

FINAL ENVIRONMENTAL IMPACT STATEMENT

Dollar General Store

Town of Germantown, Columbia County, New York

Lead Agency:

Town of Germantown Planning Board
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Germantown, New York 12526

Applicant:

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January 9, 2018

DEIS deemed complete: August 31, 2017; Public Hearing on DEIS: September 28, 2017



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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	I-1
II. DESCRIPTION OF THE PROPOSED ACTION	II-1
III.A VISUAL AND AESTHETIC RESOURCES/VIEWSHED CONSIDERATIONS	III.A-1
III.B SOILS AND TOPOGRAPHY	III.B-1
III.C LAND USE AND ZONING	III.C-1
III.D HISTORICAL AND ARCHEOLOGICAL RESOURCES	III.D-1
III.E COMMUNITY CHARACTER AND ASSOCIATED LOCAL RETAIL SERVICES	III.E-1
IV. UNAVOIDABLE ADVERSE IMPACTS	IV-1
V. ALTERNATIVES	V-1
VI. ENERGY RESOURCES	VI-1
VII. GROWTH INDUCING IMPACT	VII-1

APPENDICES

- Appendix A SEQRA Documentation
- Appendix B Written Comments Received on DEIS
- Appendix C Public Hearing Transcript

I. INTRODUCTION

This Final Environmental Impact Statement (FEIS) provides responses to agency and public comments received by the lead agency on the Draft Environmental Impact Statement (DEIS) prepared for Dollar General, Town of Germantown, Columbia County, New York. The FEIS has been prepared in accordance with Section 8-0101, et seq of the Environmental Conservation Law and the regulations promulgated by the New York State Department of Environmental Conservation (NYS DEC) thereunder, which appear at 6 NYCRR, Part 617, New York State Environmental Quality Review Act (SEQRA).

The applicant, Primax Properties, LLC ("Applicant"), prepared a Draft Environmental Impact Statement (DEIS) in response to a Positive Declaration issued by the Town of Germantown Planning Board on April 28, 2016. A DEIS scope was established by the scoping outline developed by the Town of Germantown Planning Board, acting as lead agency, in cooperation with all other involved and interested parties. The Applicant submitted a Scoping Document on June 16, 2016, and the lead agency adopted its Scoping Document on September 20, 2016.

The DEIS was accepted as complete, and the Town of Germantown Planning Board issued a Notice of Completion for the DEIS and a Notice of SEQRA Hearing on August 31, 2017. The Planning Board conducted a public hearing on September 28, 2017. The public comment period closed on October 25, 2017. The lead agency's Notice of Completion, Legal Notice advertising the public hearing, and New York State Environmental Notice Bulletin publication are provided in Appendix A of this FEIS. The DEIS is incorporated, in its entirety, in this FEIS by reference.

Summary of the Proposed Action

The Proposed Action is for the siting and construction of a new Dollar General Store to be located on a Site within the Hamlet Commercial Zoning District and the Scenic Viewshed Overlay (SVO) District in the Town of Germantown, Columbia County, New York.

The purpose of the Project is to provide the Town of Germantown community with a general goods retail store, which it currently lacks. The Proposed Action consists of the commercial subdivision of a 6.059 acre parcel of land currently used as a wholesale/retail nursery and garden center, into two lots. A new ± 1.383 acre parcel (the "Project Site" or "Lot 1" or "Site") is proposed to be developed by the Project Sponsor under the Town's Site Plan Review regulations with a Dollar General Store, including parking areas and other site improvements. The proposed remainder of the lot, known as the Quality Garden Center, would remain unchanged (Lot 2).

The proposed small-box Dollar General retail store will be approximately 9,266 square feet and will be built consistent with the kind of development that is allowed within the Hamlet Commercial Zoning District and SVO District where the Site is located.

SEQRA Background

In accordance with SEQRA, this FEIS provides written responses to substantive and relevant comments on the DEIS received by the lead agency during the public review period, including oral comments made at the September 28, 2017 Public Hearing. Complete copies of all the written comments received on the DEIS are included in Appendix B. The transcript of the Public Hearing is provided in Appendix C.

During the course of the DEIS public comment period, the following letters on the DEIS were received. Comments were also received during the September public hearing held on the DEIS.

Table I-1 List of Letters and Transcripts Received with Comments on the DEIS			
Letter/Transcript Number	Author/Speaker	Date (prepared/received/ commented)	FEIS Location (Section and Comment Number)
Letter 1	<i>Harriet Greisser</i>	<i>September 27, 2017</i>	Section II: II-1, II-2; Section III.A: III.A-1, III.A-2, III.A-3, III.A-4, III.A-5; Section III.E: III.E-1, III.E-2.
2	<i>Peter Risafi</i>	<i>September 28, 2017</i>	Section II: II-2, II-3, II-4; Section III.A: III.A-3, III.A-4, III.A-5, III.A-6, III.A-7, III.A-8, III.A-9; Section III.C: III.C-1; Section III.E: III.E-3, III.E-4.
3	<i>Adrienne Westmore</i>	<i>September 28, 2017</i>	Section II: II-3, II-5; Section III.A: III.A-1, III.A-9, III.A-10; Section III.C: III.C-4.
4	<i>Carole Neville</i>	<i>September 28, 2017</i>	Section II: II-3, II-4, II-6, II-7, II-8, II-9, II-10, II-11; Section III.A: III.A-4, III.A-5, III.A-11, III.A-12, III.A-13; Section III.C: III.C-2, III.C-3, III.C-4, III.C-5; Section III.E: III.E-1, III.E-2, III.E-4, III.E-5, III.E-6, III.E-7; Section V: V-1, V-2.
5	<i>Jim Lewis and Dianne Young</i>	<i>September 28, 2017</i>	Section III.A: III.A-1, III.A-4, III.A-14; Section III.E: III.E-8.
6	<i>Michael Reichman</i>	<i>September 29, 2017</i>	Section II: II-3, II-4; Section III.A: III.A-2, III.A-5, III.A-6, III.A-9; Section III.C: III.C-4; Section III.E: III.E-4.
7	<i>Toni Taddeo</i>	<i>September 29, 2017</i>	Section III.E: III.E-9.
8	<i>George Fox</i>	<i>September 29, 2017</i>	Section III.A: III.A-1; Section III.E: III.E-10.
9	<i>Cynthia Reichman</i>	<i>September 29, 2017</i>	Section II: II-2; Section III.A: III.A-2, III.A-3, III.A-4, III.A-6; Section III.C: III.C-2, III.C-6.

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List of Letters and Transcripts Received with Comments on the DEIS**

Letter/Transcript Number	Author/Speaker	Date (prepared/received/commented)	FEIS Location (Section and Comment Number)
10	<i>Venencia Rubino</i>	<i>September 30, 2017</i>	Section III.E: III.E-9
11	<i>Klaudia Frizzell</i>	<i>October 1, 2017</i>	Section III.A: III.A-15; Section III.C: III.C-7; Section III.E: III.E-9.
12	<i>Nancy Delpozzo</i>	<i>October 1, 2017</i>	Section II: II-13; Section III.A: III.A-16; Section III.E: III.E-9.
13	<i>Rosemarie Meacher*</i>	<i>October 4, 2017</i>	Section III.E: III.E-11.
14	<i>Carol and Wez Lorenz</i>	<i>October 1, 2017</i>	Section III.E: III.E-12.
15	<i>Sharon Nordfors</i>	<i>October 1, 2017</i>	Section II: II-14; Section III.E: III.E-11.
16	<i>Brandi Jornov</i>	<i>October 2, 2017</i>	Section III.C: III.C-8; Section III.E: III.E-12, III.E-13.
17	<i>Louise Conklin</i>	<i>October 2, 2017</i>	Section III.E: III.E-12.
18	<i>Lauren and Erik Williams</i>	<i>October 3, 2017</i>	Section III.E: III.E-9, III.E-11, III.E-12.
19	<i>Richard Scott Freeman</i>	<i>October 3, 2017</i>	Section III.E: III.E-9, III.E-13, III.E-19.
20	<i>Dorothy Meacher</i>	<i>October 5, 2017</i>	Section III.E: III.E-12.
21	<i>Elfreda Meacher</i>	<i>October 5, 2017</i>	Section III.E: III.E-9.
22	<i>Karen Targove</i>	<i>October 9, 2017</i>	Section II: II-1, II-3, II-5, II-8; Section III.A: III.A-1, III.A-4, III.A-2, III.A-3.
23	<i>Robert and Denise Navins</i>	<i>October 10, 2017</i>	Section III.A: III.A-17; Section III.E: III.E-11.
24	<i>Graceann Lamberta</i>	<i>October 11, 2017</i>	Section III.E: III.E-11.
25	<i>Amy Jo Davison</i>	<i>October 12, 2017</i>	Section III.A: III.A-1, III.A-5; Section III.C: III.C-9; Section V: V-1.
26	<i>Kris Hoffman</i>	<i>October 12, 2017</i>	Section III.E: III.E-11, III.E-13.
27	<i>Joan Ostoyich</i>	<i>October 13, 2017</i>	Section III.E: III.E-15.
28	<i>Norman and Melanie Mintz</i>	<i>October 14, 2017</i>	Section II: II-3, II-4; Section III.A: III.A-1, III.A-4, III.A-8, III.A-9, III.A-10; Section III.E: III.E-3, III.E-16.
29	<i>Nick Lundy</i>	<i>October 17, 2017</i>	Section III.C: III.C-10.
30	<i>Kaare Christian</i>	<i>October 20, 2017</i>	Section II: II-15, II-16, II-17, II-18; Section III.A: III.A-11, III.A-18, III.A-19; Section III.B: III.B-1, III.B-2, III.B-3; Section III.C: III.C-2; Section V: V-1.
31	<i>Pamela Wallace</i>	<i>October 20, 2017</i>	Section II: II-3; Section III.A: III.A-2, III.A-3, III.A-4, III.A-5, III.A-8, III.A-11, III.A-12; Section III.C: III.C-2, III.C-4, III.C-11;

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List of Letters and Transcripts Received with Comments on the DEIS**

Letter/Transcript Number	Author/Speaker	Date (prepared/received/commented)	FEIS Location (Section and Comment Number)
			Section III.D: III.D-1; Section III.E: III.E-2, III.E-4.
32	Melinda Reichlin	October 23, 2017	Section II: II-3, II-8, II-19; Section III.A: III.A-3, III.A-4, III.A-20; Section III.B: III.B-4; Section III.E: III.E-2; Section VII: VII-1.
33	J. Nadine Rumke	October 23, 2017	Section II: II-4; Section III.A: III.A-3, III.A-5.
34	Ann Marie Gardner	October 23, 2017	Section II: II-4, II-19, II-20; Section III.A: III.A-2, III.A-4, III.A-5, III.A-21; Section III.E: III.E-3.
35	Dawn Breeze	October 23, 2017	Section II: II-3, II-4, II-23; Section III.A: III.A-2, III.A-3, III.A-4, III.A-5, III.A-6, III.A-9; Section III.C: III.C-4; Section III.E: III.E-4.
36	Rebecca Squiers (Portion of letter missing from Town scan. However, letter seems to mirror Letter 35 and will therefore be addressed in entirety).	October 23, 2017	Section III.A: III.A-2, III.A-4, III.A-23; See above locations as well.
37	Steven Wheeler	October 23, 2017	Section II: II-4; Section III.A: III.A-4, III.A-7, III.A-24, III.A-25, III.A-26; Section III.E: III.E-3, III.E-4, III.E-17, III.E-18.
38	Nadea Archbold	October 23, 2017	Section III.A: III.A-4, III.A-5, III.A-21, III.A-23.
39	Warren S. Replansky, PC	October 23, 2017	Section III.A: III.A-3; III.A-11, III.A-27, III.A-28; Section III.C: III.C-12, III.C-13; III.C-14; Section III.E: III.E-19, III.E-20; Section V: V-3.
40	Arnold Reichlin	October 24, 2017	Section II: II-8; Section III.A: III.A-23; Section III.E: III.E-2, III.E-4; Section VII: VII-1.
41	Tambra Dillon	October 24, 2017	Section II: II-19; Section III.A: III.A-23, III.A-25, III.A-26, III.A-27; Section III.E: III.E-3, III.E-17.
42	Gladys Thomas	October 24, 2017	Section III.A: III.A-2, III.A-5; Section III.E: III.E-2.
43	Kiri Millburn	October 24, 2017	Section II: II-8; Section III.A: III.A-2, III.A-4, III.A-9, III.A-25.

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Letter/Transcript Number	Author/Speaker	Date (prepared/received/commented)	FEIS Location (Section and Comment Number)
44	<i>Valerie Shaff</i>	<i>October 24, 2017</i>	Section III.A: III.A-4; Section III.C: III.C-9.
45	<i>Nan Eliot (Submitted article)</i>	<i>October 24, 2017</i>	
46	<i>Dawn Tsien</i>	<i>October 25, 2017</i>	Section II: II-3, II-4; Section III.A: III.A-1, III.A-3, III.A-26, III.A-27; Section III.C: III.C-4; III.E: III.E-6.
47	<i>Melora Kuhn</i>	<i>October 25, 2017</i>	Section III.A: III.A-21; Section III.E: III.E-6.
48	<i>Maude and Kevin Burns</i>	<i>October 25, 2017</i>	Section II: II-19; Section III.A: III.A-4, III.A-5, III.A-20; Section III.E: III.E-2.
49	<i>John Myers</i>	<i>October 25, 2017</i>	Section III.E: III.E-11, III.E-14.
50	<i>Barbara Ericson</i>	<i>October 21, 2017</i>	Section III.E: III.E-11.
51	<i>Katherine Lilliestiema</i>	<i>October 25, 2017</i>	Section II: II-4, II-8; Section III.A: III.A-5; Section III.E: III.E-2.
52	<i>Gila and Andrew Alter</i>	<i>October 25, 2017</i>	Section III.A: III.A-4, III.A-5, III.A-20, III.A-21, III.A-29, III.A-30.
53	<i>Tony Albino</i>	<i>October 25, 2017</i>	Section II: II-3; Section III.A: III.A-1, III.A-2, III.A-4, III.A-6; Section III.C: III.C-4; Section III.E: III.E-4.
54	<i>Andrew Clark</i>	<i>October 25, 2017</i>	Section II: II-3, II-4, II-21; Section III.A: III.A-2, III.A-5, III.A-20; Section III.B: III.B-5; Section III.E: III.E-2, III.E-4, III.E-6, III.E-17.
55	<i>Leo Wurtzburger</i>	<i>October 25, 2017</i>	Section II: II-22; Section III.A: III.A-4, III.A-31; Section III.C: III.C-2, III.C-15; Section V: V-3.
56	<i>Nicole Carroll</i>	<i>October 25, 2017</i>	Section II: II-4, II-23; Section III.A: III.A-3, III.A-4, III.A-5, III.A-6, III.A-9, III.A-23, III.A-26, III.A-27; Section III.C: III.C-4; Section III.E: III.E-4, III.E-18.
57	<i>Cherie</i>	<i>No date</i>	Section II: Comment II-8; Section III.A: III.A-25.
58	<i>Joshua Orient</i>	<i>No date</i>	Section III.A: III.A-3, III.A-5, III.A-12, III.A-23, III.A-25, III.A-32.
59	<i>Jaia Orient</i>	<i>No date</i>	Section II: II-1, II-3, II-4, II-8, II-21, II-23; Section III.A: III.A-1,

**Table I-1
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Letter/Transcript Number	Author/Speaker	Date (prepared/received/commented)	FEIS Location (Section and Comment Number)
			III.A-3, III.A-5, III.A-11, III.A-27, III.A-32, III.A-33; Section III.C: III.C-9, III.C-12; Section III.E: III.E-1, III.E-2, III.E-6.
60	<i>J. Theodore Fink</i>	<i>October 24, 2017</i>	Section III.C: III.C-2, III.C-4, III.C-22 through III.C-43.
61	<i>Carolyn Roumequere (Opposing and backing commenter Ann Marie Gardner - Letter 34)</i>	<i>October 6, 2017</i>	
<i>Transcript 1</i>	<i>Mary Howell</i>	<i>September 28, 2017</i>	Section III.A: III.A-15; Section III.E: III.E-13, III.E-21.
1	<i>Linda Decker</i>	<i>September 28, 2017</i>	Section III.E: III.E-11, III.E-15.
1	<i>Ron Moore, Sr.</i>	<i>September 28, 2017</i>	Section III.C-16; Section III.E: III.E-22.
1	<i>Carole Neville</i>	<i>September 28, 2017</i>	Section II: II-2, II-4, II-6; Section III.C: III.C-17; Section V: V-4.
1	<i>Stephen Savoris</i>	<i>September 28, 2017</i>	Section III.A: III.A-8, III.A-34, Section III.C: III.C-2, III.C-4.
1	<i>Jaia Orient</i>	<i>September 28, 2017</i>	Section II: II-1, II-4, II-8, II-21; Section III.A: III.A-1, III.A-2, III.A-3, III.A-4, III.A-6, III.A-21, III.A-23, III.A-26, III.A-32, III.A-33, III.A-35; Section III.E: III.E-2, III.E-6.
1	<i>Pamela J. Wallace</i>	<i>September 28, 2017</i>	Section III.A: III.A-1, III.A-3, III.A-6, III.A-32; Section III.C: III.C-2, III.C-4, III.C-10, III.C-12.
1	<i>Peter Risafi</i>	<i>September 28, 2017</i>	Section II: II-3; Section III.A: III.A-4, III.A-6, III.A-7, III.A-9, III.A-23; Section III.E: III.E-4.
1	<i>Ralph Schmidt</i>	<i>September 28, 2017</i>	Section III.E: III.E-11.
1	<i>Nan Eliot</i>	<i>September 28, 2017</i>	Section III.A: III.A-10; Section III.E: III.E-23.
1	<i>Dianne Young</i>	<i>September 28, 2017</i>	Section III.A: III.A-10; Section III.E: III.E-8.
1	<i>Raymond Moore</i>	<i>September 28, 2017</i>	Section III.A: III.A-33; Section III.C: III.C-18; Section III.E: III.E-11, III.E-13.
1	<i>Lee Wurtzburger</i>	<i>September 28, 2017</i>	Section III.A: III.A-11, III.A-12, III.A-21, III.A-32; Section III.C: III.C-4, III.C-15.
1	<i>Eve Thoreau</i>	<i>September 28, 2017</i>	Section II: II-8; Section III.A: III.A-6; Section III.E: III.E-2.

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List of Letters and Transcripts Received with Comments on the DEIS**

Letter/Transcript Number	Author/Speaker	Date (prepared/received/ commented)	FEIS Location (Section and Comment Number)
1	<i>Michael Reichman</i>	<i>September 28, 2017</i>	Section II: Comment II-4; Section III.A: III.A-32.
1	<i>Nadine Rumke</i>	<i>September 28, 2017</i>	Section III.A: III.A-1.
1	<i>Amy Davison</i>	<i>September 28, 2017</i>	Section III.A: III.A-1, III.A-3, III.A-7; Section III.C: III.C-4; Section V; V-5.
1	<i>Conor Guy</i>	<i>September 28, 2017</i>	Section III.A: III.A-32.
1	<i>Conrad Hanson</i>	<i>September 28, 2017</i>	Section III.A: III.A-36, III.A-37; Section III.E: III.E-24, III.E-25.
1	<i>Martin Overington</i>	<i>September 28, 2017</i>	Section II: II-24; Section III.B: III.B-6; Section III.C: III.C-5, III.C-9, III.C-16, III.C-19; Section III.D: III.D-1.
1	<i>Kaare Christian</i>	<i>September 28, 2017</i>	Section III.A: III.A-1, III.A-5, III.A-12, III.A-38; Section III.C: III.C-13; Section III.E: III.E-2;
1	<i>Suzette Haas</i>	<i>September 28, 2017</i>	Section III.A: III.A-3; III.A-4, III.A-10; Section III.E: III.E-2.
1	<i>Don Westmore</i>	<i>September 28, 2017</i>	Section II: II-3, II-5; Section III.A: III.A-1, III.A-10, III.A-20; Section V: V-1.
1	<i>Art Cady</i>	<i>September 28, 2017</i>	Section III.A: III.A-4; Section III.C: III.C-20, III.C-21.
1	<i>Trevor Hunter</i>	<i>September 28, 2017</i>	Section III.E: III.E-2.
1	<i>Tony Albino</i>	<i>September 28, 2017</i>	Section II: II-3; Section III.A: III.A-1; Section V: V-6.
1	<i>Michael Serrapica</i>	<i>September 28, 2017</i>	Section V: V-5.

Source: Ecological Analysis, LLC.

*Please note the letter was prepared September 27, 2017 but received on October 4, 2017.

The FEIS is arranged in sections, with comment summaries and responses arranged by subject area similar to the DEIS. A comment summary, in some cases, may incorporate more than one individual comment on the same subject, followed by a response to that comment. The sources of each comment are referenced. The format of the comments and responses is as follows:

Comment # (Source): Comment summary text.

Response #: Response text.

II. DESCRIPTION OF THE PROPOSED ACTION

Comment II-1 (Letter 1, Harriet Greisser, September 27, 2017): There is ample evidence from news reports of Dollar General's business model of understaffing its stores and using unfair labor practices against its workers. This is not the type of business behavior that we want in our town. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 22, Karen Targove; Letter 59, Jaia Orient; Public Hearing, Jaia Orient]**

Response II-1: Comment noted. However, the way in which a business conducts its operations, is neither a goal or recommendation listed in the Town of Germantown Comprehensive Plan or a criterion that must be addressed within the SEQRA process. Dollar General's statement on personnel should be noted; "We believe our strength is our people. Dollar General strives to build a workforce of diverse talent in the communities we serve. We have nationally-recognized training and development programs, a strong internal promotion rate and an innovative DGU Grow program that offers employees tuition assistance and discounts at more than a dozen universities nation-wide."¹

Comment II-2 (Letter 1, Harriet Greisser, September 27, 2017): In addition, Dollar General uses a cookie cutter, cheaply constructed store model that is not easily repurposed should the store not turn enough profit and be abandoned. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 2, Peter Risafi, Letter 9, Cynthia Reichman; Public Hearing, Carole Neville]**

Response II-2: The proposed store design for Germantown is unique to only this location with design cues taken from multiple buildings within Germantown. It has been designed with the look of multiple store fronts, using quality materials such as brick, standing seam metal roof, asphalt shingles and painted EFIS. The structural component of the building is a Pre-Engineered Metal building which allows a large span of interior space that is minimally constrained by interior columns. This type of structure is perfectly suited to be divided into multiple units as no interior wall needs to be structural. Furthermore, the multiple proposed storefronts could be modified to provide a variety of access points to repurpose the building into multiple uses in the future.

Comment II-3 (Letter 2, Peter Risafi, September 28, 2017): This is still not clear. Discount stores promise new jobs but seldom deliver. Dollar General generally operates with a minimal staff of part time employees with low wages and no benefits. Because of this, like most dead-end jobs, Dollar General has historically had very high turnover of employees. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 3, Adrienne Westmore; Letter 4, Carole Neville; Letter 6, Michael Reichman, Letter 22, Karen Targove; Letter 28, Norman Mintz; Letter 31, Pamela Wallace; Letter 32, Melinda Reichlin; Letter 35, Dawn Breeze; Letter 46, Dawn Tsien; Letter 53, Tony Albino; Letter 54, Andrew Clark; Letter 59, Jaia Orient; Public Hearing, Peter Risafi; Public Hearing, Don Westmore; Public Hearing, Tony Albino]**

¹ Source: Dollar General. [www.dollargeneral.com/careers].

Response II-3: *The Applicant's independent Retail Analysis shows that the nine employees projected to work at the store is adequate to meet the forecasted sales. Furthermore, those nine new jobs created by the Project will produce over \$150,000 of total labor income per year" (See Appendix X, Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail / Service Impacts, dated December 9, 2016 of the DEIS).*

Comment II-4 (Letter 2, Peter Risafi, September 28, 2017): What is the average life of a Dollar General store? What happens with the oversized building located at the entrance to our town if this business decides to close?

Dollar stores, in general, are not long term, on-going businesses. If a local store can't deliver a continued profit to the corporation, it's closed, and the company moves on. If Dollar General closes this store, Germantown will end up with an unusable, unattractive, 9200 square foot building that will be difficult, if not impossible, to repurpose. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 4, Carole Neville, Letter 6, Michael Reichman, Letter 28, Norman Mintz; Letter 33, J. Nadine Rumke; Letter 34, Ann Marie Gardner; Letter 35 Dawn Breeze; Letter Rebecca Squiers; Letter 37, Steven Wheeler; Letter 46, Dawn Tsien; Letter 51 Katherine Lilliestierna; Letter 54, Andrew Clarke; Letter 56, Nicole Carroll; Letter 59, Jaia Orient; Public Hearing Carole Neville; Public Hearing, Jaia Orient; Public Hearing, Michael Reichman]**

Response II-4: *Comment noted. See Responses II-2 and II-7, below.*

Comment II-5 (Letter 3, Adrienne Westmore, September 28, 2017): They do not sell locally made products. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 22, Karen Targove; Public Hearing, Don Westmore]**

Response II-5: *Commenter's opinion is noted. And while Dollar General claims to carry America's most respected brands as well as a full portfolio of their own Dollar General brands, Dollar General does not explicitly claim to NOT carry local products. Furthermore, as noted in Responses III.E-2 and III.E-3, there is a local demand (or retail gap) for the products sold at Dollar General stores which this new store will fill. Refer to Appendix X of the DEIS for the Market Analysis prepared for the proposed Dollar General.*

Comment II-6 (Letter 4, Carole Neville, September 28, 2017): It is important to remember in assessing the DEIS and the proposal that Primax is a real estate developer, not the tenant of the proposed new subdivided property. Any representation by Primax regarding how the property will be operated, staffed, maintained, stocked and managed is about a hypothetical retail store run by Dollar General. The Primax representations should not be taken as commitments by Dollar General about the actual store in Germantown that the Town can really rely upon. In fact, a number of the assertions or assumptions in the DEIS are contradicted by Dollar General's own statements about its operations and the reality of the way Dollar General runs and maintains its stores. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Public Hearing Carole Neville]**

Response II-6: Primax Properties, LLC, is a preferred developer for Dollar General and therefore, has the permission and responsibility to represent Dollar General in the development of its new stores.

Comment II-7 (Letter 4, Carole Neville, September 28, 2017): It should be clear to the Board that we know nothing about the terms of Dollar General's tenancy, who is responsible for the maintenance of the building and grounds, under what conditions Dollar General can just pick up and leave, and who would be responsible for more serious problems caused by the store. In this respect, the Primax project is completely different from the projects that have come before the Board and makes it much harder for the Board to assess the long-term implications of the project. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Public Hearing Carole Neville]**

Response II-7: The terms of a tenant and landlord's relationship are proprietary and are not a criterion that must be assessed within SEQRA process. However, for the purposes of addressing this comment, the lease between Primax Properties, LLC., and Dollar General is a 15-year term, NNN.

Comment II-8 (Letter 4, Carole Neville, September 28, 2017): It is a great concern that a Dollar General will dramatically increase the truck and automotive traffic and this Town intersection. Dollar General is what is known in the retail business as a destination store--a retail store combining the variety and scope of a department store and the advertised low prices of a discount store. It called a destination store because consumers are willing to travel to shop in it. Clearly a 9200-square foot store cannot depend solely on the people of Germantown to sustain it. The store is intended to draw from the wider community and to bring customers from all surrounding areas, solely to stop in that store and leave town. It will bring more automotive and truck traffic to an already well-traveled intersection or it will surely fail. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 22, Karen Targove; Letter 32, Melinda Reichlin; Letter 40, Arnold Reichlin; Letter 43, Kiri Millburn; Letter 51, Katherine Lilliestierna; Letter 57, Cherie; Letter 59, Jaia Orient, Public Hearing, Eve Thoreau; Public Hearing, Jaia Orient]**

Response II-8: The Applicant commissioned an independent traffic study by Stephan A. Maffia, P.E., who concluded that the estimated traffic that would be generated by the proposed Dollar General store would be "relatively low as compared to existing Route 9G traffic, which is about 4,000 vehicles per day", and that "[g]iven the nature of convenience stores, many trips are generated by travelers already on the roadway, passing the site." Mr. Maffia's traffic study concluded by stating that, in his professional opinion, "the additional traffic that [the proposed Dollar General store] would generated will not noticeably impact travel conditions along that section of Route 9G." Refer to Appendix BB of the DEIS for the traffic study. Thus, there is no basis for the comment that the proposed Dollar General store will greatly increase car and truck traffic.

Comment II-9 (Letter 4, Carole Neville, September 28, 2017): Primax included a report of Stephan A. Maffia, an engineer with Mecurio-Norton-Tarolli-Marshall PC, to validate the premise that a store like Dollar General will not generate more traffic. Maffia compared the proposed store in Germantown to a store in Wurtsboro. The Wurtsboro store is not comparable because it stands all alone on Route 209. (Check it out on Google; there are no other stores nearby) In

contrast, the Germantown store adds to a heavily traveled intersection with three gas stations and the adjacent garden center. The numbers used in the study to indicate the amount of expected traffic around the Wurtsboro store are completely irrelevant. Since the garden center will continue to use heavy machinery and trailer trucks for its businesses, the Town will have heavy truck and automotive traffic.

Response II-9: As stated in the Sight Distance and Trip Generation Studies report (Appendix BB of the DEIS) prepared by Stephan A. Maffia, P.E., Mr. Maffia outlines the method he used for estimating the traffic anticipated to be generated for the proposed Dollar General retail store on NYS Route 9G in Germantown, NY. As stated on page 3 of this report, the Institute of Transportation Engineers (ITE) recommends entrance counts be estimated for a proposed development based upon "existing land uses that either match or closely fit the proposed use." As the proposed store will have the same retail sales area as the existing in Wurtsboro, NY, NYS Route 9G in Germantown, NY has similar daily traffic counts to the daily traffic counts on NYS Route 209 in Wurtsboro, NY, and the uses are the same, Mr. Maffia considered this store to fit the criteria to "either match or more closely fit the proposed use." Mr. Maffia utilizes the data collected at the Dollar General in Wurtsboro, NY to provide estimates for the traffic to be generated by the proposed Dollar General store in Germantown, NY. As stated in his Conclusions section on page 4 of the report, Mr. Maffia does not state the proposed Dollar General "will not generate more traffic" as stated by Ms. Neville. In contrast, Mr. Maffia provides quantified estimates for the traffic that will be generated by the store and states "In my professional opinion, traffic can safely enter and exit the proposed Dollar General store in Germantown, and the additional traffic that it would generate will not noticeably impact travel conditions along that section of Route 9G."

Comment II-10 (Letter 4, Carole Neville, September 28, 2017): Primax relies on traffic data for Route 9G that is more than three years old. In sum, the Town does not have a reliable assessment of the impact of the proposed store on the traffic intersections.

Response II-10: At the time the report was completed by Stephan A. Maffia, P.E., the traffic data along NYS Route 9G was a little more than 1 year old. Refer to Appendix BB of the DEIS. No significant alterations in traffic patterns or significant development has occurred in the area of the proposed Site that would significantly alter the traffic counts utilized in the preparation of the report prepared by Stephan A. Maffia, P.E. Slight increases or decreases in traffic counts on NYS Route 9G that may have occurred do not alter the conclusions made by Mr. Maffia for the analysis of the impacts of the proposed Dollar General store on traffic conditions along NYS Route 9G.

Comment II-11 (Letter 4, Carole Neville, September 28, 2017): Similarly, it is unclear that the Town engineers have approved the DEIS as complete and accurate. The report of the Town engineers in the DEIS lists hundreds of issues from inconsistencies between the description and the drawings, missing design aspects in the drawings, inappropriate plantings over sewer connections and without proper irrigation, use of an inappropriate treatment for runoff water, water and sewer connection details lacking, and many others. Have these all been fixed?

Response II-11: The most recent comment letter from Fred Mastroianni, P.E. of Greenman-Pedersen, Inc. dated March 6, 2017 contains eighteen (18) comments. The comments above are technical in nature primarily related to construction specifications provided on the plans, with exception to the Plan Sheets Comment 1. This comment relates to the recommendation for

sidewalks along the frontage of the property. As stated previously, the Applicant is prepared to provide the Town of Germantown with a financial contribution for the installation of said sidewalks based upon a previously prepared estimate by Mr. Mastroianni. This specific comment cannot be satisfied until the Town of Germantown Planning Board decides on whether a sidewalk is desired or financial compensation for a future sidewalk is more desirable. The remaining comments will be satisfied prior to final approval being granted for the subdivision and site plan.

Comment II-12 (Letter 4, Carole Neville, September 28, 2017): Finally, Primax tries to imply that George Sharpe's memo regarding the completion of the DEIS is actually a study finding that the Primax project will have no impact on the Town services. Mr. Sharpe is frustrated by the time and energy that the project has required, but the fault is Primax's not the Town professionals.

Response II-12: On March 29, 2017, Planning Board member George Sharpe prepared a memorandum concerning the completeness of the DEIS, in which he stated that "we [Planning Board] already concluded no additional costs to Town, Fire, Light, School and Library districts". Mr. Sharpe's memorandum speaks for itself. Refer to Appendix JJ of the DEIS for this memorandum. The remainder of the comment is noted, but it does not warrant further response.

Comment II-13 (Letter 12, Nancy DelPozzo October 1, 2017): This is not a big box store. There are Dollar Generals in Kinderhook, Hudson, Hyde Park, etc. that are all doing very well.

Response II-13: Comment noted and supported by the Applicant's independent Retail Analysis which states "The proposed Dollar General will have an area of roughly 9,100 square feet and does not appear to actually belong to the large-scale retail development category" (See Appendix X of the DEIS, Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail / Service Impacts, dated December 9, 2016).

Comment 11-14 (Letter 15, Sharon Nordfors, October 1, 2017): This is my opinion on what I feel Germantown needs in order to keep our long-term residents happy. First of all, I wish people would realize...IT IS NOT A DOLLAR TREE OR ANY OTHER DOLLAR STORE. . It's a Dollar General. It's a mini Walmart with many food items, cat food, dogfood, bday cards, wrapping paper, health items, diapers, some clothing items, cosmetics, etc. Things do not cost \$1. The prices vary.

Response II-14: Commenter's opinion is noted, and her assessment of Dollar General is confirmed by the Dollar General 2016 Annual Report which states: "Dollar General has been delivering value to shoppers for over 75 years through its mission of Serving Others. Dollar General helps shoppers Save time. Save money. Every day!® by offering products that are frequently used and replenished, such as food, snacks, health and beauty aids, cleaning supplies, clothing for the family, housewares and seasonal items at low everyday prices in convenient neighborhood locations."

Comment II-15 (Letter 30, Kaare Christian, October 20, 2017): The DEIS includes a lot of information on car traffic, but is notably silent on the issue of trucks. First, let me point out several truck-related facts that can be gleaned from the DEIS:

- 1) Dollar General is planning for truck deliveries using WB-67 trucks, commonly known as tractor trailer trucks, that are 75' long. The layout of the parking and entrance area has been fine tuned to accommodate the wide turning radius of such trucks, and the stormwater runoff mitigation has also been designed around their needs.
- 2) Trucks entering or leaving the store will need to straddle both lanes of 9G in order to make the turn. (See DEIS Figure II-3.) Entering trucks will be forced to wait for a break in oncoming traffic before initiating the turn. Exiting trucks will wait for a traffic break in both directions. And then the truck will briefly halt traffic in both directions on 9G while the turn is completed. This gives the store entrance some of the characteristics of an intersection (traffic stopped in both directions).

Response II-15: The Dollar General retail store has been designed to receive deliveries from semi-trailers referred to by the American Association of State Highway and Transportation Officials (AASHTO) as WB-67. The trailer for the vehicle measures 53 feet in length with the overall truck and trailer length measuring 73.5 feet. Deliveries to and from the facility typically average one (1) per day with most of delivery vehicles being smaller than the WB-67 vehicle. The proposed entrance will be reviewed and approved by the New York State Department of Transportation (NYSDOT) for the proposed use. This will include the review of the delivery vehicles turning diagrams. The turning scenarios provided in DEIS Figure II-3 are typical of minor commercial entrances serving retail establishments.

Comment II-16 (Letter 30, Kaare Christian, October 20, 2017): Unfortunately, key information about truck activity is missing from the DEIS:

- 1) Number of truck deliveries per day to the store. This is obviously a well-known value to Dollar General, which has thousands of similar stores, but this information is currently not supplied in the DEIS. Because of the large turning radius and the need to block both lanes of 9G while entering or exiting, the number of truck deliveries per day is a key metric for community safety.
- 2) A Truck Turn Diagram for entering southbound trucks and departing northbound trucks. Because of their wide turning radius, northbound and southbound trucks enter and exit by different routes, and the board and the public deserve to see all four possibilities.
- 3) The estimated impact of new truck traffic on Route 9G. We do know that if the store is built the car traffic on 9G is projected to rise by 10%. The board should also be informed of how many trucks are currently using 9G each day, and how much additional truck traffic is forecast if the store is built.

Response II-16: The proposed Dollar General retail store is anticipated to receive deliveries on an average of one per day. The deliveries into the store include, but are not limited to, the Dollar General delivery vehicle (the WB-67), soft drink, and snack food deliveries. Deliveries are typically made in off-peak hours. As noted in Response II-15, the proposed entrance and associated turning diagrams will be reviewed and approved by the NYSDOT. The turning diagrams provided represent the anticipated turns by the Dollar General delivery vehicle, the largest delivery vehicle for the proposed use.

Comment II-17 (Letter 30, Kaare Christian, October 20, 2017): Truck traffic entering and leaving the store creates a unique set of possibilities, which must be considered when looking into the safety of the proposed store's operation.

- 1) Occasionally a truck will attempt to enter the parking area at the same time that a car is waiting to exit onto 9G. The entrance driveway is not large enough for both a truck and a car, so when this happens the truck will have to wait on 9G for the car to clear. And because southbound trucks will need to use the northbound lane to enter, they will need to wait for clearance well north of the proposed entrance. This is because the southbound driver needs 100' or more of forward movement to swing into the northbound lane to prior to starting the turn, with a length of 75', the rear of the truck may be 200' or more north of the store while waiting for the store entrance to clear. (This would be easier to grasp if the DEIS included a Truck Turn Diagram for southbound entering trucks.) This additional distance was not considered in the traffic study's (Appendix BB) sight distances. Similarly, trucks approaching from the south will pause well south of the entrance, and that distance plus the truck length will exceed 100', which was not taken into account in the study's sight distance conclusions.
- 2) Occasionally a truck will turn from 9G and enter the parking area when a car is just starting to exit from a parking space. This is especially problematic, because the truck driver will be unable to move forward, even though the rear of the truck is blocking both lanes of 9G. And the car driver will be faced with a puzzling dilemma, how to make room for a truck that is blocking the only exit from the parking lot. Of course, this will get resolved, but it will take time. Depending on how far the truck has progressed into the parking lot, the truck's rear turns, and brake signals may or may not be clearly visible to approaching vehicles from both directions on 9G. The sight distances in Appendix BB are formulated on the assumption of being able to see a vehicle's stop and turn signals, and should not be applied to the situation where those signals are obscured by partial entrance into the parking lot.

Response II-17: New York State (NYS) Route 9G is a state controlled highway. Any access to NYS Route 9G will require a NYSDOT Driveway Permit. Based on the mission, priorities and expertise of the NYSDOT, considerations for pedestrian and traffic safety will be required in the design before a driveway permit is issued. The NYSDOT statements of Mission and Priorities are as follows:

"It is the mission of the New York State Department of Transportation to ensure our customers - those who live, work and travel in New York State -- have a safe, efficient, balanced and environmentally sound transportation system.

Five Priority Results

Our customers:

1. *Want to enhance their mobility and have reliable, predictable trips for themselves or in the movement of their goods;*
2. *Expect both the infrastructure and its users to contribute to the physical safety of people and their goods while in transit;*
3. *Recognize the critical relationship between a mature, multi-modal transportation system and the state's economic vitality. They see viable transportation options as essential to both economic sustainability and livability of their communities, both Upstate and Downstate;*

4. *Expect the transportation infrastructure to be secure from external threat or potential abuse; and*
5. *See the impact of transportation-related decisions at both macro and micro levels affecting the environment and expect the system to more than mitigate transportation's impact."*

Comment II-18 (Letter 30, Kaare Christian, October 20, 2017): Every turn on to or off of Rt. 9G has a risk, and that risk is highest when trucks are turning. So, we have an obligation to optimize for safety, especially truck safety, along Germantown's 9G commercial corridor. When you have a store with the proposed scale and sales volume of Dollar General, truck entrance and exit has to be carefully designed for safety, and the current design is inadequate. The danger could be lessened with a separate truck entrance, but that would require a larger lot. Forcing trucks to transit the customer parking area for a business of this scale is wrong because it increases the risks on Rt. 9G. The truck entrance scheme should be reworked for increased safety.

Response II-18: The proposed entrance will be reviewed and approved by the NYSDOT. The routing of the trucks through the proposed parking lot has been shown and is similar to most retail establishments. Separate facilities would result in significant increases in impervious cover, resulting in higher stormwater runoffs, and would be in sharp contrast to the NYSDOT's desire to limit the number of entrances on state highways. The safety of the proposed entrance will be assessed by NYSDOT and a permit will be issued for the entrance only if such entrance is found to be in conformance with the state regulations for a minor commercial entrance serving the proposed retail establishment.

Comment II-19 (Letter 32, Melina Reichlin, October 23, 2017): The additional traffic/congestion and increase in accidents are more large delivery trucks impacting our infrastructure. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 34, Ann Marie Gardner; Letter 41, Tandra Dillon; Letter 48, Maude and Kevin Burns]**

Response II-19: As stated in Response II-19, above, the proposed entrance will be reviewed and approved by the NYSDOT, as noted above. The safety of the proposed entrance will be assessed by NYSDOT and a permit will be issued for the entrance only if such entrance is found to be in conformance with the state regulations for a minor commercial entrance serving the proposed retail establishment.

Comment II-20 (Letter 34, Ann Marie Gardner, October 23, 2017): I don't know if notice how much the high-speed traffic has increased on 9G. I regularly am passed at high speeds when I'm driving the speed limit or even slightly over.

Response II-20: The travelling speed of commuters along NYS Route 9G is strictly an enforcement issue and the responsibility of local law enforcement officers to ensure compliance.

Comment II-21 (Letter 54, Andrew Clark, October 25, 2017): Not only will the Dollar General provide minimum wage jobs with no future, alienate the community, increase pollution and traffic, and ruin the rural environment that characterizes, but it will also increase crime in the area. Again, look at Fairview Ave. Would you want your young kids walking on their own there?

Dollar General's are notorious for attracting addicts, dealers, and other criminals. This is not what we want for our children. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: (Letter 59, Jaia Orient; Public Hearing, Jaia Orient)]**

Response II-21: Commenter's opinion is noted. Responses to comments on employment, pollution, traffic and rural character can be found throughout the FEIS. Commenter's opinion on increase of crime and drugs are unsubstantiated and anecdotal and do not warrant a formal response.

Comment II-22 (Letter 55, Leo Wurtzburger, October 25, 2017): I am aware that traffic studies have been done and the county and our town engineers have signed off on the safety of the project. But what hasn't been addressed are the impacts on our quality of life that the increased traffic this and a future strip of other car oriented businesses will bring. Traffic clearly is increasing and this will undoubtedly continue. It is hard to access future safety but more cars without a wider road can only mean more accidents, more noise, more lights and pollution.

Response II-22: Refer to Response II-9 and II-19, above.

Comment II-23 (Letter 56, Nicole Carroll, October 25, 2017): Usually the stores operate with a very small staff of part time employees at low wages and may employ people from outside the local community rather than local residents. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: (Letter 35, Dawn Breeze: Letter 59, Jaia Orient)]**

Response II-23: Refer to Response II-3.

Comment II-24 (Public Hearing, Martin Overington, September 28, 2017): The Sidewalks, will they do sidewalks? Will they make the sewer go past them to Floweld? And then up to the other community members above them? Will they have enough big pipe to supply sewer beyond them, which we need. We need sewer to go beyond.

Response II-24: The Applicant has offered to provide sidewalks across the frontage of the parcel if desired by the Town of Germantown Planning Board. The Applicant has also offered to provide a monetary compensation to the town for the potential future installation of sidewalks along the frontage of the parcel in lieu of installing sidewalks that are not interconnected to the existing sidewalk network.

The Applicant has proposed to install a new sewer service from the proposed store to the existing sewer main to the south of the Quality Garden Center building to replace the existing sewer service serving the Floweld property. The new sewer service will serve the proposed store and the existing Floweld building. No extension of the sewer service is proposed by the Applicant.

III.A VISUAL AND AESTHETIC RESOURCES/VIEWSHED CONSIDERATIONS

Comment III.A-1 (Letter 1, Harriet Greisser, September 27, 2017): I am writing to express my strong opposition to the application by Dollar General/Primax to build a Dollar General Store in our community. First let me say that I have been a homeowner, taxpayer, and voter in Germantown for the last 14 years, and strongly support the efforts of our town to build on its past and strong foundations, preserve its rural character, and develop local business to help the community thrive into the future, for all its citizens. [Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 3, Adrienne Westmore; Letter 5, Jim Lewis and Dianne Young; Letter 8, Cynthia Reichman; Letter 22, Karen Targove; Letter 25, Amy Jo Davison; Letter 28, Norman and Melanie Mintz; Letter 46, Dawn Tsien; Letter 53, Tony Albino; Letter 59, Jaia Orient; Public Hearing, Jaia Orient; Public Hearing, Pamela J. Wallace; Public Hearing, Nadine Rumke; Public Hearing, Amy Davison; Public Hearing, Kaare Christian; Public Hearing, Don Westmore; Public Hearing, Tony Albino]

Response III.A-1: Comment noted. However, as set forth in the DEIS (Section III.C.3), the Proposed Action does not impede on the Town's ability to build on its past, preserve rural character or develop local businesses to help the community thrive into the future. "Rural character" is in the eye of the beholder. As the Town has already established in the Town of Germantown's Comprehensive Plan, the existing character of the Town acknowledges and embraces the commercial development along NYS Route 9G (e.g., Stewart's, Sunoco, Mobil and Key Bank), where the Proposed Project is located, because it already has a "highway commercial" feel to it. This is opposed to the village center, which is characterized by small scale, rural and traditional patterns of development. As noted, the Project Site is properly located outside of the village. Refer to Appendix F of the DEIS for a copy of the Town's Comprehensive Plan.

Comment III.A-2 (Letter 1, Harriet Greisser, September 27, 2017): The town's Comprehensive Plan is an important document, an expression of a consensus of residents, and that should be guiding our decisions about the future of Germantown. I think there is significant evidence that a Dollar General store contradicts the intentions of the Comprehensive Plan, and could have a negative impact on the life of the town and the future it wants to create. [Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 6, Michael Reichman; Letter 9, Cynthia Reichman; Letter 22, Karen Targove; Letter 31, Pamela Wallace; Letter 35, Dawn Breeze; Letter 36, Rebecca Squiers; Letter 53, Tony Albino; Letter 54, Andrew Clark; Public Hearing, Jaia Orient]

Response III.A-2: The Town of Germantown's Comprehensive Plan (Plan) was drafted in 2007. It forms the "the legal basis for a community's land-use regulations, which must, by law, be 'in accordance' with the plan." The Plan summary directed the Town Board, as its highest priority, to appoint a committee to revise and update the Town's Zoning Code to implement the wishes of the residents. The Town followed this mandate and adopted land use regulations in the form of its Zoning Law in 2011 that followed the Plan and reflected its values.

The Plan's "Central Findings" section lists the community's values and priorities, which includes their wish to "encourage controlled business and residential development". To that end, upwards of 80 percent of Germantown residents responding to the Plan survey, identified the

need to "develop design guidelines for commercial districts" as a priority. Section 5 of the Plan, Current, Adjacent and Regional Land Use, notes that current commercial activities are scattered throughout the Town, with four main points of concentration including NYS Route 9G. Section 8 of the Plan, pertains to Local Economy and Commercial Development. The introduction of this section highlights the wishes of residents, which include giving Germantown residents jobs in town and focusing growth in commercial areas. Significantly, the Plan states that "[a]ccess to employment and commercial goods and services is critical to the economic vitality of Germantown...The challenge for the Town is to encourage commercial growth that serves community needs and adds to the tax base while maintaining the Town's rural character."

The Proposed Action achieves this goal by being sited in the immediate proximity of the other commercial structures along NYS Route 9G (e.g., Stewart's, Sunoco, Mobil and Key Bank). Section 8 of the Plan also recognizes that the commercial development along NYS Route 9G and ultimately the Project Site, already has a "highway commercial" feel to it, while the village center is characterized by small scale, traditional patterns of development.

Germantown residents favor business activities that harmonize with the rural character of the Town. Thus, focusing commercial activity, like the Proposed Project, with off-street parking along NYS Route 9G's commercial area, is "well-designed clustered highway business activity along NYS Route 9G, [that] is consistent with the vision residents have for the Town." As set forth in Section III.C.3 of the DEIS, the Applicant has elaborated on how the Project fulfills this vision.

Comment III.A-3 (Letter 1, Harriet Greisser, September 27, 2017): The Comprehensive Plan stipulates that locally owned businesses are to be encouraged and national chain box stores are to be discouraged. Locally Owned: Dollar General is in no way a locally owned business, and will not add significantly to the economic vitality of our town. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 2, Peter Risafi; Letter 9, Cynthia Reichman; Letter 22, Karen Targove; Letter 31, Pamela Wallace; Letter 32, Melinda Reichlin; Letter 33, J. Nadine Rumke; Letter 34, Ann Marie Gardner; Letter 35; Dawn Breeze; Letter 39, Warren Replansky, PC; Letter 42, Gladys Thomas; Letter 43, Kiri Millburn; Letter 46, Dawn Tsien; Letter 56, Nicole Carroll; Letter 58, Joshua Orient; Letter 59, Jaia Orient; Public Hearing, Jaia Orient; Public Hearing, Pamela J. Wallace; Public Hearing, Amy Davison; Public Hearing, Suzette Haas]**

Response III.A-3: Comment noted. Neither the Plan nor the Zoning Law, which was enacted based on the Plan, prohibit the Proposed Action. Moreover, the Project will not inhibit the Town from encouraging development of other businesses (locally owned or otherwise) in Town. To the commenter's point that Dollar General is not a locally-owned business, Dollar General supports local literacy and education initiatives across the country, focusing on the communities they call home. Since 1993, the Foundation has awarded more than \$140 million in grants to literacy programs that have helped more than nine million individuals learn to read, prepare for their high school equivalency or learn English.

To the commenter's point that the Project "will not add significantly to the economic vitality of our town", reference is made to the Retail Analysis report, Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail/Service Impacts, submitted by the Applicant. See Appendix X of the DEIS for this Retail Analysis. The Retail Analysis identified an \$8.75 million retail supply deficit within the primary market area of Germantown

within the four categories of consumables, seasonal products, home products and apparel; each of which is a key category in the broad range of general merchandise sold at Dollar General stores. As local demand for these products is not being presently met by retailers in the area, residents must travel outside of Germantown for these items. While a Dollar General store would satisfy some of this local need for additional retail markets, there would remain a substantial deficit in retail supply, estimated at an unmet demand of \$7.08 million supportive of future retail development within the Town. Moreover, over a 10-year period, the Project is expected to account for more than \$488,000 in tax revenue for the local and County municipalities, plus the creation of nine (9) local jobs. Refer to Appendix X of the DEIS for the Retail Analysis - pages 18, 36-37. Thus, the Project is poised to have a positive impact on the economic vitality of the Town.

Comment III.A-4 (Letter 1, Harriet Greisser, September 27, 2017): Store & Location: The design of the store would contribute to a "strip mall" first impression of our town on 9G- an important location that is the gateway to our community. It will detract from the overall attractiveness of our historic hamlet and the natural beauty of Germantown's location in the Hudson Valley, attributes that we have agreed we want to preserve and enhance. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 2, Peter Risafi; Letter 4, Carole Neville; Letter 5, Jim Lewis and Dianne Young; Letter 9, Cynthia Reichman; Letter 22, Karen Targove; Letter 28, Norman and Melanie Mintz; Letter 31, Pamela Wallace; Letter 32, Melinda Reichlin; Letter 34, Ann Marie Gardner; Letter 35, Dawn Breeze; Letter 36, Rebecca Squiers; Letter 37, Steven Wheeler; Letter 38, Nadea Archbold; Letter 43, Kiri Millburn; Letter 44, Valerie Shaff; Letter 48, Maude and Kevin Burns; Letter 52, Gila and Andrew Alter; Letter 53, Tony Albino; Letter 55, Leo Wutzburger; Letter 56, Nicole Carroll; Public Hearing, Jaia Orient; Public Hearing, Peter Risafi; Public Hearing, Suzette Haas; Public Hearing, Art Cady]**

Response III.A-4: The Project proposed is not a strip mall or in a strip mall, but rather a standalone 9,266 square-foot small box retail space that is clustered adjacent to an existing industrial use building (Floweld Company) and in the immediate vicinity of, and consistent with, the other single story commercial buildings in the existing corridor development on NYS Route 9G (e.g., Stewart's Shop, Sunoco, Mobil and KeyBank). The Project is not sited inside the Hamlet (Village) itself, and it will have negligible impact on the natural beauty of Germantown's location in the Hudson Valley. The view shed at the site of the Project is not identified as a resource by the Town's Comprehensive Plan, which identifies 14 scenic views in Town, none of which are impacted by the Project.

Comment III.A-5 (Letter 1 Harriet Greisser, September 27, 2017): Now is the time for Germantown to renew its efforts to attract, encourage, and welcome businesses that are locally owned, service oriented, and support our local economy and the increased interest in tourism, regional arts and culture. We also want businesses that are good citizens and will demonstrate an appreciation of and connection to our community for the long term. We can do better than Dollar General. The Planning Board has the right to reject the application because it does not meet the intent of the Comprehensive Plan. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 2, Peter Risafi; Letter 4, Carole Neville; Letter 6, Michael Reichman; Letter 25, Amy Jo Davison; Letter 31, Pamela Wallace; Letter 33, J. Nadine Rumke; Letter 34, Ann Marie Gardner; Letter 35, Dawn Breeze; Letter 38, Nadea**

Archbold; Letter 42, Gladys Thomas; Letter 48, Maude and Kevin Burns; Letter 51, Katherine Lilliestierna; Letter 52, Gila and Andrew Alter; Letter 54, Andrew Clark; Letter 56, Nicole Carroll; Letter 58, Joshua Orient; Letter 59, Jaia Orient; Public Hearing, Kaare Christian]

Response III.A-5: Comment noted. See Response III.A.2 and Response III.A.3.

Comment III.A-6 (Letter 2, Peter Risafi, September 28, 2017): Does Dollar General's 9200 square foot building fit in with the community's vision for business development as detailed in our comprehensive plan? [Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 6, Michael Reichman; Letter 9, Cynthia Reichman; Letter 35, Dawn Breeze; Letter 53, Tony Albino; Letter 55, Leo Wurtzburger; Letter 56, Nicole Carroll; Public Hearing, Jaia Orient; Public Hearing, Pamela J. Wallace; Public Hearing, Peter Risafi; Public Hearing, Eve Thoreau]

Response III.A-6: Yes. See Response III.A.2.

Comment III.A-7 (Letter 2, Peter Risafi, September 28, 2017): So, we'll end up with an inexpensive, unattractive building that doesn't compliment the setting that it will be located in, or reflect any forward-looking vision of what our local businesses should strive for. It will look like all Dollar General stores, a huge, unkempt, cluttered store with too few windows. The proposed design bears no relation to the character of our rural community or the scale of other businesses in Germantown. [Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 37, Nadea Archbold; Public Hearing, Peter Risafi; Public Hearing, Amy Davison]

Response III.A-7: The Project complies with Article VII of Town Code (Building Design Standards), the purpose of which is to ensure that new nonresidential development within the Town of Germantown reflects and protects the architecture and character of the Town's hamlets and rural landscapes. Article VII.4.a specifies that new development shall generally employ building types and architectural detailing compatible with the architecture of the existing hamlets and general rural community character in their massing and external treatment. The Applicant has submitted multiple alternative renderings of the proposed building for review. These renderings were prepared with a variety of exterior finishes, including: brick, split-faced block, vinyl and hardie board siding, and standing seam metal siding. Multiple revisions were made to the proposed building rendering based upon comments by the Planning Board and its consultants during review of the Project application. Additional architectural enhancements were included in the renderings based upon the different architectural styles in the Town of Germantown. There is no consistent architectural style between the existing commercial buildings in the vicinity of the Project Site. The Applicant will continue to work with the Planning Board on the overall look and aesthetics of the building as this Project moves to the site plan review stage to ensure that the building will comply with the Zoning Law regulations.

Comment III.A-8 (Letter 2, Peter Risafi, September 28, 2017): How does this proposed building impact the town's unique location and views of the Catskills? Is it compliant with the local and regional development guidelines? No, it's not. [Similar comments were found in the following letters and from the following members of the public during the DEIS public

hearing on September 28, 2017: Letter 28, Norman and Melanie Mintz; Letter 31, Pamela Wallace; Public Hearing, Stephen Savoris]

Response III.A-8: The Applicant conducted an extensive visual assessment of the Proposed Project and concluded that visual changes resulting from the implementation of the Project would not be out of keeping with the existing surrounding structures, and the Project is not expected to significantly change the existing character of the neighborhood or the greater Town as a whole. Refer to the DEIS, Section III.A.2 and Appendices V and W. The viewshed at the site of the Project is not identified as a resource by the Town's Comprehensive Plan, which identifies 14 scenic views in Town, none of which are impacted by the Project. Refer to the Town's Comprehensive Plan, page 80 located in Appendix F of the DEIS.

However, to the extent that the Project may impact views of the Catskills, as any development at this location would for someone traveling by along NYS Route 9G, the Applicant is proposing an approximately 7,200 square foot greenspace area, which would include benches and afford year round public views of the surrounding areas, including the Catskill Mountains to the west. Refer to the DEIS, Figure II.B-2.

In addition, the Project, which is buildable as of right, complies with the Town's Scenic Viewshed Overlay Zoning District standards and is not inconsistent with the Hudson Historic Shorelands Scenic District, Hudson River National Heritage Area Management Plan, New York State's Coastal Area Boundary regulations, or the Hudson Valley Greenway criteria, nor does it affect NYS Route 9G's potential designation as a scenic byway. See DEIS, pp. 47-53.

Comment III.A-9 (Letter 2, Peter Risafi, September 28, 2017): Our town's location with expansive views across the Hudson River Valley make our community and properties more valuable, desirable and attractive for potential new residents, businesses and tourism. The presence of an unattractive, discount, box store in the proposed location will diminish the value of our community, perhaps greatly. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 3, Adrienne Westmore; Letter 6, Michael Reichman; Letter 28, Norman and Melanie Mintz; Letter 35, Dawn Breeze; Letter 43, Kiri Millburn; Letter 56, Nicole Carroll; Public Hearing, Peter Risafi]**

Response III.A-9: According to the "Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail / Service Impacts" study submitted by the Applicant, "[d]ue to the modest size of the Dollar General in terms of square feet, sales, and property value, Capacity Business Consulting does not believe it will have either a positive or negative affect on the property values of other properties in the town." Refer to Appendix X of the DEIS - page 36.

Comment III.A-10 (Letter 3, Adrienne Westmore, September 28, 2017): And they do not contribute, in any way, to the charm of a small town life, which Germantown residents - old timers and newcomers, alike - have described as the single, most important feature of our town that is worth preserving. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 28, Norman and Melanie Mintz; Public Hearing, Nan Eliot; Public Hearing, Dianne Young; Public Hearing, Suzette Haas; Public Hearing, Don Westmore]**

Response III.A-10: Comment noted. No response necessary, except to state that the Proposed Project will greatly address the identified need retail supply deficit within the primary market area of Germantown within the four categories of consumables, seasonal products, home products and apparel. The Town residents are entitled to a store at which they can purchase food and necessities without having to drive into neighboring towns or cities, and still enjoy the "charm of a small town life". Refer to Appendix X of the DEIS for the Retail Analysis prepared for the Proposed Dollar General and Response III.A-3 for a detailed discussion this analysis.

Comment III.A-11 (Letter 4, Carole Neville, September 28, 2017): For one thing, Primax incorrectly treats both the Comprehensive Plan and ZSL Guidelines as completely discretionary. Moreover, its alleged compliance with the ZSL is the product of selective application of the law.

The purpose of the ZSL is described upfront as "consistent with the Town of Germantown's Comprehensive Plan and its goals of maintaining the rural character of Germantown; preserving Germantown's natural resources; encouraging controlled business and residential development; and promoting efficient and responsive government." Primax looks for any potential loophole in the law to justify its complete disregard for the goals of the Comprehensive Plan and the ZSL. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 30, Kaare Christian; Letter 31, Pamela Wallace; Letter 39, Warren Replansky, PC; Letter 59, Jaia Orient; Public Hearing, Lee Wurtzburger]**

Response III.A-11: As recognized by the Planning Board's own consultants, there are portions of the Town's Zoning Law and Comprehensive Plan that are discretionary and suggestive (i.e., guidelines qualified with "should" and "generally"). However, the Applicant is not seeking "selective application of the law". Rather, the Applicant has proposed a Project intended to be in full compliance with all mandatory elements of the Town's Zoning & Subdivision Law, which was adopted with under the directive of and with full deference to the Town's Comprehensive Plan.

Comment III.A-12 (Letter 4, Carole Neville, September 28, 2017): Primax has to rely on every drop of creative advocacy to get around the fact that the proposed oversized building undeniably blocks the view of the mountains. Thus, Primax argues the store would only replace the bulk materials and heavy equipment already blocking the view. It claims that drivers are going too fast to actually take in the view. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 31, Pamela Wallace; Letter 58, Joshua Orient; Public Hearing, Lee Wurtzburger; Public Hearing, Kaare Christian]**

Response III.A-12: The Proposed Action does not include an "oversized building". The proposed building will have height of less than 20 feet, well under the maximum building height limits of 35 feet or 2 ½ stories, as established by the Hamlet Commercial (HC) zone and the Scenic Viewshed Overlay/Waterfront Scenic Overlay Zoning District in which the Project Site is located.

With respect to the fact that the Proposed Project would block the view of the mountains, mere visibility of a development, even startling visibility, does not automatically mean it has a visual impact. An impact occurs when there is a demonstrated detrimental effect on the public enjoyment of an aesthetic resource and when design-oriented strategies, or the mitigating effects of perspective, do not adequately reduce the visibility of a development to an

insignificant level. That is not the case here, for the proposed building is sited away from and will not impact the 14 scenic views identified by the Town in the Comprehensive Plan. For an additional response to comment, refer to Response III.A.8, above and for reference see Appendix F of the DEIS for the Town's Comprehensive Plan.

Comment III.A-13 (Letter 4, Carole Neville, September 28, 2017): It also claims that this is not a part of the SVO because it is not on the list of viewshed area listed in the Comprehensive Plan even though its own photographs of the site plainly show the mountain views. Primax goes so far as to say that this oversized building is an asset in a scenic byway. In its argument, Primax goes so far as to say that Dollar General provides the Town with "a general store with a public resting spot near the main intersection in Town and a valuable cornerstone, which the Town, county and region can rely upon should the community ever develop a scenic byway roadmap."

Response III.A-13: Comment noted. Refer above to Responses III.A-8 and III.A-12.

Comment III.A-14 (Letter 5, Jim Lewis and Dianne Young, September 28, 2017): If we want to keep our specialness, we need to get that Comprehensive Plan updated soon.

Response III.A-14: Comment noted. No response necessary

Comment III.A-15 (Letter 11, Klaudia Frizzell, October 1, 2017): Viewshed is really not an issue, it is more of a trigger point for some. [Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Public Hearing, Mary Howell]

Response III.A-15: Comment noted. Refer to Response III.A-8 for how the Proposed Project does not impact the scenic view shed.

Comment III.A-16 (Letter 12, Nancy DelPozzo, October 1, 2017): Dollar General has designed a very beautiful store. The only view it blocks is the cement plant.

Response III.A-16: Comment noted. No response necessary

Comment III.A-17 (Letter 23, Robert and Denise Navins, October 10, 2017): We feel the Planning Board has done an excellent job working with the company to ensure that the building fits with the area.

Response III.A-17: Comment noted. No response necessary

Comment III.A-18 (Letter 30, Kaare Christian, October 20, 2017): Figure III.A-32 (page 98) of the DEIS correctly indicates that Lasher Park is a Designated Hudson River Watertrail site. The map should be amended to show that Cheviot Park is also such a site. (I understand that the map originated with the 2007 comp plan, but things do change.)

Response III.A-18: Comment noted. No response necessary.

Comment III.A-19 (Letter 30, Kaare Christian, October 20, 2017): I'd like to close with a few remarks on the Existing Conditions Photos in the DEIS. (no printed page numbers; shown as

pages 60 - 69 in the PDF reader) Of course every photographer is entitled to an opinion, but I'd like to dispute the opinion expressed in these photos.

- 1) Some of the photos are neutral and show that area as it exists. The two bank branches (pgs. 62, 63) are attractive and a credit to the town. And it's convenient to have them there. The gas stations/convenience stores (pgs. 59, 61; Stewarts and the Mobile/Xtramart are shown; for some reason they didn't photograph the Sunoco) are not architectural exemplars, but they share a common design language (low brick or block walls under a short steep overhanging roof), they are of an appropriate scale, the two on the west side of 9G are backed by trees or nearby buildings and don't block mountain views, and it's convenient to have gas and general items at hand.
- 2) To me the most surprising photo in the set is Floweld (pg. 65). In Primax's rendering it's just a gaping driveway, leading back to darkness. But when I drive past, my eye is drawn to Floweld's front building, an attractive house, a blend of brick and wood, small scale, colorful awning, with caring landscaping. It looks like an 80s suburban house, and I never realized until looking at the Primax aerial views that there were three much more industrial scale buildings in the rear. Isn't it ironic that the three large structures of Floweld, which together have a far greater footprint than the proposed Dollar General, have a far smaller visual impact? And isn't it telling that Primax peers down the drive when the rest of us see the colors and the neatness of the trim office in front?
- 3) There are also several photos of people's homes, or homes used as businesses (pgs. 64, 66, 67, 68, 69). Most are backlit and off center, in each case the DEIS photo brings out the worst in the property. You almost must admire the skill that could pull it off. I had thought of rebutting these photos with a set of my own, bright and attractive and showing the 9G corridor at its best. But that's not necessary, because Google has already done it. Just enter 42.130921, -73.892258 into the Google Maps search bar, drag the little person figure onto 9G to start Street View, and click your way north. You'll see every building in Primax's 'existing conditions' photos, but without their bias. Plus, you'll see the attractive houses they neglected to photograph. You'll also see the open fields and the wonderful views across the Hudson west to the mountains, and looking east you'll see the fields and woods rising towards the ridge marking the Roe Jan watershed boundary.
- 4) The least attractive building in the DEIS photographs is probably Steve Seidel's business (pg. 60). The Seidel building (including the northern extension) is about 80x130', which is larger but basically similar in scale to the proposed Dollar General. To visualize the impact of the proposed Dollar General store, simply imagine the Seidel building at the proposed location. That's the scale, that's what is being proposed.

Response III.A-19: Comment noted. No response necessary.

Comment III.A-20 (Letter 32, Melinda Reichlin, October 23, 2017): This is a slippery slope when it comes to commercial businesses. As stated above, it could be a short jump to the next one and the next one. Is this how we want our town to look? You could parachute into many towns and not know where you are because the stores are all the same they look the same and you could be in Anywhere, USA. That is not my town. **[Similar comments were found in the following letters and from the following members of the public during the DEIS**

public hearing on September 28, 2017: Letter 48, Maude and Kevin Burns; Letter 52, Gila and Andrew Alter; Letter 54, Andrew Clark; Public Hearing, Don Westmore]

Response III.A-20: Comment noted. The Applicant will continue to work with the Planning Board on the overall look and aesthetics of the building as this Project moves to the site plan review stage.

Comment III.A-21 (Letter 34, Ann Marie Gardner, October 23, 2017): I have witnessed this town come alive in the 17 years I have lived here. And one mistake like this, could change the town forever. And we are on the precipice of that happening. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 38, Nadea Archbold; Letter 47, Melora Kuhn; Letter 52, Gila and Andrew Alter; Public Hearing, Jaia Orient; Public Hearing, Lee Wurtzburger]**

Response III.A-21: Comment noted. No response necessary.

Comment III.A-23 (Letter 36, Rebecca Squiers, October 23, 2017): Once we allow one national box franchise, it opens doors to others. This is a direct contradiction to our goal of protecting the unique character of our town. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 38, Nadea Archbold; Letter 40, Arnold Reichlin; Letter 41, Tandra Dillon; Letter 56, Nicole Carroll; Letter 58, Joshua Orient; Public Hearing, Jaia Orient; Public Hearing, Peter Risafi]**

Response III.A-23: The Project proposed is a standalone 9,266 square-foot small box retail space that is clustered adjacent to an existing industrial use building (Floweld Company) and in the immediate vicinity of, and consistent with, the other single story commercial buildings in the existing corridor development on NYS Route 9G (e.g., Stewart's Shop, Sunoco, Mobil and KeyBank). Presumably, any future development proposed in the Town must comply with the Town's Zoning Law and will be made to go through the Planning Board for site plan review. The unique character of the Town, as recognized by the Comprehensive Plan, already recognizes the commercial development along NYS Route 9G (e.g., Stewart's, Sunoco, Mobil and Key Bank), where the Project is located, because it already has a "highway commercial" feel to it. (See Appendix F of the DEIS, pg. 40).

Comment III.A-24 (Letter 37, Steven Wheeler, October 23, 2017): The Primax/ Dollar General proposal is in direct opposition to virtually every issue, goal and recommendation outlined in Chapter 8 of the Comprehensive Plan, "Local Economy and Commercial Development." (A copy of the chapter's Goals and Recommendations is attached for the record.) Moreover, the 2017 update to the Comprehensive Plan currently under review reinforces the business development priorities articulated by the community more than a decade ago. It also recognizes the need to do more to encourage small local business and to protect and improve the 9G corridor, recommending that the Town appoint a standing Economic Development Committee and develop a Corridor Enhancement Plan for the NYS Route 9G Corridor. The Dollar General/Primax proposal should not be approved before the Town appropriately pursues these recommendations.

Response III.A-24: See Response III.A-2. Any proposed updates to the Town's Comprehensive Plan (Draft, 2007) or Zoning & Subdivision Law are immaterial to the pending Project, as a matter of law.

Comment III.A-25 (Letter 37, Steven Wheeler, October 23, 2017): Germantown has an independent streak. Rather than consolidating with a regional school system, we have a single central school, grades K-12 housed in a single building. We have our own telephone company, GTel, which provides a broad range of telecommunications services to our town. We have a small independent food market in the village center that sells groceries, prepared foods, coffee and more. A flower shop, a package store, a comic book and toy store, a historic B&B - all independently owned and operated - plus a restaurant whose owner cooks in the kitchen and lives upstairs. And that's just a few examples. Germantown has chosen to go its own way with authentic, small town, local, independent businesses. That is part of its character. Placing a Dollar General store at the gateway to our town would plainly say the opposite - that there's nothing special about Germantown. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 41, Tandra Dillon; Letter 43, Kiri Millburn; Letter 57, Cherie; Letter 58, Joshua Orient]**

Response III.A-25: Comment noted. However, the Proposed Project is not sited in the Hamlet village itself, but rather clustered adjacent to an existing industrial use building (Floweld Company) and in the immediate vicinity of, and consistent with, the other single story commercial buildings in the existing corridor development on NYS Route 9G (e.g., Stewart's Shop, Sunoco, Mobil and KeyBank), which the Town's Comprehensive Plan recognizes because it already has a "highway commercial" feel to it. (See Appendix F of the DEIS, pg. 40).

Comment III.A-26 (Letter 37, Steven Wheeler, October 23, 2017): Unfair competition is a key part of Dollar General's business model. Dollar General sets up shop in small towns because it doesn't want to compete with Walmart in larger communities. It would rather compete with small local businesses because it will be easier to beat them. Dollar General's initial costs are low because it can plunk down a cheap cookie-cutter building, keep the staff to a bare minimum and, if the store doesn't meet its sales targets, it will close shop and move on to another small town, Dollar General will not even take the risk of owning its store in Germantown - it shifts that burden to Primax, a North Carolina real estate developer that also has no stake in our community. So, we should wonder how deep is Dollar General's commitment to Germantown. Will Dollar General be a meaningful contributor to our community? Or is it only interested in squeezing profits out of the people in Germantown and sending them back to its corporate headquarters in Tennessee? (Here's an indication: Dollar General's CEO made \$8.5 million in salary last year.) **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 41, Tandra Dillon; Letter 46, Dawn Tsien; Letter 59, Jaia Orient; Public Hearing, Jaia Orient;**

Response III.A-26: Commenter's opinions are noted. However, as stated in Dollar General's 2016 Annual Report, Dollar General is concerned with both its employees and the local community:

*"We are making significant investments in compensation and training for our store managers, who play a critical role in delivering a positive customer experience and profitability. We believe the return on this investment to be an improved customer experience, higher sales and lower shrink as the result of our enhanced ability to attract, retain and grow the best talent for Dollar General." And "Of course, strategy cannot be successful without the appropriate culture. Our culture is rooted in our mission of **Serving Others** as we continue to grow and evolve our business. We want to make a real and lasting difference in the lives of the customers we serve and the communities we call home. During 2016, Dollar General and our foundations donated more than \$18.8 million to charitable causes with a primary focus on uplifting and empowering individuals of all ages through literacy and basic education. We also invited our customers to join us in helping individuals in need through in-store cause campaigns for St. Jude Children's Research Hospital, Autism Speaks and the American Red Cross."*

Comment III.A-27 (Letter 39, Warren S. Replansky, PC, October 23, 2017): A review of the DEIS reveals that this project is clearly inconsistent with those resources and the project, as proposed, will negatively impact or result in the diminishment of public enjoyment and/or appreciation of the scenic views of these resources and areas. These impacts have not been adequately mitigated by the proposals set forth in the DEIS.

The project is clearly inconsistent with the Town's Comprehensive Plan and the project has not been modified, or mitigated, in order to achieve that consistency. Specifically, those inconsistencies include, but are not limited to, the following:

1. The responses from the community survey in conjunction with the Comprehensive Plan, which clearly indicated a desire on the part of the residents of Germantown to maintain the rural character of Germantown and encourage control of business and residential development (p.3).
2. The response of 97% of those responding to the survey who rated Germantown's rural character as important (p.4).
3. The response of the participants in the workshop, which chose community character including "a viable Village Center with locally owned businesses" as Germantown's second most important strength after its rural character, an identification of the Village Center as the principal site of the Town's retail and service businesses (p. 5).
4. The identification of the northern Catskill Mountain range and its beautiful views as an essential part of the regional setting of Germantown and the warning that the Town risks being caught up in a development squeeze unless steps are taken to control it. (p. 7)
5. The recommendation that the Town consider historical context as a consideration of its review of proposed development next to historic sites and structures (p. 11).
6. The consistency of the project with the Hudson River Valley Greenway and Natural Heritage Area Vision Plan for the Hudson River Valley which proposes a trail section in Germantown between Route 90 and the Hudson River and the consistency of the project

with the Greenway Guides which present tools and techniques which allow growth to occur while maintaining community character (p. 19).

7. The recommendations of the plan for the focus of development in traditional centers with the avoidance of overdevelopment of rural surroundings and the recommendation for providing stronger emphasis on walkable communities while supporting land use and site plan decisions that reduce traffic impacts (p. 20).
8. The identification of types and scales of businesses that are in harmony with Germantown's natural resources and rural character rather than larger, sprawling commercial development (p. 37).
9. The recognition that Germantown residents favor business activities that are in harmony with the natural resources and rural character of the Town that support the needs and serve its citizens and its small scale locally owned service oriented businesses in designated areas that serve the needs of Germantown's population, travelers and tourists as opposed to businesses that would serve more regional than local needs (p.41).
10. The recognition that the community survey respondents want to discourage strip development along the 9G corridor and favor direction of community development primarily in the Main Street Village area. Additionally, any new business development must be carefully considered as subjected to rigorous review and site plan approval process (p.41).
11. That the community survey respondents favor utilization of the Hudson River Valley Greenway Design Guidelines for Commercial Development when reviewing and approving projects (p. 42).
12. That in developing undeveloped areas along Route 9G, the community input favors types of small scale local businesses more typical of Village commercial uses that highway commercial uses and recognizing that existing businesses along 9G can be non-conforming, but that it is critical to ensure that future uses in this area promote the desired small-town character (p. 43).
13. That the goals and recommendations for future planning of the Town encourage and promote small and low cap impact businesses in a responsible, economically feasible fashion, in appropriate locations in keeping with the Town's rural character.
14. Insure that new commercial buildings are designed in a manner consistent with desired aesthetic character of Germantown thereby providing for a visually pleasing community (p. 43).

The Applicant has failed to present and discuss a full range of measures designed to mitigate the project's inconsistency with the Comprehensive Plan and impact on the Town's community character. **[Similar comments were found in the following letters and from the**

following members of the public during the DEIS public hearing on September 28, 2017: Letter 41, Tambra Dillon; Letter 46, Dawn Tsien; Letter 56, Nicole Carroll; Letter 59, Jaia Orient]

Response III.A-27: Comment noted. See Responses II-24, III.A-2, III.A-4, III.A-7, III.A-8, III.A-12, III.A-23 and III.A-25.

Comment III.A-28 (Letter 39, Warren S Replansky, PC, October 23, 2017): Upon information and belief, this is the first project reviewed by the Planning Board within the Scenic Viewshed Overlay District since the amendment to the Town's zoning law. The approval of a project of this size and scale with its substantial viewshed impacts within the Overlay District will undoubtedly set a precedent for future development within the District. If this project is approved in its current configuration, the Planning Board will be hard-pressed to deny future applications for similar projects within the Viewshed Overlay District, thereby resulting in an evisceration of the purpose and intent of the Overlay's intended protection and guaranteeing degradation of this important scenic resource of the community. Although required to do so by the scoping document, there is no discussion of the adverse precedent that will be set by the approval of this project in its present form in the DEIS.

Response III.A-28: Comment noted. Refer to Response III.A-12, above. The Applicant has complied with the Scenic Viewshed Overlay District regulations by taking measures to minimize viewshed impacts. Such measures include: rotating the proposed building and clustering it next to the Floweld Company building next door; locating the building on natural topography and pushing it as far back from NYS Route 9G as possible; restricting proposed building height to less than 60 percent of hamlet commercial district regulations (i.e., 35 feet or 2 ½ stories); and locating all on-site utilities underground.

Additionally, the Applicant is proposing to protect and preserve the viewshed of the Catskill Mountains from the Project Site, through the proposal to create approximately 7,200 square feet of greenspace adjacent to the parking area on the south side of the Project, which will include benches and will afford views of the surrounding area, including the Catskill Mountains to the west all year round.

Comment III.A-29 (Letter 52, Gila and Andrew Alter, October 25, 2017): What we want for our town is perfectly clear. The Comprehensive Plan states, point by point, what is permitted in our town. A Dollar General does not 'fit in'.

It is an oversized building, designed to overshadow existing businesses and private homes in a struggling corridor of town. It throws Rt. 9G into further imbalance. Three gas stations at or near a prominent corner, the crossroad, was not a thoughtful plan. It was a different era. It has divided the village. People speed along past the intersection, time and time again. If it were not for the popularity of Otto's, Gaskins, the newer small businesses and our well-established older ones, Germantown would continue to be bypassed. I have been a resident for 25 years. Over that time when asked where I live, I used to get a puzzled look: "is there a village? Why would you want to live there? There's gas stations and a Stewarts." Well, not anymore!

Response III.A-29: Comment noted. See Responses III.A-2 and III.A-7.

Comment III.A-30 (Letter 52, Gila and Andrew Alter, October 25, 2017): As to what we want in town, thriving to-scale businesses. Whether a diner, garden center, professional offices for services we need (medical, legal, eye care, so on). Retailers. From a bakery, coffee, lunch to home goods. Paint, brushes, note books, sundries have a place in town. At a scale that is appropriate. Passer bys will slow down, stop in and realize there's even more to explore throughout the town. That's a good business model.

Response III.A-30: Comment noted. Refer above to Response III.A-3.

Comment III.A.31 (Letter 55, Leo Wurtzburger, October 25, 2017): They [Applicant] minimized the impacts of their proposal on our view of the Catskill Mountains, which happen to be unique to Germantown on the 9G; and they did little to mitigate obstructing these views like making a smaller store or attempting to find another location.

Response III.A-31: Comment noted. Refer to Responses III.A-12 and III.A-28.

Comment III.A-32 (Letter 58, Joshua Orient, No Date): The unattractive store at the entrance to our hamlet my actually inhibit tourism to our (at least for now) beautiful, rural town...The placement of this box-store on the 9G corridor sets a scary precedent for future development there. Fairview Avenue in Hudson illustrates an unfortunate potential future of a strip mall if this development goes through. Once Dollar General moves in, how will we be able to say no to McDonald's or even Walmart? **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 59, Jaia Orient; Public Hearing, Jaia Orient; Public Hearing, Pamela J. Wallace; Public Hearing, Lee Wurtzburger; Public Hearing, Michael Reichman; Public Hearing, Conor Guy;**

Response III.A-32: Comment noted. See Responses III.A-23 and III.A-25, above.

Comment III.A-33 (Letter 59, Jaia Orient, No Date): There are chain stores that have effectively integrated into towns by respecting the town's vision of itself. The CVS in Rhinebeck is an example of this. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Public Hearing, Jaia Orient; Public Hearing, Raymond Moore]**

Response III.A-33: Comment noted. See Response III.A-7. The Applicant fully intends to integrate the aesthetics of the store with the other buildings in the community, to the extent possible and reasonable. The Applicant will continue to work with the Planning Board on the overall look and aesthetics of the building as this Project moves to the site plan review stage.

Comment III.A-34 (Public Hearing, Stephen Savoris, September 28, 2017): Community Survey: They oppose fast food businesses and large shopping outlets or other establishments that invited high automobile and truck traffic.

Response III.A-34: The Proposed Project is neither a fast food business, a large shopping outlet or other establishment that invites high automobile and truck traffic. Refer to Section II, Response II-24 of this document concerning the impact of the Proposed Action on traffic.

Comment III.A-35 (Public Hearing Jaia Orient, September 28, 2017): Saying no to Dollar General does not mean that the property will not be developed. There have been other offers to buy and develop that specific property. Saying no to Dollar General just means that the town wants to guide our development with a long-term vision for a vital community, with high-quality, low-turnover jobs that truly support the people who live here.

Response III.A-35: Comment noted. See Response III.A-2.

Comment III.A-36: (Public Hearing, Conrad Hanson, September 28, 2017): My question to you all, because I don't like the way this Dollar General looks, is has anybody looked at these [Valatie, Hoosick, Hyde Park, Pine Hill], which do a very good job of integrating into the community and don't stick out, and talked to developers about that?

Response III.A-36: Comment noted. As noted in Responses III.A-7 and III.A-33, the Applicant will continue to work with the Planning Board on the overall look and aesthetics of the building as this Project moves to the site plan review stage.

Comment III.A-37:(Public Hearing, Conrad Hanson, September 28, 2017): My second thing was a little confusion, because I hear a lot about protecting the viewshed, and what I've always wanted to see protecting the viewshed is something to block the cement factory that dominates the view in the winter. And again, I brought up, has anyone talked to Primax about a sighting that would do that? Because when the leaves are off the trees, nobody is looking at the mountains, they are looking at an industrial complex. And if we are protecting that, then it should stay that, just so we know.

Response III.A-37: Comment noted. See Response III.A-28. The Applicant has considered all aspects of the viewshed when designing the proposed Project, which is buildable as of right, and will continue to work with the Planning Board to address any reasonable accommodations that can be made to further address viewshed concerns.

Comment III.A-38: Public Hearing, Kaare Christian, September 28, 2017): You know, I'm down at the bottom of Anchorage Road for quite a while, and for a long time there was a property on Anchorage Road that had Tyvek all around the house and, you know, that just didn't look great. And when I drive by that house for 10, 15 years, I would be going past it for about a second. The way that it bothered me was not one second. The way that it bothered me was, I'm living on a road, and I want everything great on that road. And I know I can't tell that one guy that has to shape up, and eventually, you know, you go down the road now, Anchorage Road looks great. It's a fine road. Primax and Dollar General are telling us that because its only one second you are driving by that property, that it really doesn't have much of an impact on what's going on. It's only 1.2 seconds. I think that kind of illustrates the way they're trying to wiggle; the way they are trying to wiggle this through our system and what is written down. The scenic view overlay, it does not -- that overlay does not say 1.2 seconds is okay. What happens is, as you are driving, as you are in Germantown, that is part of the character of Germantown. That's part of the forever.

Response III.A-38: Comment noted. See Response III.A-2.

III.B SOILS AND TOPOGRAPHY

Comment III.B-1 (Letter 30, Kaare Christian, October 20, 2017): On document page 54 (pdf page 99) of the DEIS there is a discussion of the nearby unnamed stream, which is treated as a Class A waterbody by it being a tributary of the Hudson, which is Class 'A' in the vicinity of Germantown. The DEIS discussion states "The characteristics of the stream along the Site boundary are more consistent with a Class'D' designation than the Class 'A' designation." This wishful reclassification is totally without merit, and the next few sentences (top few lines on page SS) are so egregiously incorrect as to require multiple corrections. For example, the Hudson River is classified segment by segment, so to call it a "Class 'A' stream" is incorrect, because it has many classifications. And streams aren't classified by usage, but rather the 'best use' activities cited are illustrative. The whole speculation and discussion of Class'D' should be removed and the DEIS should simply state what is correct: "The stream at the Site boundary is designated as a Class 'A' water body due to its discharge into the Hudson, which is designated Class 'A' in the vicinity of Germantown."

Response III.B-1: The DEIS does not seek a reclassification of the unnamed stream that receives the stormwater runoff from the project site. The discussion of the classification of the unnamed stream is strictly for information purposes and acknowledges the classification of said stream being a Class "A" waterbody.

Comment III.B-2 (Letter 30, Kaare Christian, October 20, 2017): And the DEIS should clearly acknowledge what is really quite obvious and also correct, that surface discharge from the site is subject to the NYSDEC Protection of Waters program. The site is within 500 yards of the Hudson River, and its surface discharge enters the Hudson River within minutes of leaving the site.

Response III.B-2: The project site is not subject to the New York State Department of Environmental Conservation (NYSDEC) Protection of Waters program. The discharge of stormwater from the project site is located well beyond the edge of the stream or the stream bank. NYSDEC Protection of Waters program requires permits for disturbance of the bed or banks of a protected stream or other watercourse. NYSDEC defines the "bank" of the stream as "that land area immediately adjacent to and which slopes toward the bed of a watercourse and which is necessary to maintain the integrity of the watercourse. A bank will not be considered to extend more than 50 feet horizontally from the mean high water line; with the following exception: Where a generally uniform slope of 45 degrees (100%) or greater adjoins the bed of a watercourse, the bank is extended to the crest of the slope or the first definable break in slope, either a natural or constructed (road, or railroad grade) feature lying generally parallel to the watercourse." The discharge location of the proposed stormwater basin is in excess of 400 feet from the bank of the receiving stream. No disturbance to the stream bed or bank is proposed, therefore a permit is not required from the NYSDEC Protection of Waters program.

Comment III.B-3 (Letter 30, Kaare Christian, October 20, 2017): The project includes on-site stormwater retention and detention areas to compensate for the impervious surfaces added to the site. It's beyond my expertise to review the design of these two structures, but I would like to make two important points:

- 1) The design relies on current 1, 10 and 100 year return figures for rainfall. But as we all know, with climate change accelerating, these once-fixed values are now unknown. The "100-year rainfall in 24 hours" value used within the DEIS is 8.23", but Houston just received 51.88" of rain from a single storm, Hurricane Harvey. Of course, that was in a longer period than 24 hours, and it was on the Gulf Coast, but the point is that we're recording new rainfall records routinely, and there's little if any reason to have confidence in the current rainfall design values.
- 2) The runoff mitigation structures are impressively tucked into the western end of the site, occupying 100% of the land west of the parking and delivery surfaces. From the site plan it's obvious that the shapes and positions of the two structures are perfectly matched to the shape of the driveway used for turning trucks. Not a square foot is wasted.

So, the design is based on outdated rainfall data yet the resulting mitigation structures fully occupy all available space. There's no way to revise or replace. The project is locked into a design known from the outset to not meet the regulatory targets.

Response III.B-3:

1) *As stated on Page 7, Attachment C of the Stormwater Pollution Prevention Plan (SWPPP) prepared for the application (Appendix EE of the DEIS), the rainfall data utilized for the analysis of the stormwater runoff is the current rainfall values prepared by Cornell University in conjunction with the Northeast Regional Climate Center (NRCC) and the Natural Resources Conservation Service (NRCS) and represents the most current rainfall data available for the project site. The data utilized is representative of the compilation of years of rainfall data from various weather stations throughout New York state and has been generated specifically for the project site.*

2) *The design of the site plan has been completed specifically for the project site and has been completed to comply with current New York State Department of Environmental Conservation (NYSDEC) regulations for the treatment and detention of stormwater runoff from the proposed development. The shapes and sizes of the driveways, parking spaces, and delivery vehicles have been designed to comply with the Town of Germantown site plan regulations and provide a safe and efficient means to utilize the Project Site for the Applicant. The stormwater basins have been designed around the proposed improvements and will treat and detain the runoff from the impervious surfaces on the site.*

The stormwater basins have been designed utilizing the most current rainfall data available for Germantown, NY and has been designed in conformance with current NYSDEC regulations for stormwater runoff.

Comment III.B-4 (Letter 32, Melinda Reichlin, October 23, 2017): Impact on our water table.

Response III.B-4: The proposed store has an anticipated average water demand of less than 200 gallons per day. This water usage is less than a standard two-bedroom home equipped with water savings fixtures. As required by the New York State Department of Health regulations, the well to serve the proposed development will be tested to ensure the required water can be supplied to the proposed store without significant impacts to the existing water table in the vicinity of the project. The well will be pumped at a rate equal to

the peak demand for an extended period of time during the testing. The water level in the well will be monitored throughout the test and after pumping has ceased to analyze the recovery of the water level. The testing completed will be submitted to the Columbia County Department of Health and reviewed for acceptability.

Comment III.B-5 (Letter 54, Andrew Clark, October 25, 2017): The projected site of the Dollar General is also in the Hudson watershed, an area that should be developed to show off the rural beauty of Germantown.

Response III.B-5: Comment noted.

Comment III.B-6 (Public Hearing, Martin Overington, September 28, 2017): My questions for that DEIS, if they start digging to connect the sewer, or if they start digging to connect the water pond – can you hear me? The water pond, if they start digging in that land that was a fill of filth, that was from the years of Germantown dumping into that property. Hi. My name is Martin, I have been here 30 years. I am not here 300 years, but I know that property has been filled, filled with crap for the last many years. So, is there any standard, or when you start digging, if you go there, that we monitor the crap that's coming out of the dirt that will -- and the wells that they are going to drill, will be monitored? Question. It is a land fill. That property is a land fill; all right? Is that a yes or no? You tell me in your answer. Yes?

Response III.B-6: The project site has been identified as the location of the disposal of fill from the installation of the Town of Germantown public sewer system and from the expansion of the Germantown Central School District on page 54 of the DEIS. The soils on the project site have been analyzed by a qualified environmental consultant. The results of the testing have been provided in Attachment D of Appendix H of the DEIS. The level of contaminants in the on-site soils all fall below the Protection of Health levels for the proposed commercial use of the property. If any soil is removed from the site, the DEIS prescribes the method of disposal of any of this soil. The proposed well will be drilled in accordance with current New York State Department of Health regulations, including the proper grouting of the well casing into the underlying bedrock. The water in the well will then be tested for a list of contaminants prescribed by the Columbia County Department of Health. If any contaminants are found in the well, treatment devices will be installed in the proposed building to ensure potable water will be provided to the patrons and employees of the proposed store.

III.C ZONING AND LAND USE

Comment III.C-1 (Letter 2, Peter Risafi, September 28, 2017): Is it in compliance with specific zoning requirements?

Response III.C-1: Yes. See DEIS, Section III.C (pp. 59-69).

Comment III.C-2 (Letter 4, Carole Neville, September 28, 2017): The ZSL creates a specific district to protect the Town's scenic corridor and the Catskill Mountain viewshed in accordance with the Comprehensive Plan. It requires that "To the extent possible, all structures to be built within the SVO District shall be sited and clustered in such a way as to avoid or minimize the obstructing of the Hudson River and Catskill Mountain viewshed." Primax is proposing to put the largest store in the Town on the site with the inevitable result that there is a complete obstruction of the view. Its respect for the siting obligation is to move the huge building a few feet in one direction or another. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 9, Cynthia Reichman, Letter 30, Kaare Christian; Letter 31, Pamela Wallace; Letter 55, Leo Wurtzburger; Letter 60, J. Theodore Fink; Public Hearing, Stephen Savoris; Public Hearing, Pamela J. Wallace]**

Response III.C-2: Comment noted. See Section, III.A, Response III.A-28 of this document.

Comment III.C-3 (Letter 4, Carole Neville, September 28, 2017): The subdivision provisions of the ZSL are meant to facilitate the provisions of the ZSL and the Comprehensive Plan. The Primax Proposal requires approval of a subdivision but Primax seeks to make applicable only the basic requirements of the subdivision requirements. To that end, Primax classifies the subdivision as a minor subdivision because it only creates two lots. However, under the express language of the ZSL, the proposed subdivision qualifies as a Major Subdivision, which is defined as "The division of any parcel of land into 2 or more lots, blocks or sites, with or without streets or highways and includes re-subdivision." A Minor Subdivision is one "not adversely affecting the development of the remainder of the parcel or adjoining property, and **not** in conflict with any provision or portion of the Comprehensive Plan, Official Map or this Zoning and Subdivision Law." The Primax Proposal is admittedly in conflict with the Comprehensive Plan. Thus, it qualifies as a Major subdivision. I leave it to the professionals to tell us whether the submissions meet the requirements of the major subdivisions applicable to a non-residential project

Response III.C-3: The Town of Germantown Zoning and Subdivision Law of 2011 defines a Minor Subdivision as "Any subdivision containing not more than 4 lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map or this Zoning and Subdivision Law." The proposed 2-lot subdivision of the lands of Paul & Henrietta D'Sousa contains less than 4 lots, does not proposed any new street, and is not in conflict with any provision or portion of the Comprehensive Plan, Official Map or the Zoning and Subdivision Law. The subdivision is in conformance with the regulations set forth for the Hamlet Commercial zoning district. By definition, the 2-lot subdivision is a minor subdivision. If the Town of Germantown Planning Board decides the application is a major subdivision, the Applicant has previously submitted the Town of Germantown Zoning and Subdivision Law of

2011, Form A: "Major Subdivision Resource Analysis Assessment" for the consideration of the subdivision.

Comment III.C-4 (Letter 4, Carole Neville, September 28, 2017): The ZSL establishes building design standards to ensure that "new nonresidential development within the Town of Germantown reflects and protects the architecture and character of the Town's hamlets and rural landscapes" as recommended by the Comprehensive Plan. In that section, the ZSL prescribes the length of facades: "For larger structures, the length of any facade should generally not exceed 50 feet maximum (horizontal dimension)." Primax reads that language as permitting a 71-foot facade even though such a long facade does not "reflect and protect the architecture and character of the Town's hamlets and rural landscapes" and the ZSL actually prefers 30-foot facades maximum. In sum, Primax's protestation that it complies in all respects with the ZSL and the Comprehensive Plan must be viewed with great skepticism. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 3, Adrienne Westmore; Letter 4, Carole Neville (noted twice); Letter 6, Michael Reichman, Letter 31, Pamela Wallace; Letter 35, Dawn Breeze; Letter 46, Dawn Tsien; Letter 53, Tony Albino; Letter 56, Nicole Carroll; Letter 60, J. Theodore Fink; Public Hearing, Stephen Savoris; Public Hearing, Pamela J. Wallace; Public Hearing, Lee Wurtzburger; Public Hearing, Amy Davison]**

Response III.C-4: As defined in the Zoning Code, the facades of a building are the "exterior walls of a building facing a frontage line." Refer to Appendix GG of the DEIS for a copy of the Zoning Code, pg. 49. The Zoning Code specifies, as a guideline but not a requirement, that:

For larger structures, the length of any facade should generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further; 30 feet or less is preferred. Facades may be broken up through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments.

The proposed building is designed to meet these guidelines. Because the proposed building has a maximum width of 71 feet, which is permitted by the Code, the proposed building has been designed with three front facades in order to comply with the Building Design Standards of the Code. Each of the three front facades is less than 30 feet, and each is broken up further with architectural treatments designed to look like a separate store front. The front of the building, which is parallel with the street frontage property line, includes two facades that have a combined width of fifty feet. A third facade is the recessed or chamfered front entrance, also less than 30 feet wide, which is "oriented towards the public right-of-way", as required by the Code. See Appendix GG, of the DEIS, page 50-51. Upon analysis, the design of the proposed building is in compliance with the Town's development standards. The Town Engineer had previously reviewed a proposed building design for the Project that had generally the same 71-foot wide building, but did not have a chamfered corner. Even then, the Town Engineer found general compliance with the development standards. Refer to Appendix CC of the DEIS, Memo and Comments, pg. 3.

Comment III.C-5 (Letter 4, Carole Neville, September 28, 2017): Although Primax tried to solicit Planning Board approval of its designs for more than a year before it actually submitted a formal application, the Planning Board has never signed off on the design elements of the

proposed building. All of the design elements-the building materials, colors, size of building-lighting, windows, planting, signs are subject to the Planning Board's consideration and final decision. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Public Hearing, Martin Overington]**

Response III.C-5: Comment noted. The Applicant will continue to work with the Planning Board on the overall look and aesthetics of the building as this Project moves to the site plan review stage.

Comment III.C-6 (Letter 9, Cynthia Reichman, September 29, 2017): Secondly, the Primax proposal does not comply with our Zoning Law in several ways. The building design ignores or tries to skirt the requirement for windows or doors facing all roadways and parking lots. The proposal has only an emergency exit facing the parking lot, and faux windows and doors facing the street. There are discrepancies in the proposed building materials and windows which are out of compliance with the Building Design Standards outlined in our Zoning Code.

Response III.C-6: Comment noted. The Applicant will continue to work with the Planning Board on the overall look and aesthetics of the building as this Project moves to the site plan review stage.

Comment III.C-7 (Letter 11, Klaudia Frizzell, October 1, 2017): I originally was opposed to the Dollar General in Germantown. I lived here 24 years and graduated from GCS [Germantown Central School]. It was a quaint and more simple time then. I do not live in Germantown full time now, but considered the impact on the people rather than myself of the convenience store. I also considered the fact that where it will reside is along a corridor of other business of the like, gas stations, bank, trailer retail ... block buildings. It is apparent that all these businesses are placed outside of the village and that the village is left untouched. If zoning law is not an issue, then for the towns people sake the Dollar General should be allowed.

Response III.C-7: Comment noted. No response necessary.

Comment III.C-8 (Letter 16, Brandi Jornov, October 2, 2017): I am a resident of Germantown and would like it to be known that I support the Dollar General. They are asking to build a commercial building in the commercial district and are following all codes, rules and regulations and even offering to infuse \$150k into an outdated system that they DO NOT have to do, not to mention the jobs, affordable products and tax infusions that our town could benefit from. If we do not allow this business in then what are we saying about the planning board, the zoning board and all the other codes and rules that the residents of Germantown have created??? That it's not ok to just meet these code checklists, or to follow our guidelines, but that you also have to meet some kind of ideal town image that nobody can agree on what that means?! Essentially that we do not need the boards or codes or zones or any of it. We would just need a few people to decide on a whim whether they like your idea or not in order to build. Our town needs commercial growth. This is an opportunity to grow and prosper and not have to drive out of district to spend our money. The proposed building looks beautiful, more beautiful than most of the current structures. There should be no reason to say no to this business. Feelings need to be put aside. Business is business and anyone who meets the guidelines and plays by our rules should be allowed to build.

Response III.C-8: Comment noted. Along with the increases in tax revenue and jobs that the commenter notes, Primax will be contributing to the Town's public infrastructure by upgrading the public sewer line in front of Lot 1 and Lot 2, as well contributing towards the extension of the sidewalk along NYS Route 9G.

Comment III.C-9 (Letter 25, Amy Jo Davison, October 12, 2017): According to our Comprehensive Plan, the area in question is zoned Commercial and yes new buildings and businesses will be built there. What I would strongly encourage the Planning Board and the Zoning and Subdivision Committee to keep in mind, is that there are guideline and regulations in place and Primax is asking you to disregard the regulations that are already in place. The Zoning and Subdivision regulations have considered the size of new buildings, the amount of parking space, the size of signage, the amount of lights to be left on at night, the view-shed, etc. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 44, Valerie Shaff; Letter 59, Jaia Orient, Public Hearing, Martin Overington]**

Response III.C-9: Yes, it is agreed that, according to the Town's Comprehensive Plan, the Project Site is properly zoned so that new businesses may be built there. However, the Applicant is not asking the Planning Board to "disregard the regulations that are already in place." See Response III.C-1, above.

Comment III.C-10 (Letter 29, Nick Lundy, October 17, 2017): I wanted to email to voice my opposition to the proposed Dollar General Store on 9G. I have had a house in Germantown for about 15 years and love the town, and I feel it's crucial to be sensitive to the types of business and new construction in the town in general but especially along 90. Clearly the lack of zoning in the past has created a mess (3 gas stations next to each other for a town our size?), Germantown has increasingly become an attraction for people from all over New York and elsewhere and to disregard the importance of zoning regulations concerning design and the image we want to project for our town is a grave mistake. It is my opinion that the revitalization of the town center, with the addition of 3 new businesses in the last several months has created a vibrant environment A far cry from what it was 15 years ago and certainly a move in the right direction. We have a duty to our children and to the people of Germantown to protect our town from corporate predators who have zero interest in our future or the aesthetics of the town. I implore the Town Board to adopt the Comprehensive Plan, to follow design guidelines and work to protect our natural resources. We can't allow 90 to become Fairview A venue in Hudson and if we allow businesses like Dollar General to invade our beautiful town, that is exactly what will happen. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Hearing, Pamela J. Wallace]**

Response III.C-10: Comment noted. See Responses III.A-2, III.A-7 and III.C-9.

Comment III.C-11 (Letter 31, Pamela Wallace, October 20, 2017): The proposed Dollar General building is not "compatible with the architecture of the existing hamlets and general rural community character in their massing and external treatment." [Article VII]

Response III.C-11: Comment noted. See Response III.A-7.

Comment III.C-12 (Letter 39, Warren S. Replansky, October 23, 2017): Although the Scenic Viewshed Overlay District requires that building facades within the district be limited to 50 feet, the building's design remains at 70 feet. The building is massive in size and greatly exceeds the square footage of any other commercial building within the Town of Germantown. The Scenic Viewshed Overlay District was specifically designed to preserve and prevent development which obstructs, or other interferes with, the viewshed of the Catskill Mountains across the Hudson River. The applicant in its visual analysis acknowledges that this building will obstruct either completely, or mostly, the existing viewshed of the mountain range thereby violating the Scenic Viewshed Overlay District standards. The Visual Impact Analysis concludes that there is no way to construct any building on this parcel in accordance with these standards without obstructing the existing viewshed of the mountain range. The Visual Analysis states, incorrectly, that no building can be designed to be constructed on that property which would avoid impacting the views of the mountains. These conclusions are patently untrue.

The only reason given by the applicant for not designing a building which complies with the 50-foot restrictions contained the Overlay District standards for a building of lesser size or mass is that such reduction in size is "not feasible due to the internal layout of the components within a 'Dollar General Store?'. This obviously is a self-imposed restriction and does not constitute a valid basis for lack of mitigation of this serious environmental impact. Moreover, as demonstrated by the Neville submission, Dollar General stores have been designed in other locations with less square footage, size and mass. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 59, Jaia Orient; Public Hearing, Pamela J. Wallace]**

Response III.C-12: Comment noted. The commenter misstates the law. See Responses III.C-4, III.A-12 and III.A-28.

Comment III.C-13 (Letter 39, Warren S. Replansky, October 23, 2017): A discussion of potential impacts and proposed mitigation measures for the Hudson River Greenway and Greenway criteria and the effect of the project on Hudson Valley Greenways determination concerning State Route 9G and its potential for designation as a scenic byway was required by the Scoping Document to be assessed and mitigated in the DEIS for travelers on significant highways. The DEIS and the Visual Impact Analysis is dismissive of the notion that the blockage of view from Route 9G by passing motor vehicles is a relevant environmental impact. See, for example, 16 NYCRR 1001.24 which requires viewshed analysis of impacts on travelers on highways as scenic byways for certification of major electric generating facilities. Negative impacts on viewsheds from highways have been recognized as a valid environmental concerns. See, for example, *Mtr. of Kaywood Properties Ltd. v. Forte*, 69 AD3d 628 (App. Div.2d Dept.) (upholding a denial of a subdivision after SEQRA review determined, in relevant part, that the proposed subdivision failed to preserve viewsapes along the Long Island Expressway and Wading River Road). [See discussion of environmental impacts of the project in Appellant's briefs at 2009 WL 8527376 and 8527378] **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Public Hearing, Kaare Christian]**

Response III.C-13: Comment noted. See Response III.A-8 in Section III.A of this document.

Comment III.C-14 (Letter 39, Warren S. Replansky, October 23, 2017): The only proposed mitigation measure of the project's impacts on the viewshed of the Catskill Mountains is their onsite "7,200 square feet of 'greenspace'". The utility of this greenspace as a mitigation measure is utter nonsense. The greenspace is adjacent to the parking area and is not protected by any sort of conservation, or other, easement. It will be developed with benches. Given the fact that the developer refuses to provide adequate access to the area by the construction of sidewalks, this "greenspace" will unquestionably be a source of further derogation of the Overlay District. It is obvious that patron of the Dollar General Store will utilize this "greenspace" for the consumption of food stuffs and other items bought onsite. Unless this area is meticulously maintained by Dollar General, it will become a further source of trash and litter and will contribute to the environmental degradation of the viewshed.

Response III.C-14: Comment noted. The commenter incorrectly states that the Applicant has refused to provide adequate access to the area by the construction of sidewalks. As set forth in the DEIS, pedestrian access to the Project Site will be provided by a connection to the proposed concrete sidewalk along the development Site frontage on NYS Route 9G. The sidewalk will include a striped crosswalk at the Project Site entrance and has been proposed as an extension to a potential future sidewalk district along NYS Route 9G. As there are currently no existing sidewalks in the vicinity of the development Site, the proposed sidewalk will provide no interconnection for pedestrian traffic from parcels to the north or to the south of the Site. The closest sidewalks are located over 600 feet to the south near the intersection of NYS Route 9G and Main Street. Since the sidewalk associated with the Proposed Action will not connect to an existing sidewalk, the Applicant has offered a payment to the Town of Germantown of \$30,000 (in accordance with an estimate from Greenman-Pedersen, Inc. dated November 24, 2015) in lieu of installing sidewalks in front of Lot 1 and Lot 2. The Town can then use those funds to build the proposed sidewalk once and if the Town decides to extend the sidewalks at the intersection of NYS Route 9G and Main Street north along NYS Route 9G past the proposed Dollar General store. See DEIS, Section III.C.f, pg. 68. See Responses III.A-8 and III.A-28.

Comment III.C-15 (Letter 55, Leo Wurtzburger, October 23, 2017): The appeared to have notice this deficiency [lack of mitigation], when they lied at the latest public hearing saying that the proposal's site was not in the VSO. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Public Hearing, Lee Wurtzburger]**

Response III.C-15: The Applicant has never taken the position that the Project Site is not in the Scenic Viewshed Overlay District. Rather, the Applicant has ensured that the Project complies with the Scenic Viewshed Overlay District regulations. Refer to Responses III.A-8 and III.A-28 in Section III.A of this document.

Comment III.C-16 (Public Hearing, Ron Moore, September 28, 2017): One of the concerns that I will buy into is the size and the brightness of the sign. And I understand that that could maybe move forward with discussion. I am hoping the Dollar General will be willing to talk about this. This is not the Las Vegas Strip. We don't need a great, big sign. There are no other businesses around that you're going to compete with. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Public Hearing, Martin Overington]**

Response III.C-16: The Applicant has prepared a sign package for the Project that is fully compliant with Article VII.G.8 of the Town's Zoning and Subdivision Law. The proposed free-standing sign is a 4-foot high by 8-foot wide (32 square feet) pylon sign with an overall height of

15 feet above adjacent grade. The height of the sign has been designed to be lower than the height of the proposed building, but be elevated so as to prevent any obstruction of the sight line for driveways entering or exiting the proposed parking lot. The height of the sign and proposed location has been selected to minimize potential impacts on the mountain viewshed to the west, maintain the necessary sight distance for customers exiting the parking lot, and provide adequate awareness to drivers along NYS Route 9G of the entrance to the Site. In total, the proposed signs have a total area of 81.8 square feet (100 square feet maximum permitted) with the freestanding sign area having 32 square feet (32 square feet maximum permitted) and a wall sign area of 49.8 square feet (60 square feet maximum permitted). The Applicant has indicated that it is willing to re-address the proposed signage should the Planning Board request changes during the site plan review process.

Comment III.C-17 (Public Hearing, Carole Neville, September 28, 2017): Second thing is, Primax said we can't build a store that's less than 9,200 square feet, which is four times the size of the Otto's, because that's Dollar General's floor plan. Well, Dollar General, in its own SEC filings, which you have to take as an admission, says that its new stores will all be built on a 7,200-square-foot footprint and, in fact, they will have a 6,000-square-foot footprint for rural communities. So why are we being asked to take a store that's 50 percent larger?

Response III.C-17: According to Dollar General's 2016 Annual report, Dollar General's stores average approximately 7,400 square feet of selling space. The 9,100 square foot corner entry prototype that is proposed for the Germanton site has a selling area of 7,422 square feet. Dollar General does have a smaller prototype store that is a total 7,500 square feet, however that building is wider than the proposed 9,266 square-foot store by 15 feet. Although smaller in overall footprint, the store would have more impact on the viewshed and was therefore not considered for this Project.

Comment III.C-18 (Public Hearing, Raymond Moore, September 28, 2017): They talk about noise. Well, you know, you got Floweld running their bulldozers and their big trucks coming in and delivering. I don't hear anybody complaining about Floweld having their truck there. They are right next door to each other.

Response III.C-18: Comment noted. No response necessary.

Comment III.C-19 (Public Hearing, Martin Overington, September 28, 2017): Parking lot, it's now facing toward the neighbors. And so, the parking, every night, you people are going to be having these flashing lights going in front of them, and the neighbors are going to see it. So, the parking lot is now facing the neighbors.

Response III.C-19: The proposed parking stalls for the store are primarily oriented in the north-south direction. The headlights of the vehicles in the northerly facing stalls will shine into the proposed store. The headlights of the vehicles in the southerly facing stalls will shine towards the existing Quality Garden Center building to the south of the project site. These headlights will be screened by the eight (8) trees proposed to be planted between the parking lot and the southerly property line. An additional twelve (12) parking stalls are proposed to be oriented in the east-west direction. The headlights of the vehicles in the nine (9) stalls facing to the west will shine into the remaining lands of proposed Lot 2. No development is currently located in this

area. The headlights of the vehicles in the remaining three (3) parking stalls facing the east will shine into the eight (8) trees previously discussed.

Comment III.C-20: (Public Hearing, Art Cady; September 28, 2017): Walkability and sidewalks are a primary concern and the opportunity to do that is here at the wish of the Planning Board. In subdivision you can require that sidewalks be extended, and sewers be extended and other improvement districts.

Response III.C-20: Comment noted. See Response III.C-14.

Comment III.C-21: (Public Hearing, Art Cady, September 28, 2017): Alongside of the subdivision, between the 9G fog line and property under consideration is a public trust. It's an old colonial road that will provide Germantown with the opportunity to build a sidewalk. And in the rea in front of the bank and the Sunoco station, its 20, 22 feet wide, and that continues in front of the green barn, and then beyond that it narrows to ten feet. And in that drawing, they are putting their sidewalk in front of the Dollar General on the ten feet. So, it's an invasion of a public trust. There's no reason the sidewalk needs to be in that close to the road there. There's plenty of room within the subdivided property to move the sidewalk back as far as 30 feet. So, the purpose of this would be to provide space for what's known as a complete street; a street that's available to all modes of transportation and mobility. I am going to provide a map that shows the area of public trust in blue, and hope that you'll consider this in the design that you assert for Germantown.

Response III.C-21: Based upon the survey completed and the deed research completed by the Title Company providing title insurance for the subject parcel did not indicate the presence of a public trust along the westerly side of NYS Route 9G. The sidewalk shown along the westerly edge of NYS Route 9G has been shown at the request of the Town of Germantown Planning Board. The installation of this sidewalk will be determined by the Town of Germantown Planning Board as the Applicant has offered to install the sidewalk or provide a financial contribution for the future installation of said sidewalk by the town. As required by the New York State Department of Transportation (NYSDOT), sidewalks located along the frontage of commercial properties must be located within the bounds of the state highway. The sidewalk shown on the site plan is located near the westerly bounds of the right-of-way for NYS Route 9G. To date, no map has been provided illustrating the limits of the public trust as indicated by Mr. Cady

Comment III.C-22 (Letter 60, J. Theodore Fink): The applicant states in the DEIS that it has demonstrated compliance with the Building Design Standard as follows: "The proposed building has been designed with three front facades in order to comply with the Building Design Standards of the Code. Each of the three front facades is less than 30 feet, and each is broken up further with architectural treatments designed to look like a separate store front. The front of the building, which is parallel with the street frontage property line, includes two facades that have a combined width of fifty feet. A third facade is the recessed or chamfered front entrance, also less than 30 feet wide, which is 'oriented towards the public right-of-way', as required by the Code." The Planning Board will need to reach a finding (in the Written SEQR Findings Statement) that the proposed project complies with the Building Design Standards. Compliance or noncompliance on this issue should be fully discussed in the FEIS.

Response III.C-22: The Applicant addressed this comment in Section V.B.2 of the DEIS. Furthermore, the Applicant will work with the Planning Board to determine the final design during the site plan approval process.

Comment III.C-23 (Letter 60, J. Theodore Fink): In accordance with this section of the Zoning Law, the Planning Board will need to reach a finding of whether or not the proposed building will: "employ building types and architectural detailing that are compatible with the architecture of the existing hamlets and general rural community character in their massing and external treatment." The applicant states in the DEIS that: "These renderings were prepared with a variety of exterior finishes, including: brick, split-faced block, vinyl and hardieboard siding, and standing seam metal siding. Multiple revisions were made to the proposed building rendering based upon comments by the Town of Germantown Planning Board and their consultants during review of the Project application. Additional architectural enhancements were included in the renderings based upon the different architectural styles in the Town of Germantown. There is no consistent architectural style between the existing commercial buildings in the vicinity of the Project Site." I agree with the statement in the DEIS that there is no consistent architectural style among the commercial buildings near the site. But the DEIS statement about no consistent architectural style is not relevant to the Planning Board's review of the project. This is because the Zoning Law is designed to create a consistent architectural style for all future development since every commercial building within the HC Zoning District may be subject to change in the future and it is the Town's desire, as expressed through its Standards, to create a consistent architectural style. The Zoning Law's Building Design Standards have been designed to produce new development compatible with the historic hamlet of Germantown as well as the overall rural character of the Town. The buildings that have been developed in the HC District over the past few decades have a very suburban look and it is this look that I believe the Zoning Law was designed to reverse. As far as I know, the Dollar General is the first building to be reviewed under the 2011 Zoning Law's Building Design Standards. This means that the proposed project will set a precedent for all other new development to follow in the SVO and HC Zoning districts. Therefore, the Building Design Standards have greater relevance because the structure will set the tone for new development in the most visible area of the Town. I recommend that compatibility of the proposed project with the historic hamlet and rural character be fully discussed in the FEIS.

Response III.C-23: The Applicant addressed this comment in Section II.A.1 of the DEIS. Furthermore, the Applicant will work with the Planning Board to determine the final design during the site plan review process.

Comment III.C-24 (Letter 60, J. Theodore Fink): The applicant's position is that a 71 foot wide building is appropriate and will not create a significant impact on the viewshed. The Visual Impact Assessment shows that portions of the Catskill and Hudson River viewshed in the SVO District will be blocked by the proposed building. The applicant has proposed lowering the facade height from the original 20 foot height to the now proposed 18.6 foot height. I recommend that this issue be fully discussed in the FEIS since an adverse impact may result.

Response III.C-24: The Applicant addressed this comment in sections: Table I.D, II.B.2, III.A.2, and V.B.2 of the DEIS.

Comment III.C-25 (Letter 60, J. Theodore Fink): The Board should determine whether the building materials and colors proposed comply with this section.

Response III.C-25: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-26 (Letter 60, J. Theodore Fink): The building elevations show that the proposed building will provide its public entrance in a chamfered corner of the front façade. In this regard, the applicant has also asserted that the chamfered entrance (and the faux entrance on the building's northeast corner) reduces the front facade to 50 feet even though the building width remains at 71 feet wide throughout its remaining length. The Board should determine whether the proposed entrance complies with this section.

Response III.C-26: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-27 (Letter 60, J. Theodore Fink): The proposed entrance includes a protruding entrance. The faux entrance on the Northeast corner of the building includes a canopy.

Response III.C-27: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-28 (Letter 60, J. Theodore Fink): The exterior wall facing the parking lot (south elevation) does not include windows. The wall does appear to have two private entrances at the rear of the building. The Board should determine whether the proposed wall complies with this section.

Response III.C-28: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-29 (Letter 60, J. Theodore Fink): This section of the Zoning requires use of architectural treatments similar to the front façade where windows are not provided. I was unable to locate any north elevations to determine if this side of the building complies with the Zoning Law, so this should be addressed in the FEIS. The Board should also determine, based upon the elevations that have been provided, if the south elevation is similar in treatments to the front facade.

Response III.C-29: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-30 (Letter 60, J. Theodore Fink): The elevations seem to indicate that the project has proposed black windows. This section prohibits the use of "Smoked, reflective, or black glass in windows".

Response III.C-30: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-31 (Letter 60, J. Theodore Fink): The elevations show that the project proposes a flat roof. This section requires that roofs "be in keeping with the character of adjacent buildings." Both adjacent buildings use gables.

Response III.C-31: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-32 (Letter 60, J. Theodore Fink): The elevations show what appear to be rooftop mechanical apparatus, which are required to be hidden by this section.

Response III.C-32: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-33 (Letter 60, J. Theodore Fink): The Planning Board should determine whether the proposed storefront design and its relationship to adjacent properties reflects the “architecture of the existing hamlets and general rural community character” that is the goal of the Building and other Design Standards created for this Zoning District.

Response III.C-33: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-34 (Letter 60, J. Theodore Fink): The Landscape Details (Site Plan Sheet 7 of 9) dated as last revised 2-10-17 shows a planting of three Snowmound Spirea shrubs next to the proposed dumpster enclosure. This does not appear to comply with the Zoning requirement for 25 percent screening around dumpster enclosures. My estimate is that it would provide about 10 to 15 percent screening around the enclosure.

Response III.C-34: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-35 (Letter 60, J. Theodore Fink): The Detail Sheet for Site Plan (Sheet 4 of 9) dated as last revised 2-10-17 does not comply with the requirement for a locking mechanism.

Response III.C-35: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-36 (Letter 60, J. Theodore Fink): The Paddock Fence Detail shown on Site Plan Sheet 5 of 9 should add a note that “Bracing shall be on the inside of the fence.”

Response III.C-36: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-37 (Letter 60, J. Theodore Fink): Both the Detail Sheet for Site Plan Sheet 4 of 9 and the Paddock Fence Detail shown on Site Plan Sheet 5 of 9 should add a note that they will be maintained, repaired, or replaced in accordance with the requirements listed in § VII.B.4.b of the Town of Germantown Zoning and Subdivision Law.

Response III.C-37: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-38 (Letter 60, J. Theodore Fink): The root condition has not been added to the Planting Schedule on Sheet 7 of 9 as required.

Response III.C-38: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-39 (Letter 60, J. Theodore Fink): Boxwood, Spirea, Sargent's Juniper, and Norway Spruce, proposed in the Landscape Details on Sheet 7 of 9, are introduced species and are not native to New York or the US. This section of the Zoning "emphasizes" native plant material.

Response III.C-39: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-40 (Letter 60, J. Theodore Fink): Mulch details have not been provided in the Landscape Details on Sheet 7 of 9 so the requirement for "natural, organic material" cannot be verified.

Response III.C-40: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-41 (Letter 60, J. Theodore Fink): The Applicant has proposed a two year landscape maintenance warranty. Three years is a more common approach. The Planning Board should discuss the need for a maintenance agreement including a performance bond in accordance with § II.D of the Zoning.

Response III.C-41: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-42 (Letter 60, J. Theodore Fink): The Site Plan Sheet 1 of 9 dated as last revised 2-10-17 shows that two parking spaces in the proposed parking area protrudes closer to the frontage than the proposed building. This appears to not be in compliance with the requirement that all parking "shall be located to the side or rear of the principal building..."

Response III.C-42: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

Comment III.C-43 (Letter 60, J. Theodore Fink): The Planning Board should discuss the need for reserving an area adjacent to the remaining lands on the six acre site to facilitate future paved connections with any additional development that may occur on the remainder of the site.

Response III.C-43: Comment will be addressed by the Applicant and Planning Board during the site plan review process, and no response is necessary at this time.

III.D HISTORICAL AND ARCHEOLOGICAL RESOURCES

Comment III.D-1 (Public Hearing, Martin Overington, September 28, 2017): Once they start digging, what will they find? What will they dig up? And artifacts and historic artifacts also.

Response III.D-1: As noted in the DEIS dated August 31, 2017, the New York State Office of Parks, Recreation & Historic Preservation reviewed the Proposed Action and determined that it will have no impact from a historic resource standpoint. Please refer to Section III.D, Historical and Archeological Resources and Appendices M, N, O of the DEIS.

III.E COMMUNITY CHARACTER AND ASSOCIATED LOCAL RETAIL SERVICES

Comment III.E-1 (Letter 1, Harriet Greisser, September 27, 2017): There is limited property tax benefit from such a business; and Germantown's local share of sales taxes is minimal. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 4, Carole Neville, Letter 31, Pamela Wallace; Letter 59, Jaia Orient; Public Hearing, Jaia Orient]**

Response III.E-1: The DEIS on the proposed Dollar General included an independent retail analysis, Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail / Service Impacts (Retail Analysis), prepared by Capacity Business Consulting, dated December 9, 2016. Section VI, Economic and Fiscal Impact Analysis, Subsection 2, Forecasting Impacts on Municipal Finance, of the Retail Analysis provided estimates of the proposed Dollar General's fiscal impact on Germantown's local governments and noted that the construction and operation of the proposed store would increase the value of taxable real property within the town, resulting in an increase in property taxes. This increase in property taxes will benefit Germantown and its local jurisdictions that benefit from property taxes (i.e. Germantown Central School District). Refer to Appendix X of the DEIS for the Retail Analysis, page 37, for the local tax revenue for year one and year ten of the proposed project. Also see to Section III.A, Response III.A-3, for additional discussion of the potential impacts of the Proposed Action on the economic vitality of Germantown.

Comment III.E-2 (Letter 1, Harriet Greisser, September 27, 2017): Need: Much of the merchandise carried by Dollar General is available in Germantown existing businesses (Stewart's, X-tramart, Otto's Market) or in nearby Red Hook or Hudson. The community has not overtly expressed any need for a Dollar General-type store. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 4, Carole Neville, Letter 31, Pamela Wallace; Letter 32, Melinda Reichlin; Letter 40, Arnold Reichlin; Letter 42, Gladys Thomas; Letter 48, Maude and Kevin Burns; Letter 51, Katherine Lilliestierna; Letter 54, Andrew Clarke; Letter 59, Jaia Orient; Public Hearing, Jaia Orient; Public Hearing, Eve Thoreau, Public Hearing, Kaare Christian; Public Hearing, Suzette Haas; Public Hearing, Trevor Hunter]**

Response III.E-2: Refer to Response III.A-3 in Section III.A of this FEIS and Response III.E-19, below.

Comment III.E-3 (Letter 2, Peter Risafi, September 28, 2017): If approved, how will this proposal impact the Town's economy? What are the real, long term economic benefits and costs to our community? **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 28, Norman and Melanie Mintz; Letter 34, Ann Marie Gardner; Letter 37, Steven Wheeler; Letter 41, Tandra Dillon]**

Response III.E-3: As noted above in Response III.E-1, an independent retail analysis was prepared for the proposed Dollar General. The full analysis, Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail / Service Impacts (Retail Analysis) can be referred to in Appendix X of the Dollar General DEIS.

Section V, Subsection 2, Retail Sales Forecast Probably Ranges of the Retail Analysis provided a projected a range for retail sales by comparing the expected sales at the new Dollar General by product line to the current sales and the surplus/deficit for the primary market area. The primary market area is defined as the Town of Germantown only.

The data presented in the Retail Analysis noted that the proposed store will fill a gap in retail supply in the Town of Germantown while reducing the likelihood that consumers will travel outside the primary area for these retail goods Therefore, creating a more self-sufficient retail economy in the Town of Germantown. Ultimately, based on the forecasted probable range...the primary market area would see very little impact from the Dollar General and Germantown residents would greatly benefit from the new local option.¹"

As stated in Response III.E-1, Section VI, Economic and Fiscal Impact Analysis, Subsection 2, Forecasting Impacts on Municipal Finance of the Retail Analysis, provided estimates of the proposed Dollar General's fiscal impact on Germantown's local governments. The construction and operation of the proposed store would increase the value of taxable real property within the town, resulting in an increase in property taxes. This increase in property taxes will benefit Germantown and its local jurisdictions that benefit from property taxes (i.e. Germantown Central School District). Refer to Appendix X of the DEIS, page 37, for the local tax revenue for year one and year ten of the proposed project. Also refer to Section III.A, Response III.A-3, for additional discussion of the potential impacts of the Proposed Action on the economic vitality of Germantown.

As noted above, the proposed Dollar General will satisfy a demand in retail supplies within the Town of Germantown. A potential downside to the operation of the proposed store would effectively make Germantown less attractive for future retail development (i.e. Walmart).

Comment III.E-4 (Letter 2, Peter Risafi, September 28, 2017): The existing Germantown businesses that have served our community, X-tra Mart, Sunoco and Stewarts, will now have to compete for their business with a national chain. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 4, Carole Neville; Letter 6, Michael Reichman; Letter 31, Pamela J. Wallace; Letter 35, Dawn Breeze; Letter 27, Steven Wheeler; Letter 40, Arnold Reichlin; Letter 53, Tony Albino; Letter 54, Andrew Clark; Letter 56, Nicole Carroll; Public Hearing, Peter Risafi]**

Response III.E-4: Dollar General is in fact a national chain (found in 44 states) as is Sunoco (found in 26 states). Stewarts and X-tra Mart serve smaller populations within the United States, eight states and two states, respectively, but are considered chain stores.

As identified in the Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail/Service Impacts (Retail Analysis), the majority of Germantown consumer spending occurs outside Germantown or within the Secondary Market. The only industry with a surplus of sales, beyond the demand in the Town of Germantown, are Gas Stations.

¹ Source: Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail / Service Impacts (Report) for the Proposed Dollar General prepared by Capacity Business Consulting dated December 9, 2016, pgs. 25-28. (See Appendix X of the DEIS).

Dollar General is classified as an All Other General Merchandise Store under the North America Industrial Classification System (NAICS). Consumables, which include paper products, packaged food, perishables, snacks, health and beauty pet and tobacco products, are the largest percentage of business at Dollar General Stores and consumables are the only industry of concern where the most diversion of sales may occur from existing retail sales in the Town of Germantown.

As stated in the Retail Analysis, "the proposed retailer would likely result in mostly net new sales and result in very few sales diverted from other Germantown retailers."² However, the existing businesses of Germantown selling consumable products may experience a 25 percent loss, as a worst case (low scenario), in their consumable sales once the Dollar General is operational. See Appendix X of the DEIS for the Market Share Forecast for the Primary Market Area (Table 12 shows the Low, Medium, and High scenarios modeled for each year and for each product line to be offered by the Dollar General. The estimates are noted for Years 1, 5, and 10).

As with any new business that would establish itself within a town, existing businesses that sell products in the same industry to the new business would experience a transfer or loss in those industry sales. The transfer of sales would eventually even out between the existing and new businesses. For example, the three gas stations constructed in town must have experienced such transfer between them due to the similarity of industry products. Furthermore, as noted in the Report and above, gas stations are the only industry with a surplus of sales within the Town of Germantown.

Based on the forecasted probable range provided by Capacity Business Consulting in the Retail Analysis prepared for the Proposed Action, "the primary market area would see very little negative impact from the Dollar General and Germantown residents would greatly benefit from the new local retail option."

Comment III.E-5 (Letter 4, Carole Neville, September 28, 2017): To address those concerns, Primax relies on a study that is used to describe the economic impact of a much larger store like a Walmart that supplies a wider and more substantial range of products. Putting aside for a moment the fact that the measurements and methodology are flawed because the stores are not comparable, the study highlights how little Dollar General can be expected to draw from the residents (Germantown residents) or the secondary market (Clermont, Livingston, Hudson and Greenport) and how little direct economic benefit it is likely to provide.

Response III.E-5: The analysis methodology in the Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail/Service Impacts (Retail Analysis) was utilized to illustrate that a Dollar General store would be viable in the Town of Germantown by satisfying demand needs for various product industries (i.e. consumables, seasonal, home products and apparel) as well as prove that once the Dollar General retail store is operational, there would not be enough local demand or disposable income to support a large Walmart store within the town's lines.

² Source: Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail/Service Impacts, Executive Summary, Page 4. Refer to Appendix X of the DEIS for the Retail Analysis.

Comment III.E-6 (Letter 4, Carole Neville, September 28, 2017): The only substantial revenue generator for the store appears to be consumables. Those currently can be purchased in Germantown at the existing gas station markets and/or Otto's Market. The study projects that Dollar General may siphon off as much as 25% of the sales from these existing merchants. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 46, Dawn Tsien; Letter 47, Melora Kuhn; Letter 54, Andrew Clark; Letter 59, Jaia Orient; Public Hearing; Jaia Orient]**

Response III.E-6: Comment noted. Refer to Response III.E-4.

Comment III.E-7 (Letter 4, Carole Neville, September 28, 2017): The other products which Dollar General offers (home goods and seasonal products) are projected to generate comparatively little revenue from Germantown residents. A Germantown Dollar General is not projected to be much of a draw to the secondary market shoppers who have a wider range of options in all the categories. So, who is going to support this store? Based on this study, with the unsettling conclusions shown above, Primax still posits that Dollar General can expect to draw upon the people of Germantown (the Primary Market) and the residents of Greenport (where there is already one Dollar General and many other shops), Livingston, Clermont and the City of Hudson (where there are many Shopping options) (the "Secondary Market") and maybe even from tourist spending.

Response III.E-7: As stated in the Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail/Service Impacts (Retail Analysis), there is a local demand (or retail gap) for the products sold at Dollar General stores, which justifies the need for the store for the local residents, regardless of outside draw. As noted in the Retail Analysis, the retail deficit in the primary market (Town of Germantown) is \$8.75 million. See Appendix X of the DEIS for the Retail Analysis, page 21 and pages 25-31. Also see Responses III.E-2 and III.E-3, above.

In addition, the Retail Analysis demonstrates that the Proposed Project will present the opportunity to increase the total retail activity within the Town of Germantown by import substitution and non-resident spending from locations identified as the Secondary Market Area. Refer to Appendix X of the DEIS, pg. 25.

Comment III.E-8 (Letter 5, Jim Lewis and Dianne Young, September 28, 2017): With that said, the town might see a tax windfall of over \$28,000 in property taxes if the project moves forward. At first that sounds like a good deal for us ... however, on average, there are 6 single family building permits issued a year and tax revenues just from these new homes probably would surpass the \$28,000 mark easily and would keep the Germantown rural character in check. So, there is no good economic reason to accept the proposal. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Public Hearing, Dianne Young]**

Response III.E-8: The site location for the proposed Dollar General store is not zoned for residential development. Therefore, creating tax revenues from proposed new residential development as stated by the commenter would not be a feasible option for this project site.

In accordance with Article III, Section C of the Town of Germantown Zoning and Subdivision Law (zoning law), the Project Site is in the Hamlet Commercial (HC). The HC District is described as follows in Article III, Section A of the aforementioned law: "The Hamlet Commercial designation is intended to permit a variety of primarily commercial uses that are more oriented to automobile traffic and are commonly found along highways. This designation applies to an area of land in existing or prior commercial use along 9G with additional land for expansion."³

The proposed development of a free-standing Dollar General, a retail store, and associated parking/loading areas, is permitted in the HC Zoning District in accordance with the zoning law.

Comment III.E-9 (Letter 7, Toni Taddeo, September 29, 2017): As a senior citizen and former employee of the Town for 13 years, I would want to see the Dollar General Store in Germantown. For most of us seniors it would be wonderful have a general store like that close by. I hope and pray those that oppose the store being built here do not win out. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 10, Venencia Rubino; Letter 11, Klaudia Frizzell; Letter 12, Nancy DelPozzo; Letter 18, Lauren and Erik Williams; Letter 19, Richard Scott Freeman; Letter 21, Elfreda Meacher]**

Response III.E-9: Comment is noted and supported by the findings of the Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail/Service Impacts (Retail Analysis). According the Retail Analysis, the proposed Dollar General in Germantown would expand retail shopping options for both the town's residents and residents of surrounding communities. The proposed location for the Dollar General is convenient and easily accessible from NYS Route 9G and Main Street within the Town of Germantown.

As stated in the Market Analysis, the local demand for the product types to be sold at Dollar General are not being met by the current retailers, resulting in residents purchasing goods outside of Germantown to serve their demand for these product types.

"Dollar General's 2015 Form 10-K, an annual report required by the U.S. Securities and Exchange Commission (SEC) that gives a comprehensive summary of a company's financial performance, categorizes their sales in four main categories: Consumables, Seasonal, Home products, Apparel. The following excerpt from the 10-K sheds light on these four categories.

We offer a focused assortment of everyday necessities, which drive frequent customer visits, and key items in a broad range of general merchandise categories. Our product assortment provides the opportunity for our customers to address most of their basic shopping needs with one trip. We sell high-quality nationally advertised brands from leading manufacturers. Additionally, our private brand consumables offer even greater value with options to purchase value items and national brand equivalent products at substantial discounts to the national brand."⁴

³ Source: Town of Germantown Zoning and Subdivision Law – 2011.

⁴ Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail/Service Impacts prepared by Capacity Business Consulting dated December 9, 2016, Section III, About Dollar General, page 16 (See Appendix X of the DEIS).

Comment III.E-10 (Letter 8, George Fox, September 29, 2017): All of this points to a clear attempt to push aside the local people and bring in an unwanted and expensive way of life that the native residents of Germantown do not want and cannot afford. Our top priority should be what is good for the town ahead of what is the whim of today.

Response III.E-10: The opinion of the commenter is noted. However, as noted above in Response III.E-3, the purpose of bringing the Dollar General to the Town of Germantown is to close the gap in retail supply and potentially reduce retail shopping trips outside of the primary area resulting in a more self-sufficient retail economy within the town.

In line with the commenter's opinion, Dollar General is an affordable retail establishment, and this is confirmed by the Dollar General 2016 Annual Report which states: "Dollar General has been delivering value to shoppers for over 75 years through its mission of Serving Others. Dollar General helps shoppers Save time. Save money. Every day!® by offering products that are frequently used and replenished, such as food, snacks, health and beauty aids, cleaning supplies, clothing for the family, housewares and seasonal items at low everyday prices in convenient neighborhood locations.

Comment III.E-11 (Letter 13, Rosemarie Meacher, October 4, 2017): I was unable to attend last night's meeting regarding the much needed "General Dollar Store", that would be such a great asset to our town. It would be very convenient for those who cannot drive and on a fixed income...We would love to see it in our town. If Kinderhook and other lovely towns have one, why can't Germantown? The convenience alone would be great – not having to go to Hudson and paying higher prices for the same articles. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 15, Sharon Nordfors; Letter 18, Lauren and Erik Williams; Letter 23, Robert and Denise Navins; Letter 24, Graceann Lamberta; Letter 26, Kris Hoffman; Letter 49, John Myers; Letter 50; Barbara Ericson; Public Hearing, Raymond Moore; Public Hearing, Linda Decker; Public Hearing, Ralph Schmidt]**

Response III.E-11: Comment noted. Refer to Response III.E- 9 and III.E-10.

Comment III.E-12 (Letter 14, Carol and Wes Lorenz, October 1, 2017): We further believe that the Dollar General will prove to be an asset to our town, not only by providing an affordable place for residents to shop, but by providing economic opportunity to our town and its residents.**[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 16, Brandi Jornov; Letter 17, Louise Conklin; Letter 18, Lauren and Erik Williams; Letter 20, Dorothy Meacher]**

Response III.E-12: Comment noted. Refer to Responses III.E-3, III.E-9, III.E-10 and see Response III.A-3 in Section III-A.

Comment III.E-13 (Letter 19, Richard Scott Freeman October 3, 2017): Employment opportunities for citizens of all ages without the need for excessive travel. **Similar comments were found in the following letters and from the following members of the public during**

the DEIS public hearing on September 28, 2017: Letter 16, Brandi Jornov; Letter 26, Kris Hoffman; Public Hearing, Mary Howell; Public Hearing, Raymond Moore]

Response III.E-13: Comment noted and supported by the Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail/Service Impacts (Retail Analysis) prepared for the Proposed Action. According to the Retail Analysis, based on the proposed floor plan, provided by the developer, approximately 7,000 square feet of selling space would create a hiring need for 9-12 employees including one manager, one to two assistant managers, one lead and five to eight sales associates in the Town of Germantown. See Appendix X of the DEIS for the Retail Analysis.

Comment III.E-14 (Letter 19, Richard Scott Freeman, October 3, 2017): having this business in Germantown would increase tax revenue for/to town. [Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 49, John Myers]

Response III.E-14: As stated in Response III.E-3, the new Dollar General will increase the value of taxable property in the town, resulting in an increase in property taxes. This increase in property taxes will benefit Germantown and its local jurisdictions that benefit from property taxes (i.e. Germantown Central School District). Also refer to Section III.A, Response III.A-3, for additional discussion of the potential impacts of the Proposed Action on the economic vitality of Germantown.

Comment III.E-15 (Letter 27, Joan Ostoyich, October 13, 2017): I am in my 80's, was born in Germantown and still live here. It is hard to get a ride to Hudson for one or two things you run out of. Otto's might be alright for rich new people moving in and trying to take over. What about the people who have lived here for many years? There used to have three small grocery stores, a drug store, two doctors, lumber yard and more. Now we have one store and Stewarts, which is high in their prices. They also don't have everything we need. Then to Hudson or Red Hook, it cost more for the gas then what we need to buy. Money don't grow on trees. Don't ask the people who haven't lived in Germantown. Ask a lot of the older people that lived here a long time. The school and the Palatine Manor I bet would be glad to see the General Dollar Store in town, I would and six others in my family would be very happy to have one coming to town. I know we're only a town, but build it up. You agreed for a diner to be put in why not the General Dollar. People would get more out of the General Dollar. [Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Public Hearing, Linda Decker]

Response III.E-15: Comment noted. The proposed Dollar General will allow residents to shop local without having to travel outside Town lines. The proposed location is easily accessible via NYS Route 9G and Main Street.

The Dollar General will supply Germantown with a one stop shopping location that is affordable and convenient. Four main categories of products will be available at the proposed Dollar General: Consumables, Seasonal, Home products, Apparel. Refer above to Reponses III.E-9 and III.E-10 further discussion on Dollar General product types.

Comment III.E-16 (Letter 28, Norman and Melanie Mintz, October 14, 2017): An important consideration in the discussion regarding the subject of the proposed Dollar General Store (DG), is just how does this business impact the quality of life in Germantown?

Response III.E-16: The proposed retail store will close the gap in the retail supply lacking within the Town of Germantown and will supply Germantown residents of all ages and income status with a one stop, affordable shopping location that includes a broad range of general merchandise categories in the convenience of their town.

Comment III.E-17 (Letter 37, Steven Wheeler, October 23, 2017): Germantown currently has a business base that is very much in line with the ideals set out in the Comprehensive Plan. Both new and long-established businesses are locally owned and run by local people. They have taken the entrepreneurial risk to set up shop in our town and they contribute significantly to the character of our town and to our economy, paying taxes, paying wages, purchasing materials locally, working with other businesses and participating in our community. I wonder why our community would allow a big corporate chain store to come to our town and unfairly compete against our own homegrown businesses. Our town businesspeople have committed their savings, years of long hours and hard work to make their businesses a success. Dollar General will unquestionably hurt our business community and may even put some of them out of business. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 41, Tamra Dillion; Letter 54, Andrew Clark]**

Response III.E-17: The opinion of the author is noted. The Town of Germantown consists of a mixed group of businesses including both chain and individual types. Dollar General may not be locally owned, but as noted in Response III.E-10, Dollar General has been serving communities for over 75 years by delivering value to shoppers. Furthermore, the operation of the store will create employment to Germantown residents seeking employment.

The Dollar General is not expected to put existing business in Germantown of business however, existing businesses selling similar consumable products to the Dollar General may experience a loss or transfer of consumable sales up to 25 percent as a worst-case scenario (low) once the proposed retail store is operational. Please note, however, that the Retail Analysis prepared for the Proposed Action concluded that the Project will expand retail shopping options for residents of both the Primary Market and Secondary Market with "very few sales diverted from other Germantown retailers". Refer to Response III.E-4 for additional discussion on the Primary Market Forecast associated with the Proposed Action and Appendix X of the DEIS for the full Retail Analysis.

Also refer to Response III.A-26 in Section III.A of this FEIS for a summary of the Dollar General's 2016 Annual Report and discussion of its concerned with both its employees and the local community.

Comment III.E-18 (Letter 37, Steven Wheeler, October 23, 2017): How much economic benefit will Dollar General bring to our town? Not much beyond some modest property tax revenue and sales taxes that might trickle down to us from the county. And non-local businesses just don't provide the economic benefit to a community like local independent businesses do. **[Similar comments were found in the following letters and from the**

**following members of the public during the DEIS public hearing on September 28, 2017:
Letter 56, Nicole Carroll]**

Response III.E-18: Comment noted. Refer to Response III.E-3, above and Section III.A, Response III.A-3 for a response to comment.

Comment III.E-19 (Letter 39, Warren S. Replansky, October 23, 2017): INADEQUACY OF COMMUNITY CHARACTER ANALYSIS: The Community Character Analysis contained in the DEIS is woefully deficient. The impacts of a large store outside the village or hamlet area of a town is an important environmental concern. In *Mtr. of Wellsville Citizens for Responsible Development Inc. v. Wal-Mart Stores Inc.*, 140 AD3d 1767 (4th Dept. 2016), the Fourth Department in its determination that the lead agency failed to take the requisite hard look at the impact of the Wal-Mart Store on community character stated as follows:

"With respect to the 'community character' of the Village, we note that SEQRA defined 'environment' as 'the physical conditions which will be affected by a proposed action, including ... existing community or neighborhood character' (ECL 8-0105[6]) and requires] a lead ***3 agency to consider more than impacts upon the physical environment' including 'the potential displacement of local residents and businesses; *Chinese Staff & Workers Assn. v. City of New York*, 68 NY2d 359,366 [1986]). Therefore, contrary to the Town Board's apparent conclusion, '[a] town board reviewing a big box development should consider the impact of the development on the community character of a neighboring village that might suffer business displacement as a result of the approval of the big box development' (SEQR Handbook at 179 [3d ed 2010]; see *Matter of Village of Chestnut Ridge v. Town of Ramapo*, 45 AD3d 74, 94-95 t2007], lv dismissed 12 NY3d 793 [2009], 15 NY3d 817 (2010); *Matter of Wal-Mart Stores v. Planning Bd. Of Town of N. Elba*, 238 AD2d 93, 98 [1998])" id@1770⁵

Although the scoping document required the DEIS to assess the potential for long term impacts of displacement of businesses and the changes that may occur in terms of vacancies and blight in the Hamlet which may occur not only as a result of the project, but as a result of other similar development projects along Route 9G which may follow this project, the DEIS is bereft of any such analysis. The applicant's Impact on Community Character and Associated Local Retail/Service Impacts Study annexed as an exhibit to the DEIS while recognizing that the Dollar General Store will siphon off a significant percentage of business from existing businesses in the Hamlet fails to include any discussion of the potential long-term impacts of such loss of business and the blight in the Hamlet which may result. Neither does the DEIS, as required by the Scoping Document, "assess the probability and extent of the change it would work upon the overall character of the community as a result of increased vacancy rate among commercial properties in the Hamlet and other commercial areas of Germantown", as required by the Scoping Document.

As noted by the court in *Mtr. of Village of Chestnut Ridge v. Town of Ramapo*, 45 AD3d 74 (2d Dept. 2007), substantial development in areas adjacent to a village or hamlet can have

⁵ In the context of existing development in the Town of Germantown, the Dollar General, is, in fact, a "big box" store.

significant detrimental impact on the character of a community which is specifically protected by SEQRA.

Response III.E-19: The commenter's comparison of this Project to a big box development is inapt. Moreover, the conclusion made by this commenter are directly refuted by the Applicant's independent retail analysis, Proposed Dollar General in Germantown, NY: Impact on Community Character and Associated Local Retail / Service (Retail Analysis), which identified an \$8.75 million retail supply deficit within the primary market area of Germantown within the four categories of consumables, seasonal products, home products and apparel; each of which is a key category in the broad range of general merchandise sold at Dollar General stores.

Contrary to the commenter's statement that the Project will "siphon off a significant percent of business from existing businesses in the Hamlet" and cause loss of business and blight, the Retail Analysis concluded that the Project will expand retail shopping options for residents of both the Primary Market (i.e., Germantown) and Secondary Market (i.e., the surrounding areas, including the towns of Greenport, Livingston and Clermont), with "very few sales diverted from other Germantown retailers". See Appendix X of the DEIS, pg. 4 and see also Response III.A-1.

Comment III.E-20 (Letter 39, Warren S Replansky, PC, October 23, 2017): In this regard, it is clear there has been no demonstrable showing of a need for this store in the Town of Germantown. The DEIS' own Impact on Community Character Analysis clearly supports the conclusion that the merchandise provided by this store is already provided by the two nearby gasoline stations (which essentially are convenience stores) and by the supermarket located within the adjacent Hamlet. The overwhelming public opposition to this project demonstrates the lack of a need for this discount store. Germantown is not an urban community where all of the community's needs must be within walking distance. The applicant's Impact Analysis clearly demonstrates that within a short driving distance from Germantown there exist at least two identical, or nearly identical, discount stores, as well as shopping centers and supermarkets providing all of the merchandise needed for the Germantown community.

Given the fact that there are environmental impacts associated with this project which even the applicant acknowledges cannot be or will not be adequately mitigated, approval for this project should ultimately be rejected by the Planning Board.

Response III.E-20: Comment noted. The "demonstrable showing of a need for this store" has been addressed. See Response III.A-3. The "overwhelming public opposition" referenced by the commenter is belied and counterbalanced by the overwhelming public support for the Proposed Project, as referenced in Comment III.E.22.

Comment III.E-21 (Public Hearing, Mary Howell, September 28, 2017): We can draw from Clermont, Linlithgo, Livingston, down toward Tivoli. It's quite an area that this store will draw from. I mean right now if you run out and you need a birthday card or wrapping paper for a gift, you have - - where I live in Linlithgo, you have to run either to Red Hook or up to Hudson:

Response III.E-21: Comment noted. As noted in Response III.E-7, the proposed Dollar General is expected to be supported primarily by Town residents, but also to some extent by the secondary market area, which includes surrounding towns and communities.

Comment III.E-22 (Public Hearing, Ron Moore, September 28, 2017): Just last week my son got a job to wash a trailer. Needed rubber gloves. There was no place in Germantown to get rubber gloves. I tried all three stores. I had to drive all the way to Hudson for \$2.49 pair of gloves, or he couldn't work, or he'd have his hands in bleach for eight hours. I also -- I'm an administrator of a site social media that is primarily all Germantown and I could say while there is dissension and people do argue, the majority -- and I'm just pulling the number 80 percent -- are for Dollar General. We need this store. There are residents in this town that don't have the resources to get to Hudson, or Kingston, or Red Hook. It's something that we need. We don't have one.

Response III.E-22: Comment noted. Refer to Responses III.E-9, III.E-10 and III.E-15

Comment III.E-23: (Public Hearing, Nan Eliot, September 28, 2017): I am an expert in tourism. I am former Director of Marketing Services for New York State's I Love New York Tourism Program. I know what I'm talking about. And to claim that this horrific joint will help tourism is such a lie, it's not to be believed. The greatest tourism in the Hudson Valley right now, and I have to look up the numbers, but my bet would be a combination of Rhinebeck, which retains its character, and rural touring around to see the countryside. Who wants to see the countryside with a Dollar General store, which looks like all the others?

Response III.E-23: The opinion of the author is noted. As stated in the DEIS, Section III.A-7, Hudson Valley Greenway and Greenway Criteria, the Project will provide a general store that will encourage tourism and will enhance the experience of tourists traveling into Germantown on NYS Route 9G by providing a variety of goods. Views of the Catskill Mountains and beyond would also be enhanced and preserved by the Proposed Action through the development of a 7,200-square foot greenspace on site that would allow public access to these views that are currently not available.

Comment III.E-24 (Conrad Hanson, Public Hearing, September 28, 2017): And the last thing I just wanted to mention, and again, just observation, and I grew up in a rural area. My mother lives in a rural area. I go through small towns, historic towns, tourist towns like Cooperstown every month, and whether people like it or not, these types of stores serve a vital resource for the communities; these small, rural communities, more so than bigger towns. In fact, in many, it's the only thing where people can get these kinds of items, especially underserved communities, elderly communities.

Response III.E-24: Comment noted. Refer to Responses III.E-3, III.E-9 and III.E-10.

Comment III.E-25 (Conrad Hanson, Public Hearing, September 28, 2017): I'm just saying I've heard a lot of talk about rural character --And that's a big part of rural towns today; are stores like this. You might not like it. I happen to like the stores in the hamlet, but I hope we can live in a town where you can buy a \$1,500 blanket and cheap toilet paper.

Response III.E-25: Comment noted. The construction of the Dollar General would add a retail destination to eclectic businesses currently established within Germantown.

IV. UNAVOIDABLE ADVERSE IMPACTS

No comments on the DEIS were received on the Unavoidable Adverse Impacts associated with the Proposed Action.

V. ALTERNATIVES

Comment V-1 (Letter 4, Carole Neville, September 28, 2017): Primax offers the Dollar General store as the only attractive alternative to the garden center which it describes as "complete with mulch and stone piles, unkempt vegetation and miscellaneous trucks, trailers and heavy equipment cluttering the view and the landscape." Not building, Primax claims, would not serve Primax or the people of the Town of Germantown as stated in the Comprehensive Plan. It is true that not building would not serve Primax. But there is another significantly better alternative that would really benefit the people of the Town of Germantown and be consistent with the Zoning Law and the Comprehensive Plan. People in the Town have been and remain willing to at least match the Primax offer to buy the proposed lot in order to turn the property over to the Town for a permanent park or viewing area. At the same time, this option would give the D'Souza's the benefit of realizing cash value of the property if they remain intent on selling and leave them to pursue their business. There is no reason to assume that the only options are to build the Dollar General Store or leave the Garden Center as it is. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 25, Amy Jo Davison; Public Hearing, Kaare Christian; Public Hearing, Don Westmore]**

Response V-1: Comment noted. No response necessary, other than the Proposed Project is buildable as of right under the Town's Zoning and Subdivision Law, which encompasses the Town's draft 2007 Comprehensive Plan.

Comment V-2 (Letter 4, Carole Neville, September 28, 2017): The small-box, small scale retail store is designed pursuant to Dollar General's floor plan requirements, and the Project sponsor cannot reduce the scale of the building beyond the reductions already made as mitigation measures. This proposed store at 9200 square feet is more than three times larger than the largest retail store in Germantown. It is also larger than the stores Dollar General is planning to build elsewhere. According to its August filing with the SEC the "traditional 7,300 square foot store format will continue to be built for all of Dollar General's new stores, relocations and remodels." In addition, Dollar General regularly builds stores with an even smaller footprint. Its smaller format store (less than 6,000 square feet) allows Dollar General to service rural areas with a low number of households. Primax refused to reduce the store size by over 3,000 square feet as one step toward to meeting the requirements of the Town law and the Comprehensive Plan laying the blame on Dollar General.

Response V-2: Dollar General has two different prototype stores sizes that are permitted for new store construction. Their preferred prototype size is 9,100 square feet. It can be built in several configurations:

- 130' wide by 70' deep with a center entry door
- 70' wide by 130' deep + vestibule with a center entry door
- 70' wide by 130; deep + vestibule with a corner entry door

The less preferred prototype is 7,500 square feet which can be configured in two ways:

- 85' wide by 85' deep + vestibule with a center entry door
- 85' wide by 85' deep + vestibule with a corner entry door

The narrowest option is the 70' wide by 130' deep corner entry prototype. This prototype was chosen as the best option to minimize any impact on the viewshed while still meeting the requirements of the Zoning & Subdivision Law.

Comment V-3 (Letter 39, Warren S. Replansky, October 23, 2017): There has been no, or inadequate: (i) reduction in the size and scale of the building; (ii) re-design of the building to be compatible with the historic nature of Main Street and the Village area of the Town; (iii) re-design of the length, facade and entrance to the building to be compatible with the design standards set forth in the zoning law for the Scenic Overlay District; and (iv) selection of alternative locations for the project either outside the Scenic Overlay District or outside the boundaries of the Town of Germantown as required by the Scoping Document. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Letter 55, Leo Wurtzburger]**

Response V-3: The Applicant addressed these issues in Section V.B of the DEIS, which complied with the applicable Scoping Document for this Project, as determined by the Planning Board's Resolution determining the DEIS to be complete as of August 31, 2017.

Comment V-4 (Public Hearing, Carole Neville, September 28, 2017): One, this is not about the D'Souza's. I really feel like the D'Souza's have an economic interest which people are willing to meet. So that if the store is not approved, there are people who will step in and pay the D'Souza's for the property and turn it into a park or something for the town. So, let's take the D'Souza's out of this. I know that Mr. Sharpe is very sympathetic to them and so are we.

Response V-4: Comment noted. No response necessary.

Comment V-5 (Public Hearing, Amy Davison, September 28, 2017): The other possibility is, this would be a great location ...but I feel there's a need here for a small satellite medical office form Rhinebeck or Hudson. **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing held on September 28, 2017: Public Hearing, Michael Serrapica]**

Response V-5: Comment noted. The Project does not prohibit another party from developing a small satellite medical office in the future.

Comment V-6 (Public Hearing, Tony Albino, September 28, 2017): So, I say reject this and give us a future. More importantly, give the youth of this town a real future, a livable wage, real jobs, healthcare and a future they could live by.

Response V-6: Comment noted. No response necessary.

VI ENERGY RESOURCES

No comments on the DEIS were received regarding Energy Resources and the Proposed Action.

VII. GROWTH INDUCING IMPACTS

Comment VII-1 (Letter 32, Melinda Reichlin October 23, 2017): The impact on fire and police. Would we have to hire more and how does that cost impact our taxes and affect our comprehensive plan for the town in terms of monies available? **[Similar comments were found in the following letters and from the following members of the public during the DEIS public hearing on September 28, 2017: Letter 40, Arnold Reichlin]**

Response VII-1: As noted in the DEIS, the Proposed Action is not expected to negatively impact the local municipalities (i.e. police, fire, ambulance) of Germantown. Therefore, there will be no cost impact to the town or its residents. Refer to Section II.B.12.e, Existing Community Services and Emergency Services, of the DEIS.

Furthermore, as noted in Response II-12 of this FEIS, Planning Board member, George Sharpe, prepared a memorandum on March 29, 2017 concerning the completeness of the DEIS, in which he stated that "we [Planning Board] already concluded no additional costs to Town, Fire, Light, School and Library districts". Refer to Appendix JJ of the DEIS for this memorandum.