

## **Section 6 – Community Resources**

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**List of Acronyms and Abbreviations – Section 6**

a.m.	morning
CCSP	Comprehensive Site and Safety Plan
CO	Town of Dover’s Commercial/Industry/Office Mixed Use District
CVE	Cricket Valley Energy Center, LLC
dB	decibel
dB(A)	A-weighted decibels
DEIS	Draft Environmental Impact Statement
EJ	Environmental Justice
FAA	Federal Aviation Administration
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Act
FHWA	Federal Highway Administration
FTE	full-time equivalent
former Rasco parcel	the 57-acre land south of the Project Development Area now optioned by CVE and formerly utilized by RASCO Materials LLC
IDA	Industrial Development Agency
ISO	International Standards Organization
L <sub>eq</sub>	equivalent sound level
L <sub>max</sub>	maximum sound level
LOS	Level of Service
M	Town of Dover’s Industrial/Manufacturing District
NFPA	National Fire Protection Association
NYSDEC	New York State Department of Environmental Conservation
NYISO	New York Independent System Operator
NYSDOT	New York State Department of Transportation
NYSPSC	New York State Public Service Commission
OPRHP	Office of Parks, Recreation and Historic Preservation
PILOT	Payment in Lieu of Taxes
p.m.	afternoon/evening

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the Project	Cricket Valley Energy Center
Project Development Area	the 57-acre portion of the 193.5-acre Property proposed for development
Property	the 193.5-acre property optioned by CVE
RC	Town of Dover's Resource Conservation District
remote Laydown Site	the 38.8-acre construction worker parking and laydown site located approximately 2.5 miles north of the Property
RU	Town of Dover's Rural District
SEQRA	State Environmental Quality Review Act
SWPPP	Storm Water Pollution Prevention Plan
USEPA	United States Environmental Protection Agency

## **6. COMMUNITY RESOURCES**

This section provides, for community resource-related issues, a description of Project refinements since the Draft Environmental Impact Statement (DEIS) was filed, followed by a brief summary of impacts and proposed mitigation. Topics addressed in this section for the DEIS included land use, zoning and community character; visual resources; traffic; noise; electric and magnetic fields; cultural resources; and socioeconomics. Comments received on the DEIS associated with community resource issues are provided in Sections 6.3.1 through 6.3.7 of the FEIS, along with responses and reference to sections where additional information is provided for some topics.

### **6.1 Project Refinements Since the DEIS**

Since the DEIS was filed, the 57-acres immediately south of the Project Development Area has been added to the Property (the former Rasco parcel; Figure 6-1). The addition of the former Rasco parcel to the Project will further mitigate impacts identified in the DEIS by improving environmental conditions at the former Rasco parcel and adding visual and noise buffer area for the Project. Also, the addition of 57 acres to the Project site will allow Cricket Valley Energy Center, LLC (CVE) to move a substantial portion of the off-site parking and laydown needs onto the Project site (Figure 6-2). This is intended to reduce the impacts and traffic associated with the originally proposed remote parking area (the remote Laydown Site) as discussed in Section 6.2.3.

CVE expects to use the remote Laydown Site for overflow parking during the peak construction months and as a staging area for construction materials only. Following construction, the remote Laydown Site will be restored to its existing agricultural use, and the 57-acre former Rasco parcel will be restored and improved to provide for additional visual and noise buffer between the Project and land uses to the south.

### **6.2 Summary of Project Impacts and Proposed Mitigation Measures**

The following sections summarize, based upon the above changes, potential Project impacts and proposed mitigation measures for land use, zoning and community character; visual resources; traffic; noise; electric and magnetic fields; cultural resources; and socioeconomics.

#### *6.2.1 Land Use, Zoning and Community Character*

The majority of the Property, including the entirety of the former Rasco parcel, is located within the Town of Dover's Industrial/Manufacturing District (M), which permits industrial and related uses in isolated and well-buffered locations. A small portion of the Property, west of the Swamp River where no development will occur, is located within the Resource Conservation District (RC), which encourages forestry, recreation and land conservation.

CVE believes the Project is consistent with the purposes of the Zoning Code and the industrial land use district in which it will be located. The Project's proximity to necessary infrastructure and the extensive buffering available limit its effect on surrounding land uses. The Project will comply with applicable special zoning requirements, with limited areas where relief will be sought, including fence height and noise limits along the Metro-North rail line (further discussed in Sections 6.2.4 and 6.3.4 of the FEIS).

The Project has been designed to be consistent with the Town of Dover's Zoning Code and Master Plan to the greatest extent possible, in particular the community values, economic growth goals, and preservation objectives identified in the Town's Master Plan; the Project will seek local approval through a Special Use Permit from the Town of Dover Town Board process to confirm its consistency. It is reflective of Dover's core community goal of balancing its traditions and natural resources with responsible economic growth. Located on a previously developed industrial parcel with a large natural vegetative and topographic buffer, the Project will not impact Dover's rural characteristics and will preserve natural features, including 79 acres of land adjacent to the Swamp River, comprised primarily of New York State Department of Environmental Conservation (NYSDEC)-designated wetlands. It will remove unsightly, partially destroyed buildings from the Property as well as solid waste and other debris remaining on the Property from previous occupants. It will utilize a natural buffer of trees and topography to minimize its aesthetic impact and will limit the majority of its development to a previously disturbed industrial footprint. The Project design will respect and preserve important water resources by minimizing water demand through advanced technologies. Local and regional air quality will also be protected through compliance with stringent regulatory standards. The new facility will produce both temporary and permanent jobs and generate tax revenues for the town.

#### *6.2.2 Visual Resources and Aesthetics*

Visual impact is assessed within the framework of a wide range of factors, including the context of the viewers, the duration of the view, the degree of discernible detail, the number of viewers, the degree of natural buffering, and the scenic value of the setting. Although modeling did not indicate a potentially significant change in view from identified federal, state or local areas of visual importance, the rural character of Dover and its surrounding communities is of high local value. The visual analysis indicates that, although portions of the Project will be visible from certain locations outside the Property, the Project Development Area possesses a number of qualities that will minimize visual impacts to its surroundings including its location within a valley, a substantial buffer of mature trees, and a hillside that will shield the majority of the Project structures from view. The Project has been purposefully located within a compact footprint, including co-locating the three stacks in order to minimize their visual impact on surroundings. Lighting will be minimized as well, as reflected in the lighting plans presented in Appendix 6-C of the DEIS (for the Project) and Appendices 6-A and 6-B of the FEIS (for the former Rasco parcel and remote Laydown Site, respectively).

*6.2.3 Traffic and Transportation*

The addition of the former Rasco parcel not only allows CVE to clean up a greater portion of the Property, but it also is intended to reduce the impacts and traffic associated with the originally proposed remote parking area (the remote Laydown Site), located approximately 2.5 miles north of the Property. It is anticipated that the former Rasco parcel can accommodate approximately 580 construction worker vehicles, which will be adequate to serve the entire construction crew for more than 80 percent of the construction period (approximately 31 of 36 months). During the five months of peak construction, anticipated to occur in mid-2014, overflow parking of approximately 95 vehicles may be required at the remote Laydown Site.

To reflect the addition of the former Rasco parcel, an updated traffic analysis was prepared (Appendix 6-C of the FEIS) to assess a projection of traffic conditions during the peak construction period with the amended parking plan in place. The peak construction year traffic and the initial operation year have been revised to 2014 and 2016, respectively. Accordingly, the background traffic growth has been increased by the 1.5 percent per annum previously used to account for the changes in time frames.

Facility construction is proposed to start in the second quarter of 2013 and last approximately 36 months. During construction, there will be two types of traffic related to the Project: construction workers and equipment/material deliveries. The normal daily hours of construction and material/equipment truck traffic are planned to be between 7:00 a.m. to 4:00 p.m. and typically from Monday through Friday. In addition, during peak construction, a second shift may be necessary from 4:00 PM to 12:00 AM to assist in staging and preparing materials for the following day.

The majority (580) of construction worker vehicles will be expected to arrive at the CVE Property and park at the former Rasco parcel. When the former Rasco parcel is at capacity (580), the remaining construction worker vehicles (95) will park at the remote Laydown Site, and will be shuttled to and from the Project Development Area. Truck traffic for materials/equipment will be dispersed through the construction hours, but no truck traffic is expected to occur outside construction hours except for critical concrete pours, limited special deliveries and heavy hauls of large equipment. Construction worker traffic will consist of vehicular trips to and from the Project Development Area, with limited trips to and from the remote Laydown Site and a limited number of shuttle buses between the remote Laydown Site and the Project Development Area.

As was described in Section 6.3 of the DEIS, levels of service (LOS) with the operational Project in place will continue at acceptable levels.

During construction, with the addition of the former Rasco parcel, the updated traffic analysis indicates that the remote Laydown Site driveway and Duncan Hill Road



intersections will now operate at an acceptable LOS during the peak construction period. Therefore, the recommendation contained in the DEIS for manual traffic control at these intersections is no longer necessary. With the amended parking plan, the only intersection that does not operate at an acceptable LOS during peak construction is the Project driveway.

CVE will work with the New York State Department of Transportation (NYSDOT) to identify appropriate temporary measures to implement during construction to mitigate impacts to LOS at the Project driveway. CVE's recommendations for review by NYSDOT are illustrated in plans provided in Appendix 6-D of the FEIS, and currently reflect:

- No special roadway improvements will be required at the remote Laydown Site temporary access driveway, which will incorporate turning radius requirements and sight lines to support anticipated vehicle usage;
- A temporary traffic signal at the Project driveway for use during construction; and
- Roadway improvements at the Project driveway, including temporary widening of Route 22 (including a northbound left turn lane and southbound right turn lane into the Property). These temporary lanes will include clarification of traffic patterns through use of land and median striping to facilitate traffic flow.

In addition, CVE will work closely with the Town of Dover to determine the need for any additional measures such as providing manual traffic control during the peak morning and evening hours, or adjusting the construction start time to avoid school bus schedules.

In summary, the updated traffic analysis confirms that the Project's ability to use the former Rasco parcel during the construction period reduces impacts to traffic along Route 22 as compared to the plan presented in the DEIS. CVE is coordinating with the NYSDOT and local officials to ensure traffic impacts during construction and operation are minimized through implementation of mitigation measures at the intersection of Route 22 and the Project driveway. Plans depicting the recommended permanent configuration of that intersection are also provided in Appendix 6-D of the FEIS.

#### *6.2.4 Noise*

Noise impacts of the Project to the surrounding community have been carefully considered – including feedback obtained through public meetings and a public open house at its Community Outreach Office – in developing the Project layout, in selecting facility components, and in orienting equipment adjacent to the Metro-North rail line, away from sensitive receptors such as residences.

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To demonstrate consistency with NYSDEC noise guidelines and compliance with the Town of Dover Zoning Code, CVE conducted a sound evaluation study to quantify and characterize the existing acoustic environment in the vicinity of the proposed Project. This program implemented both long-term continuous sound measurements, and short-term intermittent sound measurements to account for varying characteristics of sounds in the Project area. The results of the survey allow for both a quantitative and qualitative analysis of the acoustical environment surrounding the Project.

Results of the noise modeling for Project construction activities indicate that noise will occasionally be noticeable at the nearest receptor properties, particularly during the excavation phase of construction which may include rock splitting, blasting, and pile-driving. Construction-related sound at more distant residential properties is expected to be consistent with typical daytime background sounds, and will have only minimal impacts. At greater distances, such as the location of the Middle School/High School complex, typical construction sound levels are not anticipated to be noticeable. Because of the temporary nature of the construction noise, no adverse long-term effects are anticipated.

Results of the noise modeling for operation of the facility indicate that at all of the five measurement locations analyzed, the Project will be below the NYSDEC guidelines of an increase of no greater than 6 A-weighted decibels (dBA);<sup>1</sup> three of the five measured locations are estimated at or below an increase of 1 dBA. Because operation of the Project is below this threshold, it is not expected to produce a significant acoustic impact at these nearest receptors and, therefore, will meet the threshold levels set forth in the NYSDEC guidelines. Figure 6-3 illustrates sound levels as they decrease with distance from the Project.

With the addition of the former Rasco parcel to the Property, Project noise modeling also indicates compliance with the most restrictive night-time sound level limit (50 dBA) of the Town of Dover Zoning Noise Standards at the north, south and east Property lines, which are the three Property lines nearest to residences. As discussed in Section 6.4 of the DEIS, the Project's sound levels are predicted to exceed this standard at the western property line of the Project Development Area. The abutting property in that direction is a narrow strip of

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<sup>1</sup> The NYSDEC Noise Policy DEP-00-1 (2001) states "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..."

land associated with the Metro-North railroad line; further west of that active rail use, Project Property continues to extend to the Swamp River. As can be seen in Figure 6-3, predicted sound levels comply with and are significantly quieter than Town of Dover Zoning Noise Standards at the westernmost Property boundary, and at all other Property boundaries. Since the Metro-North railroad line is not a noise-sensitive receptor, and CVE will own the Property on either side of this receptor, Project sound levels will not result in either a public or private nuisance. CVE is requesting an amendment to the Town of Dover Zoning Code to permit the anticipated noise levels without negatively impacting community character and residential uses. The proposed amendment remains consistent with zoning and planning requirements which protect the quality of life for non-industrial properties, including residential properties, but will permit an economically beneficial use to be developed on industrially zoned property.

#### *6.2.5 Electric and Magnetic Fields*

Maximum electric and magnetic field strengths expected to occur at the edge of the outer electric transmission line right-of-way were calculated and compared with the New York State Public Service Commission (NYSPSC) interim standards. The comparison indicates that the Project will be well within the NYSPSC electric field strength interim standards and magnetic field strength interim standards for electric transmission lines at the edge of the right-of-way.

#### *6.2.6 Cultural Resources*

CVE undertook an investigation and review for archaeological and cultural resource potential at the Property in the summer 2009. A review of the Office of Parks, Recreation and Historical Preservation (OPRHP) website found no historic resources identified in the vicinity of the Project Development Area. In addition, the Project Development Area has been substantially disturbed by previous industrial activities. However, the Property is within an area identified as “archaeologically sensitive” and, thus, further investigation was warranted.

Consultation with OPRHP was initiated in June 2009. After confirmation that no work would take place west of the Metro-North railroad line, OPRHP determined that there will be “No Effect” to cultural resources at the Project Development Area. While the potential for adverse impacts to cultural resources has been minimized by utilizing a previously disturbed site, largely within the footprint of the previously developed area, as a cautionary measure, CVE has developed a construction methodology that establishes procedures to follow in the unanticipated event a cultural resource is discovered during the construction process (the Unanticipated Discoveries Plan provided in Appendix 6-G of the DEIS).

CVE also requested a review of potential archaeological or cultural resources from OPRHP with regard to the remote Laydown Site, located 2.5 miles north of the Project Development

Area. OPRHP requested a Phase 1A survey at the remote Laydown Site, which includes a literature review and sensitivity analysis. The Phase 1A survey, conducted in December 2010, indicated a low potential for the presence of historic cultural resources at the remote Laydown Site, but a moderate to high potential for the presence of prehistoric cultural resources.

As a result, a Phase 1B field reconnaissance survey was initiated in mid-December 2010 at the remote Laydown Site, which included digging shovel test pits. Due to a precipitous drop in temperature, which froze the ground, and substantial snowfall, which effectively obscured the ground surface, Phase 1B activities were suspended until spring 2011. Fieldwork resumed in late-April 2011, when the snow had melted, the soil had thawed, and the soils were sufficiently drained and dry to allow for excavation. Survey crews did not find evidence of either a prehistoric or a historic site within the remote Laydown Site and submitted its findings to OPRHP. In a letter dated July 6, 2011 (provided in Appendix 6-E of the FEIS), based upon the results of the Phase 1B survey, OPRHP indicated that use of the remote Laydown Site will have “No Effect” upon cultural resources.

In February 2012, CVE requested a similar review of potential archaeological or cultural resources from OPRHP with regard to the former Rasco parcel, located adjacent to the Project Development Area. In a letter dated February 29, 2012, OPRHP concurred with its earlier findings for the Project Development Area, indicating that the expanded use of the Property will continue to have No Effect on cultural resources. Correspondence associated with this review is also provided in Appendix 6-E of the FEIS.

#### *6.2.7 Socioeconomics*

It is anticipated that, during its construction and long-term operation, the Project will produce significant direct and indirect socioeconomic benefits to the local, regional, and state economies. The Project also will result in induced spending, additional economic activity resulting from the increase in direct and indirect economic activity. The Project will not result in significant operating or infrastructure costs to the Town of Dover, Dutchess County, or the Dover Union Free School District.

Project development and construction will require an estimated investment of approximately \$955 million, which will provide a significant benefit to the local, regional, and state economies. It is expected that an annual average of 300 construction jobs will be created during the three-year construction of the Project, with up to 750 jobs during the five-month peak construction period. Once completed, operation of the facility will support approximately 28 well-paying permanent jobs in Dover. The investment in the plant, during both construction and operation, will also result in significant secondary economic benefits to the local, regional and state economy through purchase of construction and operational supplies and spending by the construction and operational workforce. Project construction is estimated to generate and induce creation of 2,202 full-time equivalent (FTE) jobs,

including 751 secondary jobs in Dutchess County in a wide variety of industries such as facility maintenance, security, food service, mining (sand and gravel), and construction supplies. Upon completion, the Project will create 54 FTE jobs, including 28 direct and 26 secondary jobs. The Project will also provide a long-term revenue source for the Town of Dover, Dutchess County and the Dover Union Free School District through an anticipated Payment in Lieu of Taxes (PILOT) agreement.

The Project will not impose significant operating or infrastructure costs on the local economy. Since the Project does not involve the construction of new residences, its operation would not be expected to generate additional school children for the Dover Union Free School District. Should the 28 plant employees represent new households within the district, the anticipated additional school students would represent less than 1 percent of district enrollment, which could be accommodated due to the district's existing surplus capacity and declining enrollments.

The Project will include comprehensive on-site systems for fire emergencies. Fire protection systems will comply with all applicable National Fire Protection Association (NFPA) standards and recommended practices, as well as state and local codes. The fire protection systems will be designed and implemented by a qualified fire protection engineer, and reviewed by applicable federal, state, or local authorities. The systems will be designed to be automated, with the assumption that facility personnel will have minimal involvement for fire response. CVE representatives have coordinated and will continue to coordinate, with J.H. Ketcham Hose Company officials to ensure adequate resources are in place.

An Emergency Response Plan will be prepared prior to construction mobilization and will be designed and written to assist the facility's management, employees and outside responding agencies through emergency response actions at the facility. The plan will be developed in consultation with town officials and local emergency responders, to address different types of potential emergencies; emergency resources (equipment or personnel); levels of emergency response; principles to be applied during a response; detailed measures for initial response, containment, rescue, first aid and evacuation; termination of an emergency; notification procedures; drills and training; and the process for updating and modifying emergency procedures.

Prior to mobilization for the construction phase of the Project, CVE and its primary contractor will conduct the following activities as a component of Emergency Response Plan development:

- Interview occupational medical clinics within the Dover vicinity to select the one deemed best suited based upon location, quality of care and commitment to injury management principles.
- Work closely with all local providers of emergency medical response (including the J.H. Ketcham Hose Company) to assess response times and

capabilities of each responder. The assessment will include capabilities to rescue from heights. Cranes and aerial lifts would be provided during construction if such capabilities are not in place.

- Survey area hospitals to verify services and other details as an occupational health safeguard. The location of the nearest trauma center will also be verified.
- Conduct a site visit with local law enforcement agencies to formally initiate the construction process and familiarize local authorities with the schedule, planned activities, and other relevant details.

During construction, there will be continuous, on-site security staff to secure the site and construction materials. Police service may be needed for limited traffic control during construction, and will be compensated; thereby, not incurring additional operating or infrastructure costs. The Emergency Response Plan utilized during construction will be modified to reflect operational conditions, and similar detailed review of procedures and resources will occur to ensure appropriate measures are in place.

During operations, the Project will maintain a 24-hour, on-site staff. The operating staff will utilize security monitoring systems, complete perimeter fencing, electronic badged gates and doors, inspections, and other procedures to secure the site. Any increase in demand for police services during Project operation is expected to be minimal. Because the Project will not result in a significant population increase, no significant increase in use of the existing fire or emergency medical services is expected. A plan illustrating internal traffic circulation allowing for emergency and other vehicle access within the Project layout is provided in Appendix 6-F of the FEIS.

The Project will not impact existing municipal infrastructure services. It will not result in additional municipal costs related to water or sewer infrastructure. Water will be provided to the Project via on-site wells, supplemented by the facility's rooftop rain capture system, as available. For sewerage facilities, the Project will use an on-site septic leach field. Process wastewater will be internally recycled and treated in the Zero Liquid Discharge system so that no process wastewater will be discharged from the site. A subsurface sewage disposal system will be used to dispose of domestic wastewater.

Because the required construction force is anticipated to be met with available workers within Dutchess County and the Hudson Valley region, in-migration of workers, and a corresponding increase in demand for municipal services, is expected to be minimal. Operation of the facility will require a 28-person staff, which will not significantly increase demand or costs for municipal or county-wide services.

### **6.3 Responses to Comments on the DEIS**

Sections 6.3.1 through 6.3.7 provide a summary of comments received relative to community resources for each specific topic (land use, zoning and community character; visual resources; traffic; noise; electric and magnetic fields; cultural resources; and socioeconomics, respectively), and provides a response or guides the reader to the location of the response within this section.

#### **6.3.1 Land Use, Zoning and Community Character**

The Property is located within the Town of Dover's Industrial/Manufacturing District (M), which permits industrial and related uses, and is currently occupied by a collection of vacant, dilapidated, industrial buildings partially destroyed by fire in 1996. The purpose of the Industrial/Manufacturing District, as discussed in the Town of Dover Zoning Code provided in DEIS Appendix 6-A, is to permit industrial and related uses and adult entertainment, in isolated and well-buffered locations, separated from commercial, office or residential use zones. The zoning of neighboring areas includes Commercial/Industry/Office Mixed Use District (CO) across Route 22, Resource Conservation District (RC) west of the Swamp River and southwest of the Property, and Rural District (RU) along the remaining Property boundaries to the north and southeast.

The Project is not a "use" explicitly listed in the Town of Dover Zoning Code as either allowed or prohibited. Therefore, pursuant to Sections 145-10 and 145-60A of the Dover Town Code, the Project will require a Special Permit issued by the Town Board. In order for a Special Permit to be granted for the Project, certain findings must be made. The required findings, outlined in Section 145-63(B) of the Zoning Code, and the way in which the Project will address the finding requirements, are outlined in DEIS Table 6.1-3.

The use of a previously developed industrial property and the limited extent of new impacts avoid or minimize the potential for impacts to surrounding or nearby land uses. Since its initial exploration of the Project, CVE has completed studies, met with community members, including local environmental organizations and conservation groups, and taken steps to affirm or revise its approach in order to ensure its consistency with the existing land use, the goals of the Town of Dover Master Plan, and the Town of Dover's Zoning Code. Most recently, CVE acquired an option to purchase the former Rasco parcel to help meet these goals. CVE believes the Project is consistent with Dover's core community goal of balancing its traditions and natural resources with responsible economic growth, and that the efforts made during the development process will allow for applicable findings and the grant of a Special Permit.

Table 6-1 outlines comments and responses associated with issues of land use, zoning and community character.

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**Table 6-1. Response to Comments – Land Use, Zoning and Community Character**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Graham Trelstad, AKRF	Page 6-5 incorrectly describes the status of the Rasco Materials facility. Town of Dover and NYSDEC review of this project has been completed.	32-36	As noted in Section 6.1 of the FEIS, CVE has now obtained an option to purchase the former Rasco parcel. The Rasco project, therefore, is no longer proposed at this site.
Graham Trelstad, AKRF	Page 6-5 also incorrectly describes the project site and Rasco Materials site as unrelated to each other. They currently share the same access driveway off of Route 22, and Rasco Materials has historically used portions of Building E as part of their processing and storage.	32-37	As noted in Section 6.1 of the FEIS, CVE has now obtained an option to purchase the former Rasco parcel. The Rasco project, therefore, is no longer proposed at this site and no driveway sharing will occur. The former use of the site has been incorporated into evaluations of site conditions addressed in Section 2 of the FEIS.
Graham Trelstad, AKRF	Page 6-5 states that, "CVE will propose to the Town of Dover a lot line adjustment to straighten the boundary line between the CVE Property and the property to the South, where the Rasco Materials facility is located, in order to maintain the existing drainage swale for the CVE stormwater plan and to help incorporate a plant loop road within the proposed CVE facility fence line." This "lot line adjustment" is considered a subdivision application under the Town of Dover Zoning Code and should be noted as such in the DEIS.	32-38	This subdivision will no longer be necessary, as CVE has obtained an option to purchase the former Rasco parcel.
Graham Trelstad, AKRF	Page 6-6 states that, "Once CVE purchases the land under option and the lot line adjustment has been approved, all leases on the CVE property would be terminated and any tenants would vacate the CVE site." The displacement of any businesses, including the portion of Rasco	32-39	Rasco will no longer operate at the site, and the subdivision of the larger property is no longer proposed.



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**Table 6-1. Response to Comments – Land Use, Zoning and Community Character**

Author	Summary	Comment Number	Response
	<p>Materials operation that uses the project site, should be noted in the DEIS. Would Rasco continue to use the site to the south and would relocation of material stockpiles from the CVE property require Rasco to request a Site Plan amendment from the Town of Dover? Would the reconfigured Rasco property have sufficient room to allow Rasco to continue its operations?</p>		
<p>Graham Trelstad, AKRF</p>	<p>Page 6-6 incorrectly states that, “The Project Development Area includes no zoning overlay districts.” In fact, the Floodplain Overlay District extends onto the Project Development Area. A portion of the building footprint may fall within the Floodplain Overlay District. As such, the project will need to comply with the requirements of §145-13 "Floodplain Overlay District" of the Town Code.</p>	<p>32-40</p>	<p>The small portion of designated flood plain located east of the railroad tracks is within Wetland 2, where only a very small finger of marginal wetland (0.05 acres) will be altered and replicated on a 1:1 basis. No flood storage volume will be compromised by the Project and therefore no compensatory flood storage would be required nor would special flood damage protection be required for Project design.</p> <p>It should be noted that the existing Floodplain Overlay District map noted by the commenter is based upon a Federal Emergency Management Act (FEMA) Flood Insurance Rate Map from August 1984. FEMA has since updated its Flood Insurance Rate Maps and the 100-year flood zone no longer extends east of the Metro-North rail line within Wetland 2. The Town of Dover Town Board approved a revised FEMA floodplain map in April 2012 (provided in Appendix 3-C of the FEIS); the adjusted floodplain overlay district does not extend east of the Metro-North railroad track. The revised plan has been used as a basis for the preliminary Stormwater Pollution Prevention Plans (SWPPPs) described in Section 5 of the FEIS. The preliminary SWPPPs will be the subject of review as part of the Project’s Chapter 65 permit (Erosion and Sediment Control) with the Town of Dover.</p>

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**Table 6-1. Response to Comments – Land Use, Zoning and Community Character**

Author	Summary	Comment Number	Response
Graham Trelstad, AKRF	Page 6-6 states that "CVE will work closely with town officials to determine how best to evaluate planning and zoning requirements" for the temporary laydown site. The permits and approvals required for this temporary use should be stated in the DEIS.	32-41	<p>As listed in Table 1-1 of the FEIS, the following permits are required from the Town of Dover:</p> <ul style="list-style-type: none"> <li>· Special Permit/Site Plan Review (Town Board), which will address issues such as stormwater, layout, grading, erosion and sediment control, lighting and landscaping, including restoration of temporary use areas</li> <li>· Fire Prevention Permits (Town Board)</li> <li>· Use of Explosives (Town Board)</li> <li>· Erosion/Sediment Control (Planning Board)</li> <li>· Zoning law amendment (Zoning Board)</li> <li>· Design Review (Architectural Review Board)</li> <li>· Building/Occupancy Permits (Building Inspector)</li> </ul> <p>The temporary uses proposed on the former Rasco parcel and the remote Laydown Site will be included in the Special Permit/Site Plan Review submittal to confirm these uses adhere to requirements of the Dover Zoning Code. Section 145-10(B) of the Zoning Code provides that any use not enumerated as a principle use and not prohibited by Section 145-10(C) may be permitted by Special Permit. Through the Project's Special Permit/Site Plan Review process, a demonstration of consistency will be made with environmental standards set forth at Section 145-40 and the criteria stated in Section 145-63 of the Zoning Code.</p>
Graham Trelstad, AKRF	Table 6.1-2, "Cricket Valley Energy Consistency with Zoning Dimensional Requirements" should include the height of the proposed building exclusive of the proposed stacks. It is unclear if the building alone would be 113 feet.	32-42	Heights of all major buildings and structures are provided in Section 1.5.1.2 of the DEIS. The tallest building/structure and equipment (excluding the stacks) is 113 feet.

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Author	Summary	Comment Number	Response
Graham Trelstad, AKRF	The paragraph at the bottom of page 6-11, which describes the height variance required, should be clarified to explain how tall the building versus the smokestacks would be.	32-43	The referenced paragraph is discussing the buildings only, the tallest of which are 113 feet. The stacks will be 282.5 feet tall.
Graham Trelstad, AKRF	Pages 6-12 states that, "The grant of the variance to CVE will allow the elimination of the current grandfathered, pre-existing, nonconforming uses (i.e., the partially destroyed buildings) on the CVE site." This statement is not entirely accurate. These buildings were constructed prior to the adoption of the current Zoning Code, which means that there may be some pre-existing non-conforming setbacks, heights, or other structural or lot requirements. However, §145-24 of the Code would preclude any non-conforming uses from re-establishing; and any light industrial uses would be permitted to continue under a Special Permit by the Planning Board.	32-44	Irrespective of the legal status of the existing buildings, the proposed Project will remove the existing dilapidated structures and replace them with the structures identified, following receipt of applicable variances and other approvals. The removal of the existing nonconforming structures will reduce the overall zoning nonconformities on the Property by permitting construction of buildings that are more in conformance with the Town of Dover Zoning Code than the existing structures.
Graham Trelstad, AKRF	The DEIS should further discuss the potential community character impacts of the proposed Laydown Site. Although this is a temporary use of the site, it involves disturbance to a prominent landmark that was memorialized in the Asher B. Durand painting "Dover Plains." Plans for maintaining and reestablishing the agricultural use of the site and its presence in this viewshed should be described.	32-45	Section 6.3.1.2 of the DEIS provides additional narrative describing the temporary use of the remote Laydown Site. Given the manner in which the site will be used, as well as the pre-construction and post-construction measures to be implemented, no change in the current character is expected following its restoration post-construction.

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Author	Summary	Comment Number	Response
Graham Trelstad, AKRF	The DEIS should include a discussion of potential impacts to property values surrounding the facility. Specific data and analysis from areas surrounding existing electric generating facilities should be presented as evidence.	32-46	<p>As discussed in Section 6.3.7.2 of the FEIS, a study conducted by the Public Service Commission of Wisconsin indicates, “actual property value is comprised of an often complex set of desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and to local amenities. The research has not been conclusive because of the difficulty researchers have of accounting for all of the variables. The few studies done to date have not shown a clear, consistent correlation between power plant location and reduced property values.”</p> <p>It is important to note that property values are driven by a myriad of factors which include externalities such as the quality of school systems, property taxes, and community services. CVE’s PILOT will provide substantial revenues to the Town of Dover and the Dover Union Free School District which can be used for improved Town/School facilities, expanded community services, and/or lower taxes.</p>
T. Michael Twomey, Entergy	...the available Federal Emergency Management Agency (“FEMA”) Flood Insurance Rate Maps...indicate that a portion of the Property, located east of the railroad where construction is proposed, is in fact located within the Floodplain Overlay District...Thus, compensatory flood areas may be required to prevent adverse effects on nearby property owners. Town of Dover Code §81-12, and applicable construction standards must be adhered to protect the construction from flood damage.	33-23	<p>The small portion of designated flood plain located east of the railroad tracks is within Wetland 2, where only a very small finger of marginal wetland (0.05 acres) will be altered and replicated on a 1:1 basis. No flood storage volume will be compromised by the Project and therefore no compensatory flood storage would be required nor would special flood damage protection be required for Project design.</p> <p>It should be noted that the existing Floodplain Overlay District map noted by the commenter is based upon a FEMA Flood Insurance Rate Map from August 1984. FEMA has since updated its Flood Insurance Rate Maps and the 100-year flood zone no longer extends east of the Metro North rail line within Wetland 2. The Town of Dover Town Board approved a revised FEMA floodplain map in April 2012 (provided in Appendix 3-C of the</p>

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Author	Summary	Comment Number	Response
			FEIS); the adjusted floodplain overlay district does not extend east of the Metro-North railroad track. The revised plan has been used as a basis for the preliminary SWPPPs described in Section 5. The preliminary SWPPPs will be the subject of review as part of the Project's Chapter 65 permit (Erosion and Sediment Control) with the Town of Dover.
T. Michael Twomey, Entergy	<p>The DEIS states that a large power plant located within the M District is allowed by special permit issued by the Town Board...In fact, "heavy industry" is a prohibited use in an M District, and any fair reading of the phrase, "heavy industry" includes a power plant of the scale proposed by the Project.</p> <p>Even if the Applicant could show that the Project should not be treated as "heavy industry," there are other reasons why the use is currently prohibited in the M District. In particular, the Town of Dover Zoning Code states: "Any use, whether or not listed in the Use Table, is prohibited if it does not satisfy the standards and criteria in §§ 145-40 and 145-63." Town of Dover Code § 145-10(C). By the Applicant's own explanation (see Section 6, below), the noise standards of § 145-40 will be exceeded by the Project.</p> <p>This prohibited status may be remedied if the Town of Dover Zoning Code is amended, or a use variance is granted by the Town of Dover Zoning Board of Appeals...We are concerned</p>	33-24	<p>A discussion of the Project's compliance with the Town of Dover's Master Plan and Zoning Code is included in Section 6.3.1 of the FEIS.</p> <p>Section 145-74 of the Town Code defines "Heavy Industry" as the "Manufacture, assembly, treatment, processing, or packaging of products in a manner that emits or is likely to emit objectionable levels of smoke, noise, dust, odor, glare, water pollution, or vibration beyond the property boundaries."</p> <p>The Project will generate electricity in accordance with New York law and in compliance with all permits issued by NYSDEC. With addition of the former Rasco parcel to the Property, the Project will operate in a manner that will not emit objectionable levels of these items beyond the Property boundaries, with the exception of noise along the Metro-North railroad line. Since the Metro-North railroad line is a narrow strip of land extending through the Property, with CVE owning the land to the west of that receptor, and is not a noise-sensitive receptor, this will not result in either a public or private nuisance. At the westerly boundaries of the Property beyond the railroad line, the Project will comply with the Town of Dover Zoning Noise Standards. The Project will demonstrate compliance with the Major Project Criteria identified in Section 145-63 (B) of the Town Code as a part of its Special Permit Application review process.</p>

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Author	Summary	Comment Number	Response
	that a variance may not be granted, e.g., because (a) there are other permitted uses that could be made of this land; (b) there is no clear financial hardship to this Applicant that has not been self-created; and (c) the Project, if authorized, may well alter the essential rural character of this neighborhood and the Town of Dover.		
T. Michael Twomey, Entergy	...the DEIS ignores the Project's three proposed 282.5 foot tall emission control stacks, and whether structures of such height may be reconciled with the purpose and intent of the Town of Dover Zoning Code. There is a 35 foot height limit in the M District. Town of Dover Code, § 145-11(B). Exceptions to the height limitation are set forth at § 145-30D, and include "chimneys," a term that, although not defined, is not readily interpreted to include industrial emission control stacks on the scale proposed for the Project. No other exemptions appear to apply. Town of Dover Code, § 145-30(D). Therefore, the 282.5 foot emission control stacks arguably do not	33-25	<p>As discussed in Section 6.1.4 of the DEIS, the three proposed 282.5-foot stacks are considered by CVE to be "chimneys" and would therefore be exempt from height requirements per Section 145-30(D)(1) of the Zoning Code.</p> <p>Section 145-73 of the Zoning Code explains that all words used in Chapter 145 "shall carry their customary meanings." Reference to a common definition is appropriate since the Zoning Code does not define "chimney." Merriam-Webster's Dictionary provides the following definition of "chimney:" "A vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke; especially the part of such a structure extending above a roof."<sup>2</sup></p> <p>The common definition of chimney, therefore, includes the stacks proposed by CVE since the stacks are flues (i.e., chimneys), which will conduct the Project's emissions to the atmosphere as will be permitted by the NYSDEC air permit. This use of this term</p>

<sup>2</sup> <http://www.merriamwebster.com/dictionary/chimney>.

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	<p>comply with the Town of Dover Zoning Code.</p> <p>Similarly, the Project would have four additional structures ranging in size from 50 feet to 113 feet tall that arguably do not comply with the height limitation. See DEIS, p. 1-12.</p>		<p>to reflect generating facility stacks has been applied in other analogous situations.</p> <p>All structures that exceed the Zoning Code's applicable height limitations will be addressed as part of the Project's Special Permit Application.</p>
<p>T. Michael Twomey, Entergy</p>	<p>...the Applicant asks the Town to amend its laws to increase the noise limit by ten decibels (from 50 to 60 dB) for M zoning districts. See DEIS, p. 6-91. Although the DEIS characterizes this as a "slight adjustment" (see DEIS, p. 6-10), a 10 dB increase would permit the facility, as well as any other facilities located in an M-zoned area, to emit nighttime noises that are ten times louder than currently allowed... As set forth in the Town of Dover Noise Ordinance, "noise shall be prohibited when it is of such character, intensity and duration or of any type or volume that a reasonable person would not tolerate under the circumstances and that is detrimental to the life, health or welfare of any individual or would cause or create a risk of public inconvenience, annoyance or alarm." Town of Dover Code § 107-3(A). Noise of this character, intensity and duration is likely to be the case over both the three-year construction period for the proposed Project, and during its operation thereafter.</p>	<p>33-26</p>	<p>With the addition of the former Rasco parcel to the Property, the Project is expected to comply with the most restrictive night-time sound level limit (50 dBA) of the Town of Dover Zoning Noise Standards at the north, south and east Property lines – which are the Property lines in the direction of the nearest residential receptors.</p> <p>The Project's sound levels will also comply with the noise standards at its westernmost boundary. However, a narrow strip of land owned by the Metro-North railroad line extends through the Property, and sound levels are predicted to exceed the noise standard at the railroad line. Since the Metro-North railroad line is not a noise-sensitive receptor, and CVE will own the Property on either side of this receptor, this will not result in either a public or private nuisance. CVE is requesting an amendment to the Town of Dover Zoning Code so as to permit the anticipated noise levels and allow this economically beneficial use without negatively impacting community character and residential uses.</p>

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<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Ryan Courtien, Town Supervisor	Figure 1-2: RC does not mean recreation; it means resource conservation.	37-27	This typographical error is noted. Table 6.1-1 of the DEIS correctly notes the designation.
Ryan Courtien, Town Supervisor	Figure 1-4: No longer TT Materials; is now RASCO.	37-28	CVE has signed an option to purchase the former Rasco parcel, therefore, prior occupancy will be relevant only for assessment of site conditions described in Section 2 of the FEIS.
Stephen and Cate Wilson, Wingdale Residents	The environment here in our area is one that we consider to be clean and quiet – a place to live, work and retire, where we can pursue activities such as gardening, camping, swimming, and outdoor living in general. The prospect and ultimate advent of a large scale (and potentially unnecessary) power plant in close proximity is not conducive to any of these pursuits for many reasons.	38-1	The proposed Project will meet strict requirements, including for emissions and noise, and will not involve any wastewater discharge. It is proposed to be built on an approximately 30 acre footprint located within a 193.5 acre Property (57 acres of which is the Project Development Area). Given the Project's characteristics and buffering, there is no reason why activities such as gardening, camping, swimming, and general outdoor living cannot continue to be enjoyed.
Robert Herzog, Dover Resident	...CVE is admitting they will be unable to meet existing sound regulations, and proposed to get around this otherwise fatal flaw not by changing their equipment, but by petitioning for a change in the standard, as if the standard need not apply to them. They seek to get around the regulations by trying to make a case that sounds emanating from the plant will be uni-directional, magically being confined to the rail line. In reality, the sounds made by various equipment in the plant will radiate broadly, ending up in the homes of residences and other uses in the area who will have no effective protection from levels that	42-11	With the addition of the former Rasco parcel to the Property, the Project is expected to comply with the most restrictive night-time sound level limit (50 dBA) of the Town of Dover Zoning Noise Standards at the north, south and east Property lines – which are the Property lines in the direction of the nearest residential receptors.  Noise modeling completed for the Project does not presume that sounds from the facility are uni-directional. Rather, the CadnaA model utilized identifies projected sound levels associated with the combination of sources in all directions. Figure 6-3 illustrates the isopleths showing the manner in which sounds generated at the Project are influenced by distance and other factors.  As previously discussed in Section 6.4 of the DEIS, the Project's



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	<p>exceed existing regulations.</p> <p>That is literally intolerable -- noise regulations were designed to protect local environments and residents. It is precisely when an entity cannot meet such regulations that they are not to be discarded, for that is when they are most needed. CVE acknowledging they cannot and will not meet these standards, will violate them, and too bad for the locals.</p> <p>The levels of 59db the plant will be emitting, well in excess of the 50db limit, are not trivial. The EPA reports that outdoor noises in the 60db range historically generate widespread complaints and individual threats of legal action. The Town of Dover does not want to and does not need to impose this burden on its residents for years to come.</p> <p>The town has ample authority to deny the plant on the grounds of noise...</p>		<p>sound levels will comply with the noise standards at its westernmost boundary, thus meeting the town's standard at all Property boundaries abutting residences. However, a narrow strip of land owned by the Metro-North railroad line extends through the Property, and sound levels are predicted to exceed the noise standard at the west property line abutting the railroad line. Since the Metro-North railroad line is not a noise-sensitive receptor, and CVE will own the Property on either side of this receptor, this will not result in either a public or private nuisance. CVE is requesting an amendment to the Town of Dover Zoning Code so as to permit the anticipated noise levels and the proposed economically beneficial use without negatively impacting community character and residential uses.</p>
Cate Wilson, Wingdale Resident	<p>In the executive summary, it talks about the area of primary impact, which I think has been designated as a one-mile zone from the projected project and one-mile radius around. Our property is actually well within that zone, I believe.</p>	T2-3	<p>The DEIS did not intend to imply a one-mile radius would be considered an "area of primary impact." Section 6.1.2.2 and Figure 6.1-2 of the DEIS do describe land uses that occur within one mile of the Property. This is intended as a general characterization of the Project's setting, and not to represent specific anticipated impacts. As applicable, locations where impacts are projected to occur are specifically identified for each technical issue evaluated. For example, noise isopleths show modeled sound levels extending out from the Property, traffic service levels were evaluated along the Route 22 corridor, and air quality impacts were evaluated in surrounding elevated terrain.</p>

### 6.3.2 Visual Resources and Aesthetics

The visual analysis indicates that, although the Project will be visible from certain locations, the Project Development Area possesses a number of qualities that will minimize visual impacts to its surroundings including its location within a valley, a substantial buffer of mature trees, and a hillside that will shield the majority of the Project structures from view. The Project has been purposefully located within a compact footprint, including co-locating the three stacks in order to minimize their visual impact on surroundings. The design attributes of the Project, the natural buffer of its surroundings, the context and number of viewers, the duration of the view, the degree of discernible detail, and the scenic value of the setting, contribute to minimizing the impact of potential views of the Project.

The viewshed analysis presented in Section 6.2 of the DEIS demonstrates consistency with NYSDEC's Visual Impact Assessment Policy, and although resources of "statewide significance" were not identified from which significant visual change would be anticipated, additional simulations were provided of other viewing locations that represent the potential for local changes in view.

Areas of potential visibility within a 5-mile radius were determined based on computer modeling that considered both topography and vegetation. Within this area, types of viewers and land uses were considered, leading to selection of vantage points from which photographic simulations were prepared illustrating representative views both under current conditions and with the proposed Project in place. These simulations were included as Figures 6.2-6 through 6.2-13 of the DEIS.

The visual impact assessment presented in Section 6.2 of the DEIS indicated that views of the facility stacks will be limited, day or night, due to topography, vegetation and distance. The facility, including its stacks, would not be visible at night, although Federal Aviation Administration (FAA) safety lighting on the stacks will be visible. Stack lighting will be similar to the FAA lighting one sees on communication towers. Other lighting will be directed downwards and would not result in nighttime off-site visibility of the facility.

The closest view is that from Route 22, reflected in Figure 6.2-6 of the DEIS. Stack lighting would be expected to be visible from that location. However, viewers would be driving along Route 22 and experiencing a momentary glimpse of the lighting that would not be dissimilar to the effect of street lights or similar features. Viewers from the other evaluated representative locations also have the potential to view stack top lighting, but distance and vegetation will place the lighting as a horizon feature. The potential impact of the views would vary, as individual viewer sensitivity to this form of lighting varies. CVE is working

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with the FAA to minimize the need for stack lighting to the extent possible while still meeting FAA safety requirements.

Table 6-2 outlines comments and responses associated with visual resources and aesthetics.

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Author	Summary	Comment Number	Response
Mark Chipkin, Pawling Resident	The Cricket Valley Power Plant will... add... visual...pollutants to our environment...	25-3	As detailed in Section 6.2 of the DEIS, the Project will add a new visual element to the landscape. Given the design attributes of the Project, the natural buffer of its surroundings, the context and number of viewers, the duration of the view, the degree of discernible detail, and the scenic value of the setting, the visual of this impact is assessed in that section of the DEIS as minimal.
David Roberts, Pawling Resident	Viewshed analysis shows that the plant is plainly visible from the library at Dover Junior – Senior High School.	29-1	Visual simulations were not completed from the interior of any buildings. The simulations provided in Section 6.2.4 of the DEIS, which includes the Dover Middle School – High School complex were taken from outdoor locations representative of a “worst case” view (see DEIS Figure 6.2-10). It is possible that views of the facility will be seen from locations other than those for which specific simulations were prepared, although as evident from DEIS Figure 6.2-10, the school grounds are well-screened by vegetation.
Graham Trelstad, AKRF	It is noted that the proposed Laydown Site is the field from the Asher B. Durand painting, "Dover Plains." This should be addressed as a potential community character impact.	32-8	The proposed use of the remote Laydown Site is temporary in nature. During the time it is in use, the site itself will visually change. However, trees lining Route 22 and the lack of taller stored items at the site will screen views from offsite locations. Following construction, the site will be restored. No permanent change in site conditions is anticipated, and no significant impact to community character will result.
Graham Trelstad, AKRF	Pg 1-19 states that the Federal Aviation Administration (FAA) will require lighting on all three stacks, and recommended a dual lighting system that would result in red lighting at night and medium intensity white lights during daytime hours. Photosimulations of the proposed night-time illumination from sensitive receptors and an assessment of potential impact to those receptors	32-9	The visual impact assessment presented in Section 6.2 of the DEIS indicated that views of the facility stacks will be limited, day or night, due to topography, vegetation and distance. The facility, including its stacks, would not be visible at night, although FAA safety lighting on the stacks will be visible. Stack lighting will be similar to the FAA lighting one sees on communication towers. Because the stacks are co-located, it is anticipated that only a single light per stack will be necessary to provide for adequate visibility. Other lighting will be directed downwards and would not result in nighttime off-site visibility of the facility.  The analysis presented in Section 6.2 of the DEIS demonstrates consistency with NYSDEC's Visual Program Policy, and although

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Author	Summary	Comment Number	Response
	<p>from the night-time illumination should be provided.</p>		<p>“resources of statewide significance” were not identified from which significant visual change would be anticipated, additional simulations were provided of other view locations that represent the potential for local changes in view.</p> <p>The closest view is that from Route 22, reflected in Figure 6.2-6 of the DEIS. Stack lighting would be expected to be visible from that location. However, viewers would be driving along Route 22 and experiencing a momentary glimpse of the lighting that would not be dissimilar to the effect of street lights or similar features. Viewers from the other evaluated representative locations also have the potential to view stack top lighting, but distance and vegetation will place the lighting as a horizon feature. The potential impact of the views would vary, as individual viewer sensitivity to this form of lighting varies. CVE is working with the FAA to minimize the need for stack lighting to the extent possible while still meeting FAA safety requirements.</p>
<p>Graham Trelstad, AKRF</p>	<p>The DEIS presents a plume visibility analysis in accordance with appropriate Prevention of Significant Deterioration (PSD) procedures to assess potential visibility impacts on state managed parks. An assessment was performed to evaluate the potential for a visible condensed water plume at two locations in the immediate vicinity of the proposed facility and is contained in Section 6.2, “Visual Resources and Aesthetics” instead of Section 4, “Air Resources.”</p>	<p>32-29</p>	<p>Section 6.2 focuses on the potential for local community visual change, including that associated with a visible water vapor plume. Representation of this potential element of the Project’s visibility is an important aspect to include in the overall visual impact assessment in Section 6.2. “Visibility” for Class I areas is defined through the application of specific air quality standards that address non-water vapor visible plume, which is why that information is presented in Section 4 of the DEIS.</p>

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Author	Summary	Comment Number	Response
Graham Trelstad, AKRF	Page 6-22 describes the project site lighting. Visual photo-simulations of the project at night from off-site sensitive receptors should be provided.	32-47	The visual impact assessment presented in Section 6.2 of the DEIS indicated that views of the facility stacks will be limited, day or night, due to topography, vegetation and distance. The facility, including its stacks, would not be visible at night, although FAA safety lighting on the stacks will be visible. Stack lighting will be similar to the FAA lighting one sees on communication towers. Other lighting will be directed downwards and would not result in nighttime off-site visibility of the facility. Although nighttime simulations have not been completed, additional discussion of nighttime visibility is included in Section 6.3.2 of the FEIS.
Graham Trelstad, AKRF	It is noted that the proposed project will be visible from a number of locations, including Cricket Hill Road, Route 22, the Knolls of Dover, and the Dover Middle/High School. Although mere visibility does not constitute an impact, it will be substantially more visible than the existing smokestacks and water tower. A full-day crane or balloon test should be scheduled with sufficient public notice to allow local officials and residents to witness the test.	32-48	The proposed stacks will be taller than the stack and water tower features currently located at the site, as noted in Section 6.2.5.5 of the DEIS. Although physical field representations of future structures have been used, they have significant limitations that tend to outweigh their benefit. Balloon tests can frequently be compromised, as weather and atmospheric conditions are rarely calm enough to assure the balloon stays at the desired height for viewing purposes. The use of cranes does not have this issue, but poses a significantly greater cost and logistical challenge. The technology used to represent future views relies on computer simulations, which have been demonstrated to accurately represent the potential for visual change (for example, Cape Wind 2011).  CVE will continue working with the town, through its Special Permit process, to consider local views of potential concern as the town develops its findings in support of the local review process.
Graham Trelstad, AKRF	Page 6-29 states that the modeling does not indicate that the Appalachian Trail falls within areas from which the project is anticipated to be visible. However, Figure 6.2-1 highlights several portions of the trail in yellow, which denotes potential visibility. The	32-49	Based on the indication of potential views from the Appalachian Trail, a CVE representative has evaluated the portions of the Appalachian Trail that extend through the Project area on several occasions. Even under clear visibility weather and leaf-off conditions, views of the Property from nearly all segments of the trail are well-screened by vegetation. However, CVE has identified one location, on Ten Mile Hill, from which the existing stacks can be seen. At 3.5 miles distant, views of the facility are not expected to be intrusive, and are likely to be screened

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Author	Summary	Comment Number	Response
	potential views from the Appalachian Trail should be further assessed.		during leaf-on conditions.
Graham Trelstad, AKRF	A photo-simulation of the views of the project site from the Swamp River should be provided. This resource is enjoyed by many members of the public, and the potential impacts should be evaluated from a natural resource as well as community character/visual impact perspective.	32-50	Approximately 500 – 1,000 feet of forest, as well as the active Metro-North railroad line, separate the Swamp River from the proposed Project. The dense vegetation and slightly lower topography of the Swamp River relative to the site would prevent any but the smallest of glimpses of the facility. Public enjoyment of the Swamp River is anticipated to continue, and aspects of the Project (such as the site clean-up) are anticipated to enhance the long-term quality of that enjoyment.
John Fila, Wingdale Resident	The conclusions as presented in the DEIS are based on an incomplete, therefore inaccurate, analysis, using a limited number of locations. A very similar, if not identical facility is located in the town of Athens NY. The views in that area are dominated by the stacks and cooling towers of that plant.	35-2	Each project is located within a different environmental setting and context. The Athens facility, located near the Hudson River and within elevated, flatter, and less screened terrain, would not have the same visual buffering effect as the CVE Project. The simulations provided present a range of representative views that indicate the anticipated visual change. As discussed in Section 6.4 of the DEIS, none of the range of potential views is anticipated to have a significant effect.
Ryan Courtien, Town Supervisor	ES-14: While it is stated and mapped in Section 6 where the project will be visible, there should be more brought forward to the Executive Summary.	37-12	We understand that some may only review the Executive Summary of the DEIS, but would encourage anyone with a particular interest in a given topic to read the more detailed section as well. With the commenter’s concerns in mind, CVE has created an “Ask Cricket Valley” webpage on the Project website ( <a href="http://www.cricketvalley.com">www.cricketvalley.com</a> ) specifically designed to answer frequently asked questions and guide the public to answers within the DEIS. A link to DEIS Figure 6.2-2, showing potentially visible areas, is included on this website.

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**Table 6-2. Responses to Comments – Visual Resources and Aesthetics**

Author	Summary	Comment Number	Response
Ryan Courtien, Town Supervisor	ES-14: What are the “areas of visual importance?” Is there a standard list or criteria used in determining this?	37-13	The “areas of visual importance” noted in the DEIS Executive Summary on page ES-14 reference the aesthetic resources outlined in Section 6.2.4.1 of the DEIS. This includes an evaluation in accordance with NYSDEC’s Visual Impact Assessment Policy, which provides a standard list of specific state and federal resources for consideration. It also includes a discussion (Section 6.2.4.1.2 of the DEIS) of potential local resources, drawing upon the Dover Master Plan, consultation with the Town Supervisor, and soliciting public comment through review of scoping documents and other public meetings.
Ryan Courtien, Town Supervisor	A publicized Balloon Test for Stack Height needs to take place so everyone can get a sense of what the proposed 282.5 foot high stacks will look like. This test should be coordinated with the Town of Dover Town Government.	37-25	Although physical field representations of future structures have been used, they have significant limitations that tend to outweigh their benefit. Balloon tests can frequently be compromised, as weather and atmospheric conditions are rarely calm enough to assure the balloon stays at the desired height for viewing purposes. The technology used to represent future views relies on computer simulations, which have been demonstrated to accurately represent the potential for visual change (for example, Cape Wind 2011).  CVE will continue working with the town, through its Special Permit process, to consider local views of potential concern as the town develops its findings to support the local review process.
Ryan Courtien, Town Supervisor	Appendix 6C – Lighting Study should include nighttime renderings of the plant from several locations around town including the Dover Middle / High School, looking south from Dover Furnace, looking north from Chippawalla Road, looking west from Cricket Hill and looking southeast from Ridge Road.	37-86	The visual impact assessment presented in Section 6.2 of the DEIS indicated that views of the facility stacks will be limited, day or night, due to topography, vegetation and distance. The facility, including its stacks, would not be visible at night, although FAA safety lighting on the stacks will be visible. Stack lighting will be similar to the FAA lighting one sees on communication towers. Other lighting will be directed downwards and would not result in nighttime off-site visibility of the facility. Although nighttime simulations have not been completed, additional discussion of nighttime visibility is included in Section 6.3.2.



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**Table 6-2. Responses to Comments – Visual Resources and Aesthetics**

Author	Summary	Comment Number	Response
Cristina Bleakley, Dover Resident	When we purchased our home eight years ago, one of the things that the builder asked [sic] is the aesthetic of the land would stay and all the homes were in an area to be pretty much the same. I'm concerned -- I know there was mention that the parking will be -- the land will be put back to where they found [sic]. But I think it will change the aesthetic of the location where it is.	T2-10	The commenter is asking about the remote Laydown Site. The proposed use of the remote Laydown Site is temporary in nature. During the time it is in use, the site itself will visually change. However, trees lining Route 22 and the lack of taller stored items at the site will screen views from offsite locations. Following construction, the site will be restored. No permanent change in site conditions is anticipated, and no significant impact to community character will result.
Mark Chipkin, Pawling Resident	And even the lighting, as something that happened locally, once again, we asked this business to turn off their lights and because of what they called security reasons, we have lights shining in many directions into the residences...	T3-11	Consistent with town codes and industry practice, lighting at the facility will be shielded to be directed down to minimize light intrusion while maintaining necessary levels of lighting to ensure worker safety. A detailed lighting study for the Project was included in Appendix 6-C to the DEIS. Since the DEIS was filed, CVE has completed similar lighting analysis for the temporary use of the former Rasco parcel and remote Laydown Site (Appendices 6-A and 6-B, respectively, of the FEIS). These lighting plans will be included in the Project's Special Permit Application to the Town of Dover.

### 6.3.3 Traffic and Transportation

The addition of the former Rasco parcel to the Project site will allow CVE to move a substantial portion of the off-site parking and laydown needs onto the Project Property (Figure 6 -2). This addition will also allow CVE to clean up a greater portion of the site, and also helps reduce the impacts and traffic associated with the originally proposed remote parking area (the remote Laydown Site), located approximately 2.5 miles north of the Property. As previously discussed in Section 6.3 of the DEIS, long-term impacts on local traffic patterns will be insignificant, based on the discrete number of permanent employee and other trips anticipated to occur and the direct access from Route 22. Short-term traffic impacts are expected as a result of construction workers traveling to and from the former Rasco parcel and, during peak construction, the remote Laydown Site.

It is anticipated that the former Rasco parcel can accommodate approximately 580 construction worker vehicles, which will be adequate to serve the entire construction crew for more than 80 percent of the construction period (approximately 31 of 36 months). During the five months of peak construction, anticipated to occur in mid-2014, overflow parking of approximately 125 vehicles may be required at the remote Laydown Site.

To reflect the addition of the former Rasco parcel, an updated traffic analysis was prepared to reflect the amended parking plan. In the amended study (Appendix 6-C of the FEIS), the peak construction year traffic and the operation year have been revised to 2014 and 2016 respectively. Accordingly the background traffic growth has been increased by the 1.5% per annum previously used, to account for the changes in time frames. Figures 6.3-6A and 6.3-7A of Appendix 6-C of the FEIS show projected future volumes in the study area for 2014 (the anticipated peak construction period) and 2016 (the Project operations year) without the Project.

The period when the most construction traffic activity is anticipated to occur will be during Construction Phase 3 (estimated to occur between July 2014 and December 2014). During Construction Phases 1 and 2 (demolition of existing buildings, and site preparation activities) and in subsequent phases (when specialty trades will be completing finish work and testing), construction traffic activity will be less. Evaluation of this maximum-impact period assumes that plans will be in place to address the highest potential community traffic impact. During this period, there may be daily peaks of up to 750 workers traveling to and from the Project Development Area, and, in limited number, to and from the remote Laydown Site shortly before 7:00 a.m. and after 4:00 p.m. It is conservatively assumed that workers will commute to the Project area in the a.m. peak period and leave the Project area in the p.m. peak period and that 20 percent of the workers will carpool to the Project area.

Construction scheduling may be timed such that workers would not be traveling during the typical commuter rush hour periods.

Based on the revised parking layout at the Project Development Area, 580 construction worker trips were assigned to that driveway. The remaining construction worker trips were then assigned to the remote Laydown Site. All trips to the remote Laydown Site were assumed to originate from south of the remote Laydown Site to present a maximum-impact case for the study intersections.

The updated traffic analysis indicates that, in the peak construction year (2014) with Project construction traffic, all intersections will continue to operate at an acceptable LOS, with one exception: the Project Development Area driveway. This means that the remote Laydown Site driveway and Duncan Hill Road intersections will now operate at an acceptable LOS during the peak construction period and the recommendations contained in the DEIS for manual traffic control at these intersections are no longer necessary.

The Route 22 intersection with the Project Development Area driveway shows a failing LOS for the driveway approach during both a.m. and p.m. peak periods. CVE will work with the NYSDOT to identify appropriate temporary measures to implement during construction to mitigate impacts to LOS at the Project driveway. CVE's recommendations for review by NYSDOT are illustrated in plans provided in Appendix 6-D, and currently reflect:

- No special roadway improvements will be required at the remote Laydown Site temporary access driveway, which will incorporate turning radius requirements and sight lines that support anticipated vehicle usage;
- A temporary traffic signal at the Project driveway for use during construction; and
- Roadway improvements at the Project driveway, including temporary widening of Route 22 (including a northbound left turn lane and southbound right turn lane into the Property). These temporary lanes will include clarification of traffic patterns through use of land and median striping to facilitate traffic flow.

In addition, CVE will work closely with the Town of Dover to determine the need for any additional measures, as needed, such as providing manual traffic control during the peak morning and evening hours. In particular, CVE will work closely with the Town of Dover and the Dover Union Free School District to mitigate traffic impacts to the Middle/High School complex. A detailed list of School Bus Routes with "Start" and "Arrival" times was included in Appendix 6-B of the DEIS. School bus arrivals are estimated to occur between

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7:05 - 7:10 a.m. each morning. CVE could, for example, adjust the construction workday so that all workers are on-site by 7:00 a.m. to avoid potential conflicts with school bus schedules. Since the construction work day will end at 4:00 p.m., afternoon construction traffic is not expected to conflict with the school bus schedule. Should concerns regarding after-school activities arise, CVE will work with the town and school officials to determine the best approach to minimize this temporary impact.

In summary, the updated traffic analysis confirms that the Project's ability to use the former Rasco parcel during the construction period reduces impacts to traffic along Route 22 as compared to the plan presented in the DEIS. CVE is coordinating with the NYSDOT and local officials to ensure traffic impacts during construction and operation are minimized through implementation of mitigation measures at the intersection of Route 22 and the Project access. Plans depicting the recommended temporary and permanent configuration of that intersection are provided in Appendix 6-D of the FEIS.

Table 6-3 outlines comments and responses associated with traffic and transportation.

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**Table 6-3. Response to Comments – Traffic and Transportation**

Author	Summary	Comment Number	Response
Tara Shoureck, Wingdale Resident	<p>[Route 22] is a single lane road. It virtually closes down when something happens.</p> <p>“What if this was a real emergency”, such as the power plant explosion that occurred in Middletown, CT, in Feb. 2010. That occurred at a similar type of plant to the proposed Cricket Valley plant. There were deaths, and people for miles around heard and felt the explosion. Human error of some sort was to blame, and since we are all human, this can occur to anyone of us...What if something during construction were to go wrong and this plant goes “KA-BOOM!!” Children in these schools [Dover Middle/HS, Wingdale Elementary, Dover Elementary] would most definitely be affected, parents both at home and at work would be frantic.</p>	10-11	<p>A detailed Emergency Response Plan (as discussed in Section 6.2.7 of the FEIS) will be developed in consultation with appropriate town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, NYSDOT, and other emergency response providers.</p>
Michael Tierney, Dover Union Free School District	<p>On most school mornings, there is a backup of cars entering the Dover Middle/High School complex, typically heading north on Route 22. An increase in the number of cars driving south from 7 am to 8 am would add to this problem.</p>	13-1	<p>With the addition of the former Rasco parcel, CVE will be able to accommodate the majority of construction worker parking on the site itself, reducing the volume of workers passing the Dover Middle/High School complex on Route 22. With the inclusion of 650 parking spots on the Property, it is expected that overflow parking at the remote Laydown Site will only be required during the approximate 5-month peak construction period.</p> <p>Temporary measures such as roadway widening and a temporary traffic signal at the Project driveway will be determined through consultation with NYSDOT. CVE will work closely with the Town of Dover and the Dover Union Free School District to mitigate traffic impacts, and could, for example, adjust the construction</p>

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Author	Summary	Comment Number	Response
			workday to reduce potential conflicts, if warranted. If so, manual traffic control would be implemented to facilitate the movement of non-Project traffic on Route 22.
Graham Trelstad, AKRF	Section 6.3.2.4 School Bus Routes and Schedules should more fully describe how potential conflicts with construction vehicles and school traffic would be managed or avoided.	32-51	A detailed list of School Bus Routes with “Start” and “Arrival” times was included in Appendix 6-B of the DEIS. School bus arrivals are estimated to occur between 7:05 – 7:10 a.m. each morning. CVE will work closely with the Town of Dover and the Dover Union Free School District to mitigate traffic impacts, and could, for example, adjust the construction work day to reduce potential conflicts. Since the construction work day will end at 4:00 p.m., afternoon construction traffic is not expected to conflict with the school bus schedule.
Ryan Courtien, Town Supervisor	ES-15: Change to “coordination with town, school and state highway officials.”	37-14	CVE will consult with all three entities.
Stephen and Cate Wilson, Wingdale Residents	...traffic...[is]...of considerably greater concern during the lengthy construction period required to build the plant if it is approved. The DEIS again discusses... traffic... impacts upon "the more distant residential properties", but does not specifically address impacts on locations in immediate proximity. Not only our home, but others and the Dover Middle School and High School locations will be impacted by this for three or more years if the project does not complete on schedule.	38-7	Traffic impacts during construction will be greater than the negligible traffic during operation. Traffic impacts were thoroughly analyzed as part of the Project’s traffic analysis (DEIS Section 6.3) and reassessed in the FEIS to reflect the addition of the former Rasco parcel for construction laydown and parking (Appendix 6-C of the FEIS). The revised construction parking has significantly improved conditions during the peak construction period at locations including at the school complex. Impacts during peak commuting hours at the Project access drive show a failing LOS F if additional measures were not incorporated. Measures will be incorporated, through consultation with NYSDOT and the town to maintain acceptable traffic operation even during peak commuting and construction periods at the Property access. In addition, CVE will continue to consult with the town, school and state highway officials to limit disruption to daily traffic to the greatest extent possible during the construction period.

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Author	Summary	Comment Number	Response
Cristina Bleakley, Dover Resident	How is our traffic going to be affected? The proposed site for parking is across street from my house and believe me when I purchase my home nowhere in my dreams was a plant nor a parking that accommodate over 800 vehicle. I bought my house in Dover because I wanted to live in a safe and quiet environment. Will the proposed site for the parking create drivers to use side streets such as my road Sherman Hill Rd?	40-7	With the addition of the former Rasco parcel to the Property, CVE expects use of the remote Laydown Site for parking to be much less extensive. It is anticipated that the former Rasco parcel can accommodate approximately 580 construction worker vehicles. During the five months of peak construction, anticipated to occur in mid-2014, overflow parking of approximately 95 vehicles may be required at the remote Laydown Site. During this limited period where overflow parking is required, access to the remote Laydown Site will be strictly limited to the construction entrance off Route 22. There will be no access to the remote Laydown Site from either Old Route 22 or Sherman Hill Road, therefore, it is not anticipated that construction workers would utilize these roads for travel. CVE will coordinate with NYSDOT to ensure that traffic patterns are maintained.
William Sena, Dover Resident	You also made a comment about shuttling the employees for the construction... But...when they start knocking the buildings down, tractor trailer trucks, dump trucks going in and out. I mean, it's a nice spot -- it's a straight run for the tractor, but there is a blind spot when you're coming from the Dover school, coming down. There's the three roads. The one road that goes up in the back of the mountain, and then the other road that goes to the other side of Wingdale. When you come around that -- where the entrance to the plant is, it's like a little bit of a blind spot, so that could be, like, kind of hazardous for school buses and stuff like that, especially with the school right up there.	T1-8	CVE will work closely with the town and NYSDOT to develop a construction management plan. This will identify known areas where additional traffic control may be warranted (for example, if there is a known "blind spot") during certain periods. In addition to known concerns, the plan will include ongoing communication and provide for adjustments so that the construction period affects local traffic to the minimum extent possible.

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Author	Summary	Comment Number	Response
Brigid Casson, Dover Resident	...I understand there will be parking and shuttling from the north end of town. I would suggest that there be some at both ends, because that makes the assumption that everyone working there is going to come from the north, and it makes no sense if they're coming from the south end to go all the way through town to get on a bus and then come back down to the site. I'm sure there must be situations available in the south end of town for parking arrangements.	T1-15	With the addition of the former Rasco parcel to the Project, the majority of construction parking will be available directly on the Project site. This will reduce the parking needs at the remote Laydown Site, including the use of shuttle buses, and will allow for careful management of particular transportation uses to keep impacts to local roadways minimized.
Cristina Bleakley, Dover Resident	I live on Sherman Hill Road...across from where the site of the parking is going to be located. One of my concerns is, is any hazard [sic] materials will be stored at that site? 850 cars parking, is it one-level parking? Is it two-level parking? I think they need to be a little bit more descriptive.	T2-8	No hazardous materials will be stored at the remote Laydown Site. Section 2.3.4 describes in detail how the remote Laydown Site will be created, maintained and restored to its original condition at the completion of construction. Parking and storage of equipment at that location will be on one level.  The addition of the former Rasco parcel to the Property will allow CVE to move most of the off-site parking from the remote Laydown Site to the Property. This is intended to reduce the impacts and traffic associated with the originally proposed remote parking area. CVE expects to use the remote Laydown Site for overflow parking during the peak construction months and as a staging area for construction material only.
Cristina Bleakley, Dover Resident	I'm concerned about the traffic noise that will be imposed on the surrounding roads. As you know, most of the traffic coming from 22 North and going to commuting, they might not wait for the side road or the side passage that you'll be providing as a shoulder to pass. So some of those cars might direct into the	T2-9	With the addition of the former Rasco parcel to the Property, use of the remote Laydown Site for parking is anticipated to be much less extensive. Since fewer cars (i.e., approximately 95) will be accessing the remote Laydown Site during a much more limited period of time (i.e., during the 5-month peak construction-only), and appropriately sized turning lanes will be included on Route 22 based upon NYSDOT recommendations, use of local side roads as detours is not anticipated and associated noise impact would



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<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	private roads, such as Sherman Hill. How is that going to affect?		not occur.
Cristina Bleakley, Dover Resident	...Was a traffic study made at the surrounding roads anywhere? I couldn't find any studies done on surrounding roads.	T2-14	A traffic analysis was included in the DEIS as Section 6.3. Traffic operational analysis (analyzing the operation and flow of travel on local roadways) utilizes key "gateway" intersections through which Project traffic would be expected to travel. The CVE traffic study analyzed 11 key intersections along Route 22 between Dover Plains and Wingdale, including the proposed construction entrances to the main site and remote Laydown Site. This methodology focuses on the highest impact locations and assesses anticipated changes in Levels of Service (generally indicated by the change in waiting times to pass through a given intersection, considering all three possible directions). Through this method, a strong understanding of affects to the overall roadway network is gained. An updated traffic study has been prepared to reflect the inclusion of the former Rasco parcel as part of the Project site (Appendix 6-C of the FEIS) and is discussed in Section 6.3.3 of this FEIS.
Jessica Abrams, Greene County, NY	We really need to consider also the adjustments to the area that they're discussing about entrances, exits, the shuttling of folks back and forth.	T2-20	A construction management plan, developed through consultation with the town and NYSDOT, will specify details of the planned shuttles and other potential traffic reduction measures such as manual traffic controls, temporary passing lanes, and acceleration/de-acceleration lanes.
Jim Utter, Friends of the Great Swamp	I think a serious problem is for Dover to look at what is going to be happening in the area. Because one of the goals of the EIS process is to look at cumulative impacts... It's also traffic impact. It's all sorts of impacts. I think the Town really needs to make sure that the cumulative impacts from a long-range standpoint are considered in all of this. So that they are	T2-34	As detailed in Section 6.3 of the DEIS, traffic impacts during both the construction and operational periods of the Project were analyzed. This analysis took into consideration existing conditions, Project-related traffic (such as construction vehicles and workers), and future growth, including the Knolls of Dover. The traffic study found that traffic impacts associated with the Project (regardless of other ongoing growth in traffic) will be minimal.

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Author	Summary	Comment Number	Response
	laid out and there are clear decisions made by the Planning Board. Where they want Dover to be in 25 years and how much should each project take from or add to the Town. It's a little hard to anticipate the economic downturn that stopped Wind Rose. But these are serious issues that affect the natural environment but also affects the community and social environment and the whole culture of the area.		
Mr. Galayda  Town of Dover, Town Board	...As far as some of the traffic goes, you know, I'm certainly concerned about traffic, but they can also flextime it – you know, I think that that's something I didn't see necessarily mentioned in the DEIS, right off the top of my head -- you know, maybe their work hours are 10 to 6, maybe their work hours, they split it up into two shifts. I do think it's absolutely crucial that they get bussed into the site so they don't add to that kind of traffic...	T3-83	The construction management plan will include consideration of timing shifts to avoid, for example, conflicts with significant school bus traffic. With the addition of the former Rasco parcel, fewer construction worker vehicles are expected to pass the Dover Middle/High School complex, however, CVE will work with the Town of Dover and Dover Union Free School District to ensure traffic conflicts are minimized, whether that means having construction workers arrive earlier, or later, to avoid congestion.

#### 6.3.4 Noise

##### 6.3.4.1 *NYSDEC Guidelines*

CVE has carefully considered noise impacts to the surrounding community in developing the Project layout and in the selection of facility components and orientation. To demonstrate consistency with NYSDEC noise guidelines and compliance with the local Town of Dover Zoning Code, CVE conducted a sound evaluation study to quantify and characterize the existing acoustic environment in the vicinity of the proposed Project. Results of the noise modeling for operation of the facility, included as Appendix 6-E of the DEIS, indicate that the Project will be below the NYSDEC guidelines of an increase of 6 dBA<sup>3</sup> at all of the measurement locations analyzed. Figure 6-3 illustrates the modeling isopleths, indicating the way the Project's modeled sound level decreases with distance. As noted in the NYSDEC noise policy, at distances greater than 50 feet from a sound source, every doubling of the distance produces a 6 dB reduction in the sound. As also outlined in that policy, the sound of a given source – such as the Project – is not experienced as mathematically additive to the sound in the existing environment. Rather, the addition of two sound levels, expressed in dBA, relates to the difference between the two sounds, and occurs on a logarithmic scale. Operation of the Project is not expected to produce a significant acoustic impact at these nearest receptors and, therefore, will be consistent with the threshold levels set forth in the NYSDEC guidelines.

##### 6.3.4.2 *Town of Dover Zoning Code*

With the addition of the 57-acre former Rasco parcel to the Property, the southern property line will be moved by approximately 2,000 feet. This enables the Project to meet the Town of Dover Zoning Noise Standards at the southern property line. As a result, the Project will comply with the most restrictive night-time sound level limit (50 dBA) of the Town of Dover Zoning Noise Standards at the north, south and east property lines, which are the three property lines nearest to residential receptors.

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<sup>3</sup> The NYSDEC Noise Policy DEP-00-1 (2001) states "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..."

As discussed in Section 6.4 of the DEIS, the Project's sound levels are predicted to exceed this standard at the western property line of the Project Development Area. The abutting property in that direction is a narrow strip of land associated with the Metro-North railroad line; further west of that active rail use, Project Property continues to extend to the Swamp River. As can be seen in Figure 6-3, predicted sound levels comply with and are significantly quieter than Town of Dover Zoning Noise Standards at the westernmost Property boundary. Since the Metro-North railroad line is not a noise-sensitive receptor, and CVE will own approximately 1,000 feet of additional property on the other side of the railroad line, this will not result in either a public or private nuisance. At the westerly boundaries of that property beyond the railroad line, the Project will comply with the Town of Dover Zoning Noise Standards.

CVE is requesting an amendment to the Town of Dover Zoning Code so as to permit the anticipated noise levels at the railroad line and the proposed economically beneficial use, without negatively impacting community character and residential uses.

#### 6.3.4.3 Construction Sound Levels

Estimates for Project-related construction sound levels were included in the DEIS within Table 6.4-2. Due to the variability of sound levels over the construction period, the analysis utilizes United States Environmental Protection Agency (USEPA) procedures which generalize construction noise emanating from typical, similar construction sites,<sup>4</sup> then calculate the projection of sound from the Project Development Area. "Worst case" estimates of Project construction sound levels at the nearest residential receptors are 61 dBA or lower. It should be noted that the estimates provided in Table 6.4-2 of the DEIS are conservative, as the only attenuating mechanism considered in the analysis is divergence. Shielding effects from buildings, vegetation, earth contours, and atmospheric absorption are not included in the calculations.

Construction activities which produce significant noise levels, such as excavation or commissioning, will be limited to daylight hours when background sound in the surrounding area increases significantly due to traffic activity on Route 22. Construction-related sound

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<sup>4</sup> The USEPA has published data on noise produced by typical construction machinery (see: *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, USEPA Document NTID300.1, December 1971).

at more distant residential properties, as well as the Dover Middle/High School complex is expected to be consistent with typical daytime background sounds. As noted in the NYSDEC noise policy, at distances greater than 50 feet from a sound source, every doubling of the distance produces a 6 dB reduction in the sound. At the school complex, which is approximately 4,000 feet from the Project, sound produced by construction of the power plant will likely be unnoticed (outdoors or indoors). Project construction sound levels at the school complex are modeled to be below 45 dBA, which, when added to existing daytime sound levels at that location (expected to be above 40 dB during the day), are not expected to have an adverse impact on students or faculty. It should be noted that this estimate is conservative both because the loudest construction events will not occur continuously at the site and because it does not take into account shielding effects; considerable reduction due to topography and foliage would be expected to reduce Project noise at this location still further.

#### *6.3.4.4 Monitoring and Compliance*

Sound impacts produced by the proposed Project as observed by a receptor will be the cumulative result of a wide range of sources that are distributed over the entire Project Development Area. Some of these sources will be relatively small point sources (e.g., the discharge of the exhaust stacks, and transformers), and some of these sources will be large area sources (e.g., the array of air cooled condensers along the railroad Property line). There is no practical means to effectively simulate this diverse range of sound sources such that an observer would be able to experience a realistic replication of sound impacts that will occur when the Project is actually operating.

However, the Project will adhere to the Town of Dover noise standards at all Property lines, with the exception of the Metro-North railroad line (as described in Section 6.3.4.2 of the FEIS). In fact, the construction management firm will be contractually obligated to meet these noise standards and is required to include a “noise guarantee” in their obligations for construction of the plant. This will include baseline monitoring during commissioning and start-up of the plant. Once the facility is fully operational, CVE will measure the actual Project operational sound levels at the selected residents and Property lines. These measurements and associated report will be conducted by a third party licensed acoustical engineer in accordance with industry practices and any applicable state and local regulatory requirements.

6.3.4.5 *Sound Levels at the Dover Middle/High School Complex*

Specific comments were raised concerning the sound level impacts at the Dover Middle High School complex, located approximately 4,000 feet northeast of the main power block. Based upon the Baseline Sound Study and Environmental Sound Evaluation, included as Appendix 6-E to the DEIS, sound levels produced by the operation of the proposed Project were evaluated at the Middle/High School and sound levels resulting from the Project are expected to be below 35 dBA (as shown in Figure 6-3) at the *exterior* of the nearest building. Inside the buildings, Project sound levels would be reduced still further. When added to existing ambient conditions, which are conservatively estimated to be above 40 dBA at the school complex, the effect would be a sound level increase of approximately 1 dBA, which is negligible. Similarly, due to the great distance between the Project site and the school complex, construction-related sound impacts are expected to be minimal.

6.3.4.6 *Potential Impact to Wildlife*

The potential for sound level effect on species was also raised. Although the Project Development Area has a developed character, due to the proximity of the Swamp River and adjacent wetlands, with its higher wildlife habitat value, additional consideration has been given to understanding the potential for impacts to species. Each species has different sound level sensitivities, as reflected in “Noise Effect on Wildlife,” published by the Federal Highway Administration (FHWA). That document indicates that studies conducted for reptiles (such as the bog turtle, for which habitat potential exists near the Project) did not indicate any effect of noise.<sup>5</sup>

It is also important to remember that the setting which species inhabit results in differing levels of sound level tolerance, and that the FHWA standards noted above do not account for that. The setting in this location includes an active railroad line associated with the Metro-North commuter railroad extending along the western boundary of the Project Development Area, as well as the nearby Dover Furnace Shooting Grounds, active quarry operations along Dover Furnace Road, and traffic along Route 22. These existing features cause intermittent high sound levels to which wildlife inhabiting the area has adapted.

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<sup>5</sup> “Synthesis of Noise Effects on Wildlife Populations”, US Department of Transportation, Federal Highway Administration, Publication No. FHWA-HEP-06-016, September 2004.

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During construction, sound and vibration impacts may be expected to cause some species disruption that would displace existing use of habitat proximate to the work area. However, construction (and, in particular, the sound-intrusive elements of construction such as blasting, that would be primary factors in species disruption potential) is temporary in nature, and it is common for species to reintroduce once construction disturbance is ended.

Table 6-4 outlines comments and responses associated with noise issues.

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**Table 6-4. Response to Comments – Noise**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
<p>C.L.J. Wood, Oblong Land Conservancy</p>	<p>...the project is expected to comply with the most restrictive night time sound level limit of the Town of Dover Zoning Code at the north and east property lines. The west property lines abutting the Metro-North rail line and the southern proposed property line abutting other industrially zoned property are expected to be non-compliant. This is not anticipated to be problematic since these properties are not likely to be occupied by noise-sensitive uses.</p> <p>We cannot support the view that exceeding the Town of Dover's noise limits is acceptable under any conditions irrespective of whether adjacent land uses are noise sensitive or not. Sound travels and there is no way to tell in advance what, in fact, the impact of this new source of sound will be.</p> <p>Notwithstanding the modeling that has been undertaken we retain considerable reservations about the introduction of a new and continuous source of sound in a substantially rural area. In these circumstances the project should be required to comply with all existing sound regulations.</p>	<p align="center">12-7</p>	<p>See Section 6.3.4 for a discussion of zoning compatibility, given the addition of site acreage to the south. With the addition of the former Rasco parcel, the Project is now expected to comply with the most restrictive night-time sound level limit (50 dBA) of the Town of Dover Zoning noise standards at the north, south and east property lines, which are the three property lines nearest to residential receptors.</p> <p>The manner in which sound travels is reflected in the CadnaA modeling completed for the Project. As can be seen in Figure 6-3, predicted sound levels comply with and are significantly quieter than Town of Dover Zoning Noise Standards at the westernmost Property boundary. However, at the western property line of the Project Development Area, the Metro-North rail line extends through a narrow strip of land, where the Project's sound levels are predicted to exceed this standard. Since the Metro-North railroad line is not a noise-sensitive receptor, this will not result in either a public or private nuisance. As previously noted, at the westerly boundaries of that property beyond the railroad line, the Project will comply with the Town of Dover Zoning Noise Standards.</p>



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C.L.J. Wood, Oblong Land Conservancy	...a permanent sound monitoring regime along the lines of that proposed for the water resources, and accompanied by the requirement for remediation in the event of significant noise impacts should be a requirement.	12-8	Permanent sound monitoring is not proposed for the Project. However, as described in Section 6.3.4.4 of the FEIS, the construction management firm will be contractually obligated to meet the Town of Dover noise standards and is required to include a “noise guarantee” in their obligations for construction of the plant. This will include baseline monitoring during commissioning and start-up of the plant to confirm compliance with the noise standards. These measurements and associated report will be conducted by a third party licensed acoustical engineer in accordance with industry practices and any applicable state and local regulatory requirements. Should noise issues arise, CVE will work closely with the town to resolve them.
Michael Tierney, Dover Union Free School District	...it is also necessary that noise from the plant have no impact on the school complex. We want assurances that during the plant construction and operation, the noise would have no effect on our ability to provide a quality education, both inside and outside of our schools.	13-3	<p>The normal operation of the Project will have no noise impact on the school complex, either indoors or out. As described in Section 6.3.4.5, the Dover Middle/High School complex is located approximately 4,000 feet from the main power block. Sound levels at that distance are projected to be 35 dBA (as shown in Figure 6-3) at the <i>exterior</i> of the nearest building. Inside the buildings, Project sound levels would be reduced still further. When added to existing ambient conditions, which are conservatively estimated to be above 40 dBA at the school complex, the effect would be a sound level increase of approximately 1 dBA, which is a negligible increase.</p> <p>Similarly, due to the great distance between the Project site and the school complex, construction-related sound impacts are expect to be minimal (less than 45 dBA during the loudest of construction events). It should be noted that this estimate is conservative both because the loudest construction events will not occur continuously at the site and because it does not take into account the shielding</p>

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			effects from buildings, vegetation, earth contours, or atmospheric absorption.
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Noise is already an issue. At the last Town Board meeting, folks living on adjacent Chipewalla Rd. complain that they constantly hear the back-up beeps from Rasco Materials on the same site, and are greatly concerned about the noise they will have from Cricket Valley both from construction and when operational. It appears that Cricket Valley will exceed the noise ordinance. After all, this is a narrow valley where noise carries and echoes from the surrounding hills.	23-12	<p>Beeping associated with back-up signals is designed to be clearly heard; however, Rasco materials will no longer operate at the former Rasco parcel. The proposed Project layout is intended to minimize the need for backing once the facility is operational (see Appendix 6-F of the FEIS for drawings reflecting plans for internal traffic flow). However, there could be some occasional backing of larger vehicles during the construction period, and less frequently, during operation. This type of activity will be limited to daytime.</p> <p>In determining sound level compliance, the specifics of the site's topography and ground cover were incorporated into modeling. Estimates of operational sound levels produced by the Project were calculated using CadnaA environmental sound modeling software (Version 3.7.123 DataKustic GmbH). The CadnaA sound modeling software uses algorithms and procedures described in International Standards Organization (ISO) 9613-2, which provides estimates of sound levels for meteorological conditions that are favorable for the propagation of sound (downwind with a wind speed of 1-5 meters/second). Although the Project will still request a zoning amendment for sound levels to the west, as discussed in Section 6.3.4.2, this is only due to Metro-North's narrow railroad parcel that traverses the Property. Compliance is achieved in all other compass directions.</p>

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<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Mark Chipkin, Pawling Resident	The Cricket Valley Power Plan will...add...noise pollutants to our environment. This will increase the health risks to residents, many of whom have moved to the Dover Region to avoid city pollutants.	25-3	Careful evaluation of Project sound levels, addition of extensive sound mitigation (as discussed in Section 6.4.3.3.2 of the DEIS), thorough compliance demonstration (as described in Section 6.3.4.4 of the FEIS), and a commitment to address any potential future complaints safeguard against community impacts associated with Project noise.
Mark Chipkin, Pawling Resident	No exception to decibel levels should be considered.	25-5	The town will evaluate compliance with its ordinance and consideration of a zoning code amendment. With the addition of the former Rasco parcel, the sole remaining projected exceedance occurs on a property line that is not occupied by a noise-sensitive receptor (rather, the Metro-North railroad creates a significant amount of sound as it travels along the rail corridor). In addition, CVE will own approximately 1,000 feet of additional property on the other side of the railroad line. Since the Metro-North railroad line is not a noise-sensitive receptor, and CVE will own the Property on the other side of this receptor, this will not result in either a public or private nuisance. At the westerly boundaries of that property beyond the railroad line, the Project will comply with the Town of Dover Zoning Noise Standards. For these reasons CVE believes an exception should be granted.
Tamara Wade, Wingdale Resident	I am concerned for those of our residents who live near the facility in regards to disturbance from noise during the construction phase and during operational period. As nuisance from noise can create agitation and sleep deprivation, a very serious problem and being in a valley will exacerbate that problem. CVE has asked for a variance to be allowed to exceed 60 db toward railroad.	31-12	No loud nighttime operations are anticipated once the facility is operational. The Project will comply with the Town of Dover nighttime noise standard (50 dBA) at all residential property lines, where sleep interference could occur.  During construction, the majority of louder activities will occur during the day. Infrequently, some limited construction activities will be required to occur at night. For example:  · Concrete pours, which must be continuous for structural

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			<p>integrity, and which would not be anticipated to be particularly noisy;</p> <ul style="list-style-type: none"> <li>· Transfer of materials from the remote Laydown Site to the Project Development Area, timed to avoid the evening commuter period and no later than 9:00 p.m., which would involve trucking noise;</li> <li>· Hauling of heavy loads (such as the turbines), which per NYSDOT regulation must occur during late night hours to minimize effect on existing roadway use; and</li> <li>· Construction finish work, as necessary, during later construction phases, which would predominantly occur indoor and would therefore not produce significant noise levels.</li> </ul>
Graham Trelstad, AKRF	The DEIS should analyze the potential impacts of this zoning amendment on other qualifying properties in the Town of Dover. While the project site is buffered by project owned land to the west, and other industrial properties to the south, there may be other M zoned properties in the Town that do not have a sufficient off-site buffer to protect nearby residences and sensitive receptors.	32-52	The proposed zoning amendment, as drafted, would apply only to railroad properties abutting Manufacturing (M)-zoned property. There are three such parcels in Dover to which this amendment may apply as written: (1) the 193-acre CVE Property located at 2241 Route 22; (2) the 97-acre Palumbo Block Co. property located at 365 Dover Furnace Rd; and (3) the 42-acre Pegasus Farms property located at 2699 Route 22.
Graham Trelstad, AKRF	The applicant should consider other alternatives for mitigating the noise on their property. For example, the Rasco Materials property and the property to the south of that parcel are owned by Howlands Lake Partners, LLC, which is the same entity that currently owns the project site. If the applicant were to purchase additional property to the south, and merge the parcels into one, they would be able to meet the Town of Dover noise	32-53	CVE has entered into an option to purchase the former Rasco parcel. Compliance with town standards can now be demonstrated in that compass direction, as detailed in Section 6.2.4 of the FEIS.

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	regulations at the southern property line. As demonstrated by the DEIS, the noise levels to the south sufficiently dissipate before they reach the residential properties on North Chippawalla Road.		
Graham Trelstad, AKRF	A request was made at the public hearing to demonstrate the proposed noise levels on the project site. Similar to a balloon test to demonstrate the visibility of a project, noise should be produced on the project site for a set period of time that would replicate the anticipated noise levels of the project. The noise test should be noticed in local newspapers, on the Town's website, and on signs along Route 22.	32-54	<p>As discussed in Section 6.3.4.4, sound impacts produced by the proposed Project will be the cumulative result of a wide range of sources that are distributed over the entire Project site. Some of these sources will be relatively small point sources (e.g., the discharge of the exhaust stacks, or transformers), and some of these sources will be large area sources (e.g., the array of air cooled condensers along the railroad Property line). There is no practical means to effectively simulate this diverse range of sound sources such that an observer would be able to experience a realistic replication of sound impacts that will occur when the Project is actually operating.</p> <p>An experience of potential Project sound would be better found at an existing plant of similar size and technology. CVE representatives would be happy to facilitate a site visit for Town of Dover officials and interested parties.</p>
T. Michael Twomey, Entergy	While the Applicant has conducted an evaluation and analysis of potential impacts to protected species due to construction of the Project, there is no analysis of potential impacts due to plant operations. The Project will be the source of new and <u>continuous</u> droning noise within this rural area that is home to numerous protected species. Yet, the DEIS contains only one conclusory sentence regarding potential operational noise impacts to protected species.	33-20	Additional discussion of potential operational impacts to species due to the Project is provided in Section 3 of the FEIS. While protected species have not been found on the Property, bog turtle and timber rattlesnake are known to occur in the vicinity of the Property. It should be noted that adjacent habitat where these species could possibly occur is proximate to an active commuter rail, a shooting club, and multiple quarry operations whose sound levels exceed that of the Project. Further discussion on potential impacts to species due to Project sound levels is provided in Section

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	<p>Operation of the project will result in a minor long-term increase of ambient noise levels in the vicinity, which is not expected to significantly alter wildlife behavior.</p> <p>DEIS, p. 3-48 to 3-49. There is no analysis or support given for this conclusion. There is no indication that the Applicant evaluated how wildlife behavior is generally affected by equivalent increases in ambient noise levels. While protected species have not been identified as currently occurring on the Project site (which may be a reflection of inadequate habitat and species surveys), sound impacts are not site-limited and, therefore, may affect protected species living in the Project vicinity. The Applicant should conduct an analysis of potential operational sound impacts to protected species within the Project's vicinity.</p>		6.4.3.6 of the FEIS.
T. Michael Twomey, Entergy	<p>An analysis of potential construction-related noise impacts also is missing. Rock splitting, blasting, pile-driving, along with the two to three week period of "steam blows" are just a few of the many anticipated noise events associated with Project construction. Some of the equipment and construction procedures are reported to cause an estimated <math>L_{max}</math> at 50 feet over <u>100 dB</u>. See DEIS, Appendix 6-E. The Applicant must evaluate the potential impacts of these noise events on protected species in the surrounding area.</p>	33-21	<p>Estimates for Project related construction sound levels were included in the DEIS within Section 6.4.3.2 and Table 6.4-2. "Worst case" estimates of construction sound levels at off-site receptors are 61 dBA or lower. It should be noted that the estimates provided in Table 6.4-2 are conservative, as the only attenuating mechanism considered in the analysis is divergence. Shielding effects from buildings, vegetation, earth contours, and atmospheric absorption are not included in the calculations.</p> <p>Construction activities which produce significant noise levels, such as excavation or commissioning, will be limited to daylight hours when background sound in the surrounding area increases significantly due to traffic activity on Route</p>

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Author	Summary	Comment Number	Response
			<p>22. Construction-related sound at more distant residential properties, as well as the Dover Middle/High School complex is expected to be consistent with typical daytime background sounds.</p> <p>Further discussion on potential impacts to species due to Project sound levels is provided in Section 6.4.3.6.</p>
<p>T. Michael Twomey, Entergy</p>	<p>...The DEIS appears to minimize the Project's noise impacts by focusing on a few noise metrics and "averaging" otherwise potentially significant noise problems...the DEIS also acknowledges that the Town of Dover's nighttime noise standards will be violated by the Project's ongoing operation...In addition to the continuous noise, the Project will be the source of single event loud noises that far exceed the average or continuous noise levels presented by the DEIS. See DEIS pp. 6-87 through 6-90. Moreover, construction of the power plant over a three-year period will entail numerous events that far exceed the Town of Dover's standards, such as rock splitting, blasting, pile-driving and a two to three week period of "steam blows"...the Applicant asks the Town to amend its laws to increase the noise limit by ten decibels (from 50 to 60 dB) for M zoning districts. See DEIS, p. 6-91. Although the DEIS characterizes this as a "slight adjustment" (see DEIS, p. 6-10), a 10 dB increase would permit the facility, as well as any other facilities located in an M-zoned area, to emit nighttime noises that are ten times louder than currently allowed... As set forth in the</p>	<p>33-26</p>	<p>Estimates of operational sound levels produced by the Project were calculated using industry standard, CadnaA environmental sound modeling software (Version 3.7.123 DataKustic GmbH). The CadnaA sound modeling software uses algorithms and procedures described in International Standard ISO 9613-2:1996 "Acoustics- Attenuation of sound during propagation outdoors – Part 2: General method of calculation." The methodology described in this standard provides estimates of A-weighted sound levels for meteorological conditions that are favorable for the propagation of sound (downwind with a wind speed of 1-5 meters/second).</p> <p>Estimates for Project related construction sound levels were included in the DEIS within Table 6.4-2 of the DEIS. "Worst case" estimates of construction sound levels at off-site receptors are 61 dBA or lower. It should be noted that the estimates provided in Table 6.4-2 are conservative as the only attenuating mechanism considered in the analysis is divergence. Shielding effects from buildings, vegetation, earth contours, and atmospheric absorption are not included in the calculations.</p> <p>Construction activities which produce significant noise levels, such as excavation or commissioning, will be limited to daylight hours when background sound in the surrounding area increases significantly due to traffic activity on Route</p>

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	Town of Dover Noise Ordinance, "noise shall be prohibited when it is of such character, intensity and duration or of any type or volume that a reasonable person would not tolerate under the circumstances and that is detrimental to the life, health or welfare of any individual or would cause or create a risk of public inconvenience, annoyance or alarm." Town of Dover Code § 107-3(A). Noise of this character, intensity and duration is likely to be the case over both the three-year construction period for the proposed Project, and during its operation thereafter.		22. Construction-related sound at more distant residential properties, as well as the Dover Middle/High School complex is expected to be consistent with typical daytime background sounds.  The status of the Project's need for a zoning code amendment for the town's noise standards is discussed in Section 6.3.4.2.
Ryan Courtien, Town Supervisor	Will there be any elevation in noise levels within a train passing the project site during construction/operation?	37-23	Passengers on Metro-North commuter trains will not experience elevated levels of noise as the result of the Project. The trains traverse the CVE Property at up to 70 miles per hour and the train's own noise levels at this speed, as well as its closed windows will prevent any noticeable elevation in noise levels experienced by passengers.
Ryan Courtien, Town Supervisor	A publicized Noise Test to see actual effects of expected for noise levels. This test should be coordinated with the Town of Dover Town Government.	37-26	As noted in Section 6.3.4.4, sound impacts produced by the proposed Project will be the cumulative result of a wide range of sources that are distributed over the entire Project Development Area. Some of these sources will be relatively small point sources (e.g., the discharge of the exhaust stacks, or transformers), and some of these sources will be large area sources (e.g., the array of air cooled condensers along the railroad Property line). There is no practical means to effectively simulate this diverse range of sound sources such that an observer would be able to experience a realistic replication of sound impacts that will occur when the Project is actually operating.  An experience of potential Project sound would be better found at an existing plant of similar size and technology.



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			<p>CVE representatives would be happy to facilitate a site visit for Town of Dover officials and interested parties.</p>
<p>Stephen and Cate Wilson, Wingdale Residents</p>	<p>Noise...[is] of considerably greater concern during the lengthy construction period required to build the plant if it is approved. The DEIS again discusses sound... impacts upon "the more distant residential properties", but does not specifically address impacts on locations in immediate proximity. Not only our home, but others and the Dover Middle School and High School locations will be impacted by this for three or more years if the project does not complete on schedule.</p>	<p>38-7</p>	<p>Estimates for Project-related construction sound levels were included in Table 6.4-2 of the DEIS. A receptor on N. Chippawalla Road was included in this analysis and construction sound impacts are estimated to be between 45 and 55 dBA at this location. It should be noted that this estimate is conservative, as the only attenuating mechanism considered in the analysis is divergence. Shielding effects from buildings, vegetation, earth contours, and atmospheric absorption are not included in the calculations.</p> <p>The 45-55 dBA levels at this location are consistent with existing outdoor daytime background sound levels measured during the baseline sound study. They are also consistent with the Town of Dover daytime noise standards of 60 dBA at the Property boundary. Note that sound levels at locations indoors would be even lower. Although buildings vary in construction (and, therefore, sound attenuation), the USEPA has determined that on average (in both cold and warm climates) sound levels are reduced by 15 decibels (dB) when indoors with the windows open, and by 25 dB when indoors with windows shut (USEPA 1978).</p> <p>At the school complex, sound produced by the construction and operation of the power plant will likely be unnoticed (outdoors or indoors), and will have no adverse impact on students or faculty.</p>

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Stephen and Cate Wilson, Wingdale Residents	The DEIS does not address issues related to prolonged exposure to the admittedly excessive noise and air pollution that will result from the construction process. Three years is a long time to suffer 50-70db sound levels, even if they are intermittent.	38-8	Construction-related sound levels will be temporary and limited to daytime hours. As noted in the comment above, the 45-55 dBA construction-related sound levels expected to occur on N. Chippawalla Road are consistent with existing outdoor daytime background sound levels measured during the baseline sound study. They are also consistent with the Town of Dover daytime noise standards of 60 dBA at the Property boundary. Sound levels indoors would be reduced by 10-15 dBA (open windows) and 20-30 dBA (closed windows).
Cristina Bleakley, Dover Resident	How much noise is this plant will generate? Is it safe? After the plant is in operation is not much we can do. Therefore we must concentrate now and we must make sure we don't make a choice without making sure it is best choice for us. All Dover residents have the right to live in a safe environment.	40-6	CVE has incorporated significant mitigation measures to reduce noise, including obtaining an option to purchase additional property to increase the buffer from other land uses. As noted in Section 6.3.4.4, predicted compliance with the Town of Dover noise standards will be confirmed by the construction management firm prior to operation.  Following commencement of operation, any noise complaints would be addressed by CVE, coordinating with the town and Town Code Enforcement Officer to identify a root cause. The Code Enforcement Officer has the authority to enforce the town noise ordinance and prevent, restrain, correct or abate any violation of Chapter 107-6 of the Dover Town Code.
Robert Herzog, Dover Resident	Noise is a particularly invidious pollutant. It can permeate landscapes, has different impacts depending on area topography, and once a source is permitted, nearly impossible to regulate. A local business not far from the Cricket Valley site, JTR Bus Company, must work on its buses inside its garage; when it doesn't, the noise can be heard for miles around.	42-8	The Cornell study referenced by the commenter found that elevated stress levels occurred in a sample of Austrian children exposed to day-night average sound levels <u>above</u> 60 dB. As described in Section 6.4 of the DEIS, off-site CVE-related sound levels outdoors are expected to be 48 dBA at the nearest residential receptor or lower at other adjacent properties (excluding the Metro-North railroad line). These estimated levels will result in a day-night average sound level of 54 dB or lower at the nearest residential

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	<p>Noise has the potential to devastate the character of the environment which the plant wants to inhabit. Noise is a constant irritant. The plant has described the sound coming from it as that of a light rain. That’s also the sound of constant traffic. That noise will be heard constantly for substantial distances around the plant. A study by Cornell University environmental psychologists, published in the Journal of the Acoustical Society of America (Vol. 109, March 2001), found that “even the low-level but chronic noise of everyday local traffic can cause stress in children and raise blood pressure, heart rates and levels of stress hormones.”</p>		<p>receptor, which is well below the above referenced threshold of 60 dB.</p> <p>As explained in Section 6.3.4.5, sound levels produced by the operation of the proposed Project were evaluated at the Dover Middle/High School complex and sound levels are expected to be below 35 dBA at the <i>exterior</i> of the nearest building (see Figure 6-3 of the FEIS). Indoor sound levels would be further reduced. When added to existing ambient conditions, which are conservatively estimated to be above 40 dBA at the school complex, the effect would be an increase of approximately 1 dBA, which is a negligible increase.</p>
<p>Robert Herzog, Dover Resident</p>	<p>B. The noise levels projected for the plant will have a devastating local impact. Initially, the plant’s developers claimed they would produce an average no louder than 50db – meaning that it will frequently be higher than that level. A study for the European Commission (known as RANCH) investigated road traffic and aircraft noise exposures and children’s cognition and health. It found that children exposed to noise levels over 55dB(A) achieved lower scores in reading tests and the affected children will be disadvantaged in their development of speech and reading abilities as well as more general communication skills. Noise may also have effects on fetal development due to (stress) effects on expectant mothers. Environmental noise also has cognitive effects in older children</p>	<p>42-9</p>	<p>The sound levels incorporated in the modeling will be guaranteed by equipment vendors. Through the modeling, the Project has demonstrated compliance with local standards at each of its outermost boundaries (the railroad property for which a waiver is required extends through the Property). As described in Section 6.4 of the FEIS, off-site CVE-related sound levels will be well below 60 dBA and, with the exception of the Metro-North railroad line, will be below 50 dBA even on adjacent properties (see Figure 6-3).</p> <p>The modeled sound levels are based upon outdoor sound, which would be further reduced if a listener were inside a building. The USEPA has determined that on average (in both cold and warm climates) sound levels are reduced by 15 dB when indoors with the windows open, and by 25 dB when indoors with windows shut (USEPA 1978).</p> <p>The largest population of children and adults located in</p>

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	<p>and adults, due to hindering communication, as shown by studies of aggression, mental health and anxiety.</p> <p>The World Health Organization (WHO) "recognizes community noise, including traffic noise, as a serious public health problem." There is a general consensus about the noise levels which cause health impacts:</p> <ul style="list-style-type: none"> <li>· Environmental noise above 40–60dBA Leq is likely to lead to significant annoyance.</li> <li>· Outdoor noise levels of 40-60 DBA Leq may disturb sleep.</li> </ul> <p>Based on their own numbers, the Cricket Valley plant will continuously exceed these levels.</p>		<p>proximity to the Project is located at the Middle/High School. As detailed in Section 6.3.4.5 of the DEIS, sound levels produced by the operation of the proposed Project were evaluated at the Middle/High School complex and sound levels are expected to be below 35 dBA at the exterior of the nearest building (see Figure 6-3). As noted above, indoor sound levels would be further reduced. When added to existing ambient conditions, which are conservatively estimated to be above 40 dBA at the school complex, the effect would be an increase of approximately 1 dBA, which is a negligible increase.</p>
Robert Herzog, Dover Resident	<p>Other studies have shown that sound greater than 30db can disturb sleep, and exposing students to a constant hum in that range has been demonstrated to interfere with learning, yet it now seems clear that that is precisely the impact the Cricket Valley plant will have. The Dover High School is around 1000 yards from the plant. There is no reason why the students of that school should be subject in perpetuity to the constant noise emanating from the plant, which will infiltrate their classrooms and study halls.</p> <p>The Town of Dover is being asked to sacrifice the learning environment of its most precious resource, its children and students, for the</p>	42-10	<p>As detailed in Section 6.3.4.5, sound levels produced by the operation of the proposed Project were evaluated at the Middle/High School complex and sound levels are expected to be below 35 dBA at the <i>exterior</i> of the nearest building (see Figure 6-3). Sound levels indoors at the school complex would be further reduced. When added to existing ambient conditions, which are conservatively estimated to be above 40 dBA at the school complex, the effect would be an increase of approximately 1 dBA, which is a negligible increase. No disruption in learning or sound level impact is anticipated from the Project.</p>

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	dubious distinction of building an unnecessary power plant for a system that doesn't need it.		
Robert Herzog, Dover Resident	<p>...CVE is admitting they will be unable to meet existing sound regulations, and proposed to get around this otherwise fatal flaw not by changing their equipment, but by petitioning for a change in the standard, as if the standard need not apply to them. They seek to get around the regulations by trying to make a case that sounds emanating from the plant will be uni-directional, magically being confined to the rail line. In reality, the sounds made by various equipment in the plant will radiate broadly, ending up in the homes of residences and other uses in the area who will have no effective protection from levels that exceed existing regulations.</p> <p>That is literally intolerable -- noise regulations were designed to protect local environments and residents. It is precisely when an entity cannot meet such regulations that they are not to be discarded, for that is when they are most needed. CVE acknowledging they cannot and will not meet these standards, will violate them, and too bad for the locals.</p> <p>The levels of 59db the plant will be emitting, well in excess of the 50db limit, are not trivial. The EPA reports that outdoor noises in the 60db range historically generate widespread complaints and individual threats of legal action. The Town of Dover does not want to and does</p>	42-11	<p>It is appropriate to question and evaluate the proposed plan to understand the design sound levels. CVE has incorporated significant mitigation measures to reduce noise (as detailed in Section 6.4.3.3.2 of the DEIS), including obtaining an option to purchase additional property, the former Rasco parcel, to increase the buffer between the Project and other land uses.</p> <p>Note that the addition of the former Rasco parcel has effectively moved the southern property line of the site approximately 2,000 feet, ensuring that the Project will be in compliance with the Town of Dover noise standard at the north, east, and south property lines. As explained in Section 6.3.4.2 of the FEIS, the only exceedance is along the Metro-North railroad line. It should be noted that this property, which transects the CVE Property, is not occupied by noise-sensitive uses and CVE will own approximately 1,000 feet of additional property on the other side of the railroad line. Since the Metro-North railroad line is not a noise-sensitive receptor, and CVE will own the Property on the other side of this receptor, this will not result in either a public or private nuisance. At the westerly boundaries of the property beyond the railroad line, the Project will comply with the Town of Dover Zoning Noise Standards.</p> <p>CVE is requesting an amendment to the Town of Dover Zoning Code so as to permit the anticipated noise levels at the railroad line, without negatively impacting community character and residential uses. The proposed amendment remains consistent with zoning and planning requirements which protect the quality of life for non-industrial properties,</p>

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Author	Summary	Comment Number	Response
	<p>not need to impose this burden on its residents for years to come.</p> <p>The town has ample authority to deny the plant on the grounds of noise...</p>		<p>including residential properties, but will permit an economically beneficial use to be developed on appropriately zoned property.</p> <p>CVE is able to demonstrate compliance with state policy and with local standards where sensitive land uses exist, and to demonstrate that sound levels from the facility will be significantly less than those state and local compliance levels at the school complex. That said, sound level impact is not influenced by compliance with standards alone, and CVE is committed to working with the town to address any noise issues that may arise during the course of Project construction or operation.</p>
<p>Robert Herzog, Dover Resident</p>	<p>For three years construction noise levels will be substantially in excess of both regulations and generally recognized safe levels. It will occur primarily during school hours... Construction noise will approach 90db. Studies show that noise in excess of 65 db precludes a conversation. Allowing this plant to be built effectively means sacrificing several high school class years. This noise will decimate the high school learning environment. For what? For a plant that will never provide them or any other local resident any lasting benefit, and that has at best questionable benefits for the region. And what kind of a message will it send to the students in Dover, as to the town's priorities?</p>	<p>42-12</p>	<p>The 90 dB sound level referenced by the commenter is the expected sound level during the loudest construction event at a receptor 50 feet from the emission source (i.e., on the CVE Property). The nearest school building is approximately 4,000 feet from the Project. When the sound level is attenuated for the approximately 4,000-foot distance, construction sound levels at the school during the loudest construction event (for example, a pile driver or concrete saw, as described in Appendix E of the DEIS) are estimated at 45 dBA or lower.</p> <p>Estimates for Project-related construction sound levels were included in the DEIS within Table 6.4-2. Due to the variability of sound levels over the construction period, the analysis utilizes USEPA procedures which generalize construction noise emanating from typical, similar construction sites, and then calculates the projection of sound from the Project Development Area. "Worst case" estimates of construction sound levels at the nearest residential receptors are 61 dBA or lower. It should be noted</p>

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Author	Summary	Comment Number	Response
			<p>that the estimates provided in Table 6.4-2 of the DEIS are conservative as the only attenuating mechanism considered in the analysis is divergence. Shielding effects from buildings, vegetation, earth contours, and atmospheric absorption are not included in the calculations.</p> <p>For these reason, sound produced by the construction and operation of the power plant will likely be unnoticed (outdoors or indoors) at the school complex, and will have no adverse impact on students or faculty.</p>
Robert Herzog, Dover Resident	The plant operators can make whatever claims they want regarding noise, but the practical fact is, once the plant is open, there will be few ways to measure and no ways to mitigate should they exceed their noise standards. No one would close the plant down for a noise violation, the local inhabitants can complain repeatedly and nothing will ever be done...	42-13	<p>As previously noted in Section 6.3.4.4, the construction management firm will be contractually obligated to meet these noise standards and is required to include a “noise guarantee” in their obligations for construction of the plant. This will include baseline monitoring during commissioning and start-up of the plant.</p> <p>Once the facility is fully operational, CVE will measure the actual operational sound levels at the selected residents and Property lines. These measurements and associated report will be conducted by a third party licensed acoustical engineer in accordance with industry practices and any applicable state and local regulatory requirements. Following commencement of operation, noise complaints will be addressed by CVE, coordinating with the town. Once a root cause for the complaint is established, there are many approaches that can be taken to further mitigate impact. CVE has made a commitment to work with the local community to resolve complaints within that context.</p>

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**Table 6-4. Response to Comments – Noise**

Author	Summary	Comment Number	Response
<p>Cate Wilson, Wingdale Resident</p>	<p>There are a couple of places in the executive summary where we talk about the noise levels in particular that are going to occur during the construction project. The noise, the emissions, the traffic, all of that is going to have a significant impact on all of those who are local. Since our property directly abuts -- it's immediately south of Howland's Apartments. We're in kind of a hot spot for the ultimate noise level and all the rest of it. However, the study itself never addresses that southern end except to say that...while the project is expected to comply with the most restricted nighttime sound level limit of the Town of Dover zoning code, which is not specified here, at the north and east property lines, the west line and the southern line abutting other industrial zoned, and we are not industrial zones, are expected to be noncompliant... They've requested an adjustment to the zoning law to allow for that higher level of noise which I really think is unacceptable. If you're going to have a rule about a noise level and it's a nighttime noise level, in particular, it should be adhered to -- Towns should make them stick to that.</p> <p>If that means the construction project takes a little bit longer, that's -- people shouldn't be... kept awake at night because they're building a plant.</p>	<p>T2-4</p>	<p>CVE has incorporated significant mitigation measures to reduce noise (as detailed in Section 6.4.3.3.2 of the DEIS), including obtaining an option to purchase additional property to the south to increase the buffer from other land uses.</p> <p>Note that the addition of the former Rasco parcel has effectively moved the southern property line of the site approximately 2,000 feet, ensuring that the Project will be in compliance with the Town of Dover daytime and nighttime noise standards at the north, east, and south property lines, including the property of the commenter.</p>



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**Table 6-4. Response to Comments – Noise**

Author	Summary	Comment Number	Response
Cate Wilson, Wingdale Resident	We are in a place here in this little valley where for many, many years, we've enjoyed what I can only call a pristine environment. It's completely and totally outside the normal level of places where most people live. We have a better environment than what is standard. So now we have a project that proposes to increase the noise...to a level that's within acceptable realms, but acceptable compared to somebody else's.	T2-6	<p>CVE is addressing the concern to maintain quiet in natural areas through noise mitigation measures in the Project design, and CVE has acquired the right to purchase a significantly larger parcel than is necessary for the Project in order to provide an adequate buffer for such potential impacts. At the edge of the CVE Property in all directions, including the residential properties to the south, the Project will comply with both state standards and local requirements. It is only along the narrow strip of Metro-North property that traverses through the site that the Project would exceed the local standard.</p> <p>The construction of the Project will have a range of different sounds over the three year construction period. In addition to consistency with the state policy and compliance with town standards, CVE has identified the process through which it will address potential noise complaints to determine their root cause as described in Section 6.3.4.4 of the FEIS.</p>
Cristina Bleakley, Dover Resident	I'm concerned about the traffic noise that will be imposed on the surrounding roads. As you know, most of the traffic coming from 22 North and going to commuting, they might not wait for the side road or the side passage that you'll be providing as a shoulder to pass. So some of those cars might direct into the private roads, such as Sherman Hill. How is that going to affect?	T2-9	With the addition of the former Rasco parcel and its ability to provide on-site parking the construction crew during most of the construction period, use of the remote Laydown Site for parking is anticipated to be much less extensive. Since fewer cars will be accessing the remote Laydown Site during a much more limited period of time (i.e., during peak construction only), use of local side roads as detours (and any associated noise impact) is not anticipated.

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**Table 6-4. Response to Comments – Noise**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Cristina Bleakley, Dover Resident	The level of noise, as the resident was mentioning, if the level is so high in the daytime, the kids are supposed to be outside playing, so if they're dealing with the noise that might be exceeding the level...for them to be outside.	T2-13	CVE has carefully considered noise impacts to the surrounding community in developing the Project layout and in the selection of facility components and orientation. As such, the Project is not expected to produce a significant noise impact and will be consistent with the levels established in NYSDEC guidelines and local noise requirements. Outdoor sound from the facility will not be intrusive.
Mark Chipkin, Pawling Resident	I know because -- for instance, on my road...we have a facility that stores bank records, and it seemed like it was gonna be quiet, but all of a sudden what happened is that...whenever there was any kind of...electrical outage, they ran generators, and for people...by the Nature Reserve...who enjoy listening to birds and animals, and you hear this constant hum for days sometimes,...it really does get in the way of enjoying life, I think.	T3-9	All significant equipment required for the operation of the Project was considered in the analysis of sound levels. Generators will be equipped with noise mitigation to ensure the Project does not exceed established noise limits (as described in Section 6.4.4.4) Further discussion on potential impacts to species due to Project sound levels is provided in Section 6.4.3.6.
Chris Wood, Pawling Resident, Oblong Land Conservancy	...The project expects you to comply with the most restrictive nighttime sound-level limit in the Town of Dover Zoning Code at the north and east property lines. However, the west property line abutting the Metro-North rail line and the southern-prepared property line approximately how will it adjust to our reserve property, expect it to be noncompliant. This is not anticipated to be problematic since these properties are not likely to be occupied by noise-sensitive users. We cannot support the view that exceeding the Town of Dover's noise limits are acceptable under any conditions irrespective of whether adjacent landowners are noise-sensitive or not.	T3-25	CVE has addressed the concern to maintain quiet in natural areas by incorporating noise mitigation measures into the Project design, and has acquired the right to purchase a significantly larger parcel than is necessary for the Project in order to provide an adequate buffer for such potential impacts. At the edge of the CVE Property in all directions, including the Oblong Land Conservancy's Carruth Preserve, the Project will comply with both state standards and local requirements. It is only along the narrow strip of Metro-North property that traverses through the site that the Project would exceed the local standard. Metro-North's use of that property results in significant sound levels along the railroad road and to surrounding properties.

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<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Chris Wood, Pawling Resident, Oblong Land Conservancy	Sound travels and there is no way to tell in advance what, if any, effect, the impacts of this new source of sound will be. Notwithstanding the modeling that has been undertaken, we retain considerable reservations about the introductions of the new and continuous source of sound in a substantially rural area, and in these circumstances the project should be required to comply with all existing sound regulations.	T3-26	In determining sound level compliance, the specifics of the site's topography and ground cover were incorporated into modeling. Estimates of operational sound levels produced by the Project were calculated using CadnaA environmental sound modeling software (Version 3.7.123 DataKustic GmbH). The CadnaA sound modeling software uses algorithms and procedures described in ISO 9613-2, which provides estimates of sound levels for meteorological conditions that are favorable for the propagation of sound (downwind with a wind speed of 1-5 meters/second). Although the Project will still request a zoning amendment for sound levels to the west, as discussed in Section 6.3.4.2, this is only due to Metro-North's narrow parcel that traverses the site. Compliance is achieved in all other compass directions.
Chris Wood, Pawling Resident, Oblong Land Conservancy	Additionally, a permanent siting regime along the lines of that proposed for the water resources and accompanied by the requirement for remediation in the event of significant noise impacts should be a requirement.	T3-27	The Project has been designed with the measures that will achieve the sound levels represented. Additional monitoring and compliance is detailed in Section 6.3.4.4 of the FEIS.

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**Table 6-4. Response to Comments – Noise**

Author	Summary	Comment Number	Response
Tyler Davis, Dover Plains Resident	...It seems like no matter what happens, even with the best technology available, the town of Dover will take a hit when it comes to... noise, and to me, that's a problem, because it seems like we're not gonna benefit directly by anything, that there is some type of grid on a regional level, on a national level. What about us? If we're gonna have this huge thing in our town, I want something back.	T3-29	The Project has been carefully designed to integrate noise reduction measures and comply with state guidelines and local noise standards, except along one narrow stretch of property traversing the site which is used for active rail travel. Sound level impacts, therefore, from the Project will be appropriately managed to be consistent with applicable standards. The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover Union Free School District, the Town of Dover and Dutchess County through contributions to the tax base. The local community will also have the benefit of funds from the Project's tax agreement.
Mr. Galayda, Town Board	...as far as the noise concern also goes, I'm not going to budge on the noise concern. I think that if you're investing a billion, invest a little more and make it adhere to our Noise Code, because I completely agree with the remarks that noise ordinances were set for a reason, and I think that 50 decibels, if it's like this (indicating), is one thing, but if it's this constant thing (indicating), it becomes a drone and people have to listen. You know, and if they're listening to it 24 hours a day, seven days a week, that's very difficult. So, something that I would like to see is exactly what 50 decibels sounds like on the site. So, I would like a determination done on the site as to where the most noise is going to come from and then I would like an independent company to come in and crank up	T3-82	The addition of the former Rasco parcel allows the Project to comply with the local noise code at the furthest extent of the project site in all compass directions. The one location where compliance is not predicted to be met, and for which a code amendment has been requested, is along the narrow Metro-North property that traverses through the site. The railroad track on this narrow property is itself a source of intermittent, but significant noise.  As discussed in Section 6.3.4.4, sound impacts produced by the proposed Project will be the cumulative result of a wide range of sources that are distributed over the entire Project Development Area. Some of these sources will be relatively small point sources (e.g., the discharge of the exhaust stacks, and transformers), and some of these sources will be large area sources (e.g., the array of air cooled condensers along the railroad Property line). There is no practical means to effectively simulate this diverse range of sound

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Author	Summary	Comment Number	Response
	<p>50 decibels and leave it running for a week and let the residents -- let the residents know. Because we can all talk about light rain, we could all talk about -- you know -- you know, and outside of the fact that it might rain for two or three days, you start to lose your mind if you're listening to the drone of even something like that. So, you know, I think that we can all talk about -- there's ways that we can easily provide notice to the Town and to residents as to what it really is, put up a big sign telling them that this is going on, stop your car and listen.</p>		<p>sources such that an observer would be able to experience a realistic replication of sound impacts that will occur when the Project is actually operating.</p> <p>An experience of potential Project sound would be better found at an existing plant of similar size and technology. CVE representatives have offered to facilitate a site visit for Town of Dover officials and interested parties.</p>
Ms. DuHamel	<p>...we could ask them to size the project so that they're not going over noise thresholds... ...That's what an expert would be able to tell you, at what point does the size bring...noise down to our acceptable levels. I don't want to rely on AKRF for that...</p>	T3-86	<p>CVE has incorporated numerous noise mitigation measures to result in a facility that complies with state and local noise requirements along its outer property boundary. A zoning code amendment is now only requested as it pertains to the strip of Metro-North land that traverses through the Property. In addition to the expert engineers and acoustical consultants which CVE has utilized in the Project's design and analysis, independent review has occurred at the state level by NYSDEC and at the local level by AKRF.</p>
Ms. DuHamel	<p>... mitigation is cheaper and more effective than remediation. And who's gonna enforce it? The DEC, the DEC that allowed Rasco's predecessor to leave junk all over that property and then bring in another contaminated soil project over our aquifer. We don't want to rely on DEC to be enforcing excess emissions or excess noise or anything like that. I want us to meet our standards before that point goes up.</p>	T3-87	<p>As described in Section 6.3.4.4, monitoring and compliance will be achieved prior to plant operations by a third party licensed acoustical engineer in accordance with industry practices and any applicable state and local regulatory requirements.</p>

#### 6.3.5 Electric and Magnetic Fields

No comments were received regarding the potential change to electric and magnetic fields associated with the Project. The Project benefits from the proximity of existing transmission infrastructure to the north of the Project Development Area.

#### 6.3.6 Cultural Resources

CVE undertook an investigation and review for potential archaeological and cultural resources at the Property in the summer 2009. A review of the OPRHP website found no historic resources identified in the vicinity of the Project Development Area and, after consultation, OPRHP determined that there will be “No Effect” to cultural resources at the Project Development Area.

CVE also requested a review of potential archaeological or cultural resources from OPRHP with regard to the remote Laydown Site, located 2.5 miles north of the Project Development Area. OPRHP requested Phase 1A and Phase 1B surveys at the remote Laydown Site, due to a moderate to high potential for the presence of prehistoric cultural resources. After extensive field work, survey crews did not find evidence of either a prehistoric or historic site within the remote Laydown Site and submitted its findings to OPRHP. In a letter dated July 6, 2011, based upon the results of the Phase 1B survey, OPRHP indicated that use of the remote Laydown Site will have “No Effect” upon cultural resources (see Appendix 6-E of the FEIS).

With the addition of the former Rasco parcel to the Property, CVE requested a similar review of potential archaeological or cultural resources from OPRHP in February 2012. In a letter dated February 29, 2012, OPRHP concurred with its findings for the Project Development Area, indicating that the expanded use of the Property will continue to have “No Effect” on cultural resources (see Appendix 6-E of the FEIS).

Table 6-5 outlines comments and responses associated with cultural resources.

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**Table 6-5. Responses to Comments – Cultural Resources**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Graham Trelstad, AKRF	As part of its review of the proposed project, did the NYS OPRHP conduct any on-site reviews of the project? While the project site buildings are in substantial decline, they do represent a period of Dover's industrial history and have connections to a significant wartime effort. Certain building elements may warrant further study and documentation prior to demolition.	32-55	To CVE's knowledge, OPRHP has not conducted on-site reviews for the Project. However, photographs and descriptions of the existing site buildings were provided (as illustrated in the correspondence dated August 13, 2009 provided in Appendix 6-G of the DEIS). The former industrial uses since 1942 and other characteristics were known as a context for OPRHP's correspondence.
Ryan Courtien, Town Supervisor	ES-17: In the Unanticipated Discoveries Plan, who would be notified in case of an event?	37-16	As discussed in Section 6.6.4 of the DEIS and in the Unanticipated Discoveries Plan provided in Appendix 6-G of the DEIS, OPRHP would be notified, and the New York State Police would be notified, if appropriate.
Ryan Courtien, Town Supervisor	ES-17: CVE requested a similar review from OPRHP or was the request made in the opposite direction?	37-17	CVE actively requested review from OPRHP for the Project Development Area, the remote Laydown Site and the former Rasco parcel in the form of correspondence provided in Appendix 6-G of the DEIS and Appendix 6-E of the FEIS).
Cristina Bleakley, Dover Resident	And the last part I read, they had archeological materials that they were doing the study on this parking area. I couldn't find anywhere what was the result of the second phase. Were they able to find anything there that was there before?	T2-15	As described in Section 6.2.6, archaeological survey crews did not find evidence of either a prehistoric or historic site within the remote Laydown Site and submitted its findings to OPRHP. In a letter dated July 6, 2011 (6-D), based upon the results of a Phase 1B survey, OPRHP indicated that use of the remote Laydown Site will have "No Effect" upon cultural resources.

### 6.3.7 Socioeconomics

#### 6.3.7.1 *Job Creation*

Project development and construction will require an estimated investment of approximately \$955 million, which will provide a significant benefit to the local, regional, and state economies. It is expected that an annual average of 300 construction jobs will be created during the three-year construction of the Project, with up to 750 jobs during the five-month peak construction period. The DEIS, in Section 6.7.3.1.3, outlined the workforce availability in the general area, concluding that approximately 90 percent of the required construction labor force could be filled by the local labor market.

Once completed, operation of the facility will directly support approximately 28 well-paying permanent jobs in Dover. The investment in the plant, during both construction and operation, will also result in significant secondary economic benefits to the local, regional and state economy. Project construction is estimated to generate and induce creation of 2,202 FTE jobs, including 751 secondary jobs in Dutchess County, in a wide variety of industries such as facility maintenance, security, food service, mining (sand and gravel), and construction supplies. Upon completion, the Project is projected to create 54 FTE jobs, including 26 secondary jobs.

#### 6.3.7.2 *Property Values*

According to a study conducted by the Public Service Commission of Wisconsin, “actual property value is comprised of an often complex set of desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and to local amenities. The research has not been conclusive because of the difficulty researchers have of accounting for all of the variables. The few studies done to date have not shown a clear, consistent correlation between power plant location and reduced property values.”<sup>6</sup>

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<sup>6</sup> See: Environmental Impacts of Power Plants, Public Service Commission of Wisconsin, at pg. 12 – available at: <http://psc.wi.gov/thelibrary/publications/electric/electric15.pdf>



In this situation there are no residences directly adjacent to the Project Development Area. It is also important to note that property values are driven by a myriad of factors which include externalities such as the quality of school systems, property taxes, and community services. CVE's PILOT agreement will provide substantial revenues to the Town of Dover and the Dover Union Free School District which can be used for improved Town/School facilities, expanded community services, and/or lower taxes, all of which may positively affect property values in the vicinity of the CVE Project.

*6.3.7.3 Local Agreement and Benefits*

The Project will provide a long-term revenue source for the Dover schools, the Town of Dover and Dutchess County through a PILOT agreement and Community Benefits Package. The proposed PILOT agreement will be coordinated through the Dutchess County Industrial Development Agency (IDA). However, while the agreement will be coordinated with the IDA, the Town of Dover and Dover Union Free School District are working together to negotiate the final payment and structure on behalf of the residents of Dover. These parties have hired a third-party independent consultant, paid for by CVE, to guide the Town through the process. All parties, including CVE, will work to ensure any negotiated tax agreement or Community Benefits Package does not impact state or federal funding to the school district.

Table 6-6 outlines comments and responses associated with socioeconomic issues.

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**Table 6-6. Response to Comments – Socioeconomics**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Tara Shoureck, Wingdale Resident	At best, these [jobs] are going to be what I view as 'long term temp jobs'. Why? Because the plant will have an expiration date when it no longer will be online, and the few technical jobs it will create will disappear as well.	10-9	The Project has a projected “lifespan” of at least 30 years, although it is common for such power plants to receive improvements and approvals that extend their life still further. Employment provided by a facility that plans to operate for 30+ years is not considered temporary.
Tara Shoureck, Wingdale Resident	As far as construction jobs go, I am no expert, but big jobs of this nature tend to go to the unions. So, if you are a member of a particular union that gets this contract, you will have employment for a few years. Again, a temp job to a particular union, as all these jobs are.	10-10	All construction-related jobs are temporary by nature, with workers (union or not) completing one assignment then moving on to the next. This Project provides a three-year construction cycle as a platform for local employment, some of which will require skilled trade workers. Throughout the construction period, a significant secondary job effect (for example, security, food service, mining, construction supplies) occurs that would be unrelated to whether union labor is employed.
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	We need to be sure that our small rural fire company is equipped to handle accidents. We recall the huge explosion and tragedy at the Middletown, Ct. gas fired power plant. Safety is critical especially since the facility is close to the Dover High School and Wingdale Elementary School and residential communities, as well as Con Ed transmission lines and Iroquois gas transmission line. How will Cricket Valley be prepared to handle such a situation?	23-11	At the Middletown, Connecticut project, natural gas was used to purge pipes, contributing to the explosion at that facility. In response to the Middletown, Connecticut accident, the NFPA has issued its new standard NFPA 56 (PS) “Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Pipeline Systems.” All cleaning of pipes will be performed with inert gases or compressed air, which is consistent with Advanced Power’s policy and the new NFPA standards. The plant at Middletown did not use inert gases for purging.  A detailed Emergency Response Plan (as discussed in Section 6.2.7 of the FEIS) will be developed in consultation with appropriate Town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, and other emergency response providers. The plant will be equipped with on-site fire protection systems which will be fully automated to provide alarm, detection, and suppression capability for all occupied spaces and hazard areas, with the assumption that

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**Table 6-6. Response to Comments – Socioeconomics**

Author	Summary	Comment Number	Response
			<p>facility personnel will have minimum involvement for fire response. CVE will work cooperatively with the J.H. Ketcham Hose Company in the planning for and response to emergency situations, should they arise. CVE representatives have coordinated, and will continue to coordinate, with J.H. Ketcham Hose Company officials to ensure adequate resources are place.</p>
<p>Mark Chipkin, Pawling Resident</p>	<p>Jobs in the community in exchange for polluted air for everyone else, is not acceptable.</p>	<p>25-11</p>	<p>The Project has been carefully designed with extensive pollution control technology and low emissions, demonstrating compliance with National Ambient Air Quality Standards. As discussed in Section 4 of the DEIS and FEIS, the Project is predicted to create a net air quality benefit in the New York region. As a result, the Project represents a low impact project that also brings the benefit of jobs into the local community.</p>
<p>Tamara Wade, Wingdale Resident</p>	<p>A total of 30 permanent highly skilled jobs with a goal of taking coal burning power plants off line, and the employees along with it. JOB CREATION? Really?</p> <p>Up to 780 temporary jobs over the course of three years (many of which will come from Dutchess county) with Dover bearing the brunt (many of which) speaks about County not Dover. Where will the other percentage come from? And how fortunate that they will not have to live here when the product of their employment is complete. What about those who do not stand to profit by means of employment or bid winning? Again does ANY financial gain make jeopardizing health acceptable?</p>	<p>31-14</p>	<p>The Project fulfills a need for additional electric generation and will create over 1,000 worker-years of construction employment, 25 to 30 permanent high-paying professional jobs and will generate millions of dollars in taxes to benefit the town, county, school district and state along with millions of dollars in secondary employment and other economic benefits. CVE will continue to coordinate with local emergency service providers to verify that adequate resources are in place. It is not anticipated that any major additional resources will be required.</p> <p>The specific location from which construction workers will come cannot be known at this time. However, the DEIS, in Section 6.7.3.1.3, outlines the workforce availability in the general area, concluding that approximately 90 percent of the required construction labor force could be filled by the local labor market. For the many workers in the area who focus on construction activity, this Project has the potential to provide a significant benefit.</p> <p>As discussed in the DEIS and this FEIS, the Project does not</p>

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**Table 6-6. Response to Comments – Socioeconomics**

Author	Summary	Comment Number	Response
			present significant negative health impacts, and is projected to have positive environmental and community impacts, for example, related to air quality. Compliance with environmental and community standards has been demonstrated for the Project across the range of evaluated issues.
Tamara Wade, Wingdale Resident	I don't believe our (volunteer) Fire Department will have the capacity to respond to a catastrophic event at the plant in a time frame necessary. CVE states that they will be working closely with our local Fire Dept. Does this mean they will furnish the Departments with equipment, training and (PAID) manpower, in order to effect quick response and increased safety of our firemen and those they stand to protect? A volunteer based fire department is not going to cut it! they need full time paid firemen that CVE should be paying for as well as increasing their capacity by means of training and equipment.	31-16	Prior to commencement of construction, a comprehensive security plan will be developed and implemented that will address both construction and operational phases of the Project. In addition, a detailed Emergency Response Plan (as discussed in Section 6.2.7 of the FEIS) will be developed with the appropriate Town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, and other emergency response providers. The plant will be equipped with on-site fire protection systems which will be fully automated to provide alarm, detection, and suppression capability for all occupied spaces and hazard areas, with the assumption that facility personnel will have minimum involvement for fire response. CVE will work cooperatively with the J.H. Ketcham Hose Company in the planning for and response to emergency situations, should they arise. CVE representatives have coordinated, and will continue to coordinate, with J.H. Ketcham Hose Company officials to ensure adequate resources are place.
Tamara Wade, Wingdale Resident	With Dover Knolls being a much needed opportunity for the growth of Dover, what negative impact would a power plant have on Dover Knolls ability to sell properties, ranging from low income to high end at the prices necessary to meet their required profit? What study has been done to gather data regarding impact to property values be it residential or commercial.	31-17	The Project has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional Adjacent Area, and preserving in perpetuity 79 acres of land along the Swamp River.  As noted in Section 6.3.7.2, actual property value is comprised of an often complex set of desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and to local amenities. Research regarding property values has not been conclusive

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**Table 6-6. Response to Comments – Socioeconomics**

Author	Summary	Comment Number	Response
	<p>Most of us cannot afford to lose any more value in an already depressed real estate market. And many of us have invested great amounts of money into our real estate that we may not see the return on. According to the study, <i>The Effect of Power Plants on Local Housing Values and Rents</i> by Lucas W. Davis there may be substantial impact.</p>		<p>because of the difficulty researchers have of accounting for all of the variables. The few studies done to date have not shown a clear, consistent correlation between power plant location and reduced property values.</p> <p>It is important to note that property values are driven by a myriad of factors which include externalities such as the quality of school systems, property taxes, and community services. CVE's PILOT agreement will provide substantial revenues to the Town of Dover and the Dover Union Free School District which can be used for improved Town/School facilities, expanded community services, and/or lower taxes.</p>
<p>Tamara Wade, Wingdale Resident</p>	<p>The greatest beneficiary is Advanced Powers, then, whoever is the owner of the facility there after, Dover is very last on that list. Will our schools stand to lose any state funds as a result of receiving payoffs, or contributions from CVE? Some residents of Dover are under the assumption that their property and school taxes will be lowered as a result of CVE, is that so? And is the financial payoff or gain a wise trade for accepting declined health of our environment and all that live within it? I would rather pay my taxes and not pollute the environment. Some believe those of us with concerns do not like progress, On my list of hopes for progress in this town, never was a power plant one of them. Is revenue generation truly progress when ozone producing smog, and water</p>	<p>31-20</p>	<p>In addition to its careful design, the Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover schools, the Town of Dover and Dutchess County through a PILOT agreement and Community Benefits Package.</p> <p>The Town of Dover Town Board and Dover Union Free School District are leading negotiations on behalf of the Town and have hired a third-party independent consultant, paid for by CVE, to guide the Town through the process. All parties, including CVE, will work to ensure any negotiated tax agreement and Community Benefits Package does not impact state or federal funding to the school district.</p> <p>The Project will comply with environmental regulations intended to safeguard the environment and community. Other Project features such as jobs and taxes are important community benefits, but in no way are considered to be a replacement for good environmental stewardship.</p>

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Author	Summary	Comment Number	Response
	contamination or depletion is the price? Since when has anyone ever needed to receive a payoff to accept something truly worthwhile? With the question of need on the table, and the reports that state even without Indian Point we already have sufficient power production, a bargain is no bargain if you don't need it.		
Graham Trelstad, AKRF	The DEIS should include a discussion of potential impacts to property values surrounding the facility. Specific data and analysis from areas surrounding existing electric generating facilities should be presented as evidence.	32-46	<p>As noted in Section 6.3.7.2, actual property value is comprised of an often complex set of desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and to local amenities. Research regarding property values has not been conclusive because of the difficulty researchers have of accounting for all of the variables. The few studies done to date have not shown a clear, consistent correlation between power plant location and reduced property values.</p> <p>It is important to note that property values are driven by a myriad of factors which include externalities such as the quality of school systems, property taxes, and community services. CVE's PILOT agreement will provide substantial revenues to the Town of Dover and the Dover Union Free School District which can be used for improved Town/School facilities, expanded community services, and/or lower taxes.</p>
Graham Trelstad, AKRF	The DEIS states that the proposed project will seek economic development assistance through the Dutchess County Industrial Development Agency (IDA), which would exempt the property from real property taxes. However, to ensure	32-56	While the proposed PILOT agreement will be coordinated through the Dutchess County IDA, the Town of Dover and Dover Union Free School District are working together to negotiate the final payment and structure on behalf of the residents of Dover.

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Author	Summary	Comment Number	Response
	<p>that the local community receives economics benefits from the project, IDAs are authorized to negotiate a payment in lieu of taxes (PILOT) agreement. The Town of Dover and the Dover Union Free School District should be directly involved in establishing an appropriate PILOT agreement for the project.</p>		
<p>Graham Trelstad, AKRF</p>	<p>In the analysis of potential impacts to local fire and emergency service providers (Section 6.7.3.3.2), the DEIS indicates that a "Comprehensive Site and Safety Plan (CCSP)" would be prepared in the future to ensure proper training and safety of local emergency service providers entering the site. The CCSP should be developed now and should include identification of the types and intensities of potential emergency situations that may arise at the facility. Only after the CCSP has been reviewed in cooperation with the J.H. Ketcham Hose Company can it be determined whether J.H. Ketcham has the equipment and resources to respond to an emergency situation.</p>	<p>32-57</p>	<p>The plant will be equipped with on-site fire protection systems which will be fully automated to provide alarm, detection, and suppression capability for all occupied spaces and hazard areas, with the assumption that facility personnel will have minimum involvement for fire response. CVE will work cooperatively with the J.H. Ketcham Hose Company in the planning for and response to emergency situations, should they arise. CVE representatives have coordinated, and will continue to coordinate, with J.H. Ketcham Hose Company officials to ensure adequate resources are place.</p> <p>Prior to commencement of construction, a comprehensive security plan will be developed and implemented that will address both construction and operational phases of the Project. In addition, a detailed Emergency Response Plan (as discussed in Section 6.2.7 of the FEIS) will be developed with the appropriate Town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, and other emergency response providers.</p>

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<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Graham Trelstad, AKRF	The J.H. Ketcham Hose Company currently has a 75-foot aerial ladder truck. The fire department should be consulted as to whether this would be sufficient to service a 113 foot tall building. As mitigation for the proposed project, additional fire equipment may be necessary.	32-58	CVE has consulted with J.H. Ketcham Hose Company representatives regarding access and turning requirements for its fire equipment and has designed internal traffic plans to meet the requirements of a 75-foot ladder truck (Appendix 6-F of the FEIS). Although some Project structures will be taller than 75 feet, these structures are not occupied and access by facility personnel is limited at those heights. Since the plant will be equipped with on-site fire protection systems which will be fully automated to provide alarm, detection, and suppression capability for all occupied spaces and hazard areas, additional fire vehicles would not be required. CVE will coordinate any additional training and personnel apparatus with the J.H. Ketcham Hose Company.
Ryan Courtien, Town Supervisor	ES-14: “generate tax revenues for the town.” Add “county and school district.” to the end of the sentence.	37-11	As discussed in Section 6.3.7.3 of the FEIS, it is true that Dutchess County and the Dover Union Free School District will benefit from Project tax revenues.
Ryan Courtien, Town Supervisor	ES-18: “The project will not impact existing local fire, police or emergency protection services.” How true is that statement? If one construction worker is injured, then there is an impact however small.	37-18	The facility will incorporate specialized fire protection systems and response procedures designed specifically for electric generating facilities. In addition, safety and security measures and procedures will be implemented to protect the public and employees. There will be limited community impact on such services above and beyond what any use within the community might occasionally require. As detailed in Section 6.2.7 of the FEIS, CVE and its primary contractor will coordinate with appropriate emergency officials to ensure adequate protection services are in place.
Cristina Bleakley, Dover Resident	What about property value? We must ask who wants to buy a home across the street from a power plant?	40-9	The Project has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional Adjacent Area, and preserving in perpetuity 79 acres of land along the Swamp River.  As discussed in Section 6.3.7.2, a study conducted by the Public Service Commission of Wisconsin indicates, “actual property value



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Author	Summary	Comment Number	Response
			<p>is comprised of an often complex set of desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and to local amenities. The research has not been conclusive because of the difficulty researchers have of accounting for all of the variables. The few studies done to date have not shown a clear, consistent correlation between power plant location and reduced property values.”</p> <p>It is important to note that property values are driven by a myriad of factors which include externalities such as the quality of school systems, property taxes, and community services. CVE’s PILOT agreement will provide substantial revenues to the Town of Dover and the Dover Union Free School District which can be used for improved Town/School facilities, expanded community services, and/or lower taxes.</p>
Robert Herzog, Dover Resident	As to the purported economic benefits, the DEIS’s own findings are that only half of the benefit of reduced costs that they themselves project will benefit New York State; the remainder will benefit PJM...The New England power pool will also reap gains. The reasons for the town of Dover to have to supply benefits to all these other states, primarily to serve as a source of profits for CVE, are not equitable, rational or compelling.	42-17	<p>CVE will bid its power into the New York Independent System Operator (NYISO) power pool. As one of the most efficient power generation facilities in the country it is able to bid lower prices in the wholesale market which should contribute to lower overall electric prices. The Dispatch Analysis, presented as Appendix 1-A to the DEIS, forecasts annual reductions in load-weighted costs to serve in the New York Pool of up to \$275 million. While many factors affect the retail price of electricity, the Project will have a positive effect on controlling costs to ratepayers.</p> <p>However, many local benefits will also be associated with the Project. In addition to the careful design and operation of the Project, carefully monitored to ensure compliance with all applicable environmental standards, the site reuse and clean-up provides environmental and economic benefit directly to the local community. Additional details regarding community benefits are addressed in Section 1.4.8 and Table 1-9 of the FEIS.</p>

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<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Alan Surman, Dutchess County Legislator, Wingdale Resident	The positive is: We are going to bring tax revenue to the Town. I know a lot of people have the NIMBY attitude, "Not In My Backyard," but if this plant displaces some of the dirtier burning plants, I think people in this overall region are going to benefit.	T1-3	The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover schools, the Town of Dover and Dutchess County through contributions to the tax base and community benefits.
Ilana Nilsen, [unknown]	And, then, the last thing is jobs. I'm wondering of the three to 700 people that are going to be employed for construction, how many of them will be local? And, also, when the plant is finalized, how many local jobs do you expect to contribute to Dover's economy, as well as Dutchess County's economy?	T1-23	The DEIS, in Section 6.7.3.1.3, outlines the workforce availability in the general area, concluding that approximately 90 percent of the required construction labor force could be filled by the local labor market. Details about Project construction and operational jobs are provided in Sections 6.7.3.1 and 6.7.3.2 of the DEIS, respectively. Priority will be given to staffing construction from local resources, as they are available, and a significant secondary economic effect during construction will also benefit local workers, as discussed in detail in Section 6.7.3.1.2 of the DEIS.
Cristina Bleakley, Dover Resident	And the other question I have is concerning the emergency. I know that they...will have some kind of emergency system in case of emergency. Are the schools being trained on how to act in the case of emergency?	T2-12	A detailed Emergency Response Plan (as discussed in Section 6.2.7 of the FEIS) will be developed in consultation with the appropriate Town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, and other emergency response providers.
Jessica Abrams, Green in Greene Inc. Earlton, NY	We also have to understand the footprint that we're now removing from that very land. What is the impact of this going forward on retention, the impact on the Village, the infrastructures. We want to make sure we reduce that as much as possible.	T2-22	The proposed Project can predominantly re-use a site that has been previously developed and utilized for industrial uses, as shown in Figure 3-9 of the DEIS (updated for the expanded project area as Figure 1-2). Stormwater management systems have been carefully designed, prioritizing water reuse and conservation and using bioretention swales. The Project will be relatively self-contained, and will not add significant demand for town services or infrastructure. Avoiding and minimizing impact to the community and the environment has been a priority for the Project.

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Author	Summary	Comment Number	Response
Jessica Wade, Dover Resident	I'm 22 years old. I just graduated from college. I have a great life ahead of me, and I'm going places, and I really don't need to stay here in Dover. I really don't. And I probably won't be. But how can I turn my back on my mom and dad who will be a mile away from this or a community that raised me... they're not able to just sell their homes and go off. If they did want to sell their homes, I'm wondering if health effects do -- if we start to see that there are health effects and that people are getting sick, are people going to want to come into our community and buy our homes? What are you going to do about that when we can't sell our homes and we want to get out?	T2-29	<p>The environmental standards with which the Project will comply were developed to be protective of public health, including for the most sensitive populations. The Project offers substantial environmental benefits, including mitigation and restoration of an abandoned industrial site, preservation of 79 acres of land abutting the Swamp River, and displacement of the operation of less efficient, higher emitting generators, yielding a regional air quality benefit.</p> <p>As discussed in Section 6.3.7.2, a study conducted by the Public Service Commission of Wisconsin indicates, “actual property value is comprised of an often complex set of desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and to local amenities. The research has not been conclusive because of the difficulty researchers have of accounting for all of the variables. The few studies done to date have not shown a clear, consistent correlation between power plant location and reduced property values.”</p> <p>It is important to note that property values are driven by a myriad of factors which include externalities such as the quality of school systems, property taxes, and community services. CVE’s PILOT agreement will provide substantial revenues to the Town of Dover and the Dover Union Free School District which can be used for improved Town/School facilities, expanded community services, and/or lower taxes.</p>
Chris Wood, Pawling Resident, Oblong Land Conservancy	...the benefits that will accrue locally as opposed to regionally or nationally for the provision of this plant.	T3-19	The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover schools, the Town of Dover and Dutchess County through contributions to the tax base

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Author	Summary	Comment Number	Response
Ross Cardwell, Wingdale Resident	...how it would impact our community from a tax-revenue standpoint, it sounds fine, but what's the percentage? How much was this going to benefit our community? How many jobs? There was...commentary as to 700 -- 500 to 750 jobs, perhaps, throughout the construction phase, maybe 25 to 50 jobs thereafter. 25 to 50 jobs thereafter? And to whom?	T3-49	and community benefits. Once details of the local tax agreement and community benefit package are established, the town can decide how its funds will be used over time including tax reduction or community improvements. The DEIS, in Section 6.7.3.1.3, outlines the workforce availability in the general area, concluding that approximately 90 percent of the required construction labor force could be filled by the local labor market. Details about project construction and operational jobs are provided in Sections 6.7.3.1 and 6.7.3.2 of the DEIS, respectively.
Ross Cardwell, Wingdale Resident	What about the recreational facility that the children need or the new pool or the guaranteed fixed property tax, some greater benefit?	T3-50	Once details of the local tax agreement and community benefit package are established, the town can decide how its funds will be used over time, including whether recreational facilities or adjustments to tax structure would be appropriate.
Manna Jo Green, Rosendale Resident, Environmental Director for Hudson River Sloop Clearwater	...if this plant moves forward...there's not an official requirement for a host community benefit package, but you are in negotiations and you could be negotiating for that facility to also include a huge solar array, and if there is the potential for wind, that wind be captured so that it really is moving towards sustainability.	T3-58	CVE is in the process of finalizing the local tax agreement and community benefit package. The local community can decide how they would like to use any increase in revenue, including the potential installation of renewable technologies.
Manna Jo Green, Rosendale Resident, Environmental Director for Hudson River Sloop	And I also just want to mention one other thing and it has to do with what we call environmental justice. The plant in Astoria is a fossil-fuel plant and it's in a very, very densely populated area. The other issue that Entergy has raised that we disagree with but -- is that if Indian Point closes, that more gas-fired peaker	T3-63	Environmental justice is considered under the federal and state air quality programs as well as State Environmental Quality Review Act (SEQRA) in order to fully understand the consequence of environmental permitting decisions. As discussed in Section 6.7.4 of the DEIS, the Project fully complies with state and federal Environmental Justice (EJ) guidelines by demonstrating that it will not have a significant adverse or disproportionate impact on any Environmental Justice Community of Concern. Environmental

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Clearwater	plants will be burning in inner cities, so that's gonna put the pollution rate in areas that have very high asthma rates, in children and elderly, you know, that could raise that if that were the alternative, so people are thinking that this is a cleaner alternative, and that is not to minimize the air impacts on your community, and that's what, you know, we'd like to help you to minimize.		<p>justice areas are generally defined as communities or facilities housing disadvantaged groups, such as low-income or minority populations. As discussed in DEIS Section 6.7.4, there are no environmental justice populations proximate to the Project.</p> <p>The Project's air emissions meet strict federal and state standards designed to be protective of public health, even for asthmatics and other sensitive members of the population. As part of its air quality permit approvals, the Project demonstrated that it would neither significantly nor disproportionately impact EJ qualifying communities – and would meet protective standards everywhere.</p>
Alex Ackerman, Wingdale Resident	<p>...I lived in The Bronx for 30 years of my life. I moved up here...to get away from the pollution and everything else. And you're saying how if they don't build it here, it'll be more pollution in Queens or wherever it may be, well, that's why I take a two-hour ride and invest my time and my energy, so they [my family] don't have to breathe that air...</p> <p>...Having my children what, a half a mile, a quarter a mile away, from stacks that are emitting God knows what, having them breathe that, that's exactly the reason I moved away from The Bronx, that's why they're here, so they could breathe good, clean fresh air.</p>	T3-71	Potential Project impacts have been carefully assessed, and compliance demonstrated with applicable environmental standards, including air quality programs designed to be protective of public health. Continuous monitoring will be conducted to confirm that Project emissions comply with permit limits throughout its life.
Alex Ackerman, Wingdale Resident	...nobody mentioned... what this is going to do to property values. I can only imagine you want to sell your house and you see a wonderful three stacks of 300-foot-high God knows what coming out of	T3-72	The Project will have a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional Adjacent Area, and preserving in perpetuity 79 acres of land along the Swamp River.

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Author	Summary	Comment Number	Response
	there. A great selling point, I'm sure.		<p>As discussed in Section 6.3.7.2, a study conducted by the Public Service Commission of Wisconsin indicates, “actual property value is comprised of an often complex set of desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and to local amenities. The research has not been conclusive because of the difficulty researchers have of accounting for all of the variables. The few studies done to date have not shown a clear, consistent correlation between power plant location and reduced property values.”</p> <p>It is important to note that property values are driven by a myriad of factors which include externalities such as the quality of school systems, property taxes, and community services. CVE’s PILOT agreement will provide substantial revenues to the Town of Dover and the Dover Union Free School District which can be used for improved Town/School facilities, expanded community services, and/or lower taxes.</p> <p>In addition, the visual impact assessment presented in Section 6.2 of the DEIS indicated that views of the facility stacks will be limited, day or night, due to topography, vegetation and distance.</p>
Mr. Galayda, Town Board	...when you talk about what they propose for tax revenue, \$2 million goes to the school, a million goes to the county, and a million comes to Dover. That's really where they're at with their proposed benefits to the community. I would like to see the town benefit in some form of electrical subsidition [sic].	T3-85	As detailed in Section 1 of the DEIS and further supported in Section 1 of this FEIS, the Project will generate substantial tax revenue to the benefit of the local community. While the Project is a wholesale generator, and therefore cannot sell electricity directly to the community, the Project’s more efficient technology will help displace the operation of existing, less efficient plants, yielding substantial cost savings. These savings were quantified in the economic dispatch analysis provided in Appendix 1-A of the DEIS, which forecasts annual reductions in load-weighted costs to serve the New York Pool of up to \$275 million.

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Author	Summary	Comment Number	Response
<p>Jurgen Wekerle, Sierra Club</p>	<p>...That may have other dire consequences in the payments in lieu of taxes that will be negotiated locally. The example in Rockland County, based on the lower use, is that the towns of Haverstraw and Stony Point suffered when Myron, the owner of those plants, declared bankruptcy and also a series of reassessments, and the property taxes, to offset the income that the municipalities became dependent on, doubled and doubled again...The Town of Newburgh and the Town of Marlboro in Orange and Ulster Counties suffered the same re-evaluation and reassessment based on the reduced income from the Dynegy plants, Danskammer and Roseton, and their property taxes drastically increased totally out of the blue, totally unexpectedly, so whatever is promised today may not be materialized even if it's been in effect for a short period of time... You may end up with the expectation of all kinds of income, all kinds of benefits, that may never materialize...</p>	<p>T3-92</p>	<p>The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover schools, the Town of Dover and Dutchess County through contributions to the tax base and community benefits.</p> <p>The negotiated tax agreement is designed specifically to avoid the situations referenced in Newburgh and Marlboro. CVE proposes a tax agreement that would provide steady, escalating payments over a 30-year period which provides revenue certainty to the Town of Dover and the Dover Union Free School District.</p>

## **6.4 Conclusions**

The Project will undergo local Special Use Permit review by the Town of Dover Town Board to confirm consistency with the Town's Master Plan and with the site's zoning designation and continued industrial use. No adverse effect related to land use or zoning is anticipated to result from the Project. Rather, the Project represents re-use of a dilapidated site to provide economic development consistent with its zoning. The Project Development Area has long been in industrial use, is well buffered from residential areas, and is compatible with the present character of the community.

Views of the Project will be well screened by natural buffers from most locations. The Project will result in taller structures than currently exist at the site, however, views of the Project will be well screened by intervening topography and vegetation from most locations. Small portions of the Project may be visible above and through the tree line, particularly at high elevations east of the Project.

Construction traffic volumes will require mitigation measure to be implemented at the Project access drive with Route 22. Long-term impacts on local traffic patterns will be insignificant, based on the discrete number of permanent employee and other trips anticipated to occur and the direct access from a state highway.

Project layout and design has carefully considered sound attenuation, and the Project will comply with applicable state and local noise standards at all off-site properties, with the exception of the Metro-North railroad line. No long-term significant effect on noise is anticipated from operation of the Project.

No measureable effects from electric and magnetic fields are anticipated from operation of the Project. All new electrical interconnection lines are located within the Project Development Area, and no substantial change to the existing system is required. Electric and magnetic field levels at the edge of the cleared right-of-way for the interconnecting transmission lines will be well within guideline levels established by the NYSPSC.

Based on consultation with OPRHP, no effect to historic or archaeological resources is anticipated due to the Project. CVE has developed an Unanticipated Discovery Plan (see Appendix 6-G of the DEIS) to protect archaeological resources in the unlikely event they are encountered during Project construction.

The net short- and long-term socioeconomic effects of the Project will be positive, as the facility will not create a significant demand on public resources and infrastructure under



normal operations and will contribute economically to the region, both directly and indirectly. Although the lack of a formal EJ community proximate to the Project Development Area eliminates the need for detailed EJ assessment, the Project has been carefully designed such that no element of the surrounding community or region would experience significant long-term negative effect associated with its operations.

## **6.5 References**

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