reflect ability to pay – particularly for senior citizens or others of modest means living in homes that have appreciated substantially in value due to market changes.

Perceived and real inequities in the administration of the property tax also contribute to the poor public image of the tax. Inequitable practices can cause many taxpayers to challenge their assessments, and when major taxpayers achieve reductions through certiorari actions, it often has a significant impact on the property tax base.

Since the property tax is based upon on a locally determined property valuation process, assessment quality varies throughout the State, and in many areas properties with similar market values can have very different assessments and tax bills. These disparities are frequently experienced where assessments have not been updated or reviewed for decades. Although national standards call for property revaluation every few years, State law does not effectively require jurisdictions to assess real property at market value, or in accordance with professional standards. The New York State Office of Real Property Services (ORPS) – the State agency charged with overseeing assessment practices – produces detailed statistics and provides financial and technical assistance programs to encourage good assessing practices, but it has no power to compel local assessors to use acceptable, modern appraisal methods. As a result, recent ORPS statistics show that only two-thirds of assessing jurisdictions are achieving satisfactory uniformity in residential assessments. Moreover, some of the biggest problems with assessments are found in the State's most populous areas, including most of Westchester, Rockland and Suffolk counties.

A 1996 Interagency Task Force on Real Property Valuation recommended that assessment requirements be strengthened in New York State. Specifically, the Task Force recommended that State law be amended to require that all assessing jurisdictions assess real property at market value, in accordance with standards promulgated by national standard-setting agencies – including updated assessments on a regular cycle, not to exceed four years. Unfortunately, these recommendations have never been acted upon.

## ***Conclusion***

New York's property tax is large and growing fast, as it tends to do when growth slows in other revenues or costs increase for local governments. The property tax is stable and easy to administer, but it has some serious flaws, including a weak system for ensuring professional and equitable assessments. STAR and related rebates will not fix these flaws, and may indeed magnify them, as they may encourage growth in spending, particularly in higher-wealth, higher-spending areas. A rebate payment or State-funded tax exemption is a transfer of tax burden, not a tax cut, and should be considered in the context of overall tax policy in New York. While short-term property tax relief may be the perceived effect, the long-term outcome may well be an overall increase in State and local taxes. Future research and policy analysis should be directed toward structural changes and systemic reforms for the property tax.

## Overall Combined Levy by County, 1995-2005

County	Levy			Average Annual Percent Change		Total Change 1995-2005
	1995	2000	2005	1995-2000	2000-2005	
Albany	348,090,412	399,149,026	537,749,699	2.8%	6.1%	54.5%
Allegany	41,912,988	49,150,519	69,536,036	3.2%	7.2%	65.9%
Broome	223,218,218	227,770,857	297,141,606	0.4%	5.5%	33.1%
Cattaraugus	73,266,806	84,207,184	113,478,970	2.8%	6.1%	54.9%
Cayuga	63,053,359	70,266,266	102,218,509	2.2%	7.8%	62.1%
Chautauqua	149,217,131	153,567,791	198,938,514	0.6%	5.3%	33.3%
Chemung	74,196,456	81,632,379	106,278,505	1.9%	5.4%	43.2%
Chenango	48,225,968	52,206,765	70,883,212	1.6%	6.3%	47.0%
Clinton	59,821,084	69,520,406	107,320,456	3.1%	9.1%	79.4%
Columbia	73,973,113	89,637,984	124,541,401	3.9%	6.8%	68.4%
Cortland	40,050,573	45,207,200	66,009,806	2.5%	7.9%	64.8%
Delaware	61,415,164	69,535,444	97,605,357	2.5%	7.0%	58.9%
Dutchess	345,457,236	396,036,780	567,363,209	2.8%	7.5%	64.2%
Erie	1,029,638,302	1,082,685,560	1,250,058,503	1.0%	2.9%	21.4%
Essex	51,533,821	59,649,056	88,449,957	3.0%	8.2%	71.6%
Franklin	43,541,708	48,961,799	70,495,893	2.4%	7.6%	61.9%
Fulton	54,798,495	60,208,832	80,545,923	1.9%	6.0%	47.0%
Genesee	56,453,457	63,210,412	83,881,924	2.3%	5.8%	48.6%
Greene	61,846,608	69,865,699	98,662,027	2.5%	7.1%	59.5%
Hamilton	19,749,434	22,073,033	31,249,726	2.2%	7.2%	58.2%
Herkimer	59,542,466	66,424,680	87,498,431	2.2%	5.7%	47.0%
Jefferson	81,961,692	91,502,059	116,505,443	2.2%	5.0%	42.1%
Lewis	24,455,098	27,127,770	35,534,246	2.1%	5.5%	45.3%
Livingston	54,802,325	63,474,758	87,397,953	3.0%	6.6%	59.5%
Madison	62,218,608	73,286,456	101,702,662	3.3%	6.8%	63.5%
Monroe	879,334,589	962,332,598	1,283,656,553	1.8%	5.9%	46.0%
Montgomery	46,310,633	50,553,858	71,469,909	1.8%	7.2%	54.3%
Nassau	2,890,366,265	3,579,381,927	5,053,266,951	4.4%	7.1%	74.8%
Niagara	238,428,613	264,471,570	332,414,651	2.1%	4.7%	39.4%
Oneida	216,560,385	224,708,623	278,829,690	0.7%	4.4%	28.8%
Onondaga	557,667,780	572,266,822	733,051,340	0.5%	5.1%	31.4%
Ontario	107,574,845	129,950,263	177,968,954	3.9%	6.5%	65.4%
Orange	399,483,265	492,604,554	768,973,282	4.3%	9.3%	92.5%
Orleans	35,436,748	41,654,668	57,911,577	3.3%	6.8%	63.4%
Oswego	191,855,773	155,221,424	167,620,503	-4.1%	1.5%	-12.6%
Otsego	54,845,388	63,065,395	79,566,138	2.8%	4.8%	45.1%
Putnam	166,492,853	200,040,534	295,473,963	3.7%	8.1%	77.5%
Rensselaer	154,082,793	175,697,596	244,276,036	2.7%	6.8%	58.5%
Rockland	562,962,635	672,460,476	928,095,253	3.6%	6.7%	64.9%
St Lawrence	87,851,526	99,846,472	137,748,231	2.6%	6.6%	56.8%
Saratoga	203,979,035	245,860,729	348,809,099	3.8%	7.2%	71.0%
Schenectady	175,056,098	189,638,026	269,140,403	1.6%	7.3%	53.7%
Schoharie	33,787,259	39,518,767	56,018,791	3.2%	7.2%	65.8%
Schuyler	15,891,770	16,208,692	24,475,612	0.4%	8.6%	54.0%
Seneca	28,693,670	32,042,888	47,833,907	2.2%	8.3%	66.7%
Steuben	88,622,593	100,466,823	139,604,749	2.5%	6.8%	57.5%
Suffolk	2,600,072,201	3,006,358,037	4,259,018,044	2.9%	7.2%	63.8%
Sullivan	125,514,012	140,593,862	192,578,939	2.3%	6.5%	53.4%
Tioga	41,497,388	45,383,435	62,891,933	1.8%	6.7%	51.6%
Tompkins	93,107,236	111,867,762	159,432,122	3.7%	7.3%	71.2%
Ulster	245,896,634	278,949,999	401,963,043	2.6%	7.6%	63.5%
Warren	81,087,934	95,271,256	131,784,420	3.3%	6.7%	62.5%
Washington	57,924,621	63,878,178	94,322,997	2.0%	8.1%	62.8%
Wayne	96,390,195	110,855,891	162,640,596	2.8%	8.0%	68.7%
Westchester	1,989,429,770	2,332,165,426	3,328,384,768	3.2%	7.4%	67.3%
Wyoming	31,306,988	36,512,122	47,681,274	3.1%	5.5%	52.3%
Yates	26,119,728	30,081,026	39,204,897	2.9%	5.4%	50.1%
New York City	7,889,768,851	8,374,300,959	12,720,048,530	1.2%	8.7%	61.2%
Statewide	23,615,840,596	26,450,569,373	37,687,205,123	2.3%	7.3%	59.6%
Inflation (CPI-U)				2.5%	2.5%	28.1%

## Full Value by County, 1995-2005

County	Full Value			Average Annual Percent Change		Total Change 1995-2005
	1995	2000	2005	1995-2000	2000-2005	
Albany	13,709,908,000	13,734,724,233	17,690,980,288	0.0%	5.2%	29.0%
Allegany	1,105,653,411	1,298,618,151	1,416,980,291	3.3%	1.8%	28.2%
Broome	6,578,138,745	5,719,987,594	6,800,046,810	-2.8%	3.5%	3.4%
Cattaraugus	2,184,956,783	2,533,181,848	2,923,918,790	3.0%	2.9%	33.8%
Cayuga	2,366,267,180	2,444,740,237	2,946,905,130	0.7%	3.8%	24.5%
Chautauque	3,931,635,856	4,750,005,449	5,323,987,735	3.9%	2.3%	35.4%
Chemung	2,342,182,592	2,504,443,051	3,014,899,674	1.3%	3.8%	28.7%
Chenango	1,285,524,143	1,294,223,889	1,558,582,812	0.1%	3.8%	21.2%
Clinton	2,342,796,794	2,600,643,286	3,275,754,361	2.1%	4.7%	39.8%
Columbia	3,452,029,779	3,415,636,366	4,946,971,215	-0.2%	7.7%	43.3%
Cortland	1,307,628,035	1,361,183,342	1,563,968,253	0.8%	2.8%	19.6%
Delaware	2,646,071,911	2,765,106,153	3,472,106,198	0.9%	4.7%	31.2%
Dutchess	14,132,514,687	14,039,760,281	24,880,843,128	-0.1%	12.1%	76.1%
Erie	30,687,612,139	31,749,141,509	35,980,745,078	0.7%	2.5%	17.2%
Essex	2,766,465,637	2,912,934,358	3,900,035,320	1.0%	6.0%	41.0%
Franklin	1,663,792,036	1,780,444,643	2,255,015,867	1.4%	4.8%	35.5%
Fulton	1,686,055,835	1,676,051,987	2,031,701,941	-0.1%	3.9%	20.5%
Genesee	1,734,065,017	1,883,721,508	2,118,730,154	1.7%	2.4%	22.2%
Greene	2,810,142,323	2,695,753,048	3,436,679,462	-0.8%	5.0%	22.3%
Hamilton	1,471,925,656	1,659,184,662	2,128,879,531	2.4%	5.1%	44.6%
Herkimer	2,539,948,554	2,620,326,716	3,153,258,815	0.6%	3.8%	24.1%
Jefferson	3,187,566,896	3,364,608,648	3,921,814,116	1.1%	3.1%	23.0%
Lewis	889,752,939	941,789,380	1,116,921,518	1.1%	3.5%	25.5%
Livingston	1,877,491,810	2,040,575,234	2,528,802,356	1.7%	4.4%	34.7%
Madison	2,245,173,761	2,316,845,214	2,789,289,510	0.6%	3.8%	24.2%
Monroe	27,675,874,420	28,286,004,142	32,434,344,827	0.4%	2.8%	17.2%
Montgomery	1,257,642,275	1,306,866,508	1,457,421,235	0.8%	2.2%	15.9%
Nassau	95,159,458,696	115,091,989,297	193,592,283,345	3.9%	11.0%	103.4%
Niagara	7,187,171,335	7,282,271,596	7,921,705,176	0.3%	1.7%	10.2%
Oneida	6,959,003,753	6,358,504,033	7,361,263,377	-1.8%	3.0%	5.8%
Onondaga	15,887,330,872	15,978,621,763	19,003,054,235	0.1%	3.5%	19.6%
Ontario	4,095,286,166	4,428,699,224	5,726,960,880	1.6%	5.3%	39.8%
Orange	14,926,107,792	16,142,878,467	28,223,656,673	1.6%	11.8%	89.1%
Orleans	1,037,340,961	1,160,350,782	1,326,265,829	2.3%	2.7%	27.9%
Oswego	6,395,647,033	5,310,327,928	4,009,547,266	-3.7%	-5.5%	-37.3%
Otsego	2,101,917,111	2,227,436,702	2,738,700,307	1.2%	4.2%	30.3%
Putnam	6,276,047,197	7,011,966,601	12,567,889,064	2.2%	12.4%	100.3%
Rensselaer	5,174,582,350	5,149,959,155	6,538,315,865	-0.1%	4.9%	26.4%
Rockland	17,715,191,714	20,462,986,529	33,775,416,256	2.9%	10.5%	90.7%
St Lawrence	2,918,584,716	3,333,926,562	3,774,653,091	2.7%	2.5%	29.3%
Saratoga	8,347,471,986	9,166,882,190	13,803,606,677	1.9%	8.5%	65.4%
Schenectady	5,503,016,725	5,379,330,845	6,763,200,999	-0.5%	4.7%	22.9%
Schoharie	1,273,669,731	1,263,609,188	1,468,438,084	-0.2%	3.1%	15.3%
Schuyler	569,434,838	628,207,146	776,886,480	2.0%	4.3%	36.4%
Seneca	1,085,439,790	1,129,644,649	1,257,400,515	0.8%	2.2%	15.8%
Steuben	2,881,759,164	3,155,499,730	3,736,813,595	1.8%	3.4%	29.7%
Suffolk	85,858,798,711	107,766,704,405	217,940,801,707	4.7%	15.1%	153.8%
Sullivan	4,356,940,944	4,090,397,675	5,489,210,134	-1.3%	6.1%	26.0%
Tioga	1,392,287,398	1,403,663,356	1,803,681,223	0.2%	5.1%	29.5%
Tompkins	3,612,193,986	3,566,329,088	4,612,905,463	-0.3%	5.3%	27.7%
Ulster	8,292,880,571	8,400,004,054	13,987,639,143	0.3%	10.7%	68.7%
Warren	4,289,516,763	4,765,749,876	6,693,888,554	2.1%	7.0%	56.1%
Washington	2,061,310,193	2,240,954,216	2,746,515,923	1.7%	4.2%	33.2%
Wayne	3,107,552,764	3,391,056,534	3,997,515,036	1.8%	3.3%	28.6%
Westchester	66,092,888,757	81,833,024,754	148,771,978,996	4.4%	12.7%	125.1%
Wyoming	1,152,516,280	1,368,644,621	1,586,491,763	3.5%	3.0%	37.7%
Yates	1,076,599,432	1,121,096,856	1,510,001,807	0.8%	6.1%	40.3%
New York City	279,791,477,839	304,721,872,278	490,816,324,579	1.7%	10.0%	75.4%
Statewide	806,458,242,782	899,829,891,537	1,433,392,596,457	2.2%	9.8%	77.7%
Inflation (CPI-U)				2.5%	2.5%	28.1%

## Overall Combined Full Value Tax Rate by County, 1995-2005

County	Full Value Tax Rate			Average Annual Percent Change		Total Change 1995-2005
	1995	2000	2005	1995-2000	2000-2005	
Albany	25.39	29.06	30.40	2.7%	0.9%	19.7%
Allegany	37.91	37.85	49.07	0.0%	5.3%	29.5%
Broome	33.93	39.82	43.70	3.3%	1.9%	28.8%
Cattaraugus	33.53	33.24	38.81	-0.2%	3.1%	15.7%
Cayuga	26.65	28.74	34.69	1.5%	3.8%	30.2%
Chautauqua	37.95	32.33	37.37	-3.2%	2.9%	-1.5%
Chemung	31.68	32.60	35.25	0.6%	1.6%	11.3%
Chemango	37.51	40.34	45.48	1.5%	2.4%	21.2%
Clinton	25.53	26.73	32.76	0.9%	4.2%	28.3%
Columbia	21.43	26.24	25.18	4.1%	-0.8%	17.5%
Cortland	30.63	33.21	42.21	1.6%	4.9%	37.8%
Delaware	23.21	25.15	28.11	1.6%	2.3%	21.1%
Dutchess	24.44	28.21	22.80	2.9%	-4.2%	-6.7%
Erie	33.55	34.10	34.74	0.3%	0.4%	3.5%
Essex	18.63	20.48	22.68	1.9%	2.1%	21.7%
Franklin	26.17	27.50	31.26	1.0%	2.6%	19.5%
Fulton	32.50	35.92	39.64	2.0%	2.0%	22.0%
Genesee	32.56	33.56	39.59	0.6%	3.4%	21.6%
Greene	22.01	25.92	28.71	3.3%	2.1%	30.4%
Hamilton	13.42	13.30	14.68	-0.2%	2.0%	9.4%
Herkimer	23.44	25.35	27.75	1.6%	1.8%	18.4%
Jefferson	25.71	27.20	29.71	1.1%	1.8%	15.5%
Lewis	27.49	28.80	31.81	0.9%	2.0%	15.8%
Livingston	29.19	31.11	34.56	1.3%	2.1%	18.4%
Madison	27.71	31.63	36.46	2.7%	2.9%	31.6%
Monroe	31.77	34.02	39.58	1.4%	3.1%	24.6%
Montgomery	36.82	38.68	49.04	1.0%	4.9%	33.2%
Nassau	30.37	31.10	26.10	0.5%	-3.4%	-14.1%
Niagara	33.17	36.32	41.96	1.8%	2.9%	26.5%
Oneida	31.12	35.34	37.88	2.6%	1.4%	21.7%
Onondaga	35.10	35.81	38.58	0.4%	1.5%	9.9%
Ontario	26.27	29.34	31.08	2.2%	1.2%	18.3%
Orange	26.76	30.52	27.25	2.7%	-2.2%	1.8%
Orleans	34.16	35.90	43.67	1.0%	4.0%	27.8%
Oswego	30.00	29.23	41.81	-0.5%	7.4%	39.4%
Otsego	26.09	28.31	29.05	1.6%	0.5%	11.3%
Putnam	26.53	28.53	23.51	1.5%	-3.8%	-11.4%
Rensselaer	29.78	34.12	37.36	2.8%	1.8%	25.5%
Rockland	31.78	32.86	27.48	0.7%	-3.5%	-13.5%
St Lawrence	30.10	29.95	36.49	-0.1%	4.0%	21.2%
Saratoga	24.44	26.82	25.27	1.9%	-1.2%	3.4%
Schenectady	31.81	35.25	39.79	2.1%	2.5%	25.1%
Schoharie	26.53	31.27	38.15	3.3%	4.1%	43.8%
Schuyler	27.91	25.80	31.50	-1.6%	4.1%	12.9%
Seneca	26.44	28.37	38.04	1.4%	6.0%	43.9%
Steuben	30.75	31.84	37.36	0.7%	3.2%	21.5%
Suffolk	30.28	27.90	19.54	-1.6%	-6.9%	-35.5%
Sullivan	28.81	34.37	35.08	3.6%	0.4%	21.8%
Tioga	29.81	32.33	34.87	1.6%	1.5%	17.0%
Tompkins	25.78	31.37	34.56	4.0%	2.0%	34.1%
Ulster	29.65	33.21	28.74	2.3%	-2.9%	-3.1%
Warren	18.90	19.99	19.69	1.1%	-0.3%	4.1%
Washington	28.10	28.50	34.34	0.3%	3.8%	22.2%
Wayne	31.02	32.69	40.69	1.1%	4.5%	31.2%
Westchester	30.10	28.50	22.37	-1.1%	-4.7%	-25.7%
Wyoming	27.16	26.68	30.05	-0.4%	2.4%	10.6%
Yates	24.26	26.83	25.96	2.0%	-0.7%	7.0%
New York City	28.20	27.48	25.92	-0.5%	-1.2%	-8.1%
Statewide	29.28	29.42	26.29	0.1%	-2.2%	-10.2%
Median	29.00	30.81	34.56	1.4%	2.0%	19.6%
Inflation (CPI-U)				2.5%	2.5%	28.1%

## Measures of Ability to Pay, by County

County	Measures of Income and Housing Costs from Decennial Census, 1999								
	Full Value Per Household 2005		Household Median Income		Selected Monthly Mortgage-Paying Homeowner Expenses			Other than Real Estate Taxes	
	Amount	Index	Amount	Index	Total		Amount	% of Income	
					Amount	% of Income			
Albany	\$146,798	130	\$42,935	115	\$1,180	18.2%	\$977	15.1%	
Allegany	\$78,682	69	\$32,106	86	\$734	17.1%	\$618	14.4%	
Broome	\$84,212	74	\$35,347	95	\$895	17.0%	\$741	14.1%	
Cattaraugus	\$91,307	81	\$33,404	89	\$768	17.0%	\$646	14.3%	
Cayuga	\$96,436	85	\$37,487	100	\$921	18.8%	\$762	15.6%	
Chautauqua	\$97,661	86	\$33,458	90	\$802	17.8%	\$659	14.6%	
Chemung	\$86,020	76	\$36,415	97	\$870	18.2%	\$720	15.1%	
Chenango	\$78,219	69	\$33,679	90	\$820	17.1%	\$689	14.4%	
Clinton	\$111,333	98	\$37,028	99	\$926	17.1%	\$805	14.9%	
Columbia	\$199,507	176	\$41,915	112	\$1,099	19.1%	\$909	15.8%	
Cortland	\$85,885	76	\$34,364	92	\$894	18.9%	\$727	15.4%	
Delaware	\$180,182	159	\$32,461	87	\$825	17.4%	\$708	14.9%	
Dutchess	\$249,968	221	\$53,086	142	\$1,398	20.2%	\$1,131	16.3%	
Erie	\$94,469	83	\$38,567	103	\$1,053	19.1%	\$839	15.2%	
Essex	\$259,518	229	\$34,823	93	\$817	17.2%	\$709	14.9%	
Franklin	\$125,761	111	\$31,517	84	\$750	17.0%	\$635	14.4%	
Fulton	\$92,840	82	\$33,663	90	\$854	18.4%	\$698	15.0%	
Genesee	\$93,049	82	\$40,542	108	\$967	18.9%	\$780	15.2%	
Greene	\$188,249	166	\$36,493	98	\$991	19.2%	\$831	16.1%	
Hamilton	\$901,304	796	\$32,287	86	\$776	15.6%	\$688	13.8%	
Herkimer	\$122,533	108	\$32,924	88	\$812	17.3%	\$686	14.6%	
Jefferson	\$97,879	86	\$34,006	91	\$842	18.0%	\$718	15.4%	
Lewis	\$111,247	98	\$34,361	92	\$735	16.1%	\$639	14.0%	
Livingston	\$114,167	101	\$42,066	113	\$1,037	19.4%	\$843	15.8%	
Madison	\$109,953	97	\$40,184	108	\$967	18.8%	\$792	15.4%	
Monroe	\$113,204	100	\$44,891	120	\$1,122	19.5%	\$891	15.5%	
Montgomery	\$72,733	64	\$32,128	86	\$902	18.5%	\$738	15.1%	
Nassau	\$432,718	382	\$72,030	193	\$1,903	22.3%	\$1,430	16.8%	
Niagara	\$90,177	80	\$38,136	102	\$985	18.9%	\$788	15.1%	
Oneida	\$81,344	72	\$35,909	96	\$942	17.8%	\$768	14.5%	
Onondaga	\$104,901	93	\$40,847	109	\$1,048	18.8%	\$829	14.9%	
Ontario	\$149,256	132	\$44,579	119	\$1,076	19.4%	\$877	15.8%	
Orange	\$245,876	217	\$52,058	139	\$1,405	21.2%	\$1,115	16.8%	
Orleans	\$86,329	76	\$37,972	102	\$909	19.5%	\$732	15.7%	
Oswego	\$88,079	78	\$36,598	98	\$914	18.1%	\$782	15.5%	
Otsego	\$117,586	104	\$33,444	89	\$857	18.3%	\$724	15.5%	
Putnam	\$384,304	339	\$72,279	193	\$1,751	22.7%	\$1,340	17.4%	
Rensselaer	\$109,165	96	\$42,905	115	\$1,123	18.8%	\$911	15.3%	
Rockland	\$364,450	322	\$67,971	182	\$1,924	22.2%	\$1,458	16.8%	
St Lawrence	\$176,596	156	\$32,356	87	\$746	16.2%	\$643	14.0%	
Saratoga	\$113,317	100	\$49,460	132	\$1,200	19.3%	\$994	16.0%	
Schenectady	\$122,462	108	\$41,739	112	\$1,110	18.9%	\$886	15.1%	
Schoharie	\$105,355	93	\$36,585	98	\$916	19.2%	\$770	16.1%	
Schuyler	\$99,557	88	\$36,010	96	\$850	17.7%	\$723	15.1%	
Seneca	\$93,188	82	\$37,140	99	\$892	18.2%	\$745	15.2%	
Steuben	\$95,642	84	\$35,479	95	\$838	16.8%	\$707	14.2%	
Suffolk	\$464,396	410	\$65,288	175	\$1,663	23.3%	\$1,258	17.6%	
Sullivan	\$198,446	175	\$36,998	99	\$1,068	20.8%	\$874	17.0%	
Tioga	\$91,441	81	\$40,266	108	\$930	17.8%	\$774	14.8%	
Tompkins	\$126,659	112	\$37,272	100	\$1,094	19.2%	\$879	15.4%	
Ulster	\$207,227	183	\$42,551	114	\$1,149	19.6%	\$937	16.0%	
Warren	\$260,199	230	\$39,198	105	\$993	19.3%	\$844	16.4%	
Washington	\$122,296	108	\$37,668	101	\$909	19.3%	\$751	15.9%	
Wayne	\$114,516	101	\$44,157	118	\$1,020	19.8%	\$823	16.0%	
Westchester	\$441,274	390	\$63,582	170	\$2,372	21.8%	\$1,803	16.6%	
Wyoming	\$106,433	94	\$39,895	107	\$865	18.7%	\$721	15.6%	
Yates	\$167,239	148	\$34,640	93	\$831	19.0%	\$686	15.7%	
New York City	\$162,437	143	\$38,293	102	\$1,562	22.2%	\$1,438	20.4%	
Statewide	\$203,120		\$43,393		\$1,357	20.4%	\$1,120	16.8%	
Median	\$113,260		\$37,380		\$928	18.8%	\$777	15.4%	

## Alternative Measures of Overall Property Tax Burden, by County

County	Levy Per Capita, 2005		Levy Per Household, 2005		Levy Per \$1000 of Personal Income, 2005		Median Real Estate Taxes Paid, 1999	
	Amount	Index	Amount	Index	Amount	Index	Amount	% Median Income
Albany	\$1,802	120	\$4,462	112	\$45.57	86	\$2,440	5.7%
Allegany	\$1,375	92	\$3,861	97	\$62.45	117	\$1,398	4.4%
Broome	\$1,503	100	\$3,680	93	\$51.24	96	\$1,843	5.2%
Cattaraugus	\$1,364	91	\$3,544	89	\$50.46	95	\$1,461	4.4%
Cayuga	\$1,248	83	\$3,345	84	\$44.64	84	\$1,903	5.1%
Chautauqua	\$1,449	96	\$3,649	92	\$57.67	108	\$1,720	5.1%
Chemung	\$1,181	79	\$3,032	76	\$43.21	81	\$1,803	5.0%
Chenango	\$1,367	91	\$3,557	89	\$53.27	100	\$1,575	4.7%
Clinton	\$1,311	87	\$3,648	92	\$48.11	90	\$1,447	3.9%
Columbia	\$1,956	130	\$5,023	126	\$61.79	116	\$2,284	5.4%
Cortland	\$1,347	90	\$3,625	91	\$53.22	100	\$2,004	5.8%
Delaware	\$2,062	137	\$5,065	127	\$79.29	149	\$1,407	4.3%
Dutchess	\$1,934	129	\$5,700	143	\$53.36	100	\$3,202	6.0%
Erie	\$1,335	89	\$3,282	83	\$39.79	75	\$2,573	6.7%
Essex	\$2,274	151	\$5,886	148	\$86.38	162	\$1,296	3.7%
Franklin	\$1,382	92	\$3,932	99	\$61.29	115	\$1,377	4.4%
Fulton	\$1,452	97	\$3,681	93	\$51.78	97	\$1,867	5.5%
Genesee	\$1,405	94	\$3,684	93	\$49.43	93	\$2,246	5.5%
Greene	\$2,006	133	\$5,404	136	\$68.70	129	\$1,915	5.2%
Hamilton	\$5,979	398	\$13,230	333	\$205.95	386	\$1,056	3.3%
Herkimer	\$1,370	91	\$3,400	85	\$54.18	102	\$1,510	4.6%
Jefferson	\$1,045	70	\$2,908	73	\$36.82	69	\$1,485	4.4%
Lewis	\$1,338	89	\$3,539	89	\$57.92	109	\$1,155	3.4%
Livingston	\$1,348	90	\$3,946	99	\$50.77	95	\$2,334	5.5%
Madison	\$1,444	96	\$4,009	101	\$50.04	94	\$2,106	5.2%
Monroe	\$1,746	116	\$4,471	112	\$46.75	88	\$2,768	6.2%
Montgomery	\$1,450	97	\$3,567	90	\$49.70	93	\$1,966	6.1%
Nassau	\$3,772	251	\$11,295	284	\$67.04	126	\$5,677	7.9%
Niagara	\$1,524	101	\$3,784	95	\$52.26	98	\$2,359	6.2%
Oneida	\$1,187	79	\$3,081	77	\$42.30	79	\$2,083	5.8%
Onondaga	\$1,594	106	\$4,047	102	\$46.94	88	\$2,633	6.4%
Ontario	\$1,719	114	\$4,638	117	\$53.75	101	\$2,386	5.4%
Orange	\$2,076	138	\$6,699	168	\$65.20	122	\$3,476	6.7%
Orleans	\$1,312	87	\$3,770	95	\$55.78	105	\$2,125	5.6%
Oswego	\$1,354	90	\$3,682	93	\$53.44	100	\$1,587	4.3%
Otsego	\$1,273	85	\$3,416	86	\$50.17	94	\$1,598	4.8%
Putnam	\$2,938	196	\$9,035	227	\$67.18	126	\$4,938	6.8%
Rensselaer	\$1,585	106	\$4,078	103	\$49.10	92	\$2,543	5.9%
Rockland	\$3,161	210	\$10,015	252	\$67.94	127	\$5,591	8.2%
St Lawrence	\$1,238	82	\$3,401	85	\$53.33	100	\$1,241	3.8%
Saratoga	\$1,640	109	\$4,462	112	\$46.76	88	\$2,478	5.0%
Schenectady	\$1,818	121	\$4,509	113	\$51.48	97	\$2,688	6.4%
Schoharie	\$1,750	116	\$4,672	117	\$66.51	125	\$1,754	4.8%
Schuyler	\$1,255	84	\$3,319	83	\$50.17	94	\$1,522	4.2%
Seneca	\$1,364	91	\$3,787	95	\$50.67	95	\$1,765	4.8%
Steuben	\$1,413	94	\$3,573	90	\$48.60	91	\$1,567	4.4%
Suffolk	\$2,887	192	\$9,001	226	\$67.82	127	\$4,864	7.5%
Sullivan	\$2,530	168	\$6,962	175	\$83.98	158	\$2,324	6.3%
Tioga	\$1,220	81	\$3,188	80	\$44.22	83	\$1,877	4.7%
Tompkins	\$1,592	106	\$4,378	110	\$55.02	103	\$2,575	6.9%
Ulster	\$2,211	147	\$5,955	150	\$73.67	138	\$2,543	6.0%
Warren	\$2,023	135	\$5,123	129	\$64.04	120	\$1,784	4.6%
Washington	\$1,502	100	\$4,200	106	\$61.63	116	\$1,895	5.0%
Wayne	\$1,733	115	\$4,659	117	\$59.92	112	\$2,364	5.4%
Westchester	\$3,532	235	\$9,776	246	\$56.36	106	\$6,826	10.7%
Wyoming	\$1,109	74	\$3,199	80	\$45.00	84	\$1,732	4.3%
Yates	\$1,589	106	\$4,342	109	\$68.60	129	\$1,741	5.0%
New York City	\$1,570	104	\$4,210	106	\$37.06	70	\$1,492	3.9%
Statewide	\$2,022		\$5,341		\$48.32		\$2,847	6.6%
Median	\$1,502		\$3,977		\$53.30		\$1,909	5.2%

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### *Notes on Data*

OSC collects data from counties, cities, towns, villages and special districts (including fire districts) on tax levies and assessed valuation. Counties, cities and villages must file levy and assessment information to OSC to ensure that these entities do not exceed their constitutional tax limits, and town information on those items is provided to OSC on towns and special districts through a separate survey of counties. OSC collaborates with the State Education Department (SED) and the Office of Real Property Services (ORPS) to collect data on school district levies as well. The data thus collected, along with equalization rate information from ORPS, allowed OSC to conduct most of the analysis in this report. Annually, OSC compiles these data to produce its *Overlapping Real Property Tax Rates and Levies* tables, available on the OSC website at: [www.osc.state.ny.us/localgov/orptbook/taxrates.htm](http://www.osc.state.ny.us/localgov/orptbook/taxrates.htm). The county tables in this report differ slightly from the county summaries in these tables, due to treatment of school districts that overlap county boundaries.

OSC also collects data on revenue and expenditures, along with other items, for all classes of government. This information is presented in its *Financial Data for Local Governments* series, at [www.osc.state.ny.us/localgov/datanstat/findata/index\\_choice.htm](http://www.osc.state.ny.us/localgov/datanstat/findata/index_choice.htm).

Legally, as well as practically, STAR is a component of the school property tax levy. In fact, the value of STAR exemptions cannot even be known until the school property tax is levied (because its calculation is dependent on the tax rate). As such, STAR reimbursements have always been included in the property tax levy data published by the State Comptroller's Office and other State agencies. However, STAR revenues are deducted in a number of comparisons, including the interstate property tax comparisons as well as (where specifically indicated) other data presented in this report.

In addition to OSC's own data sources, this report made use of data collected by the following Federal entities and other sources:

- Bureau of Labor Statistics (BLS):
  - Inflation rate (consumer price index – all urban consumers)
- Bureau of Economic Analysis (BEA):
  - Personal income by county through 2003, estimates of 2004 and 2005 derived from Statewide numbers through first quarter of 2005
- Census Bureau county-level data, decennial census:
  - Number of households, 2000
  - Median income, 1999
  - Median household costs, 1999
  - Median real estate taxes paid, 1999
  - Population 2000 (also estimates for 2004)
- Rockefeller Institute: Rankings of tax burden per \$100 of personal income (converted to \$1,000 of personal income) and per capita computed from Census and BEA data



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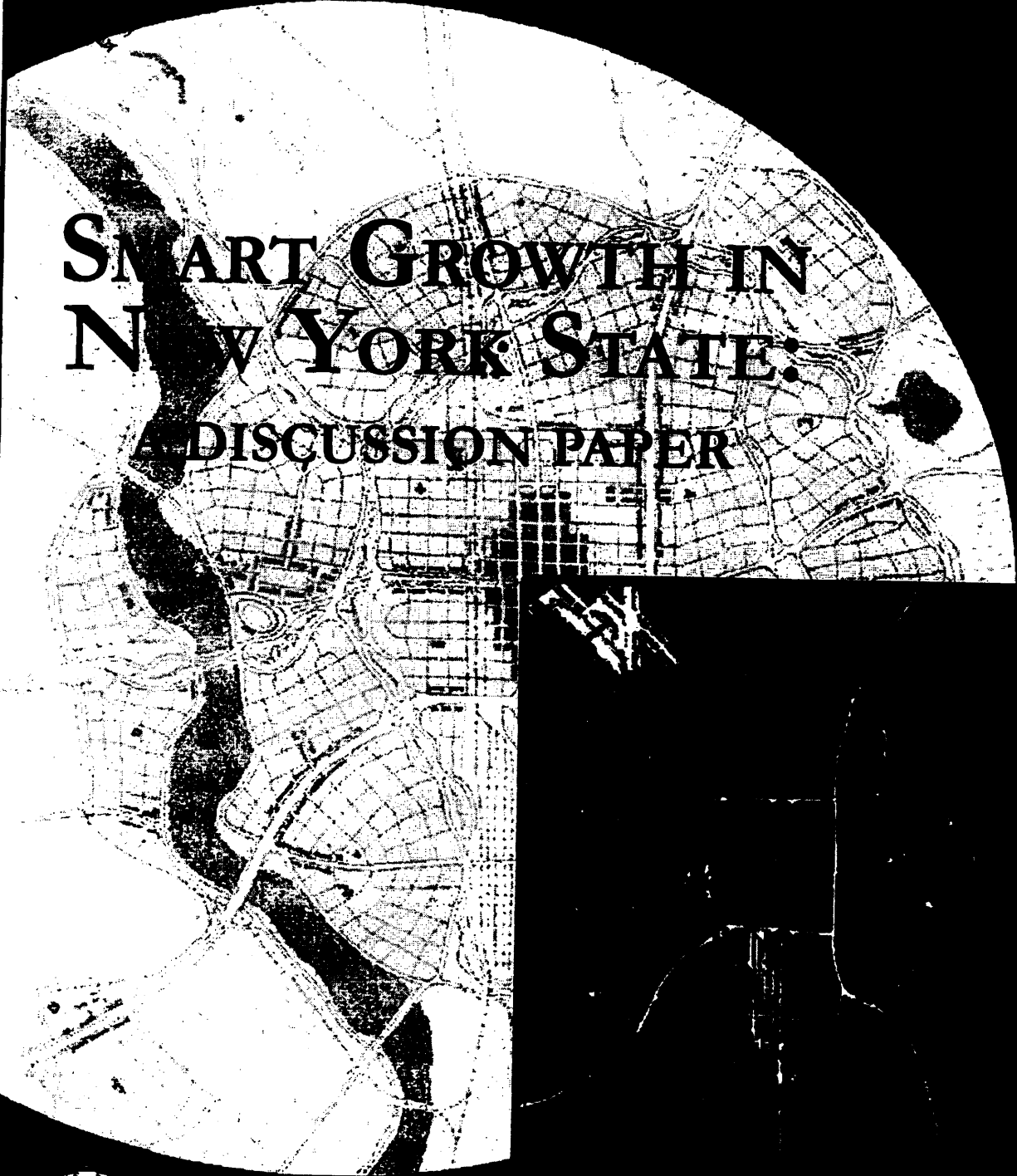
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OFFICE OF THE NEW YORK STATE COMPTROLLER



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& ECONOMIC DEVELOPMENT

A large, stylized map of New York State is the central focus. The map is rendered in a high-contrast, black and white, grid-like pattern, resembling a technical drawing or a map with a coordinate system. It is set against a dark, almost black background. The map shows the outline of the state and internal regional divisions.

**SMART GROWTH IN  
NEW YORK STATE:  
A DISCUSSION PAPER**



Alan G. Hevesi

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## Introduction

“Smart growth” is a frequently used term that is often defined in different ways by different people. It is hard to argue with the core idea of smart growth – that there are connections between development patterns and our quality of life, economy and environment, and that growth should improve rather than harm our communities. However, as a discussion progresses toward more specific definitions and policies, there can be many points of contention.

For example, many define smart growth as directing development to existing communities, while discouraging continuing development in outlying areas. Others would not support this goal, or would differ over how to implement it. Another common definition of smart growth is that it is more town-centered, more pedestrian- and transit-oriented, and provides a greater mix of housing, commercial and retail uses than current development patterns do. The smart growth movement, in other words, is premised on dissatisfaction with current development practices. Ironically, dissatisfaction is sometimes greatest in growing and economically successful areas.

This paper is intended to help stimulate a vigorous debate on smart growth in New York State by providing a general background and helping to define major issues. New York has a unique urban and natural heritage, and a rich diversity of communities, many of which need to be brought back to a healthy condition. These resources need to be conserved and developed wisely, in an economically sustainable and environmentally sound manner.

Most of our cities – the traditional population, business and cultural centers – are losing people and jobs, and serious fiscal, economic and social problems result. At the same time, many other communities are experiencing rapid and often unwanted growth and development. Much of this new development is low-density and occurs at the fringe of settled areas, consuming forest and farmland. A recent study on Upstate New York found that this pattern of sprawl is accelerating even as population growth slows, and that it is undermining the region’s quality of life and economic health.

Because growth occurs across municipal borders, many smart growth principles involve regional planning and solutions. These solutions may be difficult to achieve given the fragmented structure of land use, transportation, and economic development planning, as well as the tendency for local governments to compete for relative advantage. In other states where reforms have been implemented, state governments have played a leading role in promoting change. While it is true that positive initiatives are taking place in many communities across New York State, there are also many problems. Without major changes in approach, development will continue in the current sprawling pattern.

To say that choices made today have ramifications extending far into the future is a platitude, but it is nonetheless true, and it is particularly true of land use and development decisions. Given current economic and fiscal challenges, the temptation is to view any development as positive, and some may think that smart growth is an issue New York State should focus on later. This thinking misses the point that smart growth is an economic and fiscal issue, as much as it is a quality of life and environmental issue.

*Smart growth is an economic and fiscal issue, as much as it is a quality of life and environmental issue.*

Local fiscal conditions are driven by local tax bases and service needs, both of which are heavily affected by the type of development that occurs. Development patterns drive the creation and maintenance of public infrastructure, and the efficiency of transportation and government services. Economic growth is dependent, among other things, on the availability of property for occupation or development, transportation systems, and local taxes. Business location decisions have also long been known to be influenced by quality of life, as well as the availability of a good workforce. Given these interrelationships, the question is not whether governments can afford to focus on smart growth – it is whether they can afford not to.

Many states, including some of our neighbors, have developed aggressive smart growth agendas. Certainly aspects of smart growth will differ from community to community, and few, if any, would suggest that there should be a standardized approach. That proposition, however, should not be used to argue against state-level action. In fact, it is generally held that state-level leadership and actions are needed to successfully counter current sprawling growth patterns, as well as to effectively address various other smart growth issues. To develop a successful approach here, New York State must address what smart growth is, as well as what it is not.

### **Sprawl and the Need to Guide Development**

Two million square feet of retail space, 300 miles of new roads and hundreds of houses have been built in the newer suburbs of Monroe County in the past five years, even though the population has remained virtually unchanged. This has left Rochester and its older suburbs with two million square feet of vacant retail space and empty homes while Monroe County residents commute an extra 3,000 miles per family per year and pay higher taxes for the roads on which they commute.<sup>1</sup>

Over a period of 35 years, Clifton Park in Saratoga County has gone from a rural town to one where two-thirds of the land is covered by homes, schools, highways and shopping centers. Interstate Route 87 (the “Northway”) is the major commuting route linking Clifton Park to Albany. Despite lane additions, the route is plagued by daily traffic jams and seemingly never-ending construction projects. This commute – which should be a 30-minute drive – often takes more than an hour. The growth in Clifton Park which has spurred a variety of responses from the Town, including a building moratorium and an open space plan is in stark contrast with the situation in the City of Albany, where a recent survey revealed 800 vacant buildings.

Monroe County and Clifton Park are not anomalies. This continuing dispersion of population and development – “sprawl” as it is termed – has become a national issue. All over the country there are suburban towns and rural communities experiencing rapid development at the same time the population in central cities and older inner-ring suburbs declines. Rapid and sometimes haphazard growth can create a number of problems in the places where it occurs, as does the loss of population and abandonment of properties in other areas. State and local taxes pay for new sewers and roads at the same time existing infrastructure is underutilized elsewhere, and fiscally depressed areas look to the State for assistance. Vacant residential, commercial and industrial properties are eyesores that have a variety of negative economic, fiscal, social and environmental impacts.

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<sup>1</sup> City of Rochester website (<http://www.cityofrochester.gov/mayor/sprawls/reality.htm>); this data is from 1998, and the trends may have even accelerated since that time.

For cities – the historic population, business, educational and cultural centers – a spiral of decline can develop as population and businesses leave. This pattern often results in city governments without resources sufficient to support public infrastructure or the needs of remaining residents. However, some of the greatest concerns about sprawl exist among residents of growing suburban and rural communities, where continuing, poorly planned development can damage the quality of life.

In growing areas, sprawl causes transportation problems, environmental degradation, increasing local taxes for expanded services (particularly schools), and the loss of farmland, natural areas and other open space. These pressures are being felt particularly in rapidly growing areas like the Hudson Valley, where local governments and regional organizations are looking for ways to preserve quality of life and ease transportation difficulties while promoting economic prosperity.

A recent Brookings Institution study on Upstate New York found that sprawl – defined as the continuing urbanization of forest and farmland at the fringe of metropolitan areas – is accelerating even as population growth declines, and that it is undermining the economic health and quality of life in the region. According to the study, “Sprawl has been shown fairly consistently to degrade wildlife habitat, threaten agricultural productivity, and raise the cost of public services at all levels of government.”<sup>2</sup> The study documents how Upstate land has been developed at 12 times the rate of population growth in the last two decades, and new housing units are being developed about twice as fast as new households are created. This occurs at the same time “brownfields” (environmentally compromised industrial/commercial sites), “grayfields” (empty malls, failed office complexes and other unused or underutilized commercial properties), and vacant housing all proliferate in cities and older suburbs.

*A recent Brookings Institution study on Upstate New York found that sprawl - defined as the continuing urbanization of forest and farmland at the fringe of metropolitan areas - is accelerating even as population growth declines, and that it is undermining the economic health and quality of life in the region.*

Under various names, sprawl has long been considered a local fiscal issue. Among developing bedroom communities, for example, it is an axiom that new residential development does not generally pay its own way (meaning growth in the costs of services exceeds the growth in taxable property). There are countless examples of local communities seeking to stop new residential projects, fearing both an adverse fiscal impact and erosion in the quality of life.

Sprawl is also increasingly being discussed as an economic development concern. National leaders in business and government have acknowledged this issue, as have a number of governors. Local leaders are also increasingly making smart growth an explicit part of their agenda. For example, the Nassau County Executive has also made it an integral part of his economic development agenda, saying he wants to build a county-wide consensus on smart growth.<sup>3</sup>

<sup>2</sup> “Sprawl Without Growth: the Upstate Paradox, Rolf Pental, Brookings Institution Survey Series/Center on Urban and Metropolitan Policy (October 2003), p. 2

<sup>3</sup> See for example, Nassau County Executive Thomas R. Suozzi’s 2003 State of the County address (available online at: <http://www.co.nassau.ny.us/Exec/TSindex.html>)

Big city mayors have long complained about both the fiscal and economic impacts of population and job losses associated with sprawl. The City of Buffalo, for example, raised smart growth in its four-year financial plan as a fundamental issue connected with the City's long-term financial viability, stating that "no plan to address [the City's] financial straits is complete until and unless it addresses how sprawl has contributed to [its] troubled financial condition."<sup>4</sup> Mayor Johnson of Rochester has become an outspoken advocate of smart growth policies and an equally outspoken critic of urban sprawl and the devastating effects of disinvestment on urban areas. He is also an ardent proponent of regionalism, promoting collaboration among municipalities within their regions to increase economic competitiveness.<sup>5</sup>

### Defining Smart Growth

Like many other reform terms, there is no universally accepted definition of what "smart growth" is. However, an underlying concept in almost all definitions is that new development should be planned and beneficial rather than haphazard and damaging. While smart growth is usually associated with an anti-sprawl theme, the term is also used to describe any policies or approaches that help communities develop in ways they consider positive.

Various ideas advanced under the rubric of smart growth cover a wide spectrum, ranging from rehabilitation of city, town and village centers while strictly limiting peripheral growth—to supporting any growth where the value of more development is perceived to outweigh potential negative effects. In short, everyone is *for* smart growth, but it may be defined very differently depending on the perspective of the user.

*[Smart Growth is]development that serves the economy, community, and the environment. It provides a framework for communities to make informed decisions about how and where they grow.*

- International City/County Management Association (ICMA)

The International City/County Management Association (ICMA) has offered a broad definition of smart growth, calling it "development that serves the economy, community, and the environment. It provides a framework for communities to make informed decisions about how and where they grow."<sup>6</sup> This definition provides room for many different interpretations and approaches.

A number of organizations have been formed to advance the smart growth agenda. One particularly influential group is the Smart Growth Network (SGN), which is a partnership of approximately 25 organizations (including the ICMA, which serves as the organizational "home" for the network). The network was organized in 1996, when the U.S. Environmental Protection Agency joined with several non-profit and government organizations in response to increasing community concerns about the need for new ways to grow that boost the economy, protect the environment, and enhance community vitality. The partner organizations include environmental groups, historic preservation organizations, professional organizations, developers, real estate interests, and government entities.

<sup>4</sup> City of Buffalo Original Four-Year Financial Plan," p. 45 (available at <http://www.bfsa.state.ny.us/Links.html>)

<sup>5</sup> "Metropolitan Pressure Points," Mayor William A. Johnson, Jr. *Planning Commissioners Journal* (Number 32, Fall 1998)

<sup>6</sup> *Getting to Smart Growth: 100 Policies for Implementation Smart Growth Network/ICMA* (2003), p. i. ICMA is the professional and educational organization for chief appointed managers, administrators, and assistants in cities, towns, counties, and regional entities. Established in 1914, ICMA provides technical and management assistance, training, and information resources to its members and the local government community. More information is available on its website ([icma.org](http://icma.org)).

The Smart Growth Network has promulgated ten principles for smart growth that help to define the term, at least from the perspective of its supporting organizations. According to the SGN principles, smart growth policies should:

- Strengthen and direct development toward existing communities,
- Preserve open space, farmland, natural beauty and critical environmental areas,
- Mix land uses (residential with retail and business),
- Take advantage of compact building design,
- Foster distinctive, attractive places with a strong sense of place,
- Create walkable neighborhoods,
- Provide a variety of transportation choices,
- Create a range of housing opportunities and choices,
- Encourage community and stakeholder collaboration, and
- Make development decisions predictable, fair and cost-effective.

The SGN principles are explained in great detail in a number of their publications and many examples of successful policies are provided.<sup>7</sup> A recent SGN publication stresses that successful approaches need to incorporate many of these principles and notes that many initiatives have been incorrectly characterized as smart growth in order to capitalize on the popularity of the term. Examples of this include directing growth away from certain areas without identifying parcels appropriate for development, high-density projects without a mix of uses, and large-scale revitalization without affordable housing.<sup>8</sup>

Thus, while the definition of smart growth may be somewhat in the eye of the beholder, it is generally acknowledged that there are a lot of problems to address, and that development continues to occur in ways that are not beneficial. The existence of the smart growth movement and the term itself imply that many development decisions have not been all that smart.

Smart growth is generally associated with various ways of preventing or mitigating the negative effects of sprawl, redirecting growth toward established communities and building more compact neighborhoods. While there is certainly debate on the issue, sprawl is often described as the direct result of long-standing public policies, including tax laws, highway subsidies, most zoning laws, and a system of dispersed local governments and planning. From this viewpoint, these systems are themselves the problem, and solutions require basic changes. Most zoning laws, for example, focus on minimum lot sizes, setback and parking requirements, all of which contribute to low-density development and sprawl.

Many of the seminal concepts behind smart growth were developed as part of a design movement known as “new urbanism.” The group representing this perspective – the Congress for the New Urbanism (CNU) – was one of the original members of the SGN. Founded in 1993, CNU seeks to reform all aspects of real estate development, in part by altering the way regional and local plans and land use controls affect public and privately built infrastructure. CNU views disinvestment in central cities, the spread of placeless sprawl, increasing

<sup>7</sup> A complete description of the ten principles, as well as a wealth of other information on the organization and the reference materials it provides is available from the Smart Growth Network website ([smartgrowth.org](http://smartgrowth.org)).

<sup>8</sup> Getting to Smart Growth II: 100 More Policies for Implementation, Smart Growth Network/ICMA (2003)

separation by race and income, environmental deterioration, loss of agricultural lands and wilderness, and the erosion of America's built heritage as one interrelated community-building challenge.<sup>9</sup>

An organization created by architects and designers, CNU is concerned with building design as well as patterns of development, and it seeks to address the dissatisfaction many express with the current "built environment" – including streets, neighborhood layout, public spaces, and architectural design of public and private buildings. The group promotes the creation of walkable neighborhoods that contain a diverse, balanced range of housing and jobs, and supports strong regional planning for open space and appropriate architecture and planning.

In many ways, CNU is more specific than SGN in describing what sort of growth is consistent with new urbanist principles. For example, CNU does not support new projects that are gated, lack sidewalks, or have a tree-like street system, rather than a grid network. They believe that projects should connect well with surrounding neighborhoods, developments, or towns, while also protecting regional open space, and they rule out "single-use" projects that are just housing, just retail, or just office. Under CNU principles, various types of buildings should be seamlessly integrated, from different types of housing, to workplaces, to stores. Projects should have a neighborhood center within that is an easy and safe walk from all dwellings in the neighborhood. Buildings should be designed to make the street feel safe and inviting, by having front doors, porches, and windows facing the street – rather than having a streetscape of garage doors. Neighborhoods should include formal civic spaces and squares. Finally, CNU urges a "popsicle test" – meaning that an eight-year-old should be able to safely bike to a store to buy a popsicle.

Rather than approaching every new real estate development as a separate entity, CNU and others advocate planning neighborhoods and taking steps to ensure that new development is appropriately connected to the existing town layout, and meets certain standards. This is sometimes referred to as traditional neighborhood development, or TND. The "rules" include that a neighborhood should be laid out on a network (often a grid) that provides alternative routes to every destination. Streets within a neighborhood are to be suitably narrow and provide for parking, trees and sidewalks. There should be a mixture of large and small dwellings, outbuildings and shops and offices, all of which are compatible in size and disposition on their lots. Civic buildings for education, community meetings, religion and culture should serve as landmarks by being located at public squares and the termination of street vistas.

In essence, TND advocates a return to standards of neighborhood construction that preceded the almost complete reliance on automotive transportation that is now the rule in many suburban communities. In a TND neighborhood, walking is a viable alternative, and children and others can go about daily tasks without being dependent on automobile transportation.

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<sup>9</sup> A complete description of this organization is available on its website ([cnu.org](http://cnu.org)), from which this extract is drawn. Another useful source for understanding the concepts advanced by the organization is *The New Urbanism: Toward an Architecture of Community*, by Peter Katz, Vencine Scully Jr. (McGraw-Hill, 1993)

It must be pointed out that in many ways current building codes, zoning ordinances and transportation standards conflict with this type of development. Minimum lot sizes and setbacks required by zoning laws are a prime example, as are prohibitions on mixing residential and commercial uses. Traffic engineers have also long focused on safety as being related to the width of roadways and the absence of trees or other objects with which vehicles can collide. However, there is growing evidence that wider roads in residential areas are actually less safe, because they encourage speeding. "Traffic calming" is a term referring to techniques that help slow traffic (such as narrower, treed streets with sidewalks) and situations that make for a more pedestrian-friendly environment (such as sharp angles, rather than rounded turns at four-way intersections).

A variety of books have been written on the concepts advanced by the new urbanists. One of the most popular is *Suburban Nation*<sup>10</sup> written by architects Andres Duany, Elizabeth Plater-Zyberk, and Jeff Speck. This book provides a compelling narrative, describing how current land use and building practices have produced sprawling residential subdivisions that are economically and environmentally unsustainable. The authors contend that such development patterns have destroyed the traditional concept of neighborhood, eroding safety, citizenship and other values. The impact of complete automobile dependence that is a consequence of the way developments have been built is described, including social isolation, the necessity of driving children to every event, bored teenagers, stranded elderly, and weary commuters. The once common pleasure of meeting neighbors on the street is much less likely when every outing requires a car trip (and the likelihood of running into people you know at a regional mall is much lower).

James Kunstler is another influential author who has written several books indicting current land use, transportation and building practices. Kunstler describes a "tragic landscape of highway strips, parking lots, housing tracts, mega-malls, junked cities, and ravaged countryside" that is "not simply an expression of our economic predicament, but in large part a cause."<sup>11</sup> While Kunstler's contentions are fervent, he is not alone in his thinking. His books have struck a chord among a large group of people who are looking for a more pleasant physical environment and a restored sense of community.

### Smart Growth and Regionalism

Because sprawl occurs across metropolitan areas with many different local governments, smart growth is often associated with regionalism, or ways to foster cooperation around shared regional goals. Many of the major smart growth concepts, such as that growth should be directed to existing communities, involve regional planning and solutions. The fragmented structure of local land use regulation is a fundamental challenge to a true, regional smart growth agenda, as is the natural tendency for local governments to compete for relative advantage.

Most local governments rationally want to maximize their tax base and minimize their service needs, and these specific goals often supersede regional concerns. Many communities, for example, do not want high-density or affordable housing constructed within their borders, fearing that this type of growth will cost more in services

<sup>10</sup> *Suburban Nation: The Rise of Sprawl and the Decline of the American Dream*, Andres Duany, et al; North Point Press (April

<sup>11</sup> *The Geography of Nowhere*, James Howard Kunstler, Simon and Schuster (1993). See also, *Home from Nowhere* Simon and Schuster (1996).

than it will produce in tax revenues or detract from a perception of exclusivity. The question for an individual local government often is not whether there is an adequate supply of such housing available within the region – it is whether such development should take place within its borders. One of the primary results of urban flight and sprawl is the mismatch between need and fiscal capacity in cities and other core communities.

Regional solutions, however, are often as much about efficiency as equity. A 2001 report from a University at Buffalo professor, *Regionalism on Purpose*, describes mushrooming interest in regionalism to deal with border-crossing problems including sprawl, sluggish economies, uncoordinated land use policy, environmental decline, and intraregional inequities in housing, education and fiscal capacity. The report describes the history of regionalism, as well as the philosophical, political, and practical challenges, using case studies of the major efforts around the country.<sup>12</sup>

In a “home rule” state such as New York, with land use planning and control powers disbursed among more than 1600 municipalities, it can be very difficult to develop regional solutions to sprawl and other smart growth issues. The complex local government structure found in New York and other Northeastern states may have made sense at the time it was designed, when cities were the population centers, and the natural economic and social communities were generally encompassed within a single municipality. In today’s environment, where the vast majority of people live and work within metropolitan areas encompassing many local governments, and where economic, fiscal, social, transportation and environmental issues all cross municipal borders, it is evident that regional solutions are needed for many problems.

While there are many examples of cooperation among local governments, there is also a tendency to compete, and it is important to understand the pressures facing local decision makers in considering the ways that regional smart growth goals can be achieved.

A recent book from two prominent New York State academics, *Regionalism and Realism*, examines the history of state and local governments in the tri-state region, analyzing various approaches to regionalism. Among the book’s major conclusions is that acting regionally is almost always up to state (not local) governments. Only state governments, it is noted, can “control both the political and financial incentives and disincentives that can influence whether local jurisdictions collaborate or go it alone.”<sup>13</sup>

Many smart growth principles cannot be implemented piecemeal in each municipality, and encouragement alone is simply not enough to promote systemic change. Successful smart growth initiatives often need at least a regional focus, and usually state-level changes are necessary in order to significantly alter current patterns of development. A subsequent section of this report discusses reforms taking place in other states.

## Points of Contention

Smart growth has many proponents, but it also has its share of critics. Even among those who support smart growth as a concept, there are many differences in approach.

<sup>12</sup> *Regionalism on Purpose*, Kathryn A. Foster, Lincoln Institute of Land Policy (2001)

<sup>13</sup> *Regionalism and Realism*, Gerald Benjamin and Richard P. Nathan, A Century Foundation Book, Brookings Institution Press (2001), page 259.

A major criticism of smart growth is that it seeks to substitute a certain set of judgments for the natural products of free enterprise and local control, which ultimately reflect the choices of citizens with regard to where and how they live, work and travel. Another argument has been that smart growth proponents are unrealistic and that the policies they advocate and the type of development they wish to encourage are simply not possible on a large scale, given current economic and social realities, and the need to accommodate continuing population growth.

For example, a recent academic study concurs that sprawl is ubiquitous and continues to expand (in agreement with smart growth advocates). The authors conclude, however, that rather than being the result of government policies or poor planning, sprawl is the “inexorable product of car-based living [and] the primary social problem associated with sprawl is the fact that some people are left behind because they do not earn enough to afford the cars that this form of living requires.”<sup>14</sup> Some argue that suburbanization is, in fact, an effective “congestion reduction mechanism” that shifts road and highway demand away from densely developed inner cities.<sup>15</sup>

It is inarguable that sprawl is a result of choices made by citizens in the automobile age. On the other hand, real estate development occurs under rules specified by three levels of governments, and development decisions can therefore hardly be said to occur in a free market. For example, subsidized highway construction and national energy policy are major causative factors in current “autocentric” development patterns.

It should be pointed out that choices made in a market situation show only what people prefer among the available alternatives. Real estate developers (i.e., the creators of the choices) are striving to maximize profits within an environment defined by government policies. Most land use controls prohibit high density development or mixed use at the same time that endless outward expansion is not only allowed, but subsidized by debt-funded highway projects and other public infrastructure. In this environment, sprawling growth will occur. In fact, under the zoning regulations found in most growing areas, it is all but impossible to build the compact traditional neighborhoods that were the accepted pattern for growth in the earlier part of the 20<sup>th</sup> Century.

Smart growth advocates point to the high market values of either well-preserved traditional neighborhoods or newly constructed communities following traditional neighborhood design principles as evidence that this type of development would be preferred by many – if only it could be built. From this standpoint, the struggle is not to change preferences, but to change the land use regulation and development system in ways that would allow such choices to be made available to consumers.

At least one survey by a market research firm has found that homebuyers are not satisfied with the type of development currently found in conventional suburbs, and would prefer the town model typical of pre-1950 development patterns (i.e., traditional neighborhood design). For example, by large majorities, consumers preferred a town center surrounded by a village green, shops and civic buildings, narrow streets in a grid pattern, and a less automobile-centered environment.<sup>16</sup>

<sup>14</sup> *Sprawl and Urban Growth*, Edward L. Glaeser and Matthew E. Kahn (May 2003). NBER Working Paper No. W9733. (<http://ssrn.com/abstract=412880>)

<sup>15</sup> *Alternatives to Sprawl*, Lincoln Institute of Land Policy (1995); available online at: (<http://www.lincolnst.edu/pubs/pub-detail.asp?id=864>)

<sup>16</sup> *Why Smart Growth - A Primer*, International City/County Management Association, p. 25 ([http://www.epa.gov/livability/pdf/WhySmartGrowth\\_bk.pdf](http://www.epa.gov/livability/pdf/WhySmartGrowth_bk.pdf))

Another fundamental conflict is whether regional choices should supersede local choices. There are many regional efforts consisting of cooperative, often voluntary efforts that many would argue are quite successful. It is also extremely difficult for any level of government or community to cede powers currently held. There are strong philosophical underpinnings to this issue. As described in *Regionalism on Purpose*, regionalism faces “the classic dilemma of a diverse and democratic society: how to realize the common good while safeguarding individual freedoms.” In this context, “individual freedom” is that of individual municipalities being in control of their destinies (even if this limits the ability of the region as a whole to shape its destiny).

Academic studies, as well as public leaders, have often concluded that because of this conflict, as well as political and practical realities, that the most productive direction for the State to take on regionalism is to encourage regional cooperation, possibly through financial incentives.

## Land Use Regulation

In New York State, virtually all land use *regulation* takes place at the municipal level (i.e., in a city, village or town government).<sup>17</sup> Land use *planning* is also primarily a municipal function. While State law provides for certain planning functions at the county or regional level, these mechanisms are largely advisory, whereas municipal planning is directly related to land use regulation.

The most common method of municipal land use control is to adopt “zoning” laws, which regulate the use of land by area or district, including the type of development that can occur (e.g. residential or commercial), as well as the density of such development (multifamily vs. single family, acres per building lot, etc.) and the siting requirements (building height, access, parking requirements, etc.).

Zoning is typically implemented through two components: a zoning map and zoning regulations. The map divides a municipality into various land use districts, such as residential, commercial, and industrial or manufacturing (or even more specific designations such as high-, medium-, and low-density residential, general commercial, highway commercial, light-industrial, heavy-industrial, etc.). Zoning regulations commonly describe the permissible land uses in the various zoning districts on the map and also include dimensional standards for each district, such as building heights, minimum lot sizes and distances (setbacks) from buildings to property lines and/or the street, as well as the steps necessary for approval of certain types of use. For example, a single family home may be permitted “as-of-right” in a low-density residential zoning district, meaning no further approvals are needed as long as the basic requirements are met (other than a building or zoning permit). For other types of properties (usually larger and more complex, such as shopping centers, office or apartment complexes), or subdivisions (plans to subdivide and develop larger parcels of land), additional procedures and reviews are typically required.

<sup>17</sup> The State Constitution (Article IX, Section 2) as well as various enabling statutes, gives individual city, town and village governments the power to control land use, including the power to decide whether to control use and to determine the nature of the controls. While a comprehensive examination of land use regulation is beyond the scope of this report, an excellent description, including the legal basis for these powers, can be obtained in the *Local Government Handbook (5th Edition)*, published by the NYS Department of State (January 2000) and available online ([www.dos.state.ny.us/lgsa/pdfs/Handbook.pdf](http://www.dos.state.ny.us/lgsa/pdfs/Handbook.pdf)).

Local governments are empowered to create planning boards, to which planning and regulatory matters can be referred prior to action by municipal legislative bodies. For example, planning boards often play an important advisory role in preparing and amending comprehensive plans, zoning regulations and long-range capital programs. Certain regulatory functions such as subdivision approval and site plan review (e.g., of the layout and design of a shopping center, apartment complex, or office building) can also be delegated to planning boards.

State law provides for municipalities to prepare and amend a comprehensive plan, which generally forms the foundation for land use controls. Since each municipality chooses its own approach to land use regulation, the form of each plan will be unique. Some plans consist of only a few pages, while others are thick volumes with heavily detailed maps and illustrations. Professional planning firms are often used to help carry out this function.

Comprehensive planning is not required, but has been broadly promoted by State government as an invaluable tool for communities because it can provide a basis for all local efforts to guide development of the built environment, as well as preservation of natural areas and open space. This includes land use controls where they are imposed, but also public investments in roadways, sidewalks, sewer and water systems, parks and other amenities. Public participation is an important component of the planning process, and can occur formally through hearings and informally through workshops and informational sessions. Comprehensive planning is a very good way to review a community's land use strategy in a smart growth context. Many communities do not have comprehensive plans (about 40 percent, according to a 1999 study<sup>18</sup>); among those that do have plans, most were prepared decades ago and are severely out of date.

There are other laws and tools that can be used to regulate and influence development, including building codes, architectural design control, historic preservation, environmental review, open space preservation, agricultural protection, and sign control.

Within the context of a zoning law, there are also a variety of alternative techniques available (i.e., other than dividing a community into various use districts via a map). These include the following:

- Cluster zoning – a variation of traditional subdivision approval that allows higher density construction within a portion of a property being subdivided.
- Incentive or bonus zoning – allows developers to exceed dimensional, density or other limitations of zoning regulations in exchange for providing various amenities such as a park or plaza.
- Planned unit development (PUD) – a zoning technique that provides for development of a large tract of land as a “unit” that allows mixed use and density within a single area).
- Floating Zones – an approach that allows definition of a zone that is not mapped, but “floats” in the abstract until a large scale development proposal is made (PUD is often a form of floating zone).

<sup>18</sup> *Land Use Planning and Regulations in New York State Municipalities: A Survey*, NYS Legislative Commission on Rural Resources (1999). According to this report, 84 percent of cities; 58 percent of towns and villages; and 59 percent of all municipalities have written comprehensive plans.

- Performance zoning – this form of regulation establishes performance standards, usually in terms of impact on the community such as traffic, noise, scenic and visual quality impacts.

Transfer of development rights is another innovative technique that can be used to help preserve areas in which development should be avoided, such as agricultural land or water supply protection areas. Under this approach, the right to develop properties in a protected area is exchanged for the ability to develop land in a target area more intensively than the law would otherwise allow. Sale of development rights is another option. For example, an agreement between the State and the International Paper Company to preserve nearly 260,000 acres in the Adirondack Park through working forest conservation easements was recently announced.<sup>19</sup>

A moratorium on development can be used to temporarily halt new land development projects while a municipality's comprehensive plan, land use regulations or both are revised. This is considered an interim development regulation to restrict development for a limited period of time (and the courts have placed strict and detailed guidelines on their use).

To many advocates, the current approach to land use control stands directly in the way of smart growth. This problem, however, has two distinct aspects, one of which is very difficult to change and another which may not be. The more difficult thing to change (because many would argue that it should not be changed) is the almost exclusive location of land use control at the lowest level of government (i.e., the municipal level), and the inherent weakness of regional planning that results. This conflict is at the heart of the smart growth/regionalism connection previously discussed. However, it is a difficult and controversial issue because the potential positive of coordinated planning (if, for example, land use decisions were subjected to greater county or regional control), is countered by the negative of weakening the powers currently enjoyed by municipalities which, it can be argued, are closer to those affected, and therefore more accountable. This is a difficult theoretical and political issue of great controversy.

However, a second and equally important aspect of land use regulation is that the majority of present zoning laws tend to reinforce sprawling growth patterns and prevent the construction of the traditional walkable, mixed-use, attractive and compact neighborhoods that smart growth advocates and new urbanists promote. This is a problem that individual communities can address on their own, and the tools to do so already exist. An aggressive statewide public information and education campaign could therefore be very effective at bringing about change.

The preponderance of current zoning laws, for example, focus on minimum lot sizes, setback and parking requirements, all of which contribute to low-density development and sprawl. These zoning techniques are often used to prevent large-scale development from taking place, or to prevent other types of development from occurring. Unfortunately, this approach to zoning is a major factor causing sprawl, because it causes developments to use more land per housing unit. Under this approach, piecemeal, developer-proposed subdivisions are the norm for new housing, and when land runs out or becomes scarce in one community, the development "leapfrogs" to further out communities.

<sup>19</sup> NYS Governor Pataki's press release of April 22, 2004 (<http://www.state.ny.us/governor/>)

While conventional zoning codes more often than not stand in the way of smart growth development, there are many creative approaches that can be used, including those described above. Planners and architects have developed new types of codes that encourage adaptable, mixed-use, pedestrian-friendly communities. Architectural reviews and other tools can be used to ensure quality construction that is consistent with a community's character.

Planned traditional neighborhood development generally will not happen under typical approaches to zoning. However, it can be accomplished using a variety of techniques such as those described above. The Smart Growth Network, for example, has compiled a library of successful zoning codes built on these and other techniques (*Smart Growth Zoning Codes*) as well as a number of other resources.

While the NYS Department of State provides a number of training opportunities and reference materials on zoning law and issues, including the creative techniques described above, none of their courses or reference manuals are directed specifically to the topic of smart growth or traditional neighborhood development.

## Smart Growth in the Empire State

A variety of activities related to smart growth have been taking place in New York for some time, and it is useful to consider these efforts in the context of thinking about what else could be done.

### Historic Preservation and Environmental Review

To the extent that it exists, the roots of smart growth planning at the State government level in New York can be traced to two significant pieces of federal legislation: (i) the National Historic Preservation Act of 1966, that required federal agencies to take into account the effects of their undertakings on historic properties, and (ii) the National Environmental Policy Act (NEPA) of 1969, that required examination of environmental impact from many points of view. It was during this era that New York State made a formal commitment to historic preservation and environmental soundness, creating the Historic Trust Office to administer a state program similar to the National Historic Preservation Act. That office later expanded to include many preservation activities and eventually became part of the State Office of Parks, Recreation and Historic Preservation (OPRHP). In 1978, the **State Environmental Quality Review Act (SEQR)** was enacted, which looks beyond historic impact and requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making.

### Improvements in Municipal, County and Regional Planning

In the 1990s, the New York State Legislative Commission on Rural Resources and its Land Use Advisory Committee successfully advocated for a series of planning reforms that included: the establishment of a statutory procedure for preparing and adopting local comprehensive plans and definitions of what those plans should contain; encouragement of coordinated planning between local jurisdictions and state agricultural districts; a statutory framework for intermunicipal cooperation in planning; and the authorization for local governments to award incentive zoning credits or bonuses to developers who provide communities with qualifying benefits.

New York's counties have the statutory power to create planning boards and prepare a county comprehensive plan. The plan should include goals, objectives, principles, policies and standards upon which proposals for immediate and long-range development of the county are based. Despite encouragement from the State to prepare comprehensive plans, fewer than half the counties in the State have such plans; many were adopted years ago and are undoubtedly out of date,<sup>20</sup> as are many municipal comprehensive plans.

In New York State, municipalities also have the authority to create regional or metropolitan planning boards. Regional councils have been created in 45 of 62 counties and are collectively represented by the New York State Association of Regional Councils (NYSARC). A regional council is another vehicle for promoting regional planning and fostering smart growth. These councils are designed to promote inter-county cooperation for common and cross-boundary issues, and to develop and execute strategies that positively contribute to the region's well-being.

The regional councils were created to provide a comprehensive planning mechanism for coordinated growth and development. This includes promoting the region, and providing services such as economic development, land use, transportation, environment and water resources management, human resources management and regional data services. However, regional councils may only suggest; they lack the statutory power to compel local governments to cooperate.

While State law does require certain municipal zoning matters be referred to county planning boards or regional planning councils where they exist, the circumstances under which this occurs are limited (generally referral occurs when a proposed zoning matter affects property within 500 feet or more of a boundary or certain highways). The municipality, moreover, can override the county or regional planning body's recommendation in most cases.

Some of the most active regional planning agencies are non-profit organizations without any statutory power. For example, the Mid-Hudson Pattern for Progress is a non-profit public policy research and planning institute that has been very active in promoting smart growth topics in the Hudson Valley. Its mission is to "preserve and promote the social, economic and natural environments of the region by building a consensus for a pattern of growth that will ensure a high quality of life through the balance of a healthy environment and a vibrant economy."<sup>21</sup>

### Quality Communities

A "Quality Communities Interagency Task Force" was formed by executive order in 2000, composed of staff from various executive branch agencies and chaired by the Lieutenant Governor. Interestingly, although the Quality Communities (QC) effort was fundamentally concerned with issues related to smart growth, the term itself was not used. The Task Force was to "study community growth in New York State and develop measures to assist those communities in implementing effective land development, preservation and rehabilitation strategies that promote both economic development and environmental protection."

The Task Force had a very broad charge, seeking to deal with issues such as revitalizing central cities, main

<sup>20</sup> A County Comprehensive Plan survey from the Department of State (January 2003) shows that only 13 counties are known to have comprehensive plans, and of these, 8 were adopted in the 1970's or before. In this survey, 17 counties stated they did not have comprehensive plans; the situation for a number of counties is unclear.

<sup>21</sup> The website for the Mid-Hudson Pattern for Progress contains a full description of the organization's activities ([pattern-for-progress.org](http://pattern-for-progress.org)).

streets and small towns; agriculture and farmland protection; conservation of open spaces and other critical environmental resources; transportation and more livable neighborhoods; and sustainable economic development. The QC Task Force issued a report<sup>22</sup> including 41 recommendations that were referred to a permanent interagency work group formed in April 2001. Most of the recommendations, however, only endorsed good practices – they did not call for changes in New York State policies or statutes to address smart growth issues.

The QC recommendations are aimed at very positive goals, such as using technology to distribute information and create development tools, promoting open space conservation, renewing agriculture, promoting shared services and encouraging sound transportation planning. There are many success stories within the recommendations, such as a pilot program to show local governments how to implement transfer of development rights.

The Quality Communities Demonstration Program, which provides grants to support planning initiatives, has benefited many communities. Other initiatives, such as the acquisition of forest and parkland, are also extremely positive, and have received greater attention as a result of being a focus of the QC effort.

However, many of the QC recommendations, while promoting positive goals, do not acknowledge that significant changes in current practices may be needed to accomplish these goals. For example, the report recommends coordination of highway improvement projects with community development plans, but it does not recommend any changes in State or local planning practices. From a smart growth perspective, there is no comprehensive transportation plan that attempts to connect road construction decisions with abandonment of downtown residential and commercial centers and the extension of suburban sprawl.

The QC working group, which is co-chaired by the Lieutenant Governor and Secretary of State, has a Quality Communities Clearinghouse web site (<http://www.dos.state.ny.us/qc/>) that refers to a variety of reference materials and funding sources, and which describes a large number of accomplishments including: cooperation and coordination among state agencies, training on planning and zoning for local officials, environmental protection measures, preservation of forest land and historic structures, and many more. Many of the accomplishments are the result of long-standing programs that are now included under the QC umbrella. QC also issues a newsletter that describes various projects and provides other relevant information.

The original Task Force report also called for the State to adopt a set of uniform “Quality Communities Principles” that all executive agencies would be directed to use as a guide for the allocation and administration of state resources. This concept is similar in approach to various recommendations from smart growth advocates, because it is believed that state actions are often either out of synch with, or even in direct opposition to, smart growth goals. However, the QC principles are all very general, and while positive, they could be said to have been in general use even before the Task Force met. The principles are:

- Revitalize our Downtowns and City Centers,
- Promote Agriculture and Farmland Protection,
- Conserve Open Space and Other Critical Environmental Resources,
- Enhance Transportation Choices and Encourage More Livable Neighborhoods,

<sup>22</sup> The report is available from the Department of State, the Lieutenant Governor’s Office, or online at: [http://www.state.ny.us/tgovdoc/cover\\_pdf.html](http://www.state.ny.us/tgovdoc/cover_pdf.html)

- Encourage Sustainable Development,
- Strengthen Intergovernmental Partnerships, and
- Help Create, Implement and Sustain the Vision of a Quality Community.

There are, of course, many improvements included within the principles and related recommendations, some of which are currently being implemented. From a smart growth perspective, however, the principles do not effectively describe either a full or a specific enough agenda (as do, for example, the Smart Growth Network principles). While some Quality Community goals are similar to SGN goals, they do not generally call for the State to make any changes that would, for example, direct growth to existing communities or take advantage of compact building design. This should not be read as a failure of the QC effort, however, as it clearly was not an explicit part of the agenda set by the Governor. In fact, the QC efforts continue to avoid use of the smart growth term, without, it might be noted, actually articulating why the term is objectionable. This approach makes it more difficult to tie into national efforts, or to promote practices that are being advanced under the heading of smart growth elsewhere.

The Smart Growth Network principles, in comparison, outline a clear smart growth agenda that would be a dramatic change from current practices. The SGN principles are used by many state, local and regional smart growth groups to help define and clarify their goals, and a variety of publications expand on the principles, providing specific policies and steps for implementation.

### Local Government Perspectives

Many local government leaders strongly support smart growth principles, but there is by no means unanimity in this regard. While smart growth initiatives can be popular, and the term is often used to describe local initiatives in a positive way, the linkage with regionalism and the contention that parochial views from local governments regulating land use are a large part of the problem tend to make it difficult for many local government officials to support smart growth in an unqualified manner.

New York's local government associations (NYCOM, NYSAC and the Association of Towns) do not track their members' smart growth initiatives, *per se*. However, they do have opinions on what the State should or should not do to help municipalities with smart growth. They are strongly opposed to any legislation that would restrict local decision-making or involve new State mandates. They argue that differing types of communities across the State require individualized approaches to development, and that local governments should be allowed to control their own destinies. However, the associations do support increased State funding to local governments for smart growth, such as that provided through the Quality Communities Demonstration Project, as well as money for the purchase of development rights, and tax credits for rehabilitating historic buildings.

The NYS Conference of Mayors and Municipal Officials (NYCOM) has put forth a group of "Smart Growth Economic Development Proposals," which call for incentives to locate businesses and people in urban areas, State support for property tax relief, regional economic development and tourism plans, brownfield remediation and open space preservation. NYCOM has also been very active in promoting "Main Street" redevelopment and rehabilitation of brownfields (properties with pollution problems from previous industrial and commercial uses that have fallen into disuse). NYCOM has training programs for their members on these and other issues.

## Current Legislation

A variety of bills have been offered recently to address smart growth issues, including legislation to establish smart growth task forces, commissions and offices, and a revolving loan fund. Another proposal would provide tax exemptions for development projects meeting certain quality-of-life criteria, such as pedestrian-friendly design, mixed-use, parking kept behind buildings, and architectural qualities that enhance neighborhoods. Many of these proposals have been one-house bills, and none to date have been successful. However, this year there are several major smart growth bills with sponsorship in both houses that may have a better chance of enactment. These measures could provide a fundamental turnaround in State policies, helping to counter current sprawling growth patterns. A short description of each follows.

*The State Smart Growth Public Infrastructure Policy Act* (A. 8651 DiNapoli, Hoyt, Brodsky et al./S. 6255-A LaValle) – This bill would require State agencies and authorities to fund infrastructure in a manner consistent with smart growth principles. The principles enunciated in the bill include a priority for projects or actions that maintain or improve existing infrastructure or preserve agricultural land, forests, water, air quality, recreational and open space; as well as others to foster mixed-use and compact development, downtown revitalization, brownfield redevelopment, enhancement of public spaces, a diversity of housing in proximity to places of employment, recreation and commercial development, and the integration of all income and age groups. The principles support improved public transportation and reduced automobile dependency, as well as municipal, intermunicipal and regional planning.

Each infrastructure agency (including the Departments of Environmental Conservation, Transportation, Health, Economic Development, and the State Education Department, Housing Finance Agency, Environmental Facilities Corporation, Dormitory Authority, and Thruway Authority) would be required to give funding priority to existing infrastructure and projects that are consistent with these principles, as well as with local governments' plans for development. Each agency would also have to establish a smart growth advisory committee.

The bill's purpose is to "augment the State's environmental policy by declaring a fiscally prudent state policy of maximizing the social, economic and environmental benefits from public infrastructure development through minimizing unnecessary costs of sprawl," including environmental degradation, disinvestment in urban and suburban communities and loss of open space. It states that sprawl is "facilitated by the funding or development of new or expanded transportation, sewer and ... other publicly supported infrastructure inconsistent with smart growth." The sponsor's memorandum states that infrastructure funding decisions in New York State have supported a pattern of settlement and land use which necessitates expansive and expensive infrastructure resulting in new roadways, water supplies, sewer treatment facilities, utilities and other public facilities at great cost to the taxpayer and the ratepayer. With this pattern of dispersed development, public investment in existing infrastructure located in traditional main streets, downtown areas and established suburbs has been underutilized and those areas have suffered economically.

*The Smart Growth for a New Century Act* (A. 8652 DiNapoli, Hoyt, Brodsky, et al./S. 5483 LaValle) – This bill creates an optional process for communities to create smart growth plans that adhere to certain principles; development projects consistent with those plans would be eligible for low-interest loans through a smart growth revolving loan fund, as well as being eligible for property tax exemptions and priority for state financial assistance. A process is created under two or more individual municipalities can develop a shared

vision by creating a “smart growth compact” using a public discussion process and special councils. The plan would have to adhere to a series of principles, including conservation, accounting for and minimizing social, economic and environmental costs of new development, providing transportation and housing choices, and supporting mixed-use and integration of income and age groups. Local plans would be reviewed by a state-wide smart growth review panel. Development projects in a compact area that are not consistent with smart growth compact plans would then not be approved by any government entity or supported by state financial assistance. Each municipality’s land use regulations would have to be consistent with the compacts. The bill also creates an office of local assistance within the Department of State to provide technical, scientific, and financial assistance to localities for smart growth planning.

*The Community Preservation Act (A.10053 DiNapoli/S. 6949 Marcellino)* – This bill would authorize towns in New York State to adopt, after a local referendum, a real estate transfer tax of up to 2 percent for the purpose of establishing a community preservation fund to be used for conservation. The bill is based on the successful effort of five towns at the east end of Long Island in establishing a community preservation fund to protect drinking water, conserve parkland, safeguard habitats and help halt sprawl into pristine, green locations. It would allow communities across the State to establish their own voter-approved community preservation funds. Currently, municipalities must get specific legislative approval before asking their voters for a tax on real estate transfers for preservation purposes. The bill contains a provision to provide an exemption equal to the median residential sales price in the county (thus exempting more affordable, existing housing from the transfer tax).

## Progress in Many Areas

Many individual local governments and regional groups in New York State are making progress in dealing with problems related to growth. The discussion presented in this paper, while alluding to areas where improvements could be made, should not be interpreted to be dismissive of these efforts. Those who believe that smart growth issues can be dealt with locally often point to these successes as evidence that progress can be achieved without any further state-level changes. The successful examples provided below are presented for illustration. It would not be possible in a report of this size to comprehensively list all local successes, and we have chosen just a few examples.

### Onondaga County Settlement Plan

The Onondaga County Settlement Plan is an application of new urbanism principles put together over a two-year period beginning in 1999. It is a regional plan prepared for the joint Syracuse-Onondaga County Planning Agency by pioneering architect Andres Duany. The Plan’s intention is to “encourage and enable municipalities in Onondaga County to improve their residents’ quality of life through a renewed emphasis on neighborhoods.” Specifically, the Plan began by acknowledging that the County’s greatest strength was its tradition of historic neighborhoods, and then focused on providing the tools that could most effectively reinforce that tradition.<sup>23</sup> The Settlement Plan was preceded by the 2010 Development Guide, adopted in 1991, which laid out a policy

<sup>23</sup> *Onondaga County Settlement Plan - The Regional Plan and Pilot Projects*, Duany Plater-Zybeck & Company (2001), available at: <http://www.syracusesthenandnow.net/SettlementPlan/Regional%20Plan%20Final.pdf>

under which Onondaga County would use its responsibilities for roads, water supply and wastewater treatment to direct growth to existing urban areas and community centers and to avoid unnecessary new infrastructure costs. Specifically, the Guide made it County policy not to extend water and sewer lines to serve new residential development.

As described in the Settlement Plan, Onondaga has experienced two forms of growth: traditional neighborhood development and suburban sprawl. The dominant model until World War II was the traditional neighborhood, which is characterized by mixed use (e.g., shopping and residential), pedestrian scale, and clear identity. The dominant model since that time has been suburban sprawl, characterized by the strict separation of land uses, an environment unfriendly to pedestrians, and a complete dependence on automobile transportation. The traditional neighborhood model – represented by the villages, hamlets and city neighborhoods – is associated with a high quality of life, while suburban sprawl is associated with erosion in this quality of life, increased traffic, inner-city deterioration, and a general sense of placelessness.

The Settlement Plan consists of a regional plan, pilot projects, traditional neighborhood development (TND) guidelines and codes. It is important to understand that the post-war sprawl occurred under existing zoning and subdivision regulations that effectively outlawed traditional neighborhood development. The Settlement Plan accordingly provides descriptive guidelines for traditional neighborhood development, as well as a prototypical traditional neighborhood zoning code, which can be adopted by municipalities in the area.<sup>24</sup> Syracuse has used the prototype TND zoning code in its lakefront area and two suburban towns, Dewitt and Tully, are in the process of incorporating elements of TND within their existing zoning laws and comprehensive plans. Design and planning projects for seven pilot neighborhoods have been well received, and some have had development projects start already. For example, the Village of Liverpool, currently cut in half by a six-lane road is to become a revived, pedestrian-friendly Main Street area with connections to Onondaga Lake Park. The plan includes redesign of the Lake Parkway from a high-speed commuter road to a naturalized parkway. A new urbanist neighborhood project is also under construction in a pilot project in the Town of Camillus.

### Genesee County Smart Growth Plan

The Genesee County Smart Growth Plan, enacted in 2001, was designed to prevent sprawl from occurring in connection with the extension of public water to many areas. Under a plan to obtain water from the Monroe County Water Authority, a pipe system is to be installed that follows almost every State highway in the County. While the system was needed to meet existing needs, the fear was that wide availability of public water could spur sprawling development across the County, destroying its rural character, even as its villages and hamlets continued to decline.

Genesee's Smart Growth Plan protects farmland and the rural character of the area by using several zoning techniques that the County Planning Department is working with local governments to adopt (including cluster zoning), as well as a water hook-up policy that effectively prevents sprawl. Under the plan, hook-ups will be restricted to existing development (before enactment of the plan) and future development that is located within predetermined and mapped development areas surrounding villages and hamlets. The idea is to target

<sup>24</sup> The traditional neighborhood guidelines, codes, and other reference materials are available online: <http://www.syracusesthenandnow.net/SettlementPlan/SettlementPlan.htm>

development of new homes and businesses in development areas served by public water, building up existing villages and hamlets while protecting farmland from sprawling development. This plan is almost equivalent in impact to an Oregon-style urban growth boundary (see below), and is accomplished using existing zoning techniques, as well as a very specific water hook-up policy.

### Activities in the Capital District

Actions in a variety of Capital District communities illustrate how smart growth issues are being advanced. In rapidly growing successful suburbs, town governments are taking steps to protect themselves from the effects of sprawl. In Clifton Park, for example, the town has created a plan for saving selected open spaces before they are developed, and put a moratorium on building in the Western section of town. In the Town of Bethlehem, a moratorium on new residential construction has been adopted (applied to new projects of four or more units), while the town works on its master plan. Albany is trying to lower the number of vacant buildings and revitalize low-income neighborhoods by offering financial incentives to homebuyers, encouraging city police to live in the neighborhoods and preserving historic structures.

On a regional level, the Center for Economic Growth (CEG), a business-supported regional economic development organization, has been leading efforts to shape a regional development strategy, in connection with promoting "Tech Valley" – high-tech manufacturing in the Capital and Hudson Valley Regions. In addition to traditional economic development goals, CEG is working with community leaders on what is in essence a smart growth agenda, creating urban centers that are cultural hubs and regional magnets for young technology workers, creating and maintaining infrastructure that supports sustainable residential and commercial development patterns that balance growth with quality of life. This effort has also been supported by the State Pension Fund Upstate Venture Capital Investment Fund, which has made a \$55 million commitment to two Capital Region-based private equity partnerships that will establish and expand high-tech start-up companies in Upstate New York.

### Lessons from Other States

A variety of state-led smart growth initiatives are taking place across the nation, including our neighboring states. While several pieces of legislation have been proposed, and the Quality Communities Task Force effort is ongoing, New York State really has no corresponding effort.

Smart growth is a broad and complex topic, and there is, and will continue to be, debate about what state governments should do to promote it. At a minimum, however, to provide effective leadership in this area, state governments must address the term – smart growth – or efforts to promote various approaches associated with the national smart growth movement will be handicapped. A successful effort must provide guidance to local government officials and encourage strong regional cooperative efforts, even as changes in law or procedures are considered. Our neighboring states are actively involved in such efforts.

Many have concluded that regional action is a necessary condition for a truly successful smart growth initiative. Researchers and others have also concluded that regional reforms generally only occur when initiated by state governments, which can control political and financial incentives and disincentives and set the rules under which local governments operate. Among the things state governments can do to encourage regional action are: adopt rules to reorganize particular governmental operations, require or encourage certain levels of cooperation, remove legal and other barriers to cooperation, finance studies that advance regional cooperation, tie state aid or reimbursement formulae to regional approaches, or establish subsidies that reduce local costs for services only if delivered on a broad geographical basis. More subtly, states can act in ways that change the political environment, altering citizens' expectations of their local governments.<sup>25</sup>

Following are some examples of activities in Oregon, considered by many to have the most advanced state smart growth program, and our neighboring states of New Jersey and Connecticut.

### Oregon

To supporters and detractors of smart growth alike, Oregon is the quintessential model. During the 1960s and '70s, when Oregon's population was increasing considerably, the impact on its environment and economy became major issues of concern. Wanting to preserve its natural resources, including its environmentally based forestry and farming industries, the state required cities and counties to adopt comprehensive land use regulations. While Oregon does not have one formal land use plan with which all municipalities must comply, it has established statewide standards (statutes, planning goals and administrative rules) against which local land use plans are reviewed.<sup>26</sup>

A key element of Oregon's land use policy is the requirement that every city and major region delineate an urban growth boundary (UGB) within which development and publicly funded infrastructure expansion are to be confined. Supporters emphasize that the UGB is not a device to stop growth, but a means of allowing a community to define the territory within which it can reasonably provide public services economically. Land outside the UGB is generally used for forestry, farming or low-density residential development, but will not have urban services, such as sewers, extended there. Proponents describe immense benefits of UGBs, especially environmental protection. Critics say the UGB system drives up land prices within the boundary area and stifles growth. UGBs can be expanded, provided that modifications adhere to statewide land use and planning laws. This type of smart growth approach is remarkably effective at reining in sprawl, while allowing for planned expansion.

### New Jersey

New Jersey's Governor has made smart growth a major goal, declaring in his 2003 State of the State address that there is "no single greater threat to our quality of life than the unrestrained development that is driving up property taxes, crowding our schools, and threatening our water supply." New Jersey's Office of Smart Growth is charged with implementing the New Jersey State Development and Redevelopment Plan, which calls for preventing pollution, traffic congestion, and sprawl, while developing economic vitality and building a better quality of life.<sup>27</sup>

<sup>25</sup> *Regionalism and Realism*, Gerald Benjamin and Richard P. Nathan, A Century Foundation Book, Brookings Institution Press (2001).

<sup>26</sup> *Oregon's Statewide Land Use Planning Fast Facts*, p. 1 <http://www.lcd.state.or.us/fastpdfs/fastfacts.pdf>

<sup>27</sup> New Jersey Department of Community Affairs, Office of Smart Growth website: <http://www.nj.gov/dca/osg.team/executivedirector.shtml>

The Transfer of Development Rights bill recently passed in New Jersey is designed to steer developers toward the village centers and away from farmland. According to one observer, the law lets municipalities effectively set growth boundaries so preservation areas can be established where they could not have been before. New Jersey also has a Business Employment Incentive Program that offers businesses 80 percent of personal income tax withholdings from new jobs added in targeted “smart growth” urban communities or distressed municipalities, with businesses creating jobs elsewhere eligible for 50 percent of such withholdings.

### Connecticut

Connecticut is now deliberating the fifth five-year update of a conservation and development plan first adopted in 1979. The new plan includes six growth-management principles and is described as being more prescriptive than previous plans for the state’s 169 municipalities and 15 regional planning organizations. The draft plan lists the following principles:

- Redevelop and revitalize regional centers and areas with existing or currently planned physical resources
- Expand housing opportunities and design choices to accommodate a variety of household types and needs,
- Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options,
- Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands,
- Protect and ensure the integrity of environmental assets critical to public health and safety, and
- Promote integrated planning across all levels of government to address issues on a statewide, regional and local basis.

The proposed plan is augmented by a “locational guide map,” and strongly supports regional efforts, stating: “Creating an ethic of regional coordination is key to the successful implementation of all the growth management principles ... Regional coordination is about pragmatic, rather than political, solutions to the mounting fiscal burdens on Connecticut taxpayers.” Among its references, the draft plan lists the recent report by a Blue Ribbon Commission on Property Tax Burden and Smart Growth Incentives, which confirms other study findings that “current patterns of development in Connecticut are not sustainable.” The Commission defined smart growth as “a comprehensive planning process that encourages patterns of development that can accommodate and sustain economic growth while at the same time limiting sprawl, reducing transportation congestion, protecting natural resources, preserving the traditional character of communities and ensuring equitable access to affordable housing, jobs and community services.”<sup>28</sup>

The Connecticut Conference of Municipalities (CCM) has taken a strong position in favor of smart growth. Based on concerns about sprawling growth, resulting property tax increases, erosion of the environment and quality of life, and a negative impact on economic development, CCM formed a smart growth task force that produced 10 specific principles for smart growth in Connecticut. CCM is urging the Connecticut state government

<sup>28</sup> Connecticut Office of Policy & Management (12/2003), ([www.opm.state.ct.us/](http://www.opm.state.ct.us/))

to take steps to implement a smart growth policy, including (1) obtaining the information needed to know where land use is today and where it is heading, (2) developing consensus on short- and long-term goals and actions, and (3) devoting state, local, private-sector and other resources to make smart growth work.<sup>29</sup>

Support is growing for steps to rein in sprawl, according to a *Hartford Courant* editorial urging passage of a sound anti-sprawl bill that would encourage development in urban areas, which already have an infrastructure of roads, sewers, schools and public safety services. The bill would allow for improved planning, call for a study of sprawl, and allow big cities to adopt a split-rate property tax system with land taxed at a higher rate than buildings.<sup>30</sup>

### Smart Growth and Economic Development

Many local, state and national leaders have said that smart growth and economic development should complement one another, and be viewed as mutually reinforcing, rather than conflicting goals. Opponents of smart growth, on the other hand, often argue that it stands in the way of economic development.

There are two basic aspects to the relationship between smart growth and economic development. The first is smart growth's potential impact on local fiscal conditions (which in turn affect local economies) and the second is the direct effect that smart growth can have on business conditions by improving an area's quality of life (including the environment, housing, cultural and recreational opportunities), transportation system, and economic profile (synergistic businesses or industry clusters within a region, for example).

The impact of growth patterns on local fiscal conditions has been acknowledged and discussed long before the smart growth term was used. Development patterns obviously affect local tax bases and service costs, which in turn affect local tax rates. While there is some disagreement over the extent to which local taxes influence business location decisions and/or economic growth, and whether the effects of good government services or a well-educated workforce outweigh higher taxes, no one would say that there is not a relationship between local taxes and the business climate. To the extent that it can result in a more efficient governmental structure, both physically and organizationally, smart growth is therefore a fundamental ingredient of a successful local economic development strategy. In contrast, poorly planned, sprawling growth has the following negative fiscal impacts:

- It increases costs for local services in rapidly growing communities.
- More sparsely used infrastructure, such as more road and water/sewer miles per housing unit, drives higher unit costs in both growing and declining communities.
- Development that is exclusively residential in many communities fails to offset the cost of new services, particularly for schools.
- In cities and other declining population centers, middle-class exodus results in a concentration of disadvantaged residents, creating greater costs at the same time underutilized infrastructure results in inefficiencies.

<sup>29</sup> *Advocacy and Public Policy* (September 20, 2002, Number 02-04) Connecticut Conference of Municipalities

<sup>30</sup> "Anti-Sprawl Bill would Stimulate New Construction in Urban Areas," *Hartford Courant* 3/3/2004

Local officials have for years used various short-hand assumptions concerning the fiscal costs of certain types of development. Expressions such as “every time I see a new house, I say there goes another \$1,600” are common, because as a general rule, residential development generates more costs than revenues.<sup>31</sup> Local officials also speak about “chasing after rateables” – meaning the more fiscally beneficial forms of development, including office buildings, motels, manufacturing plants and shopping centers. There are studies, in fact, that show the average ratio of tax revenues to costs of services for various types of business enterprises.<sup>32</sup>

A more comprehensive view of the costs of sprawl must compare the relative impact of sprawling growth versus planned growth – a difficult thing to quantify. However, there are a number of approaches that can be used and a number of studies that have done such analyses. One of the most frequently cited is an impact assessment that was prepared by Rutgers University for the New Jersey State Development and Redevelopment Plan,<sup>33</sup> which found significant savings for planned, rather than sprawling, growth. Planned development was estimated to consume 20-45 percent less land than sprawl, costing 15-25 percent less for local roads and 7-15 percent less for water and sewer lines. The estimated comparisons for housing costs and overall fiscal impacts (municipal and school services), while favoring planned development, exhibit less of a difference.

The impact of smart growth directly on economic development is more difficult to measure, and in some cases conceptualize, but it has long been recognized. Economic growth is dependent on the availability of locations for business occupation or development, and business location decisions have long been known to be driven by a variety of considerations, including those relating to transportation, business environment, local taxes, etc. However, it is also known that location decisions are also influenced by quality of life considerations. These considerations are becoming increasingly important in the “new economy,” where “knowledge workers” or the “creative class” is the fundamental economic input. Simply put, in this type of a business, where people *want* to live is more important as a location factor.

Increasingly, local leaders are recognizing the impact of quality of life and what might be called the business quality of life. For example, New York City’s preeminence as a location for corporate headquarters, the financial industry, and more currently, “new economy” knowledge and creative businesses has always been driven by the amenities of the area and the concentration of these types of business there. Regional strategies built on these fundamental relationships (i.e., it’s a nice place to live and operate this sort of business) are being pursued across New York State and the nation. The Tech Valley initiative, for example, which is being aggressively promoted on a regional basis, is much more than a direct effort to attract technology firms. It includes a strong focus on making the region ready for such development through smart growth policies that ensure that the region will remain an attractive place to live, and even improve, as new development occurs.

The number of efforts that could be listed in this regard is limitless, because they are and have been the focus of virtually every major civic, business, economic development and regional planning group, whether the term smart growth is used or not. The real question, then, is not whether such relationships exist, but whether a more focused statewide effort on smart growth can broaden and accelerate smart economic development. If a

<sup>31</sup> *Why Smart Growth: A Primer*, International City/County Management Associations/SGN, p. 17.

<sup>32</sup> See, for example, “The Relative Importance to Montgomery County of Selected Economic Activities” as described in *Why Smart Growth: A Primer*, p. 18.

<sup>33</sup> *Impact Assessment of the New Jersey Interim State Development and Redevelopment Plan*, prepared for the New Jersey Office of State Planning by Rutgers University - Center for Urban Policy Research, Robert W. Burchell, et al (February 1992), (<http://www.state.nj.us/dca/osg/docs/iaexecsumm022892.pdf>)

heightened focus on smart growth throughout the State helps make each region a better place to live, in other words, would that not have a positive, self-reinforcing impact on the economy?

New York State's current economic development policies, including the Empire Zone program and the activities of local Industrial Development Authorities (IDAs), have come under intense scrutiny, and there is a general perception that these devices are increasingly being used (or manipulated) to merely subsidize the movement of businesses and jobs from one area of the State to another.

The Empire Zone program has been criticized by many as straying from its initial focus, which was to assist areas in economic stress, because zones can now be created almost anywhere. In recent testimony on the State budget, for example, the Sierra Club criticized the Luther Forest proposal in Saratoga County to designate an empire zone to attract micro-chip manufacturing plants: "The zones are being used to incentivize the destruction of open space in areas that are characterized as rapid growth and are pretty well off financially. In an age when we talk about promoting smart growth and quality communities, there is something distasteful about using state incentives to destroy open space."<sup>34</sup>

The Comptroller has proposed a number of reforms aimed at refocusing the Empire Zones program on its mission of creating jobs and attracting private investment to stimulate economic activity in struggling communities around the State.

Industrial Development Authorities (IDAs) have faced similar criticisms. Although IDAs were never intended to lure businesses from one location within the State to another – a practice often referred to as job "pirating" – many IDA projects seem to have this impact. When tax incentives are used in a manner that only produces relocation, there is no benefit to the State in terms of job creation. Pirating also works against efforts to create a strong regional approach to economic development.

IDAs are also prohibited from providing financial assistance for retail projects (including stores and other retail operations, such as motels, legal or medical offices, etc.). Retail ventures are treated differently because by definition they do not increase the level of demand or production, and can damage competitors or put them out of business. For example, a chain grocery store opening up in a community generally will not increase the demand for groceries, but will lure shoppers away from already established, often smaller and independently-owned neighborhood stores, potentially putting them out of business and severely damaging neighborhood convenience. The difference in jobs produced by a new store and the jobs lost by the store closing might even be a net loss. Unfortunately, the general prohibition on retail projects has a number of exceptions (implemented at the discretion of local IDA boards) that make the prohibition almost completely ineffective.

A 1996 report from the Assembly's Local Governments Committee found that despite the anti-pirating provision, pirating still accounted for a large part of IDA activity, and the retail sales prohibition was found to be similarly ineffective. Comptroller's audits and other reports have had similar findings. The Comptroller has launched a public authorities reform initiative and is reviewing IDA reporting.

<sup>34</sup> Testimony of the Sierra Club -- Atlantic Chapter, presented to the Joint Hearing on the Budget (2/10/2004).

## Concluding Policy Questions

This is a propitious time to consider broad changes in New York State's approach to land use and economic development policies. A variety of economic and social forces are acting upon both the State and its municipalities, forcing consideration of fundamental changes. As cities continue to hemorrhage population and jobs, and some falter on the verge of financial collapse, people in surrounding regions are recognizing that deterioration of their core communities is a fundamental threat to regional economic and cultural well-being. There is a renewed interest in shared services and consolidation, and city-county mergers are even being discussed.

A number of vital questions should be reviewed in a robust public dialogue, even as current legislative proposals are considered. Simply put, there are a number of big-picture questions that should be answered, including the following:

- What are the monetary and other costs of sprawl to New York State, and to what extent is sprawl an impediment to healthy local economies?
- What approaches would be most effective in modifying current sprawling growth patterns (e.g., changes in planning requirements, fiscal incentives)? What approaches should be avoided?
- How far can (or should) New York State go to promote regional solutions to regional problems?
- Is the current fragmented system of local economic development agencies and land use planning and regulation an impediment to effective regional smart growth and economic development? Are there better ways to make the system work?
- Should comprehensive planning be required at the local, county, regional or State level? Is there a way to effectively coordinate these plans within an overall smart growth and smart economic development plan?
- Can the State do a better job of promoting traditional neighborhood development and assisting local governments with developing zoning codes to support this type of development?
- What are the economic benefits of an aggressive smart growth agenda? Are there economic costs for some approaches?
- Should the State use financial or other incentives to direct development toward existing communities? Should the use of economic development incentives in ways that promote sprawl be discouraged or prohibited?
- Could a State-level smart growth cabinet help ensure that the actions of State agencies and public authorities support smart growth principles?

## Appendix: Resources

### National

- Smart Growth Network (<http://www.smartgrowth.org>)
- The Congress for New Urbanism (<http://www.cnu.org>)
- International City/County Management Association (<http://www.icma.org>)
- Lincoln Institute of Land Policy ([www.lincolinst.edu](http://www.lincolinst.edu))

### New York State

- *The Local Government Handbook (5th Edition)*, NYS Department of State (January 2000) and available online ([www.dos.state.ny.us/lgss/pdfs/Handbook.pdf](http://www.dos.state.ny.us/lgss/pdfs/Handbook.pdf))
- New York Main Street Alliance (<http://www.cardi.cornell.edu/nymasa/resources.cfm>)
- NYS Quality Communities Clearinghouse (<http://www.dos.state.ny.us/qc/home.shtml>)
- Onondaga County Settlement Plan (<http://www.syracusetheandnow.net/SettlementPlan/SettlementPlan.htm>)

### Other States

- Oregon's Statewide Land Use Planning Fast Facts (<http://www.lcd.state.or.us>)
- New Jersey Department of Community Affairs, Office of Smart Growth (<http://www.nj.gov/dca/osg/>)
- Connecticut Conference of Municipalities (<http://www.ccm-ct.org/index.html>)

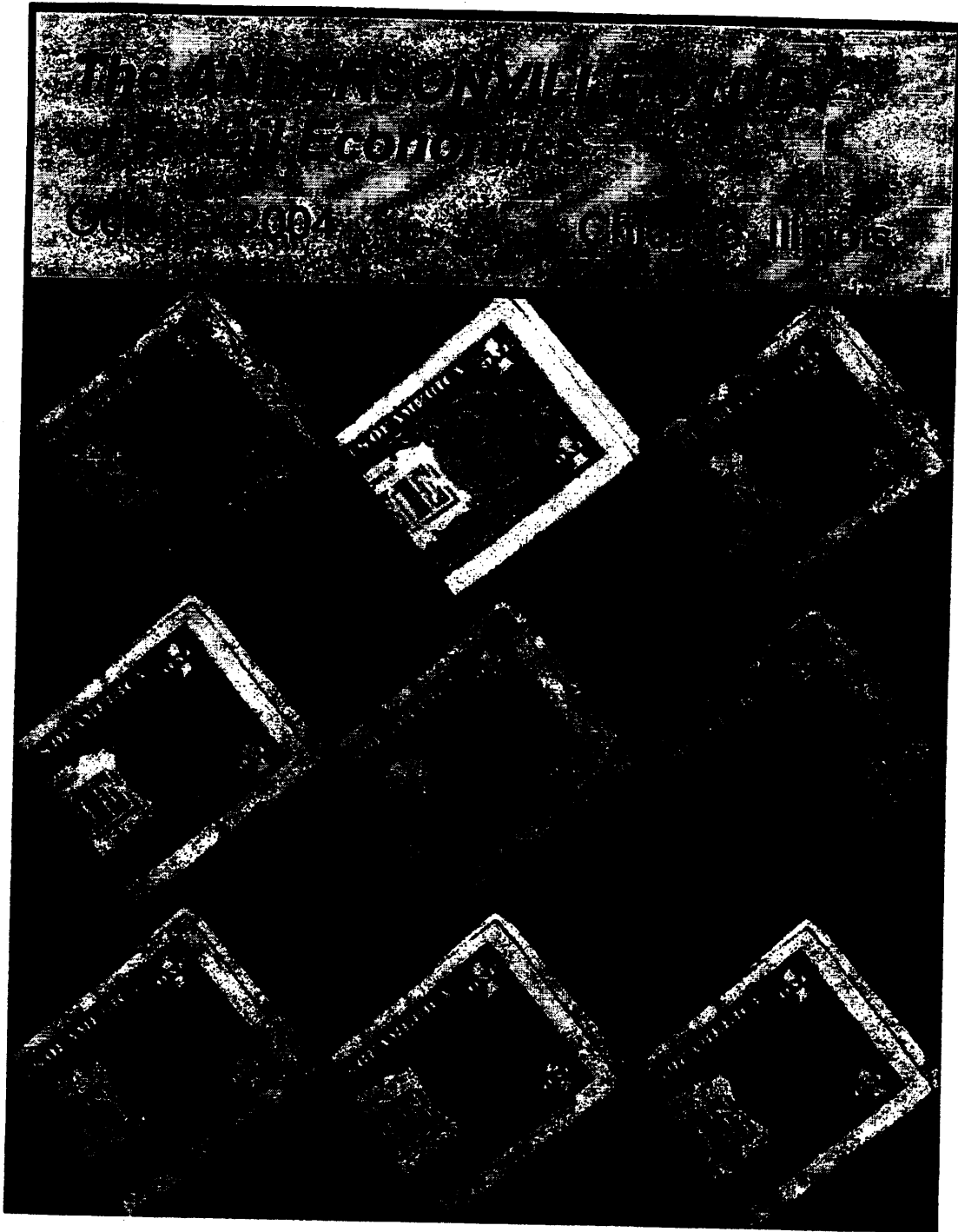
### Reading List

- *Suburban Nation: The Rise of Sprawl and the Decline of the American Dream*, Andres Duany, et al, North Point Press (April 2001)
- *The Geography of Nowhere*, James Howard Kuntsler, Simon and Schuster (1993)
- *Home From Nowhere: Remaking Our Everyday World For The 21st Century*, James Howard Kuntsler, Simon and Schuster (1998)
- *Changing Places – Rebuilding Community in the Age of Sprawl*, Richard Moe and Carter Wilkie, Henry Holt and Company, Inc. (1997)
- *Why Smart Growth – A Primer*, International City/County Management Association (ICMA) ([http://www.epa.gov/livability/pdf/WhySmartGrowth\\_bk.pdf](http://www.epa.gov/livability/pdf/WhySmartGrowth_bk.pdf))
- *Getting to Smart Growth: 100 Policies for Implementation* ICMA (2003) (<http://www.smartgrowth.org/pdf/gettosg.pdf>)
- *Getting to Smart Growth II: 100 More Policies for Implementation* ICMA (2003) (<http://www.smartgrowth.org/library/articles.asp?art=870>)
- *Alternatives to Sprawl*, Lincoln Institute of Land Policy (1995) ([www.lincolinst.edu/pubs/pub-detail.asp?id=864](http://www.lincolinst.edu/pubs/pub-detail.asp?id=864))

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**CIVIC ECONOMICS**  
CREATIVITY · OPPORTUNITY · PROSPERITY

**HIGHLIGHTS OF THE ANDERSONVILLE STUDY**

In a study comparing the economic impact of ten Andersonville businesses and their chain competitors, it was found that:

**Locally-owned businesses generate a substantial Local Premium in enhanced economic impact.**

- For every \$100 in consumer spending with a local firm, \$68 remains in the Chicago economy.
- For every \$100 in consumer spending with a chain firm, \$43 remains in the Chicago economy.
- For every square foot occupied by a local firm, local economic impact is \$179.
- For every square foot occupied by a chain firm, local economic impact is \$105.

**Consumers surveyed on the streets of Andersonville strongly prefer the neighborhood over agglomerations of common chain stores.**

- Over 70% prefer to patronize locally-owned businesses.
- Over 80% prefer traditional urban business districts.
- Over 10% of respondents reside outside the City of Chicago.

**The study points to clear policy implications.**

- Local merchants generate substantially greater economic impact than chain firms.
- Replacement of local businesses with chains will reduce the overall vigor of the local economy.
- Changes in consumer spending habits can generate substantial local economic impact.
- Great care must be taken to ensure that public policy decisions do not inadvertently disadvantage locally owned businesses. Indeed, it may be in the best interests of communities to institute policies that directly protect them.

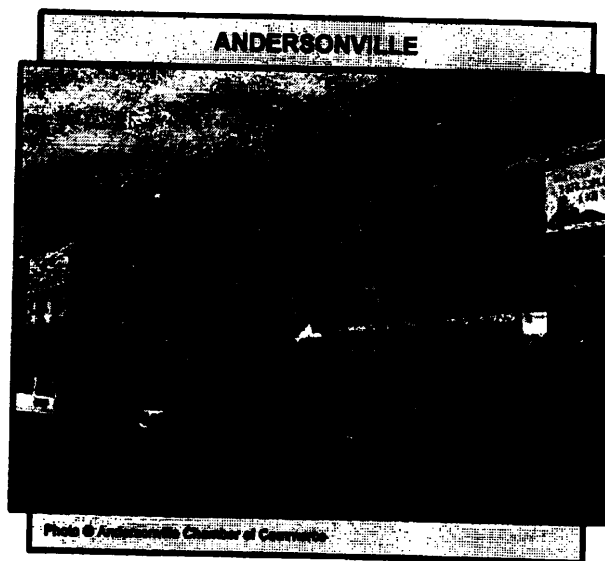
[www.AndersonvilleStudy.com](http://www.AndersonvilleStudy.com)

## EXECUTIVE SUMMARY

**Abstract:**

The Andersonville Development Corporation, with the support of The Andersonville Chamber of Commerce and funding by Andersonville Special Service Area #22, retained Civic Economics to evaluate the economic impact of the neighborhood's locally-owned businesses and compare that with the impact of competitive chains. With the active participation of ten local firms, economic impacts were determined for each. Economic impacts for ten chains were then determined. To account for differences in revenue and size, those impacts were adjusted to two measures: impact per \$100 revenue and impact per square foot. Because the locally-owned businesses and national chains were found to generate comparable revenue per square foot of retail space, the local firms were found to generate 70 percent greater local economic impact than chains per square foot, or 58 percent by revenue.

Andersonville is a neighborhood on Chicago's north side. Its primary thoroughfare, Clark Street, bisects the neighborhood and serves as its commercial center. The commercial district is distinctive for its quaint facades and greenery, its history as a Swedish settlement, its current diversity, and the notable dearth of chain outlets among its countless shops, restaurants, and service providers. However, national chains have expressed interest in the community as disposable income continues to increase. These national chains



are able to pay above present market value on their leases, which has begun driving commercial rental rates up and longstanding local businesses out.

The Andersonville Development Corporation (ADC), the Andersonville Chamber of Commerce (ACC) and Andersonville Special Service Area provide economic and market development services to the area. Civic Economics is an economic analysis and strategic planning consultancy with offices in Austin and, coincidentally, Andersonville.

Civic Economics previously conducted a widely cited study in Austin, Texas, assessing the economic impact of a publicly subsidized Borders Books & Music store seeking to locate across the street from locally-owned Book People and Waterloo Records. In those unique circumstances, it was demonstrated that the

local merchants generated three times as much local economic activity as the chain store, adjusted for revenue. That study, known as the Liveable City Study, has been replicated in two very different circumstances with similar findings: Maine's Mid-Coast region and Toledo, Ohio.

ADC retained Civic Economics to build upon that research, studying the role of Andersonville's diverse business community in the Chicago economy. ADC recruited ten local businesses to participate fully in the study, opening their books to the firm to facilitate a complete economic impact analysis of each. Civic Economics then prepared economic impact analyses of ten chain competitors selected in consultation with ADC and with consideration given to data availability. We adjusted those impacts to account for variations in revenue and square footage, and, to further explore the meaning of the data, businesses were categorized into three segments: restaurants, retailers, and service providers.

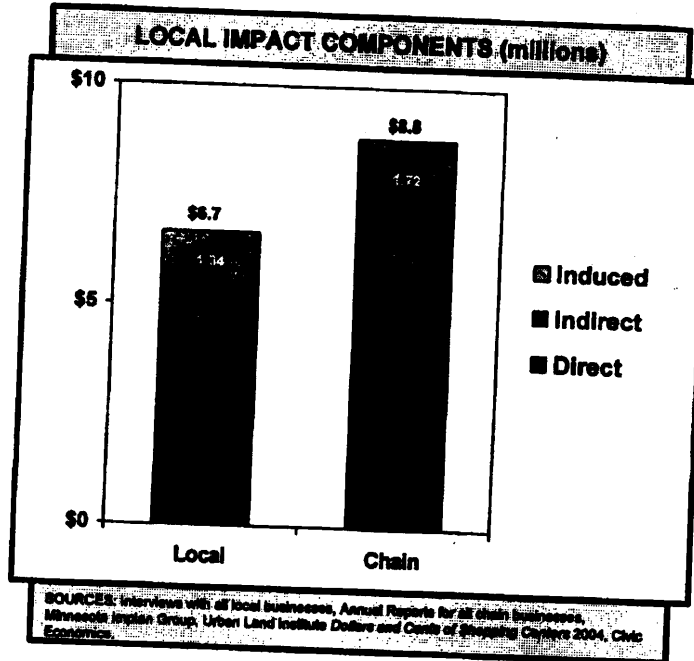
ADC also conducted a Customer Preference Survey of 512 randomly selected shoppers within the neighborhood during the month of May 2004. While this was an unscientific survey it provided interesting background information about where patrons are drawn from and why they choose to shop in Andersonville. Just under 40 percent of survey respondents came from outside the two main zip codes for the Andersonville area, and ten percent were from outside the City of Chicago. These visitors bring money into the district and into the city.

When asked to express a preference on the type of business shoppers patronize, over 70 percent preferred locally-owned businesses while less than three percent preferred chain businesses. Additionally, an overwhelming 80 percent of respondents identified Andersonville's traditional neighborhood district, with locally-owned independent businesses, as their preferred shopping environment.

These results lend support to the preexisting belief in the neighborhood that the unique businesses and layout of Andersonville are a draw, attracting people from both inside and outside the region. Visitors are consciously choosing this type of commercial district over others.

**Aggregate Economic Impacts**

Using the City of Chicago as the relevant jurisdiction, economic impacts were calculated and aggregated (all local businesses and all chain businesses). Including direct, indirect, and induced effects, we found that the ten local firms generate a combined \$6.7 million in annual economic impact compared to \$8.8 million for the ten chains.



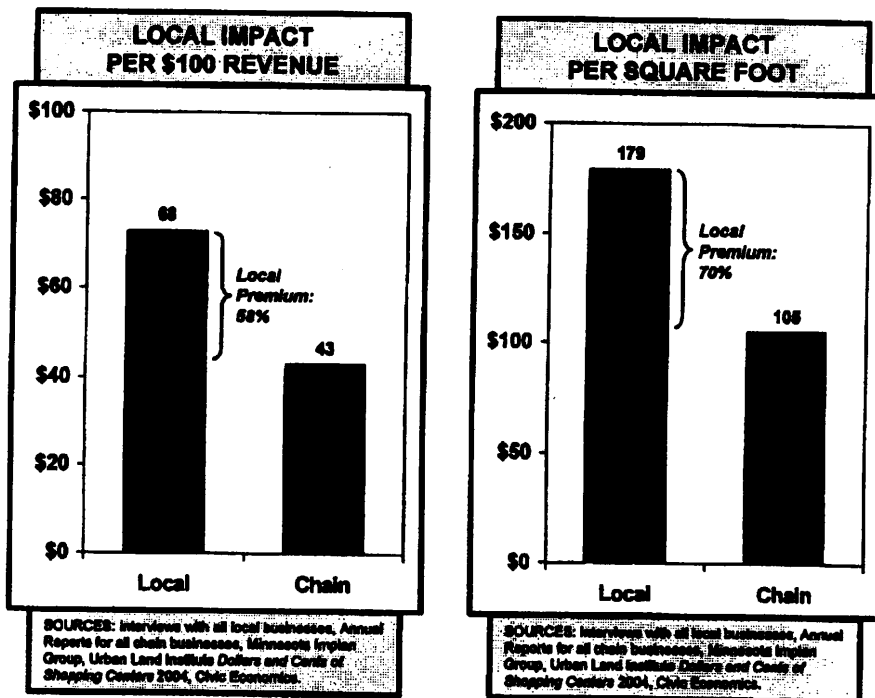
In this case, *direct* effects reflect the first round of local spending, such as wages and benefits, profits to local owners, local procurement, and charitable contributions. *Indirect* and *induced* effects reflect the continuing circulation of that first round of spending by businesses and individuals respectively.

Local economic impacts for businesses that serve a local market are primarily made up of four components: labor, profit, procurement, and charity.

Looking only at the chart above, the simplest policy conclusion jumps to the fore: these ten chain businesses create greater economic impact than the ten local firms. However, the following pages demonstrate that this simple assumption neglects to account for two essential variables: the revenue and square footage of each business. These variables, as we shall see, thoroughly erase the apparent economic impact advantage of chain businesses.

**Adjusted Economic Impacts**

Among the firms studied, chain businesses took in an average of over twice the revenue and occupied twice the square footage of the locals. Therefore, it was necessary to adjust raw economic impact values to account for these substantial differences. When those adjustments are made, the apparent economic impact benefit of the chain businesses is completely erased. The fact that locally-owned businesses (\$263 revenue per square foot) and national chains (\$243 revenue per square foot) generated comparable sales per square foot of retail space negates any size advantage the chains have over their locally-owned competitors.



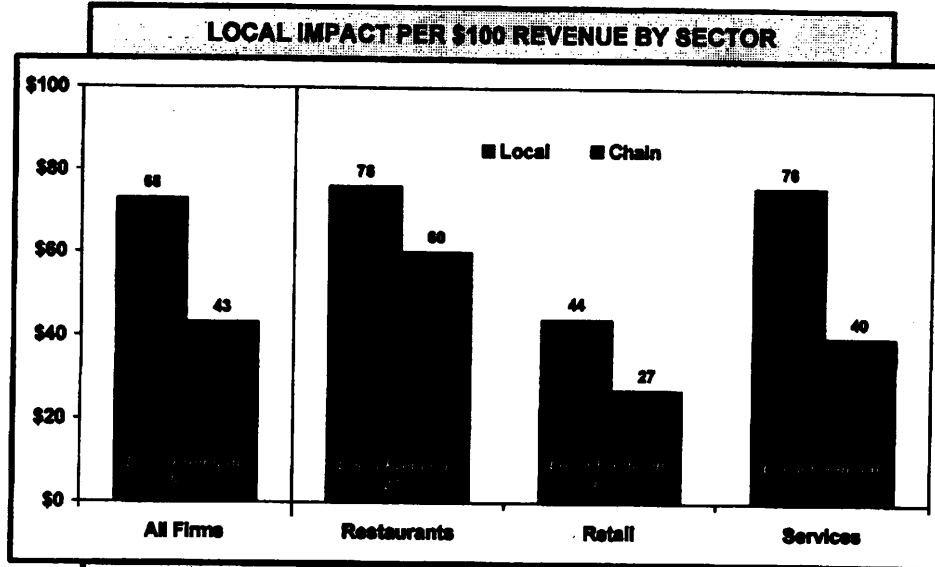
For every \$100 in consumer spending with chain firms, \$43 will remain in the local economy; if that same spending occurs with a locally-owned firm, that value jumps by 58 percent, to \$68. Similarly, for every square foot of space occupied by a chain, the local economic impact is \$105; if a local firm occupies that same space, impact jumps by 70 percent, to \$179.

This Local Premium represents the quantifiable advantage to the city provided by locally-owned businesses. Whether measured as a share of revenue or by square footage, local firms generate a substantial Local Premium over their chain competitors. That means more money circulating in the local economy, which may mean more home improvement, more in the collection plate, and more in taxable transactions to fund city services.

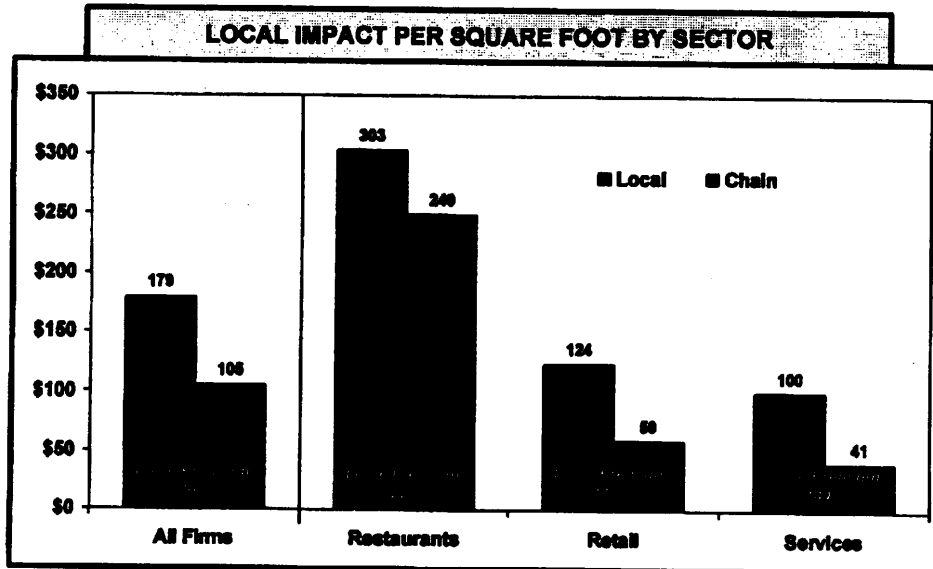
Across the board, locally-owned businesses substantially exceed their chain competitors in all four components. For example, local firms spent an average of 28 percent of revenue on labor compared to 23 percent for chains. Additionally, eight of the ten local firms are owned by Chicago residents, so profits largely remain in the city. Local firms procure local goods and services at more than twice the rate of chains. Finally, locally-owned firms in the study contribute more to local charities and fundraisers than do their national counterparts and, although this provides the smallest local advantage of the four categories, this difference is important to the community.

**Economic Impacts by Sector**

In order to gain a fuller understanding of these results, businesses were further categorized as restaurants, retailers, and service providers. This further analysis reveals that the Local Premium ranges from 144 percent per square foot among service providers to 63 percent among retailers and 22 percent per square foot among restaurants.



SOURCES: Interviews with all local businesses, Annual Reports for all chain businesses, Minnesota Implan Group, Urban Land Institute Dollars and Cents of Shopping Centers 2004, Civic Economics.



SOURCES: Interviews with all local businesses, Annual Reports for all chain businesses, Minnesota Implan Group, Urban Land Institute Dollars and Cents of Shopping Centers 2004, Civic Economics.

These differences are largely accounted for by one factor: labor costs. Restaurants, for example, are heavily dependent on employed labor. Locally-owned restaurants tend to employ more workers, have them work slightly longer hours, and pay them slightly more than their chain competitors. Local service providers, at the other end, are heavily dependent on the labors of the owner while their chain competitors rely more on employees, resulting in the most substantial Local Premium.

### **Policy Implications**

A careful reading of the data demonstrates that locally-owned businesses provide substantial economic benefits to the city, benefits that are in danger of being measurably diluted by increasing chain competition. While fair competition and consumer choice are the touchstones of urban economics, great care must be taken to ensure that public policy decisions do not inadvertently disadvantage local firms. Indeed, it may well be in the best interests of communities to institute policies that protect them.

Andersonville is a model for prosperous communities nationwide. There, Chicagoans offer a wide array of products and services, keep local dollars in the local economy, and contribute to Chicago's privileged place among American cities. But Andersonville and the dozens of neighborhoods like it are particularly threatened by the proliferation of chain businesses.

Future public policies in Chicago must seek to protect and promote the Andersonville model rather than facilitate its demise. Equally important is the matter of consumer choice. With each purchase, consumers put into play their hard earned dollars; the consumer's decision to patronize a local firm versus a chain competitor ripples through the economy with dramatic results.

## COMPLETE REPORT

The complete analysis is presented in four sections as follows:

- **INTRODUCTION AND BACKGROUND** – putting the Andersonville Study in context, describing previous related studies and the origins of this one
- **METHODOLOGY** – outlining the analytical process followed by Civic Economics
- **FINDINGS** – presenting the results of this analysis through four steps:
  - Components of Local Economic Impact
  - Aggregate Economic Impacts
  - Adjusted Economic Impacts
  - Economic Impacts by Sector
- **POLICY IMPLICATIONS** – describing some practical applications of these findings for consideration by policy makers and consumers

## INTRODUCTION AND BACKGROUND

Civic Economics, the Andersonville Development Corporation, the Andersonville Chamber of Commerce, and Andersonville Special Service District Number Twenty-Two collaborated on this study, designed to evaluate the regional economic role played by independent businesses in this dynamic district on Chicago's North Side.

In short, the study was designed to calculate the economic impact of Andersonville's locally-owned businesses and assess the economic impact of increasing chain store activity in the region. Ten Andersonville businesses agreed to participate fully in the study, opening their books to analysts at Civic Economics in order to allow a thorough understanding of their revenue and expenses. In addition, the study included a survey of consumers visiting the Andersonville area.

Battles between national chains and local merchants have been raging for some time now. The argument for supporting local merchants has often been an emotional one, pleading for support in the name of intangible qualities associated with buying local: superior customer service, involvement in community affairs, wider range of quality goods, and personal attention. While these factors are important, the economic benefits that chains are able to claim, such as employment numbers and sales tax collections, may overwhelm even well intentioned and informed public officials who believe chain stores benefit the community more than do locally-owned stores.

The partners at Civic Economics contended that the emotional argument put forth by local merchants should be supplemented by solid economic research. We suspected that while the large national chains generated more revenue from sales, much of this money left the region in which it was generated. Civic Economics found a perfect test case in Austin, Texas to explore the theory.

### Background - The Liveable City Study and beyond

The Andersonville Study is designed to build on a series of research that began in Austin, Texas in 2002. There Civic Economics was hired by the Austin Independent Business Alliance and nonprofit Liveable City to design and execute a limited study evaluating the likely economic impact of a big box outlet proposed for a corner already occupied by large local merchants selling identical goods.



Austin has faced a range of contentious choices in recent years. The community spirit has long been defined by the city's quirky personality, but explosive growth has dramatically changed the city. Contemporary notions of prosperity have threatened to transform Austin into another Houston or Dallas, with live music

and technological prowess reduced to economic development and tourism marketing hooks.

However, these forces have met with strong local resistance. One recent battleground was the intersection of Sixth & Lamar, at the western edge of the historic urban core. There, in the shadow of beloved local merchants BookPeople and Waterloo Records, a developer proposed to erect a strip center anchored by Borders Books & Music. Moreover, the city's complex smart growth ordinance resulted in development incentives exceeding \$2 Million. Opposition to the development was emotional and shrill, providing little basis on which prudent city officials might step in and change the outcome.

The Civic Economics partners saw an opportunity to inject facts into the dialogue, providing public officials with a legal basis on which to act. We formulated a methodology and presented the idea to the local merchants involved. The merchants signed on, and additional funding and public relations support for the study were provided by Liveable City and the Austin Independent Business Alliance.

While the study began with no preconceived notions, the findings were remarkable:

*For every \$100 in consumer spending at Borders, the total local economic impact is only \$13. The same amount spent with BookPeople or Waterloo Records yields more than three times the local economic impact, or \$45.*

Building on that analysis, Civic Economics formulated three essential findings:

- Local merchants generate substantially greater economic impact than chain retailers.
- Development of urban sites with directly competitive chain merchants will reduce the overall vigor of the local economy.
- Modest changes in consumer spending habits can generate substantial local economic impact.

Since the release of the Liveable City Study<sup>1</sup>, the work has been replicated in two communities. The Institute for Local Self-Reliance found nearly identical results in a study of retail activity in Mid-Coast Maine<sup>2</sup>, and the University of Toledo<sup>3</sup> Urban Affairs Center found comparable results in a study of bookstores in Lucas County, Ohio. However, given the narrow focus of these studies, there has been no clear and accepted consensus regarding the applicability of these findings in other settings. Indeed, Civic Economics has repeatedly cautioned against

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<sup>1</sup> Available for download at [http://www.civiceconomics.com/Andersonville/Lamar\\_Retail\\_Analysis.pdf](http://www.civiceconomics.com/Andersonville/Lamar_Retail_Analysis.pdf)

<sup>2</sup> Available for download at <http://www.newrules.org/retail/midcoaststudy.pdf>

<sup>3</sup> Available for download at <http://uac.utoledo.edu/Publications/Toledo-Merchant-Study-04.pdf>

assuming the Liveable City findings were universal, given the unique attributes of the local merchants studied.

### **Civic Economics In Andersonville**

The Andersonville neighborhood on Chicago's north side presents an ideal extension of the work begun in Austin. With its cohesive neighborhood organizations, dedicated and involved residents, and dense, thriving commercial district, Andersonville was an able and enthusiastic test subject.

Andersonville has become one of Chicago's most popular neighborhoods. From its beginnings as a Swedish enclave through today, its Clark Street core of unique, locally-owned businesses has been one of the main drivers of the community's success. However, its appeal is attracting increased interest from numerous chain stores looking to locate an outlet on Clark Street. Both residents and business owners are deeply concerned that the possible change in the neighborhood's character would be detrimental to both the quality of life and the commercial viability of the community.

The Andersonville Development Corporation and the Andersonville Chamber of Commerce were in search of empirical data to show whether a strategy of encouraging locally-owned, independent businesses was prudent and economically sound. The Development Corporation retained Civic Economics to study the impact of existing local businesses and compare that to prospective national competitors. This study was designed to provide more definitive answers required for the formulation of new urban development policies and the preservation of Andersonville's economic vitality.

**METHODOLOGY**

The Andersonville Study of Retail Economics was designed to measure the economic impact of twenty businesses, ten locally-owned firms operating in Andersonville and ten chain firms loosely identified as competitors or prospective competitors.

The first step in this process was to pick the actual companies from Andersonville that would comprise our local components. After consultation among the Andersonville Development Corporation, Andersonville Chamber of Commerce, and Civic Economics, it was decided that the companies should meet the following criteria:

- Located within the physical boundaries of the Development Corporation and Chamber of Commerce service areas
- Representative of the variety of retail, restaurant, and service firms that serve the neighborhood
- Drawn from throughout Andersonville's mile-long Clark Street commercial corridor
- Representative of the cultural and ethnic diversity of the community

Additionally, as there are several locally-owned franchises that serve the community, we decided that at least one locally-owned franchise should be included to ascertain where these firms fit in the local-chain dynamic.

Once these ten local firms were chosen, chain competitors were identified. The national competitors were chosen using the following guidelines:

- Offering the same general product line or service as a local firm
- Not located in Andersonville
- Publicly held, to ensure the availability of data
- Not headquartered in Chicago

The following chart shows the local and chain businesses ultimately selected for participation in the study:

ANDERSONVILLE STUDY FIRMS BY SECTOR			
	Restaurant	Retail	Service
Local	Andies M Henry Star Gaze Swedish Bakery	Chicago Aquarium White Hen Women & Children	Joel Hall Toujours Visionary
Chain	Applebee's Denny's Olive Garden Panera	Petco Convenience Store Borders	Cinemark Supercuts Pearle

Three notes are appropriate regarding the chain businesses selected for study. Many of these corporations operate a mix of corporate-owned and franchised outlets; in those cases, the analysis covers only corporate outlets. For Cinemark, calculations assume a four-screen facility. Due to difficulties separating corporate and franchised convenience stores, we formulated data for a hypothetically average, corporate-owned convenience store of 2,000 square feet.

After the local and national matches were made, the interview process began to gather the data needed from the local companies. These interviews were conducted face to face with owners or representatives of the local businesses. Worksheets were designed to elicit total revenue and expenditure patterns for each firm, including supplier locations and employee residence.

These owners provided data, which we treated as confidential, addressing the four primary areas where these firms expend funds locally: labor, profit, procurement, and charity.

As this process moved along, comparable data for the national competitors were derived from a variety of reliable sources. Because all the firms chosen are publicly held, a wide variety of data were readily available. The majority of the data were drawn from Annual Reports to stockholders and 10K filings with the Securities and Exchange Commission. Where gaps needed to be filled, the following additional sources were consulted:

- Urban Land Institute's *Dollars and Cents of Shopping Centers: 2004*
- U.S. Economic Census
- Hoover's Online

After all data were collected, the numbers were inserted into a model developed by Civic Economics using IMPLAN multipliers for the City of Chicago. The model allows us to calculate the economic impact on the city for each business, and show it in various ways, including as a percent of revenue and per square foot of retail space. The results illustrate the differential impact of local firms and their national rivals. Because land use decisions and economic development policy are largely municipal functions, the City of Chicago was selected as the relevant jurisdiction.

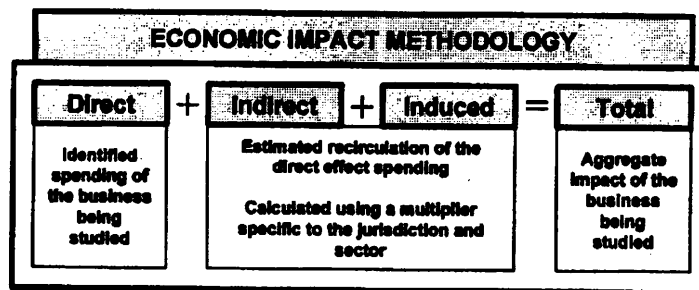
The Andersonville Development Corporation also conducted a Patron Preference Survey of 512 randomly selected shoppers within the neighborhood during the month of May 2004. While this survey was not scientifically formulated, it provided detailed background information about where patrons are coming from and why they choose to shop in Andersonville.

### Economic Impact Analysis

Civic Economics builds its economic impact analyses around tools and data provided by the Minnesota Implan Group, publishers of IMPLAN software and datasets. The following provides a brief description of the analysis process.

For this analysis the study aims to measure the amount of money spent on retail goods and services that remain in the local economy after consumer purchases. Therefore, Civic Economics began impact calculations not with the revenues of the firms studied but with their expenditures. Conventional application of multipliers assumes that comparable retailers have comparable impacts. The modified model utilized here follows the revenues of each business one step further to identify the actual local expenditures of that firm. This allows us to determine true economic impacts.

In this study, total economic impact is the sum of three effects: direct, indirect, and induced. The box below describes our modified methodology for using multipliers to isolate only dollars kept local.



In this case, *direct* effects reflect the first round of local spending, such as wages and benefits, profits to local owners, local procurement, and charitable contributions. *Indirect* and *induced* effects reflect the continuing circulation of that first round of spending by businesses and individuals respectively.

Our analysis started with the direct effect spending, which was gathered from interviews with local companies and careful study of chain store corporate filings. Using this as the base, indirect and induced effects are calculated by way of multipliers, which capture the size of these effects as a ratio of total change in economic activity relative to direct effects. Multipliers provided by IMPLAN estimate indirect and induced effects and adjust for predictable leakage from the jurisdiction.

**FINDINGS**

The Andersonville Study of Retail Economics has produced a treasure trove of data. Civic Economics interviewed individual business owners to determine revenue and spending patterns for all ten local firms, and estimated the same data for chain businesses. To distill this massive dataset to an accessible form, we have organized it as follows:

- Aggregate Findings, including all local and all chain businesses
- Impact per \$100 of Revenue, allowing a fair comparison based on consumer spending at each business
- Impact per Square Foot, allowing a fair comparison based on the space occupied by each business
- Sector Findings, grouping businesses as Restaurant, Retail, or Service

Table 1 provides a summary of key data for the analysis:

Table 1

LOCAL IMPACT SUMMARY				
Local Businesses	Restaurants	Retail	Services	Total
	Star Gaze, Andies, Women & Children, Visionary, Joel Hall, Swedish Bakery, Chicago Aquarium, Toujours, M Henry, White Hen			
Total Revenue	\$ 5,406,000	\$ 2,310,500	\$ 2,050,000	\$ 9,766,500
Retail Square Footage	13500	8100	15500	37100
Revenue per Square Foot (psf)	\$ 400	\$ 285	\$ 132	\$ 263
Total Local Impact	\$ 4,090,402	\$ 1,005,570	\$ 1,555,887	\$ 6,651,859
Local Impact per \$1 Revenue	0.76	0.44	0.76	0.68
Local Impact per Square Foot	\$ 303	\$ 124	\$ 100	\$ 179
Chain Businesses	Restaurants	Retail	Services	Total
	Applebees, Olive Garden, Panera, Denny's, Borders, Petco, Average C-Store, Pearle, Cinemark, Supercuts			
Total Revenue	\$ 9,306,994	\$ 8,962,896	\$ 2,212,222	\$ 20,482,112
Retail Square Footage	22330	40500	21500	84330
Revenue per Square Foot (psf)	\$ 417	\$ 221	\$ 103	\$ 243
Total Local Impact	\$ 5,550,439	\$ 2,392,347	\$ 886,856	\$ 8,829,641
Local Impact per \$1 Revenue	0.60	0.27	0.40	0.43
Local Impact per Square Foot	\$ 249	\$ 59	\$ 41	\$ 105

SOURCES: Interviews with all local businesses, Annual Reports for all chain businesses, Minnesota Impact Group, Urban Land Institute Dollars and Cents of Shopping Centers 2004, Civic Economics.

In the pages that follow, we will review this data in aggregate (all local and all chain businesses), and by sector. We cannot, however, reveal detailed data for any participating business.

**Components of Local Economic Impact**

The lion's share of the local economic impact of retail and service businesses is attributable to four factors: labor, profit, procurement, and charity.

Spending on local labor comprises a larger share of operating costs for a locally-owned establishment than for an outlet of a national chain. While the latter are able to consolidate administrative functions such as bookkeeping and marketing at national headquarters, independents must carry out those functions in-house or outsource within the community. Additionally, economies of scale and carefully engineered store layouts may allow national chains to employ fewer onsite staff than do locally based firms. In this study the local firms spent, on average, 29 percent of total revenue on labor costs while the national chains spent 23 percent of revenue on labor.

Secondly, a larger portion of profits earned by local ownership will remain in the local economy. Purchases of goods, services, and meals at chain outlets generate profits for the corporation, which then either reinvests in global operations or distributes a portion of profits to shareholders. In either case, chain stores profits circulating in the local economy are nominal.

Third, locally-owned businesses procure a wider array of goods and services in the local marketplace. These include goods for resale, business supplies, and professional services, among others. For the local and chain firms studied here, local procurement was roughly twice as high for local businesses (6.0 percent of total revenue) as their chain competitors (2.9 percent of total revenue).

A smaller yet significant share of the local advantage is charitable giving. The owners and employees of local firms generally live in and around their business locations and are more likely to give back to their own backyard. National firms may be more likely to donate to charities near to corporate headquarters or other large corporate facilities.

**Aggregate Economic Impacts**

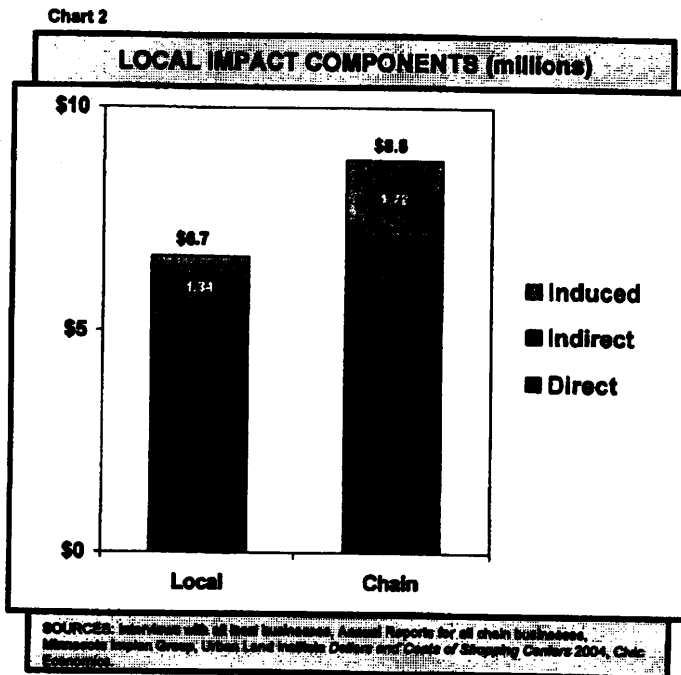
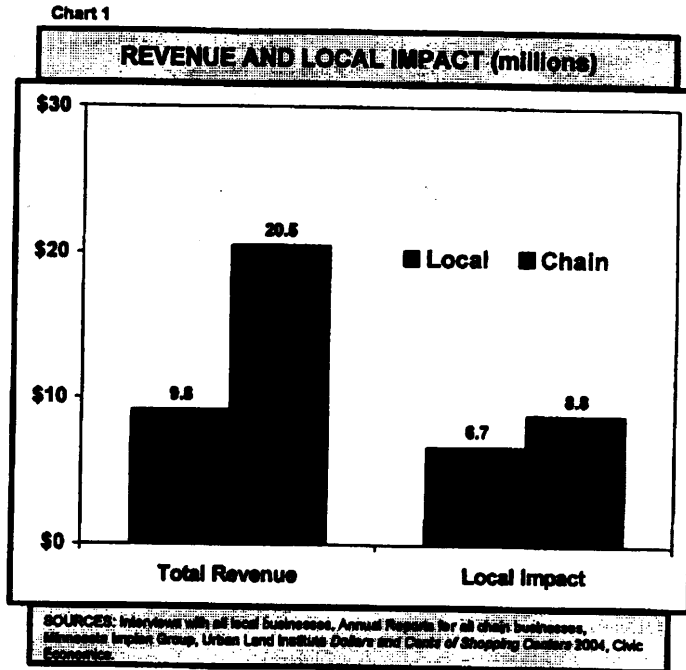
Local impacts were first determined without making adjustments for differences in revenue and square footage. In general, the chain businesses studied draw higher total revenue and occupy larger spaces, though sales per square foot are comparable.

Chart 1 shows the total local economic impact of our ten local businesses and of their ten chain competitors: While the local firms generate an economic impact of \$6.7 Million on revenue of \$9.8 Million, the chains would generate a local economic impact of \$8.8 Million on revenue of \$20.5 Million.

Chart 2 provides more detail, revealing the components of the impact calculation: direct, indirect, and induced.

In this case, *direct* effects reflect the first round of local spending, such as wages and benefits. *Indirect* and *induced* effects reflect the continuing circulation of that first round of spending by both businesses and individuals. For more detail on economic impact analysis and the meaning of these components, please review the Methodology section of this document on page 10.

In each chart, the simplest policy conclusion jumps to the fore: these ten chain



businesses create greater economic impact than the ten local firms. However, the following pages demonstrate that this simple assumption neglects to account for two essential variables: the revenue and square footage of each business. These variables, as we shall see, thoroughly erase the apparent economic impact advantage of chain businesses.

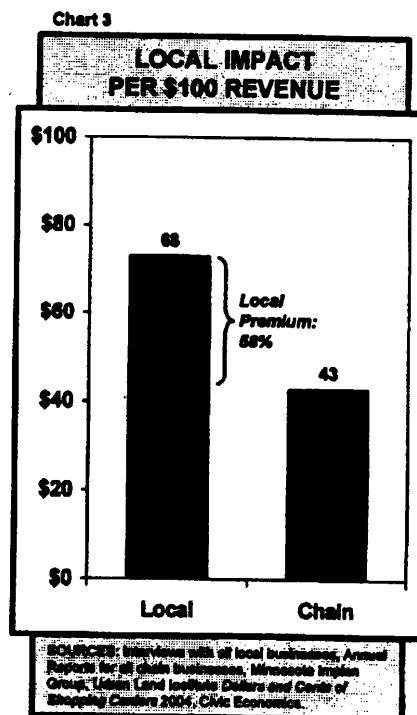
### Adjusted Economic Impacts

In order to evaluate the true economic impact of any business, it must be placed in the context of the local economy, in this case the City of Chicago. Two important considerations must be added into the calculus: revenue and store size. For each factor, we have calculated a Local Premium, reflecting the additional economic impact of local firms expressed as a percentage increase over the impact of competitor chain firms.

**By Revenue:** Chart 3 illustrates the economic impact of local and chain businesses adjusted for total revenue, revealing that \$100 in consumer spending with a mix of local businesses generates \$68 in local economic impact. By contrast, the same \$100 spent with competitor chains generates only \$43 in local economic impact. The Local Premium in economic impact is a striking 58 percent relative to chains.

Consumer spending in large retail markets is relatively inelastic; that is, the presence of any given business will not change total consumer spending over an extended period of time. For example, it may well be that the arrival of a new Olive Garden in a location such as Andersonville will briefly generate greater restaurant sales in the area, but it cannot be assumed that it will increase overall restaurant sales in the city. The reason for this is simple: household discretionary spending is a function of household income, not a function of choices. Because sales tax revenue is a function of retail sales activity, the chain stores studied here are largely revenue neutral in that regard.

We do recognize that certain businesses are an essential component of a city's tourist matrix, contributing to the attraction of visitors and their money. The chain businesses studied here are quite common and unlikely to generate additional sales activity in the City. On the other hand, it is clear that the unique mix of firms in Andersonville does bring shoppers from beyond the City. The Patron Preference

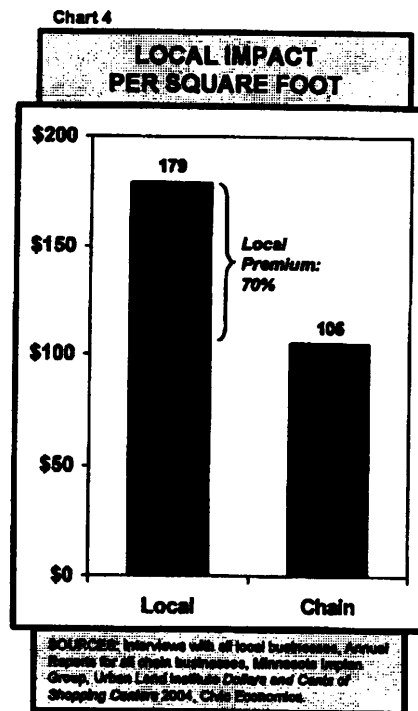


Survey conducted in coordination with this study revealed that the primary attractions of Andersonville are its mix of local businesses and traditional urban setting. The area draws spending into the city, which cannot be said of an agglomeration of common chain stores. Indeed, 10 percent of all respondents reside outside the City of Chicago.

**By Size:** Chart 4 illustrates the economic impact of local and chain businesses adjusted for total square footage. For every square foot occupied by local businesses, the economic impact in the City of Chicago reaches \$179. By contrast, for every square foot occupied by chains, the economic impact reaches only \$105. The Local Premium is a striking 70 percent relative to the chains.

The chain firms studied here occupy spaces twice as large as their local competitors. They also achieve total sales roughly twice as high. Local and chain businesses in the study attain comparable sales per square foot, \$263 for locals and \$243 for chains. This figure will surprise many, and it is of significance in evaluating the economic impact of chains.

Urban policy makers pay close attention to real estate occupancy and absorption rates, as improvements in these measures reflect the health of the local real estate market. National chains are often believed to improve these measures, if only because they occupy more space per outlet. Returning to the example of the typical Olive Garden, on opening day the restaurant has occupied 8,200 square feet of space. However, if the revenue to support that square footage is merely diverted from other businesses in the area, its impact on occupancy and absorption will be negated over time.



So, where policy makers might be tempted by the aggregate impacts outlined above, adjustments for revenue and size dispel the notion that chains will generate greater sales tax revenue or more effectively utilize the city's real estate. The gradual replacement of local firms with chain competitors instead produces serious negative consequences, denying the community and its citizens the benefits of the Local Premium.

**Economic Impacts by Sector**

Given the variety of businesses participating in this study, Civic Economics was given a unique opportunity to see how outcomes differ by the nature of the business. In this case, we have sorted firms into three sectors: Restaurant, Retail, and Services.

- Local restaurants include Star Gaze, Andies, Swedish Bakery, and M Henry; competitors include Applebee's, Olive Garden, Panera Bread, and Denny's.
- Local retailers include Women and Children First, Chicago Aquarium and Pond, and White Hen; competitors include Borders, Petco, and a hypothetical company-owned convenience store.
- Local service providers include Visionary Eye Care, Joel Hall Dancers, and Toujours Spa and Salon; competitors include Pearle Vision, Cinemark, and Supercuts.

As with the analyses above, we adjusted these impact analyses to account for variations in revenue and square footage. The aggregate Local Premium is substantial, whether adjustment is made for revenue or size; however, these variables play out quite differently when the data is broken out by sector.

Chart 5 illustrates the economic impact per \$100 of revenue across the three sectors.

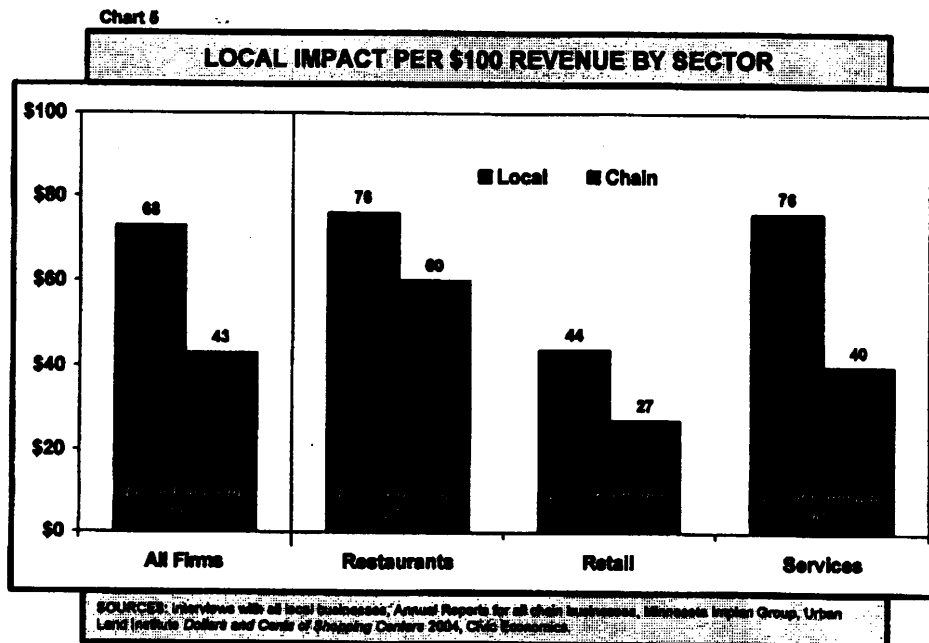
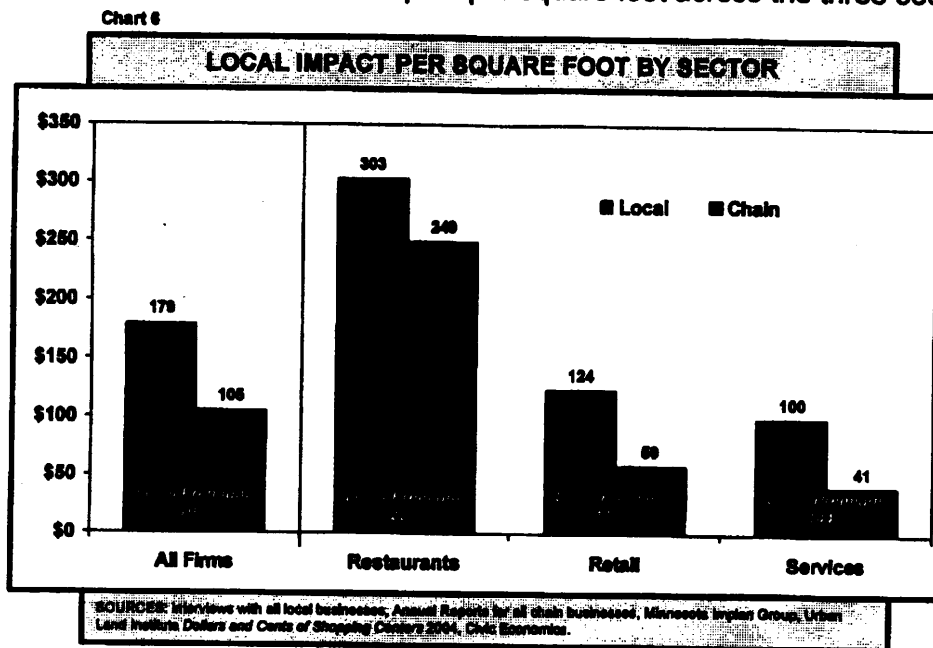


Chart 6 illustrates the economic impact per square foot across the three sectors.



Much of the difference in impact among the sectors is accounted for by labor costs. Moreover, these costs are heavily localized, as employees and proprietors are drawn largely from within the City of Chicago.

Among restaurants, for example, labor costs ranged from 20 percent of total revenue to 43 percent of total revenue. Labor costs at local restaurants averaged 28 percent, kept low by two operations in which owners provide substantial labor while taking little in wages and profits. At chains, labor costs averaged 34 percent, though only one operator, Denny's, exceeded the average, reporting a surprising 43 percent.

Service providers, perhaps predictably, expend a large portion of revenues on labor. However, the data make clear that locally-owned firms expend a much larger portion on labor, including both employees and proprietors. Indeed, though we did not evaluate wage and benefit rates for individual employees, it appears that the presence of an owner is a significant factor in the extraordinary Local Premium among service firms.

One last area of analysis was the impact of a locally-owned franchise in comparison to a wholly corporate-owned and operated chain store. In this case the locally franchised White Hen Pantry mirrored a nationally owned chain store in most expenditure categories with the major difference being that bottom line profit for the franchisee remained in the community. This provided a Local Premium for the locally-owned franchise, albeit much slimmer than the other locally-owned businesses present over their competitors.

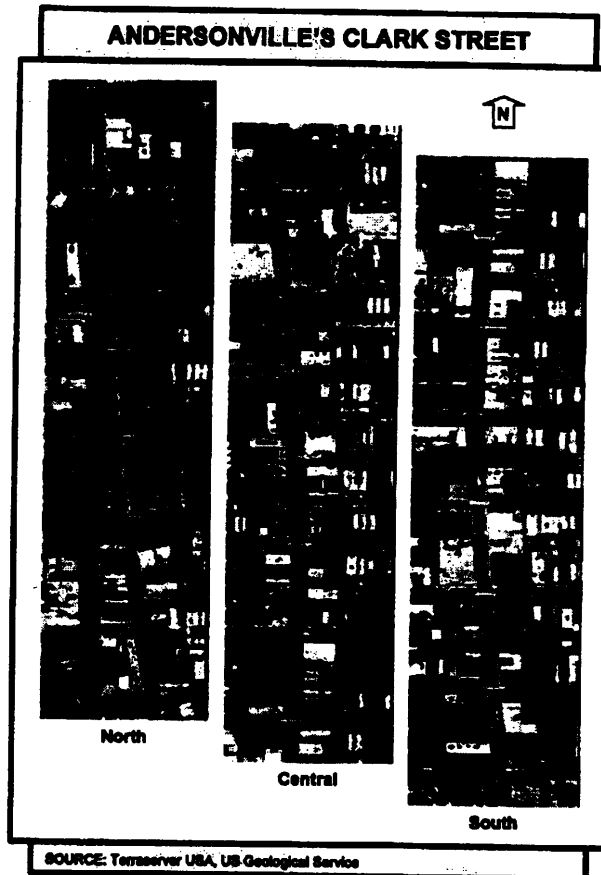
## POLICY IMPLICATIONS

With so much data collected for the Andersonville Study, we are certain that interpretation will continue long after its release. However, several significant policy implications should be noted here.

### Creativity, Opportunity, and Prosperity

Civic Economics is dedicated to the pursuit of those attributes in client communities. The findings of this study demonstrate strongly that the Andersonville model (diverse offerings, human scale, locally-owned businesses) is far superior to the increasingly common suburban model (consolidated offerings, auto scale, chain businesses) in promoting those attributes.

In the age of the mobile "creative class," American communities seek to promote and celebrate their unique attributes. Chicago has led the way in celebrating cultural diversity, neighborhood vitality, and a distinctly midwestern urbanism. These are the very attributes on display in Andersonville and those most directly threatened by the proliferation of chain businesses.



Civic Economics made no attempt in this study to evaluate wages and benefits. However, we can say with certainty that the Andersonville model of diverse local firms provides an opportunity for entrepreneurship severely constrained by chain proliferation. As yesterday's proprietors become tomorrow's employees, there can be little doubt that something has been lost.

The findings of this study make quite clear that local firms contribute mightily to local prosperity in comparison their chain competitors. The Local Premium identified above is a real and quantifiable demonstration of the drainage of dollars from the community by chain businesses.

Neither Civic Economics nor its Andersonville clients will argue that chain firms have no place in the city. Fair market competition plays an essential role in any economy, and consumer preferences must be respected. However, policy makers must ensure that the playing field is level, that local firms are not inadvertently disadvantaged by faulty premises or unintended consequences.

### **Urban Redevelopment and Chain Retail**

Like other major cities adjusting to new economic realities, Chicago faces the monumental challenge of redeveloping obsolete and blighted sites. The city has achieved unparalleled success in doing so. Across the city, new and rehabilitated buildings provide appealing and accessible options in the spirit of New Urbanism, filling gaps in the urban fabric and in municipal revenues. Chicago has pioneered an array of planning and development tools to achieve this success, providing public support and incentives for redevelopment projects.

However, any tour of such sites will reveal a troubling fact: chain outlets anchor many redevelopment sites. As a result, these projects introduce new, often publicly subsidized, competition to local businesses. As demonstrated in this study, that unbalanced competition siphons dollars and economic vitality from the community as consumers move spending from locals to chains.

During BookExpo 2004, held in Chicago, Civic Economics led a discussion of this phenomenon with America's leading independent booksellers. They reported common experiences from Miami to Seattle.

Developers of these sites share an urban vision of lively, pedestrian-friendly neighborhoods. Architectural renderings depict bookstores, restaurants, and coffee shops with distinctive local flourishes. Municipalities offer a variety of incentives to make the vision a reality. However, the reality often diverges in substantial ways as developers follow conventional leasing strategies, signing chain stores and formula restaurants to the most prominent storefronts. From these privileged locations, subsidized chains gain a competitive advantage over nearby independents.

We believe that cities can capture all of the advantages of redevelopment without inadvertently harming local merchants. Incentive conditions and development guidelines can promote the placement of unique local businesses in new projects. Risk to the developer can be reduced through lease guarantees or low interest financing with minimal exposure to the city. Modest changes in planning and development practice will allow the continued revitalization of Chicago without diluting the city's unique character or foregoing the Local Premium provided by local firms.

### **Public Revenue and Economic Development**

Policy makers rightfully seek to maximize public revenues without raising tax rates, and often proceed on the assumption that attracting local outlets of national chains will do that. However, the findings above demonstrate that their arrival is, at best, revenue-neutral even in the near term. Moreover, the inevitable long-term consequence of forgoing the Local Premium identified above is a gradual decrease in public revenues, as those dollars are no longer available to generate taxable transactions within the city.

Economic development policy did not focus on chain businesses until the recent economic downturn. Faced with a dearth of factory and headquarters prospects, practitioners found their best prospects in chain stores and restaurants and have portrayed these as economic development "wins." As it must often do, Chicago can lead the way in repudiating this counterproductive approach to economic development.

Factories or corporate headquarters, which produce goods and services for export, drawing dollars into the community and clearly enhancing the local economy and tax base, are the legitimate and traditional targets of economic development policy.

Stores, restaurants, and service providers, by contrast, produce goods and services for local consumption. In general, the dollars that enter these businesses are the dollars of Chicagoans. Therefore, the appropriate measure is not how much revenue any outlet earns but rather how much of that revenue it shares with the community rather than siphons from it. The findings of this study make clear that economic development goals are actually hindered when chain businesses receive preferential treatment.

We do recognize that certain chain stores and restaurants are an essential component of a city's tourist matrix, contributing to the attraction of visitors and their money. However, those firms are exceptional and in no case can the chain firms studied here be recognized as tourist draws. In fact, as the Patron Preference Survey demonstrates, it is traditional business districts like Andersonville that provide Chicago an edge in attracting visitors and their spending.

### **Urban Design Considerations**

Chicago's distinct urban character is on display on Clark Street in Andersonville. Buildings are scaled to pedestrians and present a street wall that is varied yet harmonious. These buildings provide relatively small spaces for hundreds of retailers, restaurants, and service providers. Patrons are pulled along the street by diverse shop windows and signage.

If chain competitors supplanted the local businesses of Andersonville, that streetscape would be dramatically and adversely affected. The chains studied here average twice the square footage of the locals. Shop windows, entrances, and signs would thus be stretched twice as far apart. Small structures that have served the neighborhood for decades would be rendered obsolete, either abandoned or replaced by larger formulaic structures.

Perhaps more importantly, Andersonville shares these attributes with dozens of neighborhoods throughout the city, all of which are similarly under assault. While generic agglomerations of chain stores are widely available throughout the metropolitan area, these traditional urban districts offer a distinct character that cannot be replicated.

The Customer Preference Survey conducted by the Andersonville Development Corporation highlights this distinction. When asked to express a preference on the type of business shoppers choose to patronize, over 70 percent chose locally-owned businesses while less than three percent chose chain businesses. Additionally, an overwhelming 80 percent of respondents identified Andersonville's traditional neighborhood district as their preferred shopping environment.

These results back up the belief in the neighborhood that Andersonville's unique businesses and layout are a draw, attracting people from both inside and outside the region. Indeed, among survey respondents, over 10% were from outside the City of Chicago. Districts such as Andersonville provide the City with a unique advantage, drawing patrons from throughout the region and offering tourists an experience they are unlikely to find at home.

#### **The Economic Impact of Consumer Choices**

The Andersonville Study was crafted to provide policy makers with the information they need for rational decision-making. However, we would be remiss if we failed to address another critical audience with the power to make a substantial difference in the economic health of Chicago: consumers.

From a bottle of soda to a night on the town, from books and fish to eye care and dance lessons, the businesses studied here offer a range of goods and services that ordinary Chicagoans purchase every day. With each purchase, consumers put into play their hard earned dollars; the consumer's decision to patronize a local firm versus a chain competitor ripples through the economy with dramatic results.

The ten local firms participating in this study generate nearly \$10 Million in revenue each year. Of that sum, roughly \$6.8 million remains in Chicago. Were consumers to abandon these firms and direct that \$10 million in spending to their chain competitors, only \$4.3 million would remain. The missing millions would have flown off to corporate offices outside the region. Once siphoned away, that

money cannot go to employ Chicagoans, to improve Chicago homes, or to support Chicago churches and charities.

In one of the largest urban economies in the nation, these few million dollars may seem insignificant. Yet it must be remembered that we have studied here only ten small businesses in one Chicago neighborhood. The \$10 Million in revenue we followed here is but a drop in the city's total sales of goods and services, which is measured in the tens of billions.

While we cannot make claims about the applicability of these exact figures beyond the businesses studied here, it is clear that the purchasing decisions of Chicago consumers determine the fate of billions of dollars. Whether that money stays or goes is dependent upon the individual shopping choices of individual consumers.

### **The Bottom Line**

Andersonville is a model for prosperous communities nationwide. There, Chicagoans offer a wide array of products and services, keep local dollars in the local economy, and contribute to Chicago's privileged place among American cities. But Andersonville and the dozens of neighborhoods like it are particularly threatened by the proliferation of chain businesses.

Public policy in Chicago must seek to protect and promote the Andersonville model rather than facilitate its demise. Indeed, it may be in the best interests of communities to institute policies that directly incentivize them.

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## ABOUT THE STUDY

### About Andersonville

Andersonville is a distinctive neighborhood on the north side of Chicago. Locally-owned businesses have been a primary element in its success throughout its history. First established as a farming community in the 1850s, the retail district began as an enclave of small businesses when Swedes moved north to escape the neighborhoods that had been ravaged by the Great Chicago Fire in 1871. The residential community remained primarily Swedish for decades, until, like many established groups, the Swedes began migrating to the suburbs in the 1950s.



In 1964, the small business owners banded together to organize a huge parade, led by Mayor Richard J. Daley, in a celebration to rededicate the neighborhood to its Swedish roots. In the mid-1980s, the neighborhood was experiencing disinvestment in the commercial district. The business owners again organized, with the help of locally-owned banks, and provided financing for new start-ups to revitalize the district, as well as community-wide marketing. The combined efforts drew key new local enterprises onto Clark Street, and with them came renewed interest in Andersonville's residential areas.

Today, Andersonville is one of Chicago's most popular neighborhoods. It is still considered one of the most concentrated areas of Swedish culture in the United States and is home to the renowned Swedish American Museum. In addition, Andersonville hosts a diverse assortment of devoted residents and businesses, including one of Chicago's largest gay & lesbian communities, a large collection of Middle Eastern restaurants and bakeries, and a thriving Hispanic commercial area on its north end.

Discover the small-town charm of Chicago's Andersonville neighborhood. A great place to start is the website of the Andersonville Chamber of Commerce, [www.Andersonville.org](http://www.Andersonville.org).

### About Civic Economics

Civic Economics is an economic analysis and strategic planning consultancy with offices in Austin and Chicago. Since its founding in 2002, the firm has established itself as a leader in progressive economic development, taking its unique vision of sustainable prosperity across the USA and Mexico.



More importantly, the firm has emerged at the center of a network of planners and independent businesses promoting reasoned analysis of the evolving American retail scene. We've provided information and counsel to dozens of civic organizations in the USA and Canada. Our observations have appeared in news outlets from New York Times to San Diego. We have developed an unmatched understanding of the dynamics of local retail and service provision, a library of best practices information, and a network of contacts from business, government, and civic organizations nationwide.

Learn more about the firm and "*The Civic Economics of Retail*" by visiting us online at [www.CivicEconomics.com](http://www.CivicEconomics.com).

### Participating Firms



**Andies Restaurant** is a family owned restaurant serving Mediterranean, Lebanese, and Greek foods. Owner Andie Tamras has been serving Andersonville residents and visitors for 30 years. He participates in many local fundraisers and enjoys being a community destination for many holiday meals.



**The Chicago Aquarium and Pond Company** meets all the needs of the pond and aquarium hobbyist. It was started back in 1981 and owners Harold Ellis and Ken Riley have lived above their shop since 1988. As such, they are invested in Andersonville in both their professional and personal spheres.



**The Joel Hall Dancers and Center** was founded in 1974 by Joel Hall and Joseph Ehrenberg. Offering over 150 weekly classes for dancers of all ages, the studio reaches out to those who would not otherwise be exposed to the arts for classes, educational outreach programs and performances.



**M Henry** is a recent addition to the Andersonville scene. This restaurant features a breakfast and brunch menu that puts a modern spin on some classic dishes. Owner Michael Moorman chose a location at the northern end of the neighborhood, expanding the geographic diversity in Andersonville.



**Star Gaze** is a restaurant and bar catering primarily to the neighborhood's lesbian population. The community minded owners donate time and space to many nonprofit organizations that cannot afford those expenses.



**Swedish Bakery** is the ultimate neighborhood sweet shop. Traditional Swedish products are featured, as well as a selection of other European and old fashioned American items. An expansion in 1989 tripled the size of the Swedish Bakery, raising employment from 19 to its current 55 employees.



**Toujours Spa and Salon** is another recent addition to Andersonville. This upscale salon and spa provides a service more commonly found downtown. The quality of work provides residents of Andersonville an amenity they once had to travel outside the neighborhood to enjoy.



**Visionary Eye Care** is a full service eye care facility, providing a unique health service and a full range of stylish eyewear. Drs. Michael Cizek and Barbara Butler-Schneider and all their employees live in Andersonville.



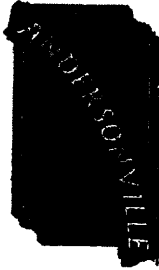
**White Hen Pantry** is the locally-owned outlet of a well-known convenience store franchisor. Owner Cecilia Lemus was an employee at the store before recently purchasing the franchise rights.



**Women and Children First** is one of the largest feminist bookstores in the country, with over 30,000 books, and plays host to many book signings and events from local, regional, and national figures. Co-owner Ann Christopherson has been a vocal proponent of independent bookstores and retailers throughout the country and has recently served as President of the American Booksellers Association.

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To learn more about the Andersonville and to obtain copies of study documents,  
please visit [www.AndersonvilleStudy.com](http://www.AndersonvilleStudy.com).



# **Economic Impact Analysis: A Case Study**

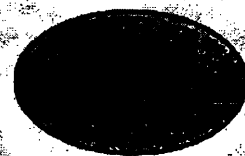
**Local Merchants  
vs.  
Chain Retailers**

## **COMPLETE REPORT**

**Prepared for**

**Wheatley**

**&**



**by**

**CIVIC ECONOMICS**

**CREATIVITY · OPPORTUNITY · PROSPERITY**

**December 2002**

# **ECONOMIC IMPACT ANALYSIS**

## **Local Merchants vs. Chain Retailers**

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### **INTRODUCTION**

Civic Economics is pleased to present Liveable City with this Economic Impact Analysis assessing the economic impact of local merchants relative to a chain merchant carrying comparable lines of goods. Sixth and Lamar, specifically BookPeople, Waterloo Records, and Borders Books & Music, provide a case study.

#### **The National Context**

American communities from coast to coast have wrestled with the implications of national chain retail. In many small communities, the issue comes to a head with the imminent arrival of a large discount store, and manifests itself in an anti-Wal-Mart campaign. In others, the desperate quest for sales tax revenues places public officials squarely on the side of national merchants. Few would argue that chain stores have no place in a large community such as Austin. In many cases these stores expand consumer choice and offer good consumer value.

Despite national interest, however, CivEc has identified a near absence of objective, fact-based analysis of the phenomenon. Proponents and opponents alike present broad arguments based on emotional or philosophical pleas, for "mom and pop" shops and local character on one side and for free markets and consumer choice on the other. This report is designed to enhance the discussion by providing a credible and quantifiable analysis.

#### **The Local Context**

The area of Sixth Street and Lamar Boulevard in central Austin provides an outstanding opportunity to study the dynamics of retail competition. The following analyses are put forth as a case study of the interaction among co-locating chain and local merchants in similar lines of goods.

There can be no doubt that development of the properties in question is in the public interest. The corner of Sixth and Lamar is destined to become a retail, residential, and office hub for the region. Austin policymakers have wisely promoted this outcome. However, few seriously contend that the composition of this development is unimportant. Austin's smart growth, great streets, and downtown development policies are carefully crafted to promote the health of the city by providing developers with incentives for preferred behaviors.

This analysis demonstrates a clear failure of public policy to steer desirable development at the site in question. As presently configured, new development at the corner will yield a net loss to the local economy. Moreover, previous decisions have placed the city in the position of subsidizing such an outcome.

Schlosser Development Corp. presently controls the two blocks between Fifth and Sixth to the east of Lamar as well as the previously developed block to the south, containing Office Max, Starbucks, and an AT&T Phone Store. Should the development proceed as

## **ECONOMIC IMPACT ANALYSIS**

### **Local Merchants vs. Chain Retailers**

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presently structured, Schlosser will additionally take on leasing responsibilities at the present Whole Foods and BookPeople complex.

Under the present proposal, the offices and flagship store of Whole Foods Market will occupy the prime block of the Schlosser site. Whole Foods is a genuine Austin success story, growing in 20 years from a single Lamar store to a national chain with 137 outlets and growing. Whole Foods became a publicly traded company in 1992 (Nasdaq: WFM). Much of the company's expansion has come through acquisition of 12 local chains around the nation.

Schlosser proposes to anchor the eastern block with a Borders Books & Music store. Borders, like Whole Foods, is a hometown success story in a college town. From the first store in Ann Arbor, Borders has grown into the second largest national retailer of books and music. After a brief stint as a subsidiary of K-Mart, Borders was spun out in 1997 and now trades as BGI, the holding company for Borders and Waldenbooks.

As originally presented to the City, the Schlosser development on the site was to be an "urban village," albeit one with a Target store for an anchor. This proposal (at left), featuring the design work of internationally recognized Jerde Partnership, was approved for substantial public incentives. Unfortunately, after clearing and grading the site and closing a public street, the project was postponed due to financing difficulties. The project was resurrected in the summer of 2002 in the present configuration.



According to published sources, the combined Schlosser properties have been granted incentives with a total value of over \$2.1 Million. These include fee waivers, water and wastewater infrastructure reimbursements, drainage improvements, and a temporary use of right-of-way fee waiver. The projects have thus far received approximately \$710,000 of these incentives. Additionally, the developers have entered into an agreement with Austin Energy for the provision of a chilled water facility valued at approximately \$3.5 Million.

# ECONOMIC IMPACT ANALYSIS

## Local Merchants vs. Chain Retailers

### EXECUTIVE SUMMARY

Civic Economics (CivEc) is pleased to present this Economic Impact Analysis assessing the economic activity generated by local merchants relative to a chain merchant carrying comparable lines of goods. Economic impact, for the purposes of this case study, is based on locally focused expenditures of the merchants, including such items as labor, profits, goods, and services.

### PRINCIPAL FINDINGS: THREE ESSENTIAL FACTS

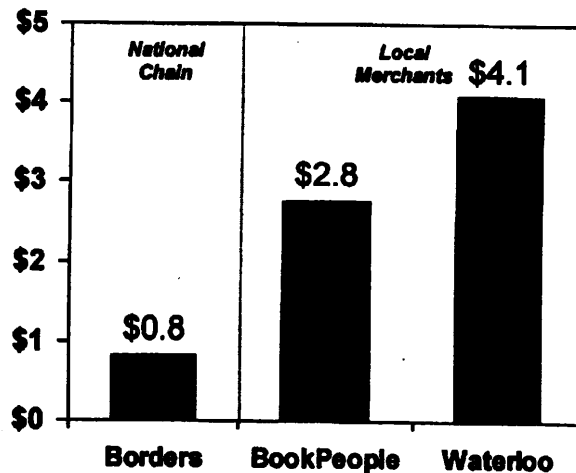
**FACT: Local merchants generate substantially greater economic impact than chain retailers.**

CivEc initially compared the local economic impact of three freestanding stores, a typical Borders, and the existing and known quantities of BookPeople and Waterloo.

Three distinctions account for the dramatic difference seen in the chart at right:

1. Local merchants spend a much larger portion of total revenue on local labor to run the enterprise and sell the merchandise.
2. Local merchants keep their modest profits in the local economy.
3. Local merchants provide strong support for local artists and authors, creating further local economic impact.

**Annual Economic Impact per Store**  
(millions in 2002)



**FACT: Development of urban sites with directly competitive chain merchants will reduce the overall vigor of the local economy.**

Development of a Borders store at Sixth and Lamar will reduce the vigor of the Austin economy. In this analysis, CivEc reviewed three scenarios to account for the range of impacts possible. In all three, Borders triggers a decline in local economic activity despite increasing total sales of books and music at the corner.

**Competitive Effects:  
Borders Impact over Five Years**  
Total book and music sales increase  
Economic returns decrease

## ECONOMIC IMPACT ANALYSIS Local Merchants vs. Chain Retailers

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CivEc puts forth two alternative outcomes in which the neighborhood and the Austin economy will be enhanced:

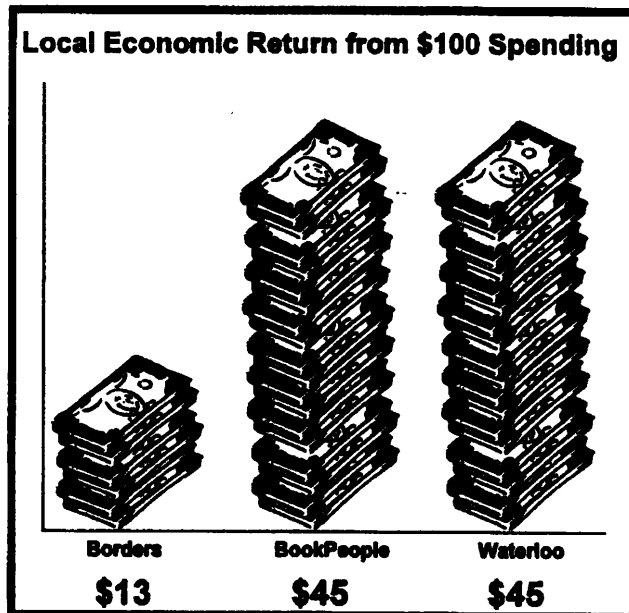
1. New merchants bring a new line of goods to the market, attracting additional consumer traffic to the area to the benefit of neighboring merchants. For example, former plans called for a cinema at the site. This would have offered a product previously unavailable at Sixth and Lamar, drawing additional prospective customers for all neighboring merchants.
2. New merchants bring a complementary line of goods to the market, leading to increased browsing among merchants with similar but unique lines of goods. For example, there exists in the neighborhood a cluster of antiques and home goods shops. Shoppers for these goods are induced to visit several merchants, as unique yet related items are offered in each shop.

As presently configured, the City of Austin is asked to subsidize a development that actually does damage to the local economy.

**FACT: Modest changes in consumer spending habits can generate substantial local economic impact.**

For every \$100 in consumer spending at Borders, the total local economic impact is only \$13. The same amount spent with a local merchant yields more than three times the local economic impact.

If each household in Travis County simply redirected just \$100 of planned holiday spending from chain stores to locally owned merchants, the local economic impact would reach approximately \$10 Million.



## **ECONOMIC IMPACT ANALYSIS Local Merchants vs. Chain Retailers**

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### **ECONOMIC IMPACT ANALYSIS: LOCAL MERCHANTS vs. CHAIN RETAILERS**

This report is divided into three sections, which present similar data in different formats for different audiences.

**SECTION I: COMPARATIVE ECONOMIC IMPACT ANALYSIS** presents a baseline assessment of the economic impacts of three different, freestanding stores: BookPeople, Waterloo, and a typical Borders. It provides much of the underlying data for subsequent analysis.

**SECTION II: COMPETITIVE EFFECTS ANALYSIS** is aimed squarely at policymakers. It provides a five-year forecast of the likely effect of competition at Sixth and Lamar.

**SECTION III: PROPORTIONATE ECONOMIC IMPACT ANALYSIS** is aimed squarely at consumers. It provides shoppers with an understanding of the implications of our purchasing decisions.

Civic Economics has withheld a small amount of the underlying data in order to protect the privacy and business practices of the local merchants in question. Questions regarding methodology and findings should be directed to:

Dan Houston, Partner  
Civic Economics  
dhouston@CivicEconomics.com

## ECONOMIC IMPACT ANALYSIS Local Merchants vs. Chain Retailers

### SECTION I: COMPARATIVE ECONOMIC IMPACT ANALYSIS

Locally owned and operated merchants generally have greater impacts on local economies than outlets of national chains due to three primary classes of expenditure.

First, spending on local labor typically comprises a greater share of operating costs for a locally owned establishment than an outlet of a national chain. While the latter is able to consolidate the vast majority of its administrative functions, such as bookkeeping and advertising, at its national headquarters, an independently owned store carries out those functions in the community.

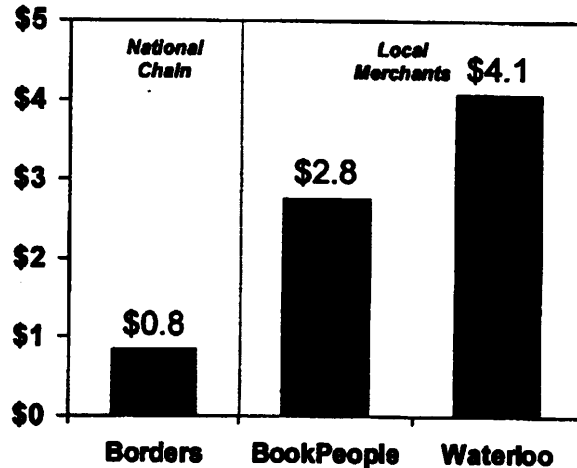
Additionally, "economies of scale" and carefully engineered store layouts may allow national chains to employ fewer sales staff than locally based stores.

Next, large national chains purchase fewer goods and services in the markets they serve. Their products, advertising, and supplies are usually procured at the national level. By contrast, local stores may purchase a substantial portion of these goods and services from other local firms, keeping that money in the community. Additionally, local bookstores and record stores are often the sole outlets for retail sales of books and recordings by local authors and artists. Particularly for authors and artists with self-published works, such as local bands selling music on consignment, the bulk of sales receipts remain local. National chain stores stock few such items.

Finally, a larger portion of profits earned by owners of local stores remains in the local economy. Once a purchase is made at a nationally owned store, the profits from that sale go directly to the headquarters outside the region, perhaps to be distributed to stockholders worldwide. The owners of local establishments, by contrast, are members of the local community, residing in nearby neighborhoods and spending their earnings on goods and services locally or supporting local organizations.

Chart 1 presents the first standard dataset of an economic impact assessment, the combined direct and indirect economic impacts of each store. In this analysis, CivEc reviewed the local employment and spending patterns of each merchant, using actual data from BookPeople and Waterloo, and a typical Borders store, all in 2002. Details of the underlying data, assumptions, and methodology have been withheld to protect the privacy and business practices of the local merchants.

Annual Economic Impact per Store  
(millions in 2002)



## **ECONOMIC IMPACT ANALYSIS**

### **Local Merchants vs. Chain Retailers**

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For the purposes of this report, **direct impacts** are identified as all local expenditures by the store. For example, wages and benefits paid to employees remain local, as does local advertising spending, purchases from local suppliers, and, in the case of the local merchants, profit. By including off-site expenditures as part of the direct impact, this analysis is able to incorporate the marked difference between these purchases made by local establishments and national franchises. In a simple economic impact analysis, off-site expenditures are viewed as indirect impacts, to be estimated by the application of multipliers. However, in this case, such a treatment would yield inaccurate results by estimating that local merchants and chain outlets purchase equal shares of goods and services locally.

**Calculation of Indirect impacts** seeks to quantify the further effects of direct impact funds as they circulate in the local economy. Indirect impacts are calculated using multipliers, which estimate the degree of circulation expected. The cost of goods for each store, which includes wholesale purchases of merchandise and the space in which to sell it, are not included in the calculations. These indirect impacts also include induced effects, accounting for increased household spending brought about by additional local economic activity.

CivEc here utilized conservative, industry standard multipliers, calculated by a nationally respected firm using a sophisticated input-output model of the Austin economy. To protect the privacy and business practices, the precise values of those multipliers cannot be provided in the published version of this report.

Our analysis reveals that the typical Borders store generates total local economic impact of just over \$820,000.

By contrast, BookPeople generates total a local economic impact of \$2.8 Million.

Similarly, Waterloo generates local economic impact of \$4.1 Million.

It must be noted that this is a net economic impact and not a fiscal analysis. This local impact does not seek to determine the amount of revenue each will deliver to the local governmental units involved. Such tax revenue will be similar whether new retailers at the site are a competitive threat to other independent businesses nearby or not.

## **ECONOMIC IMPACT ANALYSIS Local Merchants vs. Chain Retailers**

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### **SECTION II: COMPETITIVE EFFECTS ANALYSIS**

#### **Underlying Assumptions**

The analysis described above calculates the economic impact of the three stores in the present year. However, to address the situation at Sixth and Lamar requires consideration of the effect of direct competition at the corner. CivEc has, therefore, formulated a set of assumptions about the performance of these stores in the future and in competition. For the purposes of this study, 2004 has been treated as year one of competition.

**Assumption 1:** According to recent annual reports of Borders Group Inc., the average Borders nationwide will achieve sales of approximately \$6.5 Million in 2002. However, given the expected intensity of competition in comparable merchandise at Sixth and Lamar, we do not believe that this Borders store will perform as well. We have thus assumed a Borders store with first year revenues of \$4.7 Million. It should be noted that Borders Stores closed only one outlet in 2001, indicating a willingness to maintain under performing stores for sustained periods. Additionally, our analysis demonstrates that should Borders perform substantially better than projected here, local merchants BookPeople and Waterloo would face extreme challenges to remaining in business.

**Assumption 2:** The calculation begins with projected revenues for BookPeople and Waterloo, provided by the merchants themselves. In the absence of a Borders at the corner, both project modest annual increases over the coming years. To validate these assumptions, CivEc studied recent retail sales trends (books, music, and overall retail sales) for a large area of central Austin. Books, music, and general retail all sustained strong gains over the last ten years, with a modest decline in 2001. Based upon 2002 sales figures for BookPeople and Waterloo, continuation of modest annual gains is a reasonable assumption.

**Assumption 3:** CivEc again studied retail sales trends for the region to estimate the likely effect of competition among the stores. Given the similar product mix and nearly identical pricing of those goods, we assumed that approximately 50% of Borders sales at this location would represent sales diverted from BookPeople and Waterloo. This assumption is supported by historical retail data showing consistent but modest increases in book and music sales locally. Given Borders' emphasis on books and the duplication of inventory at BookPeople, we assumed that diverted sales would weigh more heavily on BookPeople than on Waterloo. As to the other 50% of sales, that revenue is likely to be drawn primarily from other merchants throughout the metropolitan area, though a new Borders location may be expected to induce a very small amount of new book and music spending in the region.

#### **Competitive Effects:**

**Borders introduces no new products to the market, either at the corner or in Austin.**

**Approximately 50% of revenue at a new Borders will be diverted from BookPeople and Waterloo.**

## **ECONOMIC IMPACT ANALYSIS**

### **Local Merchants vs. Chain Retailers**

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**Assumption 4:** Finally, CivEc formulated three likely outcomes in succeeding years. In the first, labeled the Basic Borders, the Borders store is projected to gain revenues at an annual rate of 2%, in line with both the industry overall and with the chain's same-store sales in recent years. In the second, labeled the Weak Borders case, Borders is projected to lose revenues at an annual rate of 3% as local competitors retake lost market share. In the third, labeled the Strong Borders case, Borders is projected to consolidate its position and gain revenues at an annual rate of 7%. For the local merchants, we also include a No Borders scenario, using the projected revenues described in Assumption 2.

All charts in the remainder of Section 1 incorporate variations on these assumptions and scenarios. As with other analyses in this report, details of revenue forecasts are withheld to protect the privacy and business practices of BookPeople and Waterloo.

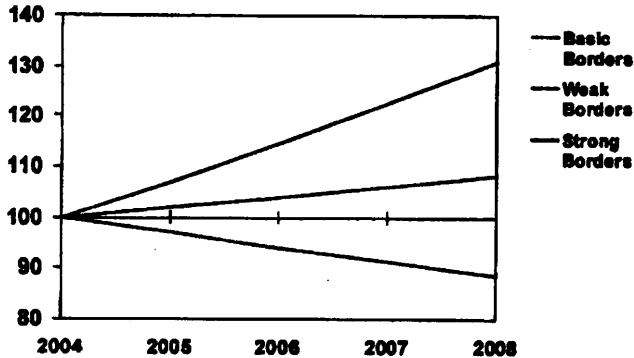
## ECONOMIC IMPACT ANALYSIS

### Local Merchants vs. Chain Retailers

#### Competitive Effects Scenarios

The following charts illustrate the range of competitive effects for Borders, BookPeople, and Waterloo.

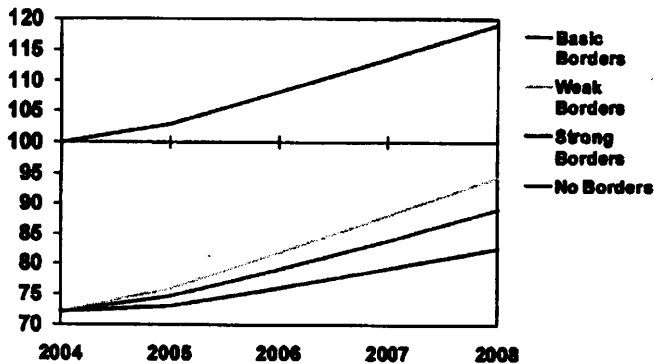
**Borders Sales Forecast, '04 to '08**  
(Indexed: 2004 Sales = 100)



Borders sales are forecast to begin at \$4.7 Million, and rise to nearly \$5.1 Million in the Base Case, with high and low projections of \$6.1 Million and \$4.1 Million by 2008.

In these projections, sales diverted from BookPeople and Waterloo will be expected to total between \$11 Million and \$14 Million over the course of five years.

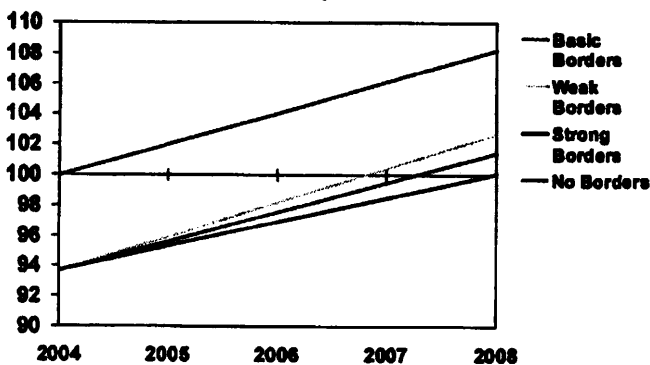
**BookPeople Sales Forecast, '04 to '08**  
(Indexed: 2004 Sales = 100)



At first glance, these projections might appear extreme. However, the present situation is particularly clear. This study involves merchants selling very similar lines of goods at nearly identical prices so the competition will be intense.

We have no doubt that the first year of competition at the corner will produce profound changes in revenue for BookPeople and Waterloo. Moving forward, similarly strong effects will be felt as competition settles into a pattern.

**Waterloo Sales Forecast, '04 to '08**  
(Indexed: 2004 Sales = 100)

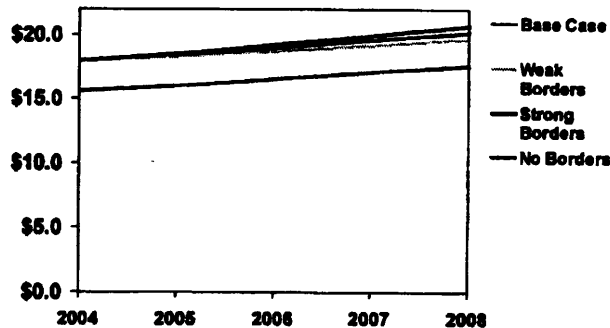


## ECONOMIC IMPACT ANALYSIS Local Merchants vs. Chain Retailers

### Economic Impact of Competition

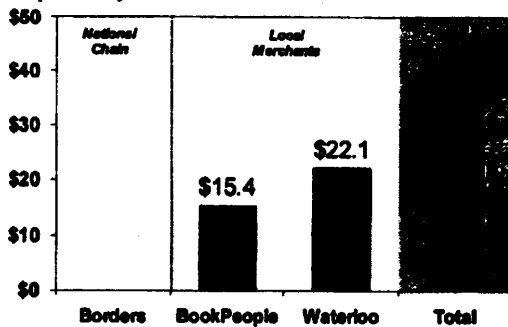
At first glance, citizens and policymakers might view the scenarios above as the result of healthy competition, enhancing consumer choice and value. Indeed, in such a dynamic marketplace as Austin, such shifts are taking place every day in every line of merchandise. In all of the scenarios, total sales of books and music (and therefore total sales tax revenue) at the intersection will increase.

**Total Sales Forecast, Books & Music, '04 to '08**  
(millions)



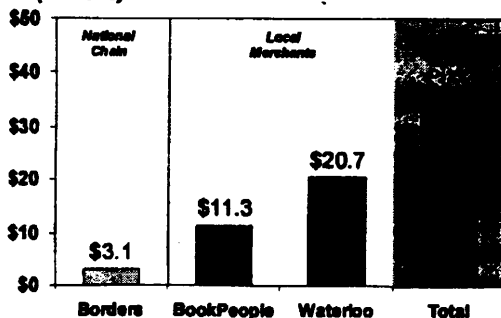
However, the total return to the community entails activity beyond retail sales and sales tax collections at a given location. The economic health of the city is impacted as well by wages paid to local residents, by materials and supplies purchased locally, and by the reinvestment of profits in the business and in the community. These factors are the building blocks of economic impact.

**Cumulative Gross Impact without Borders, '04 thru '08**  
(millions)



CivEc undertook to analyze the economic impact on the local economy of each of these scenarios. In making these calculations, we assumed that all merchants would increase or reduce expenses in proportion to changed revenue. In the Strong Borders scenario, for example, Waterloo will be expected to experience a decline in revenue of 7%. Therefore, the analysis incorporates a 7% reduction in expenditures for labor, materials, and services purchased locally.

**Cumulative Gross Impact with Base Case Borders, '04 thru '08**  
(millions)



In every scenario above, despite additional total sales, the total economic activity generated by these merchants is projected to decline after the opening of a Borders and Sixth and Lamar.

This counterintuitive outcome occurs because every dollar drawn away from a locally owned merchant by a chain store results in a net loss to the local economy. Activity generated by new sales does not replace the activity lost in that diversion of sales.

## **ECONOMIC IMPACT ANALYSIS**

### **Local Merchants vs. Chain Retailers**

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#### **Policy Implications**

Policymakers often feel compelled to draw chain retailers into a jurisdiction as a means of increasing sales tax collections, an apparently painless way of maintaining necessary government services without resorting to tax increases. If we look only at the corner of Sixth and Lamar, sales tax collections will indeed increase if a Borders opens. That is true, however, regardless of what opens on that site.

In the case at hand, increasing sales tax revenues by siting a chain store directly across from local merchants selling similar goods at similar prices actually results in reduced economic activity.

This analysis clearly demonstrates that public goals will be better served by promoting alternative retail options at the corner.

Two scenarios present more desirable outcomes:

1. New merchants bring a new line of goods to the market, attracting additional consumer traffic to the area to the benefit of neighboring merchants. For example, former plans called for a cinema at the site. This would have offered a product previously unavailable at Sixth and Lamar, drawing additional prospective customers for all neighboring merchants.
2. New merchants bring a complementary line of goods to the market, leading to increased browsing among merchants with similar but unique lines of goods. For example, there exists in the neighborhood a cluster of antiques and home goods shops. Shoppers for these goods are induced to visit several merchants, as unique yet related items are offered in each shop.

**A policy preference for local merchants will produce even greater economic vitality.**

**Current smart growth policy and downtown development programs have created the in this situation the unfortunate side effect of offering financial and development assistance to a project that will actually sap economic vitality from the urban core.**

#### **Alternative Outcomes:**

- **New merchants bring a new line of goods to the market**
- **New merchants bring a complementary line of goods to the market**
- **New merchants contribute to local economic vitality**

## **ECONOMIC IMPACT ANALYSIS**

### **Local Merchants vs. Chain Retailers**

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#### **SECTION III: PROPORTIONATE ECONOMIC IMPACT**

The economic impact analysis above provides compelling evidence of the public benefits of local merchants relative to chain retailers. How might consumers use this information to modify spending habits? The following analysis identifies the relative value provided to consumers and the economic impact of their spending.

#### **Value to Consumers**

CivEc, with BookPeople and Waterloo staff, prepared shopping lists for comparison. These selections were not made in a scientific manner, merchants were simply instructed to identify five titles in each of five categories of books or music. They did not engage in comparison shopping before making these lists. CivEc then undertook to compare the availability and cost of these items at each store.

In the case of books, it is clear that Borders is not a "discount store." In this atypical industry, prices are printed on the product at the factory, and both BookPeople and Borders use those prices in nearly every case. Every item on the shopping list was priced the same at both merchants. Moreover, approximately 30% of these items were out of stock at the Borders store used for comparison.

**Value to Consumers:**

Prices for books and music are nearly equal at Borders, BookPeople, and Waterloo.

30% of comparison shopping selections were not in stock at Borders.

In the case of recorded music, comparison shopping proves more difficult. Austin's Waterloo Records is among the top performing independent record stores in the nation, and stocks an extraordinary variety of titles, from the latest popular music to the most obscure local bands. For those titles on the shopping list that were in stock in both places, aggregated prices were essentially equal, though price advantages among titles varied considerably. In an independent comparison-shopping exercise, the Austin American-Statesman recently found a savings of 8.5% at Waterloo versus Borders. ("At What Price Music," Austin American-Statesman, December 5, 2002).

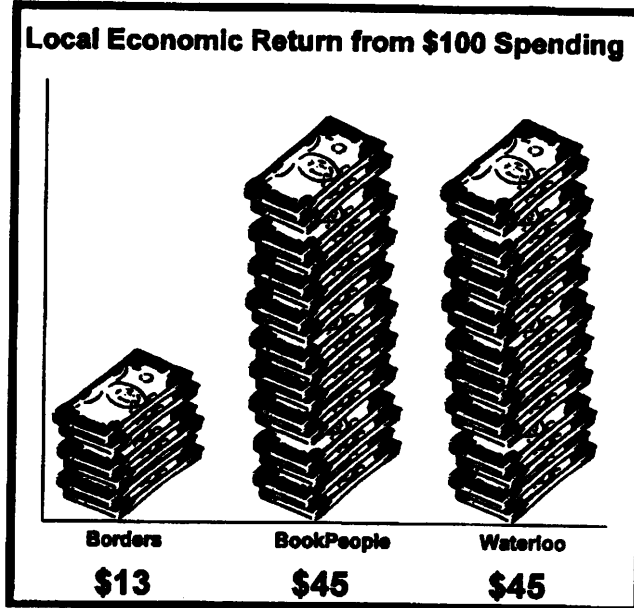
Consumers seeking the most popular titles and artists receive equal value at each of the three merchants studied. However, the consumer whose tastes run to more esoteric books or local music is far better served at BookPeople and Waterloo. Indeed, these findings emphasize the homogenizing effect of chain retailers. The consumer who shops only at Borders may remain unaware of many artists and authors outside the mainstream of the publishing and recording industries.

## ECONOMIC IMPACT ANALYSIS Local Merchants vs. Chain Retailers

### Local Impact

Having established comparable value and better selection, CivEc then calculated the local economic impact of \$100 in consumer spending at each of the three stores.

When the consumer spends \$100 at Borders, approximately \$9 remains in Austin, primarily in the form of employee salaries. The remainder is transferred out of the city almost immediately, in the form of wholesale expenses, administrative costs incurred elsewhere, and profits. Applying industry standard multipliers to calculate total economic impacts, this \$100 spent yields a total of \$13 in local economic impact.



By contrast, consider that same \$100 spent at BookPeople or Waterloo. There, as much as \$30 is directly injected into the local economy. Again, much of this is kept local in the form of employee salaries, but with local merchants administrative expenses and profits are also directly placed into the Austin economy. Applying the same multipliers to calculate total economic impacts, this \$100 spent yields a total of over \$45 in local economic impact.

**Consider this:** If each household in Travis County redirected just \$100 in holiday spending, the local economic impact of that simple act would reach approximately \$10 Million.

## **ECONOMIC IMPACT ANALYSIS Local Merchants vs. Chain Retailers**

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### **ABOUT THE PROJECT PARTICIPANTS**

LiveableCity Austin is an inclusive network of individuals working together to create a community consensus to promote policies that address the long term social, environmental and economic needs of the people of Austin.



Civic Economics (CivEc) is an economic analysis and strategic planning consultancy with offices in Austin and Chicago.

BookPeople and Waterloo Records and Video provided additional funding and research support for this study, with support from the Austin Independent Business Alliance.

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## LookSmart

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### Understanding the tax base consequences of local economic development programs

Gsottschneider, Richard K

It is generally accepted by economic development professionals and municipal officials that new real estate development will not only enhance the economic base of the community, but that it will also expand the tax base. The purpose of this article is to show that this is not always the case, and that new developments, if not properly planned, can in aggregate have a negative impact on the tax base. A recent case study prepared for Concord, New Hampshire, is used to illustrate some of the main points discussed herein.

Economic development traditionally focuses on such things as job generation, the provision of affordable housing, and the creation of retail centers. Tax base expansion focuses primarily on maintaining and enhancing real estate values within the municipality. In the author's professional experience, based upon working with cities and towns throughout the United States, municipalities tend to pursue economic development with almost a religious fervor, and often do not think strategically about the overall real estate impacts of their economic development initiatives. Yet, the existing tax base in almost every municipality throughout the United States is an important source of revenue for funding municipal and school expenditures.

For public sector officials it is important to recognize the potential for a conflict between these two distinct, yet overlapping areas of public policy, and to establish procedures to achieve the proper balance in this regard. For real estate investors it is important to recognize when public policy is not fully cognizant of the impact of its actions on the real estate market, because of the potential negative impact on property values. This article concludes with a series of recommendations for municipal officials to help them ensure that economic development projects in their community truly do enhance the local tax base.

#### THE CONFLICT: HOW DOES IT OCCUR?

The conflict between economic development and tax base expansion can occur in one or more of the following ways:

##### New Development Detracts From an Existing Component of the Tax Base

Many forms of new development can detract from the existing tax base. Some examples include a new shopping center which has a negative impact on business and vacancy rates downtown; a new prison which creates a negative impact on an adjacent residential neighborhood; and a large subsidized housing project which adversely impacts market rate rental housing values. Naturally, not all new development within a community will have a negative impact, but these are three examples of the types of projects which can. Municipal officials need to be cognizant of the potential for negative impacts, and if they still decide to proceed with the development, to establish procedures for mitigating these impacts.

##### Zoning Does Not Property Protect Existing Values

Zoning is the tool by which most municipalities establish and maintain certain land uses. Generally, zoning is relatively restrictive, except in certain cases where problems can occur. The two most frequent problems the author has encountered are in the typical office/industrial zone and at the edge of two incompatible zones. Within an office/industrial zone, property values can vary substantially. Suburban office buildings typically cost \$90 to \$110 per square foot, while light industrial and warehouse buildings cost around \$30 per square foot. Also, parking, lighting, and landscaping requirements vary substantially. Why communities mix these uses in the same zone is not clear, but it is akin to allowing a mobile home park in the middle of

an exclusive single-family residential community. The addition of an industrial building into an area of established office buildings will have a negative impact on the value of the office buildings.

The second type of conflict can occur when an industrial park is developed adjacent to a residential neighborhood without an adequate buffer, or a shopping center generates increased traffic through an existing residential or commercial area.

#### **An Inordinate Emphasis is Placed on New Development**

Many municipalities seem to forget about their existing tax base and infrastructure. Older neighborhoods, shopping centers, and industrial areas are allowed to "exist," but public policy and funding is directed to new development or possibly downtown revitalization. Yet even if these new developments are extremely successful, they seldom contribute more than one or two percent to the tax base. Meanwhile, the existing tax base in the rest of the municipality declines.

The purpose of these three examples is to illustrate some ways in which a municipality can pursue new development at one location and inadvertently cause property values to decline at another location. The following case study for Concord, New Hampshire, which was prepared by the author, illustrates these points more fully.

#### **CASE STUDY: CONCORD, NH**

Concord, the capital city of New Hampshire, has an estimated population of 39,000. The city is located in the central part of the state and has excellent regional highway access. The Merrimack River runs through Concord, but because of highway locations, the city is largely cut off from access to the river. Although total land area in Concord exceeds 41,000 acres, only a small portion of it is developed.

Concord is in the enviable position of having added over 2.8 million square feet of new commercial and industrial development in the last 12 years. The total assessment in the city, however, declined from \$1.9 to \$1.5 billion, or 19 percent, since 1990 (Figure 1). Part of this decline is attributable to the recession at the beginning of the decade. Although real estate markets have recovered throughout much of New Hampshire since 1990, Concord's real estate values have languished. Today Concord has one of the highest tax rates in the state.

To help address the question of why, the city was divided into 10 sub-districts which were then evaluated for performance trends using the tax assessors data base (which fortunately was fully automated). Residential, retail, industrial, and office property trends, along with zoning and existing land uses, were then compared within each sub-district. The findings from this analysis were as follows:

**New Retail Development Had Been a Mixed Blessing:** Retail values were relatively high in the major development corridors, but the assessment data indicates that older retail areas, in and around the downtown, were losing value as a result of additional competition. Alternate uses have not been found for these declining areas.

**Commercial Encroachment Into Residential Neighborhoods Had Created Use and Value Conflicts:** Commercial and industrial encroachment into residential neighborhoods was having a negative impact on residential property values. Since residential property represented 57 percent of the municipal tax base, the overall impact on assessed values was sizeable.

**Office Development Was Not Properly Segregated From Light Industrial/Warehouse Uses:** Current zoning allowed office and industrial property to be mixed in the same zones. The result was that developers were building low-end office space because of uncertainty over long-term values, so the city was not realizing the full value potential from office development within the community.

**Office Development Was Not a High Priority Despite Its Tax Base Benefit:** Concord, being the state capital and having an excellent regional location, has strong office market potential. However the city had not developed a first class office park, despite the fact that in percentage terms office development utilized a relatively small land area which creates the highest tax base yield (Figure 2).

**Residential Development Was Not Balanced:** Residential development over the years was not balanced between affordable, middle income and upper-end housing. For example, recent attempts to build an upper-end, empty nester golf course community were thwarted by environmentalists, while affordable rental housing projects proliferate and have adversely impacted the value of market rate rentals as well as for-sale properties.

**No Adaptive Reuse Strategy Existed:** The city placed an excessive emphasis on preserving and reusing older buildings. The city had over one million square feet of vacancy in older buildings which are physically, functionally, and economically obsolete, and which in many cases occupied prime real estate. These vacant buildings had a negative affect on adjacent properties, yet the city had no real plan to work with developers to recycle or demolish these properties. Also, since these properties were zoned for office usage, and were empty, the city incorrectly assumed no office market existed.

The net result of this analysis showed that while substantial new growth had occurred in Concord, it had often been to the detriment of existing property values. The city also lacked a long-term strategic focus for managing its tax base and did not fully understand the linkage between tax base management and economic development.

#### **RECOMMENDATIONS FOR BALANCING ECONOMIC DEVELOPMENT AND TAX BASE EXPANSION**

The experience of Concord, New Hampshire, is typical of other municipalities across the United States. Well-intentioned efforts to bolster local economies often have unintended negative consequences on some portion of the tax base. Also, state and federal policies and actions, such as the location of a new highway, can have both positive and negative impacts on local real estate markets. Within this context, as well as local politics, the economic development professional must function.

The following recommendations are offered to municipalities seeking to not only pursue economic development but also to maximize the tax base benefit from these initiatives.

**Monitor Land Uses and Tax Base Contributions** From a strategic perspective it is important to understand not only how land is being utilized within a community, but also the respective contribution of different types of land uses to the tax base. For example, in Concord residential properties represented 57 percent of the assessment in the city, and residential values were declining faster than the city could add new commercial and industrial tax base. It became readily apparent that a neighborhood revitalization strategy was almost more important than building another industrial park.

**Evaluate Impacts of New Projects -** Politicians and economic development professionals often assume that a new project, such as a shopping center, is good for the community at large as well as the tax base. While this may be true, it may also be true that the market cannot support a new center without having an adverse impact on either the downtown or existing older centers. As a result the community may gain tax base in one location, only to see values decline in another.

**Monitor Real Estate Markets -** It is important for economic development professionals to monitor all real estate markets in their community, and to initiate actions to maintain the viability of these markets.

**Do Not Compete With the Private Sector -** Many municipalities develop industrial parks and sell the land at or below cost to attract new employment. This concept often makes sense in areas of dire economic need, but does not make sense in a healthy economy and vibrant real estate market. In the case of Concord, NH, the public sector was marketing office/industrial land for

around \$25,000 per acre when the private sector was trying to sell similar land at up to \$50,000 per acre. Yes, the lower priced land helped attract some tenants, but it also reduced the real estate value of the private sector's property.

**Separate Office and Industrial Uses Where Possible** - Office and light industrial uses are typically included in the same zone in most municipalities, however office buildings often cost three times more than industrial buildings to build. This type of value disparity among uses does not benefit the tax base anymore than mixing subsidized housing and single-family homes in the same neighborhood. Also office parks require a more comprehensive set of design standards and guidelines to remain viable, similar to an upscale residential community.

**Utilize Incentives** - Traditionally municipalities utilize incentives to attract businesses to create jobs, and it works. Why not use incentives to enhance the real estate asset, such as a zoning density bonus for good design? Commercial and industrial tax abatements are not recommended because they can mushroom out of control, and ultimately can place too much of a burden on residential property.

**Include the Tax Assessor in the Economic Development Process** - In most municipalities, the economic development function is managed by an economic development department (or authority) and there is usually a strong working relationship with the Department of Public Works. The tax assessor is seldom consulted, but in the author's opinion, should be an integral part of the team.

**Establish Design Standards** - Design standards can help a community derive the maximum tax base benefit from a project. Little things, like a brick facade on an industrial building, rather than cinder block or corrugated steel, can make an important difference in the value of the building and in the overall image this project represents to the entire community.

**Buffer Potentially Incompatible Uses** - Many communities experience conflicts between industrial and residential zones or commercial and residential areas. These conflicts may arise from traffic, noise, or simply a gradual encroachment as properties are converted (via a variance) from one use to the other. For example, in Concord single-family residential properties adjacent to the downtown have been converting to multi-family or office usage. The land use and parking requirements of these various uses are different, which can cause conflicts and an ultimate loss in property values. Where possible clear buffers and boundaries should be established.

In summary, the concept of tax base management is really one of asset management and is particularly important in states where municipalities derive much of their revenue from their real estate assessments. To underscore this point, it was demonstrated to city officials in Concord that a five percent overall increase in the assessed value of existing property would have the same impact on the tax rate as the addition of two million square feet of new industrial property or one million square feet of new office/R&D development, both of which are likely to take 15 or more years to realize.

In addition to being responsible for managing the tax base, a community should also be responsible for helping to ensure economic prosperity for its citizens. These two goals can be in conflict unless a long-term view is taken regarding public policy actions, and if the impacts of alternate development actions and programs and priorities are not carefully evaluated. In the author's experience, good tax base management will lead to even better economic development because investors and businesses will want to be in your community. Instead of offering incentives to attract business, they will be willing to pay to come to your community because it is a good place to live, work, shop, and play.

#### ABOUT THE AUTHOR

Richard Gsottschneider, CRE, is president of RKG Associates, Inc., real estate, planning and economic consulting firm with a national practice working with both public and private sector clients. The firm has offices in Durham, New Hampshire and

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***Regional Connections: A Growth Strategy for Central Ohio***

***Resource Document:***  
**Understanding the Fiscal Impacts of**  
**Land Use in Ohio**

Prepared for ACP – Visioning & Planning, Ltd. and the  
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August 2, 2004



## EXECUTIVE SUMMARY

This report was developed to serve as a resource to participants in the *Regional Connections* process. The report provides an overview of the fiscal implications of development policy and land use decisions in central Ohio. The report also shows how fiscal impact analysis can be a powerful tool for examining costs & benefits of various land uses, for prioritizing projects and infrastructure investment, and for assessing development alternatives. Sample recent fiscal studies from central Ohio were reviewed as an input to this document and key findings are highlighted below. Examples from other parts of Ohio are also discussed in order to provide additional perspective. The analysis and conclusions discussed in the executive summary are supported by a more detailed information in the following sections of the report.

### **Not All Growth Helps a Community**

The concept that growth is always good for a community does not seem to correlate with the findings from various fiscal analyses conducted throughout central Ohio; the results of this conclusion are summarized in the Appendix Table.

In some communities, it is apparent that certain types of residential development can generate a fiscal drain on the annual budgets of local governments. This is especially true where costs to schools are considered. Township governments, which are highly dependent on property taxes, are more susceptible to changes in residential property values that can affect fiscal return. Typically, a healthy mix of housing works in the best interests of the community, such as where the inclusion of higher-density housing ameliorates overall traffic and school impacts. Market and fiscal analysis can both provide input on the appropriate balance.

Office and industrial uses, on the other hand, often generate a significant positive net gain for municipal governments. Ohio is in a somewhat unique position among states because local municipal governments in Ohio can impose an income tax. Most analyses find that income taxes generated by high-wage office employment drastically outweighs any costs for providing local government services. (On average, the example fiscal analyses used in preparing this report show that office generates \$1.34 per square foot in net fiscal benefits, and industrial generates \$0.62 per square foot.) In cities like Delaware, it is industrial, rather than office use, that creates higher fiscal benefits under current

circumstances.

It is also apparent that in many central Ohio communities, retail development generates a net fiscal loss to local governments. (The examples also show that retail generates a net loss of \$0.44 per square foot on average.) Often, a high cost is attributed to retail due to the high volumes of traffic this use generates. These costs often out-weigh the income tax revenues generated by relatively low retail wages.

The various analyses, conducted by at least four different consultants, reached a consistent conclusion about retail having a negative fiscal impact on municipal governments. The analyses were not based on "large or big box development," but rather on all retail within those communities, including CBD, shopping center, strip retail, neighborhood convenience, big box, and all other retail, which varied in location and type. Furthermore, retail was not necessarily shown to be negative in all cases, such as for county governments, based on the AFT analyses.

Yet retail also enhances quality of life and helps attract other uses. There is a case to be made for retail uses that generate fewer auto trips and thus, lower fiscal costs. This is most likely where retail is integrated with housing in mixed-use development. In Upper Arlington, it was shown that well-planned mixed-use re-development can cross-subsidize retail costs through a balanced mix of office, retail, and residential uses.

### **Don't Be Fooled by High Tax Revenues**

Certain uses may generate high tax revenues to local governments. But, the fiscal analyses clearly show that the cost of providing services to those uses may outweigh any benefits from tax revenues. One example is retail, where tax revenues may exceed those generated by residential and some other uses but not enough to outweigh the high-costs of providing services to retail uses.

### **Development Impacts Depend on Fiscal Structure**

Clearly, the underlying fiscal structure of the community determines the types of fiscal impacts caused by development. (As shown in the Appendix, residential use generally has a negative impact on county governments (a cost of \$1.10 for every \$1.00 of revenues earned), based on the COCS studies; while single-family development has a positive fiscal impact on municipal governments of about \$260 per unit, as illustrated through the fiscal impact analyses.) Each city, township, county, and school district or various other Ohio districts are all structured differently and serve different historic functions to their constituents. Furthermore, these jurisdictions often overlap geographically or provide

overlapping services.

Typically, fiscal impact analyses provide an indication of development impacts on a single, local jurisdiction. This type of analysis helps the local jurisdiction assign the costs and benefits of development to departments within their budget. However, sometimes residents want to understand the impacts of development on all of the jurisdictions to whom they pay taxes and from whom they receive services. For example, residents pay taxes to and receive services from their local jurisdiction (city or township), but also from their school district, county government, and other jurisdictions. Oftentimes, what is beneficial fiscally to local government is not beneficial to schools, and vice versa. Fiscal analyses can account for these multiple levels, but beyond the inclusion of schools, they can become much more complex and less targeted to the decisions that can be made by the individual local jurisdiction.

Legislation under consideration in the State of Ohio would allow revenue sharing between local jurisdictions and would alter annexation laws. There are already many examples of inter-jurisdictional cooperation and reciprocity in service delivery in Ohio. For example, communities have arranged fire & police mutual service, JEDs (Joint Economic Development agreements), and CEDAs (Cooperative Economic Development Agreements). Communities contribute to regional airport and utility authorities. Thus, the concept of revenue sharing in Ohio has some existing basis in the way that local governments already operate.

### **Greenfield versus Redevelopment**

Low-density, dispersed development patterns are an issue under debate nationwide, as residents see ever-increasing traffic and commuting times, rapid declines in productive farmlands, and what appears to be unplanned or inappropriate growth on the outskirts of cities that competes with older, inner-city areas or results in "leap-frogging" development that ignores opportunities for infill. Several states have passed laws requiring cities or counties to define "growth boundaries" and other regulatory tools to prevent leapfrogging and sprawl to greenfield (undeveloped) areas.

The housing impacts were not just based on two factors -- property taxes and school costs. They were based on ALL costs and ALL revenues. In many Ohio communities at present, estate taxes generated by residential development are having a positive impact on overall operating revenues. The best example is in Upper Arlington, where estate taxes are generating such significant return that revenues are being diverted to pay for maintenance capital costs. Again, these results refer mainly to municipal governments. For townships, where the tax structure is more simplified, housing does in fact have a negative impact more often. Clearly, AFT made a very strong point that residential development had a

negative impact. We discuss the mix of results for municipalities, townships, and County governments later in this report.

For their part, local governments have enacted impact fees and other regulatory tools to ensure that private development costs account for the true fiscal cost associated with extension of infrastructure and services to new, greenfield areas. There are fiscal analyses designed specifically to test the potential for such fees to recover the costs of infrastructure.

Some of the fiscal analyses described in this report specifically compared the fiscal costs of providing services for farmland versus residential and commercial/industrial uses. These analyses found that farmland has the lowest cost given the amount of revenues generated, while residential use generated a relatively high cost-to-benefit. The implication is that dispersed, low-density residential development is costly to central Ohio governments if it is replacing prime farmland. Some of these analyses have been conducted by constituency-based conservation groups with a specific agenda. Thus, it is important to understand the motivation and objectivity of the source for such information.

### **Understanding the Market Is Important**

Prototypical fiscal impact analyses are helpful for basic planning purposes. But in examining the impacts of specific development projects and master plans, in determining appropriate development controls, or as an input to mid-range planning, it is critical to understand the underlying economics and market potentials in support of development. By understanding their market, communities can better attune their fiscal policies to promote sustainable economic growth.

### **Fiscal Impact Analysis Is a Powerful Planning Tool**

Fiscal impact analysis is a powerful tool for examining costs & benefits of various land uses, for prioritizing projects and infrastructure investment, and for assessing development alternatives. However, fiscal impacts are only one of several important factors for determining appropriate land use: community vision, needs, public assets, market and economic realities, environmental impacts, traffic, and infrastructure impacts all important. It is sometimes preferable to encourage certain types of development that do not have a fiscal net benefit, if fiscal costs are outweighed by benefits to the community in these other areas. Community priorities, identified through a visioning process informed by fiscal and other analyses, help direct overall development policy.

### **Final Thoughts: Land Use Drain or Gain?**

In closing, the following final comments are provided to summarize the key

findings of this resource document.

- Some residential development can produce a fiscal drain, especially to schools. But, some housing can produce a gain.
- Farmland and industrial uses often produce a net fiscal gain, because they require fewer services.
- Retail often generates a net fiscal drain because of traffic impacts, but these might be ameliorated through mixed-use development & transit.
- Office generates high gains to Ohio municipalities because of the local income tax but can drain the coffers of townships.
- Higher densities and infill generate higher fiscal gains, but values and income levels matter.

### **MORPC Editor's Note Regarding the Following Detailed Analyses**

As one reads this report, one can detect that the answers are not as simple as they may seem. Mr. Gross has clearly differentiated the variation in impacts between municipal, township and county governments. The conclusions were not drawn solely on analysis conducted by the author, but also by other fiscal consultants who generate many of the same conclusions. This composite of reports on specific jurisdictions may not fit one here in central Ohio. This information is intended to be used as a guideline. Each individual jurisdiction should strive to document its own costs and benefits given its unique tax structure, its tax base and its own service system.

## **1. Purpose**

The purpose of this Resource Report is to provide an understanding of the fiscal implications of development policy and land use decisions in central Ohio. This document illustrates the opportunities and importance of integrating fiscal considerations into local planning and policymaking.

Communities often measure the fiscal costs and benefits of growth through the use of several analytical tools, including Fiscal Impact Analyses and Cost-of-Services studies. Only a few communities in central Ohio have conducted these analyses as an input to their comprehensive planning or other development policy processes. This Resource Document summarizes the findings from several of these studies and their overall implications for land use policy and growth in the regional context.

## **2. Use of Fiscal Impact Tools**

Fiscal impact analyses and similar studies provide information that helps:

- Inform land use, zoning, and economic development decisions as part of the planning process.
- Measure the costs and benefits of specific projects or sub-area development plans, and inform redevelopment decisions.
- Prioritize land development and infrastructure improvements
- Provide an understanding of fiscal capacity constraints that may impact on a community's ability to realize its vision.
- Relate physical development issues to the underlying fiscal structure.
- Help understand and/or refine inter-jurisdictional relationships
- Help identify key fiscal and economic structural issues that might be addressed through development or fiscal policies (such as impact fees, tax increment financing, pay-as-you-go, and other tools).
- More appropriately and accurately direct the economic development objectives of the community
- Determine the cost (or benefit) of "sprawl."

### **What is a Fiscal Impact Analysis?**

Fiscal impact analysis tests the annual costs and benefits of development on local government budgets. Some communities require developers to submit a fiscal impact analysis to show the costs and benefits of a specific proposed development project. Other times, communities have examined the fiscal impacts of master plans, downtown revitalization, infrastructure improvements, or

other initiatives. For planning purposes, some communities are interested in the "net" cost-benefit of "prototypical" land uses that can be derived through analysis providing a "snapshot" of these fiscal impacts at a particular point in time.

**Fiscal Impact Analyses** attribute budgetary costs (provision of infrastructure, delivery of services, administration, etc) and benefits (taxes, fees, etc) to each land use. Examples of typical land-use costs and benefits generated to Ohio communities are described below.

- **Benefit:** Real and personal property taxes, fees, income taxes, estate taxes, user charges
- **Cost:** Infrastructure, schools, parks, police, social programs, sanitation, emergency medical services, fire, administrative services, etc.

**Basic Methodology.** For the purposes of comprehensive planning, the following provides a basic fiscal impact methodology.

- Analyze trends in City's budget, capital improvements, revenue sources, property assessments, debt, bonding capacity, and other fiscal indicators.
- Assess fiscal strengths and weaknesses vis-?-vis the economic base, drawing from economic base analysis.
- Determine annual City operating revenues & costs for each land use, on a square-foot or housing unit basis (which can be translated into a per-acre basis using floor-area ratios). This analysis can either attribute to land uses the specific department operating costs and revenues; or the "marginal" costs and revenues determined on a per-capita, per-household, or per-employee basis.
- Compare revenues & costs for each land use to determine a prototypical "Net Fiscal Impact" of each land use. A variation on this analysis can also compare costs and revenues for land uses on a dollar-for-dollar basis.

**Assumptions & Caveats.** There are certain basic assumptions underpinning fiscal impact models, including:

- The fiscal model reflects existing market conditions, pricing, & program
- The fiscal model reflects the level of data available.
- Prototypical fiscal analysis does not forecast land use demand or pricing.
- Fiscal analysis can include infrastructure capital costs.
- Off-site capital cost impacts from development
- Annual maintenance & capital replacement on-site & off-site

### **3. Case Studies**

There have been several fiscal impact or similar analyses conducted in central Ohio in recent years. These analyses, along with a sample of similar studies from other parts of the state, were reviewed and key findings are summarized below. Fiscal analyses of municipalities are followed by county and township governments. Most of these also integrate schools into their analysis.

#### **Municipalities**

Municipal governments in Ohio provide urban services, but they are in the relatively unique position of having the legal authority to impose a local income tax. Some cities are dependent on this source of income, which often generates 40% or more of all local operating revenues. As such, uses that generate income taxes tend to have a higher revenue benefit to cities than they might otherwise. At the same time, city governments often provide certain costly functions not always provided by other jurisdictions, including police and fire protection, municipal infrastructure, and other urban services. Sample municipal fiscal impact analyses are described below, including Upper Arlington, Dublin, Delaware, and Newark in central Ohio; plus those for the cities of Stow (suburb of Akron) and Sidney (Miami Valley, in western Ohio).

#### ***City of Upper Arlington***

*Fiscal Impact Analysis & Fiscal Conditions Assessment*  
*Randall Gross / Development Economics*  
*2000*

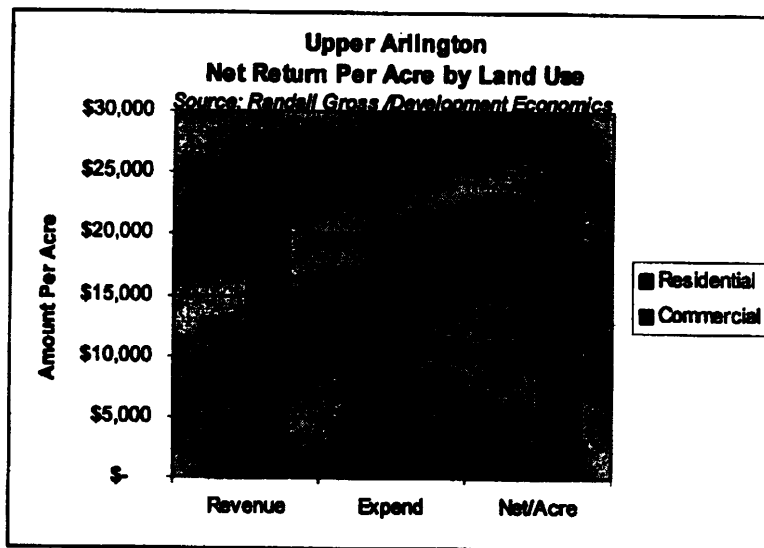
ACP-Visioning & Planning, Ltd. (ACP) led a comprehensive planning process for the City of Upper Arlington in 1999-2000. Arlington is an older, inner-ring suburb that is heavily oriented towards residential uses and is largely built out. This City has a relatively large investment in aging infrastructure having high maintenance costs. With little room for development that would generate new revenues, the City has been playing "catch up" in operating and maintaining this aging infrastructure.

As part of the ACP team, Randall Gross / Development Economics (RGDE) conducted an existing conditions analysis that assessed fiscal and economic trends, and determined key fiscal issues relevant to the planning process. RGDE also conducted a fiscal impact analysis to determine the net benefits of various types of development on the City, and to assess the specific impacts of sub-area re-development plans.

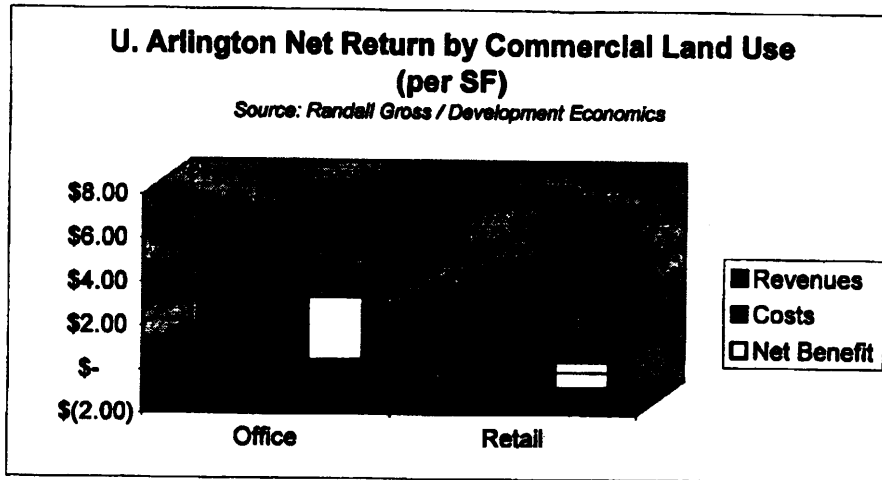
RGDE found in its existing conditions analysis that the City needed \$8.0

Million in additional funds each year to close to gap in infrastructure funding and meet existing needs. Despite it's relatively wealthy resident base, the City was dependent on unreliable and unpredictable revenue sources such as the Estate Tax as well as on retail uses that generated low income tax benefits due to low wage structures. Finally, RGDE found that the City's budget structure was weighted heavily towards labor costs associated with collective bargaining agreements for public safety employees.

**Baseline Net Fiscal Return.** The fiscal returns from Upper Arlington's primary land uses were tested based on the City's 1998 actual budget. Basic analysis of residential versus commercial uses found that, while residential and commercial uses generated about the same costs per acre to the City for the provision of services, commercial uses generated substantially more revenues per acre to the City: \$24,760 per acre for commercial, versus less than \$900 per acre for residential. Thus, even with Upper Arlington's relatively high-priced housing, commercial uses generate far more income to the City.



This income differential clearly relates to the power of income taxes generated by those commercial uses. The importance of income taxes is noted further when commercial uses are disaggregated into office and retail, since office employees have higher average wages than retail employees. As illustrated below, office space generates substantially higher revenues and lower fiscal costs than does retail use.



Sample Upper Arlington fiscal revenues and costs for commercial and residential uses are noted below, based on the RGDE analysis.

	Retail (psf)	Office (psf)	Housing (per unit)
<b><u>Sample Revenues</u></b>			
Income Tax	\$0.70	\$5.90	\$40 / Unit
Property Tax (City):	\$0.26	\$0.25	\$400 / Unit
<b><u>Sample Expenditures</u></b>			
Police	\$0.42	\$0.39	\$200 / Unit
Parks & Recreation	\$0.04	\$0.07	\$130 / Unit

**Sub-Area Analysis.** RGDE also completed a sub-area analysis of the fiscal impacts of redevelopment plans proposed in the ACP study. These included analyses of the fiscal impacts of redevelopment of Kingsdale Shopping Center under different financing scenarios. A summary of findings from this analysis is provided below.

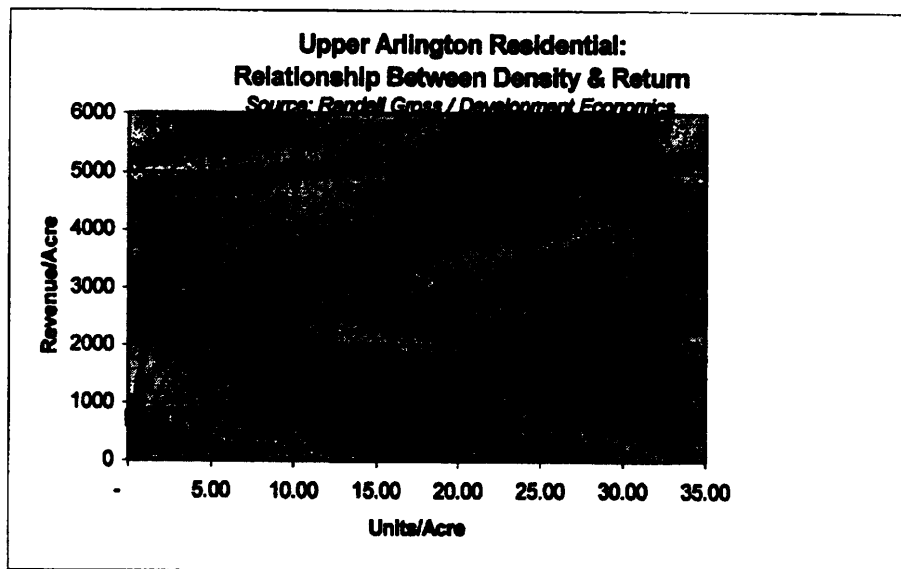
(1) Sub-Area Redevelopment: Kingsdale SC – Alternative A-Core

	<u>Existing</u>	<u>Demonstration</u>	<u>Net Fiscal Impact</u>
Retail	-\$ 453,000	-\$ 280,000	+\$ 173,000
Office	\$ 44,000	\$ 975,000	+\$ 931,000
Residential	\$ 0	\$ 2,000	+\$ 2,000
<b>TOTAL</b>	<b>-\$ 409,000</b>	<b>\$ 697,000</b>	<b>+\$1,106,000</b>

(2) Sub-Area Redevelopment: Kingsdale – Triangle – Alternative B

	<u>Existing</u>	<u>Demonstration</u>	<u>Net Fiscal Impact</u>
Retail	-\$ 535,000	-\$ 319,000	+\$ 216,000
Office	\$ 137,000	\$ 1,937,000	+\$ 1,800,000
Residential	\$ 0	\$ 4,000	+\$ 4,000
<b>TOTAL</b>	<b>-\$ 398,000</b>	<b>\$ 1,622,000</b>	<b>+\$ 2,020,000</b>

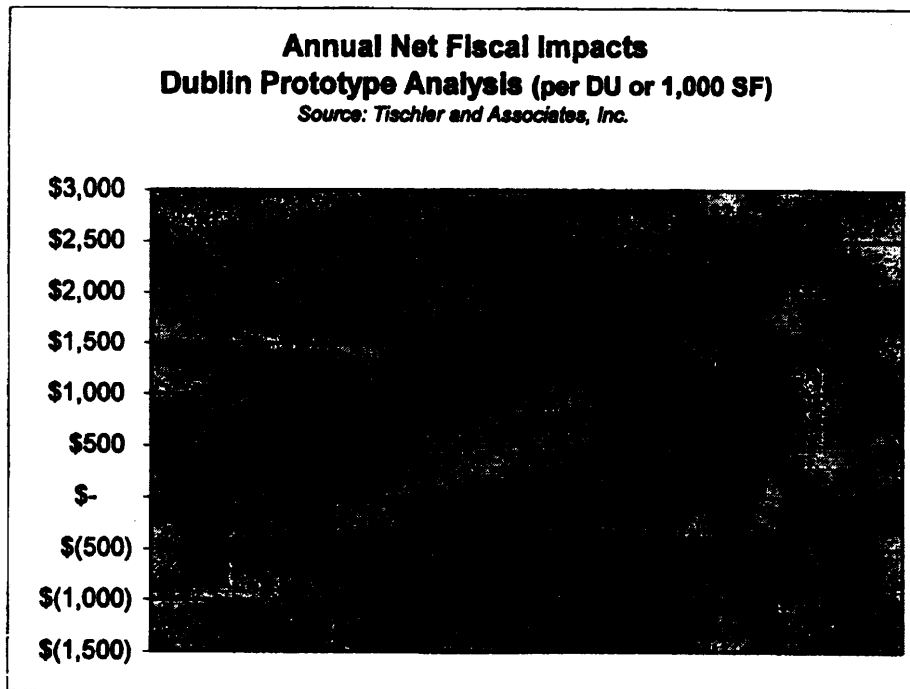
**Other UA Analyses.** A number of other fiscal analyses were conducted to inform the planning process in Upper Arlington. For example, RGDE performed a regression analysis that illustrated the relationship between the density of housing and the fiscal return to the City from that housing. In general, this analysis found that, at least in Upper Arlington, there is a significant fiscal gain from a marginal increase in housing densities from one to five units per acre. Once densities exceed five units per acre, the increase in fiscal benefits becomes less substantial. However, the analysis clearly shows the fiscal benefits of housing density to Upper Arlington. This relationship is illustrated below.



**City of Dublin**  
*Prototype Fiscal Analysis*  
*Tischler and Associates, Inc.*  
*& Fiscal Impact Analysis*  
*April & September 1997*

Tischler & Associates, Inc. (TA) conducted a fiscal impact analysis for land use "prototypes" to assist the City of Dublin understand the costs and benefits of various land uses on the City budget. TA evaluated the impacts of four residential land use categories and three non-residential categories. The residential prototypes included single family, plus three multi-family categories having various densities (4.0 to 8.0 units per acre, 8.0 to 12.0 units per acre, and 12.0 or more units per acre).

TA found that, as with Upper Arlington, only office and industrial uses generate annual net benefits to the local government. Retail use and all of the residential prototypes generate a net loss to local government. Again, like Upper Arlington and Newark, office space generates the greatest net revenues due to the community's dependence on local income tax revenues. The City of Dublin must provide \$1,155 in services for every 1,000 square feet of office space, but receives \$3,777 in revenues from that office space. Thus, each 1,000 square feet of office generates a net benefit of \$2,621 per year to the City of Dublin, on average. TA's findings are summarized on the following chart.



Single-family residential generates the highest cost and lowest net revenues (-\$860) of all the residential uses in Dublin. This would appear to be a strong argument in favor of multi-family uses or higher-density housing, over single-family or lower-density housing, at least for Dublin. However, if density were the only factor, then there would be a clear trend with higher densities

generating higher net revenues. But this is not the case:

Single Family	- <b>\$860</b> Net revenue
MF 4-8 Units/acre	- <b>\$343</b>
MF 8-12 Units/acre	- <b>\$345</b>
MF 12+ Units/acre	- <b>\$244</b>

Clearly, there must be some other factors influencing the fiscal impact of housing in Dublin besides densities alone. The negative impact of "mid-density" multi-family housing (8-12 units/acre) is higher than that for "low-density" multi-family housing (4-8 units/acre), but lower than that for "high-density" multi-family housing (12+ units/acre). This fiscal data would seem to imply that Dublin should encourage very high-density housing, at 12 units or more per acre, over lower-density multi-family housing. But, it's not clear why that would be.

As in the other studies, retail does not generate sufficient income or property taxes to overcome the substantial traffic-related costs that result from the higher number of road trips generated by retail. Industrial uses generate low overall costs but high income tax benefits, and therefore high net fiscal benefits to the City of Dublin.

TA also conducted a multi-year fiscal impact analysis of several alternative areas under consideration for annexation to the City of Dublin. This analysis found that employment growth projected for the existing City of Dublin was sufficient to "cross-subsidize" services required for residential development that was projected in each of the newly annexed areas. However, TA also found that up-front capital costs associated with the development of new road and other infrastructure investment required in the annexed areas would result in "significant annual deficits" to the City during the initial ten-year period following annexation.

The analysis also illustrated the relative fiscal advantages of annexation of certain areas over others. However, these analyses were based on household and employment projections, rather than on actual market forecasts for development within the annexation areas.

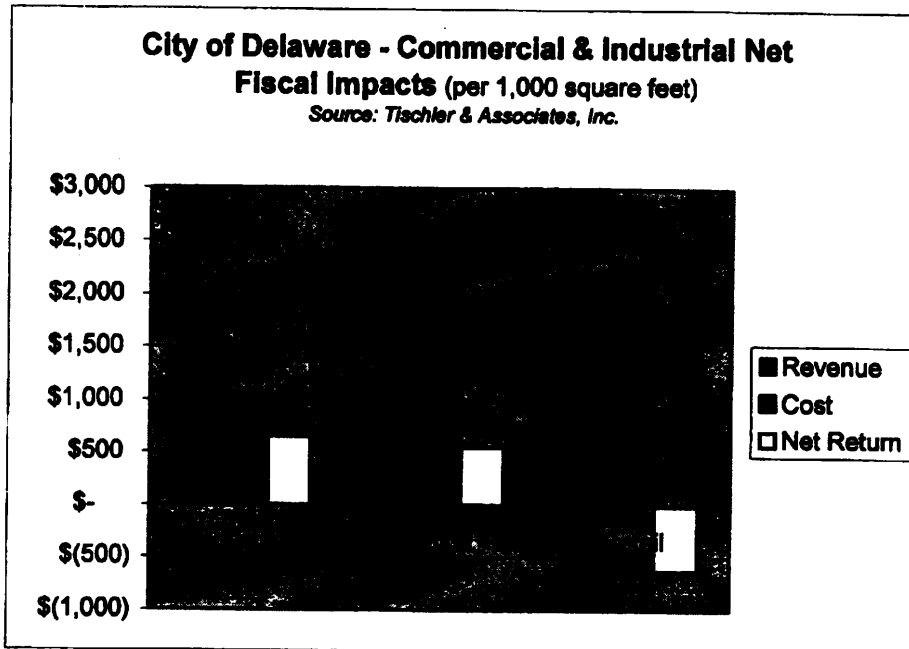
**City of Delaware**  
*Prototype Fiscal Analysis*  
*Tischler and Associates, Inc.*  
*& Fiscal Impact Analysis*  
August 2002

Tischler and Associates, Inc. (TA) conducted similar fiscal analyses for the City of Delaware, as part of its comprehensive planning process. This analysis

provided more detailed assessment of various residential land use categories. Also included was an analysis of the impacts of those residents who live in the city of Delaware, versus those who commute out of the city for work.

<b>Net Fiscal Impact Results for Residential Use: (per DU)</b>			
<b>Work In City Versus Commuters</b>			
<b>City of Delaware</b>			
<b>Residential Zone/density</b>	<b>Commute</b>	<b>Work In City</b>	
2 DU / Acre	\$ 489	\$ (295)	
2.9 DU / Acre	\$ 118	\$ (379)	
3.3 DU / Acre	\$ (51)	\$ (421)	
Semi-Detached	\$ (104)	\$ (384)	
Quadraplex	\$ (33)	\$ (285)	
Apartment	\$ (78)	\$ (288)	
<b>Source:</b>		<b>Tischler &amp; Associates, Inc.</b>	

This analysis found that commuters living in low-density housing generated a positive net fiscal impact on the City of Delaware, whereas any Delaware resident that also works in the city generates a negative benefit. This phenomenon is explained primarily due to the wages of jobs in Delaware versus Columbus, where higher-income residents in single-family homes are commuting for work. As in many of the other fiscal studies for central Ohio cities, income is a key factor in determining fiscal impacts of development because of the predominance of the income tax as a source of municipal revenues.



Delaware bucks the trend for impacts of non-residential uses in Ohio. According to the Tischler study, industrial uses generate a slightly higher net fiscal return to Delaware than office uses. Whereas office usually wins out in other Ohio cities, Delaware's higher industrial returns may indicate relatively strong industrial wages and/or low-end service/office uses that do not generate the extremely high income tax returns seen elsewhere in Ohio. Market analyses conducted by RGDE for the City of Delaware confirm that industrial is the city's most competitive wage-driven use.

### **City of Newark**

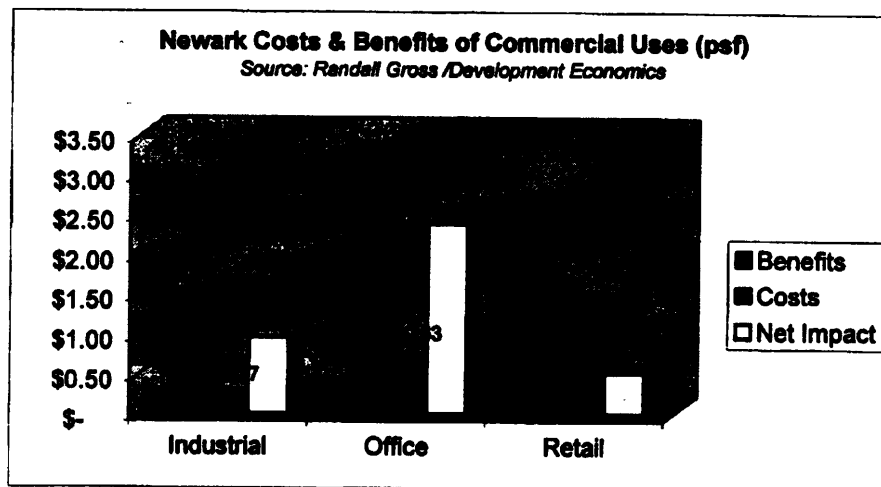
*Fiscal Impact Analysis  
 Randall Gross /Development Economics  
 February 2001*

Newark is an exurban community with an aging industrial base. A relatively weak local economy has resulted in increased out-migration for jobs in Columbus. The City also has to compete with commercial development in the surrounding county. As a result, income tax revenues, on which the City is so dependent, had stagnated.

While the City had incentive programs such as tax abatements, these mechanisms were focused on housing, storage, and fast food chains that did not generate substantial fiscal or economic development returns to the City. Finally, Newark, like some other central Ohio cities used a somewhat ad-hoc capital

programming system based on the draw down of its "unappropriated balance." The City's long-term bond capacity was constrained.

As part of the comprehensive planning process led by ACP, Randall Gross / Development Economics (RGDE) completed a fiscal impact analysis of land uses in the City. The analysis tested the costs and benefits of each major land use on the City's budget. Findings for commercial and industrial uses are summarized below on a per-square-foot basis.



The RGDE analysis found that most uses have a marginally positive net impact on the City of Newark, but that multi-family residential has a negative fiscal impact. Among commercial uses, office generated a positive net impact of over \$3.00 per square foot, substantially higher than the return for industrial uses at about \$1.00. Retail uses, while generating fairly high benefits, also has high costs, yielding a relatively low net return to the City of Newark. It was particularly telling that, while Newark's economy is more dependent on industrial uses, office generates a much higher fiscal benefit per acre to the City. In response to underlying structural issues, RGDE recommended an economic development and fiscal strategy to address these issues.

- **City of Sidney**  
*Fiscal Impact Analysis*  
*Randall Gross / Development Economics*  
 2001

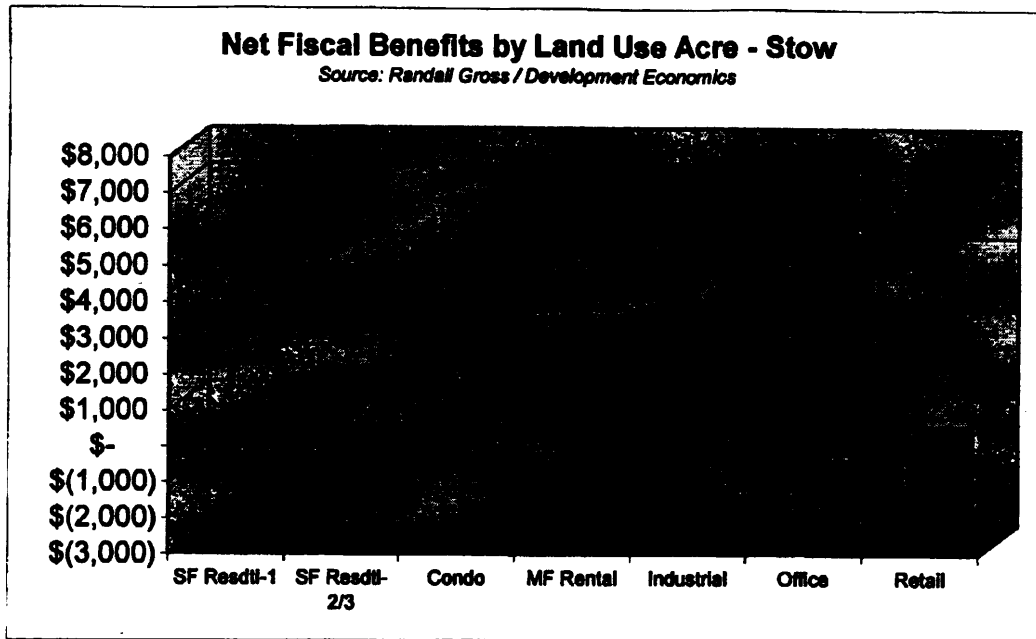
Fiscal impact analyses were conducted by Randall Gross / Development Economics (RGDE) in Sidney, Ohio (Shelby County) as part of a comprehensive plan update by ACP. Findings from the fiscal analysis found that office uses generated the highest net fiscal benefit to the City (\$5,644 per acre), while retail

and multi-family rentals generated a negative fiscal impact.

NET FISCAL BENEFITS BY LAND USE, SIDNEY, OHIO, 2000			
Use	Factor	Measure	Per Acre
SF Residential-Average	\$ 815	DU	\$ 2,179
MF Rentals	\$ (1,070)	DU	\$ (12,609)
Industrial	\$ 0.44	SF	\$ 2,482
Office	\$ 0.98	SF	\$ 5,644
Retail	\$ (0.49)	SF	\$ (590)
Source: Randall Gross / Development Economics.			

- **City of Stow**  
*Fiscal Impact Analysis*  
*Randall Gross / Development Economics*  
*2000*

Similar findings were presented by Randall Gross / Development Economics (RGDE) in Stow, a rapidly-growing, middle-income suburb of Akron. Here, residential uses were disaggregated into single-family, duplexes, condominiums, and multi-family rentals. In general, the higher-density units generated a less positive return than single-family. The following chart compares the fiscal impacts of various land uses on a per-acre basis.



As typical of the other Ohio communities assessed through these fiscal analyses, office and industrial use produced the highest net return to the City, while retail generated a significant loss. In Stow, RGDE produced retail and office market analyses to inform the fiscal analysis for prototypical land uses and for sub-area planning. A decision on whether or not to permit big-box retail at a particular location, and its impact on existing business districts, was one example of how the market issues were woven into the fiscal analyses.

### Counties

County governments provide a different set of services from cities, typically including sheriff, courts, roads, and services that historically originated to provide basic civil order for a rural population. Outside of Franklin County, many of the counties in central Ohio still retain a rural character and significant agricultural land. As such, it is not surprising that a constituency-based organization interested in protecting farmland conducted several of the area's fiscal studies for counties. One of these, Knox County, is located just outside of the seven-county MORPC region but is clearly impacted by exurban growth emanating from the Columbus area. The analysis of Knox County is followed by discussion of a similar fiscal analysis in Clark County.

### Knox County

*Cost Of Community Services (COCS) Study  
 American Farmland Trust  
 October 2003*

American Farmland Trust (AFT) is a non-profit organization founded in 1980 with the primary mission of protecting farmland and agricultural resources. AFT conducts Cost of Community Services (COCS) studies to help illustrate the relative fiscal benefits (or low-cost) of preserving farmland and protecting it from encroaching development.

COCS studies are similar to other types of "descriptive" fiscal analyses that illustrate the net fiscal benefits of various land uses. AFT includes an assessment of the fiscal benefits of agricultural land, whereas some fiscal analyses do not. At the same time, AFT does not disaggregate residential development by density or non-residential uses by type (i.e., retail, office, industrial) in their analyses. Nor do they delineate impacts on unit basis (per development unit, per acre, or per square-foot).

Agriculture is the primary land use in Knox County, and is an important contributor to that county's rural economy. AFT found that agriculture generates \$59 Million per year in direct sales and that prime farmland accounts for 57% of the county's total acreage (or 251,722 acres). The county's farm production is split evenly between crop yields (corn & soybean) and livestock. The fact that exurban residential development is encroaching on the county's rich farmland resources, prompted the AFT study. Between 1990 and 2000, AFT finds that new residential development in Knox County increased by 17% or 3,285 units, double the growth rate of 1980 to 1990.

The AFT fiscal analysis found that, as in other central Ohio jurisdictions, residential uses generate a negative impact on local government. However, the next cost of residential development was found to be minimal, at just \$1.05 in fiscal costs for every \$1.00 in fiscal benefits to Knox County.

AFT did not disaggregate commercial and industrial uses in their COCS study. This business use also includes utilities and vacant parcels of 10 acres or less. Overall, AFT found that these commercial/industrial uses generate the highest gross benefits (revenues) to the County, and an overall cost of only 38 cents on the dollar.

Agricultural use generates the smallest gross revenues, but also (logically), little cost to the County for providing services. As a result, agriculture had the highest net benefit of the three use categories, costing the County only 29 cents for every dollar generated in revenues.

**Knox County Revenues and Expenditures by Land Use (2003)**

Knox County	Actual	Residential	Commercial/ Industrial	Farm and Open Land
a) Total Revenues	\$ 96,834,422	\$79,426,164	\$11,255,520	\$6,152,737
b) Total Expenditures	\$ 89,721,239	\$83,679,759	\$ 4,253,495	\$1,787,985
Net Surplus (or shortfall)	\$ 7,113,183	\$ (4,253,595)	\$ 7,002,025	\$4,364,752
<b>Final Land Use Ratio</b>		<b>\$1 : \$1.05</b>	<b>\$1 : \$0.38</b>	<b>\$1 : \$0.29</b>

Source: American Farmland Trust.

AFT finds that agricultural use has the lowest net cost of the three categories, generating 6.2% of total revenues but only 1.8% of County expenditures. The problem with this finding is that, if taken by itself, agricultural land does not generate enough revenues to cross-subsidize *existing* residential uses, let alone new development. That cross-subsidization must occur through commercial and industrial development. Thus, the county is dependent on commercial and industrial development that is likely to take rich farmland, but perhaps at a slower rate than residential development. It would have been helpful if AFT had provided some indication of that rate of industrial/commercial development.

Because AFT does not disaggregate business uses, the group's observation that "decisions that retain and enhance commercial, industrial, and agricultural land uses... can help improve the long-term fiscal stability of the County" may be over-reaching. Still, AFT has shown that agriculture generates a relatively high net benefit to the County government.

AFT observes that "most new development is occurring in rural unincorporated areas without regard for agricultural soils...rather than in towns and villages." Unfortunately, AFT's analysis does not differentiate between the net cost or benefit of "rural" versus "urban" residential, and does not help to answer the sprawl debate. Finally, it must be noted that, written by an organization established to protect and preserve farmland, the findings from this study should be held to higher scrutiny.

**Clark County**  
*Cost Of Community Services (COCS) Study*  
 American Farmland Trust  
 October 2003

American Farmland Trust also performed a COCS study in Clark County,

on behalf of the Tecumseh Land Trust. Unlike Knox County, Clark experienced demographic decline between 1990 and 2000, losing 1.9 percent of its population base. Small farms (earning less than \$100,000 per year) constituted 80% of all farms in the county.

Again, AFT found that residential uses generate more costs than revenues to the County budget, with a ratio of \$1.11 in costs for every dollar generated by residential in fiscal revenues.

Combined County & School Services	FY2001 Actual	Residential	Comm/Ind	Farmland
a) Total Revenues	\$209,915,289	\$173,680,601	\$31,169,891	\$5,064,796
b) Total Expenditures	\$206,758,452	\$193,418,767	\$11,827,312	\$1,512,373
Net Contribution (a-b)	\$ 3,156,837	\$ (19,738,166)	\$19,342,579	\$3,552,423
Land Use Ratio*		\$1 : \$1.11	\$1 : \$0.38	\$1 : \$0.30
*Cost for each \$1 of revenue generated.				
Source: American Farmland Trust.				

Farmland was again shown to generate substantially lower costs per dollar of revenue it produces to the County Government. Interestingly, this AFT study found that the fiscal returns from Commercial/Industrial and Farmland were virtually the same, with a difference of just eight cents on the dollar.

Given the county's stagnant population during the 1990's, key questions may relate less to controlling residential growth than to strengthening the agricultural base and diversifying the local economy.

### Townships

Township governments historically evolved to provide certain services above and beyond those provided by a county, and for specific sub-divisions within the county. As such, townships provide a variety of services beyond civil order to include safety and fire protection, recreation, and other services. Clearly, there is potential for service redundancies and land-use conflicts between two levels of government – townships and municipalities, that both provide certain urban services. At least one fiscal analysis was conducted for two townships that perform their functions in the absence of adjacent urban municipalities – Hocking and Liberty townships, in Fairfield County. As in the county studies, the focus was on protecting farmland.

But in the Dayton area, a fiscal analysis examined the inter-relationships between a municipality (Centerville) and an adjoining township (Washington Township) experiencing conflict due to over-lapping jurisdiction, function, and land-use policy. That analysis was part of a comprehensive planning effort

oriented towards better integration of the land-use and development framework between the two jurisdictions.

**Hocking and Liberty Townships**  
 (Fairfield County)  
 Cost of Community Services (COCS) Study  
 Allen Prindle, Otterbein College  
 March 2000

Allen Prindle, a professor at Otterbein College, prepared a Cost of Community Services (COCS) study in Fairfield County that is modeled in many respects on the AFT analyses. The study, prepared for the Fairfield County Regional Planning Commission, focused on defining the fiscal cost-benefit ratio for land uses in two townships, Hocking and Liberty.

As in the AFT studies, Prindle limits the analysis to three broad uses – residential, commercial/industrial, and agriculture. Not surprisingly, Prindle finds that “while farmland usually pays a lower tax amount than residential land use, it also demands less community services and less service expenditures.”

Both Hocking and Liberty townships are oriented to residential and agricultural uses. About 75% of the taxable base in both townships is residential, while agriculture accounts for about 22%. Commercial and industrial uses account for only 1-2% of the assessable base in these townships. The results of the analysis for Hocking Township are summarized below:

<b>Total Township Revenues and expenditures and Cost of Community Services Ratio, Hocking Township, Fairfield County, 1999.</b>			
	<u>Residential</u>	<u>Comm/Ind</u>	<u>Farmland</u>
Total Expenditures	\$3,208,184	\$11,886	\$49,101
Total Revenues	\$2,915,742	\$44,397	\$297,354
COCS Ratios (Exp/Rev)	1.10	0.27	0.17
<b>Source: Otterbein College</b>			

Prindle found, as in Knox County, that residential generates a slightly higher cost per dollar of revenues (\$1.10 in costs for every \$1.00 in revenues), and that commercial/industrial and farmland generate very low cost ratios of \$0.27 and \$0.17, respectively. Findings in Liberty Township suggested an even greater disparity in the fiscal impacts of residential and agricultural uses.

**Total Township Revenues and expenditures and Cost of Community Services Ratio, Liberty Township, Fairfield County, 1999.**

	<u>Residential</u>	<u>Comm/Ind</u>	<u>Farmland</u>
Total Expenditures	\$8,198,978	\$26,917	\$36,000
Total Revenues	\$7,932,188	\$53,240	\$748,193
COCS Ratios (Exp/Rev)	1.15	0.51	0.05
<b>Source: Otterbein College</b>			

These township findings are particularly interesting given their similarities to those provided by AFT at the County level (Knox).

- **Centerville-Washington Township**  
*Market Potentials & Fiscal Impact Analyses*  
*Randall Gross / Development Economics*  
*2002-3*

ACP led a joint comprehensive Community Planning process for the City of Centerville and Washington Township, located in the Dayton area. This process was unusual because of the effort to bring two neighboring but somewhat divergent jurisdictions together in order to plan in a more cooperative fashion on land use and development policy.

Randall Gross / Development Economics (RGDE) conducted market and fiscal analysis as inputs to this process, made more complex by the differing fiscal structures of a city government (Centerville) and township government (Washington Township). Furthermore, residents chose to understand the fiscal situation not only from the perspective of City and Township, but also as residents of a multi-jurisdictional area. For example, residents of Centerville pay certain taxes to the City, but also pay taxes and receive fire and emergency medical services from the Township. Thus, fiscal impacts were determined for each individual jurisdiction (city, township, schools, recreation district, library district, and other multi-layered jurisdictions) and for various combinations of these entities together, in order to show the impacts of development on a resident living in the City or the Township but paying taxes to several jurisdictions. While more complex, this study confirmed certain trends for each land use, as follows:

**Summary Table A. NET FISCAL BENEFITS BY LAND USE AND LOCAL JURISDICTION, PER ACRE, 2001**

Land Use	Centerville	Washing- ton Twp	Fire	Rec- reation	Library	Park District	Schools
Single Family Residential	\$ 401	\$ 435	\$ 179	\$ (3)	\$ (260)	\$ (49)	\$ (1,619)
Multi-Family Residential	\$ (118)	\$ 525	\$ 491	\$ 103	\$ (502)	\$ (54)	\$ (1,776)
Industrial	\$ 3,337	\$ 1,524	\$ 1,019	\$ 37	\$ 247	\$ 61	\$ 8,174
Office	\$ 10,399	\$ (943)	\$ (5)	\$ -	\$ 346	\$ 247	\$ 22,703
Retail	\$ (883)	\$ (1,259)	\$ (2,548)	\$ -	\$ 196	\$ 41	\$ 12,002

Note: Individual per-acre impacts from the separate models cannot be added together due to differences in densities.

Source: Randall Gross / Development Economics.

Retail again generated a negative fiscal impact for City and Township government, as well as for the area fire department. However, retail is a net revenue generator for schools and related uses, since retail does not generate any costs to operation of the schools. By contrast, single-family residential uses generate a positive fiscal return to the City, Township, and Fire Department, but result in substantial fiscal costs to schools and related uses. Schools in this area are subsidized by fiscal revenues from industrial and commercial uses, including retail. As usual, office use generates a substantial net fiscal benefit to the City of Centerville, but interestingly, a net loss for the township. Fiscal costs from commercial uses result largely from the level of traffic they generate.

## Appendix

**Summary Table**

**FISCAL IMPACTS OF LAND USES, CENTRAL OHIO**

<u>Net Fiscal Impacts</u>	SF Residential per DU	MF Residential per DU	Retail per S.F.	Office per S.F.	Industrial per S.F.
<u>Municipalities</u>					
Upper Arlington	\$ 243	N/A	\$ (1.25)	\$ 2.91	N/A
Dublin	\$ (860)	\$ (244)	\$ (0.77)	\$ 2.02	\$ 1.41
Delaware	\$ 194	\$ (288)	\$ (0.63)	\$ 0.55	\$ 0.65
Newark	\$ 295	\$ (496)	\$ 0.52	\$ 2.39	\$ 0.97
Sidney	\$ 148	\$ (1,070)	\$ (0.49)	\$ 0.98	\$ 0.44
Stow	\$ 321	\$ (501)	\$ (0.38)	\$ 1.08	\$ 0.64
Centerville	\$ 235	\$ (118)	\$ (0.16)	\$ 1.71	\$ 0.70
<u>Township</u>					
Washington	\$ 379	\$ 102	\$ (0.22)	\$ (0.15)	\$ 0.32

Average (less only)

<u>Cost of Community Svcs</u>	Residential Return/\$1.00	Comm/Indust Return/\$1.00	Agricultural Return/\$1.00
<u>Counties</u>			
Knox	\$ (0.05)	\$ 0.62	\$ 0.71
Clark	\$ (0.11)	\$ 0.62	\$ 0.70
<u>Townships</u>			
Hocking (Fairfield)	\$ (0.10)	\$ 0.73	\$ 0.83
Liberty (Fairfield)	\$ (0.15)	\$ 0.49	\$ 0.95

Average

**Notes:** Net Fiscal Impacts have been standardized from the various analyses based on zoning and other factors.  
 Cost of Community Services expressed as net return per \$1.00 revenue.  
 N/A means Not Applicable.

**Sources:** Randall Gross / Development Economics; Tischler & Associates, Inc.; American Farmland Trust; and Otterbein College (Prindle).

EMPLOYED, UNEMPLOYED, AND RATE OF UNEMPLOYMENT

BY PLACE OF RESIDENCE

FOR NEW YORK STATE AND MAJOR LABOR AREAS, AUGUST 2006

(Numbers in thousands, not seasonally adjusted)

AREA/COUNTY	EMPLOYED			UNEMPLOYED			UNEMP. RATE		
	AUG 2006	JUL 2006	AUG 2005	AUG 2006	JUL 2006	AUG 2005	AUG 2006	JUL 2006	AUG 2005
UNITED STATES	145379.0	145606.0	143142.0	7086.0	7602.0	7327.0	4.6	5.0	4.9
NEW YORK STATE	9160.0	9183.0	9085.0	435.0	502.0	447.0	4.5	5.2	4.7
NEW YORK CITY	3589.2	3596.2	3545.3	191.3	229.9	206.7	5.1	6.0	5.5
BRONX	475.3	476.2	469.5	33.7	40.0	36.3	6.6	7.8	7.2
KINGS	1007.2	1009.1	994.9	59.4	71.2	63.4	5.6	6.6	6.0
NEW YORK	847.4	849.0	837.0	38.5	46.0	42.1	4.3	5.1	4.8
QUEENS	1039.0	1041.0	1026.2	48.8	59.5	52.4	4.5	5.4	4.9
RICHMOND	220.4	220.8	217.7	11.0	13.2	12.5	4.7	5.6	5.4
PUT-ROCK-WEST	686.1	690.9	678.7	27.5	30.7	27.9	3.9	4.3	3.9
PUTNAM	55.9	56.2	55.3	2.0	2.3	2.0	3.5	3.9	3.5
ROCKLAND	150.5	151.6	148.9	6.2	6.9	6.7	4.0	4.3	4.3
WESTCHESTER	479.8	483.1	474.6	19.3	21.6	19.2	3.9	4.3	3.9
NASSAU-SUFFOLK	1451.6	1463.2	1439.6	60.6	67.3	59.7	4.0	4.4	4.0
NASSAU	684.5	689.9	678.8	28.1	31.1	27.5	3.9	4.3	3.9
SUFFOLK	767.1	773.2	760.8	32.5	36.2	32.2	4.1	4.5	4.1
ALB-SCHEN-TROY	452.3	451.9	449.5	17.6	19.6	16.7	3.7	4.2	3.6
ALBANY	159.9	159.8	158.9	6.3	7.0	6.0	3.8	4.2	3.6
RENSSELAER	83.0	82.9	82.5	3.4	3.9	3.4	4.0	4.4	3.9
SARATOGA	119.2	119.1	118.4	3.9	4.4	3.7	3.2	3.5	3.1
SCHENECTADY	74.7	74.7	74.2	3.1	3.5	3.0	4.0	4.4	3.9
SCHOHARIE	15.5	15.5	15.5	0.7	0.9	0.6	4.6	5.3	3.8
BINGHAMTON	117.5	117.0	117.6	5.4	6.2	5.4	4.4	5.1	4.4
BROOME	92.3	91.9	92.4	4.3	5.0	4.3	4.5	5.2	4.5
TIOGA	25.2	25.1	25.2	1.1	1.2	1.1	4.0	4.5	4.0
BUFFALO-NIAGARA	565.2	564.8	564.1	29.3	32.7	29.1	4.9	5.5	4.9
ERIE	457.5	457.2	456.7	23.5	26.1	23.4	4.9	5.4	4.9
NIAGARA	107.7	107.6	107.5	5.8	6.6	5.7	5.1	5.8	5.0
ELMIRA	39.3	39.3	38.7	2.0	2.3	1.9	4.8	5.4	4.7
GLENS FALLS	69.7	70.2	69.5	2.6	2.9	2.5	3.6	4.0	3.5
WARREN	36.5	36.8	36.4	1.3	1.5	1.3	3.6	3.8	3.5
WASHINGTON	33.2	33.4	33.1	1.3	1.4	1.2	3.6	4.1	3.5
ITHACA	51.7	51.8	51.6	1.7	1.9	1.7	3.1	3.6	3.1
KINGSTON	90.8	90.6	89.3	3.9	4.4	3.8	4.2	4.6	4.1
POUGH-NEWB-MDLT	322.7	323.5	318.9	13.3	14.8	12.6	4.0	4.4	3.8
DUTCHESS	146.5	146.9	144.8	5.7	6.5	5.5	3.7	4.2	3.6
ORANGE	176.1	176.6	174.1	7.6	8.4	7.2	4.1	4.5	4.0
ROCHESTER	514.4	516.1	517.2	23.9	26.8	23.3	4.4	4.9	4.3
LIVINGSTON	31.7	31.8	31.9	1.5	1.6	1.4	4.4	4.8	4.1
MONROE	362.3	363.5	364.3	17.2	19.1	16.7	4.5	5.0	4.4
ONTARIO	54.1	54.3	54.4	2.1	2.4	2.1	3.7	4.2	3.7
ORLEANS	19.3	19.3	19.4	1.1	1.3	1.0	5.5	6.1	5.1
WAYNE	47.0	47.2	47.2	2.1	2.4	2.1	4.2	4.8	4.3
SYRACUSE	325.5	325.4	321.8	14.9	16.7	14.8	4.4	4.9	4.4
MADISON	35.4	35.4	35.0	1.5	1.7	1.6	4.2	4.6	4.3
ONONDAGA	231.5	231.4	228.9	10.2	11.5	9.9	4.2	4.7	4.2
OSWEGO	58.6	58.6	57.9	3.1	3.4	3.3	5.1	5.6	5.4
UTICA-ROME	141.6	141.4	141.3	5.9	6.6	6.2	4.0	4.5	4.2
HERKIMER	31.2	31.1	31.1	1.3	1.5	1.4	4.1	4.6	4.2
ONEIDA	110.4	110.2	110.2	4.5	5.2	4.9	4.0	4.5	4.2

Note: Data are subject to revision. Detail may not add to totals due to rounding.

Source: New York State Department of Labor, Division of Research and Statistics.

EMPLOYED, UNEMPLOYED, AND RATE OF UNEMPLOYMENT  
 BY PLACE OF RESIDENCE  
 FOR COUNTIES NOT WITHIN MAJOR LABOR AREAS, AUGUST 2006  
 (Numbers in thousands, not seasonally adjusted)

AREA/COUNTY	EMPLOYED			UNEMPLOYED			UNEMP. RATE		
	AUG 2006	JUL 2006	AUG 2005	AUG 2006	JUL 2006	AUG 2005	AUG 2006	JUL 2006	AUG 2005
ALLEGANY	21.3	21.1	21.2	1.1	1.2	1.1	4.8	5.6	5.0
CATTARAUGUS	40.5	40.9	40.5	2.0	2.3	2.1	4.8	5.2	4.9
CAYUGA	41.4	42.0	41.4	2.0	2.2	1.8	4.7	5.0	4.2
CHAUTAUQUA	66.5	66.2	67.0	2.9	3.3	3.0	4.2	4.7	4.3
CHENANGO	23.8	23.6	24.1	1.2	1.3	1.1	4.8	5.2	4.2
CLINTON	38.4	38.3	38.6	2.0	2.3	1.9	5.0	5.6	4.6
COLUMBIA	31.9	31.6	32.1	1.2	1.3	1.2	3.6	4.0	3.5
CORTLAND	22.9	23.1	22.6	1.1	1.2	1.1	4.5	5.0	4.6
DELAWARE	22.8	22.7	23.5	1.0	1.1	0.9	4.4	4.8	3.7
ESSEX	19.1	19.2	19.2	0.9	1.0	0.8	4.4	4.9	3.8
FRANKLIN	22.0	21.8	21.8	1.1	1.3	1.1	4.9	5.5	4.8
FULTON	26.6	26.4	26.6	1.4	1.5	1.3	4.9	5.5	4.7
GENESEE	33.5	33.5	33.4	1.4	1.5	1.3	4.0	4.4	3.8
GREENE	23.8	23.7	23.6	1.1	1.2	1.0	4.5	4.9	4.2
HAMILTON	4.0	3.9	4.0	0.1	0.1	0.1	2.7	3.1	2.6
JEFFERSON	47.6	47.6	47.5	2.4	2.7	2.4	4.7	5.3	4.8
LEWIS	12.5	12.6	12.6	0.6	0.6	0.6	4.4	4.8	4.6
MONTGOMERY	24.0	23.9	24.2	1.4	1.6	1.2	5.5	6.1	4.9
OTSEGO	31.8	31.9	31.7	1.3	1.4	1.2	3.9	4.2	3.7
ST. LAWRENCE	46.9	46.8	46.7	2.6	3.0	2.7	5.3	6.0	5.4
SCHUYLER	9.8	9.7	9.9	0.4	0.5	0.5	4.4	4.9	4.4
SENECA	16.7	16.7	16.5	0.7	0.8	0.7	4.0	4.6	3.8
STEUBEN	42.8	42.5	42.9	2.2	2.5	2.2	4.9	5.6	4.9
SULLIVAN	37.1	36.9	36.5	1.6	1.8	1.5	4.2	4.7	3.9
WYOMING	21.6	21.5	21.1	0.9	1.0	1.0	4.1	4.6	4.4
YATES	12.7	12.6	12.7	0.5	0.6	0.5	3.7	4.2	3.5

Note: Data are subject to revision. Detail may not add to totals due to rounding.

Source: New York State Department of Labor, Division of Research and Statistics.

September 22, 2006

**Harold W. Barrett  
Mary C. Barrett  
3 Deacon Smith Hill Road  
Patterson, New York 12563**

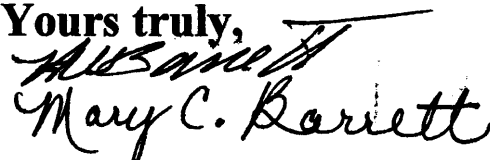
**Mr. Richard Williams  
Town Planner  
Town of Patterson  
Patterson, New York 12563**

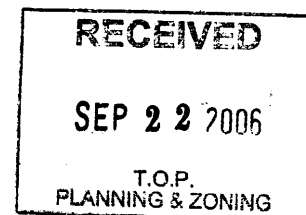
**Re: Residential Property  
Tax Map # 23.13-1-12**

**Dear Mr. Williams:**

**Figure K11 in the Traffic Study of the Environmental Impact Statement Draft shows a right hand turn lane, 24 by 125 ft., at the end of Fair Street where it intersects Route 311. Our concern is how this right hand turn lane will affect our property which is located at the intersection of Fair Street, Route 311, and Deacon Smith Hill Road.**

**Your review of this concern would be greatly appreciated. Thank you for your time and consideration.**

**Yours truly,**  
  
**Harold W. Barrett  
Mary C. Barrett**






Fine Foods  Party Planning

September 20, 2006

Hon. Michael Griffin, Supervisor, Town of Patterson and  
Hon. Members of the Town of Patterson Board  
Town Hall  
1142 Rte 311  
Patterson, New York 12563

 RECEIVED  
T.O.P.  
SEP 21 2006  
OFFICE OF SUPERVISOR

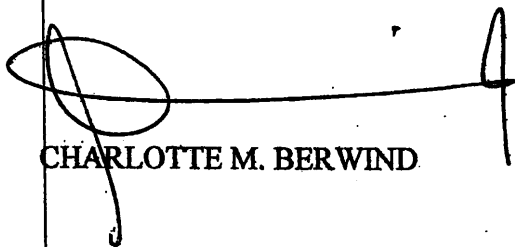
TB  
TC  
TP

Dear Mr. Griffin:

In regards to the DEIS document for the proposed Patterson Crossing mall, please extend the period of the comment from September 25th an additional thirty days.

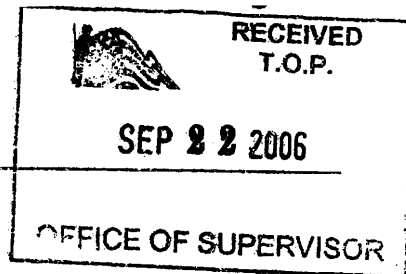
We will have to live with this mall for a lifetime, what is the hurry in rushing this part of the procedure through?

Sincerely,

  
CHARLOTTE M. BERWIND

RECEIVED  
SEP 22 2006  
T.O.P.  
PLANNING & ZONING





**supervisor**

**From:** Bruce Blackwell [bb\_csi@yahoo.com]  
**Sent:** Friday, September 22, 2006 10:27 AM  
**To:** supervisor@townofsoutheast-ny.com; pedc@computer.net  
**Cc:** supervisor@pattersonny.org; anordstrom@townofny.gov; amp2@ci.carmel.ny.us; sdavis@putnamvalley.com; tacnews@midhudsoncentralny.com  
**Subject:** Patterson Crossing and Costco

TB  
TC  
TP

Dear Messrs. Dunford and Bailey,

My wife, family and I reside in the section of Vail's Grove (Peach Lake) that is in the Town of Southeast. We have lived in this area for four years, and while we appreciate its pastoral qualities, the region is under-serviced by retailers.

We are generally forced to shop in Connecticut, simply because there is not much to be found in Putnam County in terms of retail establishments. The northeastern fringe of Westchester County (we also own property in North Salem) is similarly sparse.

We are very much in favor of controlled growth in Putnam County. With housing prices in Westchester being such as they are, it is inevitable that Putnam will continue to grow as families migrate north. This will mean more need for basic services and more strain on the County and Townships to meet those demands.

Carefully planned development, such as the proposed Patterson Crossing/Costco complex on Route 84, will be a very much welcomed and needed addition to the region. Not only will it provide a reasonable alternative to shopping in Danbury, CT, it will add tax dollar revenue to the County and municipalities.

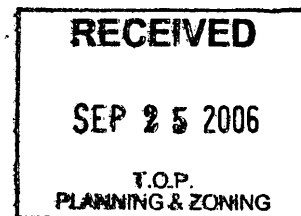
The area on Route 84 is an excellent place for such a complex, in that it is readily accessible and would appear to have little negative impact on the environment.

We encourage you to support this proposed complex.

Thank you for your consideration.

Sincerely,

Bruce and Gwyneth Blackwell  
27 Vails Lake Shore Drive  
Brewster, NY 10509



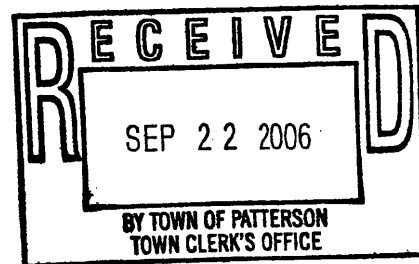
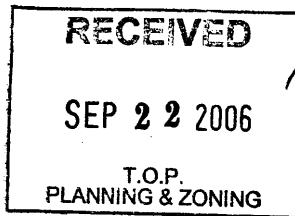
Bruce Blackwell  
Managing Partner

9/22/2006



Monday, September 18, 2006

Patterson Town Board  
1142 Route 311  
Patterson, New York, 12563



Town Board Members

As my wife and I sat in on the Patterson Planning Board public hearing this past Thursday in regards the this Patterson Crossing, I looked at your faces as Kent Board member Joe D'ambrosio asked you to "do the right thing".

I didn't feel comfortable.

When the response was a resounding NO to the request for that 30 day extension my heart sank a bit. Case closed?

Did it really matter how many people were going to state their case to you.

I saw Mr Carmada pacing around in the back of the room and it was sort of like a parent waiting for his kids to do what he expected.

If Mr Bondi's son works for Mr Carmada. doesn't that send a message?

My heart ached for those people speaking their hearts out to you about their frustration and fears about how their lives would change so much if this thing goes thru.

As I asked Mr Carmada a year or so again, "would you want to live in the homes directly effected." His response was a weak smile. What would your's be?"

Wildlife effected?. Oh no problem he said, they can just go to the other side of I84. Oh boy!!

So I don't expect anything from Mr Carmada in regards to the right thing .

The residents of Lake Carmel/Kent are hoping you guys step up and tell him to go try and ruin another small town.

My question to you is, if this thing gets the go ahead and the blasting starts.who do I go after if my water pressure starts to decrease or cuts off?

Then there's the matter of a septic system the size of 5-8 football fields to be installed some 185 feet in back of my house on Vernon Drive. What a selling point that's going to be. If that thing one day springs a leak and my water begins to smell or taste funny, who's fixing that?

Actually there should be a list of persons to see to fix all the things that could go wrong, or are we all on our own?

There was a pro Patterson Crossing lady at your last public hearing who was all for this, could see no problem. Someone called across to her as she slunk back to her seat asking if she was having this thing built in back of her house. Needless to say she didn't respond, just like Mr Carmada had no response to me. None of those pro people would have a response. You can hear their sigh of relief that this terrible project isn't going to effect their lives or property values.

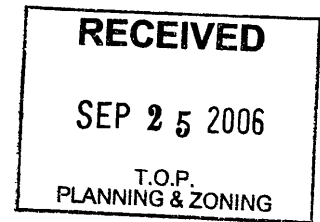
HOW COULD YOU SAY YES TO THIS?????

I would really like your response. After all, I would think you should take responsibility for your actions. It appears to me that those few Patterson residents who are for this could care less how it effects the lives of those effected. You really should.

Harry Bourletos  
60 Vernon Drive  
Lake Carmel New York 10512

*Joan & Frederick Castiner*

50 Walden Road  
Lake Carmel, NY 10512  
(845)228-015



**HAND DELIVERED**

September 25, 2006

Richard Williams  
Town Planner  
Town of Patterson  
Planning & Zoning Office  
P.O. Box 470  
1142 Route 311  
Patterson, New York 12563

Subject: Proposed Patterson Crossing -  
Draft Environmental Impact Statement

Dear Mr. Williams:

We attended the Patterson Crossing Public Hearings on September 13<sup>th</sup> and 14<sup>th</sup>. Enclosed please find a copy of the comments read to your Planning Board on the evening of September 13<sup>th</sup> by Joan Castiner.

In addition to these comments, we have more questions regarding the "Patterson Crossing" Draft Environmental Impact Statement ("DEIS"):

In the original comments to the Board on September 13<sup>th</sup>, the question was put forth who would be accountable for restitution to the homeowner, if there was damage to their personal property, or if the structure of their homes or wells were compromised once the earth was disturbed at the site by the daily onslaught of blasting, jack hammer, back hoe, etc? It was not questioned extensively, however, what would happen if we were to lose water? Would the Board of Health allow us to occupy our homes and for that matter how could we stay in our homes under those circumstances? Would homeowners have to wait until all blasting and construction (which could last several months) was completed for the responsible parties to even try to rectify the situation? For example, in the case of a compromised well, how could we be able to differentiate or prove if it had been affected by the blasting or general construction, or for that matter, the drilling of new wells on the construction site? What lengths would we as homeowners be required to go to in order to prove cause and effect?

The same scenario applies to cracks in the walls of homes or the possible breakage of collectibles within one's home, pictures falling off walls, etc. Will each homeowner be assigned a person who will monitor during blasting as well as being given a blasting schedule? Will all residents

be provided with the name and number of each insurance carrier and the total amount of coverage the carriers will be insured for. What do we have to do to have an independent engineer take pictures of our homes and who will the burden of cost for the expense of an engineer fall on? There is talk of an initial test blast? If that goes awry, can we claim negligence on the part of the blasting expert?

Why are the proposed sewer pumps and storm water basins on Kent property? Who maintains the storm water basins? There is talk of storm runoff being corrected, however, it seems like it is a Patterson problem, not a Town of Kent problem. Yet Patterson's problem will be diverted onto Kent lands as it appears it always has been. The way I understand it, the ejection pump is responsible for pumping sewage back up to the septic fields, which by the way are at the highest point not to mention close to neighboring wells. I have always understood that what goes up must come down. There seems to be no backup pump or emergency generator. What happens in a power outage or just a breakdown? Will the Croton River (the nearby stream) be compromised thereby polluting our lake all the way down to the New York City drinking water? How will this pump be monitored and maintained? Who will be responsible for this, Kent or Patterson or what agency? In a worse case scenario who will be accountable? At some point, the applicant will be long gone. We really can't see how any responsible environmental agency will approve this.

The one entrance and exit for the public will be on Kent lands. The one emergency exit will be on a residential road in the Town of Kent. If there is an accident of some kind, could the Town of Kent be held responsible for law suits or expensive repairs to correct any situation that might arise? Without the use of Kent lands, this project could not be built. As our emergency services will be first responder, have our police and fire departments been asked to review these plans to see if it is easy for them to access and leave the mall in the event there is an emergency? What about mass evacuation? Could our police and fire department handle the local citizens of the Lake Carmel Park District as well? Or will our local citizens be at risk? Is the necessary fire fighting apparatus in place? Are there enough fire hydrants?

With the constant cars and trucks coming and going, what noise levels and air pollution will the adjacent residents be subjected to? Tractor trailers will be delivering their goods and idling year round. Who will enforce any rules in place for hours of operation? Are the traffic reports accurate? What about peak holiday times of the year where traffic is sure to double or triple? Just what town or agency will set the standards for noise and quality of air standards? How will these standards be enforced and monitored? Will the monitoring, if any, be done on a monthly or yearly basis, and who will be apprised of any results? If there is a problem with noise and air pollution, what steps can then be taken after the fact to remedy this?

As for the septic fields, we know our septic system has infiltrators rather than fields as there is such a high clay content in this area. Can the ground absorb the water and waste usage that is being predicted? Is the water usage predicted accurate? Have perk tests been done? Is the septic system too close to neighboring wells thereby compromising the quality of their drinking water?

We are sorry that concerned residents and experts were not given the 30 day extension, as this DEIS is an enormous and complicated read. As you can see from our letters and the comments

of others at the hearings, many of us feel this is not a suitable location for any project, let alone Patterson Crossing. To build there you have to encroach on another town and it's people. There are serious issues to be answered and possibly dire consequence if these issues are left unanswered.

We would strongly recommend the TOWN OF PATTERSON PLANNING BOARD DENY THIS APPLICATION.

We look forward to your written response.

Sincerely,



Joan Castiner



Frederick Castiner

Enclosure

cc: Town of Patterson Planning Board  
Herb Schech, Chairman  
Michael Montesano, Vice Chairman  
Maria DiSalvo  
David Pierro  
Shawn Rogan  
Town of Patterson  
Michael Griffin, Supervisor  
Paul Piazza, Building Inspector  
David Raines, Fire Inspector  
Town of Kent Town Board  
Arne Nordstrom, Supervisor  
Katherine Doherty  
Joseph D'Ambrosio  
Patricia Madigan  
Karl Rhode  
Edith Schanil, Town Clerk  
Town of Kent Planning Board  
Arthur Singer, Chairman and  
Planning Board Members  
Town of Carmel  
Connie Munday, Supervisor  
Town of Southeast  
John Dunford, Supervisor

cc: Putnam Valley Town of Lakes  
Sam Davis, Supervisor  
NYS DEC  
Margaret Duke, Regional Permit  
Administrator  
NYC DEP  
Marilyn Shanahan, Manager  
(OWSL)



*Joan Castiner*

50 Walden Road  
Lake Carmel, NY 10512  
(845)228-0150

*September 13, 2006*

*The Town of Patterson Planning Board  
1142 Route 311 - PO Box 470  
Patterson, NY 12563*

*Subject: Written Comments Presented at The Public Hearing, Wednesday,  
September 13, 2006 on The Proposed Patterson Crossing DEIS*

*Dear Members of the Board:*

*My name is Joan Castiner and my husband and I reside on Walden Road in the Lake Carmel Park District, within 500 feet from the proposed Patterson Crossing Retail Center. I share all of my fellow opponents' concerns such as increased noise, air and water pollution, congested traffic, overloading the Town of Kent emergency services, increased crime and the destruction of our community as we now know it. Rest assured written comments concerning these issues will be forthcoming.*

*The applicant states in his DEIS that construction will be ongoing 24 to 36 months, 6 days a week. However, blasting will only be done 5 days a week by experts, while homes and wells within 500 feet will be monitored. We lived in New York City for 33 years and like now we were once within 500 feet of a construction site enduring daily blasting. One day my phone rang and I luckily left my living room to answer it while a heavy mortar ceiling came crashing down missing me by inches. Guess the experts didn't calculate that happening.*

*I have been made aware that any aspect of breaking ground, be it blasting, jack hammer, back hoe, etc. puts all structures in close proximity at risk. One should not only be concerned with the walls of homes, but windows, doors, outside walkways, not to mention articles inside homes such as pictures or paintings on walls, collectibles that are breakable and displayed on shelves and so forth. Please note that these risks remain from the beginning of construction until its completion.*

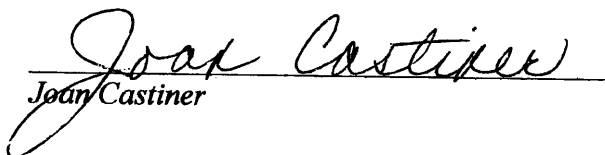
*As for water usage, two months after we moved into our current home, which was 13 years ago, we ran out of water which I later found out is not an uncommon occurrence in our neighborhood. My well had to be drilled down 650 feet, which once again is not an uncommon occurrence according to neighbors who also had to drill down over 600 feet.*

*My question is, if there is damage to my possessions, or if the integrity of the structure of my home or my well is compromised, who will be responsible for restitution? Will it be the applicant who has been known to obtain approval only to flip properties; the contractors and/or experts responsible for overseeing each phase of construction; the big box stores who are being lured to this location; the local, county, and state elected officials charged with the protection of the health and safety of all residents; or the Town of Patterson officials who seem so eager to see this project go ahead? If the builder and contractors have insurance, will residents who have claims end up in a insurance carrier war? How do residents actually prove cause and effect with certainty and not be subjected to unreasonable and lengthy scrutiny?*

*Lastly, the applicant states in his DEIS that the emergency exit will let out onto Echo Road, end of discussion. No mention of the egress. What are the plans for Echo Road? Will it have to be widened, thereby taking portions of residents' front yards, to accommodate emergency vehicles? In all my years of living here, I have never seen the school buses, that routinely pick up our children, access streets above Montrose Drive. Could this be because it is hard to negotiate some of the turns on our roads, many of which are narrow and have deep ditches and make it difficult to pass oncoming vehicles? In addition, we know that Echo Road is hard to travel in inclement weather such as snow and ice storms. I ask you to consider what would happen if there were an emergency requiring mass evacuation, not farfetched given the times we live in. Would we residents then be trapped up on that hill resulting from a deluge of emergency vehicles?*

*In summation, my biggest concern and question is "Where is the accountability that is so lacking in this DEIS?" It appears the profit motive far exceeds all other considerations.*

*Sincerely,*

  
Joan Castiner

**Edmond A. Connors, # 69 Concord Dr. Patterson, New York – (845)225-7749**

## **Reply to, Comments On, and Questions Regarding -- The Patterson Crossing Retail Center DEIS**

Sec 1.1 Para 3 – While the proposed project will by the builders calculations bring added revenue to the community, the builder is neglecting in this section to note that the project will also bring with it, added costs, as well. Presently, according to the builder's calculations the property already pays taxes of \$56,000.00 to the County of Putnam, and the towns of Patterson and Kent. It should be noted that the property as it exists costs the towns and county in question nothing, while adding to the inherent beauty and environmental health of the neighborhood, towns, and county within which it exists.

Sec 1.1 Para 4 – The builder insists that the project will reduce the amount of pollution released into the atmosphere of the area by reducing the miles the local populace will have to drive to shop. The builder has failed to note the vast increase in air pollution, light pollution, noise pollution, possible water pollution to the Middle Branch of the Croton River, as well as, manifold degradation to the quality of life experienced by the population of the region as "citification" of the rural environment is foisted upon them.

Sec 1.3.1 Para 4 – In previous sections, notably Sec 1.1 Para 1, the builder states that the project will encompass 90.5 total acres with 22 acres to remain undisturbed during the construction phase. In this section the builder goes onto assert that the project will just generate approximately 119,000 cubic yards of rock, which will be excavated by, in the builders words "some blasting", and by other means. If the total of 22 acres of undisturbed area is subtracted from the 90.5 acres of the total project, one can clearly see that the excavation will take place over an area of 68.5 acres. When one does a bit of simple math – there are 43,560 square feet to the acre, take that and times it by 68.5 acres, then we see that 2,983,860 square feet of ground will be affected by "some blasting", ripping, or hammering. That area affected is over 51 official American football fields, and that is including the goal areas of every one of those fields. Now to the builder's estimate of the rock that will be removed. The builder estimates that there will be 119,000 cubic yards of broken stone generated by the construction. From our high school days we know that there are 27 cubic feet in one cubic yard. When you multiply the 119,000 cu. yards by 27 you find that there are 3,213,000 cubic feet of stone to be removed. It sounds like a lot, but you will see in a moment, it is not. Not when you consider spreading that stone harvest of those 3.2 million cubic feet of material over an area the size of 68.5 acres, remember, that is nearly 3 million square feet. When you say you will harvest only 3.2 million cubic feet of stone from an area of 3 million square feet, it means that you can "cut" into the stone, only 1.076 feet deep average, over the entire area estimated. However, there is a total drop in elevation of 52-feet from the western boundary of the project property to the back of the proposed Building - "B". The builder says he plans to level the property using the cut and fill method. You will need a 25-foot cut on the high side to fill a 25-foot trough on the low side to accomplish the leveling here. In our simple calculation, remember we only cut a mere 1-foot, not the 25 necessary to put this project on the level. It would appear that after doing this bit of simple math here, the builder's calculations seem to be terribly flawed. All of these elevations can be seen by the builder's study of the ground elevations, as submitted in this DEIS (EX-1). That 52-foot difference in elevation is over more than half of the area of buildings, and parking lots of the project. So, if you can only "cut" a mere 1.07 feet on average from the existing land, and you have to level a site with more than a 52 foot

difference in elevation, it would seem to any fool with a sharp pencil and more than half a deck to play with, that more than a paltry 119,000 cubic yards of rock will be disturbed. Mind you, this site is one with a rather shallow earthen cover over rock throughout a large portion of the site. Ledge appears at the surface over much of the site, which is a some indication of the amount of rock that will be disturbed. It would appear that the builder has misstated the amount of blasting it will take to remove such a huge mountain of solid stone. By my reckoning, the builder's estimates of the amount of blasting to be done, and the amount of material to be moved around, are not optimistic; but rather they seem to be downright misleading, and no amount of "cut and fill" would seem to ever get this mess on the level !!!

#### Sec 1.3.4

In the discussion on groundwater resources in this section, brief mention is made of, "pump tests and test wells, and how no adverse effects were noticed on the off site wells that were being monitored ". What wells were being monitored? I live right across Concord Drive, less than 500 feet from all this testing, and my well was not being monitored. I know of no wells that were monitored during the period when the test wells were being drilled. There are neighbors whose homes are on property that directly abuts the said project, and their wells were not monitored. However, the underground blasting that was done as part of those tests shook their homes, and no mention made of that by the contractor either. In fact, it was during this same period of time that I was experiencing a silting problem with my own well. I reported it to the department of health, and upon testing by them it was found that there was not only a problem with muddy water, but also high loads of bacteria were found in the well. This is the first time in all the years since we moved in to this home, since the mid 1950's, that there was ever this kind of problem with the well. I paid to have the well sterilized and install new piping, a foot-valve, and well-head gasket. All of which were installed by the professionals from Albert Hyatt & Sons", and there has been no problem since. If there were any way to prove that the testing done by the gang from Camarda and Company caused the problem with my well, I would have moved to cause an action to have held them liable. Unfortunately, the fact that they were the only ones doing massive drawdown of the water table at the time, and that there has never been a problem with my well before this incident is not sufficient proof of their culpability in the matter. Since they did not monitor a sufficient number of wells in the area during this experiment, there is just no way to prove they are responsible. That is precisely the problem that everyone, whose source of clean water might be damaged by the project, will encounter; unless the contractor is forced to monitor all the wells in the area affected by their unusual thirst for this most precious limited resource. Had the builder done due diligence prior to the initial testing, and monitored all the wells within the area influence of their study, then perhaps, we would not be having this discussion now. 500 feet is indeed not enough of a distance from their test wells to account for the effect a drawdown of 10,000 gallons a day might have on the neighboring wells. That amount of blatant squandering of a ground-water resource, along with the blasting of the rock layer and the inherent disturbance to the unconfined water table, the disturbance of the recharge area, and the other admitted adverse environmental impacts on the geology of this area, may, in their totality, spell disaster for all of us whose very lives depend on our wells. Will the people responsible for this impending and yet without adequate monitoring, impossible to quantify disaster, pay to mitigate the damage they will most certainly cause. Perhaps they should post a permanent bond creating a water district for the individuals who find themselves within the area of influence of this egregious waste of such a critically important natural resource? There are families homes and lives intimately involved here. Since I have already had a problem in association with the project – and since Camarda's gang were the only ones messing around with the water table at that time – am I now to believe, that by some leap of faith and change in attitude by the players, that I am now protected? I am not comfortable



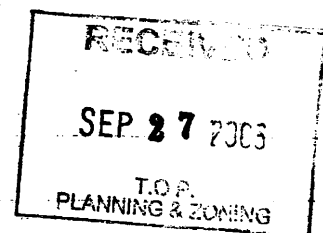


## PATTERSON PLANNING BD.

PLEASE SAY NO TO THIS MALL (PATTERSON CROSS)  
GROWING UP IN QUEENS AND SPENDING  
MY SUMMERS ON LONG ISLAND, I WITNESSED  
THE DEVASTATION LONG ISLAND ENDURED  
BY OVER DEVELOPMENT. PUT YOURSELF IN  
THE SHOES OF THE PEOPLE WHO WILL EFFECTED  
THE MOST, THOSE LIVING NEXT DOOR. THEIR  
LIVES WILL REALLY CHANGE FOR THE WORST,  
NOISE POLLUTION, CROWDED ROADWAYS, INCREASE  
IN CRIME, DECREASE IN PROPERTY VALUE,  
NOT TO MENTION THE DAMAGE IT COULD  
HAVE ON THEIR LAKE.

PLEASE I'M HOPING YOU DO RIGHT  
BY YOUR NEIGHBORS IN LAKE CARMEL.  
SAY NO TO THIS MALL.

DANNY DOLONK + FAMILY  
SOUTH EAST





Edward Durkee

September 22, 2006

Members of Planning Board  
Town of Patterson  
Patterson Town Hall  
1142 Route 311  
P.O. Box 470  
Patterson, NY 12563

RECEIVED

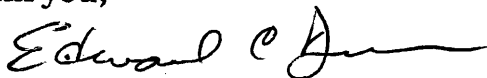
SEP 25 2006

T.O.P.  
PLANNING & ZONING

To the Town Board, Town Planner and Members of Planning Board:

Enclosed you will find my comments in regards to the submitted DEIS concerning the Patterson Crossing Development, proposed to be located within the Town of Patterson. I have pointed out a number of inconsistencies, gaps in needed information, and statements presented as facts that behoove this board to investigate their veracity. I would remind the Planning Board and the Town Board, that it is only by mandating further research and or requesting further verification of information provided within the DEIS that you can best move forward with confidence and legal protection to decide what is best for our entire community.

Thank you,



Edward C. Durkee  
63 Huguenot Road  
Lake Carmel, New York 10512

Edward Durkee  
63 Huguenot Road  
New York, New York 10512



COMMENTS CONCERNING  
THE PATTERSON CROSSING DEVELOPMENT  
ROUTE 311  
TOWNS OF PATTERSON AND KENT, NEW YORK

Edward C. Durkee

**“The purpose of adding traffic signals to the  
NYS Route 311 is to shift capacity from  
NYS Route 311 to the side streets.”**

## **SUMMARY:**

Within this DEIS document I have found many instances of unsubstantiated information, assumptions of consequences, separation of contradictory information, and the burying of crucial pieces of information within the huge volume of technical data. These experiences have lead me to review this entire document with great skepticism.

While the information provided within a document of this size and complexity is quite difficult to parse and comprehend no matter what how excellent its quality, this particular DEIS is so unorthodox in much of its structure and presentation of information, it suggested to me that the applicant might be deliberately attempting to derail the extraction of a coherent picture of the impacts and mitigations described, to his own detriment.

As one begins to read through the Executive Summary, and the subsequent sections, the obvious salesmanship that underlies the narrative woven into this document behooves a closer examination of its countless assertions, contradictory findings, and assumed consequences.

While I am providing comments for a number of sections in the DEIS, my primary focus has been the issues of TRAFFIC. A number of my comments are based upon suggestions provided by a nationwide leading traffic analyst, Mr. Brian Ketcham, after his preliminary review of this DEIS.

## **COMMENTS:**

### **Section 1.3.1      GEOLOGY - Mitigation Measures Second Paragraph**

*" Andy documented impact to the private of local wells would be remedied by the blasting contractor"*

This fact simply allows the developer to be immune from consequences. While the sub-contractor might be well intentioned, the reality is that the public and those whose wells may be directly affected would be left with the burden of proof and costs of litigation to recover for damages. Obviously, this is something impossible for many families and certainly would end up costing the Towns of Kent and perhaps Patterson. The Planning Board should insist that a plan be in place that guarantees remediation, and protects against these costs prior to any approval.

### **Section 1.3.2 1<sup>st</sup> Paragraph**

*"Establishing a thorough maintenance and repair program  
Assigning responsibility for the maintenance program."*

This is a crucial aspect of controlling the long term environmental and financial impacts of this project. Who will be providing the funds and guaranteeing the fulfillment of long term commitments to maintain and repair? The applicant does not provide any solution over an extended period of time. Without explicit implementation processes and allocated funding, the Towns of Patterson, and Kent will have to assume huge costs. No matter how rosy a picture is painted of assumed revenues, the applicant must provide real figures with explicit responsibilities spelled out for the long term.

#### **1.3.4 Groundwater Resources Potential Impacts**

*"The project will require approximately 10,740 gallon per day of 7.5 per minute. ..."*

Can this be a realistic number? Let us conservatively assume that there are at least 20 toilets in use throughout the entire 400,000 sq ft. project. If half are in use at any given time, that's more than what is being claimed for the entire project. A more realistic projection must be investigated.

#### **1.3.8 Traffic and Transportation- Potential Impacts**

*"Project would be accessed by a two lane...drive..."*

In reviewing the summary of numbers provided in the more detailed Traffic and Transportation section (see section 4] as well is in the Appendix sections dealing with traffic in Vol II, I was having a difficult time correlating the statistics provided in the scattered sections of information.

I am perplexed how a single 2 lane access road is going to handle the tremendous increase in traffic volume. The peak hour estimate of trips entering and exiting the site is approximately 2100 vehicles PER HOUR. This translates into at least 35 cars per minute. Even without taking into account the built in queuing delays controlled by the suggested traffic light, or the and East and West Bound 311 through traffic, these numbers mean that if you are waiting to get in or out of the complex and wait only 3 minutes, there will be 90 more cars trying to do the same stacked up behind you and so on.

### **1.3.8 Traffic and Transportation - Potential Impacts Overall Narrative**

It is important to decipher the narrative strategy in how the traffic information is provided and interpreted. The logic is as follows:

1. Provide the estimated gross numbers of traffic volume, with the emphasis being that the bulk of traffic coming to the site will be off of Route 84.
2. Talk about how the general increase in traffic, due to increased development of other projects, and the general trend of the area will stress the roadway infrastructure making improvements to certain intersections and road conditions necessary at some time in the near future.
3. Relate accident types and statistics concerning the targeted intersections and roads being studied.
4. Describe the remediation techniques and proposed solutions that, should they be implemented, would provide some solutions to the traffic impacts.
5. Relate future tax revenues that in the "best of all possible worlds" could be used to help finance the necessary improvements to the Traffic Infrastructure.
6. Emphasize that you will "work with the NYS DOT and others to fund and construct other improvements..." but not providing any specific costs or numbers.
7. And then summarize by implying that it is only with the building of Patterson Crossing that you (the towns and county) will be able to effect the improvements necessary to handle the increased needs.

This is a very optimistic narrative that when you dissect the information, assertions and comparisons does not accurately provide a realistic picture. For one example, the level of service for one of the most heavily traveled intersections 311 with Route 84 Westbound ramp will remain at the minimal service level, in spite of any modifications proposed. This means that

we will still have a minimally operating intersection it will just have a substantially larger amount of traffic and a traffic light that creates longer delays to handle the traffic.

Perhaps the most telling paragraph that contradicts the rosy picture is just below.

#### **Section 4.8.4 Potential Area Improvements**

*Page 4.8.47 2<sup>nd</sup> paragraph*

..."Queue management is as important as level of service when considering volume at an intersection . Priority needs to be given to the westbound off ramp traffic to avoid the potential of backing traffic up onto the Interstate 84 through lanes. This ramp would have green time priority of the NYS Route 311 southbound approach to the intersection. **As the volume of traffic on the ramp is expected to increase faster than the NYS Route 311 traffic traveling from Patterson , capacity on NYS Route 311 will need to be reduced to compensate for increased in ramp volumes. The purpose of adding traffic signals to the NYS Route 311 is to shift capacity from NYS Route 311 to the side streets.** The increased capacity for the minor street, permits the minor street traffic to enter NYS Route 311 more easily.

**Page 4.8-1. Exiting Conditions**

Project location has excellent connectivity via I-84 to the regional highway system. As a consequence they assume most access to the site will be via this interstate. But if you begin to examine the market data analysis, this assumption is not one that holds up. As the data begins to indicate that the majority of the population comes from the neighboring population centers that do not have immediate access to the highway.

**Pages 4.8-4 to 4.8-9 regarding collision data:**

This section is positioned up front and is used to emphasize the need for various traffic improvements are the areas roads. This is clever and builds on the other sections of the DEIS that promote roadway improvements (albeit, funded by NYSDOT). The focus is on accident records for specific locations in terms of injuries and property damage accidents. What is never discussed is the effect of adding more than 15,000 daily auto trips to the area, or nearly 6 million trips a year producing more than 30 million additional vehicle miles of travel (all rough approximations but in the ballpark). Not only will this added travel generate another 200 auto accidents each year it will generate additional traffic congestion and environmental damages that will cost the community tens of millions of dollars in losses (each year). .  
(Comment from Brian Ketcham)

**Page 4.8-24, Table 4.8-12,**

summarizes new development anticipated for the study area that is likely to impact local traffic. No details are provided about the traffic impact of each project will generate. While there is some discussion of the background growth (1.5% per year over "five to six years"—which is it?) the only way to divine no build impacts is to subtract traffic volumes for baseline conditions from no build conditions. A quick impression is

that new development (some of which is approved) will increase local traffic impact from 13% to about 43%, depending on location. Another way to approximate these impacts is to compare total vehicle movements onto and off I-84. For the PM peak hour, that total for new development comes to 303 vehicle trips (for 29 new projects listed). As you will see, this is about 45% of what the Patterson Crossing Retail Center will generate. (Comment from Brian Ketcham)

**Page 4.8-26, Table 4.8-14,**

Summaries of no build Level of Service showing far more severe conditions at many locations than is currently experienced without new development. . (Comment from Brian Ketcham)

**Page 4.8-28.**

The DEIS goes on to re-establish what traffic improvements should be undertaken to mitigate new growth impacts ("See Table 4.8-16 for improvements that are needed without the Patterson Crossing Retail Center development"). And, again, there is no mention of just who will provide these improvements although NYSDOT is inferred. . (Comment from Brian Ketcham)

A word of caution: the DEIS must provide a summary matrix of these improvements by location indicating who will pay for them and when they might be implemented, if ever. By this point in the DEIS, it becomes hard to keep all this straight, which is likely the intent of interspersing such detail into the text (as I said at the outset, this DEIS is rather unorthodox).

**Table 4.8-16, page 4.8-31, titles Intersections**

Where Improvements are Warranted Under Existing and No Build Conditions. Nothing is said about who will provide these improvements and when. The DEIS is just planting the idea that NYSDOT should be doing this soon ("Other measures should be considered to improve

safety.” All very like true but, in this context, just another way of selling the project without paying for project mitigation.) . (Comment from Brian Ketcham)

**Page 4.8-32.**

Note “The maximum grade of the site access drive is 7.96 percent.” This is very steep and will slow entering traffic and, on wet or icy days, make exiting the site dangerous. Nothing is discussed.

. (Comment from Brian Ketcham)

**Table 4.8-17, page 4.8-33**

, shows how well the mitigations described will clear up the areas traffic problems. More selling....

(Comment from Brian Ketcham)

**Page 4.8-35.**

“Construction Traffic/Construction Delivery Traffic.” Incomplete and in a location to break up focus on project traffic impacts. . (Comment from Brian Ketcham)

**Page 4.8-36.**

Potential (project) Impacts. Table 4.8-20 presents ITE trip generation rates and Table 4.8-21 presents the resulting peak hour auto and truck trips. The DEIS is claiming a 25% pass by credit. Since I am not familiar with the area a 25% pass by credit should only be taken if there are a large number of existing retail stores in the corridor (along NYS 311 in close proximity). A 25% pass by credit reduces by 25% the project’s impact on surrounding roads. . (Comment from Brian Ketcham)

**Page 4.8-37.**

“An estimated 25 percent of site trips are already or will be on NYS Route 311. Of the remaining trips 57 percent are expected to travel directly to/from Interstate 84. Of these, 42% of the trips are expected to travel from the south and the remaining 15% of trips are expected

from the north.” The DEIS provides no supporting documentation about origins and destinations (Comment from Brian Ketcham)

**Figure 4.8-8 PM Site Generated Peak Hour Trips.**

It shows the project will add 675 trips to I-84 (both directions), 2.3 times as many trips as for all 29 projects listed as new development in proximity to the project. While I have not check every intersection, it is likely the overall area wide project impact will be double that for these 29 projects. . (Comment from Brian Ketcham)

**Table 4.8-25**

summarizes project impacts without mitigation. Congestion levels are reported to spread more widely with the project. Again, many of these impacts are at unsignalized intersections, locations where the DEIS reports warrant new signals to mitigate project impacts. . (Comment from Brian Ketcham)

**Page 4.8-42.**

Internal Traffic Circulation. Table 4.8-28 reports acceptable traffic operations within the site. What is not reported is the effect on parking and whether or not sufficient parking is provided. What is missing is a **parking accumulation study** demonstrating that sufficient parking will be provided. This requires an estimate of vehicles entering and leaving the project by time of day for the entire day for weekdays, weekends and holiday shopping. . (Comment from Brian Ketcham)

**Page 4.8-45.**

Improvement Measures. Table 4.8-29 reports satisfactory operating conditions at all intersections analyzed assuming the extensive mitigation suggested throughout the DEIS. However, it is not clear any of this will actually occur. As stated on Page 4.8-54, “The

improvements outlined in Table 4.8-35 will improve current conditions and allow the studied intersections to operate at acceptable levels with the project. The project *will facilitate* roads and intersection improvements that will improve existing conditions as well as improvements necessary to mitigate project specific impacts, *helping to pay for both*. The Applicant will be responsible for mitigating the project specific impact to the greatest extent practicable *and will work with the NYS DOT* and others to fund and construct other improvements that would help alleviate traffic issues under the current conditions." "Specifically, *the Applicant is committed to participate...and will share in the cost* of those improvements

(Comment from Brian Ketcham)

AGAIN this is about COSTS to the town and taxpayers. We must know exactly what the costs will be.

**Page 4.8-55, Table 4.8-35,**

reinforces this observation by summarizing only those improvements reported in the DEIS to be "warranted" under NYS DOT criteria. . (Comment from Brian Ketcham)

No where in the DEIS is the project's impact on I-84 described, in spite of the claim that most shoppers will utilize this access route to the site. This seems to be standard practice for developers. However, the community should raise the issue right now with NYSDOT and force the developer to account for those impacts. This impact could be severe. . (Comment from Brian Ketcham)

**4.8-10 DATA and Date Mismatch?**

**Traffic Data dates of analysis were as follows:**

For PM Peak and SAT Peak hour Traffic

**Peak Hour -** 4/15/04 (Thursday)  
8/29/04 (Thursday)

**Sat Peak Hour** 4/3/04 (Saturday)  
8/31/04 (Saturday)

However dates were also listed for specific intersections. The dates that the observations were in theory conducted were certainly not typical of traffic volumes. July 29 ( the last week before August vacations) is hardly a representative date of typical activity.

In addition the actual Traffic Study pages are all listed as being conducted on different dates. It is confusing to the average lay reader to understand what dates actually were used and whether we can be assured that the observations are accurate given that each observation was only for 15 minutes.

**Data used is out of date:**

While using data collected 2 years ago, I could not find a section that indicated that the analysis scenarios calculated the baseline data for the NO Build charts based on current estimates of traffic. It simply states in the 4<sup>th</sup> paragraph that the reviews of 2004/2005 were based on "recent traffic conditions"

**Section 4.8.5 Collision Data-**

This data is also out of date with data covering the period from June 1 1999 - to May 31, 2002. The number of accidents since that time period has risen substantially and current data gathered and analyzed. While this may not be available directly from the DOT it certainly can be extracted from Police Records.

In addition what is not discussed is the effect of adding )conservatively) more that 10,000 - 13,000 daily auto trips to this road infrastructure. That is over 3 million more trips per year and at only a 10 mile estimate of miles

per trip, 30 million extra trip miles not taken into consideration with the provided collision data. This MUST be examined in closer detail with more accurate information concerning the rise in estimated accidents. Any substantial rise will cost the taxpayer. We must know the Costs for such a situation.

#### **4.8-13 Software Model**

**Estimates:** It is clear that the Highway Capacity Software model provides estimated volumes and averages of impacts. However, I would caution the board to examine the figures closely. The statement, "the traffic model does not always account for the ability of the traffic signal to compensate for shifting traffic volumes and thus may overestimate delay." I expect it could also just as easily underestimate delays.

**Queue Storage-** This issue is a crucial one that is inadequately mitigated. . As stated here- "Queue storage is more important where traffic can spill back into a adjacent intersection reducing capacity of the second intersection or into a weaving section at the interstate.

Compare this statement with the one previously referenced, found on 4.8.47

"Queue management is as important as level of service when considering volume at an intersection . Priority needs to be given to the westbound off ramp traffic to avoid the potential of backing traffic up onto the Interstate 84 through lanes. This ramp would have green time priority of the NYS Route 311 southbound approach to the intersection. **As the volume of traffic on the ramp is expected to increase faster than the NYS Route 311 traffic traveling from Patterson , capacity on NYS Route 311 will need to be reduced to compensate for increased in ramp volumes. The purpose of adding traffic signals to the NYS Route 311 is to shift capacity from NYS Route 311 to the side streets.** The increased capacity for the

minor street, permits the minor street traffic to enter NYS Route 311 more easily”

I would surmise that this mitigation effort which simply provides a minimal level of service (D) for part of this crucial intersection is a woefully inadequate solution, and specifically in terms of traffic safety.

The proposed mitigations are often inadequate for the challenges produced by this project. At best they are a minimal attempt to “get by.”

#### **4.8.38 Seasonal Traffic Conclusions**

*“Daily shopping center trip generation is expected to be higher during the holiday shopping season... Shoppers make more use of off-peak shopping hours, choosing to shop early or late to avoid the crowds and thereby spread traffic volumes out...”*

**From Brian Ketcham** (Traffic Consultant). This is wishful thinking. ITE, the same organization the DEIS sites for project trip generation rates, reports December producing 50% more traffic than the average for the rest of the year. I have secured two years of Target Store data that shows their December traffic is double annual average conditions. A trip to any large shopping mall in the New York metro area during holiday peak hours suggests the DEIS is understating the issue. Nevertheless, Table 4.8-24 reports PM peak hour traffic during holidays identical to average weekdays. This is done with clever redistribution of the number of trips entering and leaving the site. Saturday shows 16% higher holiday traffic.

#### 4.8.50 Traffic Volume changes

With the statement that most of the expected traffic is to come from the interstate there is the statement that increases would be "relatively" modest during peak hours.

Is a conservative estimate of **4,000** more vehicle trips a day on Route 311 through the heart of Patterson a "modest" amount?

Couple this with the intent to push as much traffic onto the side streets in order to have the Interstate Ramp intersection viable, then you are dramatically changing the impact of traffic on the residential areas of Patterson, not to mention Kent, whose volume of traffic is substantially more.

#### 4.8-52 Table 4.8.33 LOS Issues

The figures of the LOS changes need to be closely examined. While the applicant prominently points out that with the suggested improvements most LOS ratings for intersections will be upgraded, upon closer examination you will find in Table 4.8.33 that the I-84 EB ramp has 2 D ratings in its LOS analysis. **There are 8 "Decline in Service" ratings from "No Build to Build with Improvements"** at the major intersections that were examined.

The improvements still lead many of the intersections at a low rating, but now handling a much much larger volume of traffic. The conclusions given are "...with noted improvements, all studied signalized intersections would perform at or better than level of Service D." **D is the "minimum" level of service that NYS DOT seeks for both unsignalized or signalized intersections.**

## **COSTS and RESPONSIBILTIY**

### **No Figures on COSTS**

No where in the DEIS are the actual predicted costs of the proposed mitigation actions. In regards to traffic issues, there is absolutely no financial data provided concerning possible costs to the Towns of Patterson and Kent. While traffic will be the single greatest impacting factor over the long term, the applicant's proposed solutions to lessen the impact all need another agency to actually do the changes. DOT, the County, and the 2 Towns all have the primary responsibility for any changes to the network infrastructure of the roadways.

The applicant states:

"The applicant is committed to participate in a significant way in the funding of intersection improvement in the area..." and that he will "...work with the appropriate authorities...and share the cost of those improvements..."

Therefore the town must demand a detailed breakdown of predicted costs, amounts of participants promised funding, other possible funding sources and the unavoidable specific financial obligations of the 2 townships.

While the good intention of the applicant being "responsible for the mitigating the project specific impacts to the greatest extend practicable..." it is clear that we are talking about the lowest amount and therefore quality possible.

### **Need Financial Risk Analysis**

**Talk is simply talk.** The applicant should not expect, nor should this project be allowed to proceed without another much more specific investigation into the huge costs involved in this project.

The failure to include detailed financial data analysis of all risk factors for the proposed project for the myriad of improvements necessary for a minimal level of traffic LOS rating is unacceptable.

The Board must demand a thorough and detailed examination of possible cost scenarios covering:

- › Impact to Town of Kent and Patterson and areas or responsibility for any and all suggested improvements.
- › Worse case scenario Financial Risk Analysis, taking into account: failure on State's part to provide funding, the consequences of applicant declaring bankruptcy during build. Inability of either town to meet mitigation cost efforts.
- › Reasonable DOT expectations concerning State readiness to cover build costs, time frame etc.
- › County responsibilities for any improvements, and guarantee of money for improvements.
- › Needs for Financial Bond Guarantees by the applicant
- › Financial Preparedness statement for if the current Applicant upon receiving approval for the project, "flips" the project and property to another developer for a substantial profit. What obligations will be held by whom and most importantly who within the myriad of Town and County Officials would be responsible for enforcing any obligations?

## **PEDESTRIAN SAFETY and SCHOOL BUS ROUTES**

### **Page 964 and 965 Volume 22 Appendix K:**

Stuck at the very end of the Appendix K were 2 pages of tremendous significance that demand a forceful response on the part of the Planning Board. The assertions by the applicant are blatantly false in Attachment A and spuriously lacking in Attachment B.

### **Attachment A:**

"Based on field observations, there is little pedestrian activity in this area likely due to the

lack of pedestrian destinations. There are no nearby schools, (see Attachment B)...There are no major parks or trains stations in the study area...Some vehicle pull of areas on US Route 52 near NYS Route 311, which may be used seasonably for fishing, were observed....”

This statement is blatantly False. There is the little omission of the entire Lake Carmel, the Lake Carmel PARK district and the Ryan Fields Park.

How arrogant to include a statement that there is no pedestrian traffic of significance. This is a blatant lie and is simply a slap in the face of the entire Kent Township.

Lake Carmel has a large number of teenage children who are constantly walking and biking on its streets. A large portion of these children live across Route 311 and have to walk across it to get to the lake, an obvious teenage favorite destination. On the lake you will find numerous beaches that are used constantly during the summer months by both older teens and younger children with their parents. These beaches are set up to be available all day long during the peak summer months. Parents and their children use these throughout the day and early evening. During the rest of the year, the beauty of the lake with its walking path, grassy area, fishing docks, and boating capabilities all are “Pedestrian Destinations” that make up the heart of this community. Ryan Field Park is the central Park for the Kent Recreation Dept. and hosts all Community outdoor activities. It is at most 2 miles away and bike and pedestrian access to it will be significantly affected by increases in daily traffic.

The Planning Board must demand a legitimate detailed study of pedestrian traffic of the entire area. With the DEIS stating that the usage of Street Lights is to force traffic onto the minor side streets for access to 311, it is obvious that this project will significantly effect the safety of our children in their own neighborhoods and as

they utilize the most central recreation features of the area, the lake and Ryan Field Park.

## **ATTACHMENT B: SCHOOL BUS ROUTES AND SAFETY**

There is no discussion of impacts on the safety of our children who use the school bus system to ride to schools.

A large number of elementary school buses travel on Route 311 to go to Matthew Patterson Elementary School in the heart of Patterson. Of course, they are traveling every side street as well to pick up the children.

While the exact numbers of Bus trips has been requested from the Carmel School system, (through the FOIL process) the public has yet to see any updated realistic figures. These must be acquired by the Planning Board in order to assess the levels of risk that this project will increase concerning accidents with school buses. Make no mistake that with the increase in traffic being at **around 3 million more trips a year on Route 311** we will be **increasing the danger** of a serious accident with a school bus full of children

We do know that at least 120 trips a day travel on that route and that a majority of minor damage incidents occur while on that route.

**We must at least know** the totals for:

- > The number of runs full and empty
- > The Number of Children Transported
- > The average number of stops on these major roads as they are all ones targeted to be analyzed by the applicant.
- > Current up to date accident data
- > Average length of trip
- > Breakdown of Destination Schools and neighborhoods.
- > Breakdown of Data by street including all streets included in the intersection analysis.

**Section 6.0 Impacts that cannot be avoided...**

*“Some unavoidable impacts would be temporary while others would be long term impacts associations with the occupation and use of the site.”*

*“Long Term Adverse Impacts.*

- > Increase in traffic to the area network*
- > Increase in delays from increase in traffic*
- > Reduction in level of service from increase in traffic Volume*
- > Increase in local noise levels from traffic*

I think the DEIS states it very well.

Lynne A. Eckardt  
55 Maple Road  
Brewster, New York 10509

Chairman Herb Schech  
Patterson Planning Board  
1142 Route 311  
Patterson, New York 12563

23 September 2006

Dear Chairman Schech and Members of the Board,

As a resident of Southeast I recently spoke at the Patterson Crossing Public Hearing regarding how 'The Highlands' shopping center has affected my taxes over the past four (town) and five (school) years.

I thought it might be helpful to randomly select other properties in Southeast to illustrate tax 'savings' other Southeast residents have enjoyed. Rather than pick and choose examples illustrating the lack of savings I decided to use the homestead properties of our five Town Board members.

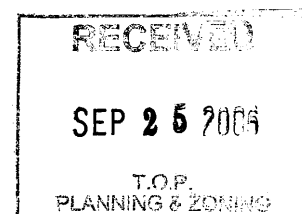
I'm using tax map numbers so that you will be able to verify my calculations.

	Town & County (since 2003)	School (since 2002)
47.-3-26	+ 17%	+37%
35.-2-35	+ 10%	+20%
35.-2-16	+ 13%	+24%
68.-1-7	+ 55%*	+68%*
45.-16-1-28	+ 22%	+43%

\* I believe that substantial improvements were made to this house.

By the way, my Town & County taxes (66.-1-43) have risen by 23% while my school taxes have increased by 58%- so I haven't fared nearly so well as our Town Board. For the record, there have been no improvements made to my home.

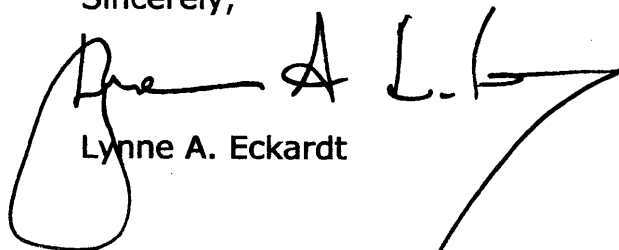
It's become clear that claims of lowered taxes are specious at best and misleading at worst. Touting 'shopping convenience' is one thing but promised tax relief is quite another.



While I understand that the Planning Board's main concern should be how 'Patterson Crossing' impacts residents of Patterson they should be aware that promised tax 'savings' are most often not worth the paper they're printed on.


I trust that the Planning Board is taking a long hard look at this massive project and appreciate the time spent. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynne A. Eckardt'. The signature is stylized with a large loop on the left side and a long, sweeping underline that extends to the right.

Lynne A. Eckardt

SENT VIA FAX: 25 SEPTEMBER 2006

A handwritten flourish or scribble in black ink, consisting of a single, continuous, wavy line that starts from the left and curves downwards and to the right.

# FAX SHEET:

25 September 2006

**FROM:**

Lynne Eckardt

Fax: 845 279-5724

Phone: 845 279-5737

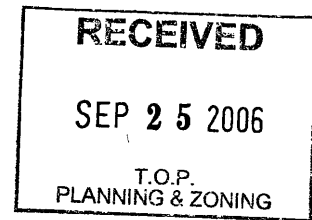
**TO: Patterson Planning Board**

Fax: 845 878-2019

Phone:

Number of pages including cover sheet: 3

Remarks:





RECEIVED

SEP 25 2006

T.O.P.  
PLANNING & ZONING

Sibyll Gilbert  
41 Game Farm Road  
Pawling, NY 12564  
September 24, 2006

Patterson Planning Board  
P.O. Box 470  
1142 Rt. 311  
Patterson, NY 12563

RE: Patterson Crossing DEIS

To All Decision Making Officials:

I met Rob, from the Pawling Cycle Shop for the first time last week. What a nice young man with a fine looking new business. Will competition from Patterson Crossing destroy Rob's investment and financial future? When I walk into Dill's Best in Pawling, I am greeted by familiar and helpful faces. These employees have worked for Dill's Best for a long time, so evidently their employer is ok. Carl Dill just made a generous donation to the Pawling Scouts. He can always be counted on to support local causes. Patterson Crossing will probably close the doors of Dill's Best in Pawling and in Carmel. Wingdale Hardware may also fold. Shall we all be compelled to drive dangerous miles to a Lowes Building Center, at Lake Carmel; and then walk a daunting distance in a hostile environment to purchase the few minor items that we must have?

A huge postcard was sent to my mother, who lives in Patterson, from the Patterson Crossing developer, PLI, LLC, with blatantly misleading deceptive statements.

The fact is that the "Highlands Development" is not yet complete and Putnam County has no need for this increase in commercial development. The two anchor stores in Putnam Plaza are still unoccupied after years of abandonment.

The fact is that property taxes in Putnam County (and southern Dutchess County) are too high, but the construction of Patterson Crossing will not provide tax relief because:

- Assessments of commercial properties are not based on income or investment futures, but on the value of the buildings and other infrastructure. Commercial building construction is shoddy, because it is typically designed for a 20 year lifetime.
- Major re-building of all intersections on Rt. 311 will be required, particularly at Fair Street and Rt. 164. At taxpayers expense, or course.
- Homes on Rt. 311 will be reduced in value, due to traffic increases, and required road improvements.

- Homes in the adjacent Lake Carmel community (the proposed buffer zone is totally inadequate) will be reduced in value.
- Taxpayers will pay for stormwater water quality control maintenance, fire protection, police and code enforcement.
- Will Patterson have the resources to adequately monitor and enforce a commercial development of this magnitude?
- A study issued by a professional planner concerning the fiscal impact of new commercial development in a mid-western city, concluded that while the commercial development did produce more in property tax revenue versus required municipal services, the residential growth inducing aspects of the new commercial development negated any public fiscal benefit.

The other issues that trouble me are:

As far as jobs are concerned; most local retail business' in Pawling and in nearby Putnam are currently understaffed ("help wanted" signs abound). The competition from Patterson Crossing would only exacerbate the problems of obtaining employees for these low paying jobs, resulting in even poorer service at local establishments.

Traffic on Rt. 311 is currently difficult due to the steep grade, which cannot be alleviated by engineering. Straightening the curves will destroy the landscapes we love, destroy property values, all at public cost.

Approval of Patterson Crossing will permanently obliterate the remaining rural character. The region will resemble the hostile Rt. 84/Highlands Interchange.

This is a terrible example of sprawl. No conscientious regional planning commission would approve this project! There are viable development options for this commercially zoned site, which would serve to enhance and benefit the community.

On a strictly personal level, I am a senior with driving limitations, who drives from Pawling to Patterson on Fair Street to visit my 94 year mother who requires my assistance, at least 3 times per week. I am her only caregiver. I cannot contend with heavy construction traffic. Patterson Crossing will cause great personal hardship for this old lady and many others, and place lives at risk.

This proposal is of benefit to the developers, their consultants, and to the big contractors who will build it. Approve it and the public and small business in this entire region will be the losers.

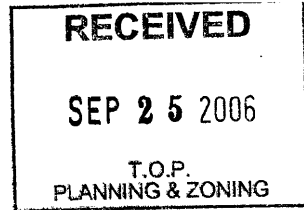
Yours truly,

Sibyll Gilbert





*Suzannah C. Glidden, Chair  
Hands Across the Border  
19 Sunset Place  
North Salem, New York 10560  
(914) 845-1052 Tel/Fax  
[suzannahglidden@optonline.net](mailto:suzannahglidden@optonline.net)  
September 25, 2006*



These comments were read into public hearing testimony September 13, 2006.  
Fax to: (845) 845-878-2019 and email to [planning@pattersonny.org](mailto:planning@pattersonny.org)

Mr. Herb Schech, Chair and Members  
Patterson Planning Board  
1142 Route 311/P.O. Box 470  
Patterson, NY 12562

Dear Chairman, Schech and Planning Board Members:

Re: Proposed Patterson Crossing development

I'm a Croton Watershed resident, Suzannah Glidden, and board member of Croton Watershed Clean Water Coalition and Putnam County Coalition to Preserve Open Space. I'm also a lake community resident living at Peach Lake in North Salem. Like Lake Carmel, we have enough high-density housing traffic on small, narrow roads to certainly not need increased traffic which Patterson Crossing would bring.

The proposed Big Box development is to sit right on top of Lake Carmel, its residents and their drinking water supply. The forest of the proposed site now holds rainwater from running off and allows it to seep into the ground and water supply sources, clean and filtered by this natural forest process. To slash the forest and pave it over with impervious surface of roads, parking lots and building roofs create dramatic runoff of water that will not be filtered and recharged naturally by forest over a large area but which, by gravity, will be carried downhill polluted with the toxic soup of chemicals from vehicular road traffic. Is that the kind of water that's desirable to supply Lake Carmel residents in their well water? And the sewage from this project that is to be treated underground: is that also a desirable addition to well water supply? We should be considering a Croton Watershed ban on phosphates, fertilizers and pesticides, not an increase in pollution to our drinking water.

With destruction of forest and digging of earth in construction come erosion of sediment and silt that will wash down into some man-made storm water controls while other runoff will inevitably go straight into Lake Carmel. If those controls, like catch basins, are not carefully and frequently maintained, the clogged overflows will carry sediment and debris to Lake Carmel and escalate the filling-in of a once beautiful lake, besides polluting its water. Who is to pay for the necessary, frequent and expensive maintenance of storm water controls? The developer? He should but it's the tax payers who pay. We have enough new high costs associated with Phase II storm water regulations coming at us in 2008 without additional storm water maintenance cost of this proposed unsustainable development.

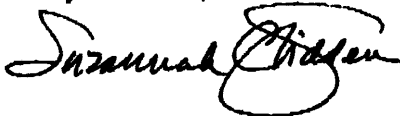
And what of consideration for our wildlife habitat, where are the wildlife to go? The developer suggests that there is a large tract of land across Route 84. They are to make their way across Route 84, alive? Not likely.

The myth that new commercial development will bring tax relief to residents is a myth continually pushed by developers and politicians wanting to push through their project. It mesmerizes naïve residents while just the opposite occurs. Within a few years, the rise in taxes for the cost of additional, very expensive infrastructure needed to support big development outpaces what taxes would have been without it. Don't be fooled. Look at the tax facts in towns over-developed like Yorktown.

There are reasons why the Croton Watershed has strict regulations: they are to protect our and NYC's drinking water. The Croton Watershed is built out. It has been developed within regulations of NYC's Memorandum of Agreement and Town Codes on almost all suitable land. What remains is mainly unsuitable land for development that has vital wetlands, wetland buffers, steep slopes, rock outcroppings, poor soils. For the Croton Watershed Town Boards and Town Planning Boards to approve projects on unsuitable land such as on the steep slopes of this massive Patterson Crossing development is unconscionable. Favoring developers rather than water protection must stop, now, before our water has become degraded and it is too late. Approvals or variances must be denied for irresponsible development.

Our most important resource is water. Our watershed is a precious, uniquely high-quality water system but it is a fragile ecosystem and we must stop taxing it. To put sufficiency and quality of our water at risk by not leaving sufficient forest and wetlands to filter, recharge and prevent flooding, to allow invasion of our wetlands and their critical buffer zones, to allow turbidity in our drinking water from erosion by building on steep slopes, to threaten sufficiency by over-building and reducing recharge areas, to allow this monster development to be built immediately on top of another community and their drinking water extend beyond the pale. Protect our water, our residents, our wildlife: stop Patterson Crossing now!

Respectfully submitted,



*Hands Across the Border is an environment protection and advocacy organization dedicated to protecting the Croton Watershed across county lines by remedying pollution problems at their source. HAB is one of fifty member groups of Croton Watershed Clean Water Coalition (CWCWC).*

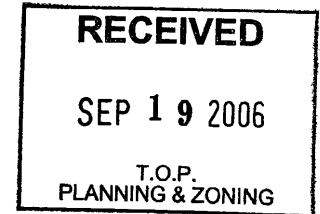
[www.newyorkwater.org](http://www.newyorkwater.org)



*Suzannah C. Glidden, Chair*  
*Hands Across the Border*  
*19 Sunset Place*  
*North Salem, New York 10560*  
*(914) 845-1052 Tel/Fax*  
*[suzannahglidden@optonline.net](mailto:suzannahglidden@optonline.net)*

September 12, 2006

Mr. Herb Schech, Chair and Members  
Patterson Planning Board  
1142 Route 311/P.O. Box 470  
Patterson, NY 12562



Re: Proposed Patterson Crossing development

Dear Chairman. Schech and Planning Board Members:

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And what of consideration for our wildlife habitat, where are the wildlife to go? The developer suggests that there is a large tract of land across Route 84. They are to make their way across Route 84, alive? Not likely.

The myth that new commercial development will bring tax relief to residents is a myth continually pushed by developers and politicians wanting to push through their project. It mesmerizes naïve residents while just the opposite occurs. Within a few years, the rise in taxes for the cost of additional, very expensive infrastructure needed to support big development outpaces what taxes would have been without it. Don't be fooled. Look at the tax facts in towns over-developed like Yorktown.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Suzanne Ziddeu". The signature is fluid and cursive, with a long horizontal stroke at the end.

*Hands Across the Border is an environment protection and advocacy organization dedicated to protecting the Croton Watershed across county lines by remedying pollution problems at their source. HAB is one of fifty member groups of Croton Watershed Clean Water Coalition (CWCWC).*

Cynthia A. Granick  
804 Route 311  
Patterson, NY 12563  
845-878-7047  
September 7, 2006

Patterson Planning Board  
Patterson Town Hall  
Patterson, NY 12563

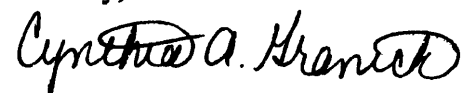
Re: Comments on DEIS for Patterson Crossing

I am writing this letter to voice my opposition to the Patterson Crossing project. My understanding of this project is that because of its magnitude, it will have tremendous negative impacts on our community. The Town of Patterson is quickly becoming the City of Patterson. I have lived in Patterson for 10 years now, the past 6 in the house I am currently in. When I first moved into this house on Route 311, if I waited for 2-3 cars to pass by before I was able to pull out of my driveway, that was a lot. Now, if I wait for 20-30 cars, that's about average. The dramatic increase in traffic is not only annoying, but dangerous. The particular intersection where the proposed project is to be placed near Route 84, is EXTREEMLY dangerous, and increasing traffic can only make it more so.

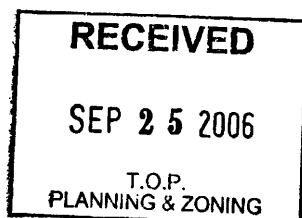
When taking into consideration the very large increase in the consumption of natural resources and utilities and the huge addition of wastes, noise, air, and water pollution, any caring resident of this area can't help but say NO to this proposed project. I fully support the comments submitted by my neighbors, Melanie and Steve Pien. Steps need to be taken to preserve what is left of the open wild areas in our county, especially considering the close proximity of the Great Patterson Swamp.

As residents of this community, we are responsible for its care. It is irresponsible to be enticed by promises of money from big developers who don't have to reside next to their own projects. The only real benefactor of this proposed project is the developer, and to support the manifestation of this greed will be to the detriment of all the families who make this town their home, now and in the years to come. Please do not let Patterson Crossing become a regrettable reality.

Sincerely,



Cynthia A. Granick





September 18, 2006

Patterson Town Board  
Patterson Town Hall  
Route 311  
Patterson, NY 12563

RE: Planning Board Meeting for Patterson Crossing Project

To All Board Members:

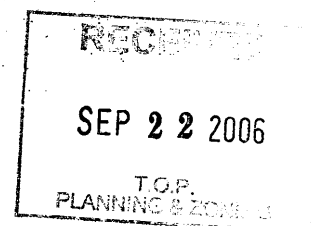
We attended the September 13 & 14 meetings at the Patterson Rec Center and would like to commend the Planning Board on their professionalism and patience. They listened to each and every speaker without interruption. We can understand why people have concerns regarding this project but we also feel that the planning board is well aware of what needs to be done before approving or not approving the project. We would have liked to hear from the developer, Paul Camarda, because we're sure he could answer all of their questions. Unfortunately it looks like their minds are made up to protest this project whether or not they fully understand the environmental issues that are addressed in his proposal document to the town of Patterson. We were appalled by the arrogance and rude behavior of some of the speakers especially when someone in support of the project got up to speak. We are in favor of this project and feel that we need more retail shopping in Putnam County not only to alleviate the high taxes we pay but for shopping convenience and progress in our county. Many families are forced to move out of Putnam County because of the taxes. Additionally, we are tired of making the trip to Connecticut or Dutchess County to shop.

One gentleman supporting the "Stop Patterson" protest told the planning board that he is "sure" that they will make the right decision. We hope they do make the right decision and allow Mr. Camarda to build this shopping center. The "Stop Patterson Crossing" committee has had more than enough time to read the document and address their concerns to the Planning Board. We were pleased when a motion was passed by the board to adhere to the September 25 deadline for submitting comments so they can review all of the material and make their decision. This is why we have a Planning Board, we rely on their expertise to make the right decision for our town.

We believe that Patterson Crossing will improve our property value, provide much needed tax revenue and create jobs. It is time for progress, time for a much needed change in our county.

Thank you.

Joseph and Rosemary Grasso  
3 Hampshire Court  
Patterson, NY 12563

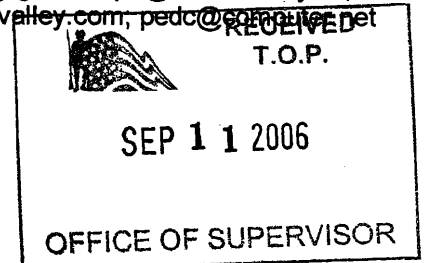




**supervisor**

---

**From:** Tim Gregg [timgregg@bestweb.net]  
**Sent:** Monday, September 11, 2006 10:17 AM  
**To:** supervisor@pattersonny.org; anordstom@townofkentny.gov; amp2@ci.carmel.ny.us;  
supervisor@townofsoutheast-ny.com; sdavis@putnamvalley.com; pedc@compuser.net  
**Subject:** On the contrary



Dear Mssrs. Griffin, Nordstrom, Dunford, Davis, Bailey and Mrs. Munday:

By the time the county gets done spending millions to redo two intersections I doubt Patterson Crossing will ever pay for itself; certainly the Home Depot shopping center in Brewster has made no noticable difference in our taxes and has made driving Rt. 312 considerably annoying.

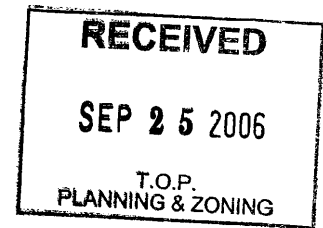
The very last last thing Putnam Co. needs is more traffic. I say no to Patterson Crossing!.

Timothy Gregg  
Carmel

TB  
TC  
TP



Town of Patterson Planning Board  
Patterson Town Hall  
1142 Route 311  
P.O. Box 470  
Patterson, NY 12563



September 25, 2006

Dear Planning Board Members:

I am a resident on Concord Road, which is situated in Lake Carmel, and belongs to the Town of Patterson. Concord Road and its homes are in 50 feet proximity of the proposed project site.

**The applicants blasting mitigation plan is inconclusive and leaves tons of questions unanswered.**

The applicant's DEIS states that the certified blasting contractors will adhere to all insurance needs of the company that is contracting them.

How many contractors will there be? Will there be variation for each contractors' insurance covering different areas for different kind of damage? Will we be informed about each insurance individual coverage plan? What is the amount the contractors insurance will cover for site-property and property outside the site plan?

In the applicant's DEIS under 1.3.1 it reads: *some blasting would likely to be required.*

What does the applicant mean with some? This is ambiguous language and does not state clearly how much blasting will be done.

**Question to answer:** How much property is there that needs a greater than 4 feet cut and therefore would be blasted?

**The applicant's DEIS notes that blasting will occur in accordance to the blasting regulations of New York State Code. (Title 12 of the New York Code of Rules and Regulations 12 NYCRR Part 39) The N.Y. State code talks about blasting rules and regulations and not about how people, animals and homes need to be treated. In the N.Y. State regulation nor in the DEIS blasting section is any assurance given for the safety of our homes, or water supply, the safety for our domestic animals, such as our dogs and cats, or wild animals.**

Under paragraph 39.7 the regulations talk about *(d) Notice of blast*.

The certified blaster shall give timely notice of every blast to every person in danger thereof, and shall not detonate any blast until all persons have been removed to safe locations.

Does this mean, the whole responsibility for blasting safety lies within the blaster and not the developer, the town or other authorities?

**The applicant's DEIS states**, twice prior to blasting timely notice will be made to "off-site residences within 500 feet of the blasting area. With a first notification not less than 72 hours (3 days) prior to the blast and a second notification no more than 72 hours before the blast. According to the wording in the applicant's DEIS people living within the 500 feet range can end up with only one notification 72 hours prior to the blast. This is insufficient. The general public, anybody beyond the 500 feet, are not marked for individual notification at all and will have to look for warning flags or other means.

Firstly, I have to ask is anyone suggesting here that blast impacts will stop at exactly 500 feet? Secondly, am I expected to ignore my neighbors who border the 500 feet and let them suffer from any blasting impacts that won't stop at 500 feet?

How will my neighbors next to me, and houses further away from me, feel when they are suddenly terrorized by an air horn that will be sounded before the firing of the blast. I am within 50 feet of the site and am one of the 250 residents marked for notification. Privy to this information due to my location, I feel in order to maintain my good neighbor relations I need to have some means to notify my neighbors of any blasting I am made aware of. This should not be my job. This is the job of the developer and the town who wants the development. The 500 feet cut off is unrealistic and not neighborly at all. This un-neighborly behavior is endorsed by a developer who touted himself on how great his relationships are with the people neighboring this proposed development.

Blasting will be scheduled between 8am and 5pm Monday through Friday. For how long is not determined. How am I going to deal with this during those weekdays when my children may have a unexpected school schedule that does not fit with the timely notice of blasting? Or when one of my children comes down with a cold or flu, which neither they nor I usually have notification. What do I do when I have a long standing arrangement that can not be rescheduled to fit with the blasting schedule? What are any of my elderly less mobile neighbors to do, who can't schedule being picked up on time before blasting?

This state code talks about ‘...no blasting until all persons have been removed...’.

Applicant needs to explain clearly what this entails. If for one reason or another people can not make the given time frame will people be moved by force? Will people who for one reason or another can not leave in the given time frame be left unattended in the danger zone? Will they be picked up by the local police?

Can we expect deer and raccoons and our cats and dogs to get spooked out of their minds and run amok across our streets, causing us accidents of all sorts? What about if our dogs or cats get killed due to the blasting?

**The applicant’s DEIS needs to address clearly how in practicality the pre-blasting safety procedures will be executed for all residents and all animals.**

What has the applicant in mind when he suggests “**test blasting** for blasting that will occur **within** 500 feet of existing off-site structures”? Not only will there be blasting, but also blasting tests. And off-site structures really means family homes in Patterson, Kent, and Lake Carmel.

Homeowners within 500 feet of the blasting site can request a pre-blasting survey. I would think that an initial pre-blast survey in such cases is not sufficient and the applicant needs to provide and allow for additional pre-blast surveys before each blast that is done in proximity to those homes.

Although, the applicant’s DEIS states that “blasting typically does not result in damage to existing foundations and wells, if the work is completed according to current industry standards”, I know that **foundations and wells are subject to damage** from blasting and other means of breaking ground.

The applicant’s DEIS goes on to describe, in case of complaints, “current industry standards” will be used to determine if the damage was done by the contracting blasting company. What does this really imply? Who or what determines which year or years will be accepted for “current industry standards”? What about structures that have been build before the time of ‘current industry standards’?

The applicant’s DEIS states that “existing wells will also be monitored. Who determines which wells need to be monitored and what is the criteria for a homeowner’s well to be monitored? **All wells need to be monitored.**

**What are the names, addresses and phone numbers where I can reaffirm or complain when protocol is not followed or damage is done.** What is the expertise of the Building Inspector, the Town Code Enforcement Officer, or the blasting contractor who are charged with the responsibility to interview the person involved “in case of specific blast damage complaints”? It is also important to note the record of the blasting contractor, as any monetary reparation for damage according to contract will be settled between the contractor and the property owner. Just remember, the applicant has left town by that point.

This applicant's DEIS mentions only the very limited N.Y. State Code for blasting regulation and is evasive to the point of not mentioning what remedies are going to be in place to avoid at all costs harm to us people, to our animals, and our homes.

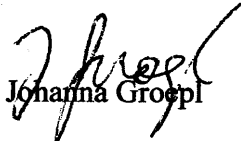
**Another ambiguous term used in the applicant's DEIS: sufficient surficial coverage for the blast area. What is meant by 'sufficient'?**

**Question not answered but need answers by the applicant's DEIS:**

- Where do residents wanting to avoid impact of blasting noise move to, for how long and who will carry the costs of our lives interrupted?
- Am I expected to leave my home every other day, days in a row and take my children and animals with me? Where do I take them to? Into my car? Into a Hotel? Who will pay for the costs of driving with my kids and animals around in the car?
- Where will my children do their homework on these days? The interruptions because of blasting schedules, will it affect their grades?
- If I can't prepare meals for myself or my family due to the blasting, who will pay for eating out?
- To avoid overstressing our animals we can board them in kennels. Who will pay for the kennel costs and for the vet costs, because my animals will need attending to by the vet?
- What if someone's Post Traumatic symptoms get re-triggered by the blasting? Who will pay for the costs of mental health care? Will it be a fight between insurances and ourselves in the middle?

Even the applicant states that the Blaster will be responsible for any damage to my home and my well, but does not say who will pay for damage done to our animals, our lives, our peace of mind. Between the applicant and the town of Patterson, who will be on the books for being financially responsible for any damage that will occur in these areas?

As a Patterson resident and Lake Carmel townswoman, I do not want this big box retail center. Whoever encourages this monstrosity to be built in my backyard needs to show clearly how they will pay for any damage done to my loved ones, myself, my neighbors, and Lake Carmel.



Johanna Groepl

58 Concord Road  
Carmel, N.Y. 10512  
(845)306 9686

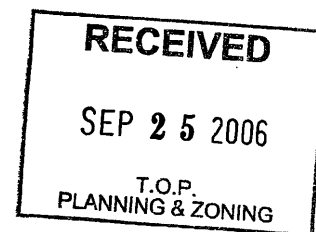
cc: Supervisor, Town of Patterson and  
Members of the Town of Patterson Board



Harry Hitner  
58 Concord Road  
Carmel, NY 10512

September 24, 2006

To: The Patterson Planning Board  
Re: Patterson Crossing DEIS



I would like to comment on two items from the DEIS.

Conspicuous by its absence except for two very passing references is the status of Echo Road and the emergency access road connecting to it. The only public access and exit to this development is a single, steep-sided winding two lane roadway approximately 30ft wide and connecting to Route 311. This roadway will also be shared by delivery trucks and other service vehicles. Given the sheer size and projected traffic volume of this development it appears that this access road is inadequate at best and a deathtrap bottleneck at worst. I cannot think of a single development of even a quarter the size of Patterson Crossing that doesn't have a minimum of two separate entrances and exits. With parking provided for an expected 1900 vehicles this is a disaster waiting to happen. The access road allows for only two lanes of traffic, one in each direction, for more than 1200 feet. 750 ft of which has 30 foot high walls on either side. Even the smallest fender bender let alone a serious accident is likely to cause a major backup into the facility and well out onto 311. For the people stuck inside Patterson Crossing, there is no way for them to get out and emergency responders will likely not be able to get in from 311. Even using the emergency access on Echo Road any bottleneck in the mall's only access road will prevent a possibly life saving swift response.

As for the emergency access road; the developer calls for a 12 ft wide gravel road – gated and locked on both ends, to prevent unauthorized access – to run steeply uphill from the property and connect to Echo Road. At its widest point Echo Road is approximately 20ft wide. At its narrowest, Echo is less than 10ft wide. In addition, there are usually cars or trucks parked at various locations up and down the hill, further restricting the width of the road. In a serious emergency like a fire or other situation that might require evacuating the mall or injured people, given the likely constrictions on the access road to 311, and the fact that Echo can only handle one-way emergency vehicle traffic at best, we again see the likelihood of disaster. People can't get out – first responders can't get in.

The applicant should show and the Board needs to confirm that in a worst-case scenario the emergency plans for this development are sound and not likely to cost taxpayers in terms of added emergency support or the risk of lawsuits to the town

in the event of preventable injuries or fatalities. Additionally, secondary means of access to the development should be determined.

The second item I'd like to touch on is the sales tax windfall the applicant outlines in the DEIS. We all know that not one dime of sales tax revenue goes to the Towns of Patterson or Kent. The bulk goes to the State of New York, a fraction goes to transportation, and the remainder to the county. Since our schools are funded by our property taxes only the property taxes paid by the development will do anything to alleviate the school tax bill. The property taxes on the fully built-out Patterson Crossing will amount to less than 1% of the current annual school budget.

Also, as the housing market cools and interest rates rise, (which is especially hard on adjustable rate mortgages and credit card holders), consumer spending spirals downward. Right now, Nationwide, the Consumer Comfort Index<sup>1</sup> is at Minus 15; the worst it's been since Labor Day of 2002, which is far worse than the Positive 29 it was at in 1998. Here in New York State specifically, consumer confidence<sup>2</sup> is almost 8 points lower than the national average. All this translates into reduced consumer spending and much lower sales tax revenues. The county cannot rely on highly variable sales taxes for budgeting expenditures. Additionally, the bulk of Costco's sales are food items which are tax exempt.

We hear a lot about the so-called Putnam paradox, and it's true - people do tend to shop outside of the county, just as people tend to shop where they work - perhaps there's a connection, it would be worth looking into. However, the real paradox is this... if Putnam expects people to shop here, why does the County make it so much more expensive to do so. Just this month Mr. Bondi proposed increasing Putnam's sales tax again this coming year.

Mr. Camarda is famous for stating that you can't buy a decent suit or a big screen TV in Putnam County. A very average big screen TV at Costco or Best Buy will set you back around \$2000. In Putnam you'd currently pay \$157.50 in taxes, in Connecticut only \$120. That's a savings of \$38 and far less than the average cost of gas to get there from Putnam. Shopping on the internet, that same \$2000 TV will cost you only \$1900 with free shipping and no sales taxes. You save \$257.

Clothing is another item to look at from a sales tax perspective. Mr. Camarda talks about suits, I have two teenagers to clothe. The State of New York exempts any item of clothing less than \$110 from the 4% sales tax. Putnam County has decided not to honor that exemption and charges an additional 3<sup>7/8</sup>% sales tax on clothing. Dutchess County honors the State clothing exemption. In Connecticut, there's no sales tax at all on clothing under \$50 per item. Shoppers can save by driving to Dutchess or Connecticut for their clothing purchases. Clothing is another big seller

at Costco and certainly at any sporting goods store Mr. Camarda may attempt to bring in. The sales tax revenues may not materialize.

Talk about the Putnam paradox.

Mr. Camarda sites references for only a small portion of his financial data, and that with information from 2002 – before the wars in Afghanistan, Iraq and Lebanon and their sudden and dramatic impacts on energy costs. True, the cost of gasoline has dropped somewhat in the last weeks, but it is incumbent on the Board to look farther into the future and consider the volatility of things like oil prices and supply, and sales revenue, and consumer confidence. The Board needs to take a tough look at the current economic climate and project into the future with a global picture in mind. Don't be misled by false promises.

Sincerely,

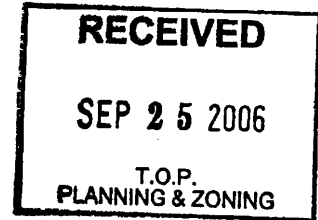
A handwritten signature in black ink, appearing to be 'H. Hitner', with a long horizontal flourish extending to the right.

Harry Hitner

1. ABC/Washington Post CCI
2. Siena Research Institute



Janette James  
556 Route 311  
Patterson, NY 12563



July 4, 2006

Ms. Maria DiSalvo  
Patterson Town Planning Board  
1142 Route 311/P.O.Box 470  
Patterson, NY 12563

Dear Mr. Montesano:

I am a very concerned resident of Patterson, New York. I moved into the area three years ago from New York City because I heard that Patterson was a town that was opposed to big development and that was what I wanted: a beautiful rural environment to live in peace and quiet and to raise my family. So it is with shock and disbelief to learn that the members of the Patterson town planning board find Mr. Camarda's Big-box development acceptable for our community. Such action destroys all that I believed Patterson stands for.

I am not only in real estate; I work for new developments so I know the only money that will line anyone's pocket is Mr. Camarda's. Our house values, for most people their primary source of equity, will decrease. Who wants to buy a house situated next to a commercial zone with traffic and pollution and noise? Mr Camarda lives in Ridgefield, CT not Putnam as he coolly misled a Journal News Reporter (The Journal News publication: April 23, 2006). Mr. Camarda's only problem is how to spend the tens, if not hundreds, of millions he will make from this development. He states that Patterson Crossing will lower our taxes but who will be burdened with the increase in road costs, garbage control and crime? I believe it is just a political ploy but even if it is not, who can put a price on quality of life? Is \$50 a year going to make up for the fact my child is to be burdened with asthma or, God forbid, cancer induced from the very pollution I moved away from? Or if you don't believe in environmental ailments, then at what price is it acceptable that my child or a friend is injured or killed from the 1200 new cars and trucks that will be speeding by our country roads per hour?

I would also like to know who is responsible for most of Route 311 suddenly being rezoned to commercial from residential? What is your plan for Patterson? Ugly strip malls and Big-box developments? What kind of town planning is that? Would you like to live next to the Costco in CT? At least there was some planning in that. It is not situated near homes. Can you imagine the towns of Bedford, NY or Ridgefield, CT building such an ostentatious eye-sore next to Martha Stewarts home or next to Mr. Camarda's? That planning would never happen. So it makes me wonder what the town planning board thinks of the residents, your neighbors and your constituents, of Patterson, NY.

I would also like to know why I am expected to hire a licensed engineer, electrician, contractor etc from Putnam County when renovating my home, and yet the town planning board finds it acceptable to hire a developer not only from out of Putnam County but from out-of-state? Isn't that hypocritical?

As my representative it is my right to know how you stand on this matter, so please write to me to clarify your position. I truly hope to learn that you are not for destroying our way of life. And if you are, then I must say that I find your actions so utterly reprehensible that I can not understand how you can live with your own conscience.

Sincerely,

  
Janette James

rdw

**From:** Chris Kubie [chris@ckubie.com]  
**Sent:** Thursday, September 21, 2006 3:43 PM  
**To:** planning@pattersonny.org  
**Subject:** Patterson Crossing - Public Comment Submission

Dear Members of the Patterson Planning Board,

As a resident of the Town of Patterson since 1983, I am writing to submit my comments about the proposed Patterson Crossing shopping center project. Thank you for your long hours of work regarding this issue – one that is perhaps the most controversial in recent years.

I attended the public comment hearings on Sept. 14<sup>th</sup> and have read many recaps of the meetings and discussed the matter with many neighbors, including friends who are members of the Patterson Chamber of Commerce. It was heart wrenching to listen to residents of Lake Carmel whose homes will be most directly impacted by the proposed mega-mall that would be Patterson Crossing. I can only begin to imagine the dismay and sadness they face as they see their way of life threatened, even destroyed by, this project. I can only begin to imagine having to hear the blasting, listen to all-night snow plowing sessions during the winter, horns blowing, trucks making deliveries 24 hours a day...and I could go on and on. Perhaps the most troubling issue to be addressed is that of water quality and quality of life for our community. If water runoff from Patterson Crossing pollutes NYC watershed streams or tributaries, and NYC DEC sues the Town of Patterson – tell me – who pays??? The taxpayers will have to! What right do you have to place homeowners in the position of having to cover these expenses because of Mr. Camarda's desire to make a bundle of money and then run home to Ridgefield (with, of course, absolutely no legal responsibilities for the pollution of local wells or NYC water sources!). **THINK ABOUT THIS. IT'S ABOUT OUR LIABILITY AS A TOWN!**

I am firmly against the building of Patterson Crossing. I have studied the DEIS document. There are so many discrepancies, so many old facts and figures cited, so many convenient omissions, that it is frightening. The optimistic tax revenue of approximately \$756,000 per annum (given there is a full build out and full occupancy) is a drop in the bucket for our county. Anyone knows that this projected revenue is going to be mitigated by the need for the county, state, and Towns of Kent and Patterson to build new roads, sidewalks, culverts and drainage, traffic lights, etc. **Patterson Crossing is NOT GOING TO BENEFIT ANYONE IN THIS AREA!** In fact, I contend that it is **GOING TO COST TAXPAYERS!!!**

Patterson Crossing's developer (Mr. Camarda) seems to think we all believe that with the creation of this monstrosity local residents are suddenly going to have an entirely new retail shopping experience, complete with healthy price competition, a new-found variety of products and services, and something altogether needed by us. I contend that all he is offering is the same old thing that every other shopping mall offers! Home Depot vs. Lowes, Linens & Things vs. Bed Bath & Beyond, Chili's vs. Applebee's, Costco vs. BJ's – everyone KNOWS that these national chains **CONTROL THE RETAIL PRICES WE ALL PAY – AND THEY ARE THE SAME!** It is an insulting posture to present this project under the guise of being something we NEED. The project is **TOO BIG, UNNECESSARY, WILL HARM LOCAL RESIDENTS QUALITY OF LIFE, WILL DIMINISH HOME VALUES, WILL CAUSE LIGHT, AIR, NOISE, TRAFFIC AND WATER PROBLEMS.**

The Highlands shopping center at 312 & 84 has "Help Wanted" signs posted in nearly every store. Most local older shopping centers display the same signs. The message is, "We aren't interested in and/or cannot afford to work(ing) for slave wages with no benefits." Please hear this loud and clear.

I would like to submit the following information as well....

New York State Comptroller, Alan Hevesi released a report on sales taxes in April this year which analyzes the most recent data, fiscal year ending 2004.

The report can be found here: [http://nysosc3.osc.state.ny.us/localgov/pubs/research/sales\\_tax\\_final\\_report.pdf](http://nysosc3.osc.state.ny.us/localgov/pubs/research/sales_tax_final_report.pdf)

From page 7 of this report:

**"Since local sales tax rates can vary widely depending on the county or city in which a sale takes place, consumers often travel to other localities (or even out of state) to take advantage of lower sales tax rates."**

9/21/2006

From page 20 of this report:

**"Competition from adjacent states, and from internet sales, is a serious tax policy issue in New York State. Each year, State and local sales tax revenues are lost to the growing popularity of e-commerce transactions (i.e. Internet purchases), where sales tax is often not collected. As this form of commerce grows, so will the amount of uncollected sales tax revenue."**

Also from page 20 of this report:

**"...the states of New Jersey and Massachusetts allow for year-round sales tax exemptions on clothing and footwear. Until recently, New York allowed for only two one-week periods of clothing and footwear exemptions and was at a competitive disadvantage in attracting retail activity in this sector. The enacted 2006-07 State Budget includes a permanent exemption to these items. The exemption applies to the State sales tax of 4 percent and to the local sales tax at local option."**

It would appear that Comptroller Hevesi would not agree with Putnam County Exec. Robert Bondi.

Note, with regards to the tax exemption on clothing and footwear, Putnam county choose not to participate in the exemption, but Dutchess county did. Dutchess county currently has no State or County tax on clothing and footwear. Where will you be making your next clothing and shoe purchases?

With regards to the process of raising the sales tax, the report points out that any percentage above the allowed 3% is considered a temporary tax and the county must seek approval from the State legislature every two years in order to continue the temporary tax.

Page 10 of the report has the following comment on the approval process:

**"This process, which involves action at the local and State level, poses a significant administrative burden and creates uncertainty in the budgeting for counties."**

Another comment on the temporary tax from page 11:

**"While such actions have provided counties with much needed budget relief, they also limit a municipality's future revenue flexibility should other needs arise."**

So increasing the sales tax is easier said than done.

*If the proposal is approved, Putnam County sales tax would increase to 8.125 percent. Connecticut currently has a 6 percent sales tax, the City of White Plains 7.875 percent, and Westchester County, with some exceptions in Southern Westchester, 7.375 percent. Asked whether he felt the rise in sales tax would further drive Putnam residents to other shopping areas, Mr. Bondi said he did not feel raising the sales tax another .25 percent would significantly affect the number of people deciding to shop in the County because their decision appeared not to be based on the sales tax rate... What planet is he from?????*

I ask you to also consider the negative impact Patterson Crossing would have on our local Putnam store owners, many of whom have done business here for 30+ years. It is no secret that these folks bear the brunt of these new malls as they spread like a cancer across our nation. What about all the local tradesmen?? Did you know that when/if you purchase windows (or siding, or a new kitchen, etc.) from Home Depot and they offer installation, that they are NOT USING LOCAL LICENSED INSTALLERS?? They use "scab" labor – their own people. The county loses out again. National chain/box stores are NOT interested in supporting the communities they take money from. They are notoriously CHEAP and DO NOT DONATE TO LOCAL CHARITIES. Our longtime local business owners DO, and they are the backbone of our County and the way of life so many of us love and are fighting to preserve.

9/21/2006

Please....join the groundswell of public officials across this great nation of ours who are saying "NO" to these types of developments because they refuse to buy into the false promises any longer. They see the truth --that there will be no tax revenue benefits, they do irreparable damage to the communities they bulldoze their way into, that we are a nation all-to-full of these monopolized, national chain stores who don't care about anything except competing against their "clone" retailer and making the most money -- all at the cost of hard working, tax paying citizens.

You are ELECTED officials. Now is your time to REPRESENT YOUR CONSTITUENTS. SAY NO TO PATTERSON CROSSING. Help people save their homes... their sanctuaries. Help protect our Town from falling prey to another greedy developer, thousands of tons of pavement, and a future full of people shaking their heads and asking, "How could they have allowed this nightmare to be built?"

Thank you.

Sincerely,

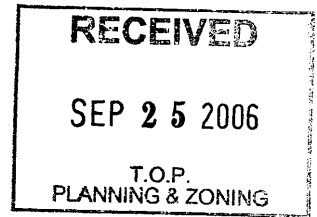
Lisette Depew-Kubie  
Patterson, NY

9/21/2006



Daniel Kuchta  
63 Sunset Dr.  
Patterson NY 12563

9/25/2006



**To: Town of Patterson Planning Board**

Cc: Town of Kent Planning Board  
New York City Department of Environmental Protection  
New York State Department of Environmental Conservation  
New York State Department of Transportation, Region 8

## **Subject: Comments on "Patterson Crossing Retail Center Draft Environmental Impact Statement"**

The following list contains technical comments on the July 27<sup>th</sup> 2006 version of the Patterson Crossing Retail Center Draft Environmental Impact Statement. The items are listed in order of appearance in the document, not in order of importance.

1. Page 3-1 The paragraph on Existing Tax Revenues states that "The annual property taxes currently generated by the project site are \$56,735". This figure is not supported by the data in both tables 3-2 and 3-3. This figure needs to be corrected or additional data supporting this figure should be supplied.
2. Page 3-1: The first paragraph of section 3.1.1 makes several statements and cites a newspaper article on a *proposed* budget speech as its source. The statements should be replaced with actual primary source data or removed altogether.
3. Page 3-2: The total combined property & school tax figure in table 3-2 has been incorrectly summed. The correct value (assuming the rest of the data is valid) should be \$35,492 as seen in table 3-3.
4. Page 3-3: The second sentence, "Currently, Putnam County generates significantly lower county tax revenues per capita through its sales taxes than other counties in New York State" is pure commentary and is not entirely true either. From the State Comptroller's report on sales taxes dated March 2006, there are only 16 counties that have higher sales tax revenue per capita and all of them are within a factor of two of Putnam County. Further Putnam County's sales tax revenue per capita is 'significantly' above the State median. I pulled together the sales tax data by County published by Alan Hevesi and put together a per capita calculation. Putnam County ranks in the top third (16th out of 57) of highest revenue per capita at \$365 per capita. The State's median is \$266 per capita. It's true that Putnam County is at about half of the revenue per capita of Nassau and Suffolk, \$660 and \$733 respectively. But these counties also have similar or, in the case of Nassau, much higher property taxes. But compared to other counties which have much more shopping (i.e. Westchester which is 18th on the list) Putnam County is doing quite well on a per capita basis. The DEIS should be changed to properly reflect the reality of this statement or have it removed altogether.
5. Page 3-3 Second paragraph: This paragraph mostly quotes a speech by the County Executive and does not provide any information relating to sales tax

- generated by the project. This paragraph should be removed. Further, it mentions an open space bond which was rejected in the 2005 elections.
6. Page 3-4 First paragraph: This paragraph contains commentary not related to the amount of sales tax to be generated by the project and should be removed.
  7. Page 3-4: The second paragraph contains "The substantial increases in commercial ratables would also come with no increase in the resident population or the number of public school students." The developer must provide the data to substantiate the claim of no additional public school students!
  8. Page 3-3: The amount of State aid that a school district receives is related to the total value of the properties within the district. The higher the total value, the lower the State aid amount. It is a complicated formula but this is the basic principle. Malls, such as Patterson Crossing, really raise the total assessed property value. While Table 3-3 predicts that there may be an \$579, 000 contribution from the mall to the school district, the state aid portion will go down as a result. The DEIS should include an estimate of the state aid reduction and adjust the predicted benefit accordingly.
  9. Page 3-4: Fourth paragraph, the DEIS revises the sales tax revenue figure to account for the portion of Costco sales that are not taxable and lists 5 non-taxable items. But missing from this list is clothing which is exempt from NY State sales tax effective April 2006. The Costco exempt percentage needs to be corrected to account for the sales tax exemption on clothing. Costco gets about 10% of its revenue from apparel. Therefore an additional \$8M would be exempt from the 4% State sales tax. This amounts to a \$0.3M reduction from this store only.
  10. Page 3-4: The bottom of the page lists the sales tax rates for State, County and MCTD. The 4% State rate needs to be modified to point out the exemption on clothing that went into effect on April 2006.
  11. Page 3-5, Table 3-4. The State sales tax revenues need to be adjusted downward to properly account for the change in the sales tax on clothing that went into effect on April 2006. An estimate of the change is as follows: The clothing store is going to be 20,000 sq. ft. This equates to \$11M in sales revenue using an average of \$550/sq.ft. from page 3-4. This translates to \$0.44M in sales tax that will not be collected by the state if we can assume that the entire store will sell tax exempt clothing. The proposed sporting goods store at PC will be 22,200 sq. ft. If this store is similar to Sports Authority then 53% of its revenue will come from tax exempt apparel and shoes, according to the most recent 10-K statement filed by Sports Authority. The tax exempt revenue from this store will be  $22,200 * \$550 * 0.53 = \$6.5M$  and the lost state sales tax will be  $\$6.5M * 0.04 = \$0.26M$ . The combined State sales tax reduction from Costco, the sporting goods store and the clothing store is at least \$1M. This is a significant figure which must be properly accounted for.
  12. Related to pages 3-4 and 3-5. Dutchess County has opted to participate in the exemption on sales tax on clothing. The DEIS needs to comment on the effect of this change in the tax code given the proximity to Dutchess county.
  13. Page 3-5: First paragraph, "Most are probably spending much larger amounts on these goods in other counties including Westchester and Dutchess..." This is

- pure speculation and should either be removed from the document or substantiated with data.
14. Page 3-6: Table 3-5. All the data is for towns in Dutchess County only. The DEIS should include the data for towns in Putnam county or state why the Dutchess county data is relevant. The date of the source of the data in table 3-5 should be provided.
  15. Page 3-6: second paragraph "A portion of the tax revenues collected by Patterson and Kent can be used by the local highway departments for maintenance of local roads." According to table 3-3, the towns will get \$110K and \$7K respectively. Even if these entire amounts are correct and devoted solely to road improvements, they will not amount to much. The developer should demonstrate that the amount that Kent receives would pay for more than a stripe of line on a single stretch of road. The impact on the Town roads will not be mitigated by the miniscule amounts listed here. The DEIS needs to be revised to properly account for the impact to Town Roads and where the funding to mitigate these impacts is coming from.
  16. Page 3-7 second paragraph plays down the cost of fire services and states that there will be no direct costs to the Towns. It further states that the project will contribute \$27K and \$1K to the Towns respectively. The developer needs to show the cost of a typical fire call to Patterson Crossing by each Town and then show how that cost is covered by the \$27K and \$1K amounts or provide a method for funding this impact.
  17. Page 3-7 section 3.1.2 The second paragraph estimates a fuel savings of \$150/year per household. A \$3/gallon this is 50 gallons which translates to 1000miles which translates to 50 trips using the information in this section. This implies that every household in the region makes one trip to the project each week. The DEIS should state that this is somehow consistent with the traffic study because it appears to imply an amount of traffic that is much larger than was predicted. If this can't be correlated, then the benefit amount should be reduced.
  18. Page 3-8: The third paragraph states "These revenues would be available for County public projects and programs, such as parks and open space preservation, and social services programs, resulting in an enhanced quality of life for county residents." There is no guarantee that the County will actually spend funds on any of these programs, especially if these same funds are needed for the road improvements. This dubious benefit should be removed if it can not be substantiated with a written commitment from the county allocating funds to these programs should the project move forward.
  19. Page 3-8: The sixth paragraph cleverly includes businesses within an imaginary three mile radius so as to not include the Highlands mall with is just a few tenths of a mile outside of this imaginary boundary. This is fairly deceptive and this paragraph should be rewritten to include the Highlands Mall.
  20. Page 3-11: Table 3-6 indicates that the project may potentially 'create' 516 jobs. The use of the verb 'create' here may be technically inaccurate. 'Consume' is the most accurate term to use in the DEIS. At this moment many of the stores in the surrounding region have help wanted signs. On 9/10/06 Marshalls, Kohls,

Dunkin Donuts (Highlands), Dunkin Donuts (Patterson), A&P (Patterson), Brewster Plastics, Hipotronics, and Patterson Autobody all had 'help wanted' signs prominently displayed outside their businesses. There are not enough workers in this region that are seeking the types of jobs that Patterson Crossing creates. As a result, the project will likely draw employees away from their jobs in existing businesses thus 'consuming' jobs and not creating them. The August 23<sup>rd</sup> 2006 issue of the Patterson/Carmel edition of the Pennysaver contained 23 pages of help wanted ad. This was roughly 690 available positions in both Putnam and Westchester. The September 12<sup>th</sup> 2006 edition had 27 pages of help wanted ads, approximately 900 available position. There simply aren't enough workers in the immediate surrounding to support this project. The DEIS needs to take this into account and properly address this issue.

21. Page 3-10: The scoping document calls for description of the existing employment conditions in the area, section III A 4 a. The DEIS fails to describe this. Instead, the DEIS in section 3.1.4 describes some income statistics from census data and some commuting locations for Patterson workers. Section III.A.4.a of the scoping document must be properly addressed and, in particular, describe the amount of employers in the region that currently can not fill all the available jobs.
22. Page 3-10 Section titled "Employment opportunities during construction": This section only describes a number but not the types of jobs. The DEIS should list the types of jobs available and indicate, for example, whether certain of these will be union only type jobs which may not be available to all members of the surrounding community.
23. Page 3-10 Section titled "Employment opportunities during construction": The DEIS should show that the secondary effect multiplier of 1.5 is the correct factor to use.
24. Page 3-11 First paragraph: "...providing local part- and full-time employment opportunities that do not currently exist in this area." This is factually incorrect. These job opportunities do exist today in this area and quite a few of them have remained unfulfilled as evidenced by the number of help wanted signs in local store windows. The DEIS needs to correct this statement. provide a indication of the number of available positions today, and document how an additional 500 positions will affect the employment market and businesses in this region.
25. Page 3-11 First paragraph: "Potential benefactors of these new jobs would include younger workers such as high school students and seniors." This is a misleading statement, particularly with respect to high school seniors. The DEIS should indicate the fraction of available positions that can accept workers under the age of 18 and further indicate which stores do not hire anyone under 18.
26. Page 3-11 Second paragraph: "...an average of \$12.26 per hour..." Averages are misleading. The DEIS should additional provide the minimum, maximum and median hourly wages and state if benefits are provided along with any of these jobs.
27. Page 4.5-17 Section on Mosquito Control: The scoping document section E.3.k calls for a discussion of the potential for storm water drains being used by mosquitoes. The DEIS does not specifically address this issue as far as this

- project is concerned and provides only 3 sentences on the general properties of detention basins and wet ponds. This is not adequate. The DEIS should contain a discussion of the specific swales, drains, basins and ponds on the project site.
28. Page 4.5-17 Section on Mosquito Control: The scoping document section E.3.k calls for a discussion of any designs or control measures to inhibit mosquito breeding. The DEIS has one sentence which says "Natural mosquito control can be built into the final design..." 'Can' does not mean 'will'. The DEIS should clearly state what 'will' be done in regards to mosquito control, not what 'can' be done.
  29. Page 4.5-17 Section on Mosquito Control: "Patterson Crossing Retail center basins will be landscaped to encourage use by a variety of wildlife...including both predator and prey organisms.." This is an empty statement. The DEIS should specify how the landscaping will be done to encourage this, the types and quantities of predator and prey organisms needed and how they will get to these basins and who is expected to pay to maintain this landscaping.
  30. Page 4.5-17 Section on Mosquito Control: The DEIS states that mosquito control will occur naturally. It should be clear to everyone living in this area that whatever natural control may exist, it does not reduce the mosquito population sufficiently. West Nile virus, a mosquito borne virus, is a serious concern in this area particularly for seniors. The DEIS should state clearly how the mosquito control will not adversely impact all the seniors that are expected to be employed at Patterson Crossing.
  31. Page 4.8-1: The description of the regional network leaves out Rt. 312. The DEIS should include a more complete description of the regional network.
  32. Figure 4.8-1, The towns of Kent and Patterson are listed on the wrong side of the town line. This needs to be corrected.
  33. The scoping document section H.1.a.5 calls for a description of Rt. 311 between Ludingtonville Rd and Cushman Rd. The DEIS contains no mention of Cushman Rd.
  34. Page 4.8-2 description of Fair St: The description mentions 'educational' use of this road which is a serious understatement considering that the two largest schools in the district, the middle school and the high school, are both on this road and the middle school is one of the largest in the state.
  35. Page 4.8-2 description of Fair St: The DEIS should have included Bear Hill Rd as part of the Fair St intersection. Bear Hill Rd is about 100 feet from Fair St, east on Rt. 311. It can be partially seen at the top of the pictures provided in appendix K-3 and K-11. The impact of the proposed signal on Bear Hill Rd residents should be discussed in the DEIS. How will Bear Hill Rd residents make a left turn off of Rt. 311 on to Bear Hill Rd without holding back the traffic which was already queued by the signalized intersection? If a left turn lane is added to Westbound Rt. 311, will Bear Hill Rd residents have an additional burden of crossing over this turn lane to get on to Bear Hill Rd.?
  36. A left turn lane on westbound Rt. 311 at Fair St appears to be needed. Is the Rt. 311 wide enough at Fair St. to accommodate this lane? How long will this turning lane be and will it impact Bear Hill Rd which is only 100ft from Fair St.?

37. Page 4.8-3 description of NYS Route 52: The description fails to mention that Rt. 52 serves the Kent Primary and Kent Elementary schools.
38. Page 4.8-4 description of NYS Route 311: The DEIS provides a 3 sentence description of Rt. 311. This is inadequate. For example, the description fails to point out that Rt. 311 is a State Designated Bicycle Route which implies that the State has plans to provide a 4' to 8' wide bicycle lane. There is no mention of any of the grades on Rt. 311 particularly the steep hill between Fair St. and Rt. 164. The description of the truck traffic seems incredibly low. The Patterson Materials quarry located in the center of Patterson provides a lot of truck traffic on Rt. 311 in the direction of the project, so much so, that morning commute traffic is often held back by these vehicles as they climb the steep hill on Rt. 311 at 20-25mph. The DEIS needs a proper description of Rt. 311 and needs to address the issues associated with the bicycle route and truck traffic.
39. Page 4.8-5 Table 4.8-1. The accident data comes from the NYS DOT which is not the primary source for this data. NYS DOT gets it's accident data from the NYS Department of Motor vehicles which in turn gets most of the data from local police departments. The low accident figure of 7 accidents over a 3 year period for Rt. 164 and Rt. 311 in particular stands out as an obvious anomaly of the reporting system. A discussion with a former member of the Patterson volunteer EMS service reveals that accident calls at this intersection occur at a rate of at least once per month if not more. Use of the DOT data in the DEIS underestimates the existing conditions. The developer should obtain the accident records from local law enforcement and EMS service providers and update this table with more accurate figures and discuss the impact.
40. Page 4.8-9 description of public transportation: The DEIS description of public transportation leaves out any mention of school buses which are a type of public transportation. All school bus routes that service the elementary school in Patterson use Rt. 311. Many of the middle school and high school bus routes also use Rt. 311. The Kent elementary and primary school school buses use both Rt. 311 and Rt 52. The DEIS should include school buses and discuss any impacts and mitigations to school bus schedules and routes as a result of this project.
41. Page 4.8-10 description of existing traffic: The DEIS makes no mention of the weather conditions during the collection periods. The DEIS should make note of the weather conditions, particularly any inclement weather occurring that may have affected the traffic counts.
42. Page 4.8-10 description of existing traffic: One of the weekday collection dates, July 29, 2004, is not a school day. A significant amount of traffic on the roads immediately surrounding the project is generated from the 3 nearby schools. At the middle school, so much traffic is generated that a Sheriff's deputy is assigned to the school to direct afternoon traffic leaving the school. The DEIS should document that the traffic counts collected during the weekday pm peak hour are actually higher than the peak during peak school hour or redo the traffic counts to account to peak school traffic. Additionally, the count data for April 15<sup>th</sup> 2004 and July 29<sup>th</sup> 2004 should be provided and compared to see the effect of school versus non-school day counts.

43. The scoping document section H.1.b states that a 'discussion of the methodology used should be included' in the traffic study. The existing DEIS does not appear to contain such a discussion. This needs to be provided. Page 4.8-11 mentions the use of the Highway Capacity Manual and the Highway Capacity Software but does not mention which version of the HCS software was used and whether the latest patches were installed at the time of analysis. It also does not mention whether HCS was the only software used. The NYS DOT Engineering Bulletin 06-003 lists approved software for traffic analysis. The DEIS should indicate which if any of these programs were used in the traffic analysis and where they were used. Any other methods of traffic analysis that contributed to this study should also have been included.
44. Figure 4.8-2, Appendix K9, and Appendix K10 contain a very serious flaw in existing volumes between Fair St. and Ludingtonville Rd (CR43). There are 147 Eastbound and 154 Westbound vehicles that are unaccounted for in the PM peak hour flows. The westbound Rt. 311 flow has 497 vehicles/h leaving the Ludingtonville Rd intersection and 651 vehicles/h entering the Fair St. intersection. There is nothing between Ludingtonville Rd and Fair St on Rt 311 to account for the missing cars. This serious flaw, propagating throughout the analysis will have generated large errors in the traffic study. This discrepancy must be corrected and the traffic study should be redone. This is particularly important for the Fair St. & Rt. 311 intersection since this data was used in the warrant analysis to justify the need for a signal at Fair St.
45. Page 4.8-10: The DEIS needs to document that the traffic at the peak pm hours studied for Fair St. and Rt. 311 are actually higher than the traffic during peak pm school hours. If not, then there should be an evaluation of the project's impact during peak school hours. The same applies to the intersection of Rt. 311 and Terry Hill Rd.
46. Appendix M Table M-2: The trip generations rates for the Chestnut Petroleum project on Rt 311, almost opposite the Patterson Crossing project entrance, of 0.021 for ITE code 945 and 2.811 for ITE code 814 are a major underestimation of the trips generated right opposite the site and the DEIS needs to correct these figures and rerun the analysis or explain that they did the analysis correctly. Specifically, code 814 is not appropriate as it applies to a specialty retail center. The analysis should have used code 852 for a convenient market. Accordingly the trip generation rates for code 945 should have been 6.69 per fueling position or 48 trips per 1000 sq. ft. For code 852 they should have used 17 trips per 1000 sq. ft. Additionally, Chestnut Petroleum has a special Diesel pumper and functions as a Truck Stop during certain hours of the day. The traffic analysis did not include this truck traffic and need to be re-evaluated.
47. Page 4.8-19 3<sup>rd</sup> paragraph: "NYS DOT machine count traffic data collected on state roads...were reviewed..." The DEIS should provide the dates for this data and the specific roads it was collected on. It should also provide the actual data in an appendix for review.
48. Figure K-11. The proposed right turn lane from Fair St on to Rt. 311 appears to cut into the front yard of the property owner on that corner. This property was recently landscaped with a new rock wall and planted evergreens along the space

- where the proposed right turn lane appears in figure K-11. The DEIS should discuss the impact to this property owner and the need for any eminent domain proceedings.
49. Figure K-11: The scale of the proposed right turn lane appears to be wrong. The distance between Rt. 311 and Deacon Hill Rd is 216'. A 125' turn lane would extend to more than half this distance but the drawing shows a lane that is only about a quarter of the distance. This should be corrected.
  50. Figure 4.8-4: The 30% discrepancy in vehicle flow on Rt. 311 between Ludingtonville Rd and Fair St found on figure 4.8-2 has been propagated to figure 4.8-4 where it is a 31% discrepancy corresponding to 177 vehicles per hour that are unaccounted for on this stretch of road. The traffic study must be redone to correct this error. There may be other flow discrepancies in figure 4.8-4. This figure should be scrutinized carefully.
  51. Figure 4.8-4: The DEIS states (on page 4.8-25) that the values in this figure were arrived at using 1.5% background growth over 5 to 6 years plus other projects. Since the traffic data was collected in 2004 and assuming that the values in figure 4.8-2 have not been adjusted to 2005 or 2006, then a 6 year growth at 1.5% results in a cumulative growth of 9.3% ( $(1.015)^6=1.0934$ ). Much of the data in figure 4.8-4 has increased by much more than 9.3% over the data in figure 4.8-2 particularly in Patterson where Table 4.8-13 lists only one actual pending project. The DEIS should clearly explain how it arrived at the extra traffic from pending projects. Further, the DEIS should demonstrate that 1.5% is the correct figure to use.
  52. Figure 4.8-4: The future no build traffic at Rt. 164 and Rt. 311 appears to go far above the 9.3% background growth and the traffic from the one pending project near that intersection. The one pending project is listed as #21 in table 4.8-13, Burdick Farms 37 single family homes. The increase in the number of cars above the 9.3% background growth corresponds to 34 new veh/hr going onto Rt. 164 from Rt. 311 and 33 new veh/hr leaving Rt. 164 for Rt. 311. If this represents the new traffic from the Burdick Farm project then it appears to defy common sense for several reasons. It would imply that nearly all of the cars from the new project, based on the data in Table M-3, come home from the same direction on Rt. 164. It also implies that almost none of the new residents will travel in the other direction on Rt. 164 to access Rt. 22. The DEIS should explain in detail how the increase in traffic flows above the background growth were arrived at and correlate them to the appropriate ITE code for the projects that affect each intersection.
  53. Figure 4.8-2: Does this figure contain peak flows from the actual 2004 collected counts or has this data been projected forward to 2006 using growth percentages? The DEIS should state this clearly.
  54. Table M-3 includes trip rate data for two projects in Patterson that have been withdrawn or are inactive. Was this data used in the PM no build analysis and why?
  55. Page 4.8-22 second to last paragraph: "Project e) should improve vehicle occupancy. ...these improvements were not taken into account...". Is it reasonable to not count the trips from a 100 car parking lot when the peak pm

- traffic for the access road is only 6 veh/hr? It would appear that the park-n-ride lot would greatly affect trips on CR 43. The DEIS should include this in the traffic analysis.
56. Page 4.8-25, Table 4.8-13: The approved or pending projects in Southeast should include the developer's own Stateline Retail Center project.
  57. The economic and social benefits from Patterson Crossing did not include any effect from the Stateline Retail Center in Southeast. This analysis should be revised in light of this additional proposed project.
  58. Page 4.8-32 first paragraph: The proposed 30 foot width of the access road seems too narrow. A single disabled vehicle could potentially create a substantial traffic jam. The DEIS should explain why a wider access road was not proposed.
  59. Page 4.8-35 paragraph on Construction traffic: "Construction truck traffic would access NYS Rt. 311 from I84...it is expected that heavy construction truck traffic would not travel local roads to reach the site." This implies that none of the construction trucks will use the nearby Patterson Materials quarry on Rt. 311 for any of the gravel that is needed for this project. The DEIS should state clearly that the project will not patronize this local business and explain where all the gravel for the project will come from.
  60. Page 4.8-37 3<sup>rd</sup> paragraph from the bottom: "The remaining 14% of the trips would be from the Town of Patterson..." This figure seems too low. Does this figure include anticipated trips from the Towns of Pawling, Wingdale and Dover? If not, the DEIS should explain why trips from Towns northeast of the project site were not accounted for.
  61. Page 4.8-38 Season traffic: "Shoppers make more use of off-peak shopping hours, choosing to shop early or late to avoid crowds..." This statement goes counter to the experience at nearby malls during holiday seasons. Both the Danbury Fair Mall and the Jefferson Valley Mall have serious parking shortages during the holiday seasons and not just during peak pm or Saturday hours. During the holiday seasons, it is not uncommon to find the parking lots full and cars parked out on the frontage roads. It would appear that the seasonal traffic may not have been properly accounted for. The DEIS should explain why this project is different from the other nearby malls and further explain why its parking lots will not be filled to overflowing during seasonal periods.
  62. Page 4.8-43 bottom of page: "Levels of service D or better are anticipated at all major internal site intersections." Building a project with an expected level of service that is at the lowest acceptable seems like a plan for trouble. Was seasonal holiday traffic included in this analysis? What will be the levels of service during seasonal holiday traffic peak periods? If they are lower than service level D, then the internal traffic routing should be redesigned.
  63. Page 4.8-45 middle of page: "Development of the site will generate ...sales tax revenue...this will more than offset the costs for completing the highway infrastructure improvements." There are several problems with this statement. First, the DEIS did not provide any estimate of the road improvement costs. The DEIS should provide a detailed estimate of the cost of each road improvement individually. Second, there is no commitment from either the County or the State that any tax revenue will be used for road improvements. Third, the notion that

the tax revenues will be used to pay for the roads is in stark contradiction with the statement on page 3-8 (3<sup>rd</sup> paragraph) which states that the revenues will be used for 'enhanced quality of life' programs such as parks, open space preservation and social service programs. The County is currently running a deficit and has been using surplus funds to fill the gap. This means that any new revenues will likely not be available for road improvements and quality of life programs. The DEIS needs to correct these contradicting statements and secure a commitment from the County and State that they will set aside monies specifically for these road improvements.

64. Section H.3.f of the scoping document calls for a discussion of "the potential increase in traffic from vehicles using North Terry Hill/Putnam Drive as a short cut." The current DEIS does not contain this discussion and it should be added.
65. Section H.4.a.2 of the scoping document calls for a discussion of "Responsibility for improvements". The current DEIS does not contain a detailed accounting of this responsibility and mentions in general terms over several sections that the County is responsible for County roads, the State is responsible for State road and the developer is responsible for the site entrance. Does this satisfy the requirement of the scoping document? A more detailed list of funding responsibilities, i.e. a table, should be provided so that these responsibilities can be clearly documented.
66. Table 4.8-30 on page 4.8-49: The proposed project leaves the Town of Patterson with 5 intersections at service level D after all of the improvements. Several of these intersections will be degraded by 2 service levels. The DEIS should analyze the time it takes the level D intersections to drop to levels E and F and thus requiring the Town to make further road improvements or suffer with bad traffic.
67. Section H.4.a.3 calls for a discussion of the methods of funding the road improvements. There appears to be some words to address this on page 4.8-54 but there are no specifics and no commitments. The applicant must be required to pay for all mitigations related to project specific impacts and have them completed coincident with the completion of the project.
68. Page 4.8-54 second paragraph: "The project will facilitate road and intersection improvements that will improve existing conditions as well as improvements necessary to mitigate project specific impacts, helping to pay for both." This statement restates the remark on page 4.8-45 regarding the use of sales tax collected by the project to pay for the road improvements. Sales tax revenue is not an acceptable form of payment since it goes into State and County general funds and is not necessarily allocated to road improvements. We could have bad traffic for years if we wait for the State and County to act.
69. Page 4.8-54, second paragraph: "Applicant will be responsible for mitigating the project specific impacts to the greatest extent practicable and will work with NYS DOT and others to fund and construct other improvements that would help alleviate traffic issues under the current conditions." This statement is vague and does not provide any specifics. The developer must be required to provide specific funding amounts that will be applied to each mitigation. Who are the 'others'? What is meant by 'greatest extent practicable'? Does this imply something less than 100%?

70. Page 4.8-54, third paragraph: "Applicant will work with the appropriate authorities to identify intersections where improvements are warranted as a result of the proposed action and will share in the cost of those improvements." The applicant has already identified the necessary improvements on his own. Does this statement imply that there are additional unidentified improvements needed? What portion of the costs will the developer share in? This needs to be quantified.
71. Page 4.8-54, third paragraph: "The applicant also commits to working aggressively with the Town, the County and the DOT towards funding an improvement program for road and infrastructure updates in the project vicinity..." This sounds like an effort to secure funding from places other than the developer's own pocket. Is it? With regards to the proposed improvement program, do similar programs exist in other parts of the County and State and have they been shown to work?
72. Page 4.9-6, 4.9-7 and figure 4.9-2: The proposed location for the rock crushing equipment is located on a 10% grade. This does not seem like a reasonable or practical location for this equipment. The developer should explain why this is the best location for the equipment and how it will operate on this slope or find another location for it and redo the noise analysis.
73. Table 4.10-1: The source for the solid waste generation calculations is more than 10 years old. Is this data still applicable? Is there a more recent source of data that can be used? Coffee shops today are much different than from the mid 1990's. In particular coffee shops are much more popular now and likely to generate more solid waste.
74. Page 4.11-1, second paragraph under police protection: "A minimum of one patrol is assigned to the Patterson area 24 hours per day by the Sheriff's department." This is a misleading statement and should be clarified. Although there may be at least one deputy assigned to Patterson 24 hours per day that does not mean that there is one deputy actually in Patterson at any given time and given the sheriff's commitment to the Town of Southeast, it is most likely that there is not a deputy in Patterson most of the time.
75. The police protection future conditions section is incomplete and needed to be completed. The scoping document section K.1.b.2 calls for a discussion of police and security demands from other comparable projects operated by the applicant or prospective stores to operate at this site. The developer responds on page 4.11-2 that he does not operate any other comparable projects and stops at that. In that case, the scoping document required the applicant to discuss the demands from prospective stores at this site which was not done.
76. Page 4.11-1: There is a very detailed description of the Kent Police department but is the Kent Police department permitted to respond to incidents in Patterson? Will Patterson have to set up a contract with the Kent Police department to pay for this coverage?
77. Page 4.11-2 mentions that they do not anticipate a significant impact to services from crime at the project. This is incredulous! A simple internet search for +costco +crime returns numerous incidents of crime. Below are 7 of these crime incidents with links to their source. The local Sheriff and Kent police chief may have underestimated the crime that mall projects bring to an area. It is rare to

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visit the Jefferson Valley Mall without seeing a Yorktown police vehicle parked outside. The Woodbury Commons Outlet mall in nearby Orange County recently opened a police substation at the mall to handle all the crime incidents. The impact from crime needs a closer review.

2 Costcos and a Home Depot listed in the top 10 high crime parking lots

<http://www.macrimeanalysts.com/conference2004/materials/top10.pdf#search=%22costco%20crime22>

A stolen display

<http://www.co.suffolk.ny.us/police/cs/DFile.asp?ca05-001>

A Costco construction site that was robbed.

<http://www.vaildaily.com/article/20060823/NEWS/60822014>

3 crime events at a Costco in one week

[http://www.mv-voice.com/morgue/2005/2005\\_02\\_25.crimewat.shtml](http://www.mv-voice.com/morgue/2005/2005_02_25.crimewat.shtml)

Beggars hanging around Costco parking lots.

[http://www.ruralcrimewatch.ab.ca/summer\\_2005.html](http://www.ruralcrimewatch.ab.ca/summer_2005.html)

Confidence scam in the Costco parking lot.

[http://www.cob.org/police/services/5\\_16\\_06\\_fraud.htm](http://www.cob.org/police/services/5_16_06_fraud.htm)

Costco Burglary

[http://www.winchesterstar.com/TheWinchesterStar/030423/Area\\_costco.asp](http://www.winchesterstar.com/TheWinchesterStar/030423/Area_costco.asp)

78. Page 4.11-2 sixth paragraph discusses the need for an 8 foot high fence which will require a variance. Recently a business in Patterson, Dunkin Donuts, applied 3 times for a variance for an 8 foot fence. The last time was case #01-05. All 3 times, this variance was denied. Will the Town of Patterson face a lawsuit from Dunkin Donuts if it grants an a fence height variance to Patterson Crossing? The DEIS should include a discussion of the utility of a 6 foot high fence that conforms to code.
79. Section 4.11.2 on Fire protection. The bulk of the information provided in this section comes from a private 'phone call' with the Patterson Fire Chief. It is not possible to know what was said during that phone and to be able to verify the accuracy of the information provided. The developer should obtain a written document from the Patterson Fire Chief.
80. Page 4.11-2 5<sup>th</sup> paragraph: The proposed 12 foot wide emergency access road seems to narrow. It would not permit two opposing vehicles to pass. i.e. an ambulance that it leaving and additional equipment that are arriving would be in each other's way. Although the emergency access road is mentioned in a few places in the DEIS there are no details provided in the text. It is not revealed that this will be a gravel, not a paved road, except in fine print on a few of the figures. What is the length of this road? It appears to be about 1000' long. Were the Fire Chiefs and local law enforcement made aware that the emergency access road is only 12' wide, unpaved and 1000' long?
81. Figures 4.3-3 and 4.3-4 show that the emergency access road location includes a slope that is 25%+. Figure 4.1-1 shows the area of rock removal which does not

- appear to enclose the portion of the steep 25% slope that the emergency access road goes over. Will the emergency access road include a steep slope?
82. Does there need to be a lighting plan for the emergency access road and what is it?
83. Page 4.11-5 6<sup>th</sup> paragraph: "...no new equipment would be required." How can this be substantiated? The Environmental Protection Agency sued Costco in 2003 on behalf of a fire department after Costco failed to disclose the substantial quantities of hazardous chemicals such as anhydrous ammonia, sulfuric acid and lead that it stored in its warehouse. The fire department was awarded \$42,000 and Costco was fined \$10,000. Were the fire chiefs aware of all the chemicals that may be in use or stored at the Patterson Crossing project? The DEIS seems to address issues specifically related to fire but not to hazardous material incidents. Do the local fire departments have the necessary hazardous materials equipment? The details of the settlement can be found at the EPA website at:  
<http://yosemite.epa.gov/r10/homepage.nsf/29b1d3cb050ee8718825649800650ab3/bc6952519db505b088256d5600622736!OpenDocument>
84. Page 4.4-12 states "The project will not result in the introduction of a gasoline service station or petroleum storage tanks to the site. Therefore...a formal spill contingency plan is not necessary for this site." Page "1", section 3.0, of Appendix M states "The effluent pump station will be provided with an emergency generator therefore one day's design flow of emergency storage is not required." These two statements appear to contradict each other. What will be the source of fuel for this generator and where will it be stored? How large of a fuel tank will be needed to run an emergency generator of this size for one day? Why won't a spill contingency plan be needed for the fuel tank for the emergency generator?
85. Page 2-2 2<sup>nd</sup> paragraph in section 2.1.2 and figure 2-2 both indicate that tax lot 22.-2-47 will be one of the project's 5 parcels. But table 3-1 on page 3-1 lists only 4 tax parcels and not 22.-2-47. Why was 22.-2-47 left out of table 3-1?
86. Page 4.4-12 states "The project will not result in the introduction of a gasoline service station or petroleum storage tanks to the site. Therefore...a formal spill contingency plan is not necessary for this site." But page 4.14-3, section on Energy Consumption, states "If alternative energy sources are used, such as heating oil..." and page 7-1, 3<sup>rd</sup> paragraph states "When completed, the operation of the proposed facilities would require electricity and the use of fossil fuels either directly as heating fuel..." These statements seem to contradict each other. The use of heating oil will require storage tanks for the oil. Will these be above or below ground tanks? Will the use of heating oil storage tanks require a formal spill contingency plan?
87. Page 4.10-3 states that the project will consume about 1.5-3.0MWatts (13,000A @ 120v or 240v) and that "All utility lines on the site will be situated underground. But what about the transmission lines outside the project? Are these currently sufficient to supply this extra power or will additional power lines be brought in? If these additional power lines are above ground, what will be the impact to the environment?

88. Page 4.10-3 states "Correspondence with NYSEG indicates that facilities are in place to provide electrical service to the project without any capacity problems." Where is a copy of this correspondence? It is not part of Appendix B.
89. The scoping document section K.3.a.1 calls for the emergency response times of each of the existing services. The DEIS response of one sentence (page 4.8-11) stating "under five minutes" is grossly insufficient. Each service response time should be listed individually with a minimum, maximum and average. Additionally the response times should be listed separately for the main access road and for the narrow unpaved emergency access road. Do the response times take into account the 6 new signalized intersections which tend to slow down emergency vehicles? The DEIS should also indicate where on the project site the response time was determined since the main access road is more than 0.6 miles long. The DEIS should also include an analysis of the response time if the emergency access road has to be used.
90. The scoping document section K.3.c.2 calls for the provisions for air lifting trauma patients from the site. The DEIS response is "Should the air lifting of trauma patients be required at the Patterson Crossing Retail Center, space in one of the parking areas could be utilized." Appendix L-1 shows that all the parking areas are sprinkled with 18' high lighting poles. How can an air lifting vehicle land in a parking lot with all these lighting poles? Which area(s) in particular are actually suitable for air lifting?
91. The section on 'Existing Travel Patterns, Vehicle miles traveled and Energy Consumption' found on pages 4.12-10 and 4.12-11 starts out with 5 paragraphs of quotations from speeches by Bob Bondi which are not relevant to this section at all and should be removed from the document.
92. Section 5.1 on page 5-1: Paragraphs 3, 4, and 5 are not relevant to the SEQRA regulations pertaining to 'no action' and should be removed from the document.
93. Page 3-2: The Existing Costs of Services paragraph contains "The existing cellular communications tower on the site generates 'de minimus' costs related to administration of taxes and ensuring emergency service access to the tower". The developer should provide the actual figures for these costs so that the 'de minimus' claim can be verified.
94. The DEIS makes heavy use of data from Claritas in Section 3 and Section C contains some of that data. But how valid is the Claritas data? For example, Claritas provides free company reports on it's website. The report for the Lowe's located in Newburgh has estimated annual store sales of \$9.7M. The report for the Costco in Brookfield has estimated annual store sales of \$31.1M. These two stores represent more than half of the Patterson Crossing mall but the Claritas data would suggest that the annual revenue is \$40.8M which is far less than the \$200M predicted by the DEIS on page 3-4, 3<sup>rd</sup> paragraph. So either the Claritas data is not valid or the figure on page 3-4 is not valid or both. This contradiction needs to be addressed.
95. The Thunder Ridge Ski Area on Rt. 311 and Rt. 22 in Patterson generates a significant amount of Saturday and Sunday traffic. None of the traffic count figures were collected during ski season. How will the Thunder Ridge Ski Area traffic impact the traffic analysis?

Daniel Kuchta  
63 Sunset Dr.  
Patterson NY 12563

9/25/2006

96. Page 4.11-5, 6<sup>th</sup> paragraph: An estimate of 60,000 gallons of water are needed for fire protection. What plans are in place to guarantee that the proposed 270,000 gallon tank will always have a minimum of 60,000 gallons of water in it? Will this 270,000 gallon water tank be used for any non-fire purposes?
97. The warrant data used to justify the need for a signal at the intersection of Rt. 311 and Fair St. passes warrant 2 by only 4 cars per hour. An independent study should be commissioned to verify indeed that a signal at this intersection is needed under existing conditions.
98. Page 4.8-36, Table 4.8-20: The trip rate used for ITE code 820 is an average value. What justifies the use of an average value in this case? What would the traffic service levels be using a value that is 20% higher and what would be the worst case? Note that the worst case used in the ITE's study of over 400 shopping centers is almost double the value used in the DEIS for a 400,000 square foot retail center.



**supervisor**

**From:** Robert Ladau [robert\_ladau@yahoo.com]  
**Sent:** Tuesday, September 12, 2006 6:47 PM  
**To:** supervisor@pattersonny.org; anordstrom@townofkentny.gov; amp2@ci.carmel.ny.us; supervisor@townofsoutheast-ny.com; sdavis@putnamvalley.com; pedc@computer.net  
**Cc:** letters@lohud.com; tacnews@midhudsoncentralnews.com  
**Subject:** Patterson Crossing



RECEIVED  
T.O.P.

SEP 15 2006

OFFICE OF SUPERVISOR

Before voting for PATTERSON CROSSING consider this....

Putnam County Property & School Taxes:

How much more in taxes are you willing to pay for big box shopping? The revenue for Patterson residents from PATTERSON CROSSING is \$50 per person per year without deducting the cost of town services.

Southeast taxes up 40% since The Highlands (Home Depot) opened. How much will PATTERSON CROSSING add to Patterson taxes?

How much \$ will Patterson Crossing put in Patterson's coffers? Patterson & Kent will have no say over the distribution of sales tax revenue. Only about 3 1/2% of the revenue generated will find its way to Patterson & Kent

How much more in taxes are you willing to pay for big box shopping? The revenue for Patterson residents from PATTERSON CROSSING is \$50 per person per year without deducting the cost of town services.

\$20 million of County money for one intersection? That's the estimate for improving the intersection of Rt 311 and 164 for PATTERSON CROSSING. How long will it take the tax revenues from this project to repay this debt?

Traffic

PATTERSON CROSSING will increase traffic by 1200 cars per hour at peak hours at the junction of Rt 311 and 164 .

Routes 311 and 164 do not meet DOT standards for the anticipated traffic flow.

The DOT plans 6 new traffic lights within 1/2 mile of the entrance to PATTERSON CROSSING.

How much more time will it take for your child to get to school? PATTERSON CROSSING increases traffic by 1200 cars per hour at peak hours at the junction of Rt 311 and 164

Is PATTERSON CROSSING worth the condemnation of local residents' property to widen the roads?

How about 6-7 years of construction vehicles using Rt 311 to build PATTERSON CROSSING.

Shopping convenience? Will you mind sitting in a line of 100 cars to buy a giant can of pimentos?

Only one public entrance/exit to PATTERSON CROSSING.  
Find out more...

1000 parking spaces and just one public entrance/exit?  
How far will the estimated 1200 cars per hour during  
peak hours be backed up to enter PATTERSON CROSSING?  
Find out more...www.planputnman.org

#### Quality of Life

You don't have to be a tree-hugger to understand the  
impact of 1000 asphalt parking spaces in PATTERSON  
CROSSING having a detrimental impact on water quality.

Just 2 ½ miles between The Highlands and Patterson  
Crossing...is it worth  
Higher taxes and increased traffic to duplicate  
shopping we already have?

PATTERSON CROSSING will force local businesses to  
close Leaving us at the mercy of big box stores to  
charge whatever they want.

How big is too big? 80 football fields or 1 ½ times  
the size of The Highlands (Home Depot). That's the  
size of Patterson Crossing. You'll see it for miles.

How would you feel if your property was adjacent to  
1000 car parking  
lot ?

For the real truth Find out more...www.planputnam.org

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Do You Yahoo!?  
Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>

**RECEIVED**

SEP 25 2006

T.O.P.  
PLANNING & ZONING

September 24, 2006

Mr. Herb Schech, Chairman  
Mr. Michael Montesano, Vice Chairman  
Ms. Maria DiSalvo  
Mr. David Pierro  
Mr. Shawn Rogan  
Patterson Town Planning Board  
Patterson Town Hall  
1142 Route 311/ PO Box 470  
Patterson, NY 12563

Delivered by hand

Dear Planning Board Members;

I am writing to comment on the Draft Environmental Impact Statement (DEIS) for the Patterson Crossing Retail Center.

Sections 1.3.2. and 4.2, "Soils", estimate the need for fifty-eight thousand cubic yards more of cut than of fill for the earthworks for this project. The DEIS states that the final plan will "balance" the earthwork by raising the main development pad, thus avoiding the need to bring fill to or remove excavated material from the site. It assumes that the balancing can occur without upsetting other aspects of the project as described in the DEIS. For instance, the DEIS fails to say how the need for "large level building pads" (S. 1.3.3.) and erosion control will be met while avoiding the removal of cut. If this balancing cannot be achieved, there could be a need to remove significant excavated material from the site, resulting in additional traffic and burden to the roads, vehicle exhaust, and noise.

The Final Scope for the DEIS calls for a "worst case" scenario analysis of assumptions to be identified and discussed (General Guidelines #5). The DEIS does not provide such an analysis for the potential impact on soils and conditions related to the need to remove significant excavated material from the site. The Applicant should be required to provide this analysis.

Sincerely,

  
Sally Lake

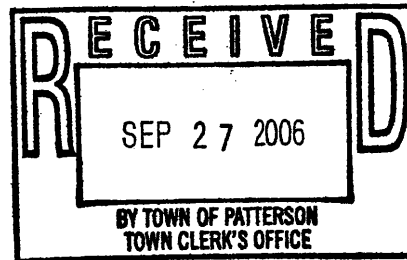


Rural Route #10  
Kent Lakes, NY 10512

TB  
PB  
TR

September 25, 2006

To: Members of the Patterson Town Board  
RE: The "Patterson Crossing" Development



Dear Board Members:

I am strongly and vehemently opposed to this project for many reasons.

1. First and foremost is the fact that this development is in an already crowded residential neighborhood. I did some research and have found that no commercial shopping center has ever been built in Putnam County, on this scale that was so close to an existing and established residential neighborhood. This development will literally be only a matter of feet from many people's houses and back yards.

A.) There will be increased noise from Interstate Hwy 84 and the retail business. This will go on 24 hours a day, 7 days a week, 365 days of the year.

B.) There will be a massive amount of increased vehicle and large truck traffic through this quiet hamlet of Lake Carmel. These are small and narrow streets. Children are in extreme danger. People are bound to be killed in car/truck pedestrian accidents because of the very close proximity.

C.) Water drawdown will be massive and people's wells will be affected. The neighborhood is already too densely settled by Putnam County Standards.

D.) The massive amount of sewage produced daily will not be sufficiently contained by the current plans. If this project is built, again, because of the close proximity to people's houses, there will be septic system overload and leakage into the wells of the nearby houses.

E.) Light pollution from this large area being lit up all night is bound to affect the quality of sleep for many people.

These are the major factors adversely affecting the communities homes.

## 2. CRIME

Quality of life will be diminished because of increased crime. F.B.I statistics prove that crime "follows" wherever and whenever a shopping center is built. Thieves and various grifters will have easy access to the Lake Carmel Community.

## 3. WATER POLLUTION

Lake Carmel is a direct tributary to N.Y. City's Croton water system. The lake will be polluted from oil, salt and other contaminants that wash off the road and large parking lots into the lake.

## 4. POPULAR OPPOSITION

This project is almost unanimously opposed by the majority of the town of Kent's residents. The project as a matter of fact would never get approved from Kent's Town of Board because nobody wants it.

**5. TAX BELIEF MYTH**

Taxes of residents will not go down. Tax relief by this project is a myth. The tax rate of our community may be high but comparable areas have even higher rates. Other suburban areas in Long Island and New Jersey have not been able to decrease property tax by developing commercial shopping areas. The "quality of life" in those areas is very much diminished.

**6. HOUSES INSTEAD OF HUGE BUILDINGS AND PARKING LOTS**

The property could still be developed by building houses for people. The developer and seller of the property could still make millions of dollars without the massive amount of trees being cut down that will forever alter the environment and spoil the current scenic beauty in this part of the I-84 corridor.

**7. DEVELOPER'S TACTICS**

The developer, Carmada, last year tried to intimidate a member of the Kent Town Board, Kathy Doherty, by taking photos of her at a "bake sale" held by community residents who were selling small lawn placards and bumper stickers to oppose this project. At a subsequent Kent Town Board meeting a lawyer for the developer justified sending some goons to take pictures by saying "we just want a level playing field." Give us a break! They have poured thousands of dollars into advertising for this project and still have no popular support for it.

There is also a critical conflict of interest. I have been told by members of the Kent Town Government that the County Executive, Bob Bondi, has a son that works for Carmada. If this is true and you can verify it, it would seem partly unfair to Lake Carmel residents by having this project shoved down their throats by pressure from the county government.

In summation, for these and other reasons, I strongly recommend that you as a town board do not approve this project as it exists. This development would destroy the quality of life in Lake Carmel and devastate property values for those closest to it.

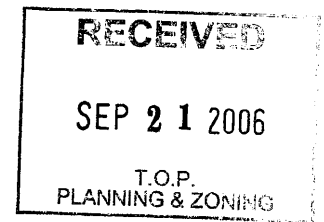
Thank you for your consideration of this matter.

Sincerely,



George Lanfranchi

**Robert E. MacDermant**  
**76 Anna Street**  
**Carmel, NY 10512**



September 19, 2006


Herb Schech, Chairman  
Town of Patterson Planning Board  
1142 Route 311/ P.O.B. 470  
Patterson, New York 12563

Dear Chairman Schech;

I would like to take this opportunity to say that I believe that the Patterson Crossing / Shopping is needed by our county. I agree with your chamber of commerce that the following benefits are derived from the construction of this shopping center.

- **Convenience**-no longer will Putnam residents have to drive many miles wasting time and gasoline shopping for their everyday household necessities in Connecticut, Westchester and Dutchess.
- **Jobs** - this \$100,000,000.00 center will create hundreds of construction jobs which will be a boom to the local economy. Much of the \$100,000,000.00 will be spent regionally acquiring building products and the labor to construct the center.
- **Permanent Jobs** - the center will employ approximately 500 people, creating employment opportunities for all people including young people and seniors.
- **Taxes, taxes, taxes** - this center will provide millions of dollars in taxes every year for the County, Towns and Carmel School Dist. Approximately \$1,000,000.00 per year in Real Estate Taxes of this total \$750,000.00 per year to the Carmel School District.

Sincerely,

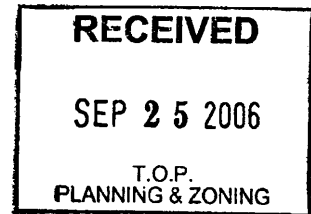
  
Robert E. MacDermant



DEIS

Submitted to the Patterson town planning Board

By Ray Mainiero



### 1.3.9 NOISE

Potential impact-states that, "noise impacts as a result of construction activities are, intermittent, short-term, temporary impact".

What does the applicant mean when he says, "intermittent, short-term, and temporary impact". Exactly how long will the rock crunching and grinding go on, and what decibel levels can be expected by the residents next to this project?

The removal of the forest will add 10 dB alone, and the hillside will add a minimum of another 10 dB. This will quadruple the sound intensity coming off of I84, because the intensity of sound doubles for every 10 dB. An addition of 20 dB therefore, will quadruple the sound intensity!

Noise levels have been measured to be between "65 DBA and 90 DBA". However, decibel levels recorded by individuals living next to the proposed site, have been measured to be normally 55 dB, and at times, as high as 80 dB. How much will decibel levels increase when you add to this, the noise generated from blasting, rock crunching, grinding, cranes, bulldozers, diesel trucks, and chainsaws cutting down thousands of trees?

The DEIS states that an 8 foot wooden fence will be constructed between I84 and the residents on Vernon Drive to lessen the noise levels. There is no way that an 8 foot wooden fence will replace the reduction of noise from 600 feet of forest, and the large section of hillside that will be removed. The addition of small trees (5 gallon buckets) as promised by the developer will also, in no way, come close to replacing what is lost.

I have a 6 foot wooden fence on my property at the top of Longfellow Drive, and I can still hear traffic coming from I84 loud and clear. If this project is permitted, hundreds of people living in on Longfellow Drive and adjoining roads will no longer have protection from the existing hillside and forest.

Presently, the town of Patterson's noise ordinance states that noise levels over 60 dB are in violation of the noise ordinance code. How can this project be allowed if it will continually violate this code, both during and after construction? Will the town of Patterson enforce their very own code every time a violation is performed? (Keep in mind that supervisor Michael Griffin was quoted as saying that he intended to protect the rights of the citizens who were going to be threatened by a dog kennel in their area. Will

he not offer the same rights for the individuals' residing next to the Patterson Crossing site?

#### 4.7.3 Wildlife

Page 63 (Potential for Use by Rare or Endangered Species)..

The DEIS states the biologists followed "the route of the transits generally followed the existing dirt roads on the site in a zigzag pattern". This was done to observe potential endangered species such as the "Bog Turtle" the "Mud Turtle", etc.

Was there ever randomized creation of 10x 10 m plots with detailed observations of each plot to quantify and identify the populations of existing species? The existing table is simply taken from the county's study for a normal habitat found in Putnam County. It does not apply specifically to this site.

Were observations made during all seasons of the year? Were any migratory animals observed during these times? Is this a possible corridor for migrating animals during spring and winter months? Was any observation of this done?

Table 4.7.1 (Wildlife List) -- section 4.7.3

This table indicates that there were only five mammal species observed on this site! How thorough an investigation was it if only "five mammal species" were observed on a 90 acre plot? How can we be assured that it was an accurate and comprehensive study of the entire ecosystem?

How many trees will be cut down? What are their approximate average diameters? How old are they? Think of all the niche systems that will be destroyed when these trees are cut down. Think of the impact that will have on all the plants and animals in this area of Putnam County. We are handing over our precious environment to a greedy developer, who has the audacity to substitute 5 gallon sized trees to replace what we now have!

Mr. Camarda stated at a recent meeting that the displayed species would migrate to another habitat. This is simply false. Each habitat has its own existing species occupying an already existing niche and cannot simply be displaced by an incoming species. They will compete on the availability of food productivity, and one will die as a result. (As a biology teacher of 38 years I have gone on many field trips, and even though I am not an expert, I can guarantee you that the average person will observe more mammal species than those mentioned, simply by taking a casual stroll through this site).

Traffic and Transportation:

Page 41 shows that the only emergency exit road is off of Echo Road.

What improvements will be necessary to this road and how will it affect the residents on Echo Road?

Will any of residences' existing property be lost, and if so, how much?

What will happen to the residents on Echo Road and Concorde road if there is an emergency on the single existing exit onto Route 311, when inevitably, there is a traffic jam or vehicle breakdown blocking traffic out onto 311. There could possibly be hundreds of cars and trucks diverted to these roads. There is no other provision.

Is it states on page 68 that Longfellow Drive will be performing a service level of E, which will mean longer waiting periods for traffic coming down Longfellow Drive hill. This is already a very dangerous intersection, especially during winter months with icy roads. It is an extremely steep hill, and even now, there is a long waiting period to get out onto 311.

Who will guarantee that the people on Longfellow Drive will not face greater danger with increased traffic and more cars and trucks flying down through 311?

Between 4 p.m. and 7 p.m. every evening, there are traffic jams created by commuters coming from I84 exit 18 going West onto Route 311. The traffic backs up onto I84 every night! How far will this traffic be backed up onto I84 westbound exit 18 if the Patterson Crossing is approved? It will inevitably be extended out onto I84 creating even greater hazardous conditions.

The intersection of Route 22 South and 311 is already a high traffic area. With the inevitable increase in the volume of traffic coming down 22 to go onto 311 and to the Patterson Crossing, how will the town of Patterson rectify this condition?

Page 5 of the traffic report in the DEIS, states, that, "the percentage of trucks in the traffic in one direction on weekday p.m. and Saturday peak hours ranges from zero to 5%".

This is an outrageous observation and obviously taken by someone who has a bias towards the Patterson Crossing. Anyone who travels on 311 daily as I do, knows that truck traffic is much higher than that on a daily basis.

Page 10 of the traffic report mentions public bus transportation; however make no mention of the delay such a project would cause for school buses traveling over these roads. Traffic jams, accidents etc., could result in long hours of delay for school children.

Route 311 is crossed by children coming down Longfellow Drive and Putnam Drive as they go to Lake Carmel. This road will become an even greater traffic hazard.

The intersection of Terry Hill and Route 311 received an "F" rating for safety, its lowest rating. The builder suggests a traffic light to alleviate the anticipated increase in traffic. What will happen to traffic from arterial roads coming into 311 that have no traffic lights, such as Longfellow Drive and Putnam Drive? They will have to anticipate even greater delays.

Approximately 3 years ago a boy was killed on 52 on Halloween night. How much more traffic will do three adjoining towns allow before they realize we have already reached our peak? To protect the quality of life of all the residents of the Carmel, Patterson, and Kent communities, these towns should come to an agreement on the size and limitation of stores in this area.

Don't forget, our children all go to the same high school and have to travel these roads daily. Their paycheck safety should be a primary concern. Also, the amount of time that they spent on these buses should not be prolonged because of traffic jams and crowded streets.

Over 1000 "the senior citizen" units have been planned for development in the town of Carmel alone. The Chestnut Petroleum gas station 800 feet down the road has been approved. It has 18 pumps which will invite many tractor-trailers. There will also be convenience stores on his 4000 ft.<sup>2</sup> establishment.

Many more projects are still pending. How much additional traffic will all this future development bring in to this shopping center? The way it looks, Route 311 will make Route 22 look like a side street!

All the charts and data have been compiled to make this look like a very detailed and valid comprehensive scientific study. However, the Patterson planning Board need only ask a commuter traveling on I84 onto 311 each night, such as my wife, to see how many hours of delay they have on a weekly basis, and the frustration they suffer.

There are several places on 311 that are zoned for commercial development. If this project is approved, it will undoubtedly attract many more businesses and hence, create even more congestion, destroying the quality of life for the thousands of residents in the Lake Carmel Park district.

There seems to be no comprehensive plan of development for 311 between the town of Patterson and the town of Kent. The two towns are inextricably connected by more than just Route 311. The town of Patterson will also face an increase in traffic coming north and south of Route 22 that will go to the Patterson Crossing by way of 311. This narrow corridor has many very dangerous curves, including a very narrow section created by the overpass. In the best of times this is not a safe road. It should not become more hazardous by increasing the traffic.

**IMPROVEMENT MEASURES: 4.8.4**

On page 59, the projected tax revenue to the state of New York is approximately 7 or \$8 million, and county revenue maybe 6 or \$7 million. How much of the revenue will come from existing business establishments such as the Brewster Highlands, Dills Lumber, the Putnam Plaza, ShopRite, the A&P and many other establishments. These tax dollars will be a verdict to the Patterson Crossing and hence thereby lowering these expectations. The argument that "all" of this revenue will come from residents who live outside of our area and do not shop here now, does just not hold water.

School taxes are supposed to be \$7.5 million to the Carmel school district. If you do the math on this, with a \$93 million budget this represents less than 1% of our total school taxes. This would mean that the average resident of the towns of Carmel, Kent, and Patterson will receive approximately \$1 for every \$100 of taxes, or, \$10 for every \$1000 of assessed school taxes. Town taxes for the towns of Kent and Patterson are not significantly higher it's.

I'm not a tax expert, but if this is correct, it is a pittance in comparison to what we have to endure in other costs to our property values and quality of life. Those of us who live close to this project suffer most and endure the burden just so that others can enjoy a small tax refund, while the developer and other outsiders reap the major profits.

In his flyer, the builder states that there will be more jobs created by this project. Putnam County enjoys the lowest unemployment rate of any county in New York State, approximately 3.5% unemployment. A person only has to go to any shopping center in the immediate area to see that there are help wanted signs in every major establishment, including Coles, Home Depot, ShopRite, the A&P, etc.

As for shopping convenience, really, how much food do we need? We even have a new Hannaford's going in the Putnam Plaza. How many more supermarkets must we have? Several clothing stores that we did have in Carmel have gone out of business. I refer to the Ames department store in the Putnam Plaza, James Way city in the ShopRite Plaza, and several other smaller clothing stores over the years. Now this builder suggests that we urgently need more shopping and that we will reap huge payback from local sales taxes. As for the Loews Garden Center, come on now really, 4 miles down the road we already have Home Depot. This is merely being built because of competition between the two companies.

On page 60, it says that people traveling on Longfellow Drive can reduce their delay on going onto 311 by going over to Terry Hill Road. Has he ever driven down Terry Hill Road? It is a very dangerous intersection with 311. Why should we have to make this diversion anyway? Just to satisfy the builder's needs to get approval?

As an average citizen, who is now in retirement and who has lived here in the town of Lake Carmel for 43 years, I have spent hundreds of hours and well over two years fighting this project. I have reviewed many pages of this document and do not have enough time to complete the review of the entire DEIS. I wish I did. What I have read I

To the town of Patterson planning Board:

Please accept this revised copy with corrections of my review of the DEIS. I was under the impression that last Thursday was the deadline for submitting our comments.

Thank you,

Ray Mainiero

1  
Submitted  
9/13/06  
W Mainiero

DEIS

Submitted to the Patterson town planning Board

By Ray Mainiero

### 1.3.9 NOISE

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The DEIS states that an 8 foot wooden fence will be constructed between I84 and the residents on Vernon Drive to mitigate the noise levels. There is no way that an 8 foot wooden fence will replace 600 feet of forest, and the large section of hillside that will be removed. The addition of small trees (5 gallon buckets) as promised by the developer will also, in no way, come close to replacing what is lost.

I have a 6 foot wooden fence on my property at the top of Longfellow Drive, and I can still hear very loud noise from traffic coming from I84. If this project is permitted, hundreds of people living in on Longfellow Drive and adjoining roads will no longer have a protection from the existing hillside and forest. The removal of the forest will add 10 dB alone, and the hillside will add a minimum of another 10 dB, quadrupling the sound.

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The DEIS states the biologists followed "the route of the transits generally followed the existing dirt roads on the site in a zigzag pattern". This was done to observe potential endangered species such as the " Bog Turtle" the "Mud Turtle", etc.

Was there ever randomized creation of 10x 10 m plots with detailed observations of each plot to quantify and identify the populations of existing species? The existing table is for a normal habitat found in Putnam County. It does not apply specifically to this site.

Were observations made during all seasons of the year? Were any migratory animals observed during these times? Is this a possible corridor for migrating animals during spring and winter months? Was any observation of this done?

Table 4.7.1 (Wildlife List) -- section 4.7.3

This table indicates that there were only five mammal species observed on this site! How thorough an investigation was it if only "five mammal species" were observed on a 90 acre plot? How can we be assured that it was an accurate and comprehensive study of the entire ecosystem?

How many trees will be cut down? What are their approximate average diameters? How old are they? Think of all the niche systems that will be destroyed when these trees are cut down. Think of the impact that will have on all the plants and animals in this area of Putnam County. We are handing over our precious environment to greedy developers, who has the audacity to substitute 5 gallon sized trees to replace what we now have!

Mr. Camarda stated at a recent meeting that the displayed species would migrate to another habitat. This is simply false. Each habitat has its own existing species occupying an already existing nitch and cannot simply be displaced by an incoming species. They will compete on the availability of food productivity, and one will die as a result. (As a biology teacher of 38 years I have gone on many field trips, and even though I am not an expert, I can guarantee you that the average person will observe more mammal species than those mentioned, simply by taking a casual stroll through this site).

Traffic and Transportation:

Page 41 shows that the only emergency exit road is off of Echo Road.

What improvements will be necessary to this road and how will it affect the residents on Echo Road?

Will any of residences' existing property be lost, and if so, how much?

What will happen to the residents on Echo Road and Concorde road if there is an emergency on the single existing exit onto Route 311, when inevitably, there is a traffic jam or vehicle breakdown blocking traffic out onto 311. There could possibly be hundreds of cars and trucks diverted to these roads. There is no other provision.

Page 68. States that Longfellow Drive will be performing a service level of E, which will mean longer waiting periods for traffic coming down Longfellow Drive hill. This is already a very dangerous intersection, especially during winter months with icy roads. It is an extremely steep hill, and even now, there is a long waiting period to get out onto 311.

Who will guarantee that the people on Longfellow Drive will not face greater danger with increased traffic and more cars and trucks flying down through 311?

Between 4 p.m. and 7 p.m. every evening, there are traffic jams created by commuters coming from I84 exit 18 going West onto Route 311. The traffic backs up onto I84 every night!

Two weeks ago two individuals were killed coming west off of I84 onto route 311. How many more accidents will be generated at this very dangerous intersection by all the increased traffic before both towns realize that we are now at a peak level on this narrow two-lane road?

How far will this traffic be backed up onto I84 westbound exit 18 if the Patterson Crossing is approved? It will inevitably be extended out onto I84 creating even greater hazardous conditions.

The intersection of Route 22 South and 311 is already a high traffic area. With the inevitable increase in the volume of traffic coming down 22 to go onto 311 and to the Patterson Crossing, how will the town of Patterson rectify this condition?

Page 5 of the traffic report in the DEIS, states, that, "the percentage of trucks in the traffic in one direction on weekday p.m. and Saturday peak hours ranges from zero to 5%".

This is an outrageous observation and obviously taken by someone who has a bias towards the Patterson Crossing. Anyone who travels on 311 daily as I do, knows that truck traffic is much higher than that on a daily basis.

Page 10 of the traffic report mentions public bus transportation; however make no mention of the delay such a project would cause for school buses traveling over these roads. Traffic jams, accidents etc., could result in long hours of delay for school children.

Route 311 is crossed by children coming down Longfellow Drive and Putnam Drive as they go to Lake Carmel. This road will become an even greater traffic hazard.

The intersection of Terry Hill and Route 311 received an "F" rating for safety, its lowest rating. The builder suggests a traffic light to alleviate the anticipated increase in traffic. What will happen to traffic from arterial roads coming into 311 that have no traffic lights, such as Longfellow Drive and Putnam Drive? They will have to anticipate even greater delays.

Approximately 3 years ago a boy was killed on 52 on Halloween night. How much more traffic will do three adjoining towns allow before they realize we have already reached our peak? To protect the quality of life of all the residents of the Carmel, Patterson, and Kent communities, these towns should come to an agreement on the size and limitation of stores in this area.

Don't forget, our children all go to the same high school and have to travel these roads daily. Their paycheck safety should be a primary concern. Also, the amount of time that they spent on these buses should not be prolonged because of traffic jams and crowded streets.

Over 1000 "the senior citizen" units have been planned for development in the town of Carmel alone. The Chestnut Petroleum gas station 800 feet down the road has been approved. It has 18 pumps which will invite many tractor-trailers. There will also be convenience stores on his 4000 ft.<sup>2</sup> establishment.

Many more projects are still pending. How much additional traffic will all this future development bring in to this shopping center? The way it looks, Route 311 will make Route 22 look like a side street!

All the charts and data have been compiled to make this look like a very detailed and valid comprehensive scientific study. However, the Patterson planning Board need only ask a commuter traveling on I84 onto 311 each night, such as my wife, to see how many hours of delay they have on a weekly basis, and the frustration they suffer.

There are several places on 311 that are zoned for commercial development. If this project is approved, it will undoubtedly attract many more businesses and hence, create even more congestion, destroying the quality of life for the thousands of residents in the Lake Carmel Park district.

There seems to be no comprehensive plan of development for 311 between the town of Patterson and the town of Kent. The two towns are inextricably connected by more than

just Route 311. The town of Patterson will also face an increase in traffic coming north and south of Route 22 that will go to the Patterson Crossing by way of 311. This narrow corridor has many very dangerous curves, including a very narrow section created by the overpass. In the best of times this is not a safe road. It should not become more hazardous by increasing the traffic.

#### IMPROVEMENT MEASURES: 4.8.4

On page 59, the projected tax revenue to the state of New York is approximately 7 or \$8 million, and county revenue maybe 6 or \$7 million. How much of the revenue will come from existing business establishments such as the Brewster Highlands, Dills Lumber, the Putnam Plaza, ShopRite, the A&P and many other establishments. These tax dollars will be a verdict to the Patterson Crossing and hence thereby lowering these expectations. The argument that "all" of this revenue will come from residents who live outside of our area and do not shop here now, does just not hold water.

School taxes are supposed to be \$7.5 million to the Carmel school district. If you do the math on this, with a \$93 million budget this represents less than 1% of our total school taxes. This would mean that the average resident of the towns of Carmel, Kent, and Patterson will receive approximately \$10 for every \$1000 of assessed school taxes. I'm not a tax expert, but if this is correct, it is a pittance in comparison to what we have to endure in other costs to our property values and quality of life. Those of us who live close to this project suffer most and endure the burden just so that others can enjoy a small tax refund, while the developer and other outsiders reap the major profits.

In his flyer, the builder states that there will be more jobs created by this project. Putnam County enjoys the lowest unemployment rate of any county in New York State, approximately 3.5% unemployment. A person only has to go to any shopping center in the immediate area to see that there are help wanted signs in every major establishment, including Coles, Home Depot, ShopRite, the A&P, etc.

As for shopping convenience, really, how much food do we need? We even have a new Hannaford's going in the Putnam Plaza. How many more supermarkets must we have? Several clothing stores that we did have in Carmel have gone out of business. I refer to the Ames department store in the Putnam Plaza, James Way city in the ShopRite Plaza, and several other smaller clothing stores over the years. Now this builder suggests that we urgently need more shopping and that we will reap huge payback from local sales taxes. As for the Loews Garden Center, come on now really, 4 miles down the road we already have Home Depot. This is merely being built because of competition between the two companies.

On page 60, it says that people traveling on Longfellow Drive can reduce their delay on going onto 311 by going over to Terry Hill Road. This makes no sense what so ever for in order to get to Terry Hill you have to go over Route 311. Why should we have to make this their version anyway? Just to satisfy the builder's needs to get approval?

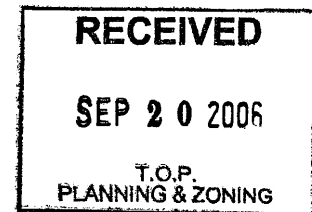
As an average citizen, who is now in retirement and who has lived here in the town of Lake Carmel for 43 years, I have spent hundreds of hours fighting this project. I have reviewed many pages of this document and do not have enough time to complete the review of the entire DEIS. I wish I did. What I have read I find thoroughly compromising to the builder, and no consideration given to the local residents other than lip service. We are the sacrificial lambs so that this builder can enjoy huge profits.

I respectfully plea for the Patterson town planning Board to take into consideration what this project may cost those of us who have contributed so much to this community, and have enjoyed being a part of it. I dread the thought of moving to another location and leaving my home of 38 years, just so that others can benefit.

Respectfully submitted,

Ray Mainiero  
12 Lucille Rd  
Carmel New York  
225-4948

Planning Board  
Town of Patterson  
P.O. Box 470  
1142 Route 311  
Patterson, New York 12563



September 16, 2006

Thank you for the opportunity to speak at the Public Hearing on the proposed Patterson Crossing Retail Center on September 14, 2006.

The following comments are being submitted in response to the Draft Environmental Impact Statement (DEIS), sections 1.3.13 and 4.13, and Appendix N, Cultural, Historic and Archaeological Resources.

The DEIS states: "No historic resources are located on the project site. Therefore, the proposed project would not result in any significant impact to historic resources" (pg. 1-21). The DEIS also notes that there was a review of the available historic literature, with no historical significance being found (pg. 4-13).

Curiously absent from the reference materials listed in Appendix N of the DEIS is the most comprehensive work covering the history of this area, William S. Pelletreau's History of Putnam County, New York, originally published in 1886. Per Pelletreau's description as found on pages 704-706: "**David Kent, who was for many years one of the most prominent citizens of Putnam county, was the son of Elihu Kent, who was born in 1749, and died September 17th, 1807. . . . David Kent was born in the town of Kent September 3d, 1792, on the farm now owned by Samuel Terry, and where his father then lived.** He remained at home till he reached the age of sixteen, when he began teaching school, a vocation which he followed till he was nineteen."

Per Appendix N of the DEIS, the 1854, 1867 and 1876 maps of the Town of Kent show that the Samuel Terry farm was located south of what is now Route 311 along the very western border of the Town of Patterson. As Pelletreau states above, Elihu Kent lived on the property prior to the Terry family.

Elihu Kent (1749-1807) was a member of the Patterson Baptist Church, then known as the First Baptist Church of Frederickstown. He and his wife, Abigail Secord Kent, are buried in the church cemetery.

Elihu Kent was the son of Rev. Elisha Kent (1703-1776) and Abigail Moss Kent (1718-1751) of Doansburg in Southeast. Rev. Kent was a Yale-educated Presbyterian, came to the Oblong around 1740 and preached in the old log church which stood on the farm of James Barnes, located just southeast of Field Corners, north of Dykeman's Station (today this is Route 312 east of Route 84). It was said that this was the oldest

church in the county, dating to at least 1745. Abigail Moss Kent's gravestone is said to be one of the oldest in the county. Rev. Kent, after faithfully serving his congregation for 33 years, died on July 17, 1776 and is buried in the Sears Burying Ground in Doanesburg (near what is now the intersection of Route 312 and Route 22). The Presbyterian Church, originally located near Dykeman's Station, had been relocated to Sears Corners, closer to the Rev. Kent homestead. On modern maps, it is denoted as the "Old Southeast Church."

As Pelletreau further states: "His wife, Abigail, survived her husband, and died May 21st, 1821, at the age of eight-two, and they, with most of the members of the family, rest in the cemetery by the Baptist church, in the town of Patterson. Elihu Kent left a family of six children: Peter S., Judge Daniel, David, Samuel, Esther (wife of Moses Robinson), and Sarah (wife of Edmund Haines)."

"Peter S. Kent was born in 1776, and died May 24th, 1867 . . . (and) lived in the western part of the town of Patterson."

**"Judge Daniel Kent was born October 18th, 1782, and died June 1st, 1860. He was one of the judges of the Court of Common Pleas, and a very influential citizen."**

**As shown in Appendix N of the DEIS (my Appendix A attached), the R.F. O'Connor map of 1854 shows both the "D. Kent" and "S. Kent" farms off of what is now Fair Street within the proposed development area, per the Site Location Map in Appendices J and N. "D. Kent" was Judge Daniel Kent (1782-1860), and "S. Kent" was his son, Samuel Kent (1811-1875). This is confirmed by the Federal Census data of the 1800s for the Town of Patterson.**

**Judge Daniel Kent (1782-1860) was a farmer, famous magistrate and legal scholar. He served as a judge on the Court of Common Pleas, and was considered one of the most important citizens of the Town of Patterson and Dutchess/Putnam Counties.**

The 1860 Census shows the real estate value of Daniel Kent's farm was \$15,000. This amount, given the time period and other relative property values, indicates a very large farm, probably extending 600 acres or more. Samuel Kent's farm is listed with a value of \$8,000, indicating it was at least 350 acres or more.

Following the death of Samuel Kent in 1875, his son Charles took over the family farm, and is found in the 1900 Federal Census for the Town of Patterson.

The historic maps cited also show "H.S. Kent" on what is now Route 311 near Terry Hill Road in Kent. This was Harry S. Kent (1813-1882), the grandson of Elihu Kent. Harry S. Kent was married to Phebe Washburn, whose family farm was also located along what is now Route 311 across from the proposed development, per Appendix N of the DEIS.

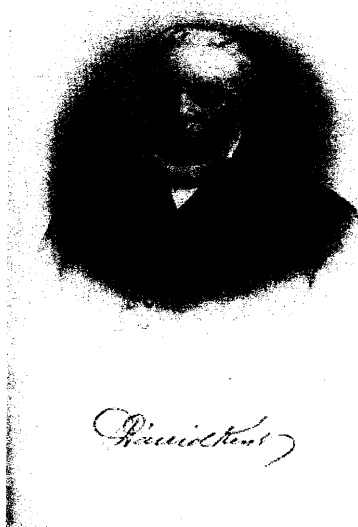
The DEIS historical maps also show Moses Robinson as a 19th century neighbor just to the northeast of the property. Moses Robinson was married to Esther Kent, the daughter of Elihu Kent.

In terms of the importance of David Kent (Figure 1) in the early history of the Town of Kent, Pelletreau further states: "He then purchased a small farm in Kent and made it his home till the time of his death. He began life with very limited means, but by his great natural ability and capacity soon increased his property, and he eventually became one of the wealthy men of the county. His principal occupation was agriculture, but in addition he carried on several other branches of business."

"For several years he was justice of the peace, but he found, to use his own expression, that "business and politics did not agree," and he declined all opportunities for holding office, although many offers of official positions were made to him. Mr. Kent was one of the organizers, and the first president of the Putnam County Bank, and of the Bank of Kent, and was considered an authority upon all financial matters."

"At an early day he made extensive investments in real estate in Minnesota, which proved exceedingly profitable. He was also a large land owner in his native county, and his estate, which was very extensive, is still held by his family."

**Figure 1**



"Mr. Kent was a liberal supporter of the Baptist church at Ludingtonville, and contributed largely toward the erection of the church edifice. He was a man of social disposition, and furnished many needy persons with profitable employment, and was generally recognized as the type of the successful business man."

"Mr. Kent married Miss Emeline, daughter of James Baldwin, March 4th, 1847 . . . James Baldwin married Cornelia, daughter of Henry Ludington, and granddaughter of

Col. Henry Ludington of Revolutionary fame” (Pelletreau, pgs. 704-706). Please note that the James and Cornelia Ludington Baldwin farm was directly across what is now Route 311 from the proposed project, as identified in the 1854 map as “N.C. Baldwin” (Nathan Cole Baldwin, the son of James and Cornelia Ludington Baldwin) (Appendix A attached).

**Not surprisingly, the Town of Kent was named after the Kent family in 1817.** This extraordinary act underscores the significance of the family in the social, religious, and political development of the town. The importance of the Kent family to the cultural heritage of both Kent and Patterson, where Elihu Kent was a member of what is now known as the Patterson Baptist Church, cannot be overstated. The Kents are all buried in the Patterson Baptist Church Cemetery.

Appendix N of the DEIS also includes a current site map of the area. Just down Route 311 a short distance to the west of the proposed development the location is denoted as “Kent Corners.” This was also named after the Kent family, and further emphasizes the significance of this immediate area in connection with the Kent family.

Appendix N also states that: “The study area is seen as unlikely to contain structural remains and cultural features related to the early European American era occupation of the area . . . No such structures were identified.” **Of course, it is impossible to properly evaluate the presence of structures and foundations when the developer has moved literally thousands of rocks and boulders across the property.** No one can ever say for sure what was there before this massive effort took place. The Planning Board should reject the developer’s claim, as it appears in Appendix N, that there were no structures on this property.

The fact that Elihu Kent and his family lived on the farm later owned by Samuel Terry, which is where David Kent was actually born, adds important weight to the historical importance of this property. In addition, the DEIS historical maps show the farms of Judge Daniel Kent, Samuel Kent, Harry S. Kent and Moses/Esther Kent Robinson within the proposed development area. The proposed development area was clearly linked to the Kent family from the 1700s until the early 1900s.

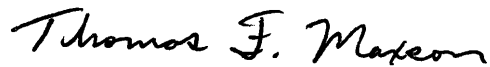
**The DEIS is clearly incorrect when it dismisses the potential cultural and historical significance of this property. Further, the absence of any mention of Pelletreau’s History of Putnam County, New York, the most significant historic work ever undertaken in this area, raises serious questions as to the accuracy of the DEIS assessment of cultural and historical impacts, and the approach taken in arriving at its conclusions.**

The people of Patterson and Kent deserve the right to protect their cultural and historical resources. These resources are found in the stone fences, most likely constructed by the Kents themselves, with those stones possibly last being touched by members of the Kent family. They are found in the small relics that remain hidden beneath the soil that was tilled for planting and groomed for the grazing of animals.

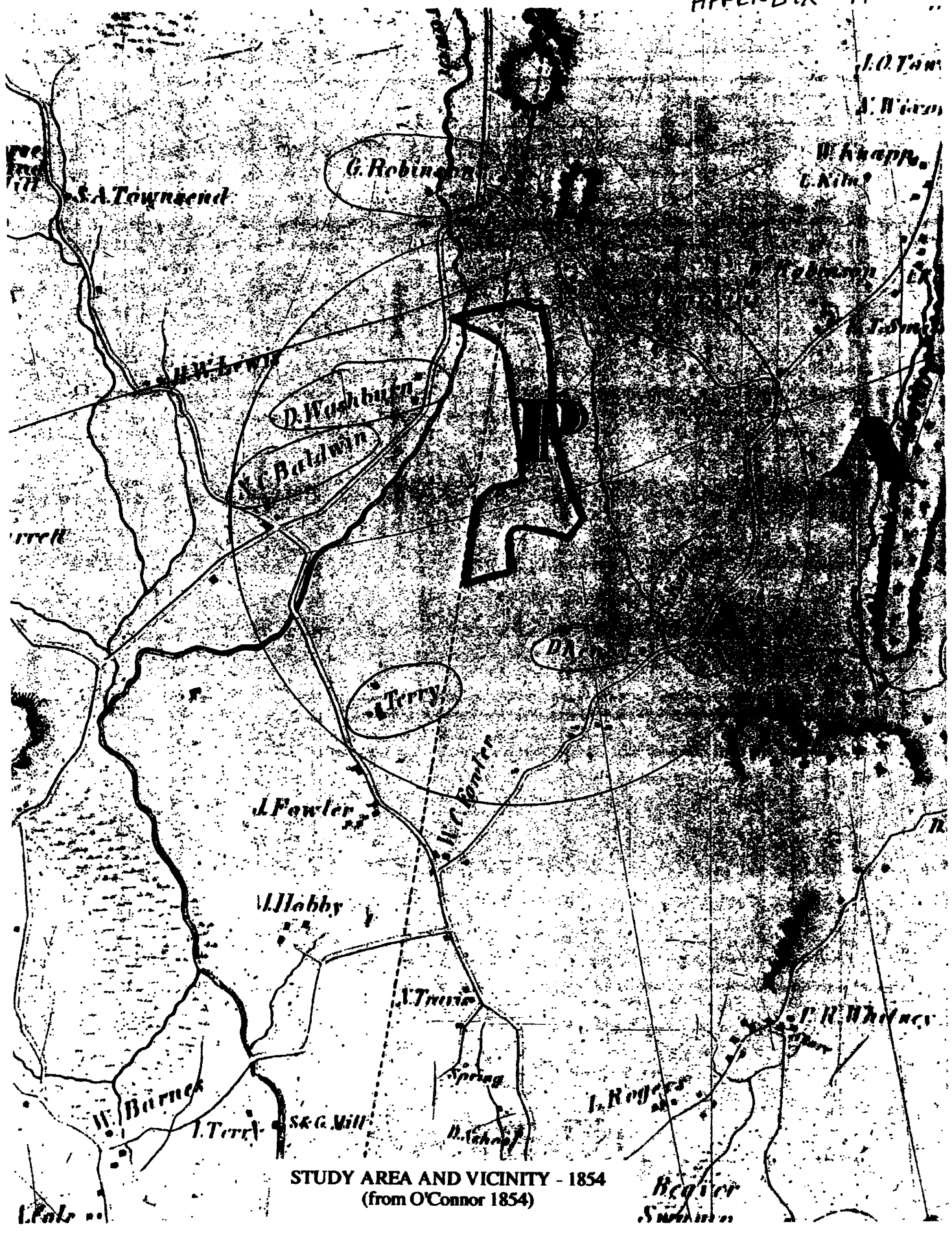
The developer has modified the landscape within the proposed development area, making it impossible to properly evaluate the previous existence of any structures or foundations. This is evidenced by the massive piles of rocks and boulders that have been moved from their original locations.

But historical and cultural resources aren't just measured by any remaining structures from a bygone era that can be seen by the naked eye. They are part of the fabric of the two Towns. The Kent family served an extremely important role in the development of both Towns from the pre-Revolutionary period through the 19th century. The connection between the Kent family and this property demands that the DEIS, and the proposed development, be rejected.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Thomas F. Maxson".

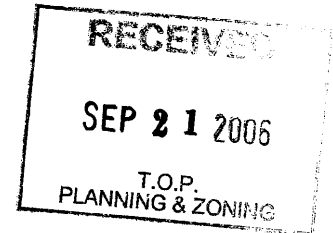
Thomas F. Maxson  
103 Whangtown Road  
Kent Lakes, NY 10512



STUDY AREA AND VICINITY - 1854  
(from O'Connor 1854)

Rever  
Sullivan

BRIAN AND KATHLEEN MCMANUS  
84 CONCORD ROAD  
LAKE CARMEL, NEW YORK 10512  
HOME TEL (845) 225-6123  
E-MAIL: MCMANUSNY@MAC.COM



August 16, 2006

Assemblyman Will Stephens  
Donald B. Smith Government Center  
110 Old Route 6 (Building 2)  
Carmel, New York 10512

Dear Assemblyman Stephens:

I am in receipt today of your flyer with the headline "From Our Homes to our Communities... Will Stephens Works to Protect What We Value Most". To borrow the words from your own flyer, my family is working hard to protect what we value most: the peace and quiet, and serenity, and safety of the bucolic landscape that Lake Carmel offered our parents 40 years ago and still provides today.

My parents, John and Kathleen Mulvihill, purchased my residence in 1964. For ten years it was our summer vacation home until 1974 when my parents and siblings and I moved permanently to Carmel. I currently reside in the home with my husband (also a long-time Carmel resident), and our three children (ages 7, 16 and 18).

As a Patterson taxpayer residing on Concord Road in Lake Carmel, my family is one of those most directly effected by the proposed retail development, Patterson Crossing. The access road for the project puts thousands of cars per hour approximately 65 feet from the back of my home, from my children's bedroom windows. Two of my children, as well as myself, are asthmatics. How do I protect the health, well-being and personal safety of my family with that type of project looming in our backyard? We live in a time where my children have grown up remembering the scary true stories of Polly Klaus, Elizabeth Smart and other children abducted from their own homes. One of my children sleeps with a golf club and baseball bat in bed and refuses to let me keep the windows open at night, despite how hot and humid it can get. This may sound a bit dramatic but it's the absolute truth – it demonstrates the real fears of children. Can you imagine what this project will do to their state of mind and their sense of personal safety if construction begins and strangers are literally working round the clock in our backyard; and that thousand of strangers a day are literally driving by their home?

One of the headlines in your flyer resonates with me: "Keeping Business and Families in New York". A project the size of the proposed Patterson Crossing, which is approximately half the size of the lake in my community, threatens all that we value about living in this community. It is disheartening that the proposed project, if approved, could force long-term residents to consider moving from the community they love so much and have contributed to over the years.

As you well know, my father John Mulvihill is a former trustee of the Carmel Schools' Board of Education; a former President of the Emerald Association (and still remains a very active member); he provides/operates the sound system at Mahopac parades and at Putnam County Park for the 4H Fair, Veterans events and other community affairs. I myself am a charter member of The Putnam Children's Discovery Center; both my husband and I are active members of St. James Parish and School, the Emerald Association of Putnam County and Boy Scouts. My next door neighbor, Martha Berglund, is nearly 103 years old, is quite healthy, and still lives independently. A few of my other neighbors on Concord Road have lived here for 40+ years as well. My neighbors, such as myself, are well entrenched in the community and have contributed passionately to community organizations over the years for the benefit our children and for our own benefit as we grow older. I truly resent that someone who is not even a resident of Putnam County threatens our families and our homes that we have worked so hard to protect by proposing a project that encroaches so close to our homes, puts our wells at risk by drawing from our water table, threaten the local environment with various forms of pollution i.e. air, water, waste, visual, sound. I have believed for a long time that when you choose to live in Putnam County, particularly bucolic towns such as Lake Carmel, you not only choose a home but a lifestyle. My parents may have bought my home in the early 1960's but we have continued to live here, fully appreciative of the town's distinct character as a bedroom community.

There is a sad mentality festering in Putnam County that retail development is the quick fix for tax relief, yet it has yet to be proven – the Brewster Highlands project being the most recent example how residents were promised faux tax relief. I have a real concern that many residents are so desperate for any type of tax relief that they are willing to follow a pied piper like Paul Camarda who just tells them what they want to hear, even when historically it has been illustrated that retail projects do not bring the projected tax relief initially promised to residential taxpayers. I have a real concern that people are so desperate for tax relief that they are willing to let a developer come in and destroy a tract of open space (which serves as a critical residential environmental buffer) and they don't even question the fact that this developer (to the best of my knowledge) has never constructed a retail development before, nor any development that is the proposed mammoth size of Patterson Crossing. Would you let a contractor build your home if it was his first time?

What needs to be developed is education about responsible real estate development and, in particular re-development and renovation of distressed areas such as Route 52 in Lake Carmel, rather than to rape the rolling green landscape. Sometimes the responsible thing to do is to NOT approve development. Your flyer specifically states that you believe "opportunities for job creation and retention are vital...to create good, well-paying jobs". Retail projects do not promote those opportunities or jobs; with the exception of a few managers, most retail jobs are minimum wage or close to it. I've never heard of a retail position equated with retention. As a Putnam County resident who commutes 100 miles round-trip every day to work in Westchester County, I believe our focus needs to be shifted to courting other types of business – business that can provide jobs with benefits and retention, and whose use and services do not threaten the residential community that it seeks to become a part of. Any size and any type of retail development for the 90 acre site that lies behind my home is inappropriate for this parcel; it is a long, narrow tract of land with steep elevations that make it economically unfeasible to develop.

I write to you not only as my Assemblyman, but as a long time influential resident of Putnam County, to ask for your support to stop the proposed real estate development known as Patterson Crossing. My family, my neighbors, and my community, need an advocate – as you say in your flyer – who is working “to protect what we value most”.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen (Mulvihill) McManus". The signature is fluid and cursive, with a large loop at the end.

Kathleen (Mulvihill) McManus



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

WILLIS H. STEPHENS, JR.  
Assemblyman 99<sup>TH</sup> District

MINORITY LEADER PRO TEMPORE  
COMMITTEES  
Ways and Means  
Rules  
Judiciary

September 13, 2006

Kathleen McManus  
84 Concord Road  
Lake Carmel, New York 10512

Dear Mrs. McManus:

Thank you for your letter concerning the "Patterson Crossing" proposal. I am taking the liberty of forwarding a copy of your letter, together with mine, to the Patterson Planning Board.

You make a very compelling argument regarding the impacts a project of this magnitude will have on your community and these impacts need to be studied, analyzed and mitigated in connection with the required environmental reviews.

Decisions of whether to allow projects of this nature to be built are made at the local level and not by State legislators. Local zoning and planning play a big role in whether these projects succeed. If memory serves me, the "Patterson Crossing" proposal is at least the third development which has been proposed for this location. There may be some solace in the fact that the prior two developers folded their tent after lengthy review.

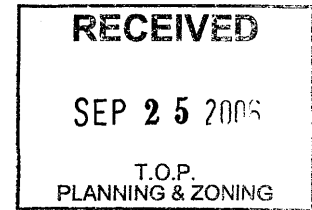
Thank you for bringing this issue to my attention. Please feel free to contact my office with any questions or concerns.

Sincerely,

WILLIS H. STEPHENS, JR.  
Member of Assembly  
99<sup>th</sup> Assembly District

WHSjr/sm

**KATHLEEN T. MCMANUS  
84 CONCORD ROAD  
LAKE CARMEL, NEW YORK 10512  
HOME TEL (845) 225-6123  
E-MAIL: MCMANUSNY@HOTMAIL.COM**



September 25, 2006

Planning Board  
Town of Patterson  
1142 Route 311  
Patterson, New York 12563

**Re: Draft Environmental Impact Statement ("DEIS")  
Proposed "Patterson Crossing" Project**

To All Patterson Planning Board Members:

After my partial review of the DEIS for the subject proposed project (partial review because not enough time was provided for a complete and thorough review of such a comprehensive document), the following are my comments and concerns:

**1. Testing of Private Wells**

- a. In the written portion of the Water Supply report, it is incorrectly states that my neighbor's well was monitored (Martha Berglund at 88 Concord Road, Lot 22.76-2-7). **This information is incorrect.** According to the supporting documentation under Appendix B for this report, it is indeed the well on my property (84 Concord Road, Lot 22.76-2-8) that was tested.
- b. I have serious concerns that the developer is understating the impact that the proposed project will have on our well for the following reasons:
  - The tests were conducted during a 72-hour test period (Monday January 17, 2005 to Thursday, January 20, 2005) which occurred in the middle of a week; it did not include a weekend when residents typically spend more time in their homes and, therefore, use more water.
  - Water usage in my household is minimal during the cold winter months in comparison with warm weather months; particularly when there is precipitation on the ground. The reason is that our washer and dryer are located in our basement, which can only be accessed from the exterior of our home. We must exit through our front door, walk around the side and back of our house, and walk down a set of exterior stairs to access the basement.

When there is any accumulation of snow and/or ice on the ground, it makes it dangerous and difficult to do laundry at home; we use other alternatives at those times. At the time the water tests were done, there was precipitation on the ground that had not yet thawed.

- No additional well tests were conducted during a peak-usage month, i.e. July or August, when my school-age children are home all day and warm weather dictates more water usage such as, but not limited to, additional human/animal consumption; additional showers; additional laundry; filling/adding water to the pool; watering landscaping; washing cars and pets; power-washing home and/or deck.

Based on these facts, I believe the developer's statement that "the pumping test also shows that there is no discernable impact to the surrounding private wells" is unsubstantiated and **the testing results of private wells is unbalanced and incomplete.**

## 2. Traffic and Transportation (1.3.8 Executive Summary)

### a. Getting to the complex

"...most of the traffic is expected to travel to and from the interstate, increases in volume beyond Interstate 84 to the east in Patterson, and to the west in Kent, are relatively modest during peak hours...". (DEIS)

I believe this is a generalized assumption on the part of the developer, made to trump the location of the site adjacent to I-84. The developer seems to completely ignore that residents from Dutchess County, neighboring Connecticut, Patterson, Putnam Lake, Brewster and Southeast would most likely travel Route 22 to Route 311, or Route 22 to Route 164 to Route 311. These are all one lane roads and, with the exception of Route 22, are primarily residential areas. Additionally, residents from Mahopac, North Salem, Croton Falls, Somers may travel Route 22 north or may choose Stoneleigh Avenue to Fair Street to Route 311 (possibly cutting across Terry Hill Road), or alternatively travel Route 6 to Route 52 to Route 311.

I do believe that there will be a small percentage of local residents who will seek relief from traffic congestion in the immediate Lake Carmel area by traveling side roadways more often (i.e. Cottage Road, Montrose Drive) to get around possible congestion on Terry Hill Road. I myself already circumvent the construction now going on at the intersection of Simpson Road and Fair Street by taking an alternate route. It's not uncommon for people to want to seek out the less congested route, even if that means traveling through a residential neighborhood.

2. b. Traffic Lights

**I am appalled that so many traffic lights would be installed in such a short distance on Route 311. This completely changes the character of our country lake community.** Traffic lights should not be viewed as progress and a necessity, but rather an intrusion on our bucolic country landscape. Keep the green on the ground, not hanging off overhead wires.

3. Noise (1.3.9 Executive Summary)

The DEIS states that “No man-made noise is currently generated on the Patterson Crossing Retail Center property, since the site is undeveloped.” It continues to state that “Project operation related noise levels would be associated with a variety of on- and off site factors, which would include normal vehicular traffic, truck deliveries for commercial merchandise, snow plowing and shoveling, garbage disposal activities, heating and air-conditioning equipment.” **I find it completely unacceptable that my family and neighbors must go from having no man-made noise on the adjacent site to what is being projected as a constant stream of noise, night and day, from construction to routine site operation.**

In the DEIS, the developer states that noise impacts as a result of construction activities are an intermittent short-term, temporary impact, however, the developer also expects construction to last 24 – 36 months. The definition of “short-term” can be debated; obviously to my family who is directly adjacent to the site, a 2 or 3 year period is NOT short-term.

Each three-decibel increase doubles the loudness. The difference between 100 dB of a garbage truck and 110 dB of a race car represents an increase of more than 300 percent...According to the Organization of Economic Cooperation and Development study 1991 State of the Environment publication, people consider noise to be the main local environmental problem, sometimes even more important than air pollution or the quality of drinking water...

**Noise Damages More Than The Ears:** In addition to contributing to hearing loss, too much noise can affect health in other ways too. There are immediate effects that may be temporary or may become longer lasting. These include cardiovascular problems with an accelerated heartbeat and high blood pressure, gastric-intestinal problems, a decrease in alertness and ability to memorize, nervousness, pupil dilation and a decrease in the visual field. Effects that may be longer lasting include insomnia, nervousness, bulimia, chronically high blood pressure, anxiety, depression and sexual dysfunction.....Continuous exposure to noise no louder than people shouting, over a period of years for 8 hours a day, 5 days a week can cause some degree of hearing loss. This type of hearing loss is permanent.<sup>1</sup>

<sup>1</sup> Ohio State University Fact Sheet: Noise CDFS-190-98, Jacqueline LaMuth (<http://ohioline.osu.edu/cd-fact/0190.html>)

### 3. Noise (cont'd)

These facts about the affects noise has on one's health is of immediate serious concern to me since my husband has just returned from a long hospital stay recovering from congestive heart failure, as the result of an accelerated heart beat, and four of five members of my family (including children) suffer from documented gastric-intestinal problems. Since the access road for this project is within approx. 65 feet from my children's bedroom windows, I don't believe the suggested 8 ft. wooden fence and two lines of trees adjoining our property line is a sufficient mitigation measure to reduce noise impacts and, furthermore, I believe it will have a tremendous long-term affect on our personal health and well-being. Thus, **the DEIS conclusion that "no significant, long term noise impact will result from the project" is GROSSLY MISREPRESENTED.**

### 4. Air Pollution and Overall Environmental Impact.

My home – its interior and exterior – is MY environment – it's my safe haven. The mere presence of the proposed complex compromises my family's health on so many levels. I am an asthmatic, and use three inhalers a day just to breathe normally. I have two children that are mild asthmatics and would not like to see their condition accelerate by the various types of pollution that will emanate from this project. A few years ago I was diagnosed with Interstitial Lung Disease and was able to successfully recover from it, however, if not detected in a timely manner, it can cause scarring (fibrosis). Environmental exposure where someone can inhale small particles is one of several causes of interstitial lung disease (pulmonary fibrosis), that can damage the lungs, especially the small airways and air sacs and cause scarring. I don't believe the developer can propose any remedy to control particule pollution that would ease my concern about the health affects this could have on my family.

Additionally, as stated before, my husband now suffers from an accelerated heart rate and is recuperating from congestive heart failure. I expect that within the next five years I will have at least one, if not more, aging parent living with us. I believe it is the community's responsibility, as well as my board's responsibility, to recognize how this proposed project can seriously jeopardize the health and wellbeing of my family.

**My home is located within approx. 65 feet of the access road, and directly behind the first left-turn lane into the parking lot of the proposed retail complex – the point where cars will slow down and stop as they approach the turning lane, thereby magnifying the amount of vehicle emissions and exhaust within close proximity to my residence. On the opposite end of this turning lane is the Truck Turn Around. As illustrated on DEIS Figure 4.8-12: Primary Truck Internal Circulation, it is a straight open roadway from the access road turning lane behind my home to the Truck Turn-Around at the other end of the lane. This makes my home more susceptible to diesel fumes emitted by the trucks as well as noise created vehicles traveling on the access road and in the turning lane, and by the trucks in their turn-around procedure (including that annoying backing-up beep) which I would assume would happen throughout the evening hours. The only thing that would separate me from all this 'busy-ness' is a proposed 8-ft. fence and two rows of trees.**

**5. Community Services (1.3.11 Executive Summary)**

“The emergency access drive would be gated at both ends to prevent unauthorized use.” In the event of an emergency, how is an emergency vehicle going to get through the locked gate? Will every agency have a key for the gate? Will there be one agency responsible for unlocking the gate for access by other emergency vehicles? Or will vehicles actually drive through and break the gate? In a true emergency, there should not be any delays in being able to get through the gate to gain access to the emergency access drive.

I also share concerns with the Kent Police Department with the use of our property for unauthorized access to the site, and general security at the retail center. Will the developer accept moral and financial responsibility for additional security measures along the fence line if it turns out that there are pedestrians scaling the fence or cutting/damaging the fence to create a shortcut to the site?

**6. Socioeconomics (1.3.12 Executive Summary)**

Under Mitigation Measures the developer interjects his own opinion that this project “would enhance quality of life”. I don’t believe convenience is a quality of life.

**7. Cultural Resources: Visual Resources (1.3.13 Executive Summary)**

DEIS states that construction of the project “will remove some 68 acres of existing woods on the middle portions of the site and replace it with buildings and pavement, thus creating a change to the visual character of the site.” The middle portion that is referenced is located directly behind my home. My parents bought this home in 1963-64 and eventually moved here from the Bronx for the seclusion and quiet enjoyment that our property location offers. This why I have remained in the home as my own family has grown. A wooden fence and two rows of trees, as proposed by the developer, is not going to compensate for the destruction of 68+ acres of woods. Additionally, when my parents legally subdivided their property and wanted to build a small cottage on the subdivided parcel (in the late 1980’s), they went before the Patterson Planning Board at that time and were denied building the cottage – among one of the reasons was that a neighbor (now deceased) located diagonally up the street stated it would spoil their scenic view (meaning the open space lawn of our property as well as the woods of the proposed project site). If this was a valid reason for the Board in the late 80’s, why shouldn’t hold as much consideration now? Instead of looking at wooded area and a variety of wildlife, I get to set my gaze upon parking areas and commercial buildings, and thousands of cars a day passing by my dining room window and childrens’ bedroom windows? The DEIS states “no views...have been identified that will be adversely affected by this project.” Just about every paragraph in the Executive Summary of the DEIS ends with these or similar words. It is quite clear that in the developer’s opinion there are no adverse affects or minimal impacts, but to those of us adjacent to the project, it has life-long impact. We should not have to compromise for the convenience of others.

## **8. Alternatives Considered (1.4 Executive Summary)**

Under the No-Build Alternative, the DEIS states that such a scenario would not support the Putnam County Draft Master Plan (“Vision 2010”) “since it would not provide residents the opportunities to live and work locally”. A retail project such as the proposed project does not provide such opportunities as well. Retail jobs are not known for being high-wage jobs and have a high turnover of personnel. “The Putnam Paradox” is really the misconception that retail development is the ‘cure-all’ for tax relief when in fact, our focus should be on bringing in firms and businesses that can offer sustainable jobs (i.e. the Mount Kisco Medical Group facility on Route 312). People spend their discretionary income where they work. If they can work in Putnam County, they can spend their money here. We don’t need 24-hour, open-all-night retail to be the quick-fix for this void.

## **9. Groundwater Resources**

“Any documented impact to private local wells caused by the project construction, including as a result of blasting, will be remedied by the blasting contractor”. It should be highlighted that the developer is ultimately responsible for any impact to private local wells and, should the blasting contractor be unable to remedy impacts, the developer should assume that responsibility. How can we be assured that remedies will happen as quickly as the impact occurred? Are we going to get into challenged arguments about what is “well documented” in terms of “documented impacts to private wells”?

I find the comment made under Mitigation Measures in Section 1.3.4 of the Executive Summary – “Blasting performed by qualified and experienced contractors rarely results in damage to nearby wells” – is a generalized statement – what is the statement based on? How can I take assurance that this is indeed fact?

Finally, I would like to reiterate again that not enough time was provided to residents and other interested agencies to review the comprehensive DEIS report. The developer was given almost a year and a half to gather this data – to give us less than a month to review it is insufficient.

Sincerely,

Kathleen T. McManus

Dear Chairman A check:

8-23-06

I am writing to voice my opinion on the D.E.I.S. concerning Patterson Crossing.

I am strongly opposed to the project I moved to Kent from New York almost 14 years ago. I have enjoyed clean air and water, the sounds of nature and riding my bicycle around the lake and on Duddingtonville Rd. I know have a 3 year old daughter and she enjoys "The Country Life" here also! I moved from the city to escape the noise and air pollution.

I am afraid of the huge amount of traffic that will be ever present. It will make bicycle riding unsafe and a thing of the past. I don't see the need for more stores when there are many vacant stores in Carmel already. Huge malls become "hangouts" for troublesome kids and petty thieves. The goods will be low-level entry stuff. I don't want to pay the costly sums that will be needed to provide security, fire and insurance for this site. I don't want to pay for the road maintenance which will be huge due to increased traffic. What about the increase in accidents? Where on Earth is the sewage going to go? In the lake?!

I am hoping that sanity will prevail because I love living here with my daughter in a clean and safe environment. Please DO NOT ALLOW sincerely,  
THIS MALL TO BE BUILT HERE. *Gunter M. [unclear]*

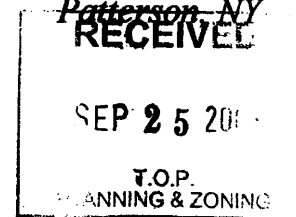


*REVIEW and WRITTEN RESPONSE to  
PATTERSON CROSSING RETAIL CENTER's  
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)*

*Submitted by: Audrey Napierkowski  
791 Route 311, Patterson, NY 12563  
Tel. 845-878-4253*

*Submitted to: Planning Board &  
Town Planner of  
Patterson, NY*

*Submitted on: September 25, 2006*



**The Patterson Crossing development, “would result in the generation of approximately 10,740 gallons per day of waste water”...which would be treated “prior to release back into the environment” via “subsurface discharge.” (pg 1-15 DEIS)**

**“The subsurface sewage treatment system will be at least 200 feet from the nearest residential well.” (pg 2-18 DEIS)**

*Equates to 3.9 million gallons per year of waste water being deposited in the ground, on top of a hill, at least 200 ft. from families.*

*19.5 million gallons over 5 yrs.  
39 million gallons over 10 years*

*There is **NO discussion** in this DEIS regarding any potential long term affects associated with depositing such large amounts of waste matter into the ground, depositing such amounts adjacent to drinking water supplies of residents, cumulative effects on adjacent properties, downhill properties and Lake Carmel over 5 yrs./10 yrs. or longer.*

***NO studies** were included in this DEIS, either supporting or negating the long term use of a subsurface sewage treatment system on such a large scale, and specifically for this site.*

***NOT addressed** - what happens when the waste water treatment system has reached the end of its life and all of these buildings are in place with no place to dispose of their waste? Septic systems, even very large ones, have a finite existence!*

***NO mention** of the type of remediation that would be required should adjacent lands become contaminated and deemed unsuitable for habitation. Does the town have to pay to purchase the contaminated land from the owners or does the developer have to compensate the owners? The same question goes for downhill lands and Lake Carmel. Who pays for remediation of Lake Carmel should the need arise years from now - the towns or the developer?*

*The developer needs to completely address these issues and give the board answers to these questions before the Board can make an appropriate assessment of the Patterson Crossing proposal.*

**“The primary benefit of the project would be...a retail destination for the surrounding region.” (pg 1-1 DEIS)**

*Connecticut has a 6% sales tax, a new Lowes, a Costco and a Home Depot in the Danbury area, and no sales tax on clothing. Are our Ct. neighbors going to travel farther, and pay a higher sales tax, to purchase items in our stores, when they can shop in the same stores locally, pay less and support their own state tax revenues?*

*Dutchess County has a Lowes on Rt. 9 with a Home Depot, a Sam's Club and a mega Wal-Mart. Are the residents of Dutchess going to travel farther, to spend their money in another county when they can get the same things locally and support their own county sales tax revenues?*

*Lower Putnam County (Mahopac, Putnam Valley) residents can travel 5-10 min. (1 exit south on the Taconic Parkway) and bulk shop at BJ's or go to Mohegan Lake's Home Depot. Why would they take a longer ride, on congested single lane roads like Rts. 6, 52, 301, and 311 to shop at Patterson Crossing?*

*The sales base to maintain such a development is not there. The same locals who spend their money and already support Putnam's sales tax revenues at Home Depot Rt. 312 will be the sales base, except now they will be diluted between 2 stores (Lowes & Home Depot). The idea of build it, they will come and sales tax revenues will go up has been exaggerated. Having a Lowes so near to other Lowes locations and so close a Home Depot is overkill.*

*We need something in the area, but is a Lowes and a Costco the appropriate something that we need?*

**“Post-construction employment opportunities...would include young workers such as high school students and seniors.” (pg 3-11 DEIS)**

*Do to the use of heavy equipment (such as forklifts) in warehouse operations and the potential for serious physical injuries due to heavy lifting when unloading and stocking such facilities, there are strict minimum age requirements of 18 yrs. for employment at such facilities as Costco and Lowes. So employment for our high-schoolers is a farce. In Putnam*

*County, most of our 18 to 23 yr. olds seek higher education and attend college with goals towards careers, not to work in warehouses when they graduate. The physical demands of warehouse operations will limit the types of employment that our seniors will be able to fill.*

*Of the remaining 131 non-warehouse jobs (Table 3-6 DEIS), subtract manager/assistant manager positions (which generally require experienced adults), age restrictions for waiters/waitresses and working in electronics stores, and you are left with a handful of jobs that our teens can fill. Already employed professionals make up the bulk of our area work force. So these great employment opportunities that will open up have been exaggerated to make the project sound more appealing.*

**Air Quality impacts (pg 1-24 DEIS) “A quantitative impact analysis related to construction activities was not performed. Operation of the facilities... would result in minor increases in air pollution burden.” “Heating and AC systems may release small amounts of air pollutants... that are insignificant and should not cause an exacerbation of standards or guidelines. The net air pollution burden is considered to be minimal.”**

**DEIS mitigation solution to decrease air pollution is to, “keep truck idling times limited to 5 minutes or less.” Really - who is going to police truck idling times?!?!**

*What scientific criteria did the developer use to back up his use of the terms: minor, may, small amounts, insignificant, should not, minimal - regarding impacts to this site? How can the developer declare that air quality impacts will be minimal if no site studies were done? Does stating it should not cause an exacerbation mean that it could cause an exacerbation of standards? How much is small amounts of air pollutants? By whose standards is the increase in air pollutants considered insignificant or minor? How can the developer mitigate the affects of construction dust on asthmatic residents living adjacent to the site?...*

*The Board deserves more definitive explanations from the developer, before it can make an informed judgment on the project's viability in this community. The board should not accept a developer's biased generalizations as 100% truth; it needs the documented scientific facts. Given the size of the project and the tremendous potential impact its development would cause on our air quality, I ask you (the Board) to get these answers before deciding if this project is the appropriate one for our community.*

*While the DEIS states that, “pollutant levels are expected to increase due to the natural increase in traffic with or without the site being developed,” it fails to reflect that without developing the site, the natural air oxygenators/purifiers/filters – the trees and vegetation, will continue to buffer the pollution and sounds from I-84 for the adjacent Lake Carmel residents. Grass over a septic field and a black-top parking lot cannot filter air or buffer sound.*

**It is rightfully noted in the DEIS, that Lake Carmel already has existing impairments with runoff which was recognized by the NYSDEC in 1999. Analysis of storm water drainage (pg 1-8), "reveals that 19% of all impervious surfaces will drain toward Lake Carmel."**

*How much runoff makes up 19%? Is it one gallon or thousands of gallons per day draining into Lake Carmel? What cumulative affect will this additional amount of runoff have on the quality of Lake Carmel's water over the passing years/decades? Traditional parking lot runoff contains motor oil & antifreeze from leaking cars as well as high concentrations of salt in the winter months; can Lake Carmel handle this additional storm water runoff along with the wastewater runoff over the following decades? What are the proven, scientific facts that support your conclusions, "impacts to Lake Carmel will not occur," (pg 1-9)?*

*As the effectiveness of storm water catch basins decreases with age, the likelihood of contamination to Lake Carmel will increase. The DEIS does not address any cumulative, long term affects to Lake Carmel or the adjacent properties from any of the site's runoff (waste water or storm water). The developer needs to supply the Board with answers to the above mentioned questions as well as remediation scenarios, including who would cover the cost of remediation, should contamination to Lake Carmel occur in the years to come.*

**"No views from significant aesthetic resources have been identified that will be adversely affected by this project." (pg 1-22 DEIS)**

*Instead of looking at wildlife, trees and stars in the night sky, the residents who live adjacent to the project will be looking at walls, buildings and street lights. The developer doesn't consider this change in lifestyle to be an adverse affect - DO YOU?*

**Traffic (pg 1-10 DEIS), "the action is expected to generate 1,571 trips during the weekday peek hours."**

*These same peek hours with additional truck traffic and site traffic coincides with Carmel Central School District's buses traveling the same roads bringing our children to and from school. Increased truck traffic with school buses present, raises safety concerns for our children which is not addressed. At present, some of our children spend 1 hr. on the bus going in one direction to get to school or back home. Traffic back-ups, stopping for traffic lights, extending these bus trips is an extreme hardship to place on small children (especially our 5 yr. old kindergarten students). Already long work commuting times, will get even longer decreasing the quality of life for our working families.*

**Get the developer to answer the questions presented unbiased, before reaching a conclusion!**

***Not long ago, we fought with all of our heart to maintain Patterson's quality of life, when we stopped the county from putting a landfill in the heart of our town.***

***What has changed in these past few years to make us compromise what we once believed in so strongly – that we would allow a developer to put a giant septic pool on top of one of our hills, next to our neighbor's families?***

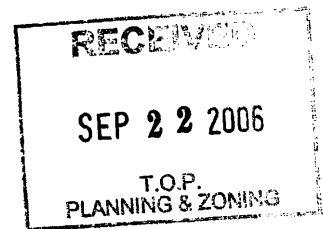
- ***Take a good, honest look at Exit 19, Brewster Heights Home Depot, especially at night.***
- ***Is a development like Brewster Heights appropriated for us & our Lake Carmel neighbors?***
- ***Does something as enormous as Patterson Crossing really fit in with our lifestyles, with our town?***

***I moved to Patterson 20 years ago seeking a better, peaceful, healthier lifestyle for my family. These are the same reasons many people before me and many others after me have moved here for, maybe even you!***

***Do we need some retail development in Patterson? Yes.***

***Do we need a Costco, a Lowes and an immense development like Patterson Crossing? NO – according to the information contained in this DEIS!***





Jean-Yves noblet  
94 McManus Road South  
Patterson, NY 12563

Town Of Patterson, Planning Board  
P.O. Box 470  
Patterson, NY 12563

Attn: Mr. Herbert Schech, Chairman

Dear Mr. Schech,

I am writing in regards to the Patterson Crossing project, I think this project is wrong for a number of reason:

**1/TRAFFIC**

The developer promises Patterson Crossing would bring an **ADDITIONAL 1,600 - 2,200 vehicles** per peak hour to Route 311 and our surrounding roadways! Further, this project would require **SIX** traffic lights within a 1/2 mile of Exit 18! The traffic impact of this project will be **INTOLERABLE**.

**2/JOBS**

Patterson Crossing would bring predominantly retail and service sector jobs to Putnam County. These types of positions tend to be low-paying, part-time, and transitional and **are not** the type of jobs Putnam County residents need. The developer would like us to believe that "young people" and "seniors" would need Patterson Crossing's jobs. Reality just doesn't support this. There are many retail/service jobs available in Putnam County (everywhere you look there are "Help Wanted" signs!). ***There are just no takers for these jobs!***

What Putnam County residents **DO** need are **full-time high-paying professional level jobs** close to home so we don't have to spend 2 HOURS of our day commuting to these kinds of jobs outside Putnam. Patterson Crossing's developer says the root cause of the Putnam Paradox is "lack of shopping opportunity". That's false - Putnam residents tend to shop elsewhere because we spend the majority of our time commuting to jobs outside the county and working at jobs outside the county. Bringing high-paying professional level jobs to Putnam County will keep residents close to home - residents that **WORK** in the county will **SHOP** in the county.

**3/WATER QUALITY & SUPPLY**

The project site's proximity to one of the most densely populated residential areas in Putnam County, Lake Carmel, and two New York City Watersheds makes it an **extremely risky** area in which to build a project of this type and scale. Any "planning errors" or "mismanagement" pertaining to stormwater, sewage handling, and blasting would pose a very serious and **very expensive** predicament for residents and the towns of Kent & Patterson.

Further, a 439,500 square foot retail center sharing a groundwater supply with a densely populated residential community is downright disconcerting. According to the developer, **15,676 gallons of groundwater** will be used DAILY at the proposed Patterson Crossing project site !

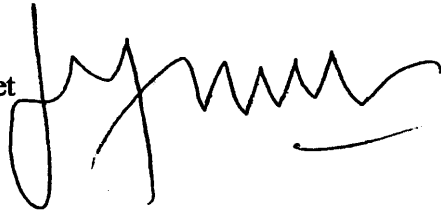
**3/PROPERTY & SALES TAXES**

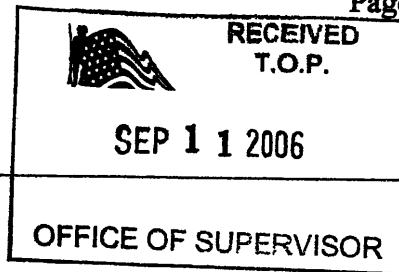
The developer would have us all believe that Patterson Crossing would provide residents with tax relief. This is *false* - big-box commercial development does not results in lower taxes for residents. To the contrary, taxes tend to rise due to the additional infrastructure and town service costs these types of developments impose on taxpayers.

I ask the planning board to reject this project.  
Thank you for your attention.

Sincerely,

Jean-Yves Noblet

A handwritten signature in black ink, appearing to read 'Jean-Yves Noblet', with a stylized, wavy flourish extending to the right.



**supervisor**

**From:** Oskom@aol.com  
**Sent:** Sunday, September 10, 2006 10:11 AM  
**To:** supervisor@pattersonny.org; anordstrom@townofkentny.gov; amp2@ci.carmel.ny.us; supervisor@townofsoutheast-ny.com; sdavis@putnamvalley.com; pedc@computer.net; dbruen@bddinsurance.com; jbyron@pattersonautobody.com; bill@brewstershell.com; info@kennyscarpetone.com; think6@ix.netcom.com; dr\_joseph\_ross@hotmail.com; rayruyack@suscom.net; slominsguy@yahoo.com; gmlamato@suscom.net; jldidio@bddinsurance.com; sbg@putnamfcu.org; ourpearle@suscom.net; randi@kennyscarpetone.com; brewster@suscom.net; Oskom@aol.com; REINWAG@Nationwide.com; JJGCPAPC@cs.com; sanwon@suscom.net; pointman@pointmarketing.com; karlen@bestweb.net; parkford@prodigy.net; sales@mahopacmarina.com; kweiner@dillsbest.com; cdill@dillsbest.com; letters@lohud.com; tacnews@midhudsoncentralnews.com; Campkiwi1@aol.com; dan@eaglecoffee.net; jldidio@ryousatisfied.com; CareersforPeople@aol.com; mthompson@pcofc.org; vmurphy@pcofc.org; cpurdy@pcofc.org; jmattioli@pcofc.org; kevin\_bailey3@cable.comcast.com; PByron1305@aol.com; rthjr66@yahoo.com; richard@pattersonwoodbench.com; dhorkan@pre-cycled.com; m.posner@posner-posner.com; cpurdy@mahopacnationalbank.com; escrivani@coldwellbanker.com; fannydoolittle@yahoo.com; userdancer@COMCAST.COM; george@dwadvisors.com; Amwiede@aol.com; awolfson@alanwolfsoncpa.com; gball@ball4ny.com; campanellafence@rcn.com; WRITE2KC@COMCAST.COM; EWolfson@COMCAST.COM; john@pencilsplus.com; mjf143@verizon.net; MManteo@aol.com; etullio@ny.nef.com; johnporter@COMCAST.COM; greggrimado@allstate.com; reginaali@sayeghlaw.com; putcoleg@putnamcountyny.com; john.tully@putnamcountyny.com; planning@pattersonny.org; joetock@comcast.com; putnamcourier@midhudsoncentral.com; putphoto@hotmail.com

TB  
TC  
TP

**Subject:** Re:Concerned for Independant Local Putnam County Business

**Dear Fellow Local Citizens:**

**As the owner of an independently run local business serving the community since 1987, I would like to declare that I publicly oppose the Patterson Crossing. The reasons are based on studies of the impact to small business and the economic health of a community by large box stores.**

**Small independent business in any community gives back to that community by way of better service, support of local organizations, contributions and general involvement in the community in which we work and live. Large National Corporations that come into a community contribute very little to the community.**

**Studies show that for every dollar spent at a local business 45 cents stays in the community versus 13 cents for a large corporation, due to the fact that the majority of the money goes back to the corporate business headquarters. I have attached a link to a site that I think you will find interesting. There are facts supporting local business, and strong arguments against Patterson Crossing. The studies show in detail the financial impact supported with numbers. If the Patterson Crossing is built, many independent businesses in Putnam County will go out of business. Many towns across America have experienced the influx of these big box stores and I feel strongly that we could benefit from hearing about their economic experiences.**

**There has been little attention given to the impact to local business the economic backbone for this country. This is being overlooked and I want to draw this to the attention of our politicians. How many local business will fail? Drug stores, grocery stores, hardware, appliance, bookstores, restaurants, lumber yards and all the other business that support these companies including advertising, legal service, insurance, accounting etc. How much square feet of prime commercial downtown property will go vacant? This is not being addressed in the latest report. It is the domino effect, and will ultimately affect us all. These major corporations do not purchase locally. With their power to control pricing they will hire from outside the area all aspects of laborers and service providers. The money they make locally will not be spent locally.**

**Since Home Depot came to our community little has been given back to the community. They have performed a few token public service acts. This is public relations money. These major corporations get tax breaks for coming into our community. Is that fair to the local business who can not enjoy the same tax breaks? Small independent business needs to be heard. Sales tax at any cost is not a benefit to our community.**

**I hope all local business owners and all those who are involved with this decision will read the studies that the link provides.**

**Please go to this Link and make an educated decision:**

**<http://amiba.net/recommended.html#studies>**

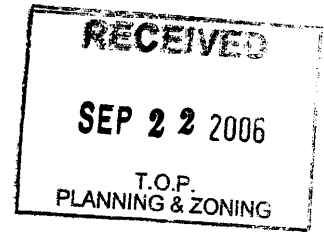
**Public Hearing Sept 13 and 14 at Patterson Recreation Center. 6pm to 11 pm. Concerned Local Business should attend.**

**Please email to other business in Putnam that you know would be impacted. *United We Stand Divided We Fall.***

**Sincerely,  
Rich Osmers,  
Owner Oscom Communications**

September 20, 2006.

To: Patterson Planning Board  
PO Box 470  
1142 Route 311  
Patterson, NY 12563



Ref.: Patterson Crossing Retail Center

Members of Planning Board:

I live in Lake Carmel, 122 Montrose Dr. (corner of Greenridge Rd) and I am concerned with my well, among other things.

A while ago, I wrote a letter requesting a test for my well. I was "informed" that due to the distance of my house to the site, the test was not necessary, I was not in a distance to be affected. I read the report on groundwater (4.4 Groundwater, July 27 2006) and as a matter of fact I feel I am CLOSE ENOUGH TO BE AFFECTED!

It seems the Patterson Crossing Project will affect an area larger than previously projected. Also, if the retail center uses more water than estimated in their draft, then most definitely it would affect the recharge of the entire area ( the study mentions "miles"), not to mention the water quality if they are to expand their septic and drainage fields.

My well has always been in optimum working conditions. Who is going to be responsible if anything goes wrong with my well pressure and quality as well as my house structure in general , the Patterson Planning Board or the developer of the project? I want a straight response to this simple question, and I would like it in writing!

Don't hesitate to contact me if you have any questions. Thank you for your attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise Paron".

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Denise Paron  
122 Montrose Drive, Lake Carmel

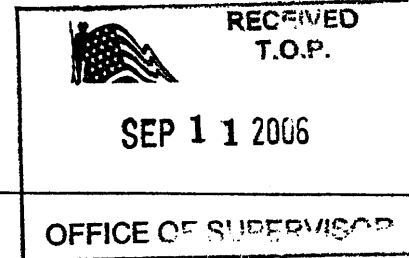
Paron-Poloniato\* 122 Montrose Dr\* Carmel, NY 10512\* paron2@hotmail.com



**supervisor**

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**From:** Pasquerello, Anne [amp2@ci.carmel.ny.us]  
**Sent:** Friday, September 08, 2006 4:06 PM  
**To:** supervisor@pattersonny.org  
**Cc:** jojore@suscom.net  
**Subject:** FW: Patterson crossing



TB  
TC  
TP

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**From:** Michael Cohen [mailto:jojore@suscom.net]  
**Sent:** Friday, September 08, 2006 2:05 PM  
**To:** Pasquerello, Anne  
**Subject:** Patterson crossing

A brochure arrived in my mail today listing the benefits of Patterson Crossing. If malls of this type are so productive why are the taxes in Long Island and Westchester so high? Malls drive down property values, create traffic problems and become magnets for crime. They absorb more tax revenue then they create in the form of road maintenance, police and emergency requirements and a general overall reduction in the quality of life. I hope to God we never see any proposal of this magnitude for the town of Carmel.

Michael Cohen  
Everett Rd.  
Carmel



## **Comments on Draft Environmental Impact Statement for Patterson Crossing**

**Submitted to: Patterson Town Planning Board  
by Melanie Pien, Stephen Pien, Alani Pien, Kai Pien**

**Septmeber 25, 2006**

We are current residents of Route 311 in Patterson and former residents of Vernon Drive in Lake Carmel and we unequivocally oppose this project. The benefits promised by the Developer are highly speculative while the environmental, social, and cultural damage this project will inflict on our beautiful town and the Town of Kent is tremendous and irreversible and cannot be offset by sales tax or property tax dollars or a savings of vehicle miles traveled for shopping.

The Board must carefully review all comments on the Draft Environmental Impact Statement (DEIS) and note the gross deficiencies that appear in this document. If the Developer cannot provide a DEIS that adequately addresses the proposed impacts of this project or provide adequate support for the proposed benefits then there is no assurance that the myriad negative impacts of this project will be properly mitigated or the proposed benefits will materialize?

Comments appear in the order the issues were raised in the DEIS, not in order of importance. Given the Planning Boards rejection of numerous requests to extend the time for submission of comments, our ability to comment on some of the more technical aspects of the DEIS has been curtailed.

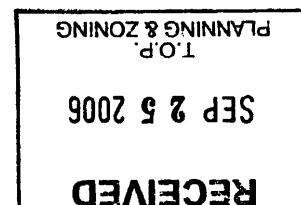
### **2.3.5 Water Supply**

The well that will supply Patterson Crossing with up to 11,000 gallons of water per day has allegedly been sited to "limit potential draw-down effects on neighboring wells," (page 2-18). The DEIS does not provide any evidence to show that neighboring wells will not be affected, particularly in times of drought nor any mitigation plan if wells are affected.

The septic system for the project will have to process up to 11,000 gallons of water per day. As Lake Carmel residents are acutely aware, the failure of a septic system can have terrible implications for the Lake as well as for residents' wells. A septic system failure is not necessarily a catastrophic event which leads to immediate repair. Rather, leakage can occur slowly over a long period of time before a problem is identified and controlled or repaired. The potential for environmental damage from a septic system of this size is enormous and no mitigation plan for future failures is contained in the DEIS.

### **2.3.7 Lighting**

The DEIS states that the developer will provide lighting and signage so that it does not cause glare for drivers on I-84 and so there is no "spill over" of light into surrounding residential areas. Page 2-19. However, more artificial light in the area will create more light pollution, even without glare or direct spill over. Given the project's size a considerable amount of light pollution will be created both for the region as well as for the local neighborhood abutting the project.



Light pollution is cumulative. There is already a considerable amount of light pollution in our immediate area. The red glow of the shopping complex at Exit 19 and from street lights and shopping complexes along Route 22 and in other areas can be clearly seen everywhere in this area.

The ability to view the night sky is part of our natural heritage. With the addition of more light pollution in the area, the beauty, mystery and science of the night sky is lost to the next generation along with an important human connection to the natural world. Preventing children from seeing the night sky is no different than preventing them from seeing trees and plants and wildlife.

In addition, darkness is important for human quality of life and for the well-being of animals and insects. There have been studies in medical journals indicating that loss of darkness at night contributes to changes in human body chemistry which has the potential to negatively affect our health. Lack of darkness increases sleeplessness and stress levels and affects circadian rhythms. Studies and anecdotal evidence, have shown that additional lighting has caused changes in migratory paths of birds and reptiles, changed the paths of pumas, and interfered with tree frog calling (which affects mating ability). [http://news.nationalgeographic.com/news/2003/04/0417\\_030417\\_tvlightpollution\\_2.html](http://news.nationalgeographic.com/news/2003/04/0417_030417_tvlightpollution_2.html). The potential effects of the loss of darkness will have long-lasting implications that may not be seen for many years and that will be difficult, if not impossible, to reverse. This is a serious and legitimate health and quality of life concern. .

## **2.4.2 Operation**

### **Hours of Operation – Construction and Retail**

Lake Carmel residents and residents of surrounding areas who now travel the roads around the site will be subject to construction noise, sights, and sounds for up to 66 hours per week during the estimated 2-3 year period of construction, per the DEIS's estimate of construction work times. This is an excessive amount of time to be subjected to excessively loud construction noise and to be dealing with construction vehicles.

During operation of the stores, these same groups will be subject to traffic and noise during even longer hours as stores stay open until 9 or 10 pm and deliveries can be expected to occur early in the morning Monday through Saturday for some stores and **after hours for others**. The DEIS offers to mitigate the noise of this by siting the delivery areas as far from possible from the residences of Lake Carmel but there is no data here to support their contention that this mitigation is sufficient.

Though lighting will be minimized at night, per the DEIS, there is no indication regarding what time lighting will be minimized or how much it will be minimized.

This is an excessive amount of activity to expect homeowners to put up with. The DEIS provides no real mitigation for this, nor any assurances that work will be limited to the 66 potential work hours per week listed in the DEIS. The DEIS states that "lighting is not expected or required to be used" during the construction phase. (p. 2-24.) It does not say that lighting "will not" be used if the Developer finds it necessary or preferable.

### **Security - Retail**

This section notes that after-hours lighting will be reduced to 50% of the normal lighting (page 2-24). Given the scale of the project's buildings and parking lots, there will remain a significant amount of lighting between 11 pm and 6 am. For more on this issue please see section 2.3.7 regarding lighting and light pollution issues.

### **3.0 Economic and Social Benefits**

#### **3.1 Benefits of the Proposed Action**

##### **3.1.1 Economic**

After supposedly providing support for its argument of tax benefits from the project the DEIS then provides a disclaimer noting that “. . . projected property and sales tax revenues are estimates as some of the actual uses and future tenants . . . are not known at this time.” (p. 3-5). Additionally, it states that the proposed tax figures may differ from reality due to the “manner in which the property is actually developed and assessed.” *Id.* Thus, the DEIS, in its own words, reinforces the fact that tax benefits of the project are speculative at best.

##### **Overall Tax Benefits**

The DEIS states that \$14 – 17.4 million in sales and property tax revenues will be obtained from this project. The DEIS estimates approximately \$600,000 per year will go to the Carmel Central School District (CCSD) from the combined projected sales tax and property tax revenues. (Page 3-1.) Given that the huge increases in the operating budget for the CCSD for 2006-2007 the monies that Patterson Crossing would contribute to the CCSD budget would not offset future property tax increases.

##### **Projected Property Tax Revenues**

Any tax benefits to the County, the School District or other entities are speculative at best. Big box stores often enter into protracted proceedings to reduce their property tax bills and usually win. They not only reduce their tax burden but the tax proceedings cost the municipalities money to defend. *If big box developments really provide the kind of serious tax revenues and benefits proposed by the Developer then places like Westchester, Long Island and New Jersey would have some of the lowest property taxes in the region, not some of the highest.*

While the Developer couches the alleged benefits from projected property tax revenues in terms of a windfall, monies from the tax revenues will have to go to the local highway departments to help maintain the roads that will be used by the traffic generated by Patterson Crossing (DEIS, p. 3-6) and to other expenses associated with it such as emergency services that property taxes go to support.

##### **Projected Sales Tax Revenues Generated by the Project**

Any sales tax figures included in the DEIS are speculative only. They do not account for the fact that often space is not fully leased. In addition, a large percentage of purchases made at the wholesale club are tax free. (p. 3-4.)

Additionally, the Developer admits that existing business will be negatively impacted by Patterson Crossing. The DEIS notes that it will be duplicating services that exist at Brewster Highlands and at other more local businesses. This means tax revenues from Patterson Crossing will not all be new tax revenue but merely **shifted** tax revenue. The shifting will result in negative impacts to other business in Putnam.

### 3.1.2 Environment

The DEIS states that Patterson Crossing will enhance the environment by fixing the eroded drainage channel to Lake Carmel and reducing the vehicle miles traveled by shoppers. However, these are the *only two environmental benefits of the project. The entire rest of the DEIS is dedicated to mitigating the long list of negative environmental and social impacts of this project* which include, but are not limited to, air, water, light and visual pollution, energy consumption, noise, increased waste, and potential property damage.

### 3.1.3 Social

According to the DEIS, because there is ample development in this area to support a retail center such as Patterson Crossing, it should be built. This section supplies facts from the U.S. Census and other organizations showing that this area is ripe for a development such as Patterson Crossing because of the existing demographics. It does not provide any other reason for the development which makes this proposal particularly unappealing given that it will duplicate services and supplies that can be obtained easily in nearby stores both within and without the County. The DEIS fails to provide even one compelling social reason to support this project. The fact that a local business organization, the Patterson Chamber of Commerce, has expressed support for the project does not bolster the need for this project in anyway as the Chambers representation in this matter is limited to the interests of its members.

### 3.1.4 Employment

#### Post Construction Employment Opportunities

As for the jobs created, most will be low paying jobs with little future benefit for the occupants of these jobs. Many of the jobs, because of the need to use heavy equipment, would be restricted to those over 18 so high school students' opportunities for employment would be limited. The opportunity for seniors to be employed would also be limited by the physical quality of many of the jobs that will be created. In addition, at least some of the jobs that are to be created will be created at the expense of existing business which are expected to be put out of business by the overlapping services that Patterson Crossing will provide.

Putnam County needs development of jobs that provide and promote educational opportunities. It needs jobs that pay enough so that residents can live and work in the same community, so that they are not forced to commute to other towns, cities, and states to make a living wage. A development that provided such an opportunity would reduce vehicle miles traveled while providing tax benefits to the county.

## 4.1 Geology

### 4.1.4.A Mitigation Measures

#### Rock Removal

Patterson Crossing will require a considerable amount of blasting within 500 feet of many homes in Lake Carmel. The DEIS estimates that 119,000 cubic yards of rock will be excavated. Page 1-3. This

is a significant amount of rock to be excavated, even if the Developers facts and figures are accurate and the amount of rock to be excavated does not increase. Residents will be burdened with the noise of the blasting, along with the dirt and dust and the potential to have their foundations, homes and wells damaged by the blasting. In addition, these residents will suffer from stress and anxiety associated with this potential damage.

The mitigation plans do not indicate whether residents within 500 feet should be stockpiling water or making plans to evacuate their homes to protect their families everytime blasting is planned. Nor does it discuss the length of time during which residents will be protected by the blasting contractor's obligation to deal with well and foundation problems. It does not address the issue of what to do if problems do not appear immediately after a blast. Are residents supposed to examine their homes after every blast? How soon after every blast? How often after every blast? What if they were not home during blasting? Will all damage from blasting be clearly visible to a homeowner at the time of blasting or must they hire an expert after each blast to ascertain whether there has been damage? How can they sell their homes if they should want to move during the blasting period?

Appendix Q attempts to reassure us that blasting is not a danger to foundations or wells. It states that "[b]lasting typically does not result in damage to existing foundations and wells if the work is completed to industry standards." Appendix Q, p. 3. This begs the question of what happens when work is *not* completed to industry standards. There are many variables that can arise in blasting including accidents and human errors. Any comfort to be taken from the compliance with industry standards is dissipated by the Developer's own statement that "**[l]ocal variations in subsurface conditions or geology may occasionally result in unanticipated impacts to existing structures and wells.**" Appendix Q, p. 3. That the Orange, Westchester, and Putnam Health departments have no recorded instances of well failure as a result of blasting in their records (Appendix Q, p. 3) is merely anecdotal. There is no indication of the whether any of the blasting in those counties occurred in close proximity to homes, the amount of blasting to be done or of any other vital information. This anecdotal evidence supports the notion that no one really knows the extent of the damage that could occur at this site.

Finally, Appendix Q provides a detailed plan for reporting complaints to the Town if a resident believes there has been blast-related damage. If there is damage to a structure, the resident must seek damages from the blasting contractor with no assistance from the Town. The resident will have to provide temporary measures to protect herself and her family, hire an attorney to represent their interests against the insurer's interests, hire contractor's to assess the value of the loss, and oversee temporary and final repairs, all the while living with whatever damage the blasting may have caused. No bond is posted by the blasting contractor or Developer. No fund is available to assist aggrieved families. Given that any funds for repairs will come from an insurance company that is seeking to protect its own interests and those of its investors, families damaged by the blasting could essentially be left with little or no protection.

These "mitigation" plans proposed by the Developer are inadequate to protect anyone from potential damage that for some families could be extreme and devastating, emotionally and financially. Surely the Developer would not allow blasting within 500 feet of his own home, especially in the face of potential damage and such a weak mitigation plan. Given the potential for damage to homes, families, and property values, Patterson Crossing should be abandoned.

## **4.2 Soils**

### **4.2.4 Mitigation Measures**

While we cannot comment on the actual mitigation measures the DEIS proposed to prevent erosion and sedimentation it should be noted that tremendous amounts of rock and soil will be moved during this project and any failures in the erosion and sedimentation prevention plans and systems will have negative, long-lasting devastating affects on Lake Carmel and the waters that feed into it. It is unlikely that no erosion or sedimentation will occur in local surface water.

## **4.5 Surface Water**

Despite the claims of the DEIS to follow BMP (Best Management Practices) and other important requirements of New York's water quality laws, it is unreasonable to put not only Lake Carmel, an important local resource, but New York City Watershed waters at risk for a shopping project of this magnitude. Failure of retaining ponds, whether during construction or years in the future put all surface waters at risk from construction debris, run-off filled with dirt, chemicals, salt and sand.

## **4.7 Vegetation and Wildlife**

Approx. 68 acres of the site would be disturbed. (Page 4.7.6.) While no endangered or threatened species of animals or plants were identified at the site by the Developer's team, the loss of 68 acres of potential habitat forever in more suburban sprawl is undesirable. While we are not suggesting that this land remain forever wild, we are suggesting that a smaller project that would have a lesser impact on vegetation, habitat, and the vista be considered. Through out, the DEIS suggests that any animals using this area as habitat can simply move on and find new habitat. However, as more and more land is used and intersected by roads and highways, there remains little habitat for them move to. It is important to note that all land that is to remain undisturbed (except for those designated "reservation" lands) will be retained in private ownership and none of it will be deeded to the Towns or to conservation groups in order to provide permanent protection of these areas. This leaves no assurance that any undisturbed lands other than the septic fields will not be developed in the future and does not provide for any public use of the undisturbed lands.

A discussion of landscaping plants to be used to attract wildlife to the disturbed areas is incorporated but most of the landscaped areas will be in areas that will have high traffic and human contact rates, thus reducing any likelihood of attracting populations of native animals. Landscaping plants cannot replace the air and noise filtering effects of mature trees.

## **4.8 Traffic and Transportation**

Residents of Patterson and Kent will have to deal with the long-term increase in traffic that Patterson Crossing will bring to the area. The DEIS' Executive Summary presents a chart detailing traffic growth both with and without Patterson Crossing. As a current resident of Route 311, any acceleration in the growth of traffic on our road is unacceptable. While the DEIS focuses on the fact that the largest increases in traffic will be during peak weekday rush hour and Saturday afternoons, it fails to note traffic will increase during all hours of the day, every day as a result of Patterson Crossing. Not only

will there be people traveling to and from the site to shop, but there will be the increased traffic from the alleged 516 jobs that the site will create and deliveries. The Developer's description of the impacts of Patterson Crossing on increases in traffic during peak hours as "relatively modest" (p. 1-11) is outrageous. The Developer's repeated use of undefined, subjective terms such as "relatively modest" indicate an attempt to soft-pedal a serious issue. The Developer should be required to provide more data on the true effects that this project will have on the traffic on Route 311 as well as the surrounding area.

Traffic has increased in the few years since we moved here and has brought with it more garbage on the road and on our lawn, increased vehicle noise, increased road dirt and pollutants, increased travel times and the potential for more accidents. Just a few weeks ago there was a tragic fatal accident at the intersection of 84 and 311 – the very site at which the Developer intends to so greatly increase traffic. Use of our front porch and yard are restricted due to the fact that the noise from passing vehicles prohibits sustained normal conversation, depending on the time of day. While all of these problems will continue to increase under the "No Build" scenario, that scenario is preferable to increasing these traffic related problems by introducing Patterson Crossing to the area.

While the DEIS mentions that prime operating hours are in the late afternoon, these hours coincide specifically with the transportation of children by bus to local schools. Increased traffic both from the construction aspect of this project as well as the operational phase put more cars on the road much faster than the no-build scenario and put our children at greater risk of bus-related accidents.

The project will incorporate create increased road congestion and all of its related problems. This road congestion will occur in addition to the increased road congestion that will be due to "background" growth in the area or growth that is expected to normally occur whether or not Patterson Crossing is built. While the increases in road congestion from background increases in growth will occur over time, Patterson Crossing will greatly accelerate all problems associated with our already over-crowded roads including congestion, additional maintenance, increased signals, increased side-road traffic, and air pollution. Patterson Crossing does not deliver suitable economic benefits to the residents of this area to offset the burdens it will place on residents.

## **4.9 Noise**

### **4.9.5 Future Conditions**

#### **A. Ambient Noise**

The DEIS correctly states that "noise . . . affects the full range of human activities..." (p. 4.9-1.) and notes that the "primary noise receptor" will be the Lake Carmel neighborhood adjacent to the site. However, it is not only the residents adjacent to the site who will be burdened by increased noise. Residents throughout the area will be burdened with increased traffic-related noise. Even as far as our home which is over two (2) miles from I84, the ambient noise impacts us and can be heard nearly anytime of day or night.

To assume that the only impact of this project from an ambient noise perspective are those people who live adjacent to the project is to leave out all of those who live in proximity to Route 311 and I84 as well as all those on the side and back roads that will be attracting increased traffic. While new projects and developments in the area can be expected to bring increases of traffic, when considering the

quality of life of area residents the increases of traffic in the "No Build" scenario are preferable to a huge influx of traffic and its associated noise on top of the expected increase in traffic over the years.

## B. Construction Noise

The DEIS clearly states that residents in the immediate area of the construction will be affected by noise levels of 65 decibels and above which are greater than the current 50-55 decibels at the site. According to HUD, noise levels between 65-75 decibels is "normally unacceptable" and anything above 75 decibels is simply "unacceptable". (See Table 4.9-3 HUD Site Acceptability Standards). According to the Developer, residents of Vernon Drive and Concord Road can look forward to noise levels of between 65 and 90+ decibels during construction period.

The DEIS provides a simple table (see Table 4.9-5) which lists Construction Noise Levels and notes that the "level of impact from these construction noise sources depends upon the type and number of pieces of construction equipment being operated, the duration of the construction activities, as well as the receptors [sic] distance from the construction area." Page 4.9-6. Therefore, it is impossible to estimate the decibel level to which residents, both near and not so near, will be subjected and for how long. Given the estimated two to three years of construction, (p. 2-19) and the potential for construction operations to proceed for up to 66 hours per week residents' exposure to sustained and repeated "unacceptable" noise levels will be enormous. While residents further away will not experience the noise at as great a decibel level, they will still be exposed to increases in background noise that will surely impact their lives.

In terms of mitigation for blasting noises, the DEIS states that residents will be notified in advance of blasting. Unless residents are willing to evacuate their homes during scheduled blasts, it is unclear how notification acts as a mitigation measure. While other activities are specified to have their own mitigations (ie, road placement, rock crushing, etc. ) there is no viable plan for mitigation of the noises that will result of all of these operations occurring at the same time.

## C. Operational Noise

The Developer also attempts to minimize the noise impacts that residents near the site will experience after construction and during operation of the project. Given that the current levels at the site are 50-55 decibels (Table 4.9-4, page 4.9-5), it is difficult to follow the DEIS' argument that *after* construction, but *before* mitigation the noise levels will be only 46 decibels on Vernon Dr. (Section 4.9.5, p. 4.9-9.)

While the DEIS proposes a variety of mitigation measures for the site during operation, its claims that ambient noise levels from the site's operation, the loss of the tree buffer and the increase in nearby traffic will not increase ambient noise levels above their current (pre-development) levels defies logic. In addition, the placement of a 10 foot tall 260 foot long noise barrier to reduce sound will create an eyesore and visual blight on the area.

## **4.10 Utilities**

### **4.10.2 Electric and Gas**

The huge amounts of electricity that will be consumed in this project, even with energy efficiency measures in place, will place additional strains on already constrained transmission systems in New York State. In addition, the load will contribute to the need for more coal and oil powered electric generation from the Mid-West which contributes to air quality problems on the East Coast. Air pollution in the Lower Hudson Valley is not composed only of vehicular emissions but contains sulfur dioxide, particulate matter and other pollutants that travel from the Mid-West electric generation plants.

Mitigation for this matter might include a commitment to purchasing electricity derived from primarily renewable sources or incorporating on-site renewable energy generation which would reduce air quality impacts and transmission constraints for our region. However, the DEIS fails to recognize that this project will have negative air quality impacts and therefore does not provide any mitigation measures.

### **4.10 Solid Waste Disposal**

According to the DEIS, Patterson Crossing will result in the creation of an additional 189 tons of waste per year of which 1/3 is expected to be recyclables. Page 4.10-3. It states that this waste will be shipped to Danbury, CT for disposal. However, on page 4.10-4 the DEIS states that solid waste will be shipped to Peekskill's RESCO. There seems to be some confusion as to how waste will actually be disposed. In either case, the production of this huge additional amount of waste in Putnam County is unnecessary. While the non-recyclable waste will be shipped to somewhere from Putnam County for final disposal, the creation of this vast amount of waste will surely impact our area. Garbage will be adrift in the parking lots, the roads, and around the buildings. In addition, the chemicals that are used in the facility and that are stored or spilled on site will have to be disposed of and there is no mitigation mentioned for this issue.

### **4.12 Socioeconomic impacts**

The DEIS notes that there will be overlap between Patterson Crossing's retailers and some of those already existing in the area. It reasons that despite this, the overlap will create opportunities for comparison shopping. It appears that DEIS is actually listing improved comparison shopping as a "socioeconomic" benefit, even while it admits that this ability to comparison shop will result in the drawing off of business from existing retailers and does nothing to increase sales tax revenue, only shift it.

While the DEIS states repeatedly that its purpose is to draw more shoppers to Putnam, the benefit of drawing them to Putnam to shop at big box stores rather than at locally owned businesses is dubious. Many studies show that bringing big box retailers into an area depresses wages, drains business from the local area, and removes dollars spent from the local economy. The destruction of local business in order to have "more shopping" in our midst seems like an ineffective trade-off. Access to these studies is available at the Institute for Self-Reliance website at [www.hometownadvantage.com](http://www.hometownadvantage.com). These studies

should be reviewed by the Planning Board prior to making any decisions regarding this project as the socioeconomic benefits of this project, as touted by the Developer, appear to be limited at best. Suggestions in the DEIS that this new development will increase sales at local establishments is self-serving and unsupported.

#### **4.13 Cultural resources**

##### **4.13.2 Visual resources**

The current view of the site is scenic. One has only to drive down 84 towards to Danbury and look up at Exit 19 to see what we can expect to see upon completion of Patterson Crossing. The look and feel of big box wholesale club buildings can be experienced by taking a drive to Brookfield, CT or Fishkill, NY. We will have yet another generic, gigantic, neutral colored set of boxes set on a large parking lot with lone trees here and there poking from the pavement and referred to as landscaping.

While views of the site and its buildings and signs from the surrounding roads are “desirable” from the perspective of the retailers, it amounts to visual pollution. (p. 4.13-7.) The fact that there are other similar developments already polluting the viewshed to the east and west of Patterson does not provide support for further polluting the viewshed. The Developer simply treats the I84 viewshed as a disposable resource.

##### **Landscape Signage and Lighting**

See comments above in Section 2.3.7. Though the DEIS proposes to limit light emissions onto neighboring properties, it does not address the issue of light pollution and its blight on that portion of the viewshed which encompasses the night sky.

##### **4.14.1 Cumulative Impacts**

In each subsection the DEIS downplays the cumulative impacts that Patterson Crossing would have on the environment, energy consumption, solid waste disposal, fire/ems services, traffic and air quality. However, there is a dismissal of Patterson Crossing’s contribution to the cumulative impacts on these resources are not substantiated in anyway. Rather, despite the mitigation measures provided, Patterson Crossing will have substantial cumulative impacts on all of these issues and all of the impacts would be negative.

#### **4.15 Air Quality**

The DEIS fails to support its contention that emissions from vehicles and their contributions to overall air quality in the region will be negligible. Particularly during construction, idling trucks and equipment will be on site. That no truck will be allowed to idle for more than 5 minutes, as suggested by the DEIS’ mitigation plan, is highly unlikely and insupportable. The DEIS also fails to address the issue of increased energy consumption and its impact on air quality from electricity generation. For

more on this issue please see Section 4.10.2 above. The Developer should be required to address and mitigate both of these issues prior to moving ahead with this project.

### **5.3 Alternative Use**

The DEIS' conclusion that any change to the scale of the project would not provide "retail synergy" and other things necessary to make the project viable (page 5-5), while self-serving, may very well be true. However, that is not a persuasive reason to grant the developer the right to install Patterson Crossing as proposed.

### **Conclusion**

**People moved here for the quality of life Lake Carmel and Patterson offer, not for the *shopping*.**

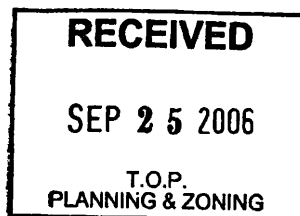
The DEIS states that Patterson Crossing is supported by the Patterson Chamber of Commerce. It should be noted that there are many business in Patterson that are not affiliated with the Patterson Chamber of Commerce. The Patterson Chamber of Commerce is a private organization which represents only the interests of its members. It does not represent the interests of those business not affiliated with it. Nor does it represent the interests of individuals.

The simplest of cost-benefit analyses results in a single determination --- the very real costs and impacts of this project far outweigh its few, hypothetical benefits. There is a multitude of reasons to avoid having Patterson Crossing or some other big box project at this site and of this magnitude. We are not suggesting that property along a highway should be forever wild -- just not this project on this piece of land. Other projects that might provide a more positive impact for Patterson, Kent and the County might include an IT facility, an office or medical complex, an educational facility, or perhaps a smaller shopping center.

If, as the Developer states, the only economically feasible development for this property is a huge big box development that threatens destruction of neighborhoods, homes, surface water, wells, the viewshed, and other aspects of the environment, then maybe this property just isn't developable. If a project can't be scaled to a point where it doesn't inflict undue damage on the environment then the project should be abandoned.

Patterson Crossing will ultimately benefit only the Developer and the national retailers, not the local residents and businesses of Patterson, Kent and Putnam County. Any purported benefits are offset by the damage that will occur as a result of this project. No significant tax benefits will be realized by this project that could possibly offset the long-term detriment that we will all have to live with. Please protect our community...reject Patterson Crossing.





September 20, 2006

SENT CERTIFIED, RETURN RECEIPT MAIL

Town of Patterson Planning Board  
Town Hall  
P.O. Box 470  
1142 Route 311  
Patterson, NY 12563

Re: Patterson Crossing Retail Center  
Towns of Patterson & Kent

Dear Chairman and Board Members:

The following is pursuant to the submission for Patterson Crossing located on Route 311 in the Town of Patterson, New York.

According to Article I - Section 154-1 - Authority and Purposes of the Patterson Town Code, Paragraph I indicates that the Zoning Ordinance Plan is adopted for the purposes set forth in Article 16 - Town Law of the State of New York and more particularly for the protection and promotion of public health, safety, morals and general welfare of the community in the following manner:

Paragraph A - Guiding the Future Development of the Town in accordance with Comprehensive Plan of the Land Use and Population Density that represents the most beneficial and convenient relationship among Residential, Commercial, Industrial and Recreational areas within the Town having regard to their stability for the various uses appropriate to each of them and their potentiality for such uses as indicated by existing conditions in trends and population in the direction and manner of the use of land in building development and economic activity considering such conditions and trends both the Town and the relationship of the Town to the surroundings.

Obviously, the Board needs to carefully consider the relationship between residential and industrial areas in the Town and their relationship. In addition, Paragraph D indicates that the Board should protect the character and the social and economic stability of all parts of the Town and encourage the orderly and beneficial development of the Town. According to the public meetings held on September 13, 2006 and September 14, 2006, the social and economic stability between the new proposed Patterson Crossing and the existing development directly adjacent to the proposed Patterson Crossing appear to significantly impact each other.

Paragraph E indicates that the Town Board has the responsibility for protecting and conserving the value of land throughout the Town and the value of buildings appropriate to the various districts established by this Chapter. Clearly, if Patterson Crossing is built, the value of homes adjacent to this development will decrease and the Board will not have fulfilled its duty for protecting and conserving the value of land as mentioned in this paragraph.

Paragraph F indicates that the Board shall bring gradual conformity of uses of land throughout the Town of Patterson to the Comprehensive Zoning Plan set forth in this Chapter and minimizing conflicts among the uses of land and building. Again, clearly there are conflicts between the Proposed Patterson Crossing and the existing adjacent homes.

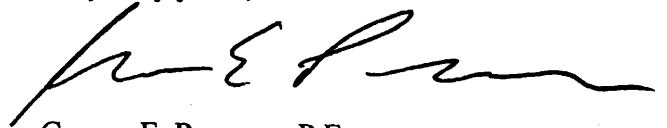
Paragraph G indicates that the Town Board is required to aid and encourage the wise use and sound management of groundwater systems, drainage basins, streams, lakes and ponds and all other natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community. According to the Public Meeting held on September 14, 2006, it is clear that residents feel that the existing drainage basins within the wetlands area have been disturbed or compromised and that existing wells and other site features will also be compromised due to this project.

I strongly suggest that the Town Board carefully review its authority and purpose with regards to this project. It would appear that should the Board approve this project, litigation by the immediate adjacent residents would soon follow.

It would appear that the Board should make its decision with the utmost confidence to ensure that any proposed development is the correct use of this land and in developing this land the community can move forward into the future in prosperity and not unknowingly take on a hindrance or burden. If there are other options for developing this land which are better than those currently being proposed, the Board should identify those options and present them to the property owner. If the Board finds no better option, than those adversely affected by such a decision should be compensated.

I share the above with you as a concerned friend of a family residing in adjacent community.

Very truly yours,

A handwritten signature in black ink, appearing to read 'G. E. Pommer', written in a cursive style.

George E. Pommer, P.E.

**From:** VERONICA POPOVICS  
**Subject:** Written comments submitted following Patterson Crossing public hearing 9/13 & 9/14/06

To the Town Patterson Planning Board:

TEXT PAGE 1 of 2

My name is Veronica Popovics, property owner, resident, and Town Patterson taxpayer. I reside at 50 Concord Road, and my property connects with the upper gated emergency egress proposed for the Patterson Crossing development.

I am presenting to you, the Planning Board, three very significant environmental disturbances the PREdevelopment phase of the Patterson Crossing, have already caused me personally. These are not addressed in the DEIS.

I purchased my home in April of 2004, with a new well completed on the property one year prior. I had no water problems or well disturbances until April 2005: At 11:30 a.m. on Friday April 29th, I was roused by the rumbling and screeching of a large machinery trailer labeled "AJR Site Development" which was trying to round the corner of Echo Rd. onto Concord Rd, driving over the corner of my neighbor (Steve Hill's ) front lawn, to pass in front of my home. The trailer was carrying a clearly labeled "12 ton backhoe" through to the adjoining property entrance gate.

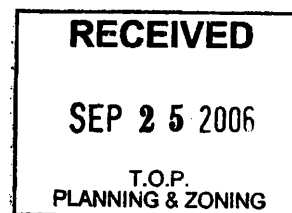
As I or any of my neighbors can report from attending previous Patterson Crossing meetings, developer Paul Camarda had reassured that this area would not be used as machinery thoroughfare. (This was not the first machinery observed at this site, but most certainly the largest and heaviest).

At 7:30 a.m. on Monday May 2, 2005 (the Monday following this April 29th weekend), I was awakened by loud repetitive banging and grinding of machinery, while listening to the vibration of my windows. I went to the young engineer on site who explained to me that he is overseeing a boring company who is drilling "test holes with monitors". The relentless banging on the adjacent property in very close proximity to my home, continued daily, starting at 7:30 a.m. throughout the course of the entire week. These hours of disruption were ones I would have liked to be asleep (as my normal routine) after working through night shift work, caring for critically ill patients.

Secondly, regarding the boring, I present(ed) at the public hearing, a container which holds the contents of the massive amount of sediment and ground disturbance found in MY indoor home well water filter cylinder at the end of the week of hole boring. I QUESTION WHAT TURBULENCE WILL TAKE PLACE, and WHAT MONITOR PLAN SPECIFICALLY IS IN PLACE FOR MY WELL, DURING THE MUCH MORE TRAUMATIC DYNAMITE BLASTING OF THE BEDROCK ON THIS VERY CLOSELY ADJOINING PROPERTY PROPOSED FOR THE PATTERSON CROSSING DEVELOPMENT? WHO PAYS COSTS TO COVER DAMAGES/REPLACEMENT IN THE CASE OF TRAUMA TO MY RELATIVELY NEW WELL?

Thirdly, these (attached) are photos I had taken of the roadway into the same gated area. As a result of the heavy machinery and truck traffic over an approximate 2 month period, this roadway directly in front of my home had undergone this cracking and crumbling. During heavy rains, water would pocket and further erode the destroyed road, AND wash the erosion down my driveway, to pocket and pool at the base of the foundation of my home. I used these photos during the May 25th 2005 Patterson Tax grievance meeting, to show the NEWLY EXISTENT conditions preventing my home from attaining the newly assessed value being assigned to my home. The front brick walkway was eroded, and the foundation of my home saturated, causing repeated water seepage into the crawlspace beneath my home.

[ The repair of this road ironically was NOT done by Patterson Highway Dept, but rather with the much appreciated help from the Kent Highway Dept, who repaved the road in July 2005. My first visit to the Patterson Highway Dept to see Charlie Williams resulted only in a conversation with the receptionist "Margo" who gave me Mr. William's calling card. I was put off over a 2 week period because of Mr. William's unavailability, and was ultimately told to seek help at the Kent Highway Dept, because they perform snow removal for this strip of Concord Road]



TEXT PAGE 2 of 2

JUST IN THE PRE DEVELOPMENT STAGE OF THE PATTERSON CROSSING:

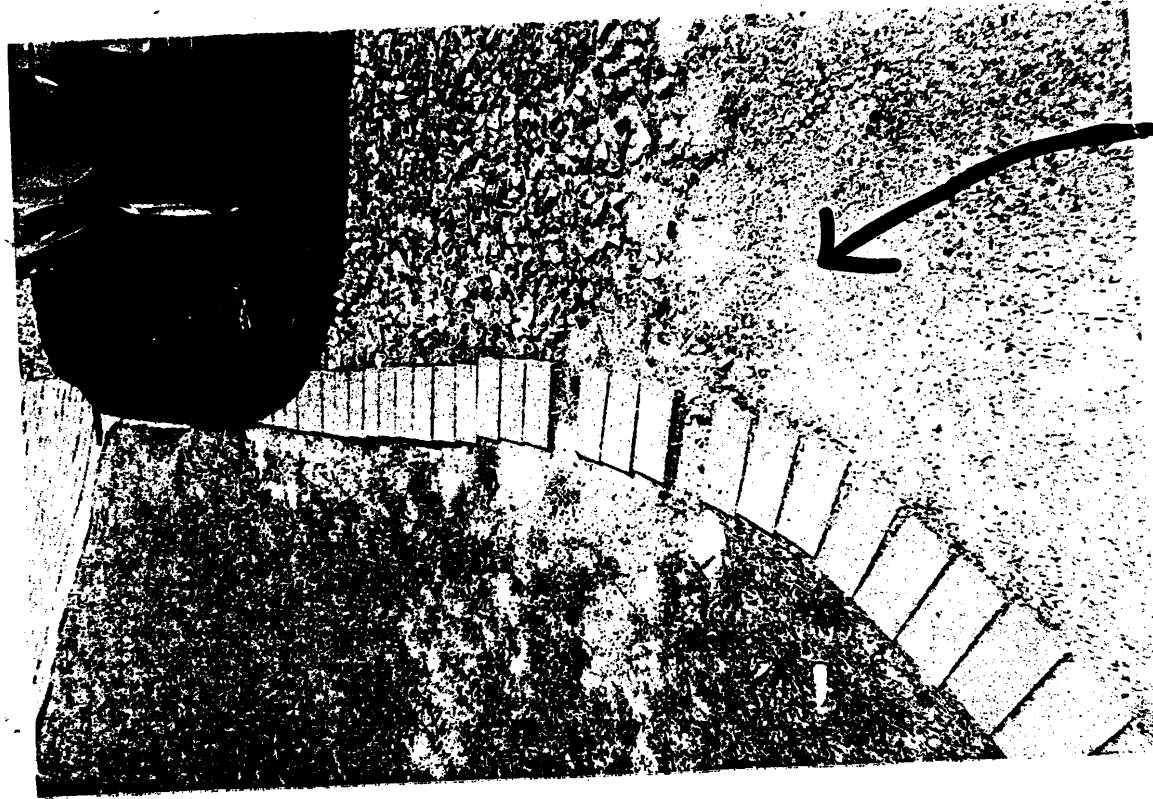
- I have been subjected to disruption of my sleep schedule, and been denied my right to peace and quiet residing in my home.
- I live in pending threat to my home, property, and well from projected close proximity bedrock blasting with dynamite (the scope of which is understated in the DEIS).
- I have had to suffer consequences from a crumbled roadway, including my time use and effort to pursue resolution to a problem I did not create.

In closing, I sincerely urge each of you who sit on this planning board, to take into consideration what I have already been subjected to, for the sake of this large scale retail development planning. Would any of you care to have experienced the same?

I ask that each of you put yourself in the place of any community resident expressing concerns about how this development will impact upon their safety and QUALITY OF LIFE.

This mega development is too large scale for the concentrated surrounding community, and sacrifices of our quality of life should NOT be made, by your yielding to local and county political influences, OR by being influenced by a multimillionaire developer.

A handwritten signature in black ink, appearing to read "Veronica Popovics". The signature is written in a cursive, flowing style with a large initial 'V'.



Sediment from  
damaged road, washing  
into driveway

①

2. (Pooled water in  
damaged road, increases  
water flow carrying  
road sediment down  
the driveway).

Foundation of brick  
walkway washed out  
by water and roadway  
sediment flow.

Resident attempt to  
divert sediment & water  
flow away from front  
house foundation.



3.

Road sediment  
further washing  
down to RIGHT front  
side of house.

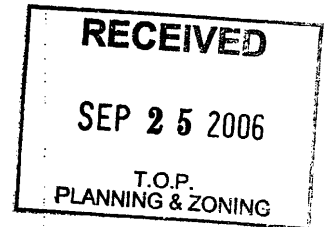


David G. Reeves  
42 Walden Road  
Lake Carmel, New York 10512

Via Express Mail

September 22, 2006

Town of Patterson  
Planning & Zoning Office  
Att: Richard Williams  
Town Planner  
P.O. Box 470  
1142 Route 311  
Patterson, New York 12563



SUBJ: Proposed Patterson Crossing  
Draft Environmental Impact Statement

Dear Mr. Williams:

I have a few questions with regard the "Patterson Crossing" Draft Environmental Impact Statement "DEIS".

All of them have to deal with the memo written by Stantec Consulting Services Inc., of Pawling. This is the firm that was hired by the Town of Patterson Planning Board to review the DEIS. My entire letter refers to Stantec's written memo to the Planning Board dated June 29, 2006.

In this memo Stantec states:

"Based upon our review, we offer the following comments to the Board for their consideration in determining whether the Draft EIS should be deemed "complete".

Should the documents be deemed "complete" our office would recommend that it be conditioned upon the applicant addressing the comments noted below".

1.0 Executive Summary

1.3 Potential Impacts and Proposed Mitigation

1.3.8 Traffic and Transportation

2. The DEIS should clarify the statement " *With the noted improvements, all studied intersections should perform at or better than level of service D, the minimum level of service recommended by NYDOT for signalized intersections*", in regard to un-signalized intersections and intersections where the applicant is not committing to improve the intersection.

**Where is the correction made to the DEIS report as recommended by your consultant?**

**4.0 Environmental Setting, Potential Impacts and Mitigation**

4.3 Topography

1. A new figure (Figure 4.3-4, "Steep Slopes Disturbance Map") has been added to respond to our prior comments. We merely noted that the slope ranges specified in Key be revised to read ">15% and >20% for clarity.

**Where is the correction made to the DEIS report as recommended by your consultant?**

**4.0 Environmental Setting, Potential Impacts and Mitigation**

4.4 Groundwater

1. Page 4.4-4: This document should acknowledge that it will be necessary to provide the Town with a copy of the needed PCDOH variance regarding control of land within 200 feet of a non-community, non-transient water source should be submitted prior to any "final" approval.
2. However, Drawing SP 2.3 places the septic fields within 185' east of the Town of Kent Property Line and private homes along Vernon Lane.
3. This does not comply with the consultant's request.

**Where is the correction made to the DEIS report as recommended by your consultant?**

**4.0 Environmental Setting, Potential Impacts and Mitigation**

4.4 Groundwater

2. Page 4.4-6 and 4.4-7: We have previously raised the issue of the design flow of 10,740 gpd in Table 4.4-3 bring substantially lower than the anticipated daily usage of 35,000 gpd based on NYSDEC standards and the potential maximum square footage. We continue to suggest that the documents be revised to discuss the following scenarios:
  - a. Because there is always the chance for a change in tenant(s), in our view the estimated design hydraulic loading rates should be based on NYSDEC standards and the potential maximum sq. ft. of retail floor area and the number of seats in the food service facility.

**Where is the correction made to the DEIS report as recommended by your consultant?**

#### **4.0 Environmental Setting, Potential Impacts and Mitigation**

##### **4.4 Groundwater**

3. Page 4.4-8: Under "mitigation", it is acknowledge that documented impacts to near by private wells caused by construction will be remedied, including those caused by blasting. However, even though not expected, the possible impacts of long-term use of the developments' wells on off-site should be considered. A possible mitigation plan for such documented impacts should be discussed, as well as an outline of how long-term usage complaints will be addressed by the developer. This will enable the Town, and local residence, to evaluate such a procedure during the EIS review process.

**Where is the correction made to the DEIS report as recommended by your consultant?**

##### **4.5 Surface Water**

4.5.1 "Middle Branch Reservoir Watershed" - The abbreviation used for the United States Army Corps of Engineers in this section should merely be the same as that used elsewhere in the DEIS document (i.e., USACE).

**Where is the correction made to the DEIS report as recommended by your consultant?**

##### **4.5 Surface Water**

4.5.3 "Future Conditions with Project"- Under this section it is stated that "the Applicant has determined this a geomorphic assessment is not required" for this project. A more detailed explanation should be provided as to why a geomorphic assessment is not required for this project, as opposed to merely making the unsupported statement. Was a more detailed explanation provided as to why a geomorphic assessment is not required for this project, as opposed to merely making the unsupported statement?

**Where is the correction made to the DEIS report as recommended by your consultant?**

##### **4.7 Vegetation and Wildlife**

1. Under "Dedication of Restricted Open Space" the text notes that while all open space on the project will remain in private ownership, they will be dedicated as open space through the incorporation of legal mechanisms (e.g. deed restrictions). Since these open space areas do not yet appear to a specifically indicated on any mapping, the DEIS documents should somehow highlight these areas (e.g., by reference to the Post Development Vegetated Areas shown on Figure 4.7-2, or on the Site

Plans. Subsequently, under the continued development of the Site Plans, meets and bounds descriptions of these areas designated as either "open space", "reservation" or "undeveloped" should be included, which could also be referenced in any legal documentation for the project.

**Where is the correction made to the DEIS report as recommended by your consultant?**

**4.8 Traffic and Transportation**

4.8.1 Existing Conditions

1. Measures of Effectiveness - Volume to Capacity Ratio: The following statement in the DEIS should remain (is currently shown in our review copy as "CROSSED OUT", indicating that the text is to be deleted) as it provides clarity. "The NYSDOT goal for volume to capacity (V/C) ratio at signalized intersection for lane groups is generally below 0.95."

**Where is the correction made to the DEIS report as recommended by your consultant?**

**4.8 Traffic and Transportation**

4.8.4 Improvement Measures

1. Potential Area Improvements - NYS Route 311 and Interstate 84 Eastbound and Westbound Ramps: The following statement in the DEIS regarding constraints should be reflected in the analysis. "the limited queue storage on NYS on Route 311 between the Interstate 84 ramps must be considered when phasing the signals at these intersections"

2. The analysis should recognize the significance of queuing that exceeds the storage length of an adjacent lane at all signalized intersections and in particular the Site Drive and I-84 intersections with Route 311. This condition is undetected by the analysis software. Specifically, the analysis should account for vehicles blocked from the adjacent lane and therefore adding to the length of the significant queue; the analysis should also account for reduced capacity due to the blocked lane when approach flow is actually from the queue in a single lane, and not two lanes.

**Where is the correction made to the DEIS report as recommended by your consultant?**

**4.8 Traffic and Transportation**

4.8.4 Improvement Measures

A. Trip Generation

2. The Trip Generation/Trip Distribution approach lacks conservatism.

This results in a low estimate of trips using the I-84 ramps, which might be diverted trips but does not consider them as part of the 25 percent pass by trips. The site abuts I-84 and trips passing on I-84 are likely to see and travel to the site on impulse, as is the functional definition of the pass by trips. The DEIS states that the

trips are diverted from I-84 and are simply inclined in the non passby (also referred to as new and primary) trips.  
By accounting for all of the trips from Route 311, the traffic volume increases on the I-84 ramps are minimized. A more conservative analysis should be applied considering the critical nature of the I-84 ramps.

3. The DEIS should include the traffic volume data to calculate diverted trips from I-84

4. Consistent with the scope ( Section IV.H.c.1 ) regarding the occurrence of peak hour traffic patterns for retail activities, the DEIS should recognize that according to ITE Trip Generation, Christmas season traffic volumes generated by shopping centers are typically 42% greater than the average month.

**Where is the correction made to the DEIS report as recommended by your consultant?**

#### **4.8.4 Improvement Measures**

##### **B. Trip Distribution**

1. Data should be provided to support the generally stated basis for the site trip distribution.

2. Here again, data should be provided to support the generally stated basis for the site trip distribution.

**Where is the correction made to the DEIS report as recommended by your consultant?**

#### **4.8.4 Improvement Measures**

##### **C. Capacity Analysis- Build Condition**

6. The presented concept plans should illustrate dimensioned in order to demonstrate the feasibility of the suggested improvements.

9. The data and analysis supporting the warrants statement should be provided.

12.a Intersection analysis should reflect the constraints and requirements of traffic signal coordination.

12.b The DEIS should explicitly state that increased left turn volume served by a single lane on the I-84 off ramp will severely restrict the through traffic flow on Route 311

12.c The DEIS should document the relationship of the existing volumes based on an April 4<sup>th</sup> traffic count to average month and the peak month conditions.

12.d The DEIS should document that trips generated by shopping centers are typically 42% greater than average during the peak month.

**Where is the correction made to the DEIS report as recommended by your consultant?**

Richard Williams  
September 22, 2006  
Page 6

**4.8 Traffic and Transportation**

4.8.4 Improvement Measures

C. Capacity Analysis- Build Condition

16. NYS Route 52 at Barrett Hill Road

Given the risky maneuver across a center turn lane as suggested, a tow step gap acceptance analysis should be applied.

**4.8 Traffic and Transportation**

4.8.4 Improvement Measures

C. Capacity Analysis- Build Condition

17. NYS Route 52 at Horse Pond Road

Here again given the risky maneuver across a center turn lane as suggested, a two step gap acceptance analysis should be applied.

**Where is the correction made to the DEIS report as recommended by your consultant?**

**4.8 Traffic and Transportation**

4.8.4 Improvement Measures

D. Required Mitigation

1. The DEIS should clearly identify the NYSDOT standard being referenced.

2. The DEIS should identify the resultant traffic conditions with project committed mitigation and absent all other improvements that are not planned.

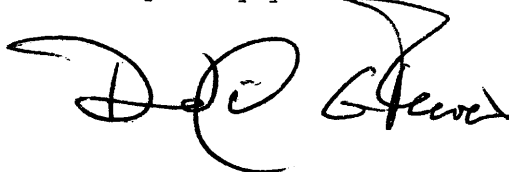
**Where is the correction made to the DEIS report as recommended by your consultant?**

I bring to your attention only a few of the many critical issues raised by Stantec Consulting, the firm selected by the town of Patterson Planning Board and paid for by the **taxpayers** of Patterson to review this draft. I find it alarming and question the Board as to why hire an expert at taxpayer's expense and do absolutely nothing with their advice.

Based on the findings of your own consultants, Stantec, I would strongly recommend that their memo dated June 29, 2006 be given to the developer for corrective action. Until such time you have no choice but to DENY THIS APPLICATION.

I look forward to your written response.

Very truly yours,



David G. Reeves

**cc: Town of Patterson Planning Board**

Herb Schech, Chairman  
Michael Montesano, Vice Chairman  
Maria DiSalvo  
David Pierro  
Shawn Rogan

**Town of Patterson**

Michael Griffin, Supervisor  
Paul Piazza, Building Inspector  
David Raines, Fire Inspector

**Town of Kent Town Board**

Arne Nordstrom, Supervisor  
Kathy Doherty  
Joe D'Ambrosio  
Pat Madigan  
Karl Rhode

**Town of Kent**

Connie Munday, Supervisor

**Town of Southeast**

John Dunford, Supervisor

**Putnam Valley**

Sam Davis, Supervisor

**Putnam County**

Kevin Bailey, Economic Development

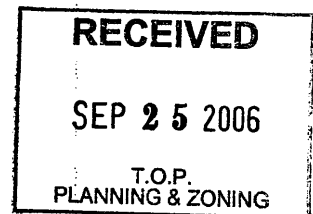


Virginia M. Reeves  
42 Walden Road  
Lake Carmel, New York 10512

Via Express Mail

September 22, 2006

Richard Williams  
Town Planner  
**Town of Patterson**  
**Planning & Zoning Office**  
P.O. Box 470  
1142 Route 311  
Patterson, New York 12563



SUBJ: Proposed Patterson Crossing -  
Draft Environmental Impact Statement

Dear Mr. Williams:

A few questions regarding the "Patterson Crossing" Draft Environmental Impact Statement ("DEIS"):

Proposed Sewer pump on Kent Property?

Why is the sump pump located on Kent property?

When the pump fails will it become Kent's problem and expense to repair/replace?

Why is there no back up pump if this fails in time or needs to be serviced?

Why is there no emergency generator in place to keep the pump operational? What happens if there's a power outage?

Why would the DEP, DEC allow the pump station within 150' of our protected water shed area storm water basin #3.2?

If the pump station ever fails we can expect our drinking water to be compromised?

Why are all the storm water basins within the Kent property?

Who will pay for the installation of these elaborate, but necessary chains of storm water basins? After all the majority of the storm runoff is from Concord Road 40,000 square foot of road surface which is in the Town of Patterson, however is diverted at the north end of Concord Road on to the town of Kent property. Why?

Richard Williams  
Town Planner  
September 22, 2006  
Page 2

Erosion control for the homes south east side of Concord Road  
The grade change from Concord Road and the proposed roadway of the shopping center varies from 0'-0" from the north side of the site to 44'-0"+/- towards the south side of the site in line with lots #22, #23, #24 and #25 as shown on Insite Engineering Surveying, Vicinity Map dated 3-24-06, Revision #1- noted Revised as DEIS Comments.

What were the revised DEIS comments?

Grading and Utilities Plan SP-3.1 Rev.#1, 3-24-06

The Retail buildings shown here Building # F, G, H, & I have customer parking facing the north side of the stores and on the south side of these stores is where the tractor trailers will be when delivering their goods and idling year round. There are "Noise Pollution" and "Air Quality Issues" here that need to be addressed.

The homes affected here are along Brentwood Road, Greenridge Court and Lakeside Road. What recourse do these homeowners have? What guarantee do these homeowners have that hours of operation will be enforced? Who will enforce restrictions? Who sets and enforces noise pollution standards and air quality standards? How often will they be monitored? Who will get the results? Patterson?  
Homeowners?

Layout & Landscape Plan SP-2.3 Rev.#1, 3-24-06

New Waste Treatment Area, Tax Map # 33.-2-23, Septic area, approximately 300,000 Square Feet of area.  
Homes effected here are Kent residence Lot #145, 147, 148, 149, 184, 185, 186, 187, 189, 190, 192, 197,198,199, 141,142,144, 145, 177, 176, 175, 174,173,172. Homes effected here are Patterson residence Lot #145, 24, 25, 26, 27, 28. I could not find anywhere, test results of the necessary perk test for the septic field. Was there a physical perk test performed? If so, where are the results? If not, why not?

**Based on the DEIS report this area has a layer of water within 18" of the ground surface. Based DEIS on the report this may not be a suitable area for the septic field.**

Based on the DEIS reports the off set to the septic field will be 200' from the property line, however the plans have the septic fields 185' from the property lines.

This plan should be changed to comply with DEIS report.

Why was this not done before the Patterson Planning Board accepted the DEIS?

Richard Williams  
Town Planner  
September 22, 2006  
Page 3

#### Grading and Utilities Plan

On this plan to the northwest corner of Building #-1 Coffee Shop I noticed there's a Fire Hydrant. I question why it starts on the Kent property side? However, through the entire site I could not find another single Fire Hydrant? How is this possible? What does this say about the applicants' response to health and safety of the community?

I drove to the Home Depot in Brewster (Exit 19) and found appropriate hydrants in their parking lots as well as the small shopping Applebee's mall across the street. Why was this not required as part of this development? How could DEIS been accepted without the necessary fire fighting apparatus in place?

#### Emergency Exit - Echo Road

Since there is nothing in the DEIS about the emergency exit, what is the developers plan? At whose expense will Echo Road be widened? What about the movement of utility poles? Echo Road is a residential road. Do you plan on making it commercial? What happens to taxpayers/residents front yards?

We live in a different world. How could the omission of an emergency exit been such an oversight? Once the developer comes up with some "emergency scheme" I would suggest it be reviewed and approved by the Kent Volunteer Fire Department as first responders.

Lastly, you hired Stantec Consulting Services Inc., to review the DEIS. In their memo to the Patterson Planning Board dated June 29, 2006, they state:

#### "4.0 Environmental Setting, Potential Impacts and Mitigation

##### 4.4 Groundwater

2. Page 4.4-6 and 4.4-7: We have previously raised the issue of the design flow of 10,740 gpd in Table 4.4-3 bring substantially lower than the anticipated daily usage of 35,000 gpd based on NYSDEC standards and the potential maximum square footage.

We continue to suggest that the documents be revised to discuss the following scenarios:

a. Because there is always the chance for a change in tenant(s), in our view the estimated design hydraulic loading rates should be based on NYSDEC standards and the potential maximum sq. ft. of retail floor area and the number of seats in the food service facility."

Richard Williams  
Town Planner  
September 22, 2006  
Page 4

The Patterson Planning Board should have gone back to the developer with these findings. Why didn't you? How could you have accepted the DEIS based on this grossly underestimated water factor? This finding alone, made by your consultants, in laymen terms means that you accepted this draft knowing that the developer **underestimated water usage by almost 25,000 gallon per day** and that the proposed septic fields cannot sustain this project.

I'm disappointed that the Town of Patterson Planning Board would not extend review and comments an additional 30 days. That said I feel that in the allotted time I raise serious issues that deem this site unsuitable for a project this size. I question if this lot is suitable for any development at all. The last two attempts found a high water table and on the second attempt, the property grade too steep. What changed?

I would strongly recommend the TOWN OF PATTERSON PLANNING BOARD **DENY THIS APPLICATION.**

I look forward to your written response.

Very truly yours,



Virginia M. Reeves

**cc: Town of Patterson Planning Board**  
Herb Schech, Chairman  
Michael Montesano, Vice Chairman  
Maria DiSalvo  
David Pierro  
Shawn Rogan  
**Town of Kent Town Board**  
Arne Nordstrom, Supervisor  
Kathy Doherty  
Joe D'Ambrosio  
Pat Madigan  
Karl Rhode

**Julia Rellou  
34 Granite Springs Road  
Granite Springs, NY 10527**

**RECEIVED**

**SEP 18 2006**

**T.O.P.  
PLANNING & ZONING**

August 23, 2006

Town of Patterson  
Planning Board  
1142 Route 311  
Patterson, NY 12563

Dear Planning Board Members:

Re: Patterson Crossing Retail Center DEIS

I am writing to comment on the Patterson Crossing DEIS before your Board.

I understand the land cover of the proposed Patterson Crossing Retail Center comprises 90.5 densely vegetated acres. Nearly 60% of this forested area is anticipated to be clear cut and replaced by 410,000 square feet of commercial development and 33 acres of impervious surfaces. Only 22 acres are planned to remain undisturbed and in their natural state.

While conservation areas are proposed for one-third of the parcel, the vast majority of this dense forest and an important scenic resource for the people of Patterson, current and future, will be lost forever if this project is allowed to proceed by your Board.

I join fellow citizens in urging your Board not to bring outsized commercial development to your Town that conflicts with what the people of Patterson truly value and need: clean air, clean air, scenic resources, and a semi-rural landscape and town character. All this will be destroyed and lost forever for what applicants of projects like this *think* the people need. Please listen to your people tonight.

I am concerned with the extensive degree of deforestation this project will require and the permanent loss of an important environmental, ecological, and scenic resource for our region. Trees add significant value to a town's character and to individual property values, as numerable studies have shown. Tree roots absorb rainwater, retain valuable topsoil, prevent soil erosion, and help maintain the richness of the soil. This 90.5-acre, thickly vegetated parcel provides critically important natural filtration services to drinking water bodies. These include the unnamed stream that flows through this parcel and into the Middle Branch of the Croton River. Such natural filtration services cannot possibly be replaced by the proposed detention basins across Route I-84 that will access the East Branch of the Croton River.

The Town of Patterson benefits immeasurably from an extensive tree cover. Even a child can tell you that a 90-acre forest is critical to all life. This forest provides habitat, food and shelter for birds,

August 23, 2006

mammals, reptiles, amphibians and invertebrates. This forest plays an integral role in the hydrologic cycle, releasing moisture into the atmosphere through evapotranspiration, therefore seeding clouds and precipitation replenishing rivers and lakes, most notably our drinking water reservoirs in the Croton Watershed. This forest's decomposition leads to the creation of new topsoil and supports a complex assemblage of decomposers, who help remove and render harmless organic debris and litter that would otherwise accumulate and pose health threats. Land areas with high tree removal activity eventually suffer from droughts, desertification of the soil, and extreme heat waves.

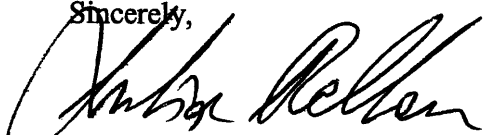
As someone who has studied Conservation Biology and Environmental Science and Policy, I urge your Board to take an in-depth look at the deforestation impacts of the proposed Patterson Crossing project. Losing a densely forested site to development and seeing topsoil that took centuries to create replaced by blacktop and other impermeable surfaces, is an incalculable loss for the people in your town, for wildlife and their habitat, and for the natural systems and functions that define the quality of life in Patterson.

The environmental and ecological impacts of removing a forested area, destroying wildlife habitats, and killing or displacing diverse wildlife are important environmental and ecological considerations that need to be thoroughly addressed and alternatives developed to avoid permanent devastation and loss to natural systems and the health and sustainability of our region. The risk of soil erosion and sedimentation into the drinking water supply--a risk that even the best management practices cannot adequately mitigate; the destruction and fragmentation of wildlife habitat; the loss and displacement of wildlife, resulting in animal populations declining or being marginalized into areas closer to nearby residential zones; the cumulative impact of losing this forest on local precipitation and soil fertility; and the negative interaction between land and water systems along this ecotone, are all unacceptably high risks that this project's DEIS does not adequately mitigate.

Finally, I encourage you to consider the non-commercial value of protecting Patterson's natural resources, including the forested parcel that is the site of the proposed Patterson Crossing project. No dollar value can be assigned to the air quality, water quality, quality of life, and other life-promoting and sustaining services for your town that this forest provides. These are inherent values and deserve strong consideration outside of the narrow constraints of a market value system.

I anticipate that your Board, as part of your review of this proposed large commercial project, will undertake a thorough examination of this project's true environmental and ecological costs and consequences to be born by your citizens, present and future. Doing so will serve public interest, environmental health, and the long-term sustainability and quality of life in Patterson.

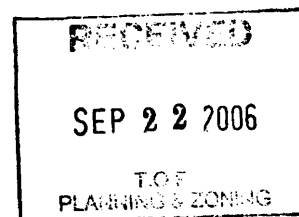
Sincerely,



Julia Rellou

911 Route 311  
Patterson, NY 12563

September 22, 2006



The Patterson Planning Board  
Town of Patterson  
PO Box 470  
Patterson, NY 12563

Attached are my comments relating to the Draft Environmental Impact Statement (DEIS) of the proposed Patterson Crossing Retail Center.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Riebold".

Peter Riebold

*DEIS page 2-3, Section 2.1.3 Objectives of the Sponsor*

Putnam County has experienced substantial residential growth in the past 20 years. This project would address the increasing public demand for commercial facilities by creating a regional retail center that would draw patrons from an approximately 20-plus-mile market area including surrounding towns and counties. The projected market area would be roughly bounded by northern Westchester County to the south, southern Dutchess County to the north, the Hudson River to the west and Fairfield County, Connecticut to the east.

This paragraph clearly states the magnitude of this project, and the geographical area from which shoppers will be drawn. The boundary of the "Hudson River to the west and Fairfield County, Connecticut to the east" stresses the developer's contention, stated throughout the document, that most shoppers will reach the site via Interstate 84. It must be clearly understood that the boundaries stated in this paragraph are clear in stating that this will be a regional shopping center which will draw shoppers from all four directions, many of whom will use our local roads to reach the shopping center.

The paragraph also states that there is "increasing public demand for commercial facilities", but it cites no evidence of this or any study that reached this conclusion. The DEIS also does not explain why "commercial facilities" need to be a shopping center.

*DEIS page 2-4*

Several mitigation measures are proposed to reduce potential noise impacts to nearby residents. These mitigation measures include planning and operational measures, as well as the construction of a physical noise barrier. A sound barrier wall is proposed to run parallel to the site's eastern property line between the wholesale warehouse store and the home improvement center. In addition, a naturally colored modular concrete block retaining wall is proposed along the eastern property line which will contribute to the reduction of Interstate 84 traffic generated noise for residential receptors on Concord Road/Vernon Drive. The proposed buildings would also function as barriers limiting the highway noise that reaches the residential areas to the west. Finally, a fence, which is expected to provide limited noise reduction for residents on Concord Road, is proposed along a portion of the western property line between the existing communications facility access drive and Brentwood Road. The areas surrounding all proposed walls will be landscaped.

The paragraph states that the sound barrier wall and concrete block wall will be situated between the eastern border of the site and Interstate 84 and would act as sound barriers for the homes to the west of the site. It must be noted that while these walls may arguably dampen the sound to the west, they will also reflect and amplify Interstate 84 noise in an eastward direction, causing increased unwanted highway noises to the residential community on the eastern side of I-84.

*DEIS page 3-2, Section 3.1.1 Economic*

### Existing Costs of Services

In its current undeveloped condition, the project site does not require any municipal services or generate costs to the Town of Patterson, Town of Kent, or Putnam County. The site does not currently support residential use, so it does not create any expenses for the Carmel Central School District. The existing cellular communications tower on the site generates de minimus costs related to administration of taxes, and ensuring emergency service access to the tower.

This paragraph clearly states that the site presently does not drain tax money for municipal services or for the school system. Open space is the most economical use of land.

### Projected Property Tax Revenues Generated by the Project

Projected property tax revenues are \$839,934 annually, representing a \$801,959 annual increase. Of this, \$604,646 will go to the Carmel Central School District annually. For the purpose of projecting future property taxes, a per square foot construction cost of \$80 is assumed for the proposed 405,850 square foot retail development and a linear foot cost of \$300 for construction of the nearly 10,000 feet of roadway. Future market value is defined as land value plus costs spent on improvements. Based on the projected equalization rate of 100 percent, the total projected future assessed valuation, including land and improvements used in the analysis, is \$35,468,000.

The calculation used to project future tax revenue from the shopping center is arbitrary. Property values and economic conditions in the region fluctuate over time. Any attempt to predict the future is speculative at best. Even the DEIS states this on page 3-5:

It should be noted that the projected property and sales tax revenues are estimates as some of the actual uses and future tenants at the center are not known at this time. The actual tax revenue generated by the proposed development may vary from the figures presented above based on the manner in which the property is actually developed and assessed.

It should also be understood that it is standard practice for the major box stores to challenge their assessments once the stores are established. Most box stores have legal departments dedicated to this. The town of Southeast has already had to defend its assessment for several stores. The following is an excerpt from the minutes of the town of Southeast Town Board meeting of August 18, 2005:

TOWN CLERKS MINUTES  
REGULAR MEETING  
TOWN BOARD  
AUGUST 18, 2005

CORRESPONDENCE

Correspondence Received

4. Notice of Petition Re:

- A. **Linens 'N Things** against The Assessor and The Board of Assessment Review of The Town of Southeast.
- B. **The Great Atlantic & Pacific Tea Co., Inc.** against The Board of Assessors and The Assessment Review of The Town of Southeast.
- C. **Ninth Jam Development LLC**, against The Board of Assessors and The Board of The Assessment Review of The Town of Southeast.
- D. **Southeast Land, LLC** against The Board of Assessors and The Board of Assessment Review of the Town of Southeast.
- E. **Home Depot USA, Inc.**, against the Board of Assessors and the Board Of Assessment Review of the Town of Southeast.
- F. **Home Depot, Inc.** against the Board of Assessors and the Board of Assessment Review of the Town of Southeast.

Source:

[http://www.townofsoutheast-ny.com/Public\\_Documents/SoutheastNY\\_BoardMin/S007B7A55-007B7A5D](http://www.townofsoutheast-ny.com/Public_Documents/SoutheastNY_BoardMin/S007B7A55-007B7A5D)

As can be seen, Linens 'N Things and Home Depot, two of the largest tenants in Brewster Highlands, challenged their assessments in 2005. It is probable that the other box stores in the shopping center have also challenged their assessments. Also on the list is the large A&P supermarket on Route 22. It is very expensive for small towns like Southeast and Patterson to respond to these challenges. If the stores win reductions in their assessments, the result will be much lower property tax revenue. It would be prudent to be skeptical over any property tax estimates given in the DEIS.

DEIS page 3-6

<b>Table 3-5 Cost of Development Revenue / Expenditure Ratio in Dollars</b>			
	<b>Residential</b>	<b>Commercial</b>	<b>Open Space</b>
<b>Amenia</b>	1/1.23	1/0.25	1/0.17
<b>Fishkill</b>	1/1.23	1/0.31	1/0.74
<b>Redhook</b>	1/1.11	1/0.20	1/0.2
<b>Beekman</b>	1/1.12	1/0.18	1/0.48
<b>Northeast</b>	1/1.36	1/0.29	1/0.21
<b>Average</b>	1/1.21	1/0.25	1/0.36
Source: Scenic Hudson and American Farmland Trust.			

Table 3-5 of the DEIS was developed from information contained in a 1989 publication produced by Scenic Hudson and from the website of the American Farmland Trust. The table illustrates the cost of development for various types of land use for every \$1 of

revenue generated by the land. In the towns of Amenia and Northeast, open space clearly generated lower expenditures than commercial land uses. These expenditures include municipal services and school system expenses. In the town of Redhook, the open space expenditure was equal to commercial land uses. For the other two towns, the expenditures of commercial land use were only slightly under the expenditures of open space. This information strongly suggests that the “no build” alternative to the Patterson Crossing proposal will ultimately cost less to area governments and school districts. A 2002 analyses of the same American Farmland Trust data is contained in a University of Georgia publication entitled, *The Economic Costs of Development for Local Governments*. That publication contains the following table which was derived from data collected from around the United States:

**Table 1. COCS Study Expenditure-to-Revenue Ratios (in dollars) from Around the Nation**

County	Residential	Commercial /Industrial	Farm /Forest/Open Space
Minimum	1 : 0.47	1 : 1.03	1 : 1.06
Median	1 : 0.87	1 : 3.45	1 : 2.70
Maximum	1 : 0.98	1 : 20.00	1 : 50.00

Footnote: these figures are derived from 70 COCS studies that are compiled on the website of the American Farmland Trust (<http://www.farmlandinfo.org/fic/tas/tafs-cocs.html>).

The “minimum” and “maximum” lines clearly state that “farm/forest/open space” produce more revenue than “commercial/industrial” uses. The “median” revenue from “farm/forest/open space” is only slightly below median revenue from “commercial/industrial”. This would again suggest that the “no build” alternative to Patterson Crossing would be the most economical option for our region.

A February 1991 document prepared by the Dutchess County Planning Department examined this issue more closely. The following is an excerpt from that document:

**TECH MEMO**

**THE ECONOMIC BENEFITS OF  
LAND CONSERVATION**

*By Holly L. Thomas, Senior Planner  
Dutchess County Planning Department*

*from page 2:*

**The Scenic Hudson and Cooperative Extension studies and others have shown that commercial and industrial land uses also demand less in services than they pay in taxes. However, it is important to remember that commercial and industrial growth encourages residential growth. Working farms do not.**

The warning is clear: a large commercial area like Patterson Crossing will attract residential growth, which will lead to an increased demand for municipal and school service.

would be limited due to the nearly direct highway access of the project. Because most of the traffic generated by the project would travel on Interstate 84, State routes or County roads (see Chapter 4-8), the potential wear and tear and added maintenance on local town roads as a result of the project is not expected to be significant. A portion of the tax revenues collected by Patterson and Kent can be used by the local highway departments for maintenance of local roads.

This paragraph states the developer's contention that most shoppers would access Patterson Crossing via Interstate-84, state roads, and county roads resulting on little wear and tear on local roads. The developer fails to note that local residents pay federal, state, and county taxes as well as local taxes, and there is no way to escape the cost of road repairs, regardless of which government agency owns the road. The comment that a portion of the property taxes generated by Patterson Crossing can be used to repair local roads suggests that it is appropriate to build the project simply to cover the cost of the damage that will be created by the project. This hardly makes sense. Since the developer claims that the tax revenues generated by the project will be a boom to the area, it must be noted that any property tax money diverted to road repair is money that cannot be used for other purposes, which would lessen the economic impact of building the shopping center. This paragraph makes it clear that the project will create expenses that currently do not exist.

There would be no cost to the Carmel Central School district because the proposed commercial development would not result in an increase in the number of school-aged children. In addition, the project would generate more than \$550,000 in annual taxes for the school district. This revenue would benefit all tax payers within the school district.

The \$550,000 in tax revenue quoted in this paragraph is less than 6/10 of one percent (< .06%) of the \$92,000,000 Carmel School District budget for the year 2006. This is hardly a significant "benefit" to the taxpayers of the district, who would still be responsible for the remaining 99.4% of the budget. The typical taxpayer would not notice any "benefit" in their tax bills.

As described in Chapter 4-11, police protection in the Town of Patterson is provided by the County Police or New York State Police. It is expected that routine patrols of the property by these police forces would occur when the project is operational and one or both forces would respond to emergency call situations at the completed development site. The provision of police services by the County and State would not have a direct cost on the Town of Patterson. However, there will be taxes generated by the project to both State and County coffers that would cumulatively accommodate growth in the service areas of the police.

The term "County Police" is incorrect. This should state "Putnam County Sheriff".

The paragraph also notes that police services provided by Putnam County or New York State would have "no direct cost on the Town of Patterson". Taxpayers pay taxes to the county as well as the state. These police services are not free.

The final sentence in the paragraph states that the project would generate tax revenue to pay for expanded police protection if needed in the future. However, the reverse is also true: if the project is not built, there will be no need for expanded police expenditures to service the shopping center, hence no need to spend tax money to pay for it. The sentence implies that the proposed project will simply consume part of the revenue it will be generating, lessening any beneficial economic impact it will have for taxpayers in the area. This paragraph makes it clear that the project will create expenses that currently do not exist.

#### *DEIS page 3-7*

The provision of other emergency services (e.g., fire and medical) to the project site would only occur as needed and would not have a direct cost to Patterson or Kent. As indicated in Table 3-3, the project would generate tax revenues to the Patterson Fire District and the Lake Carmel Fire Department. These taxing districts exist to generate funds to support the operations of these emergency service providers.

This paragraph states that the cost of fire and ambulance services "would not have a direct cost to Patterson or Kent". This is incorrect. All taxpayers in both towns pay taxes or fees to their local fire departments, which also provide ambulance services. These fees are included with the annual town property tax bills. In addition, Putnam County maintains contracts with providers of advanced life support services, which is paid by area taxpayers through their county property taxes. These services are not free. The paragraph also states that the shopping center would generate funds for the local fire department. As with the paragraphs on road repair and police services, it must be noted that the project will generate an increased demand for municipal services and that any tax revenue diverted to pay for these new expenses lessens any beneficial economic impact the project would have on the community. It must also be noted that while the project may provide additional funds for fire and ambulance services, it will not provide additional manpower. Our local fire and ambulance services are staffed by volunteers.

The July 26, 2006 edition of the *Journal News* reported that Putnam County Executive Robert Bondi signed a \$485,000 contract with Empire Ambulance Corp. to supply ambulance services when any local volunteer ambulance corps is unable staff an ambulance. The article also stated that the County has contracted with Alamo Ambulance Service for advanced life support services. The article noted:

"Fewer volunteers can get to emergency scenes during the workday because they commute greater distances or work more than one job to pay the bills, said [Robert Cuomo, the county's emergency medical services director.] Cuomo, a Patterson resident who became a volunteer there in 1982. The western half of the county has experienced fewer delays, although communities with volunteer response teams throughout the nation confront the same problem, Cuomo said."

The complete article follows:



This is a printer friendly version of an article from the *The Journal News*.  
To print this article open the file menu and choose Print.

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## Putnam to get new ambulance service

By SUSAN ELAM  
THE JOURNAL NEWS  
(Original Publication: July 26, 2006)

Empire State Ambulance Corp., a Fishkill company, is expected to begin providing ambulance service to Putnam within 90 days, a change that is meant to improve response times and fill in for ambulance corps volunteers unable to get to emergencies during the day.

"We signed the contract and sent it to Putnam County today," said Robert Trainor, Empire State's chief operating officer.

County Executive Robert Bondi's administration must now sign off on the Empire State contract that will pay the company \$485,000 in the first year and \$504,000 in the second year.

Alamo Ambulance Service of Poughkeepsie currently provides advanced life support, or paramedic, services to Putnam for \$445,000 a year.

Under the new contract, Empire State would replace two paramedic "fly car" vehicles with two fully staffed ambulances in Putnam's eastern half. It would provide the service only during the day and only if volunteers are not available. If the volunteers can be mustered to transport the patient during the day, Empire would still provide advanced life support. The western portion of Putnam would continue to have coverage from two paramedic fly car vehicles and to provide its own volunteer ambulance transport service.

The Legislature approved the change as a pilot program earlier this month. The two new ambulances would be on call from 6 a.m. to 6 p.m. Monday through Friday. A volunteer ambulance team would have five minutes to assemble a crew before Empire State responds. On nights and weekends when volunteers are more available, Empire would provide paramedic service but not transport.

"Our role is to provide extra support, not to take anything away," Trainor said.

Putnam needed to find a way to get ambulances with advanced life support on board to people experiencing heart failure or an asthma attack during the day in the eastern part of the county, said Robert Cuomo, the county's emergency medical services director.

In Putnam, between 2002 and 2005, response times of more than 20 minutes rose from 8 percent of the time to 25 percent, according to a 16-page report that calls for modified emergency medical services. During the same period, response times of longer than 30 minutes increased from 0.6 percent to 6 percent.

Fewer volunteers can get to emergency scenes during the workday because they commute greater distances or work more than one job to pay the bills, said Cuomo, a Patterson resident who became a volunteer there in 1982. The western half of the county has experienced fewer delays, although communities with volunteer response teams throughout the nation confront the same problem, Cuomo said.

"If a crew is available, they will take the call," Cuomo said. "If they are not available, the new system kicks in."

County Legislator Terry Intrary, R-Kent, chairman of the Legislature's Protective Services Committee, said the new arrangement would make service more cohesive.

"It's not a takeover," Intrary said. "We're concerned about safety and welfare."

Ron McCarthy, a member of the Carmel Volunteer Ambulance Corps, said the change "should have been done a long time ago because most of the people can't get out during the day."

Robert McMahon, the county's commissioner of emergency services, said the new arrangement would cost Putnam less money than remaining with Alamo. Four companies were eligible to submit proposals but only two did, he said.

Alamo receives about \$440,000 from Putnam but planned to raise its rates to more than \$500,000 without any enhancements to its service, McMahon said. Alamo officials did not return calls for comment.

Trainor said the contract with the county would cover about 80 percent of Empire State's cost of doing business. Ambulance fees from customers or their insurance companies are expected to cover the rest.

The sick or injured transported to the hospital by a fire department ambulance do not pay for transport, but they or their insurance company are billed for the paramedic's service.

Trainor said all medics working in Putnam have been offered jobs with Empire State.

### *DEIS page 3-7, Section 3.1.2 Environment*

The project will also reduce travel time, mileage and fuel consumption for local residents that currently travel long distances to shopping centers out of the county or state. The proposed project will benefit local residents by providing them with a wider variety of retail offerings than currently exists in Putnam County, precluding the need for them to travel long distances for comparative shopping and selection of goods that are currently available only in surrounding counties. This could potentially result in a significant reduction in vehicle miles traveled (VMT), resulting in lower vehicular emissions at the regional level, and a significant gas and time savings that would enhance quality of life for these residents. For local

The DEIS states that Patterson Crossing will offer a "wider variety of retail offerings than currently exist in Putnam County". The home center and bath/kitchen store will duplicate similar stores located 3 miles east in the Brewster Highlands Shopping Center. The services offered by the other stores, such as clothing, food, and tires that will be offered in the warehouse store, can be found easily in other stores in Putnam County. The DEIS also states that there may be a "lower vehicular emissions at the regional level" because Putnam residents will shop near home. The reverse is true, however, because Patterson Crossing will actually attract shoppers from around the region resulting in traffic on Putnam roads that would not be there otherwise. This can only increase vehicular emissions in our area. Page 2-3, Section 2.1.3 of the Deis states the wide geographic area that will become Patterson Crossing's market area:

Putnam County has experienced substantial residential growth in the past 20 years. This project would address the increasing public demand for commercial facilities by creating a regional retail center that would draw patrons from an approximately 20-plus-mile market area including surrounding towns and counties. The projected market area would be roughly bounded by northern Westchester County to the south, southern Dutchess County to the north, the Hudson River to the west and Fairfield County, Connecticut to the east.

*DEIS page 3-9, Section 3.1.3 Social*

Another socioeconomic effect of the Patterson Crossing Retail Center project relates to anticipated spin-off of economic benefits for local merchants. While much of the traffic associated with the proposed project is expected to access the site via Interstate 84, development of retail shops and a coffee shop, on the project site would bring some additional visitors to this area and increase the share of expenditures captured by the local economy in the vicinities of Lake Carmel and downtown Patterson. Reducing the number of outside shopping trips would result in a benefit for shops and services in the area. This would include increased sales at local restaurants, gas stations, and in some cases retailers through price comparison shopping by patrons of the proposed retail center that would otherwise not be shopping locally.

In this paragraph, the developer states that most shoppers would access the shopping center via Interstate 84. The DEIS, however, provides no proof of this. The paragraph also states that "some additional visitors" will arrive on other roads. The DEIS provides no evidence to support the claims that shoppers will use one roadway over another. The paragraph does suggest that there will be increased traffic throughout the area as shoppers utilize gas stations, restaurants, or other local shops and services. The paragraph also states that some shoppers will be engaged in price comparison. This is an important point. Even local residents will travel to Danbury or Yorktown or Wappingers Falls to compare prices. The most likely destination for price comparison will be the Danbury/Brookfield area because of the diverse shopping opportunities and the lower sales taxes. Therefore, it cannot be guaranteed that local residents will make their purchases at Patterson Crossing.

Stated objectives of the County and local municipalities also support the need for the Patterson Crossing Retail Center. The 1989 Town of Kent Master Plan describes the lack of shopping opportunities in the town, stating that most residents drive to Carmel for supermarkets located along Route 6 and Route 52, and that deficiencies probably exist with respect to other retail goods categories such as convenience stores, apparel stores, auto supply stores and full service and fast food restaurants. The Master Plan notes that the advantages associated with the Town's location, particularly access to Interstate 84 at Route 311, present an opportunity for attracting businesses in the future.

The DEIS states that the Town of Kent master plan described the need for additional shopping opportunities in the town of Kent. The intent of the master plan, however, was to develop new shopping that would be located within the town of Kent itself, thereby increasing property tax revenue for the town of Kent as well as providing more convenient shopping for all Kent residents. Much of the new development was to be located along Route 52 and not along Route 311. The bulk of Patterson Crossing will be located within the town of Patterson, with most of the property tax revenue to be sent to Patterson, not Kent.

development that is appropriate for large scale non-residential development. It should also be noted that the Executive Board of the Patterson Chamber of Commerce, an organization comprised of local businesses in the Town of Patterson and organized to advance the business, professional, commercial, industrial, civic, and general residential interests of the Town of Patterson, has also indicated its support for the proposed Patterson Crossing Retail Center project.

The DEIS states that Patterson Crossing is supported by the Executive Board of the Patterson Chamber of Commerce, which is described as "an organization comprised of local businesses, professional, commercial, civic, and general residential interests of the Town of Patterson". The executive board, according to the Patterson Chamber of Commerce website, is comprised of the following members:

**Anna's Airport & Limousine Service**  
PO Box 138, Brewster NY 10509-0138  
845-279-2377

Toll Free: 1-800-794-4544  
Contact: Marsha D. Thompson

**Colonialtown Landscaping**  
PO Box 692, Patterson, NY 12563-0692  
845-878-9754  
Contact: Vince Murphy

**Firetec Systems, Inc.**  
PO Box 293, Patterson, NY 12563  
845-878-4447  
Contact: Juan Palacios

**Mahopac National Bank**  
Brewster Highlands Shopping Center  
100 Independence Way, Brewster, NY 10509  
845-279-1710  
Contact: Cathy Purdy

**Prudential Financial**  
360 Hamilton Ave..  
White Plains, NY 10601

914-989-3800  
Contact: Matthew Cuomo

**Rocket WebMedia**  
**Custom Web Site Design & Hosting**  
29 Sunset Dr. Patterson, NY 12563  
845-878-4295  
Toll Free: 800-440-4721  
Contact: Louise LoMeli

**J P L Mirrors & Glass Ltd.**  
Route 164, Patterson, NY 12563  
845-878-3376  
Contact: James Lowe

**3600 Corporation**  
**Full Service Auto Repair Center & Used Car Dealer**  
63 Fairfield Dr., Putnam Lake  
Patterson, NY 12563  
845-278-2362

**Marcy Kniffin, LCSW, RPT**  
1279-83 Rte 311, Hampshire Office Center  
Patterson, NY 12563  
845-309-4571

At least two of these businesses are not even located in Patterson, which puts broad meaning on the term "local". The DEIS does not indicate any support for Patterson Crossing among the general membership of the Chamber. Of the 73 members listed on the Chamber website, 33 list addresses that are not in Patterson. The Chamber, therefore, may not be the best source for opinions of what is right for the town of Patterson. The DEIS should provide evidence that a vote was taken among the general members supporting the Patterson Crossing project. It should also be noted that the developer of Patterson Crossing is a member of the Chamber, and, by virtue of his presumed wealth, is probably its most influential member.

*DEIS page 3-10, Section 3.1.4 Employment*

It is anticipated that the majority of the construction-related workers at the site will come from the Towns of Patterson and Kent and other municipalities in the immediately vicinity. These workers are expected to have a positive impact on existing local businesses, purchasing food, convenience items, gasoline, etc.

The DEIS does not provide any evidence to support the claim that the majority of construction workers will come from the Towns of Patterson and Kent, or anywhere else. To imply that these construction jobs will provide local employment is highly speculative and misleading.

In addition to direct employment, total employment resulting from construction expenditures on this project would include the creation of jobs in business establishments providing goods and services to project contractors. A secondary effect multiplier of 1.5 has been utilized to calculate this benefit, meaning that each new construction employee job would generate 0.5 additional jobs. A multiplier of 1.0 would mean that the construction employee jobs would have no additional job generation effect.

This calculation and its arbitrary multiplier of 1.5 is highly speculative and its use is not substantiated in the DEIS. It also does not list which local businesses or service providers would benefit from the construction expenditures. Also, since construction jobs are temporary and only last for the duration of the project, any beneficial impact to local businesses would only be short lived. Any secondary jobs created would likely be low wage jobs (gas station attendant, convenience store clerk, fast food clerk, etc.) that would last only as long as the construction jobs themselves.

*DEIS page 3-11*

In addition to convenience and tax benefits, the project would also generate a variety of employment opportunities. It is estimated that upon completion and full operation, future businesses at the proposed development will employ approximately 516 employees. These jobs would represent a sizable increase in employment in the Towns of Patterson and Kent and in Putnam County, providing local part- and full-time employment opportunities that do not currently exist in this area. Potential benefactors of these new jobs would include younger workers such as high school students and seniors. The part-time job opportunities would also provide jobs for those recently unemployed as they transition to other full-time employment. According to information from the NYS Department of Labor, a total of 22,850 people were employed within Putnam County in July, 2002. The projected distribution of employment within the proposed development is shown in Table 3-6.

Page 8-1 of the DEIS indicates that the number of permanent jobs created is 549, not 516. The numbers need to be clarified.

The DEIS states that the shopping center will employ approximately 516 employees, but does not provide a breakdown of the types of positions or estimated salaries associated with those positions. The DEIS states that these jobs would provide employment

“opportunities that do not currently exist in the area”. While it is true that these will be new jobs, it is hardly true that these job opportunities do not currently exist in the area. It is the rare grocery store, department store, restaurant, or other retail store in eastern Putnam County that is not advertising for help. In fact, DEIS page 4.12-9, “Disposable Income and Spending Habits” states:

There is an estimated 5,639 households, averaging just under 3 persons per household for a total of 16,080 people living within three miles of the proposed project. The average household income in 2004 was nearly \$89,000 and increased to \$103,000 for households three to ten miles away. Putnam County’s median household income is the highest of all New York State Counties<sup>1</sup>. The retail trade potential for the three mile radius was estimated<sup>2</sup>

Although the household income in the area is high, the population is small. Large box stores can only survive if there is enough customer traffic to drive sales. Patterson Crossing will need to draw shoppers from a wide geographic area to provide the necessary customer traffic. In other words, how many washing machines or plywood boards can the families in Patterson or Kent consume, regardless of the size of their income?

With the per capita income in Putnam being so high, it is doubtful that Putnam County will be able to produce 516 people willing to work for low wages. Patterson Crossing will have difficulty finding 516 employees to staff the stores that will operate there. Many area stores, including those in the Brewster Highlands, like Home Depot and Kohl’s, routinely advertise for workers. It is more likely that most of these jobs will be filled by employees traveling from outside Putnam County.

Long term employment opportunities would be created on the project site for retail and service workers. These jobs would include sales positions, stock positions, managerial positions, coffee shop workers, maintenance workers and administrative positions. Salaries would range from moderate income sales positions and administrative positions to lower paying full time jobs, including clerks and stock personnel, janitorial staff, and service staff. Part time jobs such as some sales clerk positions would provide an employment benefit for local seniors and youth that often seek this type of employment exclusively. The U.S. Department of Labor Bureau of Labor Statistics indicates that nonsupervisory retail industry workers earned an average of \$12.26 per hour in February 2005. For the leisure and hospitality industry, the average hourly wage was \$9.03 in February 2005.<sup>5</sup>

It is presumed that the retail jobs will typically be low wage jobs, as implied in this paragraph. The sample salaries quoted from the U.S. Department of Labor statistics are average salaries and are not indicative of the actual salaries that may be paid by the unnamed stores that will occupy Patterson Crossing.

*DEIS page 4.1-3, Section 4.1.4 Mitigation Measures*

The quantity of explosives would be limited to the amount necessary to fracture the rock without endangering persons or property. Before firing, all targeted areas would be covered with a suitable protective device to prevent escape of broken rock. Warning flags or other means would be used at a reasonable distance to give proper warning to the public at least three minutes in advance of firing. Blasting would not be conducted between the hours of 5:00 PM and 8:00 AM, nor on Sundays.

This paragraph implies that blasting will take place any day other than Sunday. However, page 2-23, section 2.4.2 Operation states:

Should the need arise for blasting, any blasting would be done in full conformance with applicable codes. Prior to blasting, a general blasting schedule would be developed and a blasting permit would be obtained from the Building Inspector covering the specific blasting operation. Blasting would be conducted between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, and would not be conducted on Saturdays, Sundays or national holidays.

The developer must clarify whether blasting will take place on Saturdays or on national holidays.

*DEIS page 4.4-6, Section 4.4.2 Future Conditions Without the Project*

It is anticipated that groundwater future usage, without the Patterson Crossing Retail Center project would be similar to current conditions, with minor increases in water usage expected due to continued local growth and development. Limited future development may occur along Fair Street, south of the site and along Route 52, north of the site. Physical constraints such as steep slopes and wetlands will also limit future growth and development in the vicinity of the site. Therefore, without the project, the future use of groundwater will increase proportionately with local residential and commercial growth on the limited parcels available for development.

This paragraph states that "limited future development may occur along Fair Street, south of the site and along Route 52, north of the site". The Town of Patterson zoning map, however, shows a large "C-1" zone along Route 311 east of Fair Street, a smaller C-1 zone on Ludingtonville Road north of Route 311, and a large "I" zone straddling Interstate 84 from the Kent town line east to Fair Street. These areas are substantial in size, and the town of Patterson is favorable to the commercial development of these areas. The DEIS does not mention these sites for future development even though they are located near the Patterson Crossing site and will presumably draw water from the same aquifer.

*DEIS page 4.4-7, Section 4.4.2 Future Conditions With the Project*

The project is proposed to be comprised of dry retail with the exception of the wholesale warehouse store and the coffee shop. Water use and wastewater discharge will therefore be primarily associated with restroom usage. The use of water saving plumbing fixtures, as required by the building code, would further limit water usage at the site. Please note that irrigation water will be supplied by a separate system that will collect and store roof runoff for that purpose.

The paragraph mentions the irrigation storage tank that will be supplied by rain water collected from roof runoff. The DEIS does not mention a backup irrigation plan if drought conditions limit the amount of rainfall available to fill the tank. Presumably, in times of drought, water will be drawn from the wells to irrigate the landscaping. The DEIS must state how much water will be drawn from the wells for irrigation and the effect of such pumping on area wells.

<b>Table 4.4-3</b> <b>Hydraulic Loading Rates Based on Hydraulic Loading Rate Table</b> <b>(The following design flow rates are based on unit flow rates as published in the NYSDEC Publications "Design Standards for Wastewater Treatment Works" since no actual water usage data is available for these users)</b>			
User	Employee Restroom Usage	Customer Restroom Usage	Total
Clothing Store	15 GPD/employee x 15 employees = 225 GPD	5 GPD/use x 50 = 250 GPD	475 GPD
Sporting Goods Store	15 GPD/employee x 28 employees = 420 GPD	5 GPD/use x 100 = 500 GPD	920 GPD
Retail Store	15 GPD/employee x 15 employees = 225	5 GPD/use x 50 = 250 GPD	475 GPD
Retail Store	15 GPD/employee x 15 employees = 225 GPD	5 GPD/use x 50 = 250 GPD	475 GPD
Subtotal based on hydraulic loading rate table			2,345 GPD
Less 20% Reduction for water saving plumbing fixtures			470 GPD
<b>Total design flow based on hydraulic loading rate table</b>			<b>1,875 GPD</b>
Source: Insite Engineering, Surveying, & Landscape Architecture, P.C.			

The number of employees is based on retailer statistics provided in the DEIS. The employee flow data is based on the NYSDEC reference standard. The customer usage is based on projected customer restroom visits and a per visit flow of 5 gpd/use. The 5 gpd/use is a conservative estimate for a customer restroom visit which will utilize the water closet and lavatory.

Table 4.4-3 estimates employee and customer water usage in four of the retail stores. The paragraph explains that customer usage is estimated at 5 gallons per customer restroom visit. It can be assumed that an employee would use the same amount of water per restroom visit. The employee usage estimates appear low. For example, the clothing store will have 15 employees each using 15 gallons per day for a total of 225 gallons per day, according to table 4.4-3. If each employee's restroom visit uses 5 gallons, this estimate indicates that each employee will use the restroom 3 times each day. These types of stores are typically open 12 or more hours per day. It is likely that more than 3 restroom visits will be made over the 12 hour period by each employee.

It is understood that at least two work shifts will be utilized to staff the 12 hour day, which will make the water usage estimate more complicated to calculate. If a full time employee works 8 hours, 3 restroom visits might be typical. A part time employee covering the remaining 4 hours might make 2 restroom visits, for a total of 5 restroom trips, not the 3 that is used in the simplistic estimate given in table 4.4-3.

*DEIS page 4.4-11, Section 4.4.4 Mitigation*

Recognizing the fact that the project will be serviced by a subsurface sewage treatment system (SSTS) with an engineered available capacity, project wastewater flows will be limited to the 10,740 gpd design flow. Future retail users must have wastewater flows which fit into the flow projections for the project. In order to assure the project wastewater design flow is not exceeded the applicant would agree to appropriate controls to assure each user's wastewater flows fit the project's design flows. One such control would require each specific user present the Town Building Department with a wastewater design flow at the time they apply for their building permit, or with any change in occupancy. This will allow for the monitoring of design flow to assure that all users wastewater generation falls within the system design capacity. It should be noted that actual water and wastewater flow metering/monitoring will be required as part of the water and sewer permitting with the PCDOH, NYCDEP and NYSDEC. This metering/monitoring will provide an assurance that the actual project flows do not exceed the system design capacity.

This paragraph discusses controls that would be needed to ensure that "future retail users" do not exceed the "10,740 gpd design flow" for the project. The paragraph states "One control would require each specific user present the Town Building Department with a wastewater design flow at the time they apply for their building permit, or with any change in occupancy". This implies that there will be future construction or expansion of the Patterson Crossing Retail Center beyond the project description contained in the DEIS. The DEIS must state whether additional construction or expansion of the shopping center will be considered in the future, and how it will fit into the original layout as described in the DEIS. The developer cannot be allowed to undertake any expansion of the complex after the initial project is approved. Allowing the developer to do so would allow the developer to skirt this SEQRA process. If no future construction is permitted, this must be clearly stated in the DEIS and appropriate legal measures must be taken to enforce it.

The project will not result in the introduction of a gasoline service station or petroleum storage tanks to the site. Therefore, based upon the proposed retail uses, a formal spill contingency plan is not necessary for the site. Development of the project site introduces the potential for minor spills of petroleum resulting from vehicle accidents. Spills would first reach internal roadways and parking lots and then travel to stormdrains if drains are in close proximity to the spill location. Spills from vehicles at the Patterson Crossing Retail Center site will be responded to by emergency service providers and depending upon the size and extent of a spill, by a NYSDEC contracted spill response firm.

The home center and warehouse stores will sell bulk solvents, paints, and automotive fluids which are flammable and dangerous to the environment. Putnam County has limited manpower to deal with spills. A formal spill response plan is necessary.

*DEIS page 4.5-17, Section 4.5.3 Future Conditions with Project*

Swales and detention basins will not retain standing water for intervals much more than 24 hours, thus preventing their use by mosquitos or other aquatic species which utilize standing bodies of water for completing their life cycles. Wet ponds will retain pools of standing water, which may persist long enough to be populated by a variety of local aquatic species, including mosquitoes. This condition is typical of many stormwater management structures throughout southeastern New York. Natural mosquito control can be built into the final design of the wet basins on the site. Patterson Crossing Retail Center basins will be landscaped to encourage use by a variety of wildlife. Generally, such larger sized intermittent ponds are colonized by balanced communities of species, including both predator and prey organisms, and this balance results in natural control of nuisance insects to the extent possible.

The paragraph states that the swales and detention ponds “will not retain water for intervals much more than 24 hours...” However, during periods of wet weather, this may not be true. Mosquito-borne diseases such as West Nile disease require that care be taken in planning the stormwater management system. To simply state that “This condition is typical of many stormwater management structures throughout southeastern New York” makes light of a public health concern that some municipalities remediate by dangerous aerial spraying of insecticides. A mosquito control plan must be incorporated into the Environmental Impact Statement.

*DEIS page 4.5-19, Section 4.5.4 Proposed Mitigation Measures*

Rainwater runoff from the two most expansive roofs adjacent to the proposed garden center would be collected in bulk storage tanks for use as irrigation or plant nursery watering. The combined surface areas of these two roofs is approximately 6.43 acres, and the roofline runoff system proposed will supply an estimated volume of 10,000 gallons of usable irrigation water per inch of rainfall. Utilization of this runoff source will serve to reduce overall site runoff volume. Runoff will be collected in a 10,000 gallon subsurface tank, and used for irrigation at the proposed garden center. Excess stormwater will be conveyed via an overflow pipe to the stormwater management basins. In drought conditions, water from the proposed water supply system will be used to keep this irrigation tank full.

Other sections of the DEIS have claimed a water usage rate of 10,740 gallons per day. This paragraph, however, clearly states that during periods of dry weather, more than 10,740 gpd will be needed to be pumped from wells to meet irrigation needs. And conversely, in periods of wet weather, additional water will flow into the stormwater management system. The DEIS must detail how the area residential wells will respond to the extra water pumped during dry periods, and how the stormwater system will

handle additional water coming from the roofs if the storage tank is full. During the winter months the garden center will be closed and there will be little need for irrigation of the landscaping. Roof runoff from rain and from melting snow will more likely flow into the stormwater system rather than the storage tank, and may put a strain on the stormwater system. The DEIS also does not give statistics on the water needs of the garden center or landscaping so that the draw on the storage tank can be estimated.

*DEIS page 4.7.6, Section 4.7.1 Existing Conditions*

There is the possibility that habitat on-site could support the eastern hognose snake (Heterodon platyrhinos). This species is listed by New York State as being a species of special concern (NYSDEC, 2001), although it is identified as being locally common in Putnam County. It is a highly secretive species that may utilize the stone walls and wooded areas of the site for cover and feeding. Since this species also is adaptable to new fields, pastures and suburban areas, the proposed development, which will leave large undeveloped areas to the north and south of the proposed building pads, should continue to survive on this parcel if in fact it is present on this site.

This paragraph states that the eastern hognose snake is “adaptable to new fields, pastures, and suburban areas” and “should continue to survive on this parcel...” That is, of course, if it can survive the onslaught of the bulldozers!

*DEIS page 4.7.7*

In general, as a site is developed, many wildlife species move out of the areas of disturbance and upon project completion, the developed areas no longer function as habitat for many species of wildlife. Most species would relocate to similar habitats off-site, with bird species able to fly in search of new habitat and terrestrial species restricted to overland movements. Most wildlife movement from this site would be expected toward the north, south and east (beyond Interstate 84) of the property. These areas offer similar habitat and are less densely developed than the areas to the west.

Many of the interior woodland bird species are migratory, and therefore have always left the subject property in previous years. Upon return, most migratory species will adaptively seek other nearby or regionally available environments in response to alterations to this property. The proximity of this site to other woodlands is expected to provide alternative habitat for most of these species.

These paragraphs discuss the displacement and disturbance to the wildlife populations resident on the project site. The first paragraph notes that “Most wildlife movement from this site would be expected to move north, south, and east (beyond Interstate 84) of the property”. The second paragraph states “The proximity of this site to other woodlands is expected to provide alternative habitat for most of these species.” It must be noted that many animals will indeed flee east onto Interstate 84 or north onto Route 311 where they would be slaughtered by highway traffic. They would also pose a hazard to drivers on both roads, creating a potential for serious injury. It must also be noted that several

large tracts of land in the immediate area are zoned "C-1" or "I", and that the town of Patterson is favorable to the development of these parcels with large commercial or industrial projects. These parcels include a C-1 zone on Route 311 east of Fair Street, a smaller C-1 zone on Ludingtonville Road north of Route 311, and a large "I" zone straddling Interstate 84 from the Kent town line east to Fair Street. Development of these parcels would destroy much of the similar, alternative habitat that wildlife might seek as they are displaced from the Patterson Crossing site.

*DEIS page 4.7.8, Section 4.7.4 Mitigation Measures*

All open space areas on the project site would remain in private ownership, and no dedication to the Town or other conservation-related organization is proposed. As such, the open space and undeveloped areas will remain on the tax rolls at their full assessed value. The Applicant will designate such areas as "open space", "reservation" or "undeveloped" on the site plans.

Under the proposed action, the open space and undeveloped areas will comprise 58 acres of the project site. The areas currently identified as "TO REMAIN UNDISTURBED" and "PROPOSED RESERVATION AREA" on the site plan (Drawing No. SP-1) would be dedicated as open space through the incorporation of legal mechanisms (e.g. deed restrictions) and may be a condition of the Planning Board's final approval resolution. As part of the site plan approval process additional areas may be identified as viable open space areas and dedicated as such through the appropriate legal mechanisms. No public access is proposed for these areas. Areas of the site that will remain undisturbed are shown on Figure 4.7-2 (Post Development Vegetated Area) as well as areas where vegetation will be re-established after construction.

Since the developer would retain ownership of the undeveloped areas and will not deed conservation rights to the towns or to a conservation organization, there is no guarantee that these areas will not be developed in the future. And, as noted above in the comments for DEIS Page 4.4-11, Section 4.4.4 "Mitigation", Sub Section "Potential SSTS Impacts", the DEIS already alludes to future building on the Patterson Crossing site after the initial project has been completed. The nature of any deed restriction and any other "legal mechanisms" must be clearly stated in the DEIS.

*DEIS page 4.8-2, Section 4.8.1 Existing Conditions*

1. NYS Route 311 and NYS Route 164
2. NYS Route 311 and Fair Street (County Road 60)
3. NYS Route 311 and Ludingtonville Road (County Road 43)
4. NYS Route 311 and Westbound Ramp (Interstate 84 Exit 18)
5. NYS Route 311 and Eastbound Ramp (Interstate 84 Exit 18)
6. NYS Route 311 and Ludington Court
7. NYS Route 311 and Longfellow Drive
8. NYS Route 311 and Terry Hill Road (County Road 46)
9. NYS Route 311 and NYS Route 52

Other intersections studied included the following:

10. NYS Route 52 and Barrett Hill Road
11. NYS Route 52 and Horse Pound Road (County Road 48)
12. Fair Street (County Road 60) and Terry Hill Road (County Road 46)

No roads east of Route 164 were studied.

DEIS page 2-3, Section 2.1.3 "Objectives of the Sponsor" states:

Putnam County has experienced substantial residential growth in the past 20 years. This project would address the increasing public demand for commercial facilities by creating a regional retail center that would draw patrons from an approximately 20-plus-mile market area including surrounding towns and counties. The projected market area would be roughly bounded by northern Westchester County to the south, southern Dutchess County to the north, the Hudson River to the west and Fairfield County, Connecticut to the east.

Since Patterson Crossing will draw from a "20-plus-mile market area", it is critical that other intersections be studied. Routes 311, 292, and 22 in Patterson already experience high volumes of traffic. The New York State Department of Transportation has published these traffic statistics:

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
2003 Traffic Volume Report for PUTNAM COUNTY**

22	3.08	RT 164	RT 311	03	16485
22	0.77	RT 311	DUTCHESS CO LN	03	20421
311	0.39	RT 52 KENT COR	CR 46 TERRY HILL RD	03	8391
311	0.70	CR 46 TERRY HILL RD	ACC RT 84I	01	9638
311	1.48	ACC RT 84I	RT 164	02	8934
311	2.21	RT 164	RT 292	02	6407
311	1.36	RT 292	RT 22 END 311	02	9279

As shown, the Average Annual Daily Traffic (AADT) is already very high for Routes 22 and 311, including intersections that were not reported in the DEIS. At the very least, updated traffic accounts should be taken at these intersections:

- Route 311/22
- Route 311/292

*DEIS page 4.8-4*

#### *NYS Route 311*

NYS Route 311 is classified as an arterial two lane road and runs in an east-west direction immediately to the north of the site. It provides access to Interstate 84 at Exit 18. NYS Route 311 connects NYS Route 52 in the Town of Kent to NYS Route 22 in the Town of Patterson. The percentage of trucks in the traffic in one direction on weekday p.m. and Saturday peak hours ranges from zero to five percent.

The paragraph states "The percentage of trucks in the traffic in one direction on weekday p.m. and Saturday peak hours ranges from zero to five percent." While the truck traffic may have appeared low during the hours the survey was taken, weekday truck traffic is moderately heavy due to an active gravel quarry that operates in the hamlet of Patterson north of Route 311. Heavy construction vehicles travel to and from the quarry to transport loads of gravel. It should also be noted that Route 311 has one low-clearance railroad overpass and multiple sharp curves that prevent tall trucks and many long trucks from traveling freely on the road. These hazards require the vigilance of all drivers.

*DEIS page 4.8-9, table 4.8-5*

Table 4.8-5 Fair Street Collision Frequency and Severity Over Three Years				
Location (Node)	Number of Collisions in a Three Year Period	Injury	Property Damage Only	Not Reportable
Town of Carmel to Bullet Road	10	3	2	5
Bullet Road	4	1	3	0
Bullet Road to Tower Road	7	2	2	3
Tower Road	1	1	0	0
Tower Road to Noonan Drive	4	1	1	2
Noonan Drive	3	2	0	1
Noonan Drive to Terry Hill Road	2	2	0	0
Terry Hill Road	2	2	0	0
Terry Hill Road to NY Route 311	5	0	3	2

No fatalities at any of the above intersections.  
Covers period from June 1, 1999 to May 31, 2002. Source: New York State Department of Transportation, May 31, 2005.  
Source: New York State Department of Transportation dated May 21, 2004 and May 31, 2005.

"Bullet Road" should read "Bullet Hole Road".

*DEIS page 4.8-10*

Amtrak provides long distance transportation service with the nearest stops at Rhinecliff and Poughkeepsie. These include the Adirondack, Empire State, Ethan Allen Express and Maple Leaf trains. Amtrak connects passengers with national rail service through New York City, Albany and points north and west.

This paragraph should be corrected to state that the nearest Amtrak stop is Croton-Harmon in Westchester County.

*DEIS page 4.8-37*

An estimated 25 percent of site trips are already or will be on NYS Route 311. Of the remaining trips, 57 percent are expected to travel directly to/from Interstate 84. Of these, 42% of the trips are expected to travel from the south and the remaining 15% of trips are expected from the north.

This paragraph states that 57% of the shoppers will travel via Interstate 84. This is unsubstantiated and arbitrary. The paragraph also states that 25% of the shoppers will travel on Route 311. In 2001, the New York State Department of Transportation computed an Average Annual Daily Traffic (AADT) count of 9,638 at the corner of Route 311 and Terry Hill Road in Kent. In 2002, the AADT for the other end of Route 311, at

Route 22, was 9,279. The sizable additional traffic on Route 311 generated by Patterson Crossing will be too much for the residents of the community to bear.

Twenty-nine percent of trips for the project site are expected to come from the Towns of Kent and Carmel (from the west). This traffic will predominately use NYS Route 52 and NYS Route 311. The remaining 14% of trips would be from the Town of Patterson (from the east). The trips traveling west would come from NYS Route 164, NYS Route 311, and US Route 22 areas. The trip distribution from the site is shown in Figures 4.8-6 and 4.8-7 for the weekday p.m. and Saturday peak hour.

This summary ignores traffic from Dutchess County to the north and nearby Connecticut to the east.

*DEIS page 4.8-45, Section 4.8.4 Improvement Measures*

Development of the site will generate \$6.2 to \$7.4 million in sales tax revenue per year to the County and \$7.0 to \$8.4 million per year to the State of New York. This will more than offset the costs for completing the highway infrastructure improvements noted. NYS Route 52 and NYS Route 311, where improvements are identified, are under State jurisdiction. No improvements have been suggested in this report for the intersection of Fair Street and Terry Hill Road, a County intersection based on the existing geometry favoring left turns onto Terry Hill Road.

The sales figures quoted are unsubstantiated estimates. Some of the proposed stores, including the clothing store, the warehouse store, and the sporting goods store, will sell articles of clothing that are exempt from New York State sales tax. The New York State sales tax on clothing under \$110 was dropped effective April 2006. The sales taxes generated by the shopping center will be lower than the estimates given here.

The paragraph also notes that the cost of road improvements will be offset by the sales taxes generated by the shopping center. It can also be said that the sales taxes generated by the project will pay for the road improvements that would not have been needed if the project were not built. The sales tax revenues will simply be consumed by road construction made necessary by Patterson Crossing. The developer should pay for the road improvements, not the taxpayers.

*DEIS page 4.8-46*

Signalization and coordination should provide a better level of service. Apart from signalization, certain geometric improvements are needed to achieve acceptable level of service including the following:

- a) Provide an extra through lane at westbound NYS Route 311 at eastbound off ramp.
- b) Widen both the off ramps so the right turn lanes can be striped as formal lanes.
- c) Provide a second left turn lane at off ramp of westbound Interstate 84.
- d) Provide a separate left turn lane for eastbound NYS Route 311.

These geometric improvements will have little effect on traffic. "Striping" a formal left turn lane or right turn lane from the exit ramps of Interstate 84 will do no good. At peak travel time, drivers currently create informal turn lanes. The presence of the stripe will have no effect on traffic movement.

An extra westbound through lane, as suggested in item "a", would create a bottleneck at some point west of the Patterson Crossing site when Route 311 becomes a one-lane road again.

Providing an additional left turn lane from the westbound exit ramp of I-84, as suggested in item "c", will require an additional westbound through lane on Route 311. This is not obvious in the DEIS. Without an additional westbound lane on Route 311 between the eastbound and westbound ramps (under the overpasses), the two left bound exit lanes would bottleneck immediately as they try to merge onto the single lane Route 311. This would cause spillback into the intersection and prevent traffic from clearing the westbound off ramp.

#### *DEIS page 4.8-47*

The traffic signal analysis includes key aspects of signal timing including short cycle length and queue management. Short cycle lengths on the signals are important in maintaining the short queue lengths on NYS Route 311 between the Interstate 84 ramps. Queue management is as important as level of service when considering volume at an intersection. Priority needs to be given to the westbound off ramp traffic to avoid the potential of backing traffic up onto Interstate 84 through lanes. This ramp would have green time priority over the NYS Route 311 southbound approach to the intersection. As the volume of traffic on the ramp is expected to increase faster than the NYS Route 311 traffic traveling from Patterson, capacity on NYS Route 311 will need to be reduced to compensate for increases in ramp volumes. The purpose of adding traffic signals to NYS Route 311 is to shift capacity from NYS Route 311 to the side streets. The increased capacity for the minor street, permits the minor street traffic to enter NYS Route 311 more easily.

The paragraph describes the need to move traffic off the westbound exit ramp of Interstate 84 onto Route 311 to avoid a spillback onto the traffic lanes of westbound I-84. This will be difficult to do if two left turn lanes are created on the westbound exit ramp. These two left turn lanes will immediately be forced to merge onto the single lane of westbound Route 311.

The queue between the eastbound ramps of Interstate 84 and the Patterson Crossing entrance must also be kept short to avoid a spillback on the portion of Route 311 under Interstate 84. There is only a short distance between the eastbound and westbound ramps, and it would only take a few consecutive tractor trailer trucks to create a backup. Since the DEIS claims that all deliveries will be made via I-84 and that most shoppers will arrive via I-84, this problem must be studied closely and the comments of the New York State Dept. of Transportation must be included in the DEIS. Providing traffic signals, however, cannot clear the single westbound lane of traffic quickly.

Although an additional westbound through lane appears needed between the eastbound and westbound ramps, construction of this extra through lane may not even be physically possible because of the way the Interstate 84 overpass over Route 311 is constructed. The bridge is a set of steel girders supported at both ends by concrete abutments. The abutments end at the edge of the paved shoulders. To create an extra lane, the shoulders would have to be substantially narrowed. There would then be one single eastbound lane and one westbound lane (the rightmost lane) that would be dangerously close to the abutments. The new shoulder would also be too narrow to permit a disabled vehicle to be moved off the traffic lanes. Tractor trailer trucks may also have insufficient clearance on the outer lanes. These abutments are critical to the support of the bridge and cannot be modified unless the bridge is redesigned and rebuilt. It is doubtful that the NYS Dept. of Transportation would be willing to approve this scheme and even more doubtful that it would spend millions of dollars to reconstruct the roadway and the bridges, or undertake any construction project that might slow traffic on the interstate highway. Such construction would be a long term project causing much inconvenience to drivers on both I-84 and Route 311. It is highly doubtful that the developer of Patterson Crossing would pay for this work. Since the addition of an extra through lane may involve more than restriping the existing lanes, the NYS DOT must be consulted for recommendations, and the comments of the NYS DOT must be included in the DEIS. It is inappropriate for the developer to include any traffic remediation suggestions without including the comments from the NYS DOT or local highway departments.

The last two sentences in the paragraph also state that the "purpose of adding traffic signals to NYS Route 311 is to shift capacity from NYS Route 311 to the side streets". In other words, traffic will spill onto the local streets as a result of Patterson Crossing.

#### *NYS Route 311 and Fair Street*

The level of service for the minor street movements operates at level of service F during the Existing Condition in the p.m. peak hour period. The delays on Fair Street will increase in the No Build Condition and Build Condition. The delays on the minor movement of Fair Street can be reduced by signaling the intersection and adding a separate right turn on Fair Street.

Adding a traffic signal to the intersection of Fair Street and Route 311 will allow traffic to flow from Fair Street onto 311 more easily. However, the backup will simply be shifted to Route 311, the more heavily traveled road, as Route 311 traffic must now stop to allow the Fair Street traffic to move onto 311. The stretch of Route 311 east of Fair Street is also notoriously dangerous, with a steep hill and several sharp curves.

### *NYS Route 311*

The speed limit on NYS Route 311 should be reduced to 30 or 35 miles per hour to reflect the presence of five new warranted traffic signals (see Tables 4.8-11 and 16) and increased traffic volumes associated with the future traffic under the No Build Condition. Additional traffic volume and the proposed site access signal associated with the Build Condition would further the need for the reduction of the speed limit on NYS Route 311.

Long portions of Route 311, both in the Patterson hamlet and in Lake Carmel, already have posted 30 mph speed limits, which are largely ignored by drivers. Reducing the speed limit will have no effect on traffic safety.

### *DEIS page 4.8-50*

Table 4.8-31 displays the changes in traffic volumes occurring under various conditions on NYS Route 311 during the weekday p.m. and Saturday peak hour periods. The "Site Generated Volume" shows the additional number of vehicle peak hour trips that are projected to occur when Patterson Crossing Retail Center is complete. Since most of the traffic is destined to and from the interstate, increases beyond Interstate 84 to the East in Patterson, and to the West in Kent, are relatively modest during peak hours. Outside the peak hours, volumes East of Interstate 84 and West of the site would be lower than projected peak hour conditions and lower still than the peak fifteen minute rates used in the traffic analysis.

This paragraph restates the claim that most shoppers will access Patterson Crossing via Interstate 84. There is no evidence to support this claim in the DEIS. There is no evidence to support the claim that "increases beyond Interstate 84 to the East in Patterson, and to the West in Kent, are relatively modest during peak hours." In fact, DEIS page 2-3, Section 2.1.3 "Objectives of the Sponsor" states:

Putnam County has experienced substantial residential growth in the past 20 years. This project would address the increasing public demand for commercial facilities by creating a regional retail center that would draw patrons from an approximately 20-plus-mile market area including surrounding towns and counties. The projected market area would be roughly bounded by northern Westchester County to the south, southern Dutchess County to the north, the Hudson River to the west and Fairfield County, Connecticut to the east.

Shoppers will travel to Patterson Crossing from all directions within the "20-plus-mile market area..."

Tables 4.8-32 to 4.8-35 summarize changes in level of service.

<b>Table 4.8-31 Changes in NYS Route 311 Traffic Volume Summary</b>				
<b>Intersection Roads and Condition</b>	<b>P.M. Weekday Peak Hour</b>		<b>Saturday Peak Hour</b>	
	<b>Eastbound</b>	<b>Westbound</b>	<b>Eastbound</b>	<b>Westbound</b>
<b>Town of Patterson NYS Route 311 east of I-84</b>				
<b>Existing Volume</b>	489	344	282	260
<b>Future Growth (Background and other projects)</b>	+83	+70	+55	+53
<b>Future No Build Volume (Existing plus Future Growth)</b>	572	414	337	313

The "Future Growth" numbers are arbitrary and require explanation and evidence to support the estimates. Several large parcels of land in the area are zoned either "C-1" or "I" and are eligible for development into large scale projects. These parcels are on Route 311 east of Fair Street, Ludingtonville Road north of Route 311, and the area straddling Interstate 84 from Fair Street west to the Kent town line. "Future Growth" must reflect the potential for those sites to be developed into large scale projects, and the effects of Patterson Crossing on local traffic volumes must be considered along with the future traffic to be generated by the development of those other sites.

*DEIS page 5.8-54*

Specifically, the Applicant is committed to participate in a significant way in the funding of intersection improvements in the area. In addition to the widening and signalization of Route 311 in front of the Applicant's property, the Applicant will work with the appropriate authorities to identify intersections where improvements are warranted as a result of the proposed action and will share in the cost of those improvements. The applicant also commits to working aggressively with the Town, the County and the DOT towards funding an improvement program for road and infrastructure updates in the project vicinity to ensure that the intersections in the study area operate at levels acceptable to the NYS DOT into the future.

This paragraph needs to be expanded with details of what, if any, financial contribution the developer is planning to make towards road reconstruction. The intersections and road improvements that the developer intends to fund must also be specifically listed. The DEIS must also detail the legal obligation and guarantees the developer will be under to force the developer to act on his promises.

The following is an excerpt of an article by Caren Halbfinger that appeared in the April 28, 2005 edition of the *Journal News*:

THE JOURNAL NEWS

By Caren Halbfinger

(Original publication: April 28, 2005)

"A project to widen Route 6 between Route 312 and John Simpson Road in Carmel is to resume this spring. The road over the reservoir bridge will be 12 feet wider, turning lanes will be added, and the bridge is being replaced. The \$4.2 million job is expected to be finished at the end of this year."

Part of the reason for this very expensive contract was the additional volume of traffic coming to and from the Brewster Highlands Shopping Center from Carmel. Even though this was a New York State DOT project, all area taxpayers were responsible for the costs of the project because we all pay state taxes. Patterson Crossing will be the cause of similar expensive projects throughout the area.

*DEIS page 4.9-1, Section 4.9.1 Background*

**Table 4.9-1  
Relative Loudness of Common Sounds  
Expressed in Decibels (dBA)**

<b>Source</b>	<b>dBA</b>	<b>Subjective Description</b>
Human breathing	5	Very faint
Rustle of leaves in wind	10	Very faint
Average whisper	20	Very faint
Average residence with stereo playing	30	Faint
Soft radio music in apartment	40	Faint
Average office	50	Moderate
Near freeway auto traffic	60	Moderate
Stenographic room	70	Loud
School cafeteria with untreated surfaces	80	Loud
Noisy factory	85	Very Loud
Noisy urban street	90	Very Loud
Auto horn at 10 feet	100	Very Loud
Accelerating motorcycle at few feet away	110	Deafening
Threshold of feeling: hard rock band	120	Deafening
Threshold of pain	130	Deafening
Jet engine at 300 feet	140	Deafening

Source: based on "The Noise Guidebook", U.S. Department of Housing and Urban Development, March 1985.

In October 1999, the Town of Patterson Code Compliance officer measured traffic noise levels outside my house, which is situated on Route 311 just outside the hamlet area. Noise levels peaked at 95db, which is a level above "Noisy urban street – 90db-very loud" as indicated on DEIS Table 4.9-1. Any additional traffic generated by Patterson Crossing will only make matters worse. It should be noted that prolonged traffic noise of this level does not meet the state standard for noise barriers. A copy of Mr. Dapuzzo's letter follows:

**SUPERVISOR**  
Michael Griffin  
(914) 878 - 6564

**TOWN COUNSEL**  
Curtiss, Leibell, & Shilling  
Tel. (914) 225 - 5598  
Fax (914) 225 - 5946



ROUTES 164 & 311  
PATTERSON, NEW YORK 12563

**TOWN BOARD**  
Joseph Dirks  
Ernest Kassay  
Raymond O' Neill  
Martin Posner

**TOWN CLERK**  
Rose Beers  
Tel. (914) 878 - 6500  
Fax (914) 878 - 6343

**M E M O**

**TO:** Peter Reibold  
**FROM:** Joseph Dapuzzo CCO Officer  
**RE:** Sound Levels  
**DATE:** October 1, 1999

Noise levels of vehicles reading taken on September 29, 1999

Time AM	Reading	Vehicle	Decibels
10:32	One	Pick-Up Truck	80
10:37	Two	Two 18 Wheelers	95
10:40	Three	School Bus	85
10:42	Four	Trailer	90
10:43	Five	Car	82
10:45	Six	Trailer	85
10:50	Seven	Trailer	90
10:55	Eight	Trailer	90
11:00	Nine	Trailer	90

Here are the sound levels you requested at your address at 911 Route 311. If you need any additional information feel free to call me at 914-878-6500.

CC: Town Board

*DEIS page 4.11-1, Section 4.11.1 Police Protection*

For the Town of Patterson, police protection is provided by both the Putnam County Sheriff's Department and the New York State Police. The "closest car" concept is utilized in response to 911 emergency calls; either the Putnam County Sheriff's patrol unit, the New York State Police patrol unit or the Kent Patrol Unit would be dispatched. Typical response times would be under five minutes, depending on the location of the nearest patrol car.

It must be noted that the Kent Police will not respond to calls coming from the shopping center. The stores and most of the access roads will be located in the town of Patterson. Typical response time will never be 5 minutes! I have personally waited hours for a Sheriff's Deputy to respond to a call I've made. 911 emergency calls are answered by the "closest car" method, but never in 5 minutes unless a car just happens to be located nearby and is available to handle the call. Police coverage in Patterson, especially during evenings and overnight hours, is spotty. Appendix B of the DEIS includes correspondence from Putnam Sheriff Donald B. Smith, which does not state any response time statistic. There is no correspondence from the New York State Police.

The Putnam County Sheriff's Department is head quartered in Carmel, approximately four miles from the proposed project site. The Sheriff's Department has 83 sworn officers and a total force of 107 personnel. A minimum of one patrol is assigned to the Patterson area 24 hours per day by the Sheriff's Department. The service ratio is one deputy sheriff per 1,200 citizens. The planning standards ratio for police personnel provided by the Urban Land Institute (ULI) in their 1985 *Development Impact Assessment Handbook*, is 2 police per population of 1,000. The current staffing of the Sheriff's Department falls below this standard. The Sheriff's Department responds to approximately 32,000 to 33,000 calls for service per year.

Two important points are made in this paragraph:

- "A minimum of *one* patrol is assigned to the Patterson *area*". Coverage during the evening and overnight hours is spotty. Coverage is actually zero if the lone car is busy with a call. The Sheriff assigns cars to an *area*, not a town. Any patrol can be assigned to another area if there is a need, which means that there may be no units within Patterson at certain times. Shopping centers breed nuisance complaints, such as shoplifting, parking lot vehicular accidents, unruly teenagers, and thefts by employees. Problems of this type are regularly reported in the *Journal News* and are regular occurrences in other regional shopping centers, such as the Cortlandt Town Center in Mohegan Lake and the Jefferson Valley Mall in Yorktown.
- "The current staffing of the Sheriff's Department falls below this standard" [ of 2 police officers per population of 1,000 ]. The Sheriff's Department is already

shorthanded and staffs overnight hours using officers working overtime. Putnam County is facing budgetary problems and will not add officers to the Department.

The following is an excerpt of an article in the July 28, 2006 edition of the *Journal News*:

"Memo suspends patrol in Southeast, raises ire"

The Journal News  
By Marcela Rojas

"As it stands, the town's security detail is now part of the regular road patrols, Mark said. Normally, he said, there are five patrol cars per shift: one for Southeast and Carmel, another for Patterson and Putnam Lake, two for the western part of the county and a floater car. Southeast's detail would make it six cars on the road, he said."

According to this article, only one Sheriff's patrol car is routinely assigned to Patterson. Southeast and Carmel share another single patrol car.

Current staffing levels at the New York State Police, Brewster Barracks, includes 13 officers and four detectives. Seven police cars are based at the barracks, with anywhere from one to three on patrol at any given time.

These patrols are also assigned to an *area*, not a town. Patterson frequently shares patrol units with the town of Southeast. State Police units typically are assigned to the Putnam Lake portion of Patterson because they will be located near Southeast if they are needed in that town. As noted in the paragraph, only 1 to 3 officers are on patrol at any given time, and evening coverage is spotty.

Patterson has barely enough patrols currently. It is absurd to think that Patterson Crossing will not overburden the existing patrol system. In fact, Sheriff Donald B. Smith makes this point in a letter to Ms. Janell Herring of Tim Miller Associates, engineers for the developer. This letter, dated October 22, 1004, is included in Appendix B of the DEIS. Sheriff Smith states:

**We do not anticipate a significant impact to the Putnam County Sheriff's Department in providing police protection specifically attributed to the proposed Patterson Crossing project. However, with Putnam County being one of the fastest growing counties in New York State, the collective impact of many new developments on law enforcement would most certainly require more law enforcement resources in future years.**

Also in Appendix B is a letter from Kent Police Chief Donald L. Smith, Jr. to Ms. Herring, dated October 14, 2004. Chief Smith states that the typical emergency response time for his department is 3 minutes or less. While this may be true, it must again be emphasized that all of the stores and parking lots and most of the access roads will be located in the town of Patterson, and the Kent Police Department will not handle calls originating in Patterson. Chief Smith states:

Although most of the project will be located in the Town of Patterson, there are some serious concerns I have that may potentially impact my department. The first concern is the amount of traffic this project will generate. According to the map, it appears the proposed clearance will be located in the Town of Kent and therefore all of the project's traffic will pass through our town at one point or another increasing the possibility of traffic crashes not only at the project site, but also around the ancillary intersections along Route 311 and elsewhere. The amount of traffic on these highways is already congested and any further increase will have a significant cause, in my opinion, severe impact.

Chief Smith concludes:

As far as other types of law enforcement response not associated directly to traffic, it would be difficult to determine at this time the impact this project would have on my department.

This can hardly be interpreted as Patterson Crossing having little or no impact on current staffing levels at the Kent Department.

Curiously, Appendix B does not include any correspondence from the New York State Police.

#### *DEIS page 4.11-3, Section 4.11.2 Fire Protection*

The Patterson Fire Department force is approximately 30 active members and 100 members total. They regularly look to increase the volunteer force. The ULI fire standards call for 1.65 fire personnel for every 1,000 population served. Based on 2000 US Census population of 11,300, the Patterson Fire Department service ratio for active members is approximately 2.65, which is well above the ULI's planning standard. Response time for the volunteer force is approximately 10 to 15 minutes during work hours, with a shorter response time of 5 to 10 minutes at night. The Fire Chief could normally respond in less than five minutes. The Department had approximately 500 responses in 2004<sup>4</sup>.

The DEIS needs to list a breakdown of the 30 members of the Patterson Fire Department. Several members are in the fire police squad or ambulance squad, and are not involved in actual firefighting. The DEIS also needs to explain the number of volunteers that are available during weekdays, when volunteers are typically at work. Both the home center and the warehouse store will sell paints and solvents and automobile fluids. The DEIS should describe the ability of the Patterson Fire Department to fight large chemical fires. The Fire Department has no experience with large commercial centers, and is staffed and equipped to handle fires at single family residences. Other large commercial and industrially zoned parcels of land are available

for development in Patterson near the Patterson Crossing site. These sites combined with Patterson Crossing may overwhelm the capabilities of the Department.

Appendix B of the DEIS contains a letter from Patterson Fire Department Brian M. Burdick and Chief Paul P. Piazza to the developers. It is dated September 30, 2005. The text of the letter is as follows:

**Please be advised that the Patterson Vol. Fire Dept is the responsible Fire Dept to provide the Fire and Emergency Medical Services for the Patterson Crossing project on Route 311 in the Town of Patterson.**

**The Patterson Fire Dept. is a dedicated Volunteer Fire Dept. ready willing and able to provide the necessary protection for all areas within our fire district.**

**As we have discussed in the past, the Patterson Crossing Project will be constructed under the guidance of the New York State Building and Fire Codes with the required fire separations and fire protection systems in place. The Patterson Fire Department, Officers and it's Members support this project.**

Nothing in this letter discusses the capabilities of the Department, either staffing or equipment, to handle an emergency in a large commercial development like Patterson Crossing.

*DEIS page 4.12-4, Section 4.12.2 Potential Impacts to Existing Community Retail Centers*

The Highlands Shopping Center has no wholesale warehouse, electronics, sporting goods or clothing stores. Some stores that are there, department, arts and crafts, pet supply and communications are not planned for the Patterson Crossing Retail Center. That being the case, there will be little overlap in retailers. The only Highlands Shopping Center retailers that would directly compete with potential retailers at Patterson Crossing Retail Center are the Home Depot and the Linens-n-Things. The home improvement center company proposed for the Patterson Crossing Retail Center has assessed the local demographics and competition and, as is evident from their interest to open a store at the proposed retail center, it can be concluded that the company has determined there exists sufficient market demographics to support both the existing Home Depot and their store. The proposed Home Goods Store would compete directly with the Linens-n-Things at the Highlands Shopping Center. The inclusion of a Home Goods Store in the proposed project would be supported by reasoning similar to that provided for the Home Improvement Store. Sufficient spending power is available in the market to support the new store even with consideration given to the competition presented by a similar retailer at the Highlands Shopping Center. Retail operators would not likely invest in the cost associated with a store in a location where the demographics would not support its viability.

The paragraph states that "there will be little overlap in retailers" with the Brewster Highlands Shopping Center. Home Depot and Linen-n-Things, and presumably Lowes and Bed, Bath and Beyond, are huge box stores, and even if these would be the only two stores to directly compete between the two shopping centers, the overlap would

also be huge. Kohl's and Marshalls sell clothing, which would compete with the proposed clothing store in Patterson Crossing. The two unnamed, generic retail stores mentioned in the Patterson Crossing plans may provide additional overlap.

*DEIS page 4.12-6*

At the same time, the introduction of over 400,000 square feet of retail space may draw some shopping dollars away from the surrounding downtown areas for some existing retailers that have a high degree of overlap with the goods and services to be provided at Patterson Crossing Retail Center. The increase in competition for a store like Dill's Best Home Center, which is located in Lake Carmel, Pawling and Brewster, could potentially lead to secondary displacement should these establishments no longer remain viable from a competitive standpoint. Although unlikely, should secondary displacement occur, the vacated site would most likely be reused by another commercial establishment allowed pursuant to zoning. This transition of businesses would not result in significant long term economic impacts to either the Lake Carmel or Route 22 commercial centers or in blighting of the immediate neighborhood, as land values remain high. Should these establishments be displaced, it is unlikely that their sites would remain vacant in the long term, given their size and prominent locations along main roadways.

"Secondary displacement" will simply transfer property taxes and sales taxes from one business to the new businesses in Patterson Crossing with little net gain. With more retail services being centralized in box store shopping centers like Patterson Crossing and Brewster Highlands, it is dubious that many businesses can survive along Route 52 in Lake Carmel or along Route 311. Secondary displacement may not result in new business along these roads. It is also arrogant to simply brush off the currently viable businesses that will be forced to close once Patterson Crossing opens. Dill's Best specifically is a locally owned store that has served the community for decades, and has contributed to local organizations and community groups.

*DEIS page 4.12-7*

The proposed project is not expected to significantly alter the character or local economies of its surrounding downtown areas, or significantly alter the character of the Towns of Kent and Patterson. The location of the site at the crossroads of Interstate 84 and NYS Route 311, largely isolated visually from the surrounding Hamlet areas, make it ideally suited for large scale retail development. By increasing local spending and economic activity, and increasing the range of goods and services offered to Patterson, Kent and Putnam County residents, the proposed project is expected to strengthen the county's economy as a whole and enhance the quality of life of its residents. Long-vacant commercial sites in the hamlets may actually become occupied in the future with this increase in local business activity, due to the need for ancillary services for patrons and employees of the retail center.

A project this size is certain to "significantly alter the character or local economies..." It is absurd to say otherwise. It is also very unlikely that the present vacancies on Front Street in the Patterson hamlet will be filled when Patterson Crossing opens. Experience

tells us the opposite is true. Front Street once had a video rental store and a small grocery store. Both closed due to competition from Blockbuster Video and the A&P stores at Routes 311 and 22. Box stores tend to have a detrimental effect on locally run stores.

*DEIS page 4.12-7 Section 4.12.4 Retail Opportunities*

operations. The 1989 Town of Kent Comprehensive Plan describes the lack of shopping opportunities in the Town, stating that most residents drive to Carmel for supermarkets, and

The town of Kent master plan provided for additional retail shopping within the town of Kent, which would provide property taxes to the town of Kent. The retail stores in Patterson Crossing would be located in the town of Patterson, which would retain the bulk of the property taxes since most of the shopping center would be located there. Kent would only receive a small portion of the property taxes.

*DEIS page 4.12-9*

As indicated in Table 4.12-1, the average travel time to work in 2000 was more than 40 minutes for workers in the Towns of Kent and Patterson, which amounts to an average of 6.7 hours of weekly travel time per worker. These local residents must also travel out of the county (with the exception of the stores at The Highlands Shopping Center) to Westchester County, Dutchess County, Fairfield County to shop for a majority of goods offered at large retail centers. The convenience offered by the Patterson Crossing Retail Center will provide local residents with a shopping alternative that can reduce the amount of time spent on travel, resulting in fewer vehicle miles traveled, less wear and tear on cars, reduced fuel expenditures, and a decrease in automobile emissions.

This paragraph simply states that Putnam County workers must commute long distances to find good paying jobs with career potential. Putnam County families cannot survive on the low paying wages typically paid by the retail sector.

Putnam County shoppers will continue to shop outside of Putnam County even if Patterson Crossing is built. There are many reasons for this:

- It is typical for an employee to do some shopping where they work because of the convenience.
- The lower sales tax rates in Danbury are significant. In September 2006, Putnam County Executive Robert Bondi announced his proposed County budget, and indicated he would ask the New York State Legislature for a sales tax increase of 8 1/8%, which is substantially larger than the 6% rate in Danbury. Danbury also exempts clothing purchases under \$100 from sales taxes. While New York State dropped the sales tax on clothing purchases under \$110 in April 2006, the Putnam County portion of the sales tax remains. The sales tax rate in

the City of White Plains is 7.875%, and the general sales tax rate in Westchester County is 7.375%, except for cities such as Yonkers that have a local sales tax.

- The range of stores proposed for Patterson Crossing is very limited in offerings. Patterson Crossing does not contain any department stores, jewelry stores, or other specialty stores typically found in a large, diverse mall such as the Danbury Mall.

The nearness of the Danbury Mall, the lower sales tax, and the diversity of stores found in the Mall will always make the Danbury location the primary shopping area for residents of eastern Putnam County.

It should also be noted that there have been no studies to examine why Putnam residents shop outside of Putnam County. The DEIS states that lack of shopping within Putnam County is the primary cause, but it does not state any evidence that this has been studied. As noted above, there may be many reasons why Putnam residents shop as they do.

#### *DEIS page 4.12-11*

sales tax revenue generated by the opening of the Highlands Retail Shopping Center". Mr. Bondi stated the following: "Putnam County needs more retail shopping opportunities to generate the sales tax revenue necessary to fund our increasing mandated services and costs without raising taxes. Putnam County needs a second major retail shopping project, such as Patterson Crossing, to be approved quickly and begin generating sales tax dollars, otherwise our citizens will pay increasing sales and property taxes in future budgets. Without

It is undeniable that Putnam County Executive Robert Bondi has spoke in favor of Patterson Crossing, just as it is undeniable that his son works for the developer of Patterson Crossing. Mr. Bondi is facing a re-election campaign In November 2006, and his opposition readily cites reasons for the financial state of the County. Retail sales taxes are low among the many reasons they cite. Mr. Bondi's leadership of Putnam County is a matter for the voters of the County and not the DEIS for Patterson Crossing. Mr. Bondi's comments have no place in this document.

associated tax benefits, is spent outside of Putnam County. Mr. Bondi discussed a new partnering program that will "...help capture this 'Putnam Paradox' by providing an economic incentive to local municipalities to fast track smart commercial retail development." through providing a "...portion of the future sales tax revenue generated from new shopping opportunities back to the local municipalities for a project that they desire." This money could be used to assist in funding the development of "...a new library, town hall, or ball fields..."

Revenue sharing has been suggested by many County Legislators over the years, only to have the idea vetoed by the County Executive. Mr. Bondi has been outspoken in the past in opposing the sharing of sales tax revenue with Putnam's six towns. If Mr. Bondi really wanted revenue sharing, he could make it happen today. He does not need

Patterson Crossing. Mr. Bondi is facing re-re-election in November 2006, and many of his comments are mere campaign talking points. Mr. Bondi's comments are irrelevant in this document.

*DEIS page 4.15-6 Section 4.15.4 Mitigation Measures*

With proper site maintenance and careful attention to construction activities, impacts from fugitive dust can be maintained below the state or Federal AAQS at off-site properties. Although exhaust emissions from construction equipment is not as significant as fugitive dust generation, particulates from diesel exhaust emission should also be controlled through proper tuning of the vehicles engine and maintenance of the air pollution controls. This would minimize additional contribution to site generated particulate emissions during construction.

Construction vehicles are not required to meet the emissions requirements of passenger vehicles. It is very doubtful that any of the construction contractors will spend the time and money to properly tune their engines. This paragraph is laughable.

*DEIS page 5-5 Section 5.2.2 Alternate Project Size*

It should be noted that this alternative, by reducing the total area of retail development at the project site, does not utilize the site to its full potential, does not provide retail synergy between tenants, nor does it provide adequate gross square footage for ancillary retail. This scenario would likely result in the development of other sites in the area to provide supporting retail space and food services for the existing market demand. This alternative would increase traffic congestion, vehicle emissions and vehicle miles traveled along local roads. The development of associated retail and services at other sites would have increased impacts than the proposed development, such as visual resources.

The developer has not seriously explored a downsized project or presented any real alternatives in this document. He wants Patterson Crossing as presented in this document and nothing else. The developer must be required to offer a serious alternative to the project described in the DEIS. This is a SEQRA requirement and was called for by the Patterson Planning Board in part VI of the Scoping Document.

*DEIS page 5-7 Section 5.3 Alternate Use*

An alternative consistent with the existing site zoning was considered. This alternative evaluates the development of the project parcel as light industrial. The site plan prepared for this alternative shows four buildings of warehouse space, totaling 740,000 square feet. However, due to lower parking requirements for warehousing, only 802 parking spaces are proposed for this alternative. The site plan for the Light Industrial Alternative is shown in Figure 5-3.

No explanation is given for why the alternative site size is set at 740,000 square feet or why it is limited to warehouse space.

**Socioeconomic:** This alternative would have less economic benefits than the proposed development since it will generate less property and sales tax revenues than the proposed development and create fewer permanent jobs; the number of construction related jobs is expected to be roughly the same as the proposed action.

The paragraph does not entertain the possibility that the lower number of jobs created by the alternative use may also be better paying jobs than the retail jobs to be offered by the Patterson Crossing Retail Center. Better paying jobs are more likely to be filled by local residents than the lower paying retail jobs which will most likely be filled by non-residents.

***DEIS page 6-2 Section 6.0 Environmental Impacts that Cannot Be Avoided if the Proposed Action Is Implemented***

improvements not be made prior to development of the project. Local roads would experience temporary impacts associated with the development of the Patterson Crossing Retail Center and other nearby projects until such time as road improvements discussed in Section 4.8 are completed.

We can learn from Mohegan Lake, where traffic from the Cortland Town Center shopping center on Route 6 spills onto local roads in spite of the extensive work done on Route 6 as part of the shopping center project.

***DEIS page 8-1 Section 8.1 Population***

facilities of this configuration. The proposed project would be expected to increase the number of visitors to this area and could result in added drive-by traffic and additional business for some local stores, while potentially drawing customers from other local businesses. As described in Chapter 4.12, the increase in competition for some existing retailers could potentially lead to secondary displacement should a particular establishment no longer remain competitive. However, it is unlikely that these sites would remain vacant in the long-term given their size and prominent locations along NYS Route 311 and would likely be reoccupied by other commercial establishments permitted by zoning. Therefore, no significant long term economic impacts to either the Lake Carmel or Route 22 commercial centers would be expected.

As stated, this project will increase traffic and would draw customers from other stores. Even the existing box stores in Brewster Highlands, such as Home Depot and Linens-n-Things, will see customers drawn to competing stores in Patterson Crossing. Secondary displacement will occur among the locally owned stores, and stores such as Dill's Best Building Center will be likely losers. It is absurd to think that there will be no "significant long term economic impacts" to area businesses. It is interesting that the paragraph addresses businesses in Lake Carmel and Route 22, and not in Brewster Highlands on Route 312. This paragraph states many disadvantages of the proposed project.

As described in Chapter 3.0 of this document, the proposed Patterson Crossing Retail Center is expected to generate approximately 549 permanent jobs. These jobs would most likely be filled by residents of Putnam and the adjacent counties where the unemployment rate in 2005 was just over four percent. Since it is expected that the majority of these workers would live within commuting distance of the proposed project, no significant population increases would be expected. The number of future workers that would potentially relocate their households to the Town of Patterson or the Town of Kent to reside closer to their place of employment can not be determined at this time, however, any increase in local resident population due to the proposed project would be expected to be relatively small, and would not be expected to induce further growth. Existing and proposed housing resources within Patterson and Kent would be expected to accommodate any workers that could potentially relocate from outside the region.

Census data and market data cited in the DEIS indicate the Putnam County is very affluent. However, County residents can only achieve this affluence by commuting out of the County to high paying jobs located Westchester County, southern Connecticut, and New York City. Therefore, it is doubtful that Putnam County residents would fill many of the 549 jobs. The last sentence indicates that any workers relocating to Putnam County would probably reside in Patterson and Kent. But the DEIS is correct in stating that few of the outside employees who will fill these jobs will move to Putnam County since real estate in the County is very expensive. In fact, the workers who would be attracted to these low paying jobs may not have the transportation needed to travel into Patterson. Since there is no public transportation to the Patterson Crossing site, it is likely that many of these jobs will be left unfilled. Several area stores, including those in Brewster Highlands, regularly advertise for help.

Page 3-11 of the DEIS indicates that the number of permanent jobs created is 516, not 549.

#### *DEIS page 8-1 Section 8.2 Support Facilities*

No new businesses would be expected to be created in the Towns of Patterson and Kent to serve the new facilities at Patterson Crossing Retail Center. The area surrounding the project site already contains retail and service establishments, such as gas stations and automotive-related businesses, banks and food stores, which serve local businesses and residents. The proposed project would be expected to be supplied with goods for sale from businesses located within other parts of the region and country, or from other countries.

This paragraph states that suppliers from outside of Putnam County or even the country would serve Patterson Crossing and its stores. Therefore, there would be no trickle down financial effects to the existing business community. As such, it is curious that the Executive Board of the Patterson Chamber of Commerce has endorsed this project with such great enthusiasm. It is also unfortunate for this country that this document must admit that many of the goods offered for sale in the retail center will originate in other countries, presumably China. DEIS page 8-2 notes:

banks, and possibly local produce suppliers for the proposed coffee shop. Significant creation of new businesses to support Patterson Crossing Retail Center is not anticipated.

It is apparent that the profits from the stores will be sent out of Putnam County to the home offices of the stores, the out of town suppliers, and the out of country suppliers. Since there is no "significant creation of new businesses to support Patterson Crossing", it is doubtful that there would be many new businesses opening to replace those displaced by Patterson Crossing.

*DEIS page 8-2 Section 8.3 Development Potential*

The project area is already served by established infrastructure including an extensive roadway network. The construction of the proposed project would not introduce new roadways or allow for the development of other vacant or underutilized parcels which are currently inaccessible. Due to the limited availability of vacant land in the project area, the amount of development that would be expected to result from the introduction of this new use would not be expected to be significant.

Eastern Putnam County cannot be accused of having an "extensive roadway network". Routes 6 and 52 in the Carmel hamlet are choked with traffic during peak times. Route 22 in Southeast and Patterson also are packed during peak times. A large shopping complex like Patterson Crossing will tax an already burdened infrastructure. As the paragraph notes, there is a "limited availability of vacant land in the project area." How sad it would be to develop one of the last large tracts of land for a project like this. However, Patterson Crossing will open the doors to other large projects on other large tracts of land in the areas that are zoned C-1 and I in the town of Patterson on Route 311 east of Fair Street, Ludingtonville Road, and the large I zone that straddles Interstate 84 from Fair Street west to the Kent Town line. In addition, the parcel across from the Patterson Crossing site is proposed for development by the same developer seeking to develop Patterson Crossing. This parcel is in the town of Kent.

*DEIS page 9-1 Section 9.0 Effects on the Use and Conservation of Energy Resources*

At a minimum, all future buildings and facilities on this site would be designed and built in conformance with the energy conservation regulations of the New York State Energy and Building Codes. The specific designs of the energy conversion systems for the proposed project have not yet been completed. Therefore, it is not possible at this time to examine the extent of energy consumption or conservation. However, it is expected that modern heating and cooling systems and energy efficient appliances would be utilized, where possible, to conserve energy resources.

This needs to be specific. This is required in Section J.2.b.1 of the Scoping Document:

b. **Future Conditions**

1. **Discuss demand created for electric, fuel oil and/or gas**

The project will also reduce travel time, mileage and fuel consumption for local residents that currently travel long distances to shopping centers out of the county or state. The proposed project will benefit local residents by providing them with a wider variety of retail offerings than currently exists in Putnam County, precluding the need for them to travel long distances for comparative shopping and selection of goods that are currently available only in surrounding counties. This could potentially result in a significant reduction in vehicle miles traveled (VMT), thereby reducing gas usage and vehicular emissions at the regional level. For local households in the Towns of Kent and Patterson that might shop at the future Patterson Crossing Retail Center on a weekly basis instead of traveling to major retail stores in surrounding counties the reduction in distance traveled one way would be 10 to 15 miles with a corresponding reduction in the annual VMT of 6% to 8%. With gasoline prices in the region now averaging near \$3.00 per gallon and the potential for prices to rise in the future, a saving of over \$150 per year in fuel costs would be realized. This is based on vehicle mileage of 20 miles per gallon and a typical annual household VMT of approximately 18,400 miles per year.<sup>1</sup>

The summary conclusions in this paragraph have already been disputed in other sections of my comments. Area residents will still shop near their jobs, or in nearby Danbury that features a large and diverse shopping mall, lower sales taxes, and other nearby box store shopping centers. The limited selection of merchandise available in Patterson Crossing requires trips to regional malls outside of Putnam County. The most diverse selection of goods in Patterson Crossing will arguably be located in the warehouse store, which, due to the need to pay an annual membership fee and the need to purchase large bulk sizes of goods, may not be attractive to all local residents.

*DEIS Appendix B – List of Contacts*

Putnam County Office of the Sheriff  
Chief Donald B. Smith - Letter Follows.

Donald B. Smith is the Putnam County Sheriff, not "Chief".

Mrs. Michelle Ruvolo  
61 Homestead Drive  
Lake Carmel, NY 10512

Dear planning board,

Please accept my concerns for "Patterson Crossing" I think a development of that size is inappropriate for this area. I moved from the Bronx to afford a home and give my children a wonderful environment while growing up. Please update Kent but on a smaller scale. I don't have a need for Lowes or a costco.

My concerns are safety, pollution of wells, and Lake Carmel.

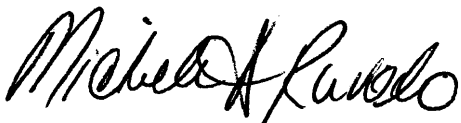
Route 311 is very congested and once a shopping center is in place it will be impossible for the school buses to arrive promptly.

The lake has been beatified and my family enjoys it tremendously. I would like to see a referendum brought to the people. What do we really want? That would put this to rest.

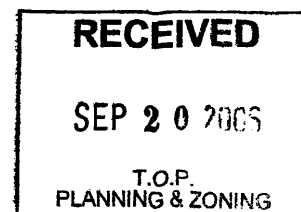
I am told from neighbors "it is a done deal?" how sad ifs true. Our poor local business owners ⊗ Lake Carmel Hardware couldn't keep up with Home depot. Next Dill will lose to Lowes.

Please re think how to update our community while keeping it quaint.

Respectfully,



Michelle Ruvolo



# BIZ NEWS

11/17/00 11:45 AM  
11/17/00 11:45 AM

## Oil, Lowe's results send stocks lower

INVESTORS MOVED TO A selling mood yesterday and ended a five-day rally as rising oil prices and disappointing results from Lowe's raised concerns about a slowdown in consumer spending.

Lowe's, the nation's No. 2 home-improvement chain after Home Depot, said quarterly profits rose 21%.

However, the company cut its full-year earnings outlook on worries that higher energy prices and a sluggish housing market will curb consumers' willingness to spend.

BY JOE BIL BERRINO  
THE ASSOCIATED PRESS

Wall Street also was troubled by Iran's nuclear ambitions, which sent oil prices up \$1.38 to \$21.64 a barrel on the New York Mercantile Exchange.

The Dow dropped 36.42 to 11,345.05. Last week, the blue-chip barometer gained 2.65%.

The S&P 500 was down 4.78 at 1,297.52, and the Nasdaq fell 16.26 to 2,147.75.

The pullback came after last week's gains pushed major indexes to three-month highs. With little in the way of corporate earnings reports this week and only two major economic reports due out, investors were hard-pressed to extend the rally.

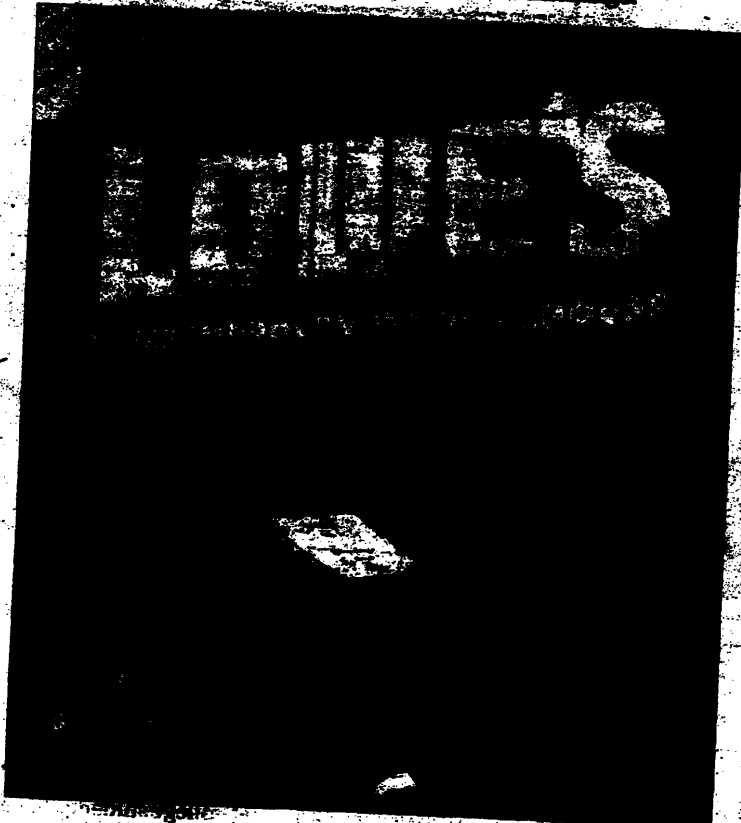
"In general, people are still pretty spooked by the global situation and the Middle East, and are wondering what kind of legs the market has in the short-term," said Phil Dow, director of equity strategy for RBC Dain Rauscher. "There's not much in the way of expectations for the week."

Easing tensions in the Middle East helped drive oil prices lower last week, and trigger a rally on Wall Street. Profit-taking after the weeklong rally came on extremely light volume, typical for a late August day with little market-moving news.

Among the most heavily traded companies was Lowe's, which tumbled \$1.17, or 4%, to \$28.35. Rival Home Depot's shares fell 47 cents to \$34.30.

Lowe's reported net income of \$935 million, or 60 cents a share, from \$830 million, or 52 cents, in the year-ago period. Sales rose more than 12% to \$13.30 billion.

Also, the prospect of higher fuel prices and its effect on the economy drove American Airlines parent AMR Corp. shares down 45 cents to \$20.40. Continental Airlines' stock gave up 93 cents to \$23.44.



rdailynews.com

Though Lowe's showed an 11% profit gain in the latest quarter, a cut in its full-year forecast pushed the stock down 4%.

**Costco says it won't meet forecasts in fourth quarter**

Costco Wholesale Corp. said yesterday that it expects fourth-quarter profit to be below analysts' estimates, as sales on items like jewelry and furniture slowed and the company struggled with higher gas prices. The wholesale club said it expects to earn between 68 cents and 71 cents per share for its quarter ending Sept. 3. The 17-week period will include a one-time tax charge of about 3 cents per share. Without the charge, Costco said it expects to earn between 71 cents and 74 cents per share. Analysts polled by Thomson Financial had been expecting earnings of 77 cents per share, on average. Earnings for its full fiscal year, which will be 53 weeks, are now expected to range between \$2.23 and \$2.26 per share, while analysts had been expecting a yearly profit of \$2.33 per share. Costco had previously said that Wall Street's forecast was high.

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# Mayor Mike in 'bribe' diatribe

By DAVID SEIFMAN  
*City Hall Bureau Chief*

Firms that do business with the city and also make political contributions are engaged in "bribery or graft," Mayor Bloomberg said yesterday.

The mayor's harsh attack came on his weekly WABC radio show during a discussion of the recently awarded \$1 billion franchise for bus stop shelters, newsstands and public toilets. Bidding bidders are trying to block in court.

Taking off from there, the mayor went on to decry the campaign finance system he says invites corruption for allowing city vendors to try to influence the government by making hefty campaign contributions.

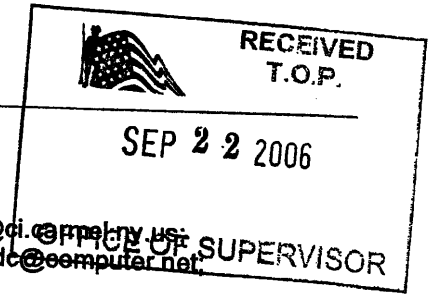
"If you've got business before the city, state or federal government, you shouldn't be giving to elected officials ... Period. End of story."

"In the private sector, it's called bribery or graft."

"It's an outrage," said Bloomberg, who spent \$160 million of his own money to win and keep City Hall.

The Campaign Finance Board issued a statement saying it has been working with the administration for more than a year on technology "that will allow effective and affordable regulation of the kind the mayor is talking about." *David Seifman*

**supervisor**



**From:** Rachel\_Schofield@swissre.com  
**Sent:** Tuesday, September 19, 2006 10:45 AM  
**To:** supervisor@pattersonny.org; anordstrom@townofkentny.gov; amp2@ci.computer.net; supervisor@townofsoutheast-ny.com; sdavis@putnamvalley.com; pedc@computer.net; letters@lohud.com; tacnews@midhusdoncentralnews.com  
**Subject:** I support Patterson Crossing!

TB  
TC  
TP

Hello Everyone,

I understand that there are residents in Putnam County who have big issues with change. I also understand that taxes have been on the rise for the past 10 years (77%, to be exact), why continue to fight something that will generate new tax revenues and offset our rising residential property tax bill?

In my community there are 7 beautiful homes for sale..biggest reason for leaving are the school taxes. These same residents have had their homes on the market for more than 9 months...and still waiting, buyers will not purchase due to the excruciating taxes! There are more homes up for sale in Putnam County, than there are buyers and just to make a point, people are selling not because of a better life (because this already exists in Putnam County), but because residents can no longer afford to "live" comfortably, paying these type of taxes. What will the future hold for Putnam County?

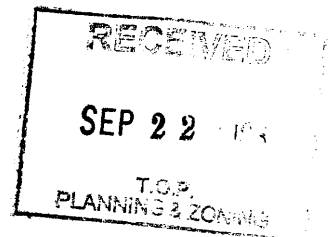
In NYC property taxes are anywhere from \$2K-\$7K, this is NYC one of the most expensive U.S. cities to reside in! How is it possible that Putnam County's average property tax is nearly double that of an major city?

If we have the open space, which I've come to understand is a relatively small amount of land for commercial development, why not?

Thank you for your time,

Rachel Schofield  
Tel: 914-828-8774  
rachel\_schofield@swissre.com

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9/20/2006



**RECEIVED**

SEP 25 2006

T.O.P.  
PLANNING & ZONING

Memo To: Town of Patterson Planning Board  
Richard Williams, Town Planner

From: Charles M. and Grace E. Sisto  
10 Greenridge Court  
Kent Lakes, NY 10512

Date: September 22, 2006

Subject: Comments on DEIS-GROUNDWATER/DETENTION PONDS/NOISE

GROUNDWATER (4.4)

Being a person who lives in the area of the proposed Patterson Crossing Shopping Center, I am concerned that this project will have an effect on my well and my neighbors wells.

The developer has located two test wells on the subject property (figure 4.4-2/well monitoring locations). Are these going to be the permanent locations of the water supply for Patterson Crossing or will it be two of the four potential well locations sited in figure 4.4-1?

At the meeting in Patterson on September 14, 2006, Annmarie Baisley quoted from a Putnam County Groundwater Protection and Utilization Plan, prepared in September 2004 (4.4-2). She said, according to the study, the water from the aquifer under the subject property flows towards Lake Carmel. A resident who lives on Concord Road near the emergency exit (Echo Road) had indicated when test borings were being done near one of the fractures, her water was affected. The DEIS shows quite a bit of blasting in that same area and I feel that will have the potential of altering the fractures in the bedrock.

In the DEIS (4.4-10), the developer would like the impact on wells limited to a reasonable distance of 1500 feet. Who determines that 1500 feet is a reasonable distance? In figure 4.4-2, test wells one and two with a radius of 1500 feet each are overlapping. Will the drawdown of both wells have more of an effect on the Lake Carmel wells located near the project?

DETENTION PONDS (4.5-15)

The DEIS states that basin failure is not likely to occur for properly constructed and maintained structures. That being said, who will be responsible for inspecting, maintaining and properly cleaning these detention ponds after the project is completed? Also, will these detention ponds act as a way of recharging the ground water?

Another concern, mentioned in the DEIS, when figuring for the 100 year storm, has it been taken into account the volume of water that will flow down the Croton River into Lake Carmel which is restricted by the causeway on Terry Hill Road? This has to be considered to prevent flooding of this area. Will the developer be responsible for improving this flow into Lake Carmel?

NOISE (4.9)

Background-4.9.1- DEIS data from March 1985.

Please see attached highlighted data from:  
NYSDEC Revised February 2001/Assessing and Mitigating  
Noise Impacts-Pages 2,3,5,8,10,11,12,13,15,18 &19.  
These pages reflect how surrounding terrain, time of day, wind  
direction, temperature and relative humidity can affect how  
sound travels.

The DEIS (table 4.9-4) has a reading at the end of Greenridge  
Road (which should be Greenridge Court) of 50.5. We (10 Greenridge  
Court) are located 1000 feet down from the end of Greenridge Ct.  
Our readings are taken with a digital sound level meter (see  
specifications below):

08-16-2006	6:25am-6:35am	57.7 - 53.5
09-07-2006	8:05pm-8:15pm	56.2 - 49.9
09-08-2006	7.00pm-7:15pm	54.1 - 46.5

**SPECIFICATIONS**

Display	18 mm (0.7") LCD (Liquid Crystal Display), 3 1/2 digits.
Measurement Range	35 to 130 dB, 3 ranges: range 1 - 35 to 80 dB, range 2 - 50 to 100 dB, range 3 - 80 to 130 dB, * Each range with warning indicator for over & under load.
Resolution	0.1 dB.
Measurement Frequency	31.5 Hz to 8,000 Hz.
Frequency Weighting	Characteristics of "A" frequency weighting network. * The "A" weighting " characteristic is simulated as "Human Ear Listing" response.

If you refer to page 8-A.1 of the DEC report it states:  
At distances greater than 50 feet from a sound source, every  
doubling of the distance produces a 6dB reduction in the sound.  
For this reason We feel the area has an amphitheater effect which  
enhances the sound. When looking at Patterson Crossing, it has the  
potential to create the same effect. This should be explored be-  
cause on page 10-A.6 of the DEC report, sound levels can be accentuated  
by certain features to cause adverse noise impacts at specified  
locations.

Included with my other attachments please find additional readings  
from 58 Concord Road.

ATTACHMENTS

*Charles M. Sisto*

*Grace E. Sisto*

# Noise Level Readings in (Db) at 58 Concord Road, Carmel 10512

Authors: H. Hiter/J.Groepf (845) 306 9686

1

<b>Date</b>	<b>Time</b>	<b>Db Range (Rounded down)</b>	<b>Comments</b>
04/10/05	12:10 pm	46 -50	I-84 Lower level outdoors
Sun	6:00 pm	48-53	
	8:25 pm	50-53	
	10:00 pm	49-53	
04/11/05	7:15 am	52-57	I-84 Lower level outdoors
Monday	8:30 pm	47-55	
	9:30 pm	48-54	
04/12/05	8:00 am	51-57	I-84 Lower level outdoors
Tues	1:20 pm	50-54	
	10:55 pm	42-56	
04/13/05	09:50 am	53-56	I-84 Upper level outdoors
Wedn	10:20 am	54-57	I-84 Lower level outdoors
	1:05 pm	49-50	I-84 Upper level outdoors
	4:10 pm	46-56	I-84 Lower level outdoors
04/14/05	9:30 am	51-55	I-84 Lower level outdoors
Thurs	12:50 pm	50-62	
	2:30 pm	50-60	
	4:20 pm	53-67	
	6:40 pm	53-63	
04/15/05	9:00 am	51-59	I-84 Lower level outdoors
Friday	10:50 am	47-70	
04/16/05	8:40 am	40-46	I-84 Lower level outdoors
Sat	11:30 am	44-47	
	12:00 pm	39-51	
	06:15 pm	38-44	
04/18/05	06:55 am	53-58	I-84 Lower level outdoors
Mon	07:15 am	52-61	
	03:28 pm	41-53	
04/19/05	06:57 am	56-61	I-84 Lower level outdoors
Tues	07:15 am	53-58	
	01:20 pm	43-49	
04/20/05	06:37 am	50-54	I-84 Lower level outdoors
Wedn	10:20 am	42-49	
	05:48 pm	42-52	
	07:10 pm	40-52	
04/21/05	03:03 am	53-67	I-84 Lower level outdoors; windy conditions, trucks; new leaves on trees
	07:27 am	56-62	
	08:11 am	57-67	
	08:11 am	55-61	

*Chad*

Groundwater  
July 27, 2006

#### 4.4 Groundwater

##### 4.4.1 Existing Groundwater Conditions

The majority of properties in the Town of Patterson and the Town of Kent are served by individual wells, since there are limited community water supply systems in both Towns. Business and residential properties in the vicinity of the Patterson Crossing Retail Center site are served by individual wells. The adjoining residential community of Lake Carmel, located on the western edge of the Patterson Crossing Retail Center site also utilizes individual wells.

Groundwater in the vicinity of the project area is primarily found in the bedrock. Shallow groundwater is found in the glacial till material locally, but is not a reliable source of groundwater due to the relatively thin cover of glacial till in the area, and the potential for impacts from near surface contamination. Bedrock wells are installed into the metamorphic gneiss and schist rocks found locally. Bedrock wells are generally dependent upon fractures in the rock to provide sufficient water for a reliable water supply. Therefore, depths of wells and well yields can vary considerably, depending upon the size and quantity of fractures that are intercepted by any specific well.

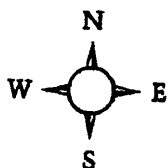
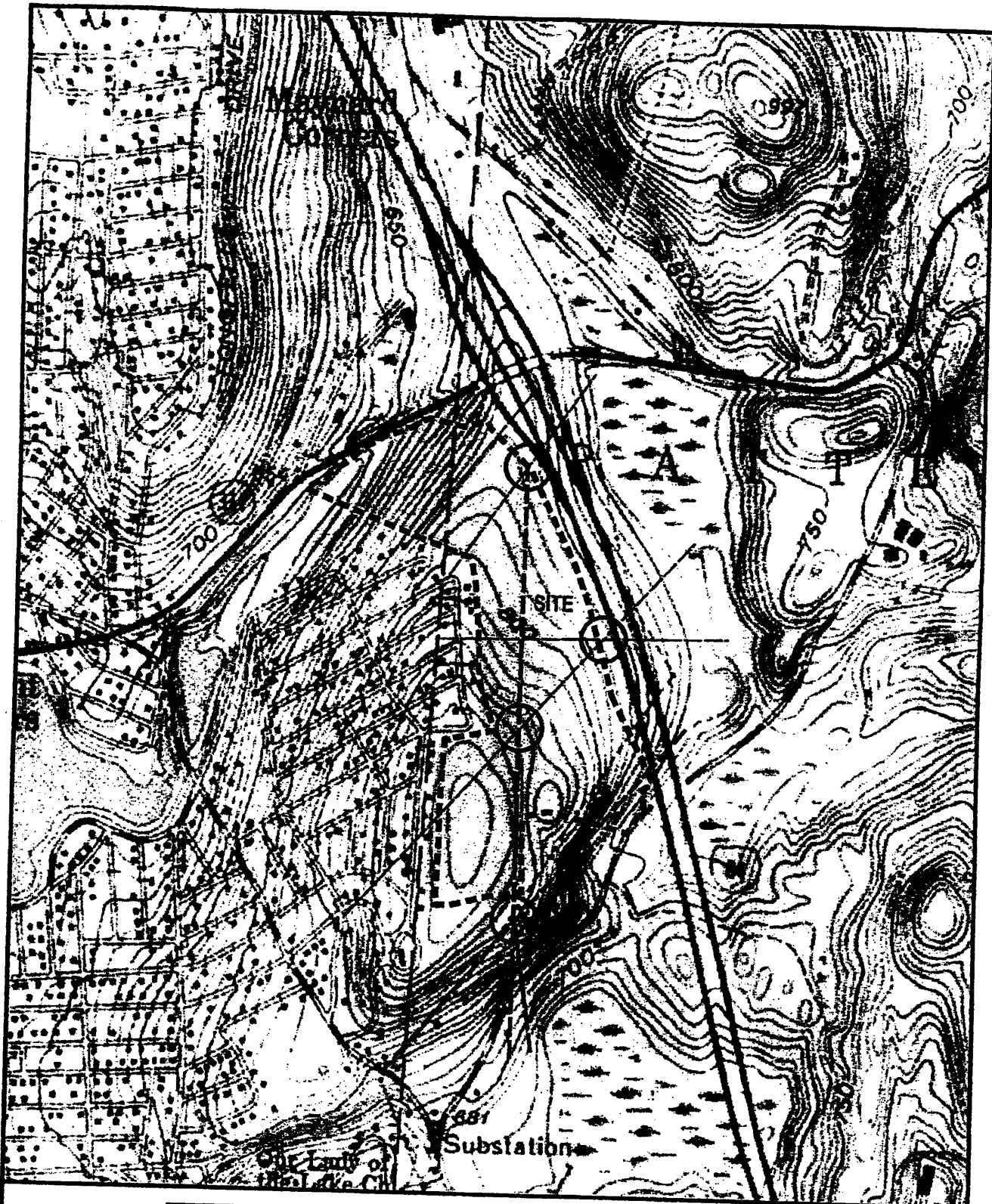
Depth to water table (surficial groundwater elevations) varies on the site. Typically, shallow groundwater is found at the interface of the bedrock and overlying soils or in layers of sand, gravel or silt, in the surficial glacial till material. This shallow groundwater generally follows the surface topography. Since the surface water drainage flows toward the east and the northwest, shallow groundwater movement can be assumed to be consistent with surface water, towards the property's lower elevations.





Two separate geotechnical investigations provided site specific information on the shallow groundwater elevations. A Supplemental Hydrogeological Evaluation was completed by GeoDesign, Inc., in August 2005 (Appendix E). A total of six shallow wells were installed to characterize the unconsolidated deposits for potential on-site sanitary sewage disposal. In the southern portion of the site, the depth to stabilized groundwater ranged from 23 to 25 feet below surface grade. In the northern portion of the site, groundwater was found at nine to 35 feet below surface grades. A series of geotechnical borings were completed by Connecticut Test Borings, LLC, in March, 2004 (Appendix D). Twenty-five borings were completed and nine (9) of these borings contained no groundwater upon completion of the drilling. Groundwater levels in the remaining 16 borings varied from six to 26 feet in depth. Groundwater levels averaged 13 feet in depth, across the site.

As described below, two six-inch diameter bedrock production wells were drilled on the Patterson Crossing Retail Center site to provide water supply for the development. Static water levels in the two bedrock wells were 50 feet and 61 feet, respectively.

Groundwater flow direction in the bedrock aquifer is somewhat influenced by surface topography, but is also influenced by major fracture systems in the rock, faults, and surface water bodies such as Lake Carmel, located west of the site, and areas of wetlands, located east and southeast of the site. Groundwater flow direction on the site is not known but, based upon local topography, groundwater is expected to generally flow towards lower elevations west of the site, towards Lake Carmel, and towards the northeast, southeast and east, towards off-site wetland areas at lower elevations in the vicinity of Interstate 84.

*Attachments - Six*



-  Major Fracture Trace
-  Minor Fracture trace
-  Potential Well Location
-  Site Property Boundary

**Figure 4.4-1: Fracture Trace Map**  
 Patterson Crossing Retail Center  
 Town of Patterson and Town of Kent,  
 Putnam County, New York

Source: TMA

Base Map: USGS 7.5-minute Topographic Map, Lake Carmel Quad

Scale: 1 inch = 1,000 feet

File 04031 09/28/05  
 JS040311

Tim Miller Associates, Inc., 10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418

Putnam County recently completed a Groundwater Protection and Utilization Plan, prepared by the Chazen Companies (September, 2004). The purpose of the plan was to provide an inventory of groundwater resources in the County, determine levels of groundwater usage, and to develop management approaches for future use and protection of groundwater. According to the Plan, the Patterson Crossing Retail Center site is located at the western edge of a higher yielding bedrock aquifer. The higher yielding aquifer corresponds with the Walloomsac Formation, which is composed of pyllite, schist and metagraywacke rocks. These are generally fine grained metamorphic rocks. The majority of the project site is underlain by older biotite-quartz paragneiss bedrock, which is categorized by the Chazen study as having generally lower groundwater yields.

Locally, groundwater quality is generally good, with no reported concerns, according to the Putnam County Department of Health (PCDOH). Water hardness, as well as elevated iron and manganese is a problem in certain wells, locally. Such results are typically a problem for well and water equipment maintenance and are not a health concern.

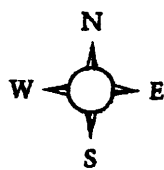
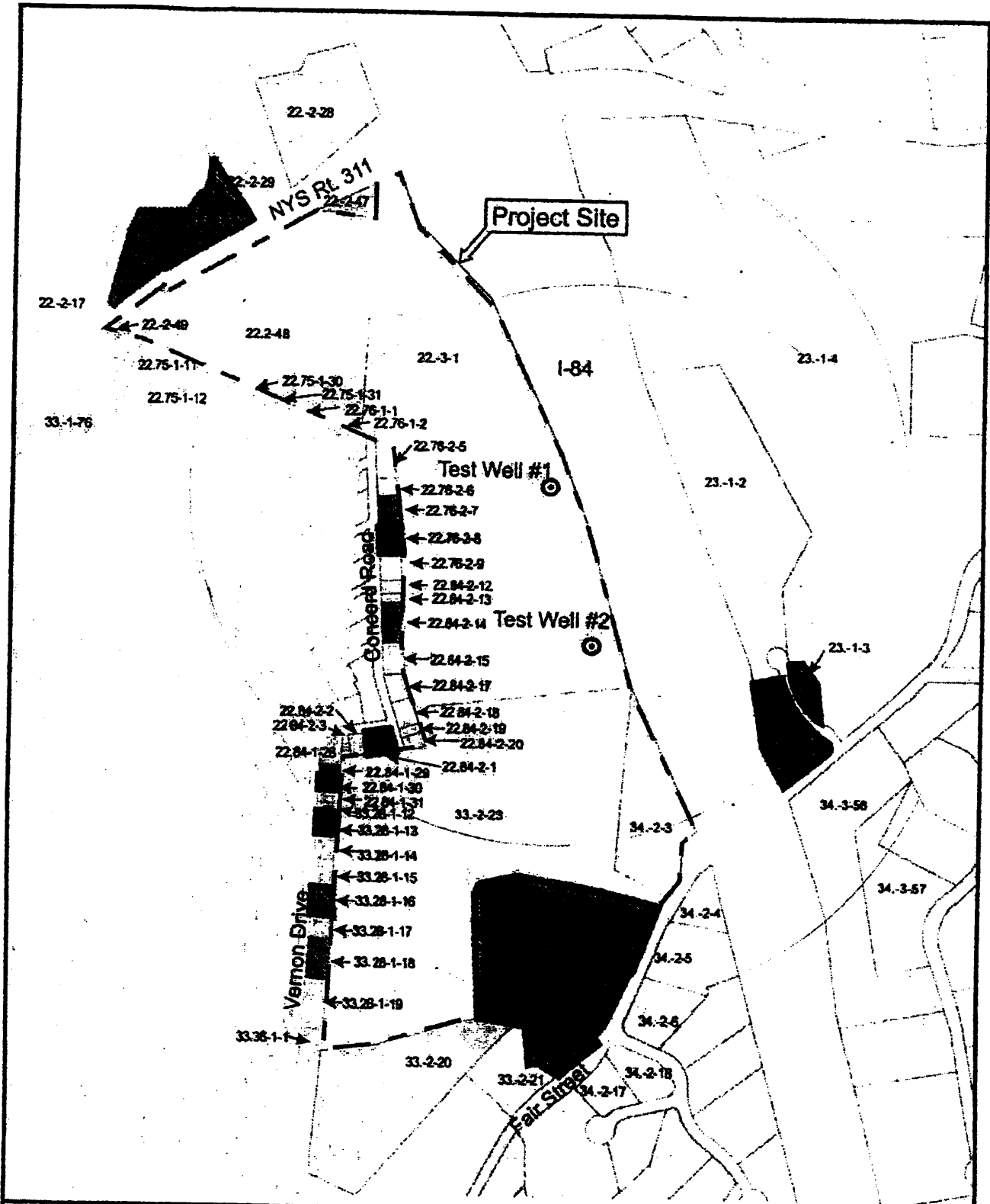
#### Fracture Trace Analysis

A fracture trace analysis was completed for the Patterson Crossing Retail Center site in order to assist in the location and development of water supply wells for the project. Fracture trace analysis utilizes high altitude infrared photography and geologic maps to identify surface features which reflect underlying geologic structures such as faults and bedrock fractures. The number and location of bedrock fractures is dependent on the degree of deformation that the bedrock has undergone through its formation. Typically, the larger, more productive fractures tend to produce visible topographic traces. These traces can be found using aerial photography and digital terrain modeling.

Review of the high altitude infrared photography shows that the project area has one major fracture trending from south to north through the approximate center of the site and a second major trace trending from southwest to northeast at the southern edge of the site. Fracture traces are shown in Figure 4.4-1, Fracture Trace Map. Several smaller traces were observed on the site, most trending southwest to northeast. The intersection of the major fracture traces occurs slightly south of the property boundary. Three locations appeared suitable for ground water development at the edges or within the property limits. These locations are at the intersection of the fractures shown on the fracture trace map (Figure 4.4-1).

#### Recharge Analysis

A recharge analysis was completed for the Patterson Crossing Retail Center site and is described below. A recharge analysis provides a general estimate of the amount of water that is contributed to a groundwater system or aquifer by precipitation over a given period of time. Typically, annual rainfall is used for the development of a recharge analysis. A portion of the annual precipitation that falls in a given area leaves the system through surface run-off. The water that enters the soil is defined as infiltration. A portion of the water that enters the soil is returned to the atmosphere by evapotranspiration. Evapotranspiration is the process of water that is taken up by plant and tree roots and transpired through the plants leaves or needles. Infiltrated water that is not taken up by plants travels vertically through soil and rock to the saturated zone and becomes groundwater. Depending upon the physical characteristics of



**Legend**

	Properties monitored during pump test
	Properties consenting to monitoring
	Properties sent letter request for monitoring
	Properties in Town of Kent
	Properties in Town of Patterson

**Figure 4.4-2: Well Monitoring Locations**  
 Patterson Crossing Retail Center  
 Town of Patterson and Town of Kent  
 Putnam County, New York  
 Base Map: Putnam County GIS Dept.  
 Approx. Scale: 1 Inch = 600 feet

the recharge area, between 15 and 40 percent of the annual precipitation typically recharges the local aquifer.

Evaluation of groundwater recharge with respect to a specific project or land use is usually done by comparing the projected water demand and the ability of the local watershed to recharge the aquifer. Generally, in a shallow unconfined aquifer (unconsolidated material) the groundwater table will loosely follow the surface topography of the land. Groundwater would be expected to flow from drainage boundaries, such as ridges, toward points topographically lower in the watershed. In bedrock aquifers, such as the aquifer utilized by the Patterson Crossing Retail Center wells, groundwater flow is controlled by available fractures in the bedrock and therefore, only a portion of total basin recharge could transmit water to any given pumping area. For example, heavily faulted and fractured bedrock zones are capable of transmitting larger quantities of water to recharge the bedrock aquifer than are less fractured zones.

The project site is likely underlain by a system of subsurface fractures and minor faults. The fractures, if tapped successfully, will potentially pick up recharge from a large area, including the area beneath Lake Carmel, Wonder Lake and local streams and drainage ways. The faults and fractures that form the valleys surrounding the project site may extend for miles and intercept additional fractures well beyond the property. Precipitation falling anywhere within this area naturally drains towards the valleys from the higher elevations. As described in the Section 4.5 Surface Water, the Patterson Crossing Retail Center site is located on the divide between two different surface water drainage basins; the Middle Branch Reservoir Watershed and the East Branch Reservoir Watershed. The fractures tapped by the Patterson Crossing Retail Center wells may extend a considerable distance beyond the property boundaries and have a potentially large area for recharge contribution.

GeoDesign completed a hydrogeology investigation which included groundwater modeling for the purpose of evaluating hydrogeologic conditions as they relate to subsurface sewage disposal. GeoDesign based their site groundwater recharge model on a specific area the boundaries of which are depicted in Figure No. 1 of the report (see Appendix E). In general, the groundwater recharge area boundaries are identified as Lake Carmel to the west, wetlands bordering Interstate 84 to the east and topography exceeding 800 feet to the north and south.

A recharge analysis was completed to estimate the amount of water available for recharge from the Patterson Crossing Retail Center property, only. This analysis provides a conservative estimate of available groundwater within the site boundaries. As indicated above, the actual area contributing groundwater to the on-site wells would be larger, due to bedrock fractures extending beyond the property boundaries.

The recharge analysis is based upon a model created by Keith Eggleston, a former senior climatologist at the Northeast Regional Climate Center at Cornell University. The model estimates the amount of evapotranspiration, on a monthly basis, for forested land in the lower Hudson Valley. Forested land has a higher degree of evapotranspiration than does turf covered surfaces (lawns, golf course) and represents a more conservative estimate for this project. Runoff was limited to 40% due to the topography of the project site. Northern and southern portions of the site have steep slopes. The rainfall figures are an average of readings for Middletown, Harriman and Poughkeepsie for the ten year period of 1990 to 2000.

<i>Table 3-5 Recharge Calculation</i>	
Acres	94.4
Square Feet	4,112,064
Average rainfall per year (inches)	48.8
Average rainfall per year (feet)	3.67
Cubic feet of precipitation per year	16,722,323
Gallons of precipitation per year	125,082,976
Amount lost to evapotranspiration and runoff (66% based upon model)	83,103,858
Amount, in gallons, available for recharge per year	41,979,118
Amount, in gallons, available for recharge per day	115,011
Amount, in gallons, available for recharge per minute	79.9
Source: Tim Miller Associates, Inc., Note: Rainfall figures are an average of annual rainfall amounts for Middletown, Harriman and Poughkeepsie for the period 1990 to 2000.	

As provided above, an estimated 115,011 gallons per day or 79.9 gallons per minute is available for groundwater recharge on the Patterson Crossing Retail Center property. This amount far exceeds the project estimated water demand of 10,740 gallons per day (gpd) or 7.5 gallons per minute (gpm). Project impacts to groundwater are further discussed in Section 4.4.3 Future Conditions With the Project.

Current Use of Groundwater

As described above, properties in the vicinity of the Patterson Crossing Retail Center site utilize private wells since no public water supply systems are available. Individual wells are used by nearby residential and commercial properties in the Town of Patterson and the Town of Kent. Residents of the adjacent Lake Carmel residential community also use individual wells.

The specific area contributing recharge to the site and the extent of underground bedrock fracture systems surrounding the site is not known. Two recently installed production wells will be used to supply water for the Patterson Crossing Retail Center development. Approximately 217 tax lots are located within a 2,000 foot radius around the two Patterson Crossing Retail Center production wells. These tax lots comprise approximately 294 acres. Since each of the surrounding lots has the potential to have an individual supply well, it is assumed that there may be up to 217 private wells within the 2000 foot radius from the Patterson Crossing Retail Center wells.

Local water usage within 2000 feet of the Patterson Crossing Retail Center wells can only be estimated since surrounding lots contain a mix of residential and commercial uses and some undeveloped lots. As a conservative estimate, it can be assumed that all of the lots contain residences, since residences typically use more water than small commercial and office uses. No major industrial facilities with substantial water uses are located in the vicinity of the Patterson Crossing Retail Center site. Local residences are a mixture of small homes in the Lake Carmel development and larger newer homes. If all surrounding residential lots are assumed to have three bedrooms, then each household size is estimated to be an average of 3.3 persons (Development Impact Assessment Handbook, ULI, 1994). Using a conservative household size of 4 persons per residence, each resident will use 75 gallons

per day or 300 gallons per day per household. The estimated 217 tax lots would conservatively use 65,100 gallons per day. The amount of recharge available to this off-site area (294 acres) is estimated to be 358,191 gallons per day. Septic systems will also return a majority of this water to the local aquifer.

Production Well Testing

Two proposed water supply wells were drilled on the property in October and November, 2004. Well No. 1 was drilled to a depth of 805 feet and Well No. 2 to a depth of 705 feet. Well locations are shown in Figure 4.4-2, Well Monitoring Locations. The wells have 80 feet and 50 feet of 6-inch steel casing, respectively. Well logs for the wells are provided in the Patterson Crossing Retail Center Water Supply Report (see Appendix H). Wells No. 1 and No. 2 are located 170 and 180 feet respectively from the eastern property line.

According to subpart 5-D.2, "Water Well Location and Protection" of Chapter 1 of the State's Sanitary Code, "Wells serving public water systems shall be located such that the owner of the water system possess legal title to lands with 100' of the well and the owner controls by ownership, lease, easement, or other legally enforceable arrangement the land use activities within 200' of the well.

According to subpart 5-D.1, "Application and Definitions" of Chapter 1 of the State's Sanitary Code "the Department or local Health Department may allow deviations from a standard on a case by case basis in accordance with procedures and criteria established by the Department. Such deviations may only be allowed upon approval in writing by the Department or local Health Department". The applicant owns the property within 100' of both wells. The 200' radius from the two wells extends approximately 20 and 30' from well number 2 and 1 respectfully beyond the eastern property line. Referencing subpart 5-1 "Public Water Systems" of Chapter 1 of the State's Sanitary Code, the water system for the project is classified as a "non-transient, non-community water system". Based on discussions with the Putnam County Department of Health (PCDOH), as well as the past policies of the PCDOH, only community public water system are required to have ownership of Property with 100' and control within 200' of their supply wells in Putnam County. Accordingly, since the water system for this project is classified as a "non-transient, non-community water system", it should not have to comply with these distances. As part of the permitting process the applicant will seek written approval from the PCDOH for the water system including the supply wells. The Town will receive a copy of this written approval, or variance, regarding control of land within 200-feet of a non-community, non-transient water supply source, following approval by the PCDOH.

A well testing protocol was prepared by Tim Miller Associates, Inc. and reviewed by the PCDOH as well as the Town of Patterson. The purpose of the pumping test was to determine if sufficient groundwater was available to support the project and to determine if future operation of the project wells would have any adverse impact on existing private wells near the site.

In order to monitor the effects of pumping, the on-site wells and selected off-site private wells were monitored during the 72 hour pump test. Requests for permission to monitor were sent to forty (40) residences and businesses surrounding the Patterson Crossing Retail Center property. Thirteen positive responses were received providing permission to monitor private wells. A copy of the well monitoring request, the well survey and a list of residents involved in the well monitoring, are included in Appendix B of the Patterson Crossing Retail Center Water Supply Report (Appendix H of this DEIS). At two locations, positive responses were received

Potential Well Pumping Impacts

Monitoring of private off-site test wells carried out by Tim Miller Associates, Inc. demonstrates no on-site or off-site draw down interference effects. A full 72-hour pump test of the proposed wells was carried out in accordance with PCDOH standards. The recharge analysis completed for the project demonstrates that more water is recharged to the aquifer, on the subject property, than is proposed to be used by the project and that reducing the recharge area by 32.26 acres will not cause an imbalance in water taking versus recharge.

While no adverse impacts to groundwater resources are expected, several mitigation measures are proposed by the applicant. Undeveloped and landscaped portions of the site will remain undeveloped and will allow continued recharge of the aquifer. As described above, the majority of stormwater collected from parking lots and driveways will be treated in stormwater management facilities. Water will infiltrate into the ground in these facilities thereby contributing to the recharge of the groundwater on-site.

As described above, the monitoring of off-site wells during the pumping test showed no indication of off-site drawdown or potential impacts to off-site wells. The applicant would consider a limited program of off-site private well monitoring, in order to document that the use of on-site wells will have no off-site drawdown impacts. Typically, a number of off-site private wells closest to the production wells would be monitored. A potential monitoring program would involve up to five private wells of residences located on Concord Road and Vernon Drive. Selected wells would be monitored with dedicated pressure transducer/data logger units of the type used during the pumping test. Permission for the long-term monitoring would need to be obtained from each of the respective home-owners. Monitoring of the wells would be done for a period of at least two years following the completion and full occupancy of the proposed Patterson Crossing Retail Center development. If such a monitoring program is implemented, monitoring should begin at the start of construction so that there is a baseline of pre-pumping water level data before the on-site wells go into service.

The need for and utility of a such a long term water level monitoring program should be determined by the Lead Agency in consultation with a professional hydrogeologist. If such a monitoring program is implemented, the potential affects of the project upon individual off-site wells should be evaluated and determined by a professional hydrogeologist, retained by the Town of Patterson and paid for by the Applicant.

A well monitoring program, as described above, would provide the Town and a limited number of homeowners, with data to document whether the project could potentially affect existing off-site wells. Without such monitoring data, it would be difficult to document or substantiate whether the project wells were affecting off-site wells or whether other factors, not related to the project were affecting the capacity of off-site wells.

If a local resident experiences a reduction or loss of well function as a result of Patterson Crossing Retail Center well usage, complaints would be filed with the Town of Patterson or Town of Kent Building Inspector as appropriate. Complaints regarding potential well impacts should be limited to a reasonable distance, such as within 1500 feet of the production wells, and to a period of two years following the complete build-out of the Patterson Crossing Retail Center development.



# Assessing and Mitigating Noise Impacts



New York State  
Department of Environmental Conservation

<b>PROGRAM POLICY</b>	<b>Department ID:</b> DEP-00-1	<b>Program ID:</b> n/a
	<b>Issuing Authority: Environmental Conservation Law Articles 3, 8, 23, 27</b>	
<b>Name: Jeffrey Sama</b>	<b>Originating Unit: Division of Environmental Permits</b>	
<b>Title: Director</b>	<b>Office/Division: Environmental Permits</b>	
<b>Signature: /S/ _____ Date: 10/6/00</b>	<b>Unit:</b>	
<b>Issuance Date: October 6, 2000 Revised: February 2, 2001</b>	<b>Phone: (518) 402-9167</b>	
	<b>Latest Review Date (Office Use):</b>	

**Abstract:** Facility operations regulated by the Department of Environmental Conservation located in close proximity to other land uses can produce sound that creates significant noise impacts for proximal sound receptors. This policy and guidance presents noise impact assessment methods, examines the circumstances under which sound creates significant noise impacts, and identifies avoidance and mitigative measures to reduce or eliminate noise impacts.

**Related References:** See references pages 27 and 28.

## I. PURPOSE<sup>1</sup>

This policy is intended to provide direction to the staff of the Department of Environmental Conservation for the evaluation of sound levels and characteristics (such as pitch and duration) generated from proposed or existing facilities. This guidance also serves to identify when noise levels may cause a significant environmental impact and gives methods for noise impact assessment, avoidance, and reduction measures. These methods can serve as a reference to applicants preparing environmental assessments in support of an application for a permit. Additionally, this guidance explains the Department's regulatory authority for undertaking noise evaluations and for imposing conditions for noise mitigation measures in the agency's approval

<sup>1</sup> A Program Policy Memorandum is designed to provide guidance and clarify program issues for Division staff to ensure compliance with statutory and regulatory requirements. It provides assistance to New York State Department of Environmental Conservation (DEC) staff and the regulated community in interpreting and applying regulations and statutes to assure that program uniformity is attained throughout the State. Nothing set forth in a Program Policy Memorandum prevents DEC staff from varying from that guidance as specific circumstances may dictate, provided the staff's actions comply with applicable statutory and regulatory requirements. As this guidance document is not a fixed rule, it does not create any enforceable right by any party using the Program Policy Memorandum.

*Attachments - Lists*

of permits for various types of facilities pursuant to regulatory program regulations and the State Environmental Quality Review Act (SEQR).

## **II. BACKGROUND**

Noise is defined as any loud, discordant or disagreeable sound or sounds. More commonly, in an environmental context, noise is defined simply as unwanted sound. Certain activities inherently produce sound levels or sound characteristics that have the potential to create noise. The sound generated by proposed or existing facilities may become noise due to land use surrounding the facility. When lands adjoining an existing or proposed facility contain residential, commercial, institutional or recreational uses that are proximal to the facility, noise is likely to be a matter of concern to residents or users of adjacent lands.

### **A. Sources of Noise Generation**

The three major categories of noise sources associated with facilities are (1) fixed equipment or process operations; (2) mobile equipment or process operations; and (3) transport movements of products, raw material or waste. The fixed plant may include a very wide range of equipment including: generators; pumps; compressors; crushers of plastics, stone or metal; grinders; screens; conveyers; storage bins; or electrical equipment. Mobile operations may include: drilling; haulage; pug mills; mobile treatment units; and service operations. Transport movements may include truck traffic within the operation, loading and unloading trucks and movement in and out of the facility. Any or all of these activities may be in operation at any one time. Singular or multiple effects of sound generation from these operations may constitute a potential source of noise.

### **B. Potential for Adverse Impacts**

Numerous environmental factors determine the level or perceptibility of sound at a given point of reception. These factors include: distance from the source of sound to receptor; surrounding terrain; ambient sound level; time of day; wind direction; temperature gradient; and relative humidity. The characteristics of a sound are also

important determining factors for considering it as noise. The amplitude (loudness), frequency (pitch), impulse patterns and duration of sound all affect the potential for a sound to be a noise. The combination of sound characteristics, environmental factors and the physical and mental sensitivity of a receptor to a sound determine whether or not a sound will be perceived as a noise. This guidance uses these factors in assessing the presence of noise and the significance of its impacts. It relies upon qualitative and quantitative sound evaluation techniques and sound pressure level impact modeling presented in accepted references on the subject.

#### **C. Mitigation**

Mitigation refers to actions that will be taken to reduce the effects of noise or the noise levels on a receptor. Adverse noise effects generated by a facility can be avoided or reduced at the point of generation thereby diminishing the effects of the noise at the point of reception. This guidance identifies various mitigation techniques and their proper application either at the source of noise generation or on a facility's property. Alternative construction or operational methods, equipment maintenance, selection of alternative equipment, physical barriers, siting of activities, set backs, and established hours of construction or operation, are among the techniques that can successfully avoid or reduce adverse noise effects.

#### **D. Decision Making**

When an assessment of the potential for adverse noise impacts indicates the need for noise mitigation, it is preferred that specifications for such measures be incorporated in a noise analysis and in the applicant's work or operational plan necessary for a complete application. Presenting a plan that incorporates effective noise mitigation provisions facilitates the Department's technical and environmental review and minimizes or negates the imposition of permit conditions by the Department. Adherence to these plans becomes a condition of a permit.

to be taken to minimize adverse environmental impacts resulting from the mining operation.”  
The provisions to be incorporated in a Mined Land Use Plan, as specified in 6 NYCRR Section 422.2, include the control of noise as a component of the plan.

The solid waste regulations at 6 NYCRR Subdivision 360-1.14(p), establish A-weighted decibel levels that are not to be exceeded at the property line of a facility.

The Division of Air Resources has regulations in 6 NYCRR Parts 450 through 454 that regulate the allowable sound level limits on certain motor vehicles. The statutory authority for these regulations is found in the New York State Vehicle and Traffic Law, Article 10, Section 386.

This guidance does not supercede any local noise ordinances or regulations.

#### **IV. RESPONSIBILITY**

The environmental analyst, acting as project manager for the review of applications for permits or permit modifications and working in concert with the program specialist, is responsible for ensuring that sound generation and noise emanating from proposed or existing facilities are properly evaluated. For new permits or significantly modified permits, there should be a determination as to the potential for noise impacts, and establishment of the requirements for noise impact assessment to be included in the application for permit. Where the Department is lead agency, the analyst is responsible for making a determination of significance pursuant to SEQRA with respect to potential noise impacts and include documentation for such determination.

Where impacts are to be avoided or reduced through mitigation measures, the analyst, or where there are program requirements to address noise, the program specialist, should determine the effectiveness and feasibility of those measures and ensure that the permit conditions contain specific details for such measures. It should also be determined if additional measures to control noise are to be imposed as a condition of permitting. Appropriate permit language for the permit conditions should be developed by the program specialist and the analyst. The results of noise impact evaluations and the effectiveness of mitigation measures

basically combine noise measurements into measures of cumulative noise exposure and may weight noise occurring at different times by adding decibels to the actual decibel level. Some of these analyses require more complex noise analysis than is mentioned in this guidance. They may be used in a noise analyses prepared for projects.

Designations for sound levels may also be shown as  $L_{(10)}$  or  $L_{(90)}$  in a noise analysis. These designations refer to the sound pressure level (SPL) that is exceeded for 10% of the time over which the sound is measured, in the case of  $L_{(10)}$ , and 90% of the time, in the case of  $L_{(90)}$ . For example, an  $L_{(90)}$  of 70 dB(A) means that 70 dB(A) is exceeded for 90% the time for which the measurement was taken.

#### **A. Environmental Setting and Effects on Noise Levels**

1. **Sound Level Reduction Over Distance** - It is important to have an understanding of the way noise decreases with distance. The decrease in sound level from any single noise source normally follows the "inverse square law." That is, SPL changes in inverse proportion to the square of the distance from the sound source. At distances greater than 50 feet from a sound source, every doubling of the distance produces a 6 dB reduction in the sound. Therefore, a sound level of 70 dB at 50 feet would have a sound level of approximately 64 dB at 100 feet. At 200 feet sound from the same source would be perceived at a level of approximately 58 dB.
  
2. **Additive Effects of Multiple Sound Sources** - The total sound pressure created by multiple sound sources does not create a mathematical additive effect. Below Table A is given to assist you in calculating combined noise sources. For instance, two proximal noise sources that are 70 dBA each do not have a combined noise level of 140 dBA. In this case the combined noise level is 73 dBA. Since the difference between the two sound levels is 0 dB, Table A tells us to add 3 dB to the sound level to compensate for the additive effects of the sound. To find the cumulative SPL assess the SPLs starting with the two lowest readings and work up to the difference between the two highest readings. For several pieces of equipment, operating at one

not have an effect on the SPL. Sound waves bend towards cooler temperatures. Temperature inversions may cause temporary problems when cooler air is next to the earth allowing for more distant propagation of sound. Similarly, sound waves will bend towards water when it is cooler than the air and bounce along the highly reflective surface. Consequently large water bodies between the sound source and the receptor may affect noise attenuation over distance.

4. **Time of Year** - Summer time noises have the greatest potential for causing annoyance because of open windows, outside activities, etc. During the winter people tend to spend more time indoors and have the windows closed. In general, building walls and windows that are closed provide a 15 dB reduction in noise levels. Building walls with the windows open allow for only a 5 dB reduction in SPL.
5. **Wind** - Wind can further reduce the sound heard at a distance if the receptor is upwind of the sound. The action of the wind disperses the sound waves reducing the SPLs upwind. While it is true that sound levels upwind of a noise source will be reduced, receptors downwind of a noise source will not realize an increase in sound level over that experienced at the same distance without a wind. This dispels the common belief that sound levels are increased downwind due to wind carrying noise.
6. **Land forms and structures** - In certain circumstances, sound levels can be accentuated or focused by certain features to cause adverse noise impacts at specified locations. At a hard rock mine, curved quarry walls may have the potential to cause an amphitheater effect while straight cliffs and quarry walls may cause an echo. Buildings that line streets in cities can cause a canyon effect where sound can be reflected from the building surfaces similar to what might happen in a canyon. Consideration of noise impacts associated with these types of conditions may require specialized expertise to evaluate impact potential and to formulate suitable mitigation techniques.

Consideration of existing noise sources and sound receptors in proximity to a proposed activity can be important considerations even when the activity under review is not a noise source. Topography, vegetation, structures and the relative location of noise receptors and sources to these features are all aspects of the environmental setting that can influence noise impact potential. As such, land alteration may also indirectly create an adverse noise impact where natural land features or manmade features serve as a noise barrier or provide noise attenuation for existing sources of noise, i.e. highway, railroads, manufacturing activity. Removal of these features, i.e. hills, vegetation, large structures or walls, can expose receptors to increased sound pressure levels causing noise problems where none had previously existed.

## **B. Impact Assessment**

### **1. Factors to Consider**

Factors to consider in determining the impact of noise on humans, are as follows:

#### **a. Evaluation of Sound Characteristics**

- (1) Ambient noise level - A noise can only intrude if it differs in character or SPL from the normal ambient sound. Most objective attempts to assess nuisance noise adopt the technique of comparing the noise with actual ambient sound levels or with some derived criterion.
- (2) Future noise level - The ambient noise level plus the noise level from the new or proposed source.
- (3) Increase In Sound Pressure Level - A significant factor in determining the annoyance of a noise is Sound Pressure Level (SPL). SPLs are measured in decibels.
- (4) Sharp and Startling Noise - These high frequency and high intensity noises can be extremely annoying. When initially evaluating the effects

of noise from an operation, pay particular attention to noises that can be particularly annoying. One such noise is the back-up beepers required to be used on machinery. They definitely catch one's attention as they were meant to do. Continual beeping by machinery can be mitigated (see Section V.C. Mitigation - Best Management Practices). Another impulse noise source that can be very annoying is the exhaust from compressed air machinery. This exhaust is usually released in loud bursts. Compressed air exhaust can also be mitigated if it causes a noise problem by using readily available mufflers or specifically designed enclosures.

- (5) **Frequency and Tone** - Frequency is the rate at which a sound source vibrates or makes the air vibrate. Frequency is measured in Hertz (Hz). Frequency can also be classified as high ("sharp"), low ("dull"), and moderate. Pure tones are rare in nature. Tonal sounds usually consist of pure tones at several frequencies. Pure tones and tonal sounds are discerned more readily by the human ear. Pure tones and tonal sounds are compensated for in sound studies by adding a calculated number of dB(A) to the measured sound pressure.
- (6) **Percentile of Sound Levels** - Fluctuations of SPLs can be expressed as a percentile level designated as  $L_{(n)}$  where a given decibel level is exceeded  $n$  % of the time. A designation of  $L_{(10)} = 70$  dBA means the measured SPLs exceeded 70 dBA 10% of the time. A designation of  $L_{(90)} = 70$  dBA means the measured SPLs were exceeded 90% of the time.  $L_{(90)}$  is often used to designate the background noise level.
- (7) **Expression of Overall Sound** - Part of the overall assessment of sound is the *Equivalent Sound Level* ( $L_{eq}$ ) which assigns a single value of sound level for a period of time in which varying levels of sound are experienced over that time period. The  $L_{eq}$  value provides an indication of the effects of sound on people. It is also useful in establishing the ambient sound levels at a potential noise source.

In order to evaluate the above factors in the appropriate context, one must identify the following: 1) appropriate receptor locations for sound level calculation or measurement; 2) ambient sound levels and characteristics at these receptor locations; and 3) the sound pressure increase and characteristics of the sound that represents a significant noise effect at a receptor location.

**b. Receptor Locations**

Appropriate receptor locations may be either at the property line of the parcel on which the facility is located or at the location of use or inhabitation on adjacent property. The solid waste regulations require the measurements of sound levels be at the property line. The most conservative approach utilizes the property line. The property line should be the point of reference when adjacent land use is proximal to the property line. Reference points at other locations on adjacent properties can be chosen after determining that existing property usage between the property line and the reference point would not be impaired by noise, i.e., property uses are relatively remote from the property line. The location of the facility should be shown on a map in relation to each potential receptor. Any future expansion should be described in a narrative as well as depicted on a map. The map and narrative should also include the distance of the operation to each point of reception including the distance at the point in time when an expanding operation will be closest to the receptors.

**c. Thresholds for Significant Sound Pressure Level (SPL) Increase**

The goal for any permitted operation should be to minimize increases in sound pressure level above ambient levels at the chosen point of sound reception. Increases ranging from 0-3 dB should have no appreciable effect on receptors. Increases from 3-6 dB may have potential for adverse noise impact only in cases where the most sensitive of receptors are present. Sound pressure increases of more than 6 dB may require a closer analysis of impact potential depending on

operates at the same noise level as the ambient, then 3 dB(A) must be added to the existing ambient noise level to obtain the future noise level. If the goal is not to raise the future noise levels the new facility would have to operate at 10 dB(A) or more lower than the ambient.(see Table A)

**Table B**  
**HUMAN REACTION TO INCREASES IN SOUND PRESSURE LEVEL**

<b>Increase in Sound Pressure (dB)</b>	<b>Human Reaction</b>
Under 5	Unnoticed to tolerable
5 - 10	Intrusive
10 - 15	Very noticeable
15 - 20	Objectionable
Over 20	Very objectionable to intolerable

(Down and Stocks - 1978)

Impact assessment will vary for specific project reviews, but must consist of certain basic components for all assessments. Additional examination of sound generation and noise reception are necessary, where circumstances warrant. Sound impact evaluation is an incremental process, with four potential outcomes:

- exemption criteria are met and no noise evaluation is required;
- noise impacts are determined to be non-significant (after first-level evaluation);
- noise impacts are identified as a potential issue but can be readily mitigated (after second level evaluation); or
- noise impacts are identified as a significant issue requiring analysis of alternatives as well as mitigation (third level evaluation).

All levels of evaluation may require preparation of a noise analysis. The required scope of noise impact analysis can be rudimentary to rather sophisticated, depending on circumstances and the results obtained from initial levels of evaluation. Recommendations for each level of evaluation are presented below.

**Table C**  
**PROJECTED NOISE LEVELS**

<b>Noise Source</b>	<b>Measurements</b>	<b>1,000 feet</b>	<b>2,000 feet</b>	<b>3,000 feet</b>
Primary and secondary crusher	89 dB(A) at 100 ft	69.0 dB(A)	63.0 dB(A)	59.5 dB(A)
Hitachi 501 shovel loading	92 dB(A) at 50 ft	66.0 dB(A)	60.0 dB(A)	56.5 dB(A)
Euclid R-50 pit truck loaded	90 dB(A) at 50 ft	64.0 dB(A)	58.0 dB(A)	54.4 dB(A)
Caterpillar 988 loader	80 dB(A) at 300 ft	69.5 dB(A)	63.5 dB(A)	60.0 dB(A)

(The Aggregate Handbook, 1991)

**Table D**  
**Common Equipment Sound Levels**

<b>EQUIPMENT</b>	<b>DECIBEL LEVEL</b>	<b>DISTANCE in feet</b>
Augered earth drill	80	50
Backhoe	83-86	50
Cement mixer	63-71	50
Chain saw cutting trees	75-81	50
Compressor	67	50
Garbage Truck	71-83	50
Jackhammer	82	50
Paving breaker	82	50
Wood Chipper	89	50
Bulldozer	80	50
Grader	85	50
Truck	91	50
Generator	78	50
Rock drill	98	50

(excerpt and derived from Cowan, 1994)

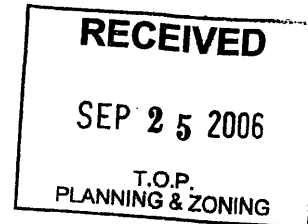
Table E

Sound Source	dB(A)*	Response Criteria
	150	
Carrier Deck Jet Operation	140	
	130	Painfully Loud Limit Amplified Speech
Jet Takeoff (200 feet) Discotheque Auto Horn (3 feet) Riveting Machine	120	
	110	Maximum Vocal Effort
Jet Takeoff (2000 feet) Shout (6.5 feet)	100	
N.Y. Subway Station Heavy Truck (50 feet)	90	Very Annoying Hearing Damage (8 hours, continuous exposure)
Pneumatic Drill (50 feet)	80	Annoying
Freight Train (50 feet) Freeway Traffic (50 feet)	70	Telephone Use Difficult Intrusive
Air Conditioning Unit (20 feet)	60	
Light Auto Traffic (50 feet)	50	Quiet
Living Room Bedroom	40	
Library Soft Whisper (15 feet)	30	Very Quiet
Broadcasting Studio	20	
	10	Just Audible
	0	Threshold of Hearing

(The Aggregate Handbook, 1991)

61 Vernon Drive  
Carmel, New York 10512  
September 22, 2006

Patterson Town Planning Board  
Attn: Herb Schech, Chairman  
Patterson Town Hall  
1142 Route 311 / P.O. Box 470  
Patterson, New York 12563



Dear Mr. Schech,

I am writing to support the "Stop Patterson Crossing" initiative. As a homeowner, very close to the proposed site for Patterson Crossing, I see no redeeming value/benefit in this project. I say this both from a personal and environmental perspective.

Normally, when I think about a big project or initiative I try to determine what benefits I will get out of its implementation. That may sound a little selfish but this really holds true with what is being proposed and I see no benefits to me or the community.

First of all, I don't see a need for additional shopping in the immediate area. I'm just fine with driving to Southeast or Danbury as needed so I, for one, will not shop in these stores. Again, that assumes it gets approved which, obviously, I am not in favor of.

Secondly, and more importantly, I can't even imagine the impact on the quality of life, in our neighborhood, during and after construction. What I can say, however, is that it surely won't improve on what we have today. To that point, I am extremely concerned about the blasting that will be required to complete this project. Most of the homes in the area are at least 40-50 years old and, again, I could only imagine the problems that blasting can have on wells, septic systems and foundations. Rest assured that if I experience any problems due to the blasting I will seek legal counsel in order to have the problems rectified. I'm sure others have raised this concern but it's definitely something that shouldn't be taken lightly.

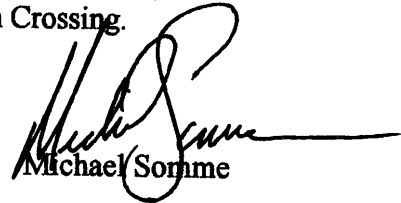
Third, I've seen comments that this project will help improve the tax situation in Lake Carmel. Personally, I would admit that my taxes are high, and I'm sure others would say the same of their personal situation, but the information I've seen is that there is very little relief in the way of taxes. The tax benefit may be for those that live in Patterson but nothing has been shared with me that would make me feel that this would positively impact me at all.

Lastly, in one word. Traffic. Route 311 is definitely not equipped to handle the increased traffic. In one report I recall seeing that there would be six new traffic lights installed, within a short distance, in order to accommodate the traffic. That's very disturbing for two reasons and they are the amount of time (it will take to complete) and congestion this project will cause. Both are unacceptable. Again I see no benefit of this project, yet my daily commute, and simple travel around town, will be impacted by the work delays and additional traffic lights. Also, I live

on the corner of Echo Road and Vernon Drive and I understand that Echo Road will be an "emergency route". We all know that this will be used for more than just emergencies and as the father of three young children, this too is unacceptable. The increased traffic will not only cause noise concerns (at all hours of the night) but more importantly poses a risk to my children as they play in the yard. I am not alone in this concern as there are many families with young children that enjoy playing in the neighborhood.

In closing, I'd like to make a comment regarding something I saw in the September 15, 2006 edition of The Journal News. Mr. Camarda mentions that this project will develop less than 40 acres (where in reality it will be just over 90 acres) of the 160,000 acres in the county and that "It's a drop in the bucket here in terms of land mass". To him, I would say go find another parcel of land that does not impact the livelihood of so many families. Frankly, his comments show how little respect he has for the families that live in the neighborhoods that will be affected by this project. This project is not welcome and the residents of Lake Carmel, surrounding towns, and the Stop Patterson Crossing Committee have presented a strong case as to the fact that the cons strongly outweigh the pros of this project, and it should not be approved.

As a concerned resident I hope that this letter puts some additional focus on the truly negative impacts (there are several other issues that could be raised as well) of this project and that those that have the power/ability to stop it...do just that. Stop Patterson Crossing.

  
Michael Somme

**Patterson Crossing DEIS  
Deficiencies and Contradictions**

September 13, 2006

Paul Spiegel  
42 Echo Road Carmel, NY 10512

There are many areas in which the DEIS for the Patterson Crossing development falls short. This report will focus mainly on the socioeconomic impact that the project will have on the community versus what the DEIS reports it will have. There are several areas that the DEIS is incorrect, some where it is vague and others which are contradictory.

Mr. Camarda should be commended for the distribution of his glossy "I support Patterson Crossing" flyer last week. The flyer asks us to "Support Costco coming to Patterson". I whole heartedly support Costco in Patterson. But let's face it, regardless of legal borders, this project is NOT in Patterson, it is in Lake Carmel. It surrounds hundreds of homes in the Lake Carmel Park District and construction will be as close as 80 feet from neighboring bedroom windows. Even the officials in Patterson seem to realize where Patterson really ends; there is a sign which they installed saying "Now Leaving Patterson" on westbound Route 311 before the Route 84 intersection.

On a recent picket I was shocked by the lack of common decency and lack of regard some Patterson residents showed for their Lake Carmel Neighbors. One motorist actually aimed his car directly at an elderly protester in a threatening gesture. There was a lot of profanity shared simply because we want to protect our homes. If this was proposed in the back yard of those individuals, they would indeed oppose it, and from what I saw, their response would not be pleasant or polite. Please don't misinterpret this statement. There were far more thumbs up in support of our efforts to stop the project from Patterson residents than there were negative ones, but the negative ones were rude and offensive. This project has pitted neighbor against neighbor. The discord alone reeks havoc on the quality of life for everyone in the community.

Lake Carmel is the most densely populated areas in Putnam County, its residents have so much at stake here. The amount of ambivalence coming from Patterson's officials and some of its residents is appalling, especially when one considers the support that came from Kent when Patterson was threatened by a dump a few years back.

Mr. Camarda seems to be fishing for support after over a year of implying how the project is a slam dunk or "done deal". He does so because he knows there is substantial opposition to his flawed plan. I have never seen such strong opposition to this type of project in Putnam County in my lifetime. He has gone so far as to offer unused land on the site to neighboring property owners who will have to pay taxes on it. I thought this was zoned for industrial use. How can residents use this land and will it be taxed at an industrial tax rate or a residential one? Are the zoning laws in Patterson that loose that one developer can have them changed at will? I need that explained to me.

As a native of Putnam County, I was raised to appreciate the rural nature of the area, and always knew that schools and shopping took some extra effort and time. The year I was born, 1960, my father moved here with my mother and two older brothers from New York City to escape the traffic, crowds and crime in the city. The isolation seemed well worth the price after a kid selling Christmas trees was murdered on their block. Our family grew to love the tranquility and solitude of the woods in Putnam Valley. Winters were especially exciting when we took our sleds up and down public roads knowing full well there would be no traffic during snow storms. Let's face it, anyone

who moved to Putnam County for its shopping clearly misinterpreted something, even today.

Mr. Camarda implies that he wants to benefit the county. In reality he is an opportunist who is motivated by the most profitable means for development, not his desire to help the community. This was clearly illustrated by the senior housing development in Carmel, which was originally planned as a corporate center intended to benefit the community. When he couldn't accomplish that, plans were revised to build a retail center to benefit the community. When that failed, plans were again revised to build a senior housing center to benefit the community. When that was finally approved, he did not develop anything, he sold the land, earning nearly a \$30 million profit, not to benefit the community, but to benefit Camarda himself. With the profit, he planted some relatively small donations around the area to drum up support for his other destructive projects..

Now owned by a Long Island developer, Blue Gold and Associates can do what ever they want to the property regardless of Camarda's past empty promises or the community needs. I fear the same destiny for Patterson Crossing. Mr. Camarda's record does not include one completed development that I know of in Putnam County. His record clearly indicates his ability to influence officials and flip the property over to the highest bidder and reap hefty profits. The officials in the town of Patterson seem bent on letting this developer have his way, which is take the money and run.

The DEIS fails completely to address the impact of crime. This should have been included in the DIES. The review of police protection was inadequate and does not address the problems arising from this type of development. A full study should be included in a supplemental DEIS.

Currently, property taxes higher on average but our crime rate is one of the lowest in the state. Crime is low because there are so few places for the criminal element to congregate in our bedroom community. Bringing a project like this invites the criminal element. Any place with a soda machine or public phone gives a reason to loiter. Loitering in turn invites crime. Bringing the criminal element so close to a community of hard working families brings the danger right to our homes. Many people I know leave their homes unlocked and even leave the keys in the car ignition knowing their driveway is safe. This will all be a memory if this development is allowed to go through.

No crime studies have been included in the DEIS. How do developments such as these affect crime rates when they are built so close to residential communities? How do they affect our insurance rates? What other costs will be needed to adequately protect our homes from outsiders who wish us harm?

According to studies in the Hometown Advantage website, some studies show that increased crime from commercial developments are not adequately planned for in terms of police personnel, because the types crimes being committed were not planned for. See the study. See Exhibits A, E

Pineville, SC is one of a growing number of towns that have added large retail stores in recent years only to find that the stores do not generate enough tax revenue to cover their impact on public services, particularly police costs. Over the last decade, Pineville has attracted six million square feet of new retail, including a major shopping mall, big box stores, chain restaurants, and gas stations. Many communities such as Patterson aspire to build a large commercial tax base in order to keep residential tax rates low.

Despite their good intentions, developments like the one in Pineville fail to meet financial promises and generate problems unforeseen by their planners.

Pineville takes in \$2.3 million in property taxes, but spends almost all of it---\$2.2 million---on its police force. The police spend most of their time dealing with crimes like shoplifting, bad checks, and credit card fraud originating at the shopping centers. Commercial property accounts for 96 percent of all police calls. Desperate to control rising costs, Pineville has put the brakes on retail growth. It recently tightened its zoning rules and turned down two retail developments, including a Wal-Mart supercenter. The town concluded the store would require hiring two new police that were completely unaffordable. Exhibit A

In a report on Smart Growth from the New York State Comptroller, Alan Hevesi) states that sprawl has left counties all over the state with vacant retail space and infrastructure that must be paid for in higher taxes. The failure to plan growth and use existing roadways, water service and sewage systems has cost New York State taxpayers millions of unnecessary costs and high taxes in areas that can least afford it. In upstate Bedroom communities, In growing areas, sprawl causes transportation problems, environmental degradation, increasing local taxes for expanded services and the loss of farmland, natural areas and other open space.. These pressures are being felt rapidly particularly in rapidly growing area such as the Hudson Valley, where local governments and regional organizations are looking for ways to preserve quality of life and ease transportation difficulties whole promoting economic prosperity. See Exhibit F

Other towns struggling with rising public safety costs include East Lampeter, Pennsylvania, where District Justice Ronald Savage has added two days to the monthly court calendar just to deal with crimes at Wal-Mart, which account for about one-quarter of the town's non-traffic citations, criminal misdemeanors, and felony complaints. Why has the Patterson Planning board overlooked this vital information? A supplementary analysis should be included with the DEIS that provides this information. See Exhibit E

Patterson does not even have a police department. The DEIS states that increased sales tax will "help" pay for needed services without considering the potential for increased needs. Where is the cost analysis for extra protection? How many additional police will be required and at who's cost. How much of our resources will need to be spent on controlling crime which would otherwise not exist? Can the supposed revenues from sales tax cover the added cost of police AND all the other needs that arise like emergency costs, capital improvements and maintenance?

NYS Comptroller Alan Hevesi has warned counties and cities not to rely on sales tax income. Consumers change their spending patterns without notice. Therefore, commercial development is not THE answer; it is only part of a larger answer. In a volatile economy, can we be assured that added costs can be covered without raising already high taxes even higher?

DEIS 4.12-11 states: "Putnam County needs more retail shopping opportunities to generate sales tax revenue necessary to fund our increasing mandated services and costs without raising taxes." Study after study has proven that developments like Patterson Crossing is what creates the increased costs, often more than the sales tax revenue it generates. Again the NYS Controller has warned counties and towns against relying on such a volatile means of revenue, yet out of 57 counties in the state, Putnam County ranks THIRD behind Suffolk and Dutchess counties in reliance upon the sales tax as a source of revenue to balance the county budget; the report shows that Putnam has

a 33.2% reliance on this income as opposed to a statewide average of 25%. Putnam County's reliance on this very volatile revenue is dangerous and misleading. See Exhibits A, B, C, F, G

The DEIS fails to quantify any increased costs the project would cause, either directly or indirectly. It vaguely states "the project is not expected to generate 'significant' costs to either town". Significant to a guy who rolls property over for a cool \$30million and a guy like me who has a mortgage on a thousand square foot house are vastly different. The costs for added protection and emergency services, infrastructure and maintenance should be covered in a supplemental and comprehensive impact statement.

The DEIS states that 4.12-6 states "the proposed project is expected to strengthen the county's economy.... Long vacant commercial sites in the hamlets may actually become occupied in the future with increased local activity." This wishful thinking is pretty ambiguous. It is clear that the effects of Brewster Highlands has forced businesses to close their doors. Franklin Gifts, Lake Carmel Hardware could not compete with the chain stores in Brewster. How many more grocers would be shut down with the advent of Costco? Kent and Lake Carmel are littered with vacant grocery stores. Those who could not afford the \$45 membership would be forced to pay higher prices as surrounding businesses need to increase cost to make up for loss in sales volume. How long would those stores need to be vacant?

Why is the county not focusing on the already vacant stores rather than building new ones? What happens when Lowes draws business and employees from Home Depot? Big box stores are vacating all over the country when business goes bad. They do not stay in communities where business is oversaturated, and filling vacancies of such huge centers is increasingly more difficult.

An economic impact analysis by Civic Economics in Austin TX proved that development of local sites with competitive chain merchants will reduce the overall vigor of the local economy. In three different scenarios, the chain triggered a decline in the local economic activity despite increasing total sale within the market . Exhibits B, D, F

Mr. Camarda's flyer says that the proposal conforms to all current zoning laws. This is a play on words and he knows it. An application was filed that shifted industrial area over a residentially zoned area in April 2003, not long after the defeat of the Patterson Pavilion Project. It was filed with the State in January 2004 and three months later the announcement for Patterson Crossing was made. This indicates to me that the zoning conforms to the project, not the other way around. It is clear that Mr. Camarda's influence with the town and county officials has precipitated the zone change that now threatens our homes.

His glossy ad claims that its location is the "perfect retail location" yet it borders hundreds of homes in a lake community. How many other developments were used as models that so closely border the proposed development? Where are they? Lake Carmel is the source of recreation which is enjoyed by scores of families who access it not only by car, but on foot, by bicycle. What studies have been done on non-vehicular traffic on this project as it borders a park district? How will access to the lake be maintained by residents living across 311 or on Terry Hill Road? What precautions are planned for the families and children trying to access their lake? What studies have been done to analyze the effect of this type of development on Park districts or quality of life on a densely populated area that borders the project? How many projects like this border on such a densely populated area?

Driving from Carmel to Maine recently, with the exception of Brewster Highlands, I did not see one retail complex like the one proposed on the sides of routes 84, 93, 95, 495 or the Mass Pike. If I had I would not have been tempted to detour from my journey to shop at a big box store. What studies have proven that placing such a project visible from an interstate would actually deter drivers to visit? If placing such a development with interstate visibility provides no real benefit, then it should be moved elsewhere, where there is no threat to a densely populated residential community. If a benefit is proven, then it should be located with the rest of the developing area at exit 19. Wouldn't the cost of putting a Costco in an area that already has the infrastructure make more sense and be more economical? What attempts have been made to place Costco closer to the Brewster Highlands where the landscape has already been destroyed? Many public comments suggested alternative sights at the scoping meeting in February 2005, yet there is no mention in the DEIS. The DEIS fails to answer these very direct questions and should be addressed before approvals are sought.

The DEIS 4-12.6 states, "The proposed project is expected to have an overall positive effect on nearby commercial centers in the Lake Carmel and Patterson Hamlets (Lake Carmel is not a hamlet). Highway oriented businesses such are expected to see an increase in business. Some patrons of the proposed retail center would be expected to make purchases at local shops and take advantage of area restaurants and services."

This is a direct contraction to the traffic analysis that indicates that the majority of traffic would be coming from Route 84 and that increased traffic through Lake Carmel and Patterson would be minimal. The DEIS also contradicts itself by stating that the front view of the center will face Route 84, with minimum visibility from neighboring sites. Yet the purpose of the project is to encourage local shopping and keep tax dollars in the county.

Benefits of big box stores beyond retail sales and sales tax collection are blocked by the failure of business to reinvest its profits into the community and pay a wage that residents can appreciate. Every dollar drawn away from a locally owned merchant by a chain store is a net loss to the local economy. The DEIS does not quantify the dollar amounts that will be drawn out of the county. At best, the DEIS paints a scenario with a huge "maybe" over it. A closer study needs to be done that quantifies the negative dollar impact on the local community, not just in sales, but in reinvestment of profits. See Study Exhibit C and D (The study tracked the revenue and expenditures of eight locally owned businesses in the Maine towns of Rockland, Camden, and Belfast. The businesses represented a range of goods and services. Collectively, they employed 62 people and had sales of \$5.7 million in 2002.)

Many recent studies have shown that local stores produce bigger economic benefits. Three times as much money stays in the local economy when you buy goods and services from locally owned businesses instead of large chain stores, according to an analysis by the Institute for Local Self-Reliance and Friends of Midcoast Maine.

(The study tracked the revenue and expenditures of eight locally owned businesses in the Maine towns of Rockland, Camden, and Belfast. The businesses represented a range of goods and services. Collectively, they employed 62 people and had sales of \$5.7 million in 2002.)

**The Andersonville Study of Retail Economics (Exhibit C) - By Civic Economics, October 2004:** This compelling study, commissioned by the Andersonville Development Corporation, finds that locally owned businesses generate 70 percent more local

economic impact per square foot than chain stores. The study's authors, Dan Houston and Matt Cunningham of Civic Economics, analyzed ten locally owned restaurants, retail stores, and service providers in the Andersonville neighborhood on Chicago's north side and compared them with ten national chains competing in the same categories. They found that spending \$100 at one of the neighborhood's independent businesses creates \$68 in additional local economic activity, while spending \$100 at a chain produces only \$43 worth of local impact. They also found that the local businesses generated slightly more sales per square foot compared to the chains (\$263 versus \$243). Because chains funnel more of this revenue out of the local economy, the study concluded that, for every square foot of space occupied by a chain, the local economic impact is \$105, compared to \$179 for every square foot occupied by an independent business.

The DEIS cavalierly states that established local businesses like Dills may be "displaced" due to inability to compete, but does not address the effect the loss of businesses like Dills will have on the community. How has the impact of out of town business been analyzed and how much money will actually be taken away from the community after sales tax is discounted?

From the Patterson Website, I found that Dill and Dain opened their first lumber and building supply store in Patterson in March, 1948. This was a second store for the company, which was already operating a store in Carmel. An open house was held on opening day to introduce the new business and staff to the Patterson community. Fred Dill was instrumental in the creating of the *Patterson Chamber of Commerce* in October, 1948.

In 1948 local merchant Max Grand was elected president of the newly formed Patterson Chamber of Commerce. Fred Dill of "Dain & Dill" was elected vice president, Robert Segelken was elected secretary, and Charles Greenburg was elected treasurer. Fred Dill and the Dill family has a track record for local philanthropy, donating 45 acres of land east of the new courthouse site. The recreation area was added to other county open space to form a 147-acre Wildlife Sanctuary and Educational Center. Today the Patterson Chamber of Commerce, the very organization Fred Dill helped create, is the same one that supports a development that will put Dill out of business (according to the DEIS, displaced due to failure to compete).

DEIS 4.12.2 The Proposed project is not expected to significantly alter the character of the local economies of its surrounding downtown areas, or significantly alter the character of the Towns of Kent and Patterson. The location of the sight is at the crossroads of interstate 84 and NYS Route 311, largely isolated visually from the surrounding hamlet areas, make it ideally suited for a large scale retail development.

Mr. Camarda's recent glossy flyer says its time to urge our government to support commercial development. I agree. What I disagree with is the type of commercial development it should support. Local businesses that have been the backbone of our local economy should not be forced out of business by big box corporations that will take profits back to the coffers. That will rob our community of long standing respectable businesses such as Dills. See Exhibits A, B, C, E,

Stating that the character of Lake Carmel will not be significantly altered could not be further from the truth. The character will be completely altered and the rural habitat destroyed.

We need to encourage corporate development to bring not just added tax revenue to the county, but also higher paying jobs to Putnam County. As long as most folks have to commute elsewhere to find decent paying jobs, they are going to spend a large part of their disposable income where they work. That is what is happening now, and it will continue to happen as long as we concentrate solely on commercial development. Retail stores pay their full-time employees less than \$30K per year. Does anyone believe that you can live in Putnam County on that salary?

The efforts of the County's Planning Department need to focus on the revitalization of the county's downtown areas in Carmel, Cold Spring, Kent, Mahopac and Brewster. Yes, we need some stores like Costco, but we also need unique shops and boutiques that sell goods and services not offered in the clone-like Box Stores and Malls.

These studies examine the effect of big-box chains, particularly Wal-Mart, on wages and benefits for retail employees.

One only has to drive to Brewster Highlands, ShopRite Plaza in Carmel, Putnam Plaza A&P in Patterson to see "Help Wanted" signs throughout the area. There is no indication that the type of jobs offered at the proposed project is what this area needs. In fact, according to workers at the Home Depot, they would leave their jobs for better wages at Lowes, only creating a larger problem at the Home Depot. The promise of bringing jobs to the area is a completely empty one. There are plenty of these kinds of jobs around. There are actually "Help Wanted" postings for Shop Rite in the public library. Was an employment survey completed as part of the DEIS? If so, what is the demand for the types of jobs this project will create? Does it consider how jobs would be filled at business from which the project may draw its employees? What would the effect on those business be?

The basic premise of the study and others by Ken Stone is that the retail "pie" is relatively fixed in size (it grows only incrementally as population and incomes grow). Consequently, when a company opens a giant store, it invariably captures a substantial slice of the retail pie, leaving smaller portions for existing businesses, which are then forced to downsize or close. This study of Big Box impact on Iowa towns found that the average store cost other merchants in the host town about \$12 million a year in sales (as of 1995), while stores in smaller towns nearby also suffered substantial revenue losses. These sales losses resulted in the closure of 7,326 Iowa businesses between 1983 and 1993, including 555 grocery stores, 291 apparel stores, and 298 hardware stores. While towns that gained a Big Box stores initially experienced a rise in overall retail sales, after the first two or three years, retail sales began to decline. About one in four towns ending up with a lower level of retail activity than they had prior to Big Box arrival. Stone attributes this to the saturation in regions with multiple stores. Exhibit D

This scrupulously fact-checked and footnoted report outlines what we know about Wal-Mart, in terms of its wages, health insurance benefits, compliance with labor laws, and cost to states. It details average starting wages for various job classifications. It reports that Wal-Mart employees earn 20 percent less than retail workers on average.

It all comes down to choices. We do not have to adopt an "anything goes" policy and accept whatever developers and large retailers want to build. We need to scrutinize the promises being made by developers like Paul Camarda. We need to beware that his promises to benefit the community is really a means to his personal agenda to profit, whether it helps the community or not. We can set standards to ensure that developments won't adversely affect their quality of life. If Big Box developers believe there is a market for their business, stringent community standards will rarely stop their

plans. But if the community doesn't care enough to set the bar high, the Big Box prototype is what you'll get.

There is plenty of evidence beyond what is presented here that proves unequivocally that Patterson Crossing is simply too big and too destructive for our rural community. It needs to be scaled down dramatically, and more important it needs to be moved elsewhere.

The areas where the DEIS is deficient need to be addressed by the developer in a supplemental DEIS. As Camarda has said so many times, we want to be sure all our "i"s are dotted and "t"s cross before we allow an out of state developer to destroy our communities. If we allow this, he will continue to do so until the entire county is forever altered.

# **EXHIBIT A**

**The Home Town Advantage Bulletin**  
**Issue #16 - September/October 2003**

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home\_town\_advantage-subscribe@topica.email-publisher.com*

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**ABOUT THIS BULLETIN**

In communities across the country, citizens are taking action to defend and strengthen their local economies. The Institute for Local Self-Reliance (ILSR) has been tracking these efforts and will use this bulletin to provide bimonthly updates on significant developments. We hope it will serve as a tool for making connections and sharing strategies within this growing movement. We encourage readers to share news and resources by sending email to [smitchell@ilsr.org](mailto:smitchell@ilsr.org).

ILSR is a nonprofit organization providing research, analysis, and innovative policy solutions for building healthy communities and strong local economies. This bulletin is part of ILSR's New Rules Project (<http://www.newrules.org>), which publishes a quarterly journal, The New Rules; several electronic bulletins on specific issues; and books, including The Home Town Advantage: How to Defend Your Main Street Against Chain Stores and Why It Matters. We also maintain a web-based clearinghouse of model public policies at <http://www.newrules.org>.

Another good source of news on local efforts to keep megastores at bay is the NewsFlash! section of the Sprawl-Busters web site (<http://www.sprawl-busters.com>). Additional links and organizations are listed at the end of each story.

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## I. LOCALS VS. CHAINS

### LOCAL STORES PRODUCE BIGGER ECONOMIC BENEFITS, SURVEY FINDS

Three times as much money stays in the local economy when you buy goods and services from locally owned businesses instead of large chain stores, according to an analysis by the Institute for Local Self-Reliance and Friends of Midcoast Maine.

The study tracked the revenue and expenditures of eight locally owned businesses in the Maine towns of Rockland, Camden, and Belfast. The businesses—which represented a range of goods and services—collectively employed 62 people and had sales of \$5.7 million in 2002.

The survey found that the businesses spent 44.6 percent of their revenue within the surrounding two counties. Another 8.7 percent was spent elsewhere in the state of Maine. The four largest components of this local spending were: wages and benefits paid to local employees; goods and services purchased from other local businesses; profits that accrued to local owners; and taxes paid to local and state government.

All eight of the surveyed businesses banked with locally owned banks. They purchased inventory from local manufacturers, advertised in local newspapers, and hired local accountants, printers, internet service providers, and repair people.

The other 46.7 percent of their revenue left the state. This out-of-state spending included inventory purchased from out-of-state companies, mortgage interest, rent, credit card fees, supplies, insurance, and equipment leasing.

A similar expenditure profile was created for a major big box retailer with outlets in Maine. Because national retailers do not reveal detailed financial information, the study estimates local expenditures (payroll, supplies, services, utilities, taxes, etc.) based on national data, statements by company officials, and information on one of its Maine outlets. The study estimates that the chain returns just 14.1 percent of its revenue to the local economy, mostly in the form of payroll. The rest leaves the state, flowing to out-of-state suppliers or back to corporate headquarters.

From an economic development perspective, the ramifications of the study are substantial. Based on current growth rates, annual retail sales in the three cities will expand by \$74 million over the next four years. If all of this additional spending were captured by new and expanding locally owned businesses, it would add \$23 million more to the local economy each year than if all of the new spending were captured by chains.

The survey also found that the local businesses contributed more to charity than national chains. The eight businesses made \$24,000 in cash donations, which amounts to 0.4 percent of their revenue. That's four times as much, relative to overall sales, as Wal-mart gave to charity in 2002, and twice as much as Target gave.

-- "The Economic Impact of Locally Owned Businesses vs. Chains: A Case Study in Midcoast Maine":

<http://www.newrules.org/retail/midcoaststudy.pdf>

-- Friends of Midcoast Maine: <http://www.friendsmidcoast.org>

-- A study earlier this year in Austin, Texas, reached similar conclusions:

<http://www.newrules.org/hta/hta0203.htm>

## RETAIL SPRAWL IMPAIRING NATION'S WATERWAYS

As big box stores and chain retailers consume more and more undeveloped land, polluted runoff from their parking lots is placing an ever greater burden on the nation's rivers, lakes, and coastal waters. Storm water control measures and filtration systems produce only modest improvement, according to experts. A better solution is to channel commerce back into compact downtowns and neighborhood business districts, which are far less polluting.

Runoff from streets, parking lots, and rooftops now ranks as the top source of water pollution, ahead of industrial discharges, according to the U.S. Environmental Protection Agency.

Retail development produces more runoff, and the runoff contains a larger concentration of pollutants, than any other type of land use. New retail centers generate 20 percent more runoff than industrial uses and more than three times as much as residential. Retail runoff contains phosphorous, nitrogen, hydrocarbons, metals such as zinc, road salt, pesticides, and herbicides.

Shopping centers are the worst polluters because of the volume of traffic they generate and the amount of land they devote to parking lots. "From an environmental standpoint, parking lots rank among the most harmful land uses in any watershed," according to Tom Schueler of the Center for Watershed Protection. "Simply put, there is no other kind of surface in a watershed that produces more runoff and delivers it [to a local waterway] faster than a parking lot."

A 250,000-square-foot Wal-Mart supercenter would typically have a 16-acre parking lot. For every inch of rain, a 16-acre parking lot produces 413,000 gallons of storm water. Over the course of a year, it will send 240 pounds of nitrogen, 32 pounds of phosphorus, and 5 pounds of zinc into the nearest waterway.

Runoff causes rivers to erode and flood, alters stream channels and habits, and raises water temperatures. Runoff pollutants lower dissolved oxygen levels and reduce the diversity and abundance of fish and aquatic insect species. According to large body of research, severe water quality degradation occurs when the amount of impervious surface in a watershed reaches as little as 10-15 percent of total land area.

Compounding the problem is the fact that corporate retailers are consuming more and more land to build the biggest stores and latest shopping formats. Retail space per capita has tripled over the last twenty years. Every new store means more roads and more parking lots. Meanwhile, thousands of older malls and big box stores are now vacant----while their parking lots continue to deliver runoff to nearby streams and rivers.

Finally, it's worth noting that some of the major chains have a poor history of complying with runoff regulations. Legal action has been taken against Wal-Mart in several states for multiple violations of the Clean Water Act. The Connecticut Attorney General described the violations in his state as "irresponsible and reprehensible." They resulted in pesticides, fertilizers, and other pollutants entering waterways and causing a "serious threat to water quality and public health."

More stringent regulations and enforcement---such as requiring developers to install ponds and filtration systems---are important, but at best these systems produce only modest improvements. As Dana Beach of the South Carolina Coastal Conservation League notes, "Abundant research over the past three decades has proven that site-level practices, in the absence of land-use reforms, cannot protect aquatic ecosystems from decline."

The only real solution is to limit the amount of impervious surface in a watershed. According to Tom Schueler of the Center for Watershed Protection, "The best way to minimize the creation of additional impervious area at the regional scale is to concentrate it in high density clusters or centers." This means channeling retail activity back into downtowns and neighborhood shops.

These traditional, compact business districts produce far less polluted runoff than conventional shopping centers and big box stores. Multi-story buildings reduce the footprint of buildings. Higher densities and greater access for pedestrians and public transit mean significantly less land devoted to roads and parking lots.

Local and state governments can reinvigorate downtown commerce and protect waterways by revising their land use and economic development policies to prevent excessive retail development, limit auto-oriented big box retailers, support small-scale, pedestrian-oriented stores, and channel new investment into downtowns and neighborhood business districts.

-- The New Rules web site provides examples of these kinds of policies at <http://www.newrules.org/retail/index.html>

-- The Local Government Environmental Assistance Network has developed an on-line tool that enables users to assess the water quality impact of development. Enter some basic information about the site and the proposed development, and the tool will estimate the volume of runoff and amount of various pollutants:

<http://www.ecn.purdue.edu/runoff/lthianew/Index.html>

-- Tom Schueler, The Center for Watershed Protection, "The Importance of Imperviousness," *Watershed Protection Techniques*, Fall 1994:

[http://www.cwp.org/Practice\\_Articles.htm](http://www.cwp.org/Practice_Articles.htm)

-- Dana Beach, "Coastal Sprawl: The Effects of Urban Design on Aquatic Ecosystems in the United States," (Pew Oceans Commission, 2002):

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#### AS POLICE COSTS RISE, TOWNS RECONSIDER BIG BOXES

"When . . . a large development wants to be in your town, you see the tax values surrounding that . . . I think the tendency is to think this is really going to give us a solid foundation," George Fowler, mayor of Pineville, North Carolina, told the Charlotte Observer. "But you don't realize at that particular point the impact it's going to have on the services you have to provide."

Pineville is one of a growing number of towns that have added large retail stores in recent years only to find that the stores do not generate enough tax revenue to cover their impact on public services, particularly police costs.

Over the last decade, Pineville has attracted six million square feet of new retail, including a major shopping mall, big box stores, chain restaurants, and gas stations. Many communities aspire to have such a large commercial tax base in order to keep residential tax rates low.

But Pineville, home to 3,400 people, is struggling financially. The town takes in \$2.3 million in property taxes, but spends almost all of it—\$2.2 million—on its police force. The police spend most of their time dealing with crimes like shoplifting, bad checks, and credit card fraud originating at the shopping centers. Commercial property accounts for 96 percent of all police calls.

Desperate to control rising costs, Pineville has put the brakes on retail growth. It recently tightened its zoning rules and turned down two retail developments, including a Wal-Mart supercenter. The town concluded the store would require hiring two new police officers at a cost of \$120,000 per year, but would generate just \$100,000 in taxes.

Pineville hopes to attract more residential growth, but the traffic congestion and retail sprawl have made the town less attractive to families. Last year Pineville raised its residential tax rates.

Other towns struggling with rising public safety costs include East Lampeter, Pennsylvania, where District Justice Ronald Savage has added two days to the monthly court calendar just to deal with crimes at Wal-Mart, which account for about one-quarter of the town's non-traffic citations, criminal misdemeanors, and felony complaints.

The volume of police calls in West Sadsbury, Pennsylvania, jumped 27 percent following the opening of a Wal-Mart. In Vista, California, Sheriff's Lt. Grant Burnett says shoplifters at a new Wal-Mart have been a major contributor to the 24 percent rise in the town's crime rate.

Downtown business districts do not generate the same level of crime for several reasons. They are not open 24 hours a day. Criminals passing through seem to prefer the anonymity of a Wal-Mart store along the highway to the intimacy of Bob's Hardware on Main Street. Local retailers, moreover, do not call the police for every bad check or shoplifting incident, while chain stores have a policy of prosecuting every offense.

-- These are just the latest examples of the public costs of chain retailers. For more, read our last article on this subject, "Big Box Sprawl Causes Sharp Rise in Police Costs":  
<http://www.newrules.org/hta/hta0802.htm>

## II. NATIONAL NEWS

### SMALL MANUFACTURERS DENOUNCE BIG RETAILERS

Big retailers are increasingly coming under fire from small and mid-sized manufacturers. Last month, more than 1,000 employees and owners of small manufacturing firms attended a rally in Connecticut to denounce Wal-Mart, Home Depot, Target, and other chains for forcing large manufacturers to move their factories to China.

As large manufacturers abandon their domestic operations, the small firms that once supplied them with parts are forced to downsize or close. "The major retailers and big manufacturers are doing us in," explained rally-organizer Fred Tedesco, owner of Pa-Ted Spring Co. in Bristol. "They're destroying small- and medium-sized businesses. They're destroying jobs. They're destroying the middle class."

The rally was organized by a new coalition of small manufacturers called Mad in the USA. The group's goals include reforming U.S. trade policy, educating the public about the practices of major retailers, and encouraging people to buy locally produced goods. Several unions have expressed interest in partnering with the coalition.

Wal-Mart now does so much business in China that it ranks as the country's 8th largest trading partner, ahead of Britain and Russia. About 10 percent of the U.S. trade deficit with China can be attributed to Wal-Mart's imports.

Small manufacturers complain that big retailers are not only shifting production overseas, but routinely mistreat U.S. producers. Tedesco contends the chains often order large quantities of a product at a steep volume discount and then cancel the remainder of the order after the first shipment, keeping the volume discount and leaving the producer with the excess inventory. The manufacturers rarely complain publicly, Tedesco said, because they fear reprisals.

Coalitions similar to Mad in the USA are beginning to form elsewhere. Manufacturers for Fair Trade, a new alliance of small firms in Pennsylvania, hopes to influence trade policy and the 2004 presidential race. "Large corporations have the money to be at [President] Bush's table," said Dan Jepson, owner of Jepson Precision Tool and one of the founders of the alliance. "We don't have the money, but by God we've got the votes."

-- Mad in the USA: <http://www.madinusa.org>

-- Manufacturers for Fair Trade: <http://www.mftcoalition.org>

#### WAL-MART DISTRIBUTION CENTERS CAPTURE \$150 MILLION IN SUBSIDIES

Since the 1980s, Wal-Mart has received at least \$150 million in local, state, and federal subsidies to build 47 distribution centers in 32 states, according to a study by The Palm Beach Post.

Only those subsidies that have been quantified in published reports were counted. "That number likely grows by tens of millions when unquantified breaks, such as government bond financing for construction, and ongoing breaks, such as those given to businesses in enterprise zones, are included," the newspaper notes.

The Post only reviewed subsidies for distribution centers. It did not examine the hundreds of millions of dollars in tax breaks and incentives Wal-Mart has received for its retail stores.

Wal-Mart currently has 84 distribution centers in the U.S.. The retailer has been building new centers at a furious pace to support new stores and its expansion into groceries.

Wal-Mart generally expects to receive government assistance for new distribution facilities and sometimes plays neighboring towns against one another to get the best deals. The centers vary in size from about 400,000 square feet to well over 1 million. They employ anywhere from 150 to 1,000 people at wages of about \$8-\$10 an hour.

Among the biggest subsidies documented by the report: \$17 million in state and local incentives for distribution center in Lewiston, Maine; a \$9 million handout in Bartlesville, Oklahoma; and \$8.9 million free land and tax credits provided in Macclenny, Florida.

Earlier this year, activists in Killingly, Connecticut, had to file a Freedom of Information Act request to make public the details of \$46 million in state and local subsidies earmarked for a Wal-Mart distribution center. Public outcry led the Killingly zoning board to effectively kill the project by denying a request to rezone the property.

Such subsidies are rarely, if at all, made available to locally owned businesses and their distributors. This has given Wal-Mart an unfair advantage in the market. Moreover, there's little to justify the subsidies from an economic development standpoint. While distribution centers may boost employment locally, these new jobs generally come at the expense of existing distribution jobs in the surrounding region. Dozens of supermarket distributors have gone out of business since Wal-Mart began selling groceries.

### RADIO STATIONS REFUSE TO PULL ANTI-WAL-MART ADS

Five radio stations in St. Louis are refusing Wal-Mart's demand that they pull ads critical of the company's labor practices. The ads, sponsored by the United Food and Commercial Workers Union Local 655, discuss working conditions, wages, and lack of health care at Wal-Mart stores. Wal-Mart claims the ads are false and misleading, but the UFCW stands behind their accuracy.

Wal-Mart appears increasingly concerned about its public image. Constance Hays recently reported in the New York Times that the company has hired consultants to examine its image and commissioned ads to counter criticism from community groups and labor unions. "It is the first time that Wal-Mart, known for parsimony in its business practices, has invested in "reputation research" . . . and then spent more money to try to repair the distressing aspects of what it found," Hays wrote.

The company is currently running three national television ads that feature female employees talking about the benefits of working for Wal-Mart. Presumably the ads are designed to counter negative publicity stemming from a large gender discrimination suit filed against the retailer.

### III. LOCAL BATTLES

#### CONTROVERSIAL MALL WILL NOT BOOST JOBS OR REVENUE, STUDY SAYS

Developers of a massive shopping center in Leominster, Massachusetts, claim the project will create 869 new jobs and boost the city's property tax revenue by \$400,000 annually.

But a study by a nationally recognized land use economist has found that the development will destroy about as many jobs as it creates and provide the city with only \$51,000 in additional revenue. To put that into perspective, if the new revenue were used to cut residential property taxes, each of the city's 17,000 households would save just \$3 annually.

The study, "The Fiscal and Economic Impact of a Proposed Shopping Center Project on the City of Leominster," was conducted by Dr. Thomas Muller, who has authored dozens of economic and fiscal impact studies of big box retail and other types of development.

The study was commissioned by Leominster First, a grassroots group fighting the proposed 510,000-square-foot shopping center. The project is to include a Wal-Mart supercenter, a Lowe's,

a department store such as Kohl's, and four chain restaurants.

Muller concludes that, like much of the country, Leominster already has more retail than residents can support. Several big box stores were built in the late 1990s. There are ten Wal-Marts within a 25 mile radius.

The new center would dramatically worsen the situation. Its projected annual sales of \$185 million are equivalent to 77 percent of the local market's current sales in building materials, groceries, and general merchandise. The new restaurants would add 1,000 seats, increasing the city's dining capacity by one-third.

Since neither population nor incomes are growing, according to Muller, sales at the new shopping center would come entirely at the expense of existing businesses. Competing stores within a 5-6 mile radius would lose \$104 million in revenue. Those 5-6 miles further out would lose \$72 million. Only 5 percent of the center's sales would come from outside the local market.

Because of the development's impact on existing businesses, the 869 jobs created by the center will be offset by about the same number of job losses. "The net long-term employment impact of the proposed center will be minimal," Muller notes. "There may be a small employment net gain or net loss, depending on specific market conditions."

The development's tax benefits are also overstated. Muller concludes the developer inflates the shopping center's value. He estimates property tax revenue at \$312,000, not \$400,000. Moreover, because the center will reduce sales at existing businesses, property values will decline in other parts of the city, reducing tax revenue by \$156,000. Add the cost of providing city services to the new development, and the city can expect a net gain of just \$51,000.

The study mirrors dozens of other economic impact studies in recent years, which have also concluded that big box stores destroy about as many jobs and as much tax revenue as they create.

Leominster First hopes the study will persuade the Planning Board to reject the project. The citizens group has been packing public meetings and organizing expert testimony against the development.

-- Leominster First: <http://www.leominsterfirst.org>

#### IV. NEW RULES

##### HOMER, ALASKA, BANS BIG BOX RETAIL

The town of Homer, Alaska, has capped retail store sizes at no more than 20,000 square feet in its central business district and 40,000 square feet in other commercial areas. The measure will remain in effect until the Planning Commission implements permanent regulations setting impact standards and size limits for large-scale retail, expected within six months.

Homer, a community of 4,700 people on the breathtaking Kenai Peninsula, has no stores over 20,000 square feet, few chain retailers, and a multitude of healthy, locally owned businesses. Economic data reveal that the area has a larger concentration of small businesses than the rest of the peninsula, and higher sales per square foot.

Last November, the giant supermarket chain Kroger caused an uproar when it announced plans to build a 94,000-square-foot Fred Meyer store in an area the city hoped to develop as a community green space and town square. "The town center should reflect the people who live and work here," said resident Steve Powell. "There's nothing about Fred Meyer that reflects the town's heart or history."

The City Council passed a temporary moratorium on large-scale retail development and appointed a task force to recommend criteria and regulations for large stores.

The task force has drafted an ordinance for the Planning Commission to consider. It would require retail developments over 15,000 square feet to undergo a review and meet standards governing visual, traffic, environmental, community, and fiscal impacts. The community section includes impact on scenic and historic resources, employment, the downtown business district, local character, and surrounding towns. The fiscal impact section evaluates the development's projected tax revenue, demand on city services, and effect on nearby property values.

The ordinance seeks to prevent the construction of more retail space than the town can support. It reads: "The applicant shall demonstrate that the project will contribute to the financial health of Homer's overall economy and that it will not precipitate the decline of existing retail business. The project shall demonstrate that . . . approximate annual sales per retail square foot within the City of Homer will not decrease more than one Standard Deviation. The Standard Deviation is the most stable measure of variability and it is calculated using Homer Gross Retail Sales and Homer's annual Retail Space as obtained from the Kenai Peninsula Borough Community and Economic Development Division for the five most currently available years."

Developers pay a permit fee of \$300 per 1,000 square feet to cover the city's cost of evaluating a project's impacts.

The Planning Commission is expected to consider the measure in the next few months. In addition to the impact review ordinance, it may also opt to make the size limits permanent.

-- Homer's size cap and draft impact standards:

<http://www.newrules.org/retail/homer.html>

## SAN FRANCISCO CONSIDERS RESTRICTIONS ON 'FORMULA' BUSINESSES

San Francisco Board of Supervisors President Matt Gonzalez has introduced legislation requiring that neighbors be notified whenever a formula retail store or restaurant seeks to open in their neighborhood. Residents would have the option of requesting a public hearing and formal review