

# Commission for Conservation of the Environment

Claude Brathwaite · Kate Fox · JonPaul Heurich · Sal LaBruna · Michael Leary · Patricia Owen · Kevin Sumner

May 2, 2005

To: Planning Board of the Town of Wallkill  
600 Route 211 East  
P.O. Box 398  
Middletown, NY 10940

Re: The Final Environmental Impact Statement for the “Golden Triangle” project

## General Comments:

The observations contained in this document should be considered additions and updates to the comments we submitted in October of 2004 on this project’s Draft Environmental Impact Statement.

## Findings:

After studying the Final Environmental Impact Statement for the Golden Triangle project, the Town of Wallkill Commission for Conservation of the Environment has found the following:

1. **Community Services:** A number of local officials have questioned the estimated number of school-age children that the proposed residential portion of the project would add to the Middletown City School District. The project sponsor has utilized a demographic multiplier for this type of land use that was developed by the Urban Land Institute. According to the ULI Web site, the membership of this organization consists of “leading property owners, investors, advisers, developers, architects, lawyers, lenders, planners, regulators, contractors, engineers, university professors, librarians, students and interns.”<sup>1</sup> This description does not indicate that ULI is a balanced, unbiased source for obtaining critical data. In Response 6-3 of the FEIS, the applicant has appropriately sought to compare their estimate to the actual numbers of students that similar projects have yielded to assuage the concerns of town and school officials. However, none of the developments listed for comparison are in the Town of Wallkill. Furthermore, they are all located in municipalities that are along or very near the New York State Thruway, a difference that might produce a substantial variation in the demographic and social characteristics of these types of developments.

---

<sup>1</sup> [http://www.uli.org/Content/NavigationMenu/AboutULI/WhoWeAre2/About\\_ULI\\_Who\\_We\\_Ar.htm](http://www.uli.org/Content/NavigationMenu/AboutULI/WhoWeAre2/About_ULI_Who_We_Ar.htm)

2. **Traffic:** The data used in the traffic study for this project was obtained during the months of January, March and April of 2003. We believe it is reasonable to assume that there is significantly less traffic on the road during the winter months, compared with traffic levels typical of the summer and holiday seasons. Consequently, we are concerned that this traffic study may not represent an accurate prediction of future traffic conditions.
3. **Stormwater Runoff:** In response to our previous comments, the applicant has included pollutant-loading calculations for stormwater discharges in an appendix to the FEIS. The project sponsor also reports that the stormwater management practices chosen for this site will result in a 59% reduction in total suspended solids (TSS) and a 66% reduction of total dissolved solids (TDS). The document does not clearly state if this represents a reduction from the developed site without stormwater controls, or compared to existing undeveloped conditions. If the reduction were based solely on the use of stormwater management practices, this would still represent an overall increase from existing conditions and should be clearly indicated. If the developed site with controls will result in a reduction compared to the undeveloped site, this calls for a detailed explanation. Furthermore, there is no discussion of the significant increase in both nitrogen (TN) and phosphorous (TP) levels in the effluent. The amount of TN will increase from 59.86 to 139.79 (no units specified, but we believe this is pounds annually). The amount of TP will increase from 3.70 to 9.78. On a percentage basis this appears to be a substantial upsurge. These two substances are strongly linked to the growth of algae blooms in many bodies of water, and in this case may represent a potential risk to Silver Lake.<sup>2</sup> The effect of this project viewed in isolation might not be significant, but the cumulative effects of this and other pending projects in the Silver Lake watershed, including some that may not have been required to comply with new stormwater regulations, are a serious concern.
4. **Commercial Development:** Although we have a few issues with Phase I of this project, at this time our primary concern with the Final Environmental Impact Statement for the Golden Triangle project is the limited amount of information available on the second development phase. The environmental impact of the commercial development is essentially limited to a statement in the second paragraph of the introduction which states, "Full build out of the project site, which is addressed generically in the DEIS because critical details are not yet known, would include a variety of commercial uses consisting of retail, office, hotel, restaurant and other related uses on approximately 74 acres of land." The proposed commercial phase of this project will expand an already existing corridor of sprawling commercial development into an area that is primarily residential, currently undergoing alarming growth, and already facing traffic issues. Massive chain stores, hotels and restaurants surrounded by acres of parking are traits often associated with auto-oriented development that is commonly referred to as sprawl.

---

<sup>2</sup> Blue-green algae are microscopic organisms found naturally in lakes, ponds, and streams. Under certain conditions, special characteristics of blue-green algae allow them to multiply faster than other types of algae and this rapid growth is called an algae bloom. Some types of blue-green algae produce toxins that are harmful to people and animals. [See appendix]

## Recommendations:

The Town of Wallkill Commission for Conservation of the Environment recommends that the Planning Board and applicant consider the following recommendations and suggestions for the proposed Golden Triangle project:

1. **Community Services:** In regard to the effect on schools, the applicant should attempt to locate similar projects within the Town of Wallkill and provide the actual numbers of school-age children currently living in those developments. Additionally, they should consider finding an alternative method of calculating the number of potential students. In our view, a formula, method or multiplier developed by a public advocacy or government sponsored organization would have more credibility than the above-mentioned multiplier based on the Urban Land Institute's handbook. We believe an investigation on this issue would give the Planning Board a more complete assessment.<sup>3</sup>
2. **Traffic:** The applicant should consult the NYSDOT publication *Guidelines for Preparing Traffic Impact Studies*, and any other relevant documents to consider the implications of gathering traffic data during certain months of the year. Additionally or alternatively, the Planning Board may wish to briefly consult with a Traffic Engineer to discuss how the timing of data collection might affect the accuracy of the traffic study.
3. **Stormwater Runoff:** The applicant should study the potential threat posed by increased levels of both nitrogen and phosphorous in the effluent, specifically whether the amounts indicated in the pollutant-loading calculations could lead to the formation of toxic algae blooms in Silver Lake. The FEIS should also clearly explain how and why the TSS and TDS would differ from existing conditions.
4. **Commercial Development:** The Conservation Commission would like the applicant to consider a number of different options for the final development phase of the site. The project sponsor has the opportunity to create a more community friendly development by taking advantage of compact building design, using smaller set-backs, locating shared parking behind buildings, and expanding a network of internal sidewalks and crosswalks. The Master Plan Review Committee is currently debating the creation of "Town Center" zoning surrounding the new Town Hall government complex which would utilize some of these principles. This area, labeled "The Mills Industrial Park" in the FEIS, is located directly across Route 17 from the Golden Triangle site and also features a Route 211-Silver Lake Scotchtown connector road (Tower Drive), like the one proposed for this project. The Golden Triangle might benefit from a similar development scheme. When this project returns to the Planning Board for site plan approvals for the second development phase, we would like the applicant to submit any preliminary sketches to the Conservation Commission in an effort to work together with this organization, the Planning Board, and the Town Engineer to create a better project for the applicant and the community.

---

<sup>3</sup> See Mr. Dulgarian and Mr. Brodsky's comments in the minutes of the public hearing: *Matter of the Application of Golden Triangle, SP/SUP & DEIS: Public Hearing* (October 20, 2004), p. 40-41

We would like to thank the Planning Board for allowing us the opportunity to evaluate this proposed project and submit our comments. We also appreciate the applicant's patience and willingness to consider these comments and recommendations.

Sincerely,

Salvatore J. LaBruna  
Chairman  
Town of Wallkill  
Conservation Commission

CC: Town Board of the Town of Wallkill  
Town of Wallkill Master Plan Review Committee

# **APPENDIX**

**New York State Department of Health, *Information Bulletin: Blue-green Algae* (2003)**

## Blue-green Algae

These questions and answers provide information to address health concerns about exposure to blue-green algal toxins in **surface waters** (lakes, rivers, streams and reservoirs).

### What are blue-green algae?

Blue-green algae, technically known as **cyanobacteria**, are microscopic organisms that are naturally present in lakes and streams. They usually are present in low numbers. Blue-green algae can become very abundant in warm, shallow, undisturbed surface water that receives a lot of sunlight. When this occurs, they can form blooms that discolor the water or produce floating rafts or scums on the surface of the water.

### What are the potential health effects from drinking or coming in contact with water containing blue-green algae?

Some blue-green algae produce toxins that could pose a health risk to people and animals when they are exposed to them in large enough quantities. Health effects could occur when surface scums or water containing high levels of blue-green algal toxins are swallowed, through contact with the skin or when airborne droplets containing toxins are inhaled while swimming, bathing or showering.

Consuming water containing high levels of blue-green algal toxins has been associated with effects on the liver and on the nervous system in laboratory animals, pets, livestock and people. Livestock and pet deaths have occurred when animals consumed very large amounts of accumulated algal scum from along shorelines.

Direct contact or breathing airborne droplets containing high levels of blue-green algal toxins during swimming or showering can cause irritation of the skin, eyes, nose and throat and inflammation in the respiratory tract.



**Surface water affected by blue-green algae often is so strongly colored that it can develop a paint-like appearance.**



**Under some environmental conditions, blue-green algae can become so abundant that they form floating rafts or scums on the surface of the water.**

Recreational contact, such as swimming, and household contact, such as bathing or showering, with water not visibly affected by a blue-green algae bloom is not expected to cause health effects. However, some individuals could be especially sensitive to even low levels of algal toxins and might experience mild symptoms such as skin, eye or throat irritation or allergic reactions.

There is less information available about the potential health effects of long-term exposure to low levels of blue-green algal toxins. Some limited evidence from human studies suggests that long-term consumption of untreated surface waters containing high levels of blue-green algal toxins could be associated with an increased risk of liver cancer. However, people in these studies also were exposed to other factors associated with liver cancer. As a result, it is unknown whether algal toxin exposure contributed to this risk.

Long-term, continuous exposure to algal toxins in the Northeast is unlikely, because blue-green algal blooms are likely to occur only during the hottest part of the summer. New York State public water supplies that use surface water sources also have operational controls to minimize the introduction of blue-green algae in drinking water.

### **How do I know if I am being exposed to blue-green algae?**

People should suspect that blue-green algae could be present in water that is visibly discolored or that has surface scums. Colors can include shades of green, blue-green, yellow, brown or red. Water affected by blue-green algal blooms often is so strongly colored that it can develop a paint-like appearance.

Unpleasant tastes or odors are not reliable indicators of blue-green algal toxins or other toxic substances, because species producing blue-green algal toxins may or may not also produce chemicals that affect the taste or odor of drinking water. Similarly, the absence of unpleasant tastes and odors does not guarantee the absence of blue-green algal toxins.

## **Avoiding exposure to blue-green algae**

**Never drink untreated surface water, whether or not algae blooms are present.** Untreated surface water may contain other bacteria, parasites or viruses, as well as algal toxins, that all could cause illness if consumed.

**People not on public water supplies should not drink surface water, even if it is treated, during an algal bloom** because in-home treatments such as boiling and disinfecting water with chlorine or UV and water filtration units do not protect people from blue-green algal toxins.

**If washing dishes in untreated surface water is unavoidable, rinsing with bottled water may reduce possible residues.** While we don't know if water containing low levels of blue-green algal toxins could leave residues on dishes, taking this precaution may help reduce possible exposures.

**People, pets and livestock should avoid contact with water that is discolored or has scums on the surface.** Colors can include shades of green, blue-green, yellow, brown or red. If contact does occur, wash with soap and water or rinse thoroughly with clean water to remove algae.

**Stop using the water and seek medical attention if needed** if symptoms such as skin, eye or throat irritation, allergic reactions or breathing difficulties occur while in contact with untreated surface waters. However, swimming, bathing or showering with water not visibly affected by a blue-green algae bloom is not expected to cause health effects.

### **Where to get more information**

NYS Department of Health  
Bureau of Toxic Substance Assessment  
ph: 800-458-1158 ext. 2-7820



NYS Department of Health  
Center for Environmental Health  
547 River Street, Troy, NY 12180