

1.0 Executive Summary

1.1 DEIS Cover Sheet

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1.3 Description of the Proposed Action

Legacy Ridge at Highland Mills, LLC (the “Project Sponsor”) has proposed a cluster subdivision in the northeastern section of the Town of Woodbury known as Legacy Ridge at Highland Mills, and has requested a rezoning of the project site from R-3A to R-2A. The proposed project is designed in conformance with the Conservation Cluster Development Overlay District as adopted by the Town of Woodbury Town Board on November 3, 2005.

The Project Sponsor is proposing that its project be designated for Conservation Cluster Development (CCDOD) in accordance with the recently adopted local law. The Project Sponsor will also be requesting an approval for the expansions of the Woodbury’s Consolidated Water District and the creation of a sewer district, such as the Valley Forge Sewer District, and will be requesting approval of the rules for a Homeowner’s Association (HOA) for the project. A complete list of all project approvals is set forth in section 1.8.

The project site consists of 3 existing lots totaling approximately 749 acres, of which only one lot (see Section 2.3.3 below for details) will be developed. The other two lots will remain as open space, except for some municipal utilities and access roads, as outlined below. The Southerly Parcel located west of Smith Clove Road and south of Trout Brook Road consists of 457 +/- acres, which includes the 41 +/- acre parcel previously approved for development known as the Foxwood development off Skyline Drive¹. (See Figure 13, Existing Land Use Map). The Southerly Parcel is largely vacant, with the exception of a small cluster of buildings in the southeast corner of the site. These buildings are associated with what is known as the former Leone Horse Farm. Access to these buildings is from Smith Clove Road via two sections of gravel driveways. Walking trails and ATV or horse trails exist throughout the site, but vehicular access is severely limited due to topography and the nature of the unimproved trails. The site is predominantly deciduous forest, but is marked by several exposed and unvegetated ridges. These ridges run in a roughly north/south direction through the site and divide the property into separate drainage basins as discussed below. A large wetland exists in the southeastern portion of the site. In addition, various watercourses and federally regulated wetland pockets exist on the site. Details of each of these features are included in Section 3 below. No easements are known to affect the site. The Foxwood parcel was identified as a parcel the Project Sponsor could

¹ Recognizing the value of this parcel to the Town in keeping this as Open Space, and the value of providing an emergency access route and waterline interconnection between the Skyline Drive development and the proposed Legacy Ridge development, the Project Sponsor recently obtained this parcel and has included it in the development scheme. No housing is proposed on this parcel, only the emergency access and utility connection as noted. The lands will be permanently protected either as a dedication to the town or owned by the HOA.

purchase and protect from development, while providing emergency access for both Skyline Drive and the Legacy Ridge parcel to each other, and while providing an improved water distribution system by linking these developments through a new waterline extension through this parcel.

Parcel 3-1-11, henceforth known as the Northerly Parcel, is located west of Mineral Spring Road and north of Trout Brook Road and consists of 292 +/- acres. It is a vacant site, bordered by the Mineral Spring Brook along the entire southern edge. An extensive wetland exists north of Trout Brook. Steep rocky ridges rise from the edge of the wetland into the site. Along the Mineral Spring Road frontage, the site is currently accessible to ATV and foot traffic. The grade of the site is much less severe along this frontage, and the grade rises steadily through the interior of the site. The site is comprised of deciduous forest, with the exception of the unvegetated ridgeline. No development is proposed on this site, however, improvements for municipal services are proposed under the Preferred Plan. These include a water tower with an access road, water supply wells, including access to the wells and any required water treatment facilities to meet Health Department standards, and a sewage pumping station. No easements are known to affect the site.

The southerly parcel (lots 3-1-12.5 and 7-3-55) is located west of Smith Clove Road, south of Trout Brook Road and east of the NYS Thruway and consists of 457 +/- acres, which includes the 41 +/- acres on lot 7-3-55. The site is predominantly vacant wooded land with the addition of a residential structure and a few sheds/barns located on the southeastern portion of the site, once belonging to West Point Military Academy. The southerly parcel also contains wetlands, watercourses and a manmade pond. All of the proposed 287 residential units will be developed on the southerly parcel. The northerly parcel will be preserved as open space, together with municipal utilities, and will be dedicated to the Town of Woodbury. The roads within the Legacy Ridge project will be privately owned and maintained. The main and secondary access points to the development will be gated and located on Trout Brook Road. A separate ungated access will be provided off Smith Clove Road to serve 17 homes on a separate cul-de-sac. The 17 homes will be part of the Legacy Ridge Home Owners Association (HOA), though not connected to the private road system within the gated portion of the community. Two gated emergency access points will be provided. One onto Smith Clove Road south of Trout Brook Road and one onto Skyline Drive to the south of the development. The Skyline Drive emergency access point will provide access for emergency responders for both the Skyline Drive community (which has only one way in and out) and Legacy Ridge. As such, it will provide a fourth point of access for the Legacy Ridge community. The access is proposed to follow the existing fire access road from Skyline Drive to avoid significant modifications to the terrain in this portion of the site. All roads will be owned and maintained by the Legacy Ridge HOA, including the ungated road accessing the 17 lots along Smith Clove Road,

The proposal for development of the site includes 287 single-family detached 4-bedroom houses. Of the 287 lots, 218 range between 1 and 1.5 acres. Of the remaining lots, three lots are between 1.5 and 2 acres, two lots are over 2 acres and 65 lots are less than 1 acre. The overall density is 2.6 acres per dwelling unit, and the lots will be clustered on the southerly parcel, keeping the northerly 292 +/- acre parcel in an undeveloped state. The lot sizes were chosen consistent with the Project Sponsor's objectives and the Town's clustering provisions. All lots will meet or exceed the zoning requirements of the R-2A and Conservation Cluster Development Overlay District. Each house will be connected to central water and sewer supplies. For this to take place, a number of actions and approvals will be

required as discussed in Section 1.8 and 1.9 below. In short, the Project Sponsor has requested rezoning of the site from R-3A to R-2A, and inclusion as a CCDOD parcel. Site Plan, Subdivision and Special Permits would need to be granted by the Planning Board for the preferred plan. The Plan will also be reviewed for approval by the Orange County Department of Health. The Project Sponsor has proposed to upgrade the Town's water facilities and completely rebuild sewer facilities at no cost to the Town. To accomplish this, the project will require approvals of the Town Board, as well as the New York State Health Department and Department of Environmental Conservation to proceed.

The Project Sponsor has requested that the Town of Woodbury grant the requested rezoning and CCDOD designation as the proposed project presents several significant benefits to the Town. These benefits, as outlined throughout the document, are summarized below:

- Although the Town Code only requires 40% of the project to be preserved as permanently protected public open space for the proposed project, more than 50% of the total area of the project is to be preserved as permanently protected open space through a Conservation Cluster development, which will transfer ownership of the protected land to the Town or other public entity, or to a recognized conservation or land trust organization acceptable to the Town Board and qualified under IRS guidelines, together with conservation easements protecting the land in perpetuity.
- Under the preferred plan, the Valley Forge Wastewater Treatment Plant will be completely rebuilt to a state-of-the-art facility and by the Project Sponsor at no cost to the Town or residents in the Valley Forge Sewer District. As the equipment in the plant is near the end of its expected life cycle usefulness, this will save residents in the District an estimated \$1.1 million (see last page of Appendix 9.7, titled Cost Estimate Valley Forge Wastewater Treatment Plant Rehabilitation Prepared By HDR/LMS INC., 28-Apr-06). The final design of the plant is subject to the approval of the Town of Woodbury town Board
- The Project Sponsor will provide new water supply sources to meet or exceed the projected usage of the proposed development. The additional water supply will enable the Town to better meet the domestic water supply needs of its current residents.
- The Project Sponsor will build and convey to the Town two water towers which will improve the Town's fire-fighting ability through increased storage and pressure.
- The new water distribution system will improve service to the existing Skyline Drive area of the Town by providing a looped water supply system, so residents can still receive water during required maintenance or unanticipated line breakages on the existing system.
- Both the Skyline Drive and Smith Clove Road water systems benefit from the infrastructure proposed since new loop systems are proposed for each zone and additional storage capacity will now be available for each zone as well. The Skyline Drive area gains a water loop by connecting to the proposed Legacy Ridge distribution network. A looped water supply is much more reliable during main breaks that require shut down and also improve reliability during high consumptive demand periods since water is available from two locations. The proposed storage tank planned provides additional storage capacity that will be available within the Skyline Drive service area.

- The Legacy Ridge water distribution system that services the northeast portion of the tract ultimately is extended off site and connects to the Smith Clove Road system along Hamilton Ave. This water main extension provides a loop to the currently dead-ended system. This water loop is achieved when the new supply wells located on the Legacy Ridge northern parcel are brought on line since the main extension from the new supply wells traverses the Legacy Ridge site along Smith Clove Road and terminates at Hamilton Avenue. Storage capacity comes in the form of the proposed 190,000 gallon tank that ties to the distribution system ultimately at Hamilton Ave as well.
- The layout and design of the Legacy Ridge project will provide a much-needed means of emergency egress from the Skyline Drive development. Currently, the Skyline Drive residents and emergency services vehicles have only one means of emergency access. Through development of the site and the emergency access linkage between Legacy Ridge and Skyline Drive, both developments will have improved emergency access. As an additional benefit, by acquiring the Foxwood parcel solely for the purpose of providing emergency access between the Skyline Drive neighborhood, which has only a singular vehicular outlet, and the proposed Legacy Ridge project, the Foxwood property will not be developed for any other purpose than for emergency access between the two communities and for providing infrastructure connections from Legacy Ridge to the Skyline neighborhood. This will maintain the property primarily as an open space parcel and will ensure that there will be no visual impacts to the ridgeline situated on this parcel.

In addition, the project has been designed with the following features in mind to reduce significant impacts on the Town, the environment, and the surrounding community:

- Establishment of an HOA to maintain any other open lands or commonly held facilities and amenities, such as the roads, gated entry, community center/recreation facilities.
- The project is proposed to be developed with private roads (except the first few hundred feet of the main entrance) maintained by the community's HOA, thereby minimizing impacts on the Town budget while maximizing property values and the tax base.
- The project will include a community center for recreational and social use by residents of the community to reduce impacts on other Town recreational facilities.
- The Project Sponsor will establish a jitney service to transport site residents (or other residents along Smith Clove Road, should the jitney be successful) to the Harriman Train Station and other multi-modal transit locations to reduce traffic impacts on the local roadways.
- Municipal water and sewer services, which facilitate clustering of the housing to the greatest extent practicable, will reduce land disturbance and clearing, especially of sensitive environmental areas, while maintaining significant external buffers.

- The project will be developed in concert with the Town's Ridgeline Protection law through use of house siting, architectural control, and landscaping to minimize impacts.
- The project will generate Town and School taxes in excess of the projected fiscal impacts on these taxing authorities.

Environmental Review Process

The Town Board established itself as the Lead Agency for the SEQR review process on December 30, 2004 and subsequently adopted a Scoping Document (See Appendix 9.1) on March 30, 2005 following public scoping sessions on January 11th and 18th. The Town Board has requested that the Project Sponsor include in its analysis the impacts of other Town Board actions that may pertain to the project, such as authorization of Conservation Cluster within the project. This DEIS will therefore assess the potential environmental impacts associated with the following actions:

1. Approvals relating to site-specific zoning designation actions relating to the 749 +/- acre site of the proposed project by the Town Board, including (1) a rezoning from R-3A to R-2A of the 749 +/- acres of land located on three parcels immediately north and south of Trout Brook Road at its intersection with Smith Clove Road in the northeastern section of the Town of Woodbury. (2) The designation of such site for a Conservation Cluster Development. (3) The creation of municipal water and sewer districts.
2. Approvals relating to the actual development project, including both the Town Board review of the proposed development, prior to its proposed designation of the site for Conservation Cluster Development, and the subsequent approval by the Planning Board of a Conservation Cluster Subdivision and Site Plan, and any related approvals, for the Legacy Ridge development. The project sponsor has proposed a low density residential project consisting of 287 lots for single-family 4-bedroom detached housing with an average sales price of \$625,000.
3. Approval by the Town Board, the Department of Health ("NYSDOH") and the Department of Environmental Conservation ("NYSDEC") of the expansion of the Town Water District and the creation of a suitable sewer district, such as the Valley Forge sewer district, to include the proposed development. In addition, the Sponsor will provide for the rebuilding and expansion of an appropriate wastewater plant, such as the Valley Forge wastewater plant or the development of an on-site wastewater plant to serve the project.
4. Approval by the Town Board of the terms of the HOA formed for the residents of Legacy Ridge.
5. Related approvals by involved agencies, as required. A listing of these agencies, their roles and responsibilities, and the permits for issuance are included in Section 1.9 below.

1.4 Purpose, Need and Public Benefit

The Applicant intends to construct an upscale residential gated community for single family homes. As such, Legacy Ridge is designed to provide 287 lots to consist of single-family-detached units, consistent with the surrounding development pattern.

Public Benefit: Conformance with the Town Master Plan

The public benefit of the proposed project is bolstered by meeting the objectives established in the Master Plan. Specifically, the Plan includes the following objectives:

- Preserving the character of the Town, while accommodating gradual development as a predominantly residential community.
- Preserving and enhancing the quality of the Town's natural environment through preservation of more than half of the property (over 430 acres), for open space, including the entire northerly parcel of 291.70 acres for dedication to the Town.
- Developing in a pattern that will not degrade the quality of subsurface water.
- Strengthen and diversify the Town's economic base as a means of stabilizing and expanding the tax base.
- Providing community facilities, services and utilities to accommodate existing and future Town needs will be consistent with overall Town Planning goals.

Public Benefit: Improvement to the Town's Water Supply and Infrastructure

The Town of Woodbury water district has limited supply. As part of this project, the Project Sponsor has proposed to locate, develop, treat, design and construct a new source of water which will provide water to meet or exceed that used by this development. In addition, new water connections and storage will improve water pressure for both domestic and fire-fighting capabilities.

- The Project Sponsor will provide new water supply sources well to meet or exceed the projected usage of the proposed development. The additional water supply will enable the Town to better meet the domestic water supply needs of its current residents.
- The Project Sponsor will build and convey to the Town of two water towers which will improve the Town's fire-fighting ability through increased storage and pressure.
- The new water distribution system will improve service to the existing Skyline Drive, Valley Forge, Greenway and others in this area of the Town by providing a looped water supply system, so residents can still receive water during required maintenance or unanticipated line breakages on the existing system.

Public Benefit: Improvement to the Town's Wastewater Infrastructure

The Valley Forge wastewater collection and treatment system is in need of a significant upgrade to meet the requirements of the New York State Department of Environmental Conservation, and to meet applicable effluent quality requirements. It is estimated, by the Sponsor, that the cost of this upgrade is as high as \$1,100,000. This would amount to a capital cost of approximately \$8,200 per current home (approximately 134 current residences) within this very small district. One of the alternatives being considered for this project is a complete rebuilding of the Valley Forge system to a state-of-the-art facility at the developer's expense. At the same time, the plant would be expanded to meet the flow requirements of the Legacy Ridge project, saving the Valley Forge residents an estimated \$1,100,000 and improving effluent quality to meet applicable standards. The alternative of an on-site plant is also evaluated in the DEIS, but is not preferred in the Sponsor's opinion.

The new treatment plant will provide the following additional improvements or safeguards:

- **New Operations Building** – The existing operations building is in poor condition and requires complete replacement. A new operations building will be constructed to replace the existing building. The new operations building will be an aesthetic facility constructed of masonry block walls with a gable roof. The building will include a lavatory and more space to provide a safer environment for equipment maintenance.
- **Landscaping** – The site will be landscaped to provide screening for the treatment plant and to offer an aesthetically pleasing view.
- **Odor Control** – Odors are not expected to arise from the WWTP rebuilding. Space will be provided in the operations building for an odor control system, for future installation. The cost of any future odor control system will be the responsibility of the sewer district.
- **Sound Attenuation** – The proposed equipment (blowers, louvers, etc.) will be provided with sound attenuation, as required, minimizing noise pollution.
- **Removal of Existing Tankage** – Many of the tanks included in the original construction will be removed and properly demolished. The tanks slated for removal may include an aeration tank, clarifier, aerobic digester, influent pump station wet well, chlorine contact tank, and post aeration tank. The existing sludge holding tank may or may not be utilized, depending on sludge storage requirements. The final design of the treatment plan is subject to Town Board approval. This removal program will create better access to the treatment plant components.
- **UV Disinfection** – The existing chlorine disinfection unit will be replaced with an ultraviolet disinfection unit that is to be housed in the operations building. This will eliminate the handling of chlorine, providing a safer alternative.

Public Benefit: Preservation of Open Space

By development of a community with clustered lots in conformance with the requirements of the Conservation Cluster Development Overlay, the Legacy Ridge project proposes to preserve over 430 acres, or over 50% of the site as open space, including the entirety of the northern 291.70 acre parcel and the southerly Foxwood parcel. This open space makes substantial contributions to the preservation of view-sheds, wildlife habitat, and other open space benefits. Without central water and sewer, much of the proposed open space would instead be lost to septic fields and individual wells. Without a clustered plan, more of the site would be dedicated to roadways.

Furthermore, the Preferred Plan obtains and protects significant Open Spaces supporting the Open Space Protection Strategies in the Town of Woodbury's *Draft Open Space & Natural Resource Protection Plan* and is consistent with the current Town of Woodbury Master Plan and the draft Town of Woodbury Comprehensive Plan.

Public Benefit: Positive Impact on School Taxes

As proposed, the Legacy Ridge project is expected to generate in excess of \$3.1 million in school taxes annually at full build-out. When comparing the current per student educational costs within the Cornwall Central School District to the annual taxes to be generated from the Legacy Ridge project, the project annual school tax is estimated to exceed the school district's costs by more than \$400,000² annually (see Appendix 9.21).

Public Benefit: Positive Impact on Town Taxes

As proposed, the Legacy Ridge project is expected to generate between \$750,000 and \$820,000 in Town taxes annually at full build-out. The project is proposed to have private roads, 24-hour gated security, private garbage pick-up, snow removal and on-site recreational facilities. The HOA will be responsible for all maintenance concerning the internal project roadways and common parking areas, such as resurfacing parking areas and roadways, and other capital improvements of common facilities. Each of these items results in a reduction of impacts to the Town budget as compared with those that would normally be expected from new development. In round numbers, based on 2005 tax and assessment rates, the 287 homes on the Legacy Ridge site would generate an additional \$520,000 to \$585,000 beyond the Town costs annually.

1.5 Potential Significant Impacts

The Project Sponsor has undertaken an analysis of the potential significant environmental impacts of the proposed set of actions discussed in Section 1.3 above. In order to examine the potential impacts in a manner which represents the potential for the most significant impacts, the project was assumed to have a full build-out in 4 to 5 years, or by the end of 2011. The analyses are included in Section 3.0 below. The potentially significant impacts disclosed in Section 3.0 are listed below. The listing is not meant to imply that these impacts are unmitigated; rather it is a listing of those potential impacts which, if left

² See Section 3.11.

unmitigated, could have a significant negative impact upon the environment. Section 1.6 provides a summary of the proposed design and mitigation measures incorporated into the project to address the potential impacts. Section 4.0 provides a summary of significant unmitigated impacts.

- Although it is relatively deep to bedrock at this property, if shallow bedrock is encountered and cannot be removed manually, standard blasting techniques easily break and crush this type of bedrock.
- Soils with a high erosion potential will need special consideration to ensure that downstream waters are not significantly impacted.
- An excess of cut or fill could result in a significant importation or exportation of material at the site.
- During the construction phase, the uncontrolled release of storm water associated with construction could impact surface waters.
- During the operational phase, oil and grease from impervious surfaces and fertilizers and pesticides applied by homeowners could also enter the watercourses.
- Due to the increased number of lots under the R-2A scenario rezoning request, there would be some increase in the amount of impervious surfaces. Similarly, there will be a greater volume of storm water runoff and less absorption area, as compared to R-3A zoning.
- Water withdrawals could impact existing municipal wells.
- Federally or State regulated wetlands can be impacted by filling, discharge of sediment, clearing of vegetation, or changes in hydro-period due to modification of the runoff patterns.
- Impacts to wetland hydrology can occur due to increases in the volume and peak rate of storm water runoff. The clearing of trees adjacent to wetlands can make the shallow-rooted trees within a wetland more susceptible to windthrow. Unauthorized clearing of vegetation by homeowners could also impact the wetlands and facilitate invasion by non-native plant species.
- The greatest potential impact to the watercourses is sedimentation and/or scouring through uncontrolled release of storm water from construction areas.
- The removal of trees and other vegetation could cause a visual impact.
- The most significant potential impact resulting from the removal of vegetation is the exposure of bare ground and increased potential for erosion.
- Critical habitat for threatened or endangered species could be removed as a result of the project.

- The wildlife present on the site may be impacted by construction activities. Tree removal can affect bird species depending upon the time of year tree removal takes place because of their mobility and availability of other suitable habitat in the vicinity.
- The displacement of wildlife may exert population pressures on adjoining areas, particularly for white-tailed deer. Displacement of deer may result in increased browsing on adjoining parcels and increased car-deer collisions on nearby roadways.
- Construction onsite could impact protected species (should they exist on-site) including the bog turtle, Indiana bats and timber rattlesnakes.
- Development of the parcels could impact significant prehistoric or historic cultural features on the project site.
- The change in land use could result in visual impacts as a result of site clearing and development above the ridgeline.
- The proposed development could significantly impact the operating characteristics of the vehicular intersections in the vicinity of the project site.
- The proposed zoning amendments and rezoning of the project site could impact the adopted Master Plan of the Town, and other regional plans which cover the area of the project site if the proposed actions are not consistent with the plans.
- The project could impact farm operations located within County Agricultural District #1.
- The proposed rezoning from R-3A to R-2A could result in increased environmental impacts on the site as a result of denser development.
- The project could significantly impact the ability of emergency service providers to address critical situations.
- The project could impact the ability of the courts to handle additional workload.
- The additional development could generate more school children than the Cornwall Central School District could handle.
- The project could cause school and Town property taxes to rise.
- Wastewater generated by project residents could be discharged in a manner which would impact receiving waters.
- Treating wastewater from the project residents could become a tax burden to the Town of Woodbury.
- Water withdrawals could impact area wells.
- Water for project residents could impact other resident's need for domestic water.

- Water for fire-fighting on the project site or in other areas of the Town could be compromised by a fire at the project site.
- There could be inadequate ability to handle the solid waste generated by project residents.
- The Town could be required to handle solid waste from project residents, negatively impacting the Town budget.
- Dust from the project site could impact nearby residents.
- Air emissions from the increased traffic from the site could impact air quality in the region.
- Tree clearing for the site development could impact air quality in the region.
- The project could cause the loss of significant open space resources.
- The project could cause existing open space resources to be over-utilized.
- The project could be in opposition to the Town's *Draft Open Space Plan*.

1.6 Mitigation Measures

The Project Sponsor has undertaken an analysis of the potential significant environmental impacts of the proposed set of actions discussed in Section 1.3 above. The analyses are included in Section 3.0 below. The potentially significant impacts disclosed in Section 3.0 are listed in Section 1.5 above. Section 1.6 provides a summary of the proposed design and mitigation measures incorporated into the project to address the potential impacts. The mitigation has been detailed for the preferred alternative development plan, which is development of the site under the CCDOD amendments to the Town of Woodbury Zoning Law, and authorization to develop the site as a conservation cluster development after a change in zoning to the R-2A zoning district. Should the site not be developed in accordance with the CCDOD, the mitigations summarized below may not all be realized. In this case, the impacts and mitigation measures for alternatives as discussed in Section 3.0 would become part of the project.

Mitigation of Potential Impacts of Blasting

- Mechanical techniques will be first employed to remove the rock to the appropriate depth. This may include ripping weathered and soft rock with large excavation equipment or the use of pneumatic hammers to crush and break the rock.
- If blasting is required, the impacts will be mitigated to the extent practicable by strictly adhering to a blast monitoring and safety plan to be implemented by the Sponsor, including:
 - Precise engineering determination of the depth and location of on-site blasting.

- All blasting activities will be conducted by a Class A New York State Licensed blaster who is licensed to supervise and complete all types of explosives detonation.
- All necessary permits will be obtained. In the Town of Woodbury a blasting permit is required and the permits are issued by the fire marshal.
- Prior to any blasting activities, a pre-blast survey will be conducted of all structures within 500 feet of the actual blast site. The pre-blast surveys will include inspection and documentation of the existing conditions with video or photographic documentation. Once blasting is completed a post blast survey will also be conducted to verify that the blasting did not impact nearby structures.
- The blasting contractor will be limited to completing the individual blasts between the hours of 8:00 A.M. and 5:00 P.M. Notification to neighbors will be completed as per Town requirements.
- All neighbors within 500 feet of the outer limits of the blast area shall be advised by a writing delivered to each such neighbor (or posted upon the neighbor's front door if delivery cannot be personally accomplished) 24 hours in advance of the proposed schedule for blasting.
- No blasting will be allowed on Saturday, Sunday or holidays.
- Use of adequate and properly placed blasting mats to minimize rock lift and debris during blasts as necessary.
- The blasting contractor will be responsible for any damage or injury to any persons, property or structures as a result of his handling, storage, or use of the explosives.
- Although the New York State licensed blaster is directly responsible for the safety of the blasting operation at all times a site safety officer will be assigned to coordinate activities between the blaster, other site workers (if present), and nearby residents.

Mitigation of Potential Impacts of Erosion of On-site Soils

- A Storm water Pollution Prevention Plan in compliance with New York State Department of Environmental Conservation (NYSDEC) Phase II storm water regulations is being developed to address permit requirements under SPDES General Permit for Storm water Discharges from Construction Activity (Permit No. GP-02-01).
- In addition to erosion control measures, water quality and water quantity requirements shall be met through the use of post-construction BMPs as identified in the New York State Storm water Management Design Manual.

- Best Management Practices (BMPs) from the New York Guidelines for Urban Erosion and Sediment Control will be put into place to control soil erosion impacts. BMPs include the following:
 - Silt Fence will generally be located along the limits of disturbance at the downstream toe of all cut and fill slopes to help reduce sediment loss.
 - Inlet Sediment Traps will be located at all storm drain structures to minimize soil loss from entering the storm drainage systems.
 - Temporary Sediment Basins will be located in each watershed basin adjacent to permanent extended detention and retention storm water ponds.
 - Temporary swales, dry swales and wet swales will be used to convey storm water runoff during construction to storm drainage and erosion control features.
 - Check dams and rock dams will be located in drainage swales to help filter and settle out any sediments.
 - Construction exits will be employed to stabilize all construction entrances and exits and prevent mud from tracking on roadways from construction vehicles.
 - Temporary and Permanent Grassing will be used for all areas of disturbance.
 - Dust control will be used during dry conditions to prevent any blowing of dust.
- The on-site storm water management features will prevent any sedimentation or deleterious discharges from exiting the Legacy Ridge site and affecting Mineral Spring Brook; located on the northern side of Trout Brook Road. In addition, detention basins have been sited as close as possible to the construction areas, and will be maintained throughout the construction phase. The permanent storm water features will be periodically cleaned of accumulated sediment to maximize water storage capacity and sequestering of sediments.
- The contractor will be required to stage work consistent with NYSDEC requirements and will need to stabilize all land disturbing activity within 14 days.
- Erosion control devices will be inspected at least weekly and after each rain, and repaired by the contractor as necessary. Erosion control devices will be properly installed prior to site disturbance as logistically feasible depending on staging of work and must be maintained in good working condition until completion of project or replaced when effectiveness is reduced to 50%. Finally, additional erosion control measures will be installed to control sediment and silt from leaving the site as determined necessary.

Mitigation of Potential Impacts of Site Grading

- The site has been carefully designed to ensure that no material will be required to be removed from the site. Fill material will be required on site where roadway and pipe bedding cannot be obtained with the cut material.

Mitigation of Potential Impacts of Storm water Flows

- The project site has been designed to minimize storm water impacts both during and after construction. To ensure that impacts are minimized, the following will be implemented:
 - A Storm water Pollution Prevention Plan (SWPPP) will be prepared for construction activities consistent with NYSDEC and the Town Engineer review and requirements.
 - Monitoring of storm water facilities during construction will occur weekly and after significant rain events to ensure facilities are operating as designed.
 - Storm water facilities will be designed to remove significant pollutants prior to offsite discharge of any storm water.
 - Peak storm water flows will be reduced to below pre-development rates for all studied storms.
 - Water quality impacts will be reduced to below pre-development levels.
- The implementation of an NYSDEC-approved Storm water Pollution Prevention Program and adherence to the program through the construction phase will prevent any exacerbation of flooding conditions downstream of the site. The control of storm water runoff through the use of drainage swales and detention ponds will reduce the volume of storm water leaving the site. The phased nature of the housing development and the installation of infrastructure and storm water management features prior to clearing for house development will further reduce any potential for project-associated flooding.

Mitigation of Potential Impacts to Wetlands

- The on-site wetlands have been avoided to the greatest extent possible in the development of the housing and roadway layout. Impacts will be minimized and, if necessary, a compensatory wetland mitigation program developed to replace any lost or compromised wetland functions will be implemented and will be identified during the Subdivision process subject to agency reviews and approvals. Any work within wetland areas will be completed according to USACOE requirements. Any work within the wetlands (or regulated 100' adjacent area) meeting NYS DEC criteria will be completed according to Article 24 requirements.
- The impacts on streams will be minimized by using bridges to the greatest extent possible to cross the streams with site roadways, and by directionally drilling the utility lines beneath the streambeds. Where culverts must be used, three-sided culverts that retain the original stream bottom will be employed to maintain hydrologic conditions, streambed slope, and facilitate wildlife movements. Any utility stream crossings that have to be installed by a cut-and-cover method will be installed in one day during low-flow conditions. The appropriate nationwide permits will be sought and/or confirmed with USACE for any in-stream disturbance.

Mitigation of Potential Impacts of Development within Floodplains

- There are no 100-year floodplains on the site, and therefore no mitigation is required.

Mitigation of Potential Impacts to Onsite Vegetation

- No endangered, threatened, or rare plant species were observed on the site, and there are no records of rare plants on the site.
- No significant natural communities have been identified within the project boundaries.
- As shown on Figure 32, the preferred plan shows substantial limitations on the amount of clearing to install the homes, utilities, and other infrastructure. By clustering the homes solely on the southerly parcel, the entire northerly parcel is maintained as a contiguous open space parcel. Further by limiting the yard setbacks for the proposed houses and keeping them near the streetfront, clearing and regrading for driveways is significantly reduced.
- Clearing limit lines have been established and will be demarcated in the field prior to the commencement of construction.
- Large trees, due to their aesthetic value, will be preserved where possible. Large trees to be preserved will be marked and a flagged area marked around the drip line to prevent entry by construction vehicles. Limitations on clearing will be established during the subdivision review process.
- A landscaping plan using indigenous plant species has been developed. The goal of the landscaping plan will be to retain as much native vegetation as possible, and to plant areas cleared for construction with hardy species that will provide a rapid cover and visual/noise barrier. Tree or shrub species subject to disease or insect damage (eastern hemlock) or favored as a food item by white-tailed deer (white cedar and yews) will be avoided in the planting plans.
- The final plant species list will be determined based on the size and commercial availability of each species at the time of planting to ensure the plan can be implemented.
- Plants will be watered as needed during the first growing season and any plants that appear to be weakened or dead will be replaced during the first two growing seasons.

Mitigation of Potential Impacts to Onsite Fauna

- NYSDEC in a letter dated 22 November 2005 indicates the potential presence of timber rattlesnakes, eastern small-footed myotis, gray petaltail (a dragonfly), Mead's sedge, rattlebox and large twayblade on or adjacent to the site.

- The life histories and habitat requirements of all the state and federally cited species were reviewed in detail as part of the site field assessment that led to the preliminary conclusion that the Legacy Ridge site has very limited potential to support the listed species. Prior to their site inspection on September 8, 2005, endangered and threatened species staff members from NYSDEC accessed their confidential files for any recent records of the listed species on the site and agreed the site had poor habitat and/or was too far from any recent records of the listed species. There have been no requests for further assessments or site studies for endangered/threatened species.
- Potential bog turtle, timber rattlesnake, and Indiana bat habitat was evaluated onsite using the US Fish & Wildlife Service assessment protocol. Potentially suitable habitat for each of the three species was found on the site. While none of these species was noted on site, and as enumerated above, a NYSDEC confidential file search resulted in a finding that the site had poor habitat, the following is further noted as mitigation:
 - No areas meeting the habitat criteria for critical wintering sites or as nesting habitat by bog turtles are present on the site.
 - The incorporation of open space areas and treed corridors between the building lots will maintain significant habitat for any Indiana bats that might be present in the area.
 - The Conservation Cluster Development layout minimizes the impacts on wildlife, as compared to the conventional plan, under either two-acre or three-acre zoning.
- Additional mitigation for the protection of faunal species includes:
 - The incorporation of over 430 acres (greater than 50% of the site) of greenspace (including the entire 292 +/- acre northerly parcel) into the site design will allow many more animals to remain on site than conventional development patterns.
 - The proposed greenspace will protect the large pond in the southeastern corner and the surrounding deciduous forest, which will continue to provide a resting, foraging and nesting area for bird species on the site.
 - The incorporation of trees and shrubs that provide a source of seeds or berries into the landscaping plan will provide a food source for wildlife.
 - The avoidance of tree and shrub species (white cedar, azaleas, and yews) which are favored as food by deer will reduce deer damage to other landscaped features.
 - The gradual build-out of the project will allow wildlife species to slowly adjust to changing conditions on site.
 - Accomplishing tree clearing in the times when avian species are mobile, that is, not between May and July, will mitigate potential impacts on these species.

- Preservation of ponds, wetland corridors and stream corridors will preserve amphibian and reptile habitats, particularly the spotted turtle and the Jefferson salamander.
- Providing an inter-connected open space network, together with limited clearing in the “back yards” of lots allows wildlife movement throughout the site, thereby preserving populations.
- The typical lot configuration of the proposed plan leaves a natural landscaped area to the rear of all of the dwellings by reducing the front yard dimension and limiting the amount of clearing on each lot to the minimal amount needed for the grading of the dwellings, See Figure 113 Typical Lot for the proposed configuration.

Mitigation of Potential Impacts to Cultural Resources

- The investigation resulted in the identification of eight (8) cultural resources, including four (4) archaeological sites and four (4) isolated finds. Based on our preliminary findings all four sites are recommended potentially eligible for nomination to the National Register of Historic Places (NRHP). These four sites will likely require further historic documentation and/or archaeological work. The remaining four isolated finds are recommended not eligible for nomination the NRHP and should require no additional investigation. Section 3.4 and Figure 51 below provide further detail. Prior to comencing any site disturbance, the four sites will be investigated and mitigated as required.
- Based on the results of the field survey a laboratory program would be established and the need for further field testing at the Phase 2 level and/or data recovery has been developed.
- Phase 2 testing is recommended for all areas of questionable results during the Phase 1B survey, as well as for any area where the level of artifact recoveries could be indicative of an archaeological site, whether prehistoric or historic in nature.
- Should any potential prehistoric sites be located during the survey a field methodology for establishing both boundary definitions (closer interval shovel tests), and integrity (formal excavation unit) would be recommended.
- Any possible historic site locations that are identified will also be subject to supplemental field investigation. The nature of that testing to be determined by the type and aspect of the possible site. Thus, Phase 2 for possible historic sites could include conventional shovel tests, excavation units and possibly backhoe trenching.
- Should sites prove positive through Phase 2 testing, mitigation of adverse impacts would be recommended. The preferred mitigation method would be avoidance of the archaeological site; however, if the site cannot be avoided then a Phase 3 data recovery excavation plan would be developed and implemented.
- Additional mitigation may be warranted at three sites, based on specific house placement to be determined during the Subdivision process:
 - Site 1 is located in the southeastern portion of the parcel near an intermittent drainage at the base of Ridge C and west of Smith Clove

Road. The site consists of a partial outbuilding foundation, a stone lined well and an associated scatter of artifacts. Site 1 is recommended to be potentially eligible for nomination the National Register of Historic Places (NRHP). Additional (Phase 2) archaeological investigation is warranted in order to definitively evaluate its NRHP status.

- Site 2 is located just west of Smith Clove Road and is approximately 195 m (640 ft) south of Site 1. This site consists of a complex of several standing structures including the main residence, stables, a riding ring or corral, and several outbuildings. Personal communication with a local landowner and the present caretakers of the property report that the property is known as the “Leone Horse Farm”. Based on the present investigation, the Leone Horse Farm appears to have good potential for further architectural and historical research. As such, Site 2 is recommended as potentially eligible for nomination to the NRHP.
- Site 3 is located in the Westerly portion of the study area on a ridge top (Ridge C) overlooking Woodbury Creek and Trout Brook. This site consists of the remains of several historic structures including three house or outbuilding foundations, two stone-lined wells, a cistern, and several intersecting stone walls. Based on the survey data, Site 3 offers excellent research potential and is therefore to be potentially eligible for nomination to the NRHP. An additional archaeological investigation is warranted in order to definitively evaluate its NRHP status.

Mitigation of Potential Impacts to Visual Resources

- Wherever possible, existing vegetation and tree buffers will be maintained on the site.
- As part of the open space conservation approximately 430 acres of the project site are to remain undeveloped, untouched as buffers and open space and the existing views into large portions of the site will remain the same.
- The Conservation Cluster significantly lessens the required areas of disturbance, and the cuts and fills for roads.
- The roadway has been designed to more closely follow the topography than strict accordance with Town of Woodbury Highway specifications. Development of the site with private roads significantly reduces cuts and fills and will therefore reduce potential visual impacts.
- Supplemental buffer vegetation plantings will be included as a mitigation measure to reduce the visual impacts of the project. Low branched deciduous and coniferous trees will be used in the buffer areas where supplementary vegetation is required for further screening. Tree or shrub species subject to disease or insect damage (eastern hemlock) or favored as a food item by white-tailed deer (white cedar, azaleas and yews) will be avoided in the planting plans within the site and homeowners will be discouraged from using these species.
- The final plant species list will be determined based on the size and commercial availability of each species and completed by a Landscape Architect. The plants will

- be watered as needed during the first growing season and any plants that appear to be weakened or dead will be replaced during the first two growing seasons.
- The proposed development will consider the building design, the use of lower elevations on a lot, the use of earth-tone colors, the blending of the structures with the topography, and the use of deciduous and evergreen trees to supplement the existing vegetative buffers. Specific house siting and colors will be accomplished during the Planning Board review process.
 - At the time this visual analysis was performed, all deciduous vegetation had lost their foliage. Although the development may be partially visible from some of the viewpoints during the time of year when no leaf cover is available, foliage will provide additional screening during leaf-on season.
 - As required in the Ridge Preservation guidelines, the Planning Board will review the following during the subdivision process to minimize impacts:
 - Building design
 - The use of lower elevations on each lot
 - The use of earth-tone colors
 - The blending of structures within the topography
 - The use of deciduous and evergreen trees to supplement the existing vegetative buffers.
 - To mitigate potential visual impacts, the following will be implemented:
 - The 50 foot treed buffer will remain as shown on the proposed site plan to provide screening between the existing and proposed residences.
 - The colors of the project should remain muted earth tones (beige, tan, off-white).
 - During the Subdivision Approval process, specific landscape plantings may be required to screen specific views of buildings. These plantings may include deciduous and evergreen trees, shrubs and other landscaping. This should be reviewed by the Planning Board during the detailed engineering review of the site.

Mitigation of Potential Impacts to Transportation

In order to evaluate current and future traffic operating conditions, capacity analyses were conducted at each of the study area intersections to identify any required mitigation.

- Smith Clove Road and Angola Road

Capacity analysis conducted utilizing the Year 2005 Existing, 2011 No-Build and the 2011 Build Traffic Volumes indicate that this intersection will operate at a Level of Service "A/B" for the AM and PM peak hour.

- Smith Clove Road and Trout Brook Road

Capacity analysis conducted at this intersection utilizing the 2005 Existing Traffic Volumes 2011 No-Build and Build Traffic Volumes indicate that this intersection will operate at a Level of Service "A" during both the AM peak hour and the PM peak hour.

- Smith Clove Road and Hamilton Avenue

Capacity analysis indicate that this intersection will for the 2005 Existing Traffic Volumes as well as the 2011 No-Build and Build conditions will operate at a Level of Service "A" during the AM peak hour. This intersection will operate at a Level of Service "A/B" during the No Build condition, and maintain the Level of Service "A/B" during the Build condition for the PM peak hour.

- Smith Clove Road and Thayer Road

Capacity analysis indicate that this intersection will for the 2005 Existing Traffic Volumes as well as the 2011 No-Build and Build conditions will operate at a Level of Service "A/B" for the AM and the PM peak hours.

- Smith Clove Road and Pine Hill Road

Capacity analysis indicate that this intersection will for the 2005 Existing Traffic Volumes as well as the 2011 No-Build and Build conditions will operate at a Level of Service "B" or better for both the AM and PM peak hours.

- Smith Clove Road and Falkirk Avenue

Capacity analysis indicate that this intersection will for the 2005 Existing Traffic Volumes as well as the 2011 No-Build and Build conditions will operate at a Level of Service "B" or better for both the AM and PM peak hours.

- Smith Clove Road and Route 32

This signalized intersection has wide one lane approaches on all legs, except the Smith Clove Road approach, which has as 12-foot wide lane. Utilizing the 2005 Existing Traffic Volumes, this intersection operates at a Level of Service "B" for both the AM and PM peak hours.

Using the 2011 No-Build Traffic Volumes this intersection will operate at a Level of Service "B" during the AM peak hour and a Level of Service "C" during the PM peak hour. The 2011 Build Traffic Volumes show that this intersection will operate at a Level of Service "C" during the AM peak hour and a Level of Service "D" during the PM peak hour. While it is the opinion of the Project Sponsor that no improvements are required, the applicant will discuss with NYSDOT the possibility of delineating a northbound right turn lane. Based on field observations, there is adequate pavement

width at this location for this lane. In fact, during peak hours the existing pavement is currently being used for such movements. The existing parking would remain even with this right turn lane delineation. With this right turn lane the intersection will improve.

- Route 32 and Park Avenue

Results of the capacity analysis conducted utilizing the 2005 Existing Traffic Volumes indicate that the minor leg of this intersection (Park Avenue) will operate at a Level of Service "C" during both the AM and PM peak hours.

The analysis for the 2011 No-Build Traffic Volumes indicates that the minor leg of this intersection will operate at a Level of Service "B" for the AM and "D" for the PM peak hours. For the 2011 Build condition, the minor leg will operate at a Level of Service "C" for the Peak AM Hour and a Level of Service "E" for the Peak PM Hour. To improve the operation of the side road it would be necessary to signalize this location, however, do to the close proximity of existing signalized intersection (CR 105 and Route 32) it is the opinion of the Project Sponsor that signalization of this location is impractical. While not significantly impacted by the project, the Project Sponsor will discuss with NYSDOT the possibility of phasing or timing modifications to the existing signal at CR 105 and Route 32 to reduce queuing in the northbound lane of Route 32.

- Route 32 and Trout Brook Road

Capacity analysis utilizing the 2005 Existing Traffic Volumes indicates that this intersection will operate at a Level of Service "C" or better for both the AM and PM peak hours.

Capacity analysis for the 2011 No-Build conditions indicate that this intersection will operate at a Level of Service "C" for the AM peak hour and the PM peak hour. For the Build condition, the Level of Service would be "C" for the AM peak hour and "D" for the PM peak hour.

- Trout Brook Road/Smith Clove Road and Proposed Site Access

The proposed site entrance onto Trout Brook Road is proposed to be two exiting lanes and one entering lane. The Site Access for the 17 lots onto Smith Clove Road is proposed to be a single entering and a single exiting lane. Capacity analysis for the 2011 Build condition indicates that these intersections will operate at a Level of Service "A" for both the AM and PM peak hours.

- Jitney Service

Depending on the demand, (10 or more riders per peak period) all residents of Legacy Ridge will continue to have access to mass transit following the initial implementation of a jitney service. The Project Sponsor has agreed to provide a jitney service to and from the Harriman Train Station as well as regional bus routes (Shortline bus) during peak commuter hours. The service will be owned and operated by the HOA, at no cost to the Town. Details of the jitney service will be

determined in the final HOA document to be approved by the Town of Woodbury, however, at a minimum:

- The jitney will begin operation before more than 10% of the co's have been issued on the site.
- The HOA will post a bond with the Town to ensure continued operation of the service at no cost to the Town.
- The jitney will, at a minimum, stop at the recreation center at pre-arranged times between 5:30 am and 9:30 am, and 4:30 pm and 8:30 pm as needed, for transportation to and from the Harriman Train Station.

Should another jitney service later be established which could serve the project, in addition to serving broader areas of the Town, the HOA could consider ceasing its own service to participate in the other available service.

The introduction of jitney service will result in a reduction in peak hour trips from the project. Since no credit was taken in the analysis for reduced trips, the identified impacts of the project would be less than indicated.

- Afternoon School Traffic

There are no schools in the immediate vicinity of Legacy Ridge. However, there is a school located on Smith Clove Road near its intersection with Route 32. Within the Route 32 corridor most of the school related traffic occurs in the vicinity of Route 32 and Ninninger Road. The AM Peak Hour Traffic Volumes contain the morning school traffic. To compare the exit school hour to the PM peak hour, representatives of John Collins Engineers, P.C. conducted turning movement counts from 2:00 PM-4:00 PM on Thursday, September 8, 2005. The peak occurred between 3:00 PM and 4:00 PM with a total intersection volume of 1322 at the intersection of Smith Clove Road and NY Route 32. For the PM Peak Hour the volume is 1910. Thus, the school hour is not critical in terms of defining the peak hour of traffic, or in the LOS analysis."

- Seasonal Peak Saturday

The primary shopping area in the Route 32 corridor is located in the vicinity of the Route 17/Route 32/I-87 interchange area. This area is several miles south of Legacy Ridge. Legacy Ridge will contribute some traffic to this interchange. However, based on the detailed analysis contained in the WP3 study for the interchange area, including counts during November and December along the Route 32 corridor, the Legacy Ridge development will only have a minimal impact on operating conditions in the vicinity of the interchange. Based on the WP-3 Study for the design year, there would be some 4,393 vehicles passing through the intersection of Route 33/I-87 off ramp/Ninninger Road (interchange area). Of that total volume, some 227 vehicles are attributable to WP-3. Legacy Ridge is generating some 200 vehicles south of the intersection of Route 32 and Smith Clove Road. If 75% of these vehicles continue south towards the interchange area, there would be some 150 vehicles attributable to Legacy Ridge within the interchange area. This would be approximately 3.5% of

the total intersection volume. This percentage would not significantly alter the operations at the intersection.

In addition, the mid-day Saturday traffic counts included in the “Southeastern Orange County Traffic and Land Use Study” for the intersection of Smith Clove Road/Route 32 were lower than the PM Peak hour which is analyzed in this report.

- Other Aspects

The main and secondary access points to the development will be gated and located on Trout Brook Road. A separate ungated access will be provided off Smith Clove Road to serve 17 homes which will be part of the Legacy Ridge project, though not included in the gated community. Two emergency gated access points will be provided: one onto Smith Clove Road south of Trout Brook Road and one onto Skyline Drive to the south of the development. The Skyline Drive emergency access point will provide access for emergency responders for both the Skyline Drive community (which has only one way in and out) and a fourth point of access for the Legacy Ridge community. Access to the site will be primarily through the Trout Brook Road gated access points. As part of the access design there will be a loop road to accommodate school buses,. In addition, the interior roadways have been designed to accommodate emergency and transit vehicles. Access to the site during construction will be from Trout Brook Road. Emergency responders will use the main access or the Smith Clove Road access to enter and exit the project site. Visitors and deliveries will still be required to use the staffed gated access at the easterly Trout Brook Road access.

During construction, access to the site will be controlled by flagmen with construction workers and deliveries parked/unload on-site. The contractor will be responsible to develop a maintenance and protection of traffic plan prior to construction.

- Equipment and construction worker’s vehicles will be parked on-site and off the main roads to ensure passable traffic at all times.
- Deliveries will be scheduled during off peak hours and during times of limited school traffic.
- Signs will be posted on area roadways indicating and directing construction traffic.
- The interior roadway has been designed to accommodate both emergency and school bus vehicles (See Section 3.11.3). Depending on the demand, all residents of Legacy Ridge will continue to have access to mass transit following the initial implementation of a jitney service.
- Residents of Legacy Ridge will be provided with peak-hour jitney service to and from the train station as well as regional bus routes in Woodbury for as long as a reasonable demand (more than 10 riders per peak period) exists.

Mitigation of Potential Impacts to Land Uses

- Mitigation included in the design of the proposed and incorporated in the provisions of the proposed zoning amendments which will address any potential impacts on the land use includes the following:
 - The proposed development conforms to and supports the Town Master Plan, the Draft Open Space & Natural Resource Protection Plan, the Draft Town of Woodbury Comprehensive Plan, and the Orange County Comprehensive Plan.
 - The proposed conservation cluster development which has been designed with a road system following existing terrain will minimize development impacts and preserve desirable terrain features, sensitive ecological features and open space.
 - Water and sewer facilities will be built and offered for dedication to the Town of Woodbury at no cost to the town. The improvements will provide added water supply to the Town and potential benefit to existing residents, but there will be no costs to tax paying area residents for such improvements.
 - Central water and sewer services will be provided and will enhance the ability to cluster the housing to the greatest extent practicable, reducing land disturbance and clearing while maintaining significant external buffers.
 - The internal lands be privately owned and maintained by the HOA and would include the development of a Community Center to help offset any potential increase in demands on other town facilities.
 - A gated community with private roads will reduce impacts to the Town budget while maximizing property values and the tax base.
 - The change in zoning from R-3A to R-2A would not adversely impact the land that remains R-3A. The Town Master Plan foresaw that certain areas of the Town would be encouraged to be rezoned from R-3A to R-2A if central water and sewer facilities are provided, consistent with the Legacy Ridge proposal.

To mitigate potential impacts to the adjacent Agricultural District, the project has been designed such that:

- The site is separated by other parcels from the Agricultural District;
- The site is separated by significant distance such that noise will not likely be transmitted from the agricultural district to the Legacy Ridge site.
- The site is separated by significant topography such that drainage from the agricultural district and from Legacy Ridge flow separately.

Mitigation of Potential Impacts as a result of the Zoning Changes

The 749+/- acre Legacy Ridge parcel could be developed conventionally, with 141 lots under the existing R-3A zoning and 232 lots under a rezoning to R-2A. With the application of the CCDOD legislation, depending on the percentage of open space donated, development of the site could yield between 220 and 328 lots (under R-2A zoning) with a preservation of between 149 and 300 acres of open space.

The Project Sponsor has requested that the Town of Woodbury grant the requested rezoning and CCDOD designation as the proposed project presents several significant benefits to the Town. These benefits are outlined throughout the document, but are summarized below:

- More than 50% of the total area of the project is to be preserved as permanently protected open space through a Conservation Cluster development, which will transfer ownership of the protected land to the Town or other public entity, or to a recognized conservation or land trust organization acceptable to the Town Board and qualified under IRS guidelines, together with conservation easements protecting the land in perpetuity.
- Under the preferred plan, the Valley Forge Wastewater Treatment Plan will be completely rebuilt to a state-of-the-art facility and by the Project Sponsor at no cost to the Town or residents in the Valley Forge Sewer District. As the equipment in the plant is near the end of its expected life cycle usefulness, this will save residents in the District an estimated \$1.1 million, see Appendix 9.7. The final design of the plant is subject to approval by the Town of Woodbury Town Board.
- The Project Sponsor will provide new water supply sources to meet or exceed the projected usage of the proposed development. The additional water supply will enable the Town to better meet the domestic water supply needs of its current residents.
- As water supply is at a premium in Orange County, the need for sustainable and well maintained water supply and distribution is critical. From the outset, this project was developed with the philosophy that the private Legacy Ridge water systems will not be independent of the Town, but will be integral to the Town systems allowing the sharing of new water sources as well as the benefit of new distribution systems and storage. Storage capacity in excess of 400,000 gallons will be connected to the Town's pressure systems at the Skyline Drive and Smith Clove Road communities. A new supply with a maximum yield of 225,000 gallons per day is being sought. The average daily demand at Legacy Ridge is 139,000 gallons per day suggesting 86,000 gallons of water supply from the new sources is available for Town consumptive use under average day demands.
- The Project Sponsor will build and convey to the Town of two water towers which will improve the Town's fire-fighting ability through increased storage and pressure.
- The new water distribution system will improve service to the existing Skyline Drive area of the Town by providing a looped water supply system, so residents can still receive water during required maintenance or unanticipated line breakages on the existing system. The water loop extension onto Smith Clove Road benefits the entire intermediate pressure zone in the Town of Woodbury system. This extends From Smith clove Road and Hamilton Ave. to Pine Road

and under the Thruway to Greenwich Avenue under Estrada Road and Dunderberg Road.

- Both the Skyline Drive and Smith Clove Road water systems benefit from the infrastructure proposed since new loop systems are proposed for each zone and additional storage capacity will now be available for each zone as well. The Skyline Drive area gains a water loop by connecting to the proposed Legacy Ridge distribution network. A looped water supply is much more reliable during main breaks that require shut down and also improve reliability during high consumptive demand periods since water is available from two locations. The proposed storage tank planned provides additional storage capacity that will be available within the Skyline Drive service area.
- The Legacy Ridge water distribution system that services the northeast portion of the tract ultimately is extended off site and connects to the Smith Clove Road system along Hamilton Ave. This water main extension provides a loop to the currently dead-ended system. This water loop is achieved when the new supply wells located on the Legacy Ridge northerly parcel are brought on line since the main extension from the new supply wells traverses the Legacy Ridge site along Smith Clove Road and terminates at Hamilton Avenue. Storage capacity comes in the form of the proposed 190,000 gallon tank that ties in to the distribution system ultimately at Hamilton Avenue as well.
- The layout and design of the Legacy Ridge project will provide a much-needed means of emergency egress from the Skyline Drive development. Currently, the Skyline Drive residents and emergency services vehicles have only one means of emergency access. Through development of the site and the emergency access linkage between Legacy Ridge and Skyline Drive, both developments will have improved emergency access.

In addition, the project has been designed with the following features in mind to reduce significant impacts on the Town, the environment, and the surrounding community:

- Establishment of an HOA to maintain any other open lands or commonly held facilities and amenities, such as the roads, gated entry, community center/recreation facilities.
- The project is proposed to be developed with private roads (except the first few hundred feet of the main entrance) maintained by the community's HOA, thereby minimizing impacts on the Town budget while maximizing property values and the tax base.
- The project will include a community center for recreational and social use by residents of the community to reduce impacts on other Town recreational facilities.
- The Project Sponsor will establish a jitney service to transport site residents (or other residents along Smith Clove Road, should the jitney be successful) to the Harriman Train Station and other multi-modal transit locations to reduce traffic impacts on the local roadways.
- Municipal water and sewer services, which facilitate clustering of the housing to the greatest extent practicable, will reduce land disturbance and clearing, especially of sensitive environmental areas, while maintaining significant external buffers.

- The project will be developed in concert with the Town's Ridgeline Protection law through use of house siting, architectural control, and landscaping to minimize impacts.
- The project will generate Town and School taxes in excess of the projected fiscal impacts on these taxing authorities.
- The impacts of the rezoning to the R-2A district are significantly offset by the mitigation the Project Sponsor has proposed to be incorporated in the design of the project, including:
 - Providing a significant new source of drinking water to the Town;
 - Significantly upgrading the water distribution system to provide improved pressure and fire-fighting capabilities throughout the Town by linking the existing system to the two new water tanks, and looping the Skyline Drive and Smith Clove systems;
 - Offering to complete rebuild and improve the effluent quality of the existing Valley Forge wastewater treatment facility or other appropriate wastewater treatment facility at no cost to the Town or current users of that system;
 - Providing a road design that minimizes cuts and fills;
 - Developing the site in a manner which maximizes open space protection, habitat preservation, and wetlands protection will minimize land clearing and disturbance; and
 - Providing a peak-hour jitney service is expected to reduce peak-hour trip generation by 25 vehicles
- The Conservation Cluster Development regulations provide a formula of calculation for the determination of maximum lot yield, based on site specific area deductions. Controls will be placed on the open space lands to ensure the lands will stay as public open space.
- The proposed plan is subject to and will be consistent with the requirements of Article VIII, Site Plan and Special Permit Review and Approval, Section §310-45.
- For the Legacy Ridge site, inclusion within the CCDOD will result in approximately 430 +/- acres of open space permanently preserved, including the entire northern parcel of 291.70 acres. The southerly 41+/- acre Foxwood parcel will be preserved as HOA lands and a buffer between the Legacy Ridge project and the existing homes within the Skyline Drive development. The proposed plan is proposed to be consistent with the CCDOD regulations.
 - The plan secures critical masses of open space.

- The plan preserves a scenic vista, i.e. the 291.70 acre northern parcel.
- The plan provides internal open space and buffers, including the southerly 41 +/- acre Foxwood parcel, within and around residential neighborhoods, as well as greenbelts and essential links between open space areas.
- The plan reduces sprawl, and implements quality community and smart growth objectives.
- The plan reduces the amount of clearing and grading, as compared with a conventional plat.
- The plan increases opportunities for enjoyment of natural settings and opportunities for passive recreation.

Mitigation of Potential Impacts to Police, Fire, Emergency Medical Services and Court Services

- The Woodbury Police Department would not be required to provide patrols to construction sites or enforce traffic regulations on the private roads within the gated community. However, Police Department would be given access to the site at all times, by remote control access capabilities to patrol or enforce traffic regulations as necessary.
- The HOA will provide traffic enforcement policies for traffic control and emergency access as outlined in Section 2.3.4 below.
- The HOA will be responsible for internally monitoring traffic control including speed limit compliance, parking and snow removal to facilitate emergency services.
- The Legacy Ridge main gate will be fitted with a security gate that will be staffed 24 hours seven days a week.
- All emergency service providers would be given access to the Legacy Ridge site at all times, by remote control access capabilities. The Woodbury Police Department currently use remote control access at the Woodbury Commons site, and it is proposed that similar access will be developed within the Legacy Ridge site.
- The main and secondary access points to the development will be gated and located on Trout Brook Road. A separate ungated access will be provided off Smith Clove Road to serve 17 homes which will be part of the Legacy Ridge project, though not included in the gated community. Two emergency gated access points will be provided: one onto Smith Clove Road south of Trout Brook Road and one onto Skyline Drive to the south of the development. The Skyline Drive emergency access point will provide access for emergency responders for both the Skyline Drive community (which has only one way in and out) and a fourth point of access for the Legacy Ridge community.
- The road system within Legacy Ridge would be private and maintained by the Homeowner's Association. The roads and cul-de-sacs will be built in such a manner

so as to provide sufficient access for emergency vehicles.

- Street lighting, street name signage and house number display will be provided in order to facilitate emergency services.
- Gated communities are designed to preclude public access to the development's roads, open space and community centers. The security measures are intended to deter crime and limit access.
- The Legacy Ridge development would not utilize the Woodbury Police Department's services for regularly patrolling of the private roads; thereby relieving the Town's policing burden, freeing resources to be used elsewhere. For public safety, under the Vehicle & Traffic Law 1660-a, the Town Board may, by local law or ordinance, adopt regulations which the Woodbury Police Department would enforce.
- All Town emergency services departments will have the opportunity to be improved through additional tax dollars coming to the Town by virtue of this project.
- The Town of Woodbury Court system could possibly be impacted by increases in small claims matters that are not currently handled by the Woodbury Police Department such as barking dog or noise complaints. These are expected to be somewhat limited by virtue of rules adopted by the Homeowner's Association.
- It is not anticipated that any increase in numbers of court proceedings will be significant. It is estimated that any such increase would be offset by the increased tax dollars available.
- On-site improvements will be implemented in order to provide the residential development with adequate capacity to meet fire flow requirements.

Mitigation of Potential Impacts to School District Services

- The number of students proposed within the Legacy Ridge project would increase the number of students by less 2% per year during the 5-year build-out of the project.
- The Legacy Ridge project is expected to be completed by 2011 which will avoid immediate adverse impacts to the school district.
- The estimated net annual increase (after costs) in School Taxes to the Cornwall Central School District after full development of the Legacy Ridge project is estimated to be approximately \$400,000 per year.
- School bus transportation can be provided to the Legacy Ridge development in accordance with the School Board policies. Cornwall Central Schools will not enter onto private roads. It is proposed that the first 600 feet of the Legacy Ridge project will be dedicated to the Town of Woodbury, and therefore meet the needs of the Cornwall School District for student pick-up. The Town road will be owned and maintained by the Town as per NYS Town Law and the Town of Woodbury Town Code. Any areas dedicated for drop off and parking outside the Town right-of-way will be owned and maintained by the HOA.

Mitigation of Potential Impacts to Wastewater Utilities

- In order to rebuild the Town sewer facilities at the Valley Forge plant into a state of the art facility and to accommodate the Legacy Ridge project at no cost to the current

- system users, the following must occur:
- This wastewater treatment option must be found acceptable during the review of potential options in the SEQR review process;
 - The Town must give the Project Sponsor permission to construct the new plant on the Town facility;
 - The Project Sponsor must obtain all necessary permits from the NYSDEC, NYS DOH, OC DOH and the Town of Woodbury;
 - Upon completion of the project, the Project Sponsor must turn the new plant over to the Town at no cost.
- The following are proposed to offset the potential impacts of the preferred plan:
 - Improving the treatment process to handle additional flows and effluent quality, by utilizing the existing tanks and a portion of existing equipment. Existing equipment is being reused as a matter of convenience to facilitate the installation of a new system; for example, the influent grit chamber and sewer provide the only logical gravity pathway into the site and will be continued to be used, but the existing concrete structures will be rehabilitated to increase their useful life. The complete rebuilding of the facility will require some new tankage and equipment, as necessary, to upgrade the plant to the proposed membrane treatment technology;
 - Rebuilding and dedication to the Town of the Valley Forge treatment system as required;
 - Central treatment for sewage from the Legacy Ridge development.
 - To ensure the sanitary collection and treatment system is developed to high industry standards, the following will be implemented:
 - The off-site and on-site improvements, including but not limited to pump stations, treatment plant, force mains and gravity lines and appurtenances, will be designed in accordance with state and local regulations and specifications.
 - Rebuilding of the Valley Forge WWTP will be designed in accordance with the Recommended Standards for Wastewater Facilities © 2004 (a.k.a. Ten States Standards) and local requirements.
 - The new treatment plant will provide the following additional improvements or safeguards:
 - New Operations Building – The existing operations building is in poor condition and requires complete replacement. A new operations building will be constructed to replace the existing building. The new operations building will be an aesthetic facility constructed of masonry block walls with a gable roof. The building will include a lavatory and more space to provide a safer environment for equipment maintenance.

- Landscaping – The site will be landscaped to provide screening for the treatment plant and to offer an aesthetically pleasing view.
 - Odor Control – Odors are not expected to arise from the WWTP rebuilding. Space will be provided in the operations building for an odor control system, for future installation. Any such future capital improvement to the sewer plant will be the responsibility of the sewer district.
 - Sound Attenuation – The proposed equipment (blowers, louvers, etc.) will be provided with sound attenuation, as required, minimizing noise pollution.
 - Removal of Existing Tankage – Many of the tanks included in the original construction will be removed and properly demolished. This will create better access to the treatment plant components.
 - UV Disinfection – The existing chlorine disinfection unit will be replaced with an ultraviolet disinfection unit that is to be housed in the operations building. This will eliminate the handling of chlorine, providing a safer alternative.
- The Project Sponsor will map and discuss the proposed modifications to the wastewater district and the affected parcels within the sewer district.
- During construction of the system, the following mitigation measures will be implemented:
 - Frequent inspection of wastewater system construction will ensure proper installation.
 - An appropriate traffic control plan will be provided and executed when applicable.
 - Upon Operation of the System, the following mitigation will be implemented:
 - Daily monitoring of inflow, treatment parameters and effluent discharge to ensure conformance with permit standards.
 - All operations and maintenance costs will be funded solely by those parcels within the sewer district which will include the Legacy Ridge parcel.

Mitigation of Potential Impacts to Water Utilities

- In order to provide the Town with an improved water distribution system and to accommodate the Legacy Ridge project at no cost to the current system users, the following must occur:
 - The proposed water supply improvements including the new water tanks and looped system must be found acceptable during the review of potential

- options in the SEQR review process;
- The Town must give the Project Sponsor permission to tie into the existing water district;
- The Project Sponsor must obtain all necessary permits from the NYSDEC, NYS DOH, OC DOH and the Town of Woodbury;
- Upon completion of the project, the Project Sponsor must turn the new facilities over to the Town at no cost
- The following are proposed to offset the potential impacts of the preferred plan:
 - Development and dedication to the Town of a new groundwater supply source in to meet or exceed the water demand estimated from the Legacy Ridge project;
 - Construction and dedication to the Town of 2 new water storage tanks to address storage capacity system-wide;
 - Connection of the new Legacy Ridge water system into the Town system at Skyline Drive to loop the system, and address pressure concerns system-wide by tying the Skyline system into the new water tanks;
 - Further, Looping the system provides much-needed water supply (domestic and fire-fighting) for the Skyline Drive, Valley Forge and other area residents as protection against a breakage of water mains which currently leaves communities with no water;
 - As water supply at a premium in Orange County, the need for sustainable and well maintained water supply and distribution is critical. From the outset, this project was developed with the philosophy that the private Legacy Ridge water systems will not be independent of the Town, but will be integral to the Town systems allowing the sharing of new water sources as well as the benefit of new distribution systems and storage. Storage capacity in excess of 400,000 gallons will be connected to the Town's pressure systems at the Skyline Drive and Smith Cove Road communities. A new supply with a maximum yield of 225,000 gallons per day is being sought. Test well investigations are on-going and final supply data will be provided during the Subdivision process. The average daily demand at Legacy Ridge is 139,000 gallons per day suggesting 86,000 gallons of water supply from the new sources is available for Town consumptive use under average day demands.
 - Adequate storage capacity for the Legacy Ridge development
- To ensure the water supply and storage system is developed to the highest standards, the following will be implemented:
 - A model analysis will be performed on the Legacy Ridge water system to

- determine if the WCWD is impacted by Legacy Ridge. The Legacy Ridge water system will be revised, if necessary to reduce such impacts.
- The water model analysis will be performed on the proposed water system to confirm that the improvements meet the required fire flow pressures.
 - The off-site and on-site improvements, including but not limited to water treatment, water supply, water storage, and water distribution system and appurtenances, will be designed in accordance with state and local regulations and specifications, if required.
 - Improvements to the Woodbury water system will be designed in accordance with the Recommended Standards for Water Works © 2003 (a.k.a. Ten States Standards) and local requirements.
 - Water booster stations and pressure reducing valves will be designed and installed to confine both on-site and off-site pressures within the required range.
 - Hydrants or blowoffs will be installed at dead ends in order to achieve flushing.
 - The Town of Woodbury will map and discuss the proposed modifications to the water district and the affected parcels within the water district.
- During construction of the system, the following mitigation measures will be implemented:
 - Frequent inspection of water system construction will ensure proper installation.
 - An appropriate traffic control plan will be provided and executed when applicable.
 - Remote telemetry will be provided in accordance with town specifications to monitor the proposed water system improvements.

Mitigation of Potential Impacts to Solid Waste Services

- Residents would be required to adhere to the Orange County recycling program which would help to reduce the amount of total waste to be discarded.
- The Legacy Ridge Homeowner's Association would be responsible for contracting with the carter and therefore would not increase service requirements to the Town of Woodbury.
- The Orange County Transfer Stations and out-of-state landfills used will be able to accommodate the additional solid waste expected to be generated by the Legacy Ridge project without an increase in size or a change in its permitted operating capacity.

Mitigation of Potential Impacts to Town Fiscal Resources

- The estimated net annual increase (after costs) in Town Taxes after full development of the Legacy Ridge project is estimated to be between approximately \$520,000 and \$585,000 per year.
- As the project is a gated community with a community center and private roads, it is anticipated that the per capita costs to the Town for Legacy Ridge residents will be less than the average Woodbury resident. Therefore, this estimate is conservative.

Mitigation of Potential Impacts to Air Resources

- During construction, dust would be generated as a result of vehicle movement on unpaved areas and disturbance of surface soils during excavation for internal roads and building foundations. Mitigation measures to avoid impacts on air quality during construction are principally designed to prevent blowing of dust off-site. The majority of soil dust emissions are expected to settle out within a few feet of the area of disturbance. Smaller dust particles may, however, become airborne for longer periods of time and, depending on wind velocity and turbulence could be carried off-site. The following measures will be undertaken to avoid blowing of dust off-site:
 - Maintenance of the forest and brush cover found at the property boundary as the screen to trap fugitive dust emissions and prevent off-site release.
 - Placement of all removed topsoil into a topsoil storage area which would be seeded with quick cover vegetation to prevent erosion.
 - Grading and graveling of all roadways along with periodic regrading, compacting and replacement of gravel as needed.
 - Wetting of the roadways with water daily.
 - Maintenance of a maximum on-site speed limit of 15 mph to minimize pulverization and lifting of surface soil in the air-current wake of heavy equipment.
 - Providing base course of pavement on road sections as early in the process as feasible.
 - Upon completion of building construction, upgrading all roads with pavement and drainage structures.
 - Strict adherence to the erosion control plan established for this project.
 - Maintenance of vegetation and trees around the perimeter of the property to dust particles generated on the site.
- The Legacy Ridge project is located in the New York Metropolitan Area which has additional New York State Department of Environmental Conservation programs for reducing air pollution from vehicles which includes:
 - The sale of fuels that burn cleaner - oxygenated fuels (used in some parts of the state), reformulated gasoline (RFG, used in the NY Metropolitan Area)

and less volatile fuels (used seasonally in the warmer months).

- At gasoline pumps - using special nozzles that recover vapors before they can be released to the air.
- An enhanced inspection and maintenance program (I/M) for the NY Metropolitan Area - vehicles, in the downstate area with the most severe air pollution, will undergo more comprehensive emissions testing. For the upstate area, vehicles' pollution control components will be checked during regular safety inspections.
- Despite projected increases in traffic volumes at the studied intersections, vehicle related carbon monoxide emissions are projected to decrease over time as outlined in USEPA Office of Mobile Sources document # EPA 400-F-92-005, Automobiles and Carbon Monoxide.

Mitigation Measures for Potential Impacts to Recreation and Open Space Resources

- The proposed plan provides for the preservation of over 430+/- acres of permanently dedicated open space which relates to more than 50% of the project area, and will be dedicated to the Town of Woodbury.
- The proposed plan will also provide the following mitigation measures:
 - The proposed development conforms and supports the Woodbury's *Draft* Open Space Plan & Natural Resource Protection Plan, Orange County's Open Space Plan, the draft Town of Woodbury Comprehensive Plan, and the Southeastern Orange County Traffic and Land Use Study.
 - Designating 430+/- acres as open space and the protection of existing wetlands, while providing natural buffers on the development.
 - The proposed subdivision would be gated, and therefore managed by the HOA. Within the project is a Community Center to help offset demands on other town facilities.
 - The open space being provided within the preferred plan involves the preservation of the entire 291.70 acre northern parcel.
 - By extensively rebuilding and expanding the municipal sewerage facilities, the development can not only conserve sizeable parcels of open space but also reduce lot size. This is particularly evident in the acquisition of the 41+/- acre Foxwood parcel which will no longer be used for development. The property is now proposed to be used as open space with the exception of infrastructure improvements such as the emergency access and water utility easements. This will not only provide emergency access and infrastructure benefits to the Skyline neighborhood but will also result in important ridge line protection through the preservation of the parcel as an open space parcel.
 - Proposed open space would provide a buffer between this project and the adjacent properties, as well as providing buffers from major transportation corridors, and should provide visual relief, mitigation for surface water runoff and minimal disturbance of current wildlife by providing corridors for wildlife movement.
 - Throughout the remainder of the site, which is characterized as scattered

deciduous trees, scrub brush, corridors of open space have been designed within the subdivision which will provide buffer areas between each cluster of residences.

1.7 Project Alternatives Considered

As discussed in the adopted Final Scope, the project considers the following Alternatives:

- The “No Action” alternative as required under 6 NYCRR 617.9.b.5. This Alternative includes a development which complies with the density requirements of existing R-3A zoning. Both clustered and non-clustered is discussed.
- An alternative of development under the R-2A zoning under a conventional subdivision, without a cluster, is discussed.
- An alternative of development under the R-2A zoning under a conventional cluster law, as opposed to a Conservation Cluster, is discussed.
- The alternative of providing an on-site sewage treatment plant is discussed.

A more complete discussion of the alternatives and impacts, including a table comparing projected impacts can be found in Section 5.0 below.

1.8 Needed Approvals

- Rezoning of the Site from R-3A to R-2A – Town Board
- Authorization for the project site to be developed as a Conservation Cluster Subdivision – Town Board
- Site Plan Approval – Town Planning Board
- Subdivision Approval – Town Planning Board
- Water District Expansion – Town Board
- Sewer District Formation – Town Board
- Storm water District Formation – Town Board
- Water Supply, Sanitary Sewer, and Realty Subdivision – Orange County Health Department
- Road Access Permit – Town of Woodbury Highway Department
- Highway Work Permit – Orange County Department of Public Works
- Article 24 Wetland Disturbance Permit, Storm water SPDES Permit, Sanitary Sewer SPDES modification, Treatment Plan Design Approval, and Water Supply Application – New York State Department of Environmental Conservation

- Water Supply Treatment Source Approval and Treatment Design – New York State Department of Health
- HOA Approval – New York State Attorney General
- Nationwide Wetlands Filling Permit – US Army Corps of Engineers

1.9 List of Involved Agencies

Each of the agencies listed below is considered an “involved agency” with responsibility to review all SEQR documents and provide comments to the Lead Agency. For this project, the Town of Woodbury Town Board has been determined to be the Lead Agency, and therefore has the responsibility to elicit comments from other involved agencies and the public as part of the environmental review. In addition, each of the agencies listed below must issue approvals, as discussed.

- Town of Woodbury Town Board
P.O. Box 1004
511 Route 32
Highland Mills, New York 10930

The Town Board has adopted a Local Law to establish a Conservation Cluster Development Overlay District (CCDOD), and established regulations for review of proposals for such developments. The Town Board has jurisdiction to authorize development of this parcel under the provisions of the Conservation Cluster Development Overlay District law. In addition, the Project Sponsor has petitioned the Town Board to rezone the project from R-3A to R-2A. In order to provide central water and sewer services as proposed, the Town Board will be asked to create a sewer district, and to expand the water district to include the Legacy Ridge site. In order to maintain the storm water collection and treatment facilities to be built by the Project Sponsor, it is proposed that a Storm water Management District be created to provide the taxing authority (from residents solely within the Legacy Ridge project site) to fund the maintenance. The Town Board also has jurisdiction to approve certain land use related documents, and to accept ownership of land and/or easements relating to water, sewer, storm drainage, and other related Town or Special District functions.

- Town of Woodbury Planning Board
P.O. Box 1004
511 Route 32
Highland Mills, New York 10930

The Project Sponsor’s preferred plan includes development under the proposed CCDOD. If the Town Board authorizes the CCD Overlay District and permits the project site to be developed as a Conservation Cluster, the Planning Board would then review the application for approval of the subdivision, site plan, and architectural review.

- Town of Woodbury Highway Department
P.O. Box 1004
511 Route 32

Highland Mills, New York 10930
Attn: Peter Stabile, Superintendent

The Highway Department has approval authority over permits for work within Town roads and rights-of-way. The proposed project will provide emergency access onto Skyline Drive, a Town Road.

- New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561
Attention: Mark Moran, Regional Director

NYSDEC has approval authority over disturbance of wetlands meeting NYSDEC regulatory criteria, and over disturbance within 100' of regulated wetlands. NYSDEC has approval authority over sanitary sewage disposal (including treatment plant design), and storm water discharges under the SPDES program. Additionally, NYSDEC approval authority over the Water Supply Application for groundwater withdrawals as proposed.

- Orange County Health Department
124 Main Street
Goshen, NY 10924
Attention: Maxcy J. Smith M.D., Commissioner

The OCHD has approval authority over the public water main and sewer main extension into the project site. In addition, OCHD will review the subdivision under the provisions of Realty Subdivision law for approval prior to the subdivision map filing.

- Orange County Department of Public Works
Route 17M
Goshen, NY 10924
Attention: Edmond A. Fares, Commissioner

Access for the project site is proposed along Trout Brook Road (CR34) for the majority of the lots, and along Smith Clove Road, County Route 9 (CR 9) for 17 lots. Additionally, the route of the proposed sewer force main would be along CR 9 and CR 34. The OCDPW is responsible for granting permits necessary to work within the county right-of-ways.

- New York State Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237
Attention: Antonia C. Novella, Commissioner

NYSDOH has review and approval authority over the proposed water supply, and the design of treatment to meet established standards.

- New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603
Attention: Akhter Shareef

NYSDOT has review and approval authority over any potential modifications to State Highways which may be required as a result of any proposed project improvements. The route for the water supply is proposed to be partially within the right-of-way of State Route 32.

- New York State Office of the Attorney General
Investment Protection Bureau – Real Estate Finance
120 Broadway
New York, NY 10271

The Attorney General must approve all Home Owner Association offerings and plan documents.

- United States Army Corps of Engineers

New York District—Regulatory Branch
Jacob Javits Federal Building
26 Federal Plaza
New York, NY 10278-0090

The USACOE has the authority to review and issue permits for filling of wetlands under their jurisdiction.

1.10 List of Interested Agencies

- Town of Woodbury Town Clerk
P.O. Box 1004
511 Route 32
Highland Mills, NY 10930
Attention: Desiree Potvin

The Town Clerk has requested copies for public review.

- Orange County Planning Department
124 Main Street
Goshen, NY 10924
Attention: David Church, Commissioner

The OCPD has authority to make recommendations under General Municipal Law 239-l, m, and n, regarding the rezoning from R-3A to R-2A, and Site Plan and Subdivision Approval by the Planning Board. Within that review, the OCPD can recommend approval, denial or modification of the project. A negative recommendation from the OCPD requires that an agency (Town Board or Planning Board) can only approve an action with a majority plus one vote.

- Edward Smith, Woodbury Fire Chief
Route 32
Highland Mills, NY 10930

The Woodbury Fire District will review the proposed development plan for safety concerns.

- Robert Kwiatkowski, Police Chief

Route 32
Highland Mills, NY 10930

The Woodbury Police Department will review the proposed development for safety concerns.

- Woodbury Community Ambulance
376 Route 32
Central Valley, NY 10930

The Woodbury Community Ambulance will review the proposed development for access and safety concerns.

- Town of Woodbury Building Department
P.O. Box 1004
511 Route 32
Highland Mills, New York 10930
Attention: Gary Thomasberger, Building Inspector
Betty Wallace, Building Department Clerk

The Woodbury Building Department will review the proposed development for safety concerns and building code compliance

- Woodbury Public Library
Ida Cornell Branch
23 Smith Clove Road
Central Valley, NY 10917

Rushmore Branch
16 County Route 105
Highland Mills, NY 10930

The Libraries will receive copies of the EIS for public review.

- Southeastern Orange Traffic Task Force
c/o Orange County Department of Planning
12 Main Street
Goshen, NY 10924
Attn: Fred Budde, Senior Planner

The Task Force has asked to be an interested agency in the SEQR process as planning group studying the area. As an interested agency, the Southeastern Orange Traffic Task Force will receive copies of SEQR documents, and will likely review and comment on issues raised during the SEQR process.

- New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561
Attention: Margaret Duke, Division of Environmental Permits

NYSDEC's Environmental Permits Division will review all relevant DEC permit issues.

- New York State Office of Parks, Recreation and Historic Preservation
Pebbles Island
PO Box 189
Waterford, NY 12188
Attention: Bernadette Castro, Commissioner

OPRHP is required to review the potential cultural (historic and prehistoric) resources which have the potential to be impacted by development of the project. Within this role, OPRHP will review and comment on any proposed mitigation of cultural resource impacts, as part of the consultation process required in conjunction with any State permits.

- Town of Cornwall
Town Hall
183 Main Street
Cornwall, NY 12518
Attention: Richard Randazzo, Town Supervisor

The Town of Cornwall Town Board as an adjoining municipality will receive copies of SEQR documents, and will likely review and comment on issues raised during the SEQR process.

- Cornwall School District
24 Idlewild Avenue
Cornwall-on-Hudson, NY 12520
Attention: Tim Rehm, Superintendent of Schools

The Cornwall School District as an adjoining school district, will receive copies of SEQR documents, and will likely review and comment on issues raised during the SEQR process.

- New York State Department of Agriculture and Markets
10B Airline Drive
Albany, New York 12235
Attention: Bob Somers

The Department of Agriculture and Markets has interest over development adjacent or within 500' of a farm within a certified Agricultural District.

Additional required filings:

- Supervisor John P. Burke
Town of Woodbury Town Hall
511 Route 31
Highland Mills, NY 10930
- New York State Department of Environmental Conservation
Division of Environmental Permits
625 Broadway
Albany, NY 12233-1750
Attn: Denise Sheehan, Acting Commissioner
- Legacy Ridge at Highland Mills, LLC
16 Microlab Road, Suite D
Livingston, NJ 07039
Attention: Alan Pines

Copies for Consultant Review:

- Dennis Lindsay, P.E.
Riddick Associates
139 Lafayette Avenue
Suffern, New York 10901

- Stuart Turner
Stuart Turner & Associates
2 Executive Boulevard
Suite 401
Suffern, New York 10901
- John Canning
Adler Consulting Inc.
235 Main Street
White Plains, NY 10601-2401
- Robert Bristol
The Saratoga Associates
Old Saratoga Square
443 Broadway
Saratoga Springs, NY 12866
- Richard Liberth, Esq.
Tanskis, Catania, Liberth, Mahony & Milgrim
One Corwin Court
Newburgh, NY 12550
- Richard Golden, Esq.
Burke, Miele & Golden
30 Matthews Street
PO Box 216
Goshen, NY 10924