



October 25, 2016

Planning Board Chairman
Members of the Planning Board
Town/Village of Harrison
Alfred F. Sulla, Jr. Municipal Building
1 Heineman Place
Harrison, NY 10528

RE: Trinity Presbyterian Church
526-530 Anderson Hill Road
Harrison, New York
Site Plan and Special Exception Use Permit

Dear Chairman and Members of the Board,

The Louis Berger Group, Inc. serves as consultant to Purchase Environmental Protective Association (PEPA) and submits the following comments on the proposed Site Plan and Special Exception Use Permit. We have provided comments during the scoping process, on the DEIS, on the FEIS, and again during the public hearing for the Planning Board's review of the Special Exception Use Permit. Below we repeat our DEIS comments that were not adequately addressed in neither the FEIS nor the SEQRA Findings Statement. We continue to recommend these concerns be resolved prior to project approval.

Comments 401 and 402: Special Event Traffic and Parking

DEIS Comments

The DEIS fails to provide any evaluation of special event traffic. Page II-11 states weddings and funerals would "typically" be held outside of peak traffic hours. Unless a binding limitation on special event hours is included in the project, the potential for significant adverse traffic impacts due to special events coinciding with peak period (not necessarily peak hour) traffic needs to be evaluated in the DEIS. If a limitation on the days/times weddings and funerals may be held is included in the project, the hours must be made explicit and included in the FEIS as a traffic mitigation measure.

The DEIS concludes parking would be adequate for special events, but this statement is unsupported by any analysis of what the special event traffic would be. The special event trip generation and parking requirements needs to be quantified to allow conclusions regarding the impact to be drawn.

Deficiency of FEIS Response

The FEIS states that the Church is only able to anticipate the frequency of weddings and funeral events based on past experience because of “the unpredictable scheduling” of such events (p. II-E-11). The FEIS states that, based on past experience, the Church hasn’t hosted any weddings, which are typically held at event facilities. Of weddings the Church has officiated, the ceremonies have all been held outside the typical weekday afternoon peak traffic hours, and funerals were held during non-peak traffic times.

This response is based on past experience of weddings and funerals at the existing Church, as opposed to any operational changes that could occur with the new facility. The response only addresses weddings and funerals and does not indicate whether any other special events that would be held at the Church would be outside peak traffic hours, such as fund raising events, concerts, etc. The response does not address special event types, descriptions, attendance, travel demand, parking demand, frequency, hours, or overlap with other Church services and/or peak hour traffic on the local network. It entirely ignores the question regarding a binding limitation on special event hours, and it does not explain why the “unpredictable scheduling” of special events could not be confined to specific days of the week and hours of the day.

Deficiency of SEQRA Findings Statement

The SEQRA Findings Statement exacerbates the issue. It repeats the FEIS Response deficiencies by stating, “It is the opinion of the Applicant that the 140 [parking] spaces are necessary to accommodate both typical and special events that would be held at the Project Site” (p. 20). Again, no analysis is provided regarding special event types, descriptions, attendance, travel demand, parking demand, frequency, hours, or overlap with other Church services or peak hour traffic on the local network. Moreover, the Findings Statement indicates that the 140 spaces are required for “both typical and special events,” thereby invalidating the typical event trip generation of 72 trips during the Sunday a.m. peak hour, upon which the entire DEIS traffic analysis based. There is no explanation why 72 peak-hour vehicles arriving at the site for a typical event would require 140 parking spaces.

Remedy: The Planning Board should require a complete response from the applicant and withhold approval until such information is provided that satisfactorily analyzes and mitigates these very important community issues. Should approval be provided upon receipt of the information, the Planning Board should stipulate a binding restriction with its approval that special events that exceed the maximum traffic volume by more than 20% be limited to off-peak hours.

Comment 404: Crash Analysis

DEIS Comment

The traffic report discussion of accident data provides no analysis or context for interpreting the number and type of accidents. This should be remedied by comparing the crash rate on the study area roadways to the statewide average crash rate for the appropriate roadway types/functional classifications. The crash analysis should be performed in accordance with NYSDOT Highway Design Manual, Chapter 5, Section 5.3.4.

Deficiency of FEIS Response

The FEIS provides only the *number* of crashes, which by itself is not a meaningful indicator of a high crash location; it is the crash rate in consideration of the traffic volume and the type of roadway. The purpose of a crash analysis is to contextualize the crash data in comparison to statewide average crash rates for other roadways with the same functional classification. The FEIS is not responsive to the request for a crash rate analysis, and does not provide an explanation of why the applicant believes such an analysis is not necessary. Instead, the FEIS simply concludes there would be no significant safety impact based on the opinion of the applicant's traffic consultant, without further substantiation or technical data.

Deficiency of SEQRA Findings Statement

Crashes are not discussed in the SEQRA Findings Statement. The requested analysis is not provided.

Remedy: We request that the Planning Board require the requisite accident analysis and withhold approval until such information is provided. Safety conditions, especially so close to a school with school events on the weekend and outside peak hours is of utmost importance.

Comment 406: Holiday Attendance

DEIS Comment

The traffic report states that counts were conducted for multiple dates in March/April 2014 at the School for the Holy Child in Rye, including Palm Sunday and Easter Sunday. The appendix to the traffic report shows Palm Sunday vehicle trips (51) are lower than average non-holiday trips (70.5) and there is no apparent difference between the number of cars on Easter vs. preceding typical Sundays. This result is not in line with what would be expected for a holiday and deserves further evaluation and discussion.

Deficiency of FEIS Response

The FEIS only partially addresses the comment, responding, "Based on the surveys the worship service on April 29, 2014 (Easter Holiday) included fewer vehicle trips, but had higher vehicle occupancy than on the preceding non-holiday Sunday services." It is true that the Easter vehicle occupancy (3.15) is higher than the non-holiday vehicle occupancy (2.62) and that approximately 30 more people attended on Easter than the non-holiday average. However, the response does not address the Palm Sunday attendance of 140 people being approximately 45 less than the non-holiday average.

The response does not address the core issue—why does the data show so little increase in church attendance on Easter Sunday (and a decline on Palm Sunday) compared to non-holidays? There could be many reasonable explanations (such as adverse weather events reducing attendance), but the FEIS fails to provide the meaningful discussion of this critical data that underpins the traffic impact analysis.

Deficiency of SEQRA Findings Statement

The Findings Statement does not address Church attendance on holidays. The questions remain unanswered.

Remedy: We request that the Planning Board require a *complete* response from the applicant and withhold approval until such information is provided that satisfactorily addresses and mitigates the impacts.

Comment 407: Shared Parking

DEIS Comment

The Final Scope of Work for the DEIS required consideration of sharing parking with the Purchase School to reduce on-site parking requirements and associated environmental impacts. Page III.E-12 of the DEIS states the proposed parking would be adequate for special events, but this statement misses the point that the objective of shared parking is to reduce the number of parking spaces needed. Table 6 in the traffic study shows that for traffic analysis purposes it is assumed that most of the time less than 20 spaces would be utilized and the peak Sunday demand of 72 parking spaces is approximately 51% of the number of spaces proposed (140). Shared parking would be particularly beneficial for special events, allowing the number of permanent parking spaces to be reduced to match the typical peak demand (e.g. approximately 72 spaces).

Deficiency of FEIS Response

The FEIS response fails to provide the consideration of shared parking to reduce on-site parking requirements for either typical or special events. It states that it is “the Applicant’s opinion that the proposed parking spaces would be adequate to handle both the typical and special events at the site” (p. II-E-21). The response cites the Zoning Ordinance minimum parking requirements.

This response ignores the purpose of exploring shared parking, which is to determine whether such shared parking would allow for a reduction in total parking built at the site in the first place. It uses “the Applicant’s opinion,” in and of itself, as justification to avoid performing analyses identified in the scoping document. Moreover, simply referring to the Zoning Ordinance does not relieve the applicant of the requirement to study shared parking under SEQRA, as the Planning Board mandated through the Final Scope of Work for the DEIS.

Deficiency of SEQRA Findings Statement

The SEQRA Findings Statement does not even mention shared parking for special events, and it does not address analysis of shared parking as required in the Final Scope of Work for the DEIS. The Findings Statement further indicates that the 140 on-site spaces are required for “both typical and special events,” thereby invalidating the trip generation of 72 trips during the Sunday a.m. peak hour, on which the entire DEIS traffic and parking analysis based (p. 20). There is no explanation why 72 vehicles arriving at the site for a typical event would require 140 parking spaces.

Remedy: We request that the Planning Board require an analysis of shared parking and withhold approval until such information is provided that satisfactorily addresses and mitigates the impacts.

Comment 410: Special-Status Species

DEIS Comment

There is no evidence of any coordination with the NYSDEC Nongame and Natural Heritage Program or the U.S. Fish and Wildlife Service regarding the special-status species that could potentially occur in the area. The discussion of special-status species in the William Kenny report is inadequate - it only provides blanket conclusions without supporting backup. The species potentially occurring in the area should be identified and the habitat requirements of each discussed to support conclusions regarding their potential presence on the project site and to confirm whether or not field surveys for specific species are needed. This should include consideration of species proposed to be listed as endangered, such as the northern long-eared bat. The northern long-eared bat can roost in crevices of both live and dead trees, and thus could be impacted by the tree removal resulting from the proposed project. The presence of special status bat species can be analyzed with acoustic surveys and mitigation measures may include limitations on the time period during which tree removal can occur. Impacts on migratory bird species should also be considered. See attached report from the USFWS Information, Planning, and Conservation System (IPAC).

Deficiency of FEIS Response

The FEIS confirms that the New York Natural Heritage Program database was reviewed with respect to the Proposed Project and that the sedge wren (*Cistothorus platensis*) is the only special status faunal species noted as potentially occurring within a half-mile radius of the Project Site. However, the lack of northern long-eared bat occurrences in NYSDEC's databases does not mean that this species does not have the potential to be present. NYSDEC makes this very clear in the disclaimers associated with the Nongame and Natural Heritage Program database. The USFWS database report attached to our DEIS comments shows that the northern long-eared bat can occur in Westchester County and its preferred habitat includes mature trees and immature trees down to 3 inch diameter. The FEIS fails to discuss the potential for the northern long-eared bat to be impacted by tree removal resulting from the proposed project. As the northern long-eared bat was listed as federally threatened in April 2015, this potential impact could be significant under SEQRA and a potential violation of the Endangered Species Act. Consequently, the applicant must be required to substantively address potential impacts to the northern long-eared bat. Without detailed surveys to determine whether or not the bat occurs in the project area, one simple method of resolving the issue would be to limit the timeframe for tree removal to times when bats are not likely to be present as determined through coordination with USFWS. This no-tree-cutting time frame is generally April 1st to October 31st.

Deficiency of SEQRA Findings Statement

The Findings Statement does not address potential impacts to the northern long-eared bat due to tree removal. No pre-construction surveys or tree removal timeframes are committed to in the document.

Remedy: We request that the Planning Board mandate that this important analysis be conducted and withhold approval until such information is provided that satisfactorily addresses and mitigates the impacts.

Comment 412: Common Species

DEIS Comment

The impact discussion on page III.B-12 focuses on the lack of special-status species on the project site, but should also acknowledge the conversion of habitat and displacement of common species that would occur as a result of the expansion in developed land on the project site. Consideration of habitat impacts under SEQRA includes, but is not limited to special status species habitat.

Deficiency of FEIS Response

The FEIS response to comments fails to address the impacts of the proposed project on common wildlife species, including loss of habitat, fragmentation of existing habitat, displacement, direct mortality during construction and as a result of increased roadway traffic during operation, and indirect effects from noise disturbance and stormwater runoff. The FEIS concludes the impacts to such species are not significant, but does not describe what the actual impacts are. Therefore there is no scientific or professional substantiation of these statements.

Deficiency of SEQRA Findings Statement

Impacts to common wildlife species—including loss of habitat, fragmentation of existing habitat, displacement, direct mortality during construction and as a result of increased roadway traffic during operation, and indirect effects from noise disturbance and stormwater runoff—are not addressed in the Findings Statement.

Remedy: We request that the Planning Board mandate that the analysis be conducted and withhold approval until such information is provided that satisfactorily addresses and mitigates the impacts.

Comment 413: Native Trees

DEIS Comment

As noted on Page III.B-13 several trees recommended for planting are non-native to the east coast (Colorado blue spruce and Douglas Fir). As the DEIS mentions the majority of trees to be removed are non-native plants, a landscaping plan is encouraged with native east coast plant species.

Deficiency of FEIS Response

Although the FEIS indicates that the Applicant is committed to providing more tree species native to the East Coast in the landscaping plan, the planting plan was not provided in the FEIS. Therefore, the public cannot confirm which species will be planted.

Deficiency of SEQRA Findings Statement

The Findings Statement states that the proposed landscape plan would include “predominantly native tree and shrub species that are non-invasive” (p. 7). It does not detail the specific species that would be planted, and no overall planting plan is provided.

Remedy: We request that the Planning Board mandate that the planting plan be provided and withhold approval until such information is provided that satisfactorily addresses and mitigates the impacts..

Comment 416: Visual Impacts to Adjoining Resources

DEIS Comment

The visual resource assessment arbitrarily considers only views from three vantage points along Anderson Hill Rd that are 325 to 470 feet from the proposed building. While the impact to views from Anderson Hill Rd. is certainly worth examining, the EIS also needs to address the view of the project site from adjacent residences. Such residences would experience a greater change in their views (the closest residence to the east of the site is less than 150 feet away) and would be more sensitive to changes in their views than travelers on Anderson Hill Rd. that would likely have a very brief view of the site. Visual impacts need to be considered during “leaf-off” conditions.

Deficiency of FEIS Response

In the FEIS, the applicant attempts to avoid presenting such an analysis based on a narrow interpretation of the scope of the aesthetic impacts under SEQRA. Specifically, the applicant asserts that based on the example questions listed in Part II of the Full EAF, there are no designated “aesthetic resource” (e.g. parks, historic sites etc.) impacted and that the Scope of Work from the DEIS required evaluation of impacts from “publicly-accessible” viewpoints only.

The DEIS is in error. The example questions in the Part II EAF are intended to assist the lead agency in deciding whether impacts are significant and should not be interpreted as a means to avoid considering legitimate impacts raised by the public during the SEQRA process. Specifically for this reason, each topic section of the Part II EAF includes a write-in “other impacts” section specifically to account for potential impacts not covered by the standard questions on the form. Regardless of their significance, the EAF does not provide the basis for ignoring visual impacts to local residences. Nothing in the SEQRA statute or regulations prohibits a lead agency from considering impacts to residences in the contexts of aesthetic impacts. Indeed, such an analysis is a common component of SEQRA EISs.

Moreover, although the Purchase Elementary School property is not designated as park land, the school’s recreational facilities are used by Town residents outside of school hours. In fact, the Town of Harrison Recreation Department uses the school’s recreational features during the summer months. The Harrison Junior Soccer League plays games at the school’s soccer fields, which are directly adjacent to the Church property.¹ The property therefore functions as a publicly accessible park, and visual impacts of the proposed Church on viewers on school grounds should be analyzed under SEQRA.

¹ Town of Harrison. Harrison Recreation 2016 Spring/Summer Programs. Available online: http://www.harrison-ny.gov/sites/harrisonny/files/file/file/2016_spring_summer_brochure_-_final_19.pdf

Deficiency of SEQRA Findings Statement

The Findings Statement does not provide analysis of photo-simulation views of the project site from adjacent residences, which are closer to the proposed building than is Anderson Road. In addition, the Findings Statement indicates that locating the proposed sanctuary “adjacent to the Purchase Elementary playing fields ... limits potential adverse impacts on neighboring residential properties,” but it does not indicate that doing so also amplifies potential impacts on the viewers from adjacent playing fields, which function as a publicly accessible park for Town residents and for the Town’s Recreation Department.

Remedy: We request that the Planning Board require that the analysis be conducted and withhold approval until such information is provided that satisfactorily addresses and mitigates the impacts.

Comment 422: Reduced Scale Alternative

DEIS Comment

The Reduced-Scale Alternative is arbitrarily defined in the DEIS to not include any changes in the size of the proposed programmed space, which is inconsistent with the scoping document and our comments during scoping. A robust analysis is needed to demonstrate why a smaller size building would not meet the objectives of the project sponsor. If a smaller building (e.g. 20% less GSF) would meet the project objectives, it needs to be analyzed and impacts disclosed for comparison to the Proposed Project.

Deficiency of FEIS Response

In response to comments in the FEIS, the applicant states “The adopted scoping document did not require a reduced footprint or floor area alternative, likely because, in the Applicant’s opinion, no potential impacts of the footprint or floor area of the proposed structure have been identified for an alternative to address.” We disagree with the assertion there are no impacts a reduced floor area alternative could address. For example, the size of the program space directly relates to the number of parking spaces required, which in turn relates to amount of stormwater treatment required and the resulting number of tree removals required. In addition, we disagree with the applicant’s interpretation of the “reduced scale alternative” requirement of the scoping document, a plain reading of this requirement would clearly require consideration of a smaller building.

SEQRA requires “a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor” (6 N.Y.C.R.R. §617.9(b)). The applicant has failed to provide any information to indicate why a smaller building could not meet its objectives.

Deficiency of SEQRA Findings Statement

The Findings Statement states that social, economic, and other essential considerations were considered for a reasonable range of alternatives (p. 27). However, the Findings Statement does not indicate what alternatives were analyzed or what impacts would result from each alternative. The Findings Statement does not address the feasibility of a reduced footprint alternative to reduce impacts.

Remedy: We request that the Planning Board require that the analysis be conducted and withhold approval until such information is provided that satisfactorily addresses and mitigates the impacts.

Comment 423: Reduced Parking Alternative

DEIS Comment

The DEIS considers a “reduced parking alternative” that reduces the number of parking spaces from 130 to 120 (a less than 8% reduction) and states that the size of the parking reduction was based on the minimum spaces to meet peak parking demand and comply with zoning parking requirements. However, page III.E-10 DEIS makes it clear that the peak parking demand is only 73 spaces and that 119 spaces are required by zoning. Thus, the zoning requirements (e.g. 1 parking spot per 40 square feet of seating area) were the controlling factor in defining the reduced parking alternative, not the peak demand. The zoning requirements for parking should not be viewed as static – the reduced parking alternative should be revised to include the minimum number of paved spaces necessary to meet peak demand taking into account assumptions about the potential growth/decline of church attendance over time. This analysis could serve as the basis for the Planning Board to approve a variance to the parking requirement for the project because it appears the number of parking spaces being provided with the current design is excessive in relation to actual demand. With respect to the issue of higher peaks in demand on holidays and special events, this could be addressed with unpaved overflow parking (as is already proposed). There is no reason to create new impervious surface for parking spots that would be used a few times per year. The parking areas are the primary cause of impacts of the project to trees (39) and associated wildlife habitat. Reduction in the parking area size would also reduce stormwater treatment area size requirements and their tree impacts (30).

Deficiency of FEIS Response

The FEIS simply states that no significant impacts have been identified and that approval would be required from the Zoning Board of Appeals to reduce the parking required. As analyzed in the FEIR, the proposed project continues to include excessive parking, and an alternative with reduced parking matching peak demand has not been analyzed. This needs to be remedied by completing an analysis of a true reduced parking alternative, including an opportunity for public review of this potentially viable alternative. As noted in our DEIS comments, reducing parking and stormwater treatment areas would substantially reduce the impacts of the project on trees (which in turn contribute to the aesthetic and community character of the project area).

Deficiency of SEQRA Findings Statement

The Findings Statement states that social, economic, and other essential considerations were considered for a reasonable range of alternatives (p. 27). However, the Findings Statement does not indicate what alternatives were analyzed or what impacts would result from each alternative. The Findings Statement does not address the feasibility of a reduced footprint alternative to reduce impacts, such as impacts to stormwater and to trees.

Remedy: We request that the Planning Board require that the analysis be conducted and withhold approval until such information is provided that satisfactorily addresses and mitigates the impacts.

Sincerely,

THE LOUIS BERGER GROUP, INC.

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Niek Veraart, AICP

Vice President

