

# Final Environmental Impact Statement

Dutchess Community College Proposed Student Housing

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

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

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

Date of Submission: June 4, 2010

Date of Acceptance: June 10, 2010

## Applicant and Participating Consultants

Applicant: Dutchess Community College  
53 Pendell Road  
Poughkeepsie, NY 12601  
Contact: W. John Dunn, Vice President and Dean of  
Administration  
Phone: (845) 431-8000  
Fax: (845) 431-8981

Project Attorney: Hodgson Russ, LLP  
The Guaranty Building  
140 Pearl Street, Suite 100  
Buffalo, NY 14202  
Contact: Daniel Spitzer  
Phone: (716) 848-1420  
Fax: (716) 472-4076

Planning, Traffic Engineering,  
Civil Engineering: The Chazen Companies  
21 Fox Street  
Poughkeepsie, NY, 12601  
Contact: Richard Chazen, PE  
Phone: (845) 454-3980  
Fax: (845) 454-4026

Cultural Resources: Hartgen Archeological Associates, Inc.  
915 Broadway, Suite 103-B  
Albany, NY 12207  
Contact: Abigail Herlihy  
Phone: (518) 427-0382  
Fax: (518) 427-0384

## TABLE OF CONTENTS

<b>1.0 INTRODUCTION.....</b>	<b>1</b>
1.1 Coordination under SEQRA .....	1
1.2 Organization of FEIS .....	2
1.3 List of Involved and Interested Agencies and Permits Required .....	2
<b>2.0 RESPONSES TO COMMENTS .....</b>	<b>4</b>
General Comments .....	6
Executive Summary (DEIS Section 1.0).....	8
Description of the Proposed Action (DEIS Section 2.0) .....	9
Potential Environmental Impacts (DEIS Section 3.0).....	10
Section 3.1 Geology, Soils, and Topography .....	10
Section 3.2 Stormwater Management.....	10
Section 3.3 Ecological Resources .....	10
Section 3.4 Wetland Resources.....	10
Section 3.5 Transportation.....	10
Section 3.6 Cultural Resources.....	12
Section 3.7 Utilities – Water and Wastewater.....	12
Section 3.8 Community Services .....	12
Adverse Unavoidable Significant Environmental Impacts if the Project is Implemented (DEIS Section 4.0).....	18

---

Alternatives (DEIS Section 5.0) .....	19
Irreversible and Irretrievable Commitment of Resources (DEIS Section 6.0).....	20
Growth Inducing Aspects (DEIS Section 7.0) .....	21
Effects on the Use and Conservation of Energy Resources (DEIS Section 8.0)....	22

## LIST OF TABLES

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

## **APPENDICES**

Appendix A: April 13, 2010 Public Hearing Transcript

Appendix B: Written Comments Received on DEIS

## 1.0 INTRODUCTION

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

### 1.1 Coordination under SEQRA

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

- The Board of Trustees of Dutchess Community College, (hereafter, 'Board') was designated as Lead Agency for this action on August 4, 2009.
- Based upon the Criteria for Determining Significance in 6 NYCRR 617.7(c), the Board issued a Positive Declaration on August 11, 2009 and determined that a DEIS was required. Copies of the Environmental Assessment Form (EAF) were circulated to all involved agencies.
- A public scoping session was held on September 29, 2009, at which time the public was given the opportunity to comment on the proposed contents of the DEIS. A Final Scoping Document was adopted by the Board on January 26, 2010 (see Appendix 9.1 of the DEIS) that outlined the potential significant impacts to be analyzed in the DEIS. Upon adoption of the Final Scope, the Applicant embarked on the preparation of the DEIS and commissioned the following plans, reports, and studies, including, but not limited to: Preliminary Stormwater Pollution Prevention Plan (SWPPP), Phase 1 Cultural Resources Investigation, Traffic Impact Study, Water System Report, and Sanitary Report.
- The Board formally accepted a DEIS for circulation on March 23, 2010. The DEIS and Notice of Completion were duly circulated to all involved and interested agencies. In accordance with Section 617.9(b)(7) of the SEQRA regulations, this FEIS incorporates by reference the DEIS dated March 23, 2010 and all supporting appendices.

- A public hearing allowing for public comment on the DEIS was held by the Board on April 13, 2010. The public comment period remained open until April 26, 2010. Copies of the transcript from the public hearing and the written comments received on the DEIS are provided in this FEIS as Appendices A and B, respectively.

## 1.2 Organization of FEIS

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

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

## 1.3 List of Involved and Interested Agencies and Permits Required

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

**Table 1: List of Involved Agencies and Required Approvals**

Type of Approval	Involved Agency
Stormwater SPDES Permit	New York State Department of Environmental Conservation Region 3 Headquarters 21 South Putt Corners Road New Paltz, NY 12561
Curb Cut	Town of Poughkeepsie Highway Department Town of Poughkeepsie Town Hall 1 Overocker Road Poughkeepsie, NY 12603

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

State University of New York  
State University Plaza  
353 Broadway  
Albany, New York 12246

NYS Office of Parks, Recreation, and Historic Preservation  
State Historic Preservation Office  
Peebles Island Resource Center  
P.O. Box 189  
Waterford, NY 12188-0189

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

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

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

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

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

Fairview Fire District  
258 Violet Avenue  
Poughkeepsie, NY 12601

## 2.0 RESPONSES TO COMMENTS

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

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

### Comment Referencing

#### *Public Hearing Comments*

Comments made during the public hearing are referenced by stating the individual's name and the page number of the transcript in parentheses at the end of the comment. For example, a comment made by Mr. John Doe at the Public Hearing is referenced as "[John Doe, Public Hearing Transcript Page XX]."

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

**Table 2: List of Speakers at Public Hearing**

Ed Kellogg, Resident, Poughkeepsie, and Representative of Kirchoff & Cerniglia Construction Management
Commissioner Bob Gephard, Fairview Fire District
Jim Doxsey, Resident, Poughkeepsie
Gary Lindstrom, Resident, Poughkeepsie
Bob Gorman, Resident, Poughkeepsie
Virginia Buechele, Resident, Poughkeepsie
Peter Sala, Resident, Poughkeepsie

#### *Written Comments*

Within this FEIS, comments that were received in writing are referenced by a unique comment number in no particular order (see list below). In Appendix B, each comment letter is identified by this number in the upper right corner of each page. Comments from written letters are referenced within the FEIS by stating the individual's name, the number of the written letter,

the date of the letter, and the page number of the letter. For example, a comment made by Mr. John Doe in Letter #1 is referenced at the end of the comment as “[John Doe, Letter #1, date, Page X].” If a written letter contains more than one comment, each discreet comment is ordered alphabetically beginning with “A” and is referenced as such within the FEIS. For example, comment “C” of John Doe’s letter would be referenced as [John Doe, Letter #1, date, Comment C, Page X].”

The following individuals commented in writing on the DEIS:

**Table 3: Written Comments Received on the DEIS**

<b>Letter Number</b>	<b>Name</b>	<b>Date</b>
1	Jennifer F. Coccozza, Senior Planner, Dutchess County Department of Planning and Development	April 26, 2010
2	Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, on behalf of the Fairview Fire District	April 26, 2010

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

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

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

**Table 4: Index of Comments by Individual (Alphabetically by First Name)**

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

## General Comments

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

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

**Response G-1:** Comment noted.

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

**Response G-2:** Comment noted.

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

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

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

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

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

## **Executive Summary (DEIS Section 1.0)**

No comments received.

## Description of the Proposed Action (DEIS Section 2.0)

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

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

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

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

## Potential Environmental Impacts (DEIS Section 3.0)

### Section 3.1 Geology, Soils, and Topography

No comments received.

### Section 3.2 Stormwater Management

No comments received.

### Section 3.3 Ecological Resources

No comments received.

### Section 3.4 Wetland Resources

No comments received.

### Section 3.5 Transportation

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

**Response 3.5-1:** Prior to actual data collection efforts, DCC advised the traffic engineer that normal peak periods of campus related vehicular activity occurred between 7:30 AM and 2:30 PM, Monday through Friday. This was confirmed by the observation of two distinct peak hour periods: 7:30 to 8:30 AM and 12:00 to 1:00 PM, which are coincident with the morning peak period and the mid-day peak period, respectively, of the local highway network. This was discussed on page 12 of the TIS for the project, included as Appendix 9.2 of the DEIS.

As such, the typical evening peak hour period for the adjacent roadway network (4:00 to 6:00 PM) is not coincident with that of the campus. The morning peak period and the mid-day peak period were determined to be the most potentially critical periods for assessing impacts related to DCC traffic. Therefore, the assessment of an evening peak hour period was deemed irrelevant to the purposes of evaluating potential traffic impacts of the proposed project.

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

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

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

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

**Response 3.5-3:** Although a detailed analysis of campus-related pedestrian activity was not within the scope of the analysis, an evaluation of the “fixed-timed” pedestrian signal on Creek Road was undertaken (as described on page 11 of the TIS). The signal was found to be adequate for pedestrian safety but somewhat inefficient relative to the passage of vehicular traffic. The DEIS (see page 84) describes the proposed pedestrian connection between Lot D and the proposed soccer field on the Creek Road/Cottage Road site and recommends a pedestrian crosswalk, sidewalks, and signage to direct pedestrians appropriately. Furthermore, the siting of the proposed dormitory on the Main Campus provides direct pedestrian access to academic buildings and other facilities frequented by students, thereby reducing the potential for pedestrian/vehicular conflicts.

**Comment 3.5-4:** The DEIS indicates construction vehicles will access the site using Creek Road (page 19), which will force vehicles to make a left-turn from Creek Road to Cottage Road and could increase vehicle queues on Creek Road. Construction vehicles should be directed to use NYS Route 9G, which will allow vehicles to make right turns into the site. Using NYS Route 9G will also lessen the potential for vehicle conflicts with students crossing Creek Road from Parking Lot E. [Jennifer F. Cocozza, Dutchess County Department of Planning and Development, Letter #1, April 26, 2010, Comment F, page 2]

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

### Section 3.6 Cultural Resources

No comments received.

### Section 3.7 Utilities – Water and Wastewater

No comments received.

### Section 3.8 Community Services

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

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

**Comment 3.8-2:** The project will result in an increased demand for fire and emergency medical services. The project will add a significant number of young adults living within the fire district. The district is confident that young adults will cause the setting of false alarms due to steam from showers, sprays and aerosols, and other typical causes of false alarms. The increased risk of true fires also significantly increases due to small appliances, candles, and other fire hazards. Moreover, young adults typically consume alcohol. It is widely known that emergency medical services which serve college campuses respond frequently for alcohol consumption related

injuries/emergencies. This campus will be no different. The combined impact of this project with the other multiple projects in the area is simply too much for the fire district to handle, unless the project is mitigated by adding at least one additional person to the fire district's manpower (discussed below). [Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, Letter #2, April 26, 2010, Comment A, page 1]

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

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

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

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

**Comment 3.8-4:** (2) Any arrangement with the students to call a private ambulance service directly, thus avoiding 911 is both futile and irresponsible. Persons are taught from grade school age to call 911 in an emergency. Urging students to call another number other than 911 is dangerous. It is also unlikely that students, who call on their cell phones for most emergencies, will call any other number other than 911. [Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, Letter #2, April 26, 2010, Comment C, page 2]

**Response 3.8-4:** The commenter represents an alternative provider and does not raise a SEQRA issue. The agreement with Transcare does not require the students to call a number other than 911. Rather, 911 calls made from the College will be received at central dispatch, and then will be routed to Transcare.

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

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

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

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

**Comment 3.8-7:** (5) The college asserts that it is "open to future negotiations with the FFD to renegotiate a mitigation agreement". Being "open" to such a meeting is not mitigation. Moreover, despite the fact that the attorney for the fire district requested a meeting with the college, the college failed and perhaps refused to schedule a meeting. The college has not shown any willingness to enter into an agreement to mitigate any issues, though the district again makes such a request. Such mitigation might include a permanent agreement to pay for the cost of at least one additional firefighter/EMT, per year. Adding this firefighter/EMT permits the ambulance to treat a patient while leaving three (as opposed to the present two) firefighters remaining to staff a fire engine. This cost is projected at \$135,000 per year. Without providing at least this amount to the fire district, the fire district is unable to lessen the impact of losing two firefighter/EMTs to a medical emergency at the campus. [Bradley M. Pinsky, Scicchitano & Pinsky, PLLC, Letter #2, April 26, 2010, Comment F, page 2]

**Response 3.8-7:** The comment is not accurate, in that it asserts that there were no meetings, but as another comment notes, there was an agreement reached between the District and DCC, which, of course, was reached through the entities meeting with each other. DCC has in fact proposed two contracts, with the Fire District and Transcare. The District has continually increased its demands, now at \$135,000 for a 465-bed project, which far exceeds the \$120,000 Marist voluntarily donates for 4,000 beds. Since the record does not support that any mitigation is required for a small increase in resident student population (coupled with a decreased in traffic trips) – a population already served by the District – no mitigation is required.

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

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

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

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

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

**Response 3.8-10:** Please see Responses 3.8-4 and 3.8-5 above.

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

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

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

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

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

And I think there are some classes that are being offered over the Putnam line to gain access to people down south. I think that type of element and that type of people up here would create problems. Quite frankly, I think that people would come up here, that couldn't afford a four-year school, to take a two-year program. And quite frankly, a lot of people do anyway, because they see it as a stepping stone to make sure they can – they will make it through that four-year plan. I think a lot of people will come up from down south, Westchester, Manhattan, Long Island, that can't go to Marist, quite frankly, or Vassar, and be here for two years. And I think

our police force will be overwhelmed, not only just our fire but our police as well. [Bob Gorman, Public Hearing Transcript, page 13-15]

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

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

No comments received.

## Alternatives (DEIS Section 5.0)

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

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

## **Irreversible and Irretrievable Commitment of Resources (DEIS Section 6.0)**

No comments received.

## **Growth Inducing Aspects (DEIS Section 7.0)**

No comments received.

## **Effects on the Use and Conservation of Energy Resources (DEIS Section 8.0)**

No comments received.

Appendix A April 13, 2010 Public Hearing Transcript

**COPY**

DUTCHESS COMMUNITY COLLEGE

---

Public Comment Re:

DUTCHESS COMMUNITY COLLEGE

PROPOSED STUDENT HOUSING PROJECT

DRAFT ENVIRONMENTAL IMPACT STATEMENT

---

April 13, 2010

6:00 p.m.

Hall Theatre

Poughkeepsie NY

BEFORE:

THOMAS LeGRAND, Board Chair

DR. DAVID CONKLIN, President

VINCENT DiMASO, Trustee

JOHN DUNN, Dean of Administration

RICHARD CHAZEN, Chazen Companies

MELISSA JOHANNESSEN, Chazen Companies

MICHAEL McCORMACK, LMV Architects

REPORTED BY: KAREN SCHMIEDER, CSR, RDR

1                   MR. LeGRAND: Good evening,  
2                   ladies and gentlemen. I'm Tom  
3                   LeGrand. I'm the Chairman of the  
4                   Board of Dutchess Community College.  
5                   On behalf of myself and my fellow  
6                   trustees and the distinguished members  
7                   of the panel here, we'd like to  
8                   welcome you to Dutchess Community  
9                   College this evening.

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

18                   Please note that questions  
19                   or comments will not be answered or  
20                   addressed tonight. Rather, all  
21                   substantive comments made at this  
22                   hearing and submitted in writing will  
23                   be addressed within the Final  
24                   Environmental Impact Statement.

1                   A stenographer will be  
2                   transcribing all comments made tonight  
3                   at the hearing, and the transcript  
4                   will become part of the Final  
5                   Environmental Impact Statement as an  
6                   appendix.

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

17                  After the conclusion of the  
18                  public review period on April 26th, an  
19                  FEIS will be prepared. Once it is  
20                  finalized, it will be made available  
21                  for public review for a period of at  
22                  least ten days. After which a  
23                  statement of findings will be  
24                  prepared, and the SEQRA process will

1 be concluded.

2 If you would like to speak  
3 tonight, please add your name to the  
4 signup sheet that is located on the  
5 table next to the podium. Names will  
6 be called in order, and when your name  
7 is announced please come to the podium  
8 and state your name and address before  
9 speaking. Also, please spell your  
10 last name slowly for the stenographer.  
11 Please limit your comments to no more  
12 than three minutes. At the end of  
13 three minutes, I will remind you that  
14 your allotted time has expired.  
15 However, if you have additional  
16 comments to make, you may submit them  
17 in writing to Mr. Dunn prior to April  
18 26th.

19 We also ask that you refrain  
20 from repeating comments made by  
21 previous speakers. And thank you for  
22 attending.

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

1 MR. ED KELLOGG: Good  
2 evening. I'm Ed Kellogg. I'm a  
3 resident in the Town of Poughkeepsie  
4 for -- I don't know, 25 years. And  
5 I'm here as a representative of  
6 Kirchoff & Cerniglia Construction  
7 Management in Pleasant Valley.

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

17 We have about 200 employees,  
18 most of which live in Dutchess County,  
19 some of which are graduates of the  
20 college, including Joe. You know, I  
21 think it's very important that the  
22 school thrive. It is very much part  
23 of our cultural, educational and  
24 economic force here. And by the

1 college reinvesting in the campus here  
2 and providing this wonderful  
3 opportunity for students, I think it  
4 keeps them in pace with other  
5 community colleges throughout New York  
6 State. Our community college is just  
7 phenomenal and might set the bar for  
8 what you can do for residences. It  
9 keeps kids at home; hopefully they  
10 will stay here. It keeps people in  
11 the community. A lot of people  
12 sitting up here and a lot of people  
13 who I serve on boards with who are  
14 graduates of the college who have  
15 brought a lot of quality back into the  
16 fabric.

17 It is a very significant  
18 project. It will be wonderful if this  
19 were approved. And regardless of  
20 which firm got the work, it's very  
21 appealing to many of our local  
22 contractors here and subcontractors  
23 here, regardless of whether you're  
24 union or non-union, or prevailing

1 wages. No matter what it is, it is  
2 important for everyone. And I think  
3 for permanent employment as well, it  
4 sounds like to me that it will provide  
5 maybe not a tremendous amount of, but  
6 enough service oriented jobs and make  
7 the employment base of the college  
8 even more stable.

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

15 Thanks very much.

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

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

21 COMMISSIONER GEPHARD: Thank  
22 you. My name is Commissioner Bob  
23 Gephard, G-E-P-H-A-R-D. And Chief  
24 Galante is expressing his --

1           unfortunately, he had to go off on a  
2           fire call. He was going to be the  
3           speaker tonight, so I am substituting  
4           for him.

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

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

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

23                        MR. LeGRAND: Thank for your  
24          comments, Mr. Gephard.

1 Next will be Jim Doxsey.

2 Jim.

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

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

18 We had talked about earlier  
19 about the statistics, when the  
20 statistics were given to the New York  
21 State Commissioner Peter Granis on the  
22 EIS statement, in my opinion I believe  
23 that there were some misleading  
24 remarks on that statement. And it

1           also stated that in the past that you  
2           have an agreement with the Fairview  
3           Fire District in reference to payment.  
4           That reference was null and void,  
5           because you had stipulated a given  
6           date that the dorms had to be built.  
7           So there is no agreement in place  
8           currently. And I believe that by  
9           mis-informing or potentially  
10          misleading the New York State into  
11          thinking that there is an agreement in  
12          place might have been a driving factor  
13          for you being able to receive the lead  
14          agency status.

15                   I believe by giving that  
16          misled information, both verbal and  
17          written, which is why you have  
18          received the go-ahead on this project,  
19          the negative cumulative impacts have  
20          not been addressed. You have not met  
21          with town officials on a regular  
22          basis. You certainly have not met  
23          with the Commissioner nor the Chief of  
24          the Fairview Fire District. You have

1 not met with multiple elected  
2 officials to bring forward what the  
3 cumulative -- whether they positive or  
4 negative -- impacts. And by  
5 misleading the public into thinking  
6 that you have done so, I think you're  
7 doing an injustice to the college, the  
8 community and the residents that it  
9 supports.

10 Thank you for your time.

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

13 Gary Lindstrom.

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

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

24 There's been negative

1           comments made about traffic impact;  
2           there will be a traffic impact to this  
3           area to have the residences here. But  
4           I think it is just the opposite. In  
5           that now there's been students that I  
6           know of that live in places like  
7           Wingdale and commute here, which  
8           really makes for traffic. But for the  
9           student it is a lot of costs, both in  
10          dollars and time, in commuting to  
11          commute to college. Even though it is  
12          still in Dutchess County, it is a long  
13          commute. Then there's other students  
14          that rent housing in the city or town  
15          of Poughkeepsie or in this area but  
16          off campus. And of course, they are  
17          commuting on and off the campus on a  
18          regular basis. So I think if those  
19          people resided right here in housing  
20          on site, it would really cut down on  
21          traffic in the area, rather than  
22          increase it, as some have proposed.

23                        So in that overall, I'm in  
24          favor of the housing going forward.

1 MR. LeGRAND: Thank you very  
2 much for your comments.

3 Next, Bob Gorman.

4 MR. BOB GORMAN: Thank you.  
5 Bob Gorman, 15 Hawkin Street,  
6 G-O-R-M-A-N.

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

15 I feel our resources -- and  
16 we have already spoken on the fire  
17 resources being strained, but now I  
18 want to speak to the police resources.  
19 I would encourage the college to talk  
20 to the town police and ask their input  
21 as to the impact of putting 460  
22 students here. Not only Dutchess  
23 County residents, but I believe these  
24 residents will come from Putnam County

1 and further south, as in Sullivan  
2 Community College. That police force  
3 out there has a lot of problems. That  
4 staff has a lot of problems with  
5 people coming in from outside their  
6 local community.

7 And I would agree, that if  
8 these dorms would serve Dutchess  
9 County residents, I would agree that  
10 might be a good idea. However, I  
11 don't think that's really the input  
12 here. And I think there are some  
13 classes that are being offered over  
14 the Putnam line to gain access to  
15 people down south. I think that type  
16 of element and that type of people up  
17 here would cause problems. Quite  
18 frankly, I think that people would  
19 come up here, that couldn't afford a  
20 four-year school, to take a two-year  
21 program. And quite frankly, a lot of  
22 people do anyway, because they see it  
23 as a stepping stone to make sure they  
24 can -- they will make it through that

1 four-year plan.

2 I think a lot of people will  
3 come up from down south, Westchester,  
4 Manhattan, Long Island, that can't go  
5 to Marist, quite frankly, or Vassar  
6 and be here for two years. And I  
7 think our police will be overwhelmed,  
8 not only just our fire but our police  
9 as well.

10 So I would like to see as  
11 part of the SEQOR process a community  
12 impact statement and have those items  
13 addressed by the police chief himself.

14 Thank you.

15 MR. LeGRAND: Thank you.

16 Virginia Buechele.

17 MS. VIRGINIA BUECHELE:

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

21 I have reviewed your Draft  
22 Environmental Impact Statement, most  
23 specifically as it pertains to  
24 community services and to the

1 information that was provided therein  
2 regarding the Fairview Fire District.  
3 Your Draft Environmental Impact  
4 Statement does not address the  
5 projected increase in fire alarms with  
6 the projected 465-bed dormitory rooms.  
7 It only addresses, in my opinion,  
8 emergency medical services, and it is  
9 woefully insufficient in that regard  
10 also.

11 First quarter of 2010 showed  
12 a 13.5 percent increase in the overall  
13 calls of the Fairview Fire District  
14 over 2009; a 27 percent increase  
15 between the first quarter of 2009 and  
16 the first quarter of 2010 in Dutchess  
17 Community College calls.

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

1           911, and Fairview will be dispatched.  
2           If you think Trans Care is going to  
3           station an ambulance on your college  
4           grounds 24/7, I think you're sadly  
5           mistaken. All you have to do is  
6           listen to your scanner, and you will  
7           hear the number of times that either  
8           Trans Care, Mobile Life or Northern  
9           Dutchess Paramedics has no ambulances  
10          available.

11                         Anyone who does not believe  
12          the number of fire alarms with  
13          dormitories will not increase is sadly  
14          mistaken. All you have to do is look  
15          around you, at Marist, Vassar and  
16          Bard. There will be automatic fire  
17          alarms. There will be CO detector  
18          alarms. There will be steam from  
19          showers. There will be cooking on hot  
20          plates, whether you allow them or not.  
21          There will be hair spray sprayed into  
22          detectors. There will be body spray  
23          sprayed into detectors. There will be  
24          pranksters, and there will be

1 tampering. Don't be blind.

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

7 MR. LeGRAND: Thank you for  
8 your comments.

9 Yes, sir.

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

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

17 MR. SALA: I'll sign it.

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

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

24 MR. LeGRAND: Will you state

1 your name, sir.

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

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

14 What Mr. Kirchoff said this  
15 evening is true, and I agree with  
16 that. But listen to the other part,  
17 where I don't agree. I'm 82 years  
18 old, and I pay more tax in the Town of  
19 Poughkeepsie than any other fire  
20 district. So I think it is important  
21 that you, some way or another, satisfy  
22 that I don't have to pay more taxes  
23 for this project that Mr. Kirchoff  
24 thinks is a good project. I think it

1 is a good project too. But you have  
2 to look and see what it is going to  
3 cost these people in the Fourth Ward.

4 I was a Councilman of this  
5 ward and I was a temp supervisor of  
6 the this ward, and there are people in  
7 this Fourth Ward that eat one egg a  
8 day because they can't afford two.  
9 You hear me? They eat one egg a  
10 day -- not two -- because they can't  
11 pay the taxes. And don't tell me that  
12 this project, as good as it is, is not  
13 going to cause our taxes to go up. So  
14 someplace in this impact statement,  
15 listen to Virginia and listen to Bob  
16 and listen to these people that this  
17 could be detrimental for the taxpayers  
18 in the Fourth Ward in the Town of  
19 Poughkeepsie.

20 Thank you for the  
21 opportunity to be here.

22 MR. LeGRAND: Thank you, Mr.  
23 Sala.

24 Okay, at this time is there

1 any further comment from any member of  
2 the public that's here this evening?

3

4

(No response).

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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

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

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

\* \* \* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

C E R T I F I C A T I O N

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

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



KAREN SCHMIEDER, CSR, RMR  
Registered Diplomat Reporter

<b>A</b>	asking 18:4	7:14	15:24 16:17	17:23	7:7
ability 22:12	attending 4:22	9:11 10:22	commute 12:7	detrimental	encourage 13:19
able 10:13	21:13	18:14	12:11,13	20:17	environmental
above-captioned	automatic 17:16	Certificate 22:5	commuting	dialing 16:22	1:6 2:14,15,24
21:16	available 3:20	Certified 22:4	12:10,17	DiMASO 1:15	3:5 15:22 16:3
academic 13:9	17:10	certify 22:6	Companies 1:17	Diplomate 22:19	especially 7:11
accepted 21:11	Avenue 9:5	Chair 1:13	1:18	discussion 8:21	evening 2:1,9
access 14:14	<b>B</b>	Chairman 2:3	complex 5:10	dispatch 16:20	4:24 5:2 8:5
accurate 22:11	B 15:18	Chazen 1:17,17	complexity 8:13	dispatched 17:1	9:4 19:15 21:2
add 4:3	back 6:15	1:18	concerns 8:14	distinguished	21:13
additional 4:15	bar 6:7	chief 7:23 10:23	concluded 4:1	2:6	everybody 5:10
21:7	Bard 17:16	15:13	21:17	district 8:6 10:3	21:9
address 4:8 16:4	base 7:7	choice 7:12	CONCLUSION 3:17	10:24 16:2,13	expired 4:14
addressed 2:20	basis 10:22	choose 3:7	CONKLIN 1:14	19:20	expressing 7:24
2:23 10:20	12:18	city 12:14	consideration	document 8:12	<b>F</b>
15:13	begging 18:4,5	classes 14:13	8:12	doing 11:7	F 22:1
addresses 16:7	behalf 2:5 8:6	close 7:13 21:8	construction 5:6	dollars 12:10	fabric 6:16
addressing 8:17	believe 9:22 10:8	Codes 16:18	5:11	dormitories	factor 10:12
Administration	10:15 13:13,23	college 1:1,4 2:4	content 2:13	17:13	Fairview 7:20
1:16 3:14	17:11	2:9 3:15 5:20	continued 8:21	dormitory 16:6	10:2,24 16:2
afford 14:19	beneficial 11:18	6:1,6,14 7:7	contractors 6:22	dorms 10:6 14:8	16:13 17:1
20:8	best 22:11	8:19 11:7,18	cooking 17:19	18:5	favor 11:17
agency 10:14	blind 18:1	11:20 12:11	cost 20:3	Doxsey 9:1,3,4	12:24
ago 9:9	Board 1:13 2:4	13:19 14:2	costs 12:9	11:12	fear 9:7
agree 14:7,9	8:7 19:7	16:17 17:3	Councilman	DR 1:14	feel 13:15
19:15,17	boards 6:13	colleges 6:5	20:4	Draft 1:6 2:13	feelings 19:8
agreement 10:2	Bob 7:19,20,22	college's 13:9	County 5:18	8:9 15:21 16:3	FEIS 3:12,19
10:7,11	13:3,4,5 20:15	come 4:7 13:24	12:12 13:10,23	driving 10:12	fellow 2:5
alarm 16:19	body 17:22	14:19 15:3	13:24 14:9	Dunn 1:16 3:13	Field 2:17
alarms 16:5	boy 15:18	18:12	course 12:16	4:17	Final 2:23 3:4
17:12,17,18	bring 11:2	coming 14:5	Court 15:19	Dutchess 1:1,4	2:4,8 3:14 5:18
Albany 5:12	brought 6:15	commended	CSR 1:24 22:18	2:4,8 3:14 5:18	12:12 13:10,22
allotted 4:14	Buckingham 9:5	19:7	cultural 5:23	14:8 16:16	14:8 16:16
allow 17:20	Buechele 15:16	comment 1:3 8:9	cumulative	17:9	17:9
ambulance 17:3	15:17,18	21:1,7	10:19 11:3		
ambulances 17:9	built 10:6	comments 2:11	currently 10:8	<b>E</b>	
amount 7:5	<b>C</b>	2:19,21 3:2,9	curtail 9:11	E 22:1	8:17 10:3,24
announced 4:7	C 22:1,1	3:10,12 4:11	cut 12:20	earlier 9:18	13:16 15:8
answered 2:19	call 8:2 16:24	4:16,20 8:14		eat 20:7,9	16:2,5,13
Anybody 18:14	called 4:6	8:24 9:12,13	<b>D</b>	economic 5:24	17:12,16 19:19
18:18	calls 16:13,17	11:12 12:1	date 10:6	Ed 4:24,24 5:1,2	firm 5:8 6:20
anyway 8:5	campus 6:1	13:2 18:8	DAVID 1:14	educational 5:23	first 4:23 16:11
14:22	Care 17:2,8	21:10	day 20:8,10	egg 20:7,9	16:15,16
appealing 6:21	case 16:23,24	Commissioner	22:15	EIS 8:9 9:22	first-class 11:21
appendix 3:6,11	14:17	7:19,21,22	days 3:22 7:12	either 17:7	force 5:24 14:2
appreciate 13:8	20:13	9:21 10:23	DC 16:24	element 14:16	foregoing 22:10
approved 6:19	cell 16:22	Commissioners	deadline 8:15	elected 11:1	forward 8:15,21
April 1:8 3:10	central 5:13	8:7	Dean 1:16 3:14	element 14:16	11:2 12:24
3:18 4:17 8:15	16:20	community 1:1,4	department 7:20	emergency 16:8	Fourth 20:3,7,18
21:11 22:16	Cerniglia 5:6	2:4,8 3:15 6:5	8:18	16:23	four-year 14:20
Architects 1:19	certainly	6:6,11 8:19	depend 18:3	employed 5:16	15:1
area 5:13 12:3		11:8 13:12,14	detector 17:17	employees 5:17	frankly 14:18,21
12:15,21		14:2,6 15:11	detectors 17:22	employment 7:3	15:5
					further 14:1

21:1	17:19	7:11 12:6	1:19	7:6	20:19
<b>G</b>	housing 1:5 2:16	knowledge	minutes 4:12,13	outside 14:5	pranksters
gain 14:14	8:10 11:17	22:12	9:10	overall 12:23	17:24
Galante 7:24	12:14,19,24	knows 5:10	misleading 9:23	16:12	prepared 3:19
Gary 11:13,14	<b>I</b>	<b>L</b>	10:10 11:5	overwhelmed	3:24
11:14	idea 14:10 16:20	ladies 2:2	misled 10:16	15:7	President 1:14
gentlemen 2:2	impact 1:6 2:14	lead 10:13	mistaken 17:5	<b>P</b>	3:13
Gephard 7:19	2:24 3:5 12:1,2	LeGRAND 1:13	17:14	pace 6:4	prevailing 6:24
7:21,23 8:24	13:12,14,21	2:1,3 7:16 8:23	mis-informing	panel 2:7	prevent 16:21
given 9:20 10:5	15:12,22 16:3	11:11 13:1	10:9	paper 19:10	previous 4:21
giving 10:15	20:14	15:15 18:7,12	Mobile 17:8	paramedics 17:9	primarily 5:15
go 8:1 15:4	impacts 2:15	18:18,24 20:22	months 9:9	part 3:4 5:22	prior 4:17
16:24 20:13	10:19 11:4	Life 17:8	multiple 11:1	13:11 15:11	problems 14:3,4
going 5:12 8:2	important 5:21	life-safety 8:17	<b>N</b>	19:16	14:17
9:9,11,15,16	7:2 19:20	limit 4:11 9:10	N 22:1	parties 2:13	proceedings
12:24 16:21	importantly 7:9	Lindstrom 11:13	name 4:3,6,8,10	pay 19:18,22	22:8
17:2 18:23	included 3:11	11:14,15	7:22 9:4 19:1,2	20:11	process 3:24
19:5 20:2,13	including 5:20	line 14:14	Names 4:5	payment 10:3	15:11
good 2:1 5:1,11	increase 12:22	listen 17:6 19:16	negative 10:19	Pendell 3:15	program 14:21
8:5 9:3 11:22	16:5,12,14	20:15,15,16	11:4,24 13:13	people 5:16 6:10	programs 13:9
14:10 19:24	17:13	live 5:18 9:5	New 3:16 5:13	6:11,12 12:19	project 1:5 2:16
20:1,12	information	12:6	6:5 9:6,20	14:5,15,16,18	6:18 10:18
Gorman 13:3,4	10:16 16:1	lives 18:2,2,6	10:10 16:18	14:22 15:2	19:11,23,24
13:5	injustice 11:7	LMV 1:19	nice 21:13	20:3,6,16	20:1,12
go-ahead 10:18	input 13:20	local 6:21 14:6	non-union 6:24	percent 16:12,14	projected 16:5,6
graduates 5:19	14:11	located 4:4	Northern 17:8	period 3:18,21	proposed 1:5
6:14	insufficient 16:9	long 12:12 15:4	Notary 22:5	permanent 7:3	2:16 8:10
Granis 9:21	interested 2:12	look 8:15,20	note 2:18	pertains 15:23	12:22
great 7:10	Island 15:4	17:14 20:2	noted 22:9	Peter 9:21 19:2	provide 7:4,14
grounds 17:4	issues 8:18	looking 5:14	null 10:4	19:3	provided 16:1
G-E-P-H-A-R-D	items 15:12	lot 6:11,12,15	number 17:7,12	phenomenal 6:7	provides 7:10
7:23	<b>J</b>	12:9 14:3,4,21	NY 1:11	phones 16:22	providing 6:2
G-O-R-M-A-N	Jim 9:1,2,3,4	15:2	<b>O</b>	place 10:7,12	public 1:3 2:10
13:6	job 11:23	L-I-N-D-S-T-...	O 22:1	22:9	2:12 3:18,21
<b>H</b>	jobs 7:6	11:15	obviously 5:8	places 12:6	9:14 11:5 21:2
hair 17:21	Joe 5:20	<b>M</b>	offer 8:8	plan 15:1	21:8,16 22:6
half 9:10 19:12	JOHANNES...	Management	offered 14:13	plates 17:20	purpose 2:10
Hall 1:10	1:18	5:7	officials 10:21	Pleasant 5:7	Putnam 13:24
hand 22:15	John 1:16 3:13	Manhattan 15:4	11:2	please 2:18 4:3,7	14:14
Hawkin 13:5	jointly 8:16	manner 11:21	Okay 4:23 20:24	4:9,11	putting 13:21
heading 22:9	<b>K</b>	Marist 15:5	old 19:18	podium 4:5,7	p.m 1:9 21:17
hear 17:7 20:9	Karen 1:24 22:3	17:15	Once 3:19	point 21:7	<b>Q</b>
hearing 2:11,22	22:18	matter 7:1 8:22	open 8:21 18:13	police 13:18,20	quality 6:15
3:3 9:14 18:13	keep 5:15	McCORMACK	18:20	14:2 15:7,8,13	quarter 16:11,15
18:19 21:8,16	keeps 6:4,9,10	1:19	opinion 9:22	positive 11:3	16:16
hereof 22:9	Kellogg 4:24 5:1	medical 16:8,23	16:7	potential 2:15	questions 2:18
hereunto 22:15	5:2 7:17	MELISSA 1:18	opportunity 3:9	potentially 10:9	quite 14:17,21
hesitation 11:22	kids 6:9 7:11	member 21:1	6:3 7:10 8:8	19:9	15:5
hold 9:14	Kirchoff 5:6	members 2:6	18:15,22 20:21	Poughkeepsie	<b>R</b>
home 6:9 7:13	19:14,23	met 10:20,22	opposite 12:4	1:11 3:16 5:3	R 22:1
hopefully 6:9	know 5:4,20	11:1	order 4:6	9:6 12:15	raised 19:9
hot		MICHAEL	oriented	15:20 19:4,19	RDR

1:24	rooms 16:6	specifically	<b>T</b>	traffic 12:1,2,8	<b>WITNESS</b> 22:14
really 12:8,20		15:23	T 22:1,1	12:21	woefully 16:9
14:11	<b>S</b>	spell 4:9	table 4:5	Trans 17:2,8	wonderful 6:2
receive 2:11	sadly 17:4,13	spoken 13:16	take 14:20	transcribing 3:2	6:18
10:13	Sala 18:10,17,21	spray 17:21,22	talk 13:19	transcript 3:3	work 5:14 6:20
received 10:18	19:2,3,11	sprayed 17:21	talked 9:18	22:10	working 8:16
recorded 22:7	20:23	17:23	tampering 18:1	tremendous 7:5	writing 2:22
redundant 9:7	satisfy 19:21	stable 7:8	tax 19:8,18	true 9:14 19:15	4:17
9:17	scanner 17:6	staff 14:4	taxes 19:22	22:10	written 3:9,10
reference 10:3,4	Schmieder 1:24	state 4:8 6:6	20:11,13	Trustee 1:15	3:12 8:14
refrain 4:19	22:3,18	9:21 10:10	taxpayers 20:17	trustees 2:6	10:17 21:10
regard 16:9	school 5:22	16:18 18:24	tell 20:11	truth 19:13	
regarding 16:2	14:20	stated 10:1	temp 20:5	try 9:17	<b>Y</b>
regardless 6:19	scope 9:12	statement 1:6	ten 3:22	two 15:6 20:8,10	years 5:4 15:6
6:23	see 11:19 14:22	2:14,24 3:5,23	thank 4:21 7:16	two-year 14:20	19:4,17
<b>Registered</b>	15:10 20:2	9:22,24 15:12	7:21 8:7,20,22	type 14:15,16	<b>York</b> 3:16 5:13
22:19	Seeing 21:6	15:22 16:4	8:23 11:10,11		6:5 9:6,20
regular 10:21	sent 3:13	20:14	13:1,4 15:14	<b>U</b>	10:10 16:18
12:18	SEQR 13:11	statements 9:8	15:15 18:6,7	unfortunately	
reinvesting 6:1	15:11	station 17:3	18:21 20:20,22	8:1	<b>1</b>
reiterate 9:16	SEQRA 3:24	statistics 9:19,20	21:12	union 6:24	12601 3:16
Relocation 2:17	serve 6:13 14:8	status 10:14	Thanks 7:15	U-E-C-H-E-L-E	13 1:8
remarks 9:24	service 7:6	stay 6:10 7:13	Theatre 1:10	15:19	13.5 16:12
remind 4:13	services 15:24	steam 17:18	thing 11:18		15 13:5
21:9	16:8	stenographer	think 5:21 6:3	<b>V</b>	
rent 12:14	set 6:7 22:15	3:1 4:10	7:2,11 11:6,17	Valley 5:7	<b>2</b>
repeating 4:20	sheet 4:4 18:16	stenographical...	12:4,18 14:11	Vassar 15:5	200 5:17
<b>REPORTED</b>	Shorthand 22:4	22:7	14:12,15,18	17:15	2009 16:14,15
1:24	showed 16:11	stepping 14:23	15:2,7 17:2,4	verbal 10:16	2010 1:8 16:11
Reporter 22:4	showers 17:19	stipulated 10:5	19:12,20,24	Vice 3:13	16:16 21:11
22:19	sign 18:10,13,15	stone 14:23	thinking 10:11	VINCENT 1:15	22:16
representative	18:17	strained 13:17	11:5	Virginia 15:16	21st 22:15
5:5	significant 6:17	Street 13:5	thinks 19:24	15:17,18 20:15	24/7 17:4
require 16:19	signup 4:4	student 1:5 2:16	THOMAS 1:13	void 10:4	25 5:4
resided 12:19	sir 18:9,16 19:1	8:10 12:9	three 4:12,13		26th 3:10,18
residences 6:8	site 12:20	students 6:3	9:10	<b>W</b>	4:18 8:15
12:3	sitting 6:12	12:5,13 13:22	thrive 5:22	wages 7:1	21:11
resident 5:3 19:3	skill 22:12	16:21 18:3	time 4:14 5:11	want 13:18	27 16:14
residential 5:9	slowly 4:10	subcontractors	5:15 8:12 9:9	ward 20:3,5,6,7	
residents 11:8	smaller 9:12	6:22	9:13 11:10	20:18	<b>4</b>
13:11,23,24	Soccer 2:17	submit 3:9 4:16	12:10 19:6	wasn't 18:22	460 13:21
14:9	someplace 20:14	submitted 2:22	20:24 21:9	19:5	465-bed 16:6
resources 13:15	somewhat 9:16	submitting 8:13	22:8	way 19:21	
13:17,18	sounds 7:4	substantive 2:21	times 17:7	welcome 2:8	<b>5</b>
response 21:4	south 14:1,15	substituting 8:3	told 19:7	18:19	50 19:4
review 3:18,21	15:3	Sullivan 14:1	Tom 2:2	Westchester	53 3:15
13:12	speak 3:7 4:2	supervisor 20:5	tonight 2:20 3:2	5:14 15:3	55 9:5
reviewed 8:11	11:16 13:7,18	support 5:9	3:8 4:3 8:3	we'll 21:8	
15:21	18:19,22	supported 19:11	13:8	We're 18:3	<b>6</b>
<b>RICHARD</b> 1:17	speaker 4:23	supports 11:9	town 5:3 10:21	WHEREOF	6:00 1:9
right 12:19	7:18 8:3	sure 14:23	12:14 13:20	22:14	6:26 21:17
RMR 22:18	speakers 4:21	system 16:19	15:19 19:4,18	Windsor 15:19	
Road 3:15	speaking 4:9	S-A-L-A 19:3	20:18	Wingdale 12:7	<b>7</b>
				wired 16:19	768 22:5

<hr/> <p>8</p> <hr/>					
<p>82 19:17</p>					
<hr/> <p>9</p> <hr/>					
<p>911 16:22 17:1</p>					

## Appendix B Written Comments Received on the DEIS

# 1

April 26, 2010

# Dutchess

**To: Board of Trustees of Dutchess Community College**  
**Re: SQ10-134 DCC Student Housing DEIS**

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

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

Alternative Locations

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

(A)

Length of Building

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

(B)

Traffic and Pedestrians

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

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

(C)

(D)

(E)

**Dutchess County  
Department of  
Planning and  
Development**

William R. Steinhilber  
County Executive

Kealy Salomon  
Commissioner

27 High Street  
Poughkeepsie  
New York  
12601

(845) 486-3600  
Fax (845) 486-3610



SQ10-134, DCC Student Housing DEIS; Page 2 Cont.

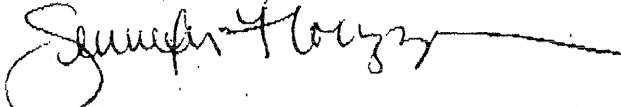
- o The DEIS indicates construction vehicles will access the site using Creek Road (page 19), which will force vehicles to make a left-turn from Creek Road to Cottage Road and could increase vehicle queues on Creek Road. Construction vehicles should be directed to use NYS Route 9G, which will allow vehicles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

F

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

Kealy Salomon, Commissioner  
Dutchess County Department of Planning and Development

By



Jennifer F. Cocozza  
Senior Planner

#2

**SCICCHITANO & PINSKY, PLLC**

**ATTORNEYS AT LAW**

5789 Widewaters Pkwy  
Syracuse, New York 13214

(315) 428-8344

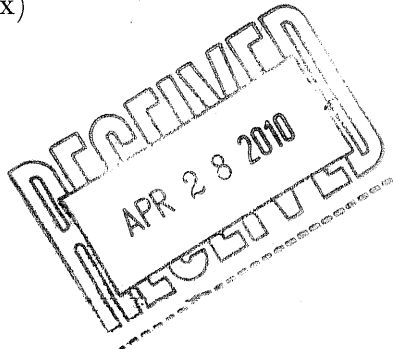
(315) 475-8230 (fax)

Gregory A. Scicchitano, Esq. \*

Bradley M. Pinsky, Esq.

\*Also Admitted in NJ and PA

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



**VIA FACSIMILE & FIRST CLASS MAIL**

**(845) 454-4026**

The Chasen Companies  
21 Fox Street  
Poughkeepsie, New York 12601

**Re: Dutchess Community College – SEQRA APPLICATION**

To whom it may concern:

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

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

A

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

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

B

- (1) The district, and not the college, is in charge of which ambulance responds to emergencies in its 911 territory. The district has appointed itself as the primary provider of Basic Life Support services. Any calls made to 911 will result in the

dispatch of Fairview Fire District's ambulance and not in any other transporting ambulance while the fire district's ambulance is available. General Municipal Law 122-b prevents a private party from entering into its own arrangement with an ambulance service in an attempt to circumvent the primary ambulance service chosen by the district. 911 will not dispatch another ambulance and is prevented from doing the same, by law.

B

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

C

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

D

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

E

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

F

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

G

Very truly yours,

SCICCHITANO & PINSKY, PLLC

By:

Bradley M. Pinsky

