

# **Legacy Ridge at Highland Mills, LLC**

## **Village of Woodbury**

### **Final Environmental Impact Statement**

**Location:** Both sides of Trout Brook Road between Smith Clove Road and NYS Route 32  
Village of Woodbury, Orange County, New York

**Tax ID No:** 3-1-11, 3-1-12.5 and 7-3-55

**Lead Agency:** Village of Woodbury Board of Trustees  
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**FEIS Acceptance Date:** January 8, 2008

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## **Boundary and Topographic Survey**

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## **Wetlands Report**

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(908) 852-4855

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# Introduction

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This document is the Final Environmental Impact Statement (“FEIS”) prepared for the Legacy Ridge development proposed by Legacy Ridge at Highland Mills, LLC (the “Project Sponsor”) and situated in the Village of Woodbury, New York. The Village of Woodbury Board of Trustees (“Village Board”) is the Lead Agency responsible for the environmental review of this project. This FEIS provides responses to agency and public comments received by the Lead Agency on the Draft Environmental Impact Statement (“DEIS”). It has been prepared in accordance with the New York State Environmental Quality Review Act (“SEQRA”) and regulations promulgated by the New York State Department of Environmental Conservation (“NYSDEC”).

The FEIS is part of the EIS record and incorporates the DEIS by reference. The Village Board will review the complete SEQRA record to date, including the DEIS and FEIS, and issue “Findings” which represent its analysis of environmental impacts and mitigation. The Findings will support its final decision as to whether to grant the approvals necessary to this project.

*During the review of this project, specifically after the DEIS was accepted as complete, the new Village was incorporated. Thus, the authority for continuing the SEQR process and granting or denying the underlying zoning amendments shifted from the Town Board to the Village Board of Trustees. Likewise, town improvement districts disappear as of December 31, 2007, by operation of law. All prior Town “districts” become incorporated within the boundaries of the new Village and the Village municipal authorities, instead of Town Districts, assume responsibility for the services provided. Therefore, throughout this document, any reference to a “Town district”, of any kind, be it stormwater, wastewater, water and so forth, is meant to denote jurisdiction by the Village, and the power and authority of Village Board.*

## Project History

The Legacy Ridge proposal was originally submitted to the Town Board of the Town of Woodbury in 2004. It requires a change of zone for the site from R-3A to R-2A and designation as a Conservation Cluster Development Overlay District (“CCDOD”).

The Town Board established itself as Lead Agency under SEQRA on December 30, 2004. An environmental review scoping document was adopted on March 30, 2005, following public scoping sessions on January 11<sup>th</sup> and 18<sup>th</sup>. The Project Sponsor prepared a DEIS, which was accepted as complete by the Town Board on July 11, 2006. A public hearing was held on August 1, 2006 and written comments were accepted until 4:00 p.m. on September 1, 2006.

After the DEIS was accepted as complete and before the close of the public comment period, the municipal entity with authority to grant the approvals needed by the Project Sponsor changed. The Village of Woodbury was incorporated on August 28, 2006. A Village Board of Trustees was elected on November 2, 2006 and a Village Planning Board and Zoning Board of Appeals were appointed on June 1, 2007.

The power and authority to adopt the local laws for the change of zone for the site from R-3A to R-2A and for designation as a CCDOD is vested in the Village's governing Mayor and Board of Trustees.

The Village of Woodbury is a newly constituted municipal corporation with all of the power and authority provided by the New York State Constitution and Laws of the State of New York. By virtue of the agreement between the Village and the Town, the level of services that pre-existed the incorporation of the Village will be continued by the contractual cooperative policies and procedures that are in place. Since there are a number of variable operational and organizational procedures and allocation of responsibilities that can be put in place, statistical analysis as to costs benefits are not material since the population, tax base and geographic area are the same for virtually all municipal services.

The new Village encompasses a geographic area coterminous with the Town, except for that portion of the Town within the Village of Harriman. Town laws adopted prior to the incorporation of the new Village remain in effect for a period of two years, and are enforced by the Town officials until June 1<sup>st</sup> of the year following the Village incorporation, or until the Village Board enacts its own legislation on the same subject matter. Since the Village Board has not enacted new zoning and/or planning laws, Town laws remain in effect until August 28, 2008. On June 1, 2007, by operation of law, the Village Board of Trustees assumed responsibility for the enforcement of hold-over Town laws for lands within its borders, including the Legacy Ridge parcels.

The existing services are to continue and will be provided by the Town via the Town-Village agreement. Therefore, the level of costs for those services will continue. The impacts from the project have been thoroughly analyzed and will be the same regardless of whether the Town or Village exercises the municipal power and authority.

Whatever the increase in costs because a Village has been created almost coterminous with the Town is not attributable to the project. No new services have been added for which this project creates a demand. However, the contribution from the project will reduce any impact of cost increases since the project will be paying substantial Village taxes, with less service demands than the budgets of the Village and Town have already provided for properties other than the project. The costs for services have already been accounted for in the Fiscal Impact, Appendix J.

Pursuant to that authority, the Village Board of Trustees declared its intent to become Lead Agency on July 24, 2007 and complete the environmental review process. The FEIS is the Village Board's document as Lead Agency under SEQRA. It addresses comments given at the public hearing as well as written comments from the Village's consultants, involved agencies, interested agencies, and the public.

Should the Village Board adopt the local laws to change the zone and designate the property a CCDOD, the project will undergo further study by the Village Planning Board during site plan and subdivision review. Additional approvals or permits will be required from the Orange County and New York State Departments of Health, the Orange County Department of Public Works, the New York State Attorney General, the US Army Corp of Engineers ("USACE"), the Village of Woodbury Highway Department and the NYSDEC. Thus, the completion of SEQRA with respect to the request for a zone change and CCDOD designation will not end the substantive review of this project.

An agreement has been entered into between the Village and Town of Woodbury to provide for a transition of power and authority with a continuation of services in a



seamless manner. A copy of that agreement is included as Appendix M, Town-Village Agreement.

## **Summary of Proposed Action**

The proposed development calls for 287 single-family detached houses on approximately 749 acres. The site is comprised of three parcels of land. The southerly parcel consists of two lots totaling 457± acres located west of Smith Clove Road and south of Trout Brook Road. Included in the southerly parcel is a 41± acre lot previously approved for development known as the Foxwood Development off Skyline Drive. The northerly parcel consists of one lot of 292± acres located west of Mineral Spring Road and north of Trout Brook Road. The site is largely vacant with the exception of a small cluster of buildings on the southerly parcel known as the former Leone Horse Farm. More than half of the 749 acres, over 430 acres, will be preserved as open space. The entirety of the northerly parcel will remain undeveloped with the exception of limited disturbance for municipal improvements such as a water tower with an access road to it, water supply wells and mains, and a sewage pumping station and mains. All building lots will be clustered on the southerly parcel.

All of the roads within the Legacy Ridge project will be privately owned and maintained, with the exception of approximately 600 feet of public road located at the entrance to accommodate school buses. That portion of the entrance road, although public, will be maintained by the Legacy Ridge Home Owners Association (“HOA”). The main and secondary access points to Legacy Ridge will be gated and located on Trout Brook Road. A separate, ungated access will be provided off of Smith Clove Road to serve 17 proposed lots. Therefore, the cost of maintaining the Legacy Ridge roads will be borne by the Legacy Ridge residents and not the Village.

The Project Sponsor has located wells on the site which will meet and exceed the water needed by Legacy Ridge, thus providing a new source of water for the Village. The Project Sponsor will also upgrade and expand the existing Valley Forge wastewater treatment plant (“WWTP”), which will result in the replacement of all facility and mechanical equipment, except for some tankage and buried pipe still in good condition. This upgraded and expanded sewage treatment plant will meet the needs of Legacy Ridge homeowners and current Valley Forge district users. The new WWTP will be state-of-the-art and provide a much greater level of treatment than the aging Valley Forge system. These improvement costs are being undertaken by the Project Sponsor. As part of the approval process, the Project Sponsor will either submit petitions to the Town to extend the water and sewer districts to include only the project property, or will submit petitions to the Village to create a local improvement area. In either case, the infrastructure, property to be included and costs, etc., will remain the same. The exact legal structure of any such expansion will be determined by the municipality with jurisdiction. The project will be serviced by extension of service from the central public systems, as expanded by the improvements undertaken by the Project Sponsor.

## **Project Benefits**

### ***Positive Impact on Village Taxes***

As proposed, the Legacy Ridge project is expected to gross \$849,500 in Village taxes annually at full build-out and net between \$805,000 and \$824,000. See Appendix J,

Table 53. This estimate is based on the average demand of existing residences on Village resources. However, the project is proposed to have private roads, 24-hour gated security, and on-site recreational facility, which will provide cost savings and additional net revenue to the Village.

This positive impact will likely be even greater under the preferred plan, as the difference in the level of services the Village may provide Legacy Ridge residents is different for the preferred plan than for the alternative plans.

- Under the preferred plan, all roads will be owned and maintained by the HOA, significantly reducing potential impacts on the Highway Department budget.
- Under the preferred plan, with a gated community, regular police patrols for speeding, parking, etc. would not be required, therefore reducing potential impacts on the Police Department budget

### ***Positive Impact on School Taxes***

As proposed, the Legacy Ridge project is expected to generate \$3,077,000 to \$3,147,000 in school taxes annually at full build-out as described in the school section of the FEIS. Therefore, 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 is estimated to net approximately \$256,000 annually to the school district.

### ***Improvement to the Village Water Supply and Infrastructure***

The Town of Woodbury water district has an adequate supply for current district users. As part of this project, the Project Sponsor has located, and developed, a new source of water which will provide water in excess of that used by this development. As part of the mitigation, the Project Sponsor will also provide the treatment design and infrastructure connections. New water connections and storage will improve water pressure for both domestic and fire-fighting capabilities for the majority of the existing water system. The excess water produced by new water sources as proposed by the Project Sponsor will provide additional water that will benefit the entire consolidated water district.

### ***Improvement to the Village Wastewater Infrastructure***

The Valley Forge wastewater collection and treatment system is in need of an upgrade. It is estimated that the cost of this upgrade is as high as \$1,100,000. The preferred alternative being considered for this project is an upgrade and expansion of the Valley Forge system at the Project Sponsor's expense. At the same time, the plant would be expanded to meet the flow requirements of the Legacy Ridge project, saving the residents serviced by the Valley Forge WWTP an estimated \$1,100,000 and improving effluent quality to meet applicable standards. This may also provide an opportunity for a few existing nearby residents with failing septic systems to connect into this upgraded wastewater treatment system.

### ***Preservation of Open Space***

By development of a community under the proposed CCDOD Local Law, the Legacy Ridge project proposes to preserve 430 acres, over 57% of the site as open space. This open space makes substantial contributions to the preservation of viewsheds, wildlife habitat, passive recreation and other open space benefits.

Through the authorization of the CCDOD, the Village would create incentives for permanent preservation of significant amounts of open space. Based upon an analysis of the potential cumulative and long term impacts of approval of the future application of this law to a number of eligible sites, the Village could achieve preservation of significant open space (up to 1,200 acres) with minimal (308 potential lots) increased incremental development, based upon the incentives provided in the proposed zoning amendment. The 308 potential incentive units are compatible with the development otherwise permitted in the Village and represent a maximum that could be permitted at the discretion of the Village Board.

### ***Conformance with the Town Master Plan***

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

- Preserving the character of the Village, while accommodating gradual development as a predominantly residential community;
- Preserving and enhancing the quality of the Village's natural environment through the preservation of approximately 333 acres of open space for dedication to the Village with an additional 97 acres as deed restricted open space owned by the HOA;
- Developing in a pattern that will not degrade the quality of subsurface water; and
- Providing community facilities, services and utilities to accommodate existing and future Village needs consistent with overall Village Planning goals.

### **FEIS Responses**

The DEIS and FEIS address environmental impacts and required mitigation that would be part of any action by the Village Board to grant the zone changes and CCDOD designation. These will control the land and the development. The FEIS specifically provides written responses to substantive and relevant comments on the DEIS received by the Lead Agency. These documents provide the basis for the Village Board to adopt a Findings Statement and render its final decision as to the adoption of the local laws sought by the Project Sponsor.

## A. SEQRA Process

**A1.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: There are now 29 letters in the DEIS, with one letter still not included and the NYSDEC attachment to one of my letters still not included. Therefore, I am resubmitting my July 12, 2006 letter with attachments (the missing documents such as the Colby Tucker letter with stream reclassifications), for inclusion in the FEIS.

*Response: The comments and letters are included in Appendix A.*

**A2.** Jacobowitz & Gubits: The Village of Woodbury was established August 28, 2006. The governing Board of Trustees and Mayor were elected November 2, 2006. What impact does this have on the project and taxes?

*Response: The power and authority to adopt the local laws for the change of zone for the site from R-3A to R-2A and for designation as a Conservation Cluster Development Overlay District ("CCDOD") is vested in the Village's governing Mayor and Board of Trustees.*

*The Village of Woodbury is a newly constituted municipal corporation with all of the power and authority provided by the New York State Constitution and Laws of the State of New York. By virtue of the agreement between the Village and the Town, the level of services that pre-existed the incorporation of the Village will be continued (see Appendix M). Since there are a number of variable operational and organizational procedures and allocation of responsibilities that can be put in place, statistical analysis as to costs or benefits are not material.*

*Many of the existing services are to continue and will be provided by the Town via the Town-Village agreement referenced above. However, many of the existing municipal services will be assumed by the Village. Therefore, the level of costs for those services will continue. The impacts from the project have been thoroughly analyzed and will be the same regardless of whether the Town or Village exercises the municipal power and authority.*

*Whatever the increase in costs because a Village has been created almost coterminous with the Town, is not attributable to the project. However, the contribution from the project will reduce any impact of cost increases since the project will be paying substantial Village taxes, with less service demands than the budgets of the Village and Town have provided for properties other than the project.*

## B. Layout

**B1.** Stuart Turner & Associates, August 31, 2006: As a general note, it would be very useful for the applicant to include a list of large scale maps, for analysis, as part of the FEIS, since many of the small scale maps included in the DEIS are not clear enough for analysis.

*Response: A list of large scale maps was included in the DEIS Table of Contents. For reader convenience, small scale maps were provided for reference within the DEIS text; however, the reader was always able to examine the large*

scale maps to obtain more detail. The FEIS Table of Contents also lists the large scale drawings attached to this FEIS in Volume III.

**B2.** Stuart Turner & Associates, August 31, 2006: Section 2.3.2. It is not clear where the “Existing Conditions Plan” is located in the DEIS. This should be clarified. It is an important tool for analysis (see General Comment above).

*Response: The Existing Conditions Plan has been prepared and is included in this FEIS in Figure B-1.*

**B3.** Stuart Turner & Associates, August 31, 2006: Section 2.3.3. Last sentence on page 81. We suggest that the applicant document that 35 parking spaces will be sufficient for the clubhouse. Does a plan exist for overflow? Where will vehicles park in the event the clubhouse lot is full? Will safe pedestrian access be provided? There is also the issue of accommodating school bus pickup and parent drop off in this area which should be addressed.

*Response: The proposed clubhouse will be approximately 8,000 square feet in area. Per the Town of Woodbury zoning ordinance, the project will provide one (1) parking space per 200 gross square feet of area, equaling 40 cars. The parking strip adjacent to the clubhouse will provide approximately 10 additional parking spaces. Additional parking is provided in a lot adjacent to the main entrance (see Figure B-2). Thereby, in total, the project will provide 55 parking spaces for residents. Since the clubhouse is private, it is anticipated that the proposed parking provided will be sufficient. In the likelihood of a community event, an internal car service could also be provided to pick up residents. The internal car service will be the responsibility of the HOA and will be included in the HOA Agreement. This will minimize parking demands and internal traffic.*

*This parking lot will also provide an area for parent drop-off and pick-up. Figure B-2 depicts the proposed design for school bus access and turn-around and a secure parking facility for the residents.*

**B4.** Stuart Turner & Associates, August 31, 2006: Section 2.3.3. First sentence on page 81. It is not clear what the applicant means by “each section” of the project. How many sections are there and what defines their boundaries? It would be helpful if this concept referenced an appropriate figure or figures. Does this refer to construction phasing? Phasing will be an important element particularly with regard to access, impacts and timing of improvements.

*Response: In the context of this comment, “sections” referred to areas of the project site generically, and did not refer to construction phasing. The “sections” referred to on page 81 consist of groupings of houses within road loops or blocks. Sections have not been specifically defined, although the intent of the statement in the DEIS is that the internal road network was designed to allow for each lot to have at least two options for ingress/egress from the development with internal road loops or emergency access. Regarding issues of construction phasing, refer also to revised Figures 20 through 23 in Appendix G.*

**B5.** Stuart Turner & Associates, August 31, 2006: Section 2.3.3. Figures 20 through 23. The applicant should illustrate and label each of the phasing elements described on pages 84 and 85. Figures 20 through 23 should be referenced in the text. For the purpose of analysis these maps should label the

gated, un-gated, and emergency access. The full size maps should be referenced in the response to these comments

*Response: Corrected DEIS Figures 20 through 23 are presented in Appendix G of this FEIS. The text on Page 84 of the DEIS (Section 2.3.3) references the figures. This FEIS includes updated full-size plan drawings that provide specific information regarding the purpose of each access point of the preferred layout.*

*The fourth bullet of Page 85 of the DEIS is hereby revised to read as follows:*

- *“56 lots, together with water and sewer connections which access these roadway sections;”*

*The seventh bullet under Phase 3 of Page 85 of the DEIS is hereby revised to read as follows:*

- *“80 lots together with water and sewer connections which access these roadway sections;”*

*The eighth bullet under Phase 4 of Page 85 of the DEIS is hereby revised to read as follows:*

- *“117 lots together with water and sewer connections which access these roadway sections;”*

**B6.** Stuart Turner & Associates, August 31, 2006: Section 2.3.4. First sentence of page 91. The applicant states that residents will have access by card or “gate opener”; however, on page 75 of the DEIS it is stated that the gated access will be operated by a full time staff member. This should be clarified and made consistent throughout the document, is it accurate to say that only the main gate will be staffed full time?

*Response: The main entrance will be gated and can be accessible by an access card or HOA staff member. The secondary entrance will be gated but will be accessible only with an access card.*

**B7.** Stuart Turner & Associates, August 31, 2006: Section 3.1.3. The DEIS states on page 119 that “in some cases, the road geometry has been proposed slightly different from the standards that would be applicable for Town-owned public roads”. The applicant should clarify how and where Town road standards are not met. These standards were developed to ensure public safety and to allow vehicles, particularly emergency vehicles to properly maneuver throughout the site, regardless of whether they are public or private.

*Response: Refer also to the responses to Comments B16 through B30, which have been reviewed with the Village’s traffic engineer. The road plans, profiles, and associated grading have been revised to improve upon the grade and K values previously proposed. As the design and review progress, these may be altered to further improve upon the design, and meet Village standards. Please see Road Geometry shown on 01C-1.01 and Profile changes shown on 01C-2.01 through 01C-2.14*

**B8.** Stuart Turner & Associates, August 31, 2006: Section 3.7.1. Second paragraph of page 222. The applicant should clarify whether the 17 homes off of

Smith Clove Road, not included in the gated community, will be part of the proposed HOA. Is the road on which the 17 homes would be located, proposed as a private road or would it be dedicated to the Town?

*Response: The 17 homes off of Smith Clove Road will be included in the HOA, and the road is proposed as a private road.*

**B9.** Riddick Associates, P.C., August 31, 2006: Section 1.0, Page 16. DEIS lists a range of lot sizes with specific numbers of lots in each range. Based on our review of preliminary subdivision plan, it appears some lots would suffer from wetland and slope impacts. We have suggested modifying lot lines to avoid these impacts. We recommend the FEIS recognize there may be some adjustment to the lot sizes depending on wetlands and slope impacts. Rather than specifying the number of lots in each size range, the FEIS could specify the number of lots being requested and that the minimum lot size required would be met as well as the setback guidelines and any design guidelines issued by the Town Board in authorizing the CCDOD.

*Response: The Project Sponsor has made the necessary changes to the lot lines. The final subdivision layout is subject to approvals by the Planning Board. The paragraph in question should read as below:*

*“The proposal for development of the site includes 287 single-family detached 4-bedroom houses. 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 the zoning requirements of the R-2A and CCDOD and are subject to a Subdivision Approval by the Village Planning Board.”*

**B10.** Riddick Associates, P.C., August 31, 2006: Section 2.0, Page 57. FEIS should note what percentage of the 291.7-acre northerly parcel would be occupied by municipal utilities (i.e. water supply storage tank, sanitary sewage pump station, water supply wells, access roads, etc).

*Response: The municipal utilities will occupy approximately 3.6% (10.55 acres) of the 291.7-acre northerly parcel.*

*A breakdown of this disturbance is as follows:*

<b>Description</b>	<b>sf</b>	<b>acres</b>
<i>Approach Road to Tank #1</i>	<i>138,680</i>	<i>3.2</i>
<i>Tank #1 Area</i>	<i>70,685</i>	<i>1.62</i>
<i>Easement for Water Line to Tank #1</i>	<i>92,888</i>	<i>2.13</i>
<i>Pump Station #1</i>	<i>28,400</i>	<i>0.65</i>
<i>Wells</i>	<i>129,083</i>	<i>2.96</i>
<i>Totals</i>	<i>459,736</i>	<i>10.55</i>

**B11.** Riddick Associates, P.C., August 31, 2006: Section 2.0, Page 75. The specific listing of lots within certain area categories may need to be adjusted in FEIS.

*Response: The final subdivision layout is subject to approvals by the Village Planning Board. The paragraph in question should read as below:*

*“The proposal for development of the site includes 287 single-family detached 4-bedroom houses. 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 the zoning requirements of the R-2A and CCDOD and are subject to a Subdivision Approval by the Village Planning Board."*

**B12.** Riddick Associates, P.C., August 31, 2006: Section 2.0, Figure 18. The detail for the concrete support of the belgium block curbing in the cross section detail should be clarified; it does not match the typical roadway section nor the concrete support normally provided.

*Response: The detail for the Belgian block curbing has been revised, as shown on Figure 18 provided in Appendix G, to show the correct typical roadway section as well as the revised concrete support.*

**B13.** Riddick Associates, P.C., August 31, 2006: Section 2.0, Figure 19. The applicant shows a rotary detail paved (pavers) to a 55-foot radius. The total right-of-way is 110-feet in diameter or a 55-foot radius. Therefore, the cul-de-sac will need to be placed exactly in the center of the right-of-way to avoid encroachments. This will be virtually impossible. Most right-of-ways have at least a few feet of grassed areas beyond the improvements. This should be considered in the FEIS.

*Response: The rotaries have been revised, as shown on Figure 19 provided in Appendix G, to reflect a right-of-way of 122 feet to allow for both the rotary radius of 55 feet and a sidewalk area.*

**B14.** Riddick Associates, P.C., August 31, 2006: Section 2.0, Pages 84, 85/Figures 20-23. The FEIS should note that the phasing plan may need to be modified as the subdivision plat is considered by the Planning Board; it should be considered flexible and not specifically what is shown and listed in the DEIS.

*Response: The first paragraph under Project Phasing of Section 2.3.3 of the DEIS should read:*

*"The proposed project is anticipated to be built in four phases subject to the review and approval by the Village Planning Board. Construction of the development will comply with the NYSDEC Stormwater Management requirement of limiting areas of disturbance to a total of 5 acres, at any one time. Disturbance beyond the 5 acre limitation will be subject to the approval of the NYSDEC. The proposed phasing map for roads, lots and water and sewer facilities is included as Figures 20 through 23, Construction Phasing Plan. In brief, the four anticipated phases of development are proposed as follows:"*

**B15.** Riddick Associates, P.C., August 31, 2006: Appendix 9.2, Figure 6. The project sponsor has submitted a preliminary subdivision plat and site plan to the Planning Board simultaneously with the Town Board's consideration of the CCDOD and rezone proposals. This is at the applicant's risk and will need to be modified or withdrawn if the CCDOD and rezoning are not authorized. The CCDOD provides that the "Town Board may adopt design guidelines as part of the conditions authorizing the Planning Board to proceed with its subdivision, site plan and any special permit reviews..." Considering the preliminary plat submitted, it appears some design guidelines for the net lot area requirements may be needed if the developer is to be able to preserve the most valuable sections of open space intended for dedication. Without some reasonable guidance it may be impossible for the developer to provide all development on the southern parcel (south of Trout Brook Road). The applicant is currently reviewing the site plan to adjust lots for greater compliance with all bulk and area



guidance regulations as well as lot area requirements. We recommend that project sponsor be required to review the subdivision plan carefully and develop recommended design guidelines for inclusion in the FEIS that will enable the protection of the northerly parcel (north of Trout Brook Road) as well as other important open space.

*Response: The Applicant will be requesting a minor adjustment in the lot area requirements to help preserve the large masses of Open Space and avoid the need to unnecessarily spread out development into areas that could be preserved. Section 310-31.1(A)(1) of the CCDOD allows the Village Board, in its legislative discretion, to designate a particular site for a conservation cluster development and place whatever reasonable conditions upon a project that it deems necessary. The Project Sponsor believes the adjustments will satisfy the purposes of the CCDOD zone. The primary purpose of the CCDOD is to provide a mechanism and incentive for development of cluster subdivisions or developments which permanently preserve larger tracts of open space (Subsection B):*

- *To implement one or more of the Village open space and natural resource policies (B1).*
- *To secure permanent preservation of critical mass(es) of open space which the Village Board determines to be in the Village's interests to preserve (B2).*
- *To preserve important stream corridors, wetlands, water bodies, recharge areas, wellhead protection areas, ridgelines, slopes, or scenic vistas that contribute to the Village's open space and natural resource system (B3).*
- *To protect important environmental.....resources (B8).*
- *To increase opportunities for passive recreation and enjoyment of natural settings (B9).*

*Lot sizes and bulk guidelines are called out in Subsection D(4). This section does not include specific bulk requirements. The CCDOD is intended to be flexible in order to create conservation cluster developments that are responsive to the purpose of this section and reflect the characteristics of the land. Once the yield calculation is determined by the Village Board, in order to facilitate the preservation of open space, the conservation cluster permits lot sizes smaller than the underlying zoning. In reviewing plans for conservation cluster development, the Planning Board shall be guided by the bulk requirements of the zoning district below the designated district in which the property lies except for minimum lot size, i.e., properties in R-3A use bulk requirements of R-2A; properties in R-2A use bulk requirements of R-1A; and properties in R-1A use bulk requirements of R-0.25. The distance between buildings, including lot frontage, shall follow generally accepted planning practice and contemporary neighborhood design. In order to minimize site disturbance and fit development into the terrain in conservation cluster developments, building height shall be measured from the average grade at building foundation where:*

- *Minimum lot sizes in a conservation cluster shall be one acre (43,560 square feet) in R-3A; 30,000 square feet in R-2A; and 15,000 square feet*

in R-1A (D4a).

- Further, the Village Board may adopt design guidelines as part of the conditions of authorizing the Planning Board to proceed with its subdivision, site plan, and any special permit reviews (D4d).

Upon designation of a site for conservation cluster development, the Village Board shall:

- Specify any further conditions that it deems appropriate relating to mitigating identified impacts disclosed in the SEQRA process, minimizing impacts of the project on surrounding properties, or otherwise relating to the proposed project design, features, or operations (E4e).

With this background of the CCDOD in mind, the Applicant is requesting the following lot size distribution for the proposed 287 lots:

- 10% of the lots to be less than 24,000 square feet;
- 7½% of the lots to be less than 21,600 square feet;
- 5% of the lots to be less than 19,200 square feet; and
- No lots shall be less than 15,000 square feet.

The aforementioned distribution is cumulative, i.e., 90% of the lots are greater than 24,000 square feet, 92.5 % are greater than 21,600 square feet, and so forth.

These are net lot areas which allow for 20% (6,000 square feet) steep slopes on the total lot. No gross lot area is less than 30,000 square feet. If one considers the surrounding Open Space being dedicated to the Village, the “apparent” average gross lot area is 2.6 acres, or over 113,000 square feet.

**B16.** Adler Consulting, August 30, 2006: Road A Station 35+00. The K value on the sag vertical curve at Station 35+00 on Road A is 24.7. The recommended design value is 26.0. It would not appear to be too difficult to revise the profile to meet the recommended design value. The FEIS should include a revised profile and grading plan for Road A from Station 33+00 to Station 38+00 indicating the benefits and disadvantages of the suggested profile.

*Response:* The profile for Road A has been adjusted as shown on Sheet 01C-2.03. The new curve length is 475 feet, resulting in a K value of 27.14. This value is larger than the recommended value of 26.0. The associated grading between Station 33+00 and Station 38+00 (approximately) has also been updated both on the profile (Sheet 01C-2.03) and plan (Sheet 01C-1.18) to reflect this change.

**B17.** Adler Consulting, August 30, 2006: Road B Station 70+00. If Road B were not aligned so far to the south at Station 70+00, it would not be necessary to cut into the hill as much to get across the ridge at that location and it may be possible to reduce the grade of the road from 14 percent to 12 percent. The FEIS should include an alternative alignment, profile and grading plan for Road B from Station 64+00 to Station 75+00 in the FEIS indicating the benefits and disadvantages of the suggested realignment, including maintaining a maximum grade of 12%.

*Response: The alignment and grading of Road B has been changed as shown on Sheets 01C-1.04, 01C-2.07, and 01C-2.08. The grade of the road has been reduced from 14% to 11.5%, significantly reducing the slope of the proposed road. The grading as shown on Sheet 01C-1.17 in this section (approximately Station 64+00 to Station 75+00) has also been updated to reflect this change in grade.*

**B18.** Adler Consulting, August 30, 2006: Road B-1. The STOP sign on Road B-1 at Road B will need to be illuminated as Road B-1 has a sag-vertical-curve K value of 16.8, which is significantly less than the recommended design value of 26. However, this is a matter for Final Site Plan review.

*Response: The profile and grading for Road B-1 have been changed to eliminate the sag-vertical-curve. Sheet 01C-1.16 and Sheet 01C-2.10 have been updated to reflect this change. A 2% grade for the normal road crown (Road B) and a 2% approach grade have been maintained in the new design of the road. While the sag-vertical curve has been eliminated, sign illumination or other methods for improving visibility of traffic signs will continue to be addressed and resolved during the subdivision approval process prior to final approval.*

**B19.** Adler Consulting, August 30, 2006: Road B-3. Road B-3 is a 450-foot long cul-de-sac with a tight curve, a grade of 14 percent and a sag-vertical-curve K value of 7.7, which is significantly less than the recommended design value of 26. The FEIS should include an alternative alignment, profile and grading plan for Road B-3 indicating the benefits and disadvantages of more-closely following the contours between Road B and the cul-de-sac, increasing the radius of the curve and hopefully reducing the grade to 12 percent. It is likely that the STOP sign on Road B-3 at Road B will still need to be illuminated because of sag-vertical-curve K value, however, this is a matter for Final Site Plan review.

*Response: Road B-3 grading, K values, and grades have been revised to improve upon the values previously proposed as shown on Sheets 01C-1.16 and 01C-2.10. The new design allows for a 2% normal crown with a 2% approach grade. A maximum grade of 10% was used, instead of the previous 14%. The K value is now 25, which is still less than the recommended 26 value, but the impacts to the surrounding area have been minimized to the maximum extent possible. Sign illumination or other methods for improving visibility of traffic signs will continue to be addressed and resolved during the subdivision approval process prior to final approval.*

**B20.** Adler Consulting, August 30, 2006: Road B-7. Road B-7 has a sag-vertical-curve K value of 21.7, which is somewhat less than the recommended design value of 26. It would not appear to be too difficult to revise the profile to meet the recommended design value. The FEIS should include a revised profile and grading plan for Road B-7 indicating the benefits and disadvantages of the suggested profile. Alternatively, the STOP sign on Road B-7 at Road B will need to be illuminated.

*Response: As shown on Sheet 01C-2.12, Road B-7 has been reconfigured. The new K value for the sag-vertical-curve is 30.0, which is more than the recommended value of 26.0. The associated grading has also been revised as*

*shown on Sheet 01C-1.15. A normal crown of 2% and an approach grade of 1% have been maintained for this design. Sign illumination or other methods for improving visibility of traffic signs will continue to be addressed and resolved during the subdivision approval process prior to final approval.*

**B21.** Adler Consulting, August 30, 2006: Road B-8. Road B-8 is a 500-foot long cul-de-sac with a reverse curve, a grade of 14 percent and a sag-vertical-curve K value of 7.7 and a cross section that falls away from the curve at Station 2+50, as opposed to being banked with the curve. The FEIS should include an alternative alignment, profile and grading plan for Road B-8 indicating the benefits and disadvantages of relocating the cul-de-sac up to 100 feet directly north of its present location.

*Response: The alignment and grading for Road B-8 has been revised from the previous grade of 14% and the K value of 7.7 as shown on Sheet 01C-2.12. The new K value is 27.08, which is greater than the recommended value of 26.0. The grade remains at 14%; however the design now provides a sufficient approach grade of 2% and a natural crown on the main road of 2% while minimizing the impacts on the surrounding area. Sign illumination or other methods for improving visibility of traffic signs will continue to be addressed and resolved during the subdivision approval process prior to final approval. In addition, a sightline easement will be provided on lot 228 to maintain adequate sight distances. The final location of which will be determined by the Site Plan and subdivision process.*

**B22.** Adler Consulting, August 30, 2006: Road B-10. Road B-10 has a sag-vertical-curve K value of 25.0, which is just less than the recommended design value of 26. It would not appear to be too difficult to revise the profile to meet the recommended design value. The FEIS should include a revised profile and grading plan for Road B-10 indicating the benefits and disadvantages of the suggested profile. Alternatively, the STOP sign on Road B-10 at Road B will need to be illuminated.

*Response: The road plan and profile for Road B-10 have been revised as shown on sheets 01C-1.17 and 01C-2.12. The road has been reconfigured so that the K value is 26.16, which is greater than the recommended value of 26.0. The grade has increased to 13.34%, however a sufficient approach grade and length have been provided, while minimizing the impacts to the surrounding area. Sign illumination or other methods for improving visibility of traffic signs will continue to be addressed and resolved during the subdivision approval process prior to final approval.*

**B23.** Adler Consulting, August 30, 2006: Road B-11. Road B-11 has a sag-vertical-curve K value of 21.5, which is somewhat less than the recommended design value of 26. It would not appear to be too difficult to revise the profile to meet the recommended design value. The FEIS should include a revised profile and grading plan for Road B-10 indicating the benefits and disadvantages of the suggested profile. Alternatively, the STOP sign on Road B-11 at Road B will need to be illuminated.

*Response: The road plan and profile for Road B-11 have been revised to improve upon the grade and K value as shown on Sheets 01C-1.18 and 01C-2.12. The new curve length for this road is 140 feet, and the K value is 37.55, which is greater than the recommended K value of 26.0. Sign illumination or other methods for improving visibility of traffic signs will continue to be addressed and resolved during the subdivision approval process prior to final approval.*

**B24.** Adler Consulting, August 30, 2006: Road C. Road C has an abrupt transition from a -3 percent grade to a +2 percent grade at Station 0+12. The FEIS should include a revised profile and grading plan for Road C from Station 0+00 to Station 5+00 indicating the benefits and disadvantages of providing a smooth transition between these two different grades.

*Response: The profile for Road C (Sheet 01C-2.13) has been revised to improve the grades at this location. The -2% represents the normal 2% road crown for the main road (Road B) at this intersection. An approach grade of 2% has been maintained for Road C at this intersection. Maintaining these grades at this intersection significantly reduces the amount of cut needed between Station 0+00 and 5+00.*

**B25.** Adler Consulting, August 30, 2006: Road C. Road C has a sag-vertical-curve K value of 23.6, which is somewhat less than the recommended design value of 26. It would not appear to be too difficult to revise the profile to meet the recommended design value. The FEIS should include a revised profile and grading plan for Road C indicating the benefits and disadvantages of the suggested profile.

*Response: The profile for Road C (Sheet 01C-2.13) at approximate station 21+00 has been revised to increase the K value. The new K value for this location is 27.78, which is greater than the recommended value of 26.0. The grading on sheet 01C-1.17 & 01C-1.18 has been updated to reflect this change.*

**B26.** Adler Consulting, August 30, 2006: Road D. Road D has a sag-vertical-curve K value of 25.4, which is just less than the recommended design value of 26. It would not appear to be too difficult to revise the profile to meet the recommended design value. The FEIS should include a revised profile and grading plan for Road D indicating the benefits and disadvantages of the suggested profile. Alternatively, the STOP sign on Road B-10 at Road B will need to be illuminated.

*Response: The road plan and profile for Road D have been adjusted to increase the K value at the intersection. As shown in Sheet 01C-2.14, the new vertical curve length is 290 feet, and the new K value is 26.36, which is greater than the recommended value of 26.0. A smooth transition from the normal 2% crown to a 1% approach has also been maintained for this road. Sign illumination or other methods for improving visibility of traffic signs will continue to be addressed and resolved during the subdivision approval process prior to final approval.*

**B27.** Adler Consulting, August 30, 2006: Emergency Access Road 2. The FEIS should include a grading plan and profile indicating the work necessary to upgrade Emergency Access Road 2 “to meet Town standards”.

*Response: Emergency Access Road 2 will be designed in detail as part of the site plan/subdivision approval process to be reviewed by the Village Planning Board and Village Engineer. The access road will be widened to accommodate emergency vehicles as necessary per Village Engineer while minimizing disturbances due to re-grading. A plan view of the proposed Emergency Access alignment is shown on Sheets 01C-1.04 & 01C-1.05.*

**B28.** Adler Consulting, August 30, 2006: Drawing G-1A and G-1B. The drawings (and any other effected drawings) should be revised in the FEIS to indicate the correct labeling of the gate house.

*Response: The revised small scale Grading Plan is included in Appendix G (Figure 31, Proposed Road Grading) of this FEIS. The full size Grading Plans are included in Volume III.*

**B29.** Adler Consulting, August 30, 2006: School Bus Access. The DEIS indicates that the first 600 feet of the main access road will be a public road to allow the Cornwall school buses to turn off Trout Brook Road to allow children to board and alight from the buses. However, the DEIS does not indicate how the buses will be able to turn around, where waiting parents will park or how many parents are expected to wait for each bus. If, as is indicated in the DEIS, it is the intent of the Applicant that school buses should come onto the main access road to pick up and drop off school children, the FEIS should provide a detailed evaluation of this operation, including a plan showing bus turning templates, a parking area for parents and the number of parking spaces needed, based on the number of school children expected per grade and the number of buses that will serve the Site.

*Response: The proposed clubhouse will be approximately 8,000 square feet in area. Per zoning, the project will provide one parking space per 200 gross square feet of area, equaling 40 cars. The parking strip adjacent to the clubhouse will provide approximately 10 parking spaces. Additional parking is provided in a lot adjacent to the main entrance (see Figure B-2). Thereby, in total the project will provide 55 parking spaces. Since the clubhouse is private, the proposed parking provided will be sufficient. In the likelihood of a community event, an internal car service could be provided to pick up residents. This will minimize parking demands and internal traffic. This parking lot will also provide an area for parent drop-off and pick-up. This parking lot could also facilitate a park and ride option for resident commuters and car pooling. Figure B-2 illustrates the proposed design for school bus access and turnaround and a secure parking facility for the residents of this community. The HOA will maintain the turnaround area. The Project Sponsor has met with Mr. Harvey Sotland, Cornwall School District Assistant Superintendent in charge of transportation, and West Point tours, the bus company; agreement was reached that the proposed design is satisfactory to those two groups as per the 12/7/2007 correspondence from Mr. Sotland (See Appendix A).*

**B30.** Adler Consulting, August 30, 2006: Sight Distance Improvements at Either End of Trout Brook Road. By proposing to provide the development’s primary

access from Trout Brook Road, the Applicant will significantly increase the volume of traffic turning onto and off of this road at its intersections with NY Route 32 and Smith Clove Road/Mineral Springs Road. An inspection of these intersections revealed that there may be sight distance limitations requiring remedial mitigation, as described hereafter. The FEIS should identify what limb pruning, tree/brush removal, if any, will be necessary to provide 425 feet of sight distance from the rear of a car waiting on southbound NY Route 32 to turn left into Trout Brook Road so that it can be seen by following vehicles traveling at 50 mph on a level grade. Similarly, the FEIS should identify what limb pruning, tree/brush removal, if any will be necessary to provide 500 feet of sight distance from the rear of a car waiting on northbound Smith Clove Road to turn left into Trout Brook Road so that it can be seen by following vehicles traveling at 50 mph on an 8 percent downgrade. Finally, the FEIS should identify what limb pruning, tree/brush removal, if any, will be necessary to provide 500 feet of sight distance from a car waiting on northbound Smith Clove Road to turn left into Trout Brook Road so that it can see oncoming southbound vehicles on Mineral Springs Road traveling at 50 mph on an 8 percent downgrade.

*Response: The areas will be cleared to provide the necessary line-of-sight. The final clearing boundaries will be established by the project engineer to the satisfaction of the Town Engineer in the Site Plan and subdivision process. An application will be made to the Orange County Highway Department for a permit to remove limbs, etc. within the County right-of-way.*

## **C. Soils, Topography and Geology**

**C1.** Stuart Turner & Associates, August 31, 2006: Section 3.1.1. Figure 28. Contour lines are not visible, so the map serves no purpose for analysis. The applicant should revise this figure to make it more readable or reference the full size map.

*Response: The figure has been revised (see Appendix G). A full size map is also included in Volume III of this FEIS.*

**C2.** Stuart Turner & Associates, August 31, 2006: Section 3.1.3. Figure 35. It is not clear how this figure constitutes an erosion control plan. None of the BMP's proposed to be employed on the site appear to be illustrated. The text and graphic scale are too small to read. This may require a larger map.

*Response: Figure 35 was provided to present an overview of the Erosion Control Plan. An updated Figure 35 has been included in Appendix G. Full size Erosion Control Plan drawings were provided in Volume V of the DEIS. Updated Erosion Control Plans are included in Volume III of this FEIS.*

**C3.** Stuart Turner & Associates, August 31, 2006: Section 3.1.3. Figure 36. Change title to "Road Grading Plan".

*Response: The figure has been revised. See Appendix G.*

**C4.** Stuart Turner & Associates, August 31, 2006: Section 3.1.3. Figure 38. Change title to “Existing Land Cover”. Figures 13 and 38 are currently both entitled “Existing Land Use”. Figure 38 does not illustrate land use.

*Response: Figure 38 has been renamed to “Existing Land Cover”. See Appendix G.*

**C5.** Riddick Associates, P.C., August 31, 2006: Section 3.1, Pages 108 and 117. The DEIS estimates road construction will require 162,000 cubic yards of cut and 61,000 cubic yards of fill. There will be an excess of 101,000 cubic yards. The DEIS indicates this cut material “will be distributed onsite as required to stabilize areas”. The FEIS should confirm by analysis that space is available to deposit this much excess material without excessive clearing that would not otherwise be required. If there are gorges or other areas that can receive excess material and not create environmental damage or unnecessary removal of trees, they should be identified.

*Response: As a result of the road alignment and grading changes, a new cut/fill analysis was completed. The new layout will require approximately 183,500 cubic feet of cut, and 132,700 cubic feet of fill. This results in a net cut of approximately 50,800 cubic feet. This excess material will be used to fill select below-grade lots throughout the site. The following is a summary of those calculations:*

<b>Lots</b>	<b>Total Number of Lots</b>	<b>CY Per Lot</b>	<b>Total CY</b>
186-190	5	3,700	18,500
191-195	5	3,100	15,500
252-254	3	2,900	8,700
117-120	4	3,500	14,000
		<b>Total =</b>	<b>56,700 CY</b>

*Assumptions were made for these calculations, including a maximum driveway slope of 10%, and a 3:1 slope for grading the proposed house pad back to the existing grade. Filling these select lots will minimize the transition of the driveways to the main road, and minimize the disturbance throughout the lot. No wetland areas were impacted and the limits of disturbance on the lots were not changed in the analysis.*

*A total of 17 lots can receive approximately 56,700 cubic yards of material. This will eliminate the 50,800 cubic yards of excess material created by the road construction. Other lots have also been qualitatively identified as either additions to or substitutions of the 17 lots identified in the table above.*

**C6.** Riddick Associates, P.C., August 31, 2006: Section 3.1, Page 114. The DEIS indicates the contractor will be required to stage work “consistent with NYS DEC requirements...” There is a specific requirement in the DEC general permit limiting disturbance to no more than acres (5) acres unless it is in accordance with an approved Stormwater Management Plan. We recommend the FEIS list this five (5) acres limit unless there is an extension based on mitigations provided and approved by DEC.



*Response: Comments noted. There is a five (5)-acre limit to disturbance as per NYSDEC requirements for areas of disturbance, unless there is an extension based on mitigation provided in the Stormwater Management Plan and approved by the NYSDEC. The specific delineation of maximum five (5)-acre disturbed areas, as per NYSDEC requirements, will be determined as part of the Village Planning Board's final review of the Subdivision and Site Plans.*

## **D. Water Resources**

**D1.** County of Orange Department of Planning, August 18, 2006: The impact of increase sewage effluent and the impact of stormwater on Mineral Spring Brook and Woodbury Creek as streams classified as being suitable for the spawning of various species of trout has not been addressed in the DEIS. In particular, the increase in thermal loading attributable to stormwater and sewage effluent on the ecology of these streams has not been considered in any way.

*Response: A Waste Assimilative Capacity study for the receiving water bodies and a stormwater analysis have been prepared to guide the design of the site infrastructure and to ensure compliance with the state water quality standards. These standards will be reflected in the State Pollutant Discharge Elimination System (SPDES) permit special conditions for the wastewater treatment plant and the stormwater features. As a clarification, the only species of trout documented in the Mineral Springs Brook watershed near the project site is the brown trout.*

*Energy from light reflecting off suspended sediment found in surface runoff can increase water temperatures in streams and estuaries. Stormwater ponds will be designed and constructed as the extended detention micropool design. This design is suggested by the NYSDEC guidelines for trout streams in accordance with the August 2003 New York State Stormwater Management Design Manual. The design incorporates a permanent micropool designed to detain and treat runoff volume through settling of suspended sediment so as to mitigate stream warming. For trout waters, NYSDEC recommends reducing the detention time from 24 hours to 12 hours, and the basin outlets have been redesigned for the reduced detention time as a mitigating measure. The discharge permit for the wastewater treatment plant will have a temperature limitation that the discharge must comply with. As intermittent stream criteria are applicable for the wastewater treatment plant discharge, the stream standards will be met at the point of discharge from the plant. Therefore, there are no anticipated adverse environmental impacts associated with thermal impacts on the trout spawning streams. Additional mitigation to reduce thermal impacts will include, but is not limited to: shading of channels and outfalls (when possible and practical), and minimization of concrete and/or riprap surfaces.*

**D2.** Cornwall Conservation Advisory Council, August 31, 2006: The DEIS for Legacy Ridge does not adequately address water resources issues in the Woodbury Creek, its tributary known as Trib. 4-1(NYS DEC Waters Index Number 89-7-4-1), or in groundwater aquifers in the vicinity of this project. P 141 of the DEIS states that "the development will not have a significant impact to the on-site aquifers since both centralized water and wastewater facilities will be provided" but does not site any studies or data to support this conclusion. The

large areas of new roads, buildings and other impervious surfaces proposed on this site would almost certainly change the existing conditions in terms of groundwater recharge on site, leading to reduced recharge and increased surface runoff volumes. These changes will potentially lower the local water table, which could lead to reduced flow of water to the wetlands onsite. The reduced groundwater recharge will also likely change the volume and timing of baseflow (groundwater flowing to streams) that reaches Trib. 4-1 and potentially other downstream areas. None of these issues appear to be addressed at all in the DEIS, which is a serious shortcoming.

*Response: As documented in Appendix E (Pump Test Report), the data indicated no discernible impact on the stream flow (stage) in Trout Brook, therefore, there will be a minimal impact of the groundwater withdrawals on stream flows and wetlands. As documented in Appendix B (Wasteload Assimilative Capacity Analysis), at critical conditions, the receiving stream for the wastewater treatment plant has essentially no flow (<0.1 cubic foot per second); the treatment plant will provide a discharge of highly treated water that will serve to augment the base flow of this stream. The additional runoff that will result from the project is described in Appendix 9.24 (Stormwater Management Report) of the DEIS. The additional impervious surfaces that will be created at the site are an unavoidable impact, but will only decrease recharge on a very localized basis. However, mitigation of that impact is provided by the wastewater treatment plant and by the water quality pools incorporated into the stormwater basins that will be constructed for the project.*

*As per table 63 in DEIS, the difference between the preferred project and the as-of-right condition constitutes an approximately 20 acres of impervious area. This constitutes a 1.2% increase in impervious areas. As this additional area would be spread throughout the site, a portion of the captured stormwater would be recharged through the stormwater conveyance system. Therefore, due to the nominal increase in impervious area, and the use of micro pool extended design components, there would be no substantial adverse impacts on the ground water aquifer.*

**D3.** Cornwall Conservation Advisory Council, August 31, 2006: The DEIS also completely fails to mention potential changes in water temperature caused by new surface runoff or from wastewater discharges from this site.

*Response: Energy from light reflecting off suspended sediment found in surface runoff can increase water temperatures in streams and estuaries. Stormwater ponds will be constructed in accordance with the August 2003 New York State Stormwater Management Design Manual and have a permanent pool designed to detain and treat runoff volumes through settling of suspended sediment so as to mitigate water quality impacts. The design of the pond discharge must comply with the NYSDEC criteria for Class C (TS) waters. For trout waters, NYSDEC recommends reducing the detention time from 24 hours to 12 hours, and the basin outlets have been redesigned for the reduced detention time as a mitigating measure.*

**D4.** Cornwall Conservation Advisory Council, August 31, 2006: On August 8, 2006 NYS DEC Bureau of Fisheries staff conducted fish surveys of tributaries to Woodbury Creek and discovered that wild trout fingerlings are present in Trib. 4-1, indicating that this is a trout spawning stream. Mike Flaherty, Regional Fisheries Manager for NYS DEC, confirmed this information in a conversation

today and stated that he expects DEC will re-classify this stream as C (TS) based on these findings. The EIS for this project, therefore, must address this information and how the trout habitat will be protected.

*Response: Tributary 4-1 will be protected through the implementation of Best Management Practices during the construction phase through the General Permit GP-02-0, or the last applicable General Permit issue, 1 for construction related activities, and through adherence to the General and Special permit conditions to be cited by NYSDEC in the SPDES permit for the wastewater treatment plant. The treatment plant has been designed to conform to the proposed (more stringent) water quality standard. It is anticipated that the Valley Forge WWTP will be permitted only under the intermittent stream standards (the highest level of treatment that can reasonably be achieved for domestic waste effluent) See also the Responses to Comments D39 and D40.*

*Refer to comment D1 for other methods and mitigation in regard to stormwater quality and thermal protection in trout habitat..*

**D5.** Cornwall Conservation Advisory Council, August 31, 2006: Regarding stormwater treatment, the DEIS states that some runoff from this site will bypass the proposed management practices, but does not seem to address how this may impact Trib. 4-1 or the Woodbury Creek. The Cornwall CAC believes that all of these issues should be addressed and the EIS and subsequent plans for this project should do more to protect water quality and groundwater in this vicinity, which is upstream of the Woodbury Creek and of the Moodna Creek in the Town of Cornwall, which are invaluable environmental and recreational resources in our community.

*Response: The areas of the project site where stormwater runoff are not currently shown as being collected or treated are drainage sub-basins near the property line or areas where the installation of treatment facilities could in the project sponsor's opinion potentially damage areas (e.g.; disturbance of wetlands and/or steep slopes) which can otherwise remain undisturbed. The project sponsor believes runoff from these areas will not affect the downstream resources in terms of water quality or quantity. The lead agency would like to mitigate impacts from all site runoff and certainly all substantial areas by the use of water quality, channel protection, overbank and extreme flooding mitigation practices. The details and an assessment of areas proposed by the sponsor to bypass the stormwater management practices will be reviewed by the planning board during site plan review with appropriate provisions included even if they may involve some extraordinary means if needed to prevent impacts from runoff. The lead agency acknowledges that there will be some small bypass areas that will have negligible downstream impact and will not require significant mitigation. A table below lists these areas and the impervious coverage:*

<u>Area</u>	<u>Total Acreage</u>	<u>Impervious Acreage</u>
BP-1.....	43.59 .....	4.85
BP-2.....	0.05 .....	.01
BP-3A .....	25.39 .....	4.83
BP-3B .....	1.70 .....	0.28
BP-4.....	6.25 .....	1.36
BP-5.....	5.05 .....	0.58
BP-6.....	5.32 .....	0.74

BP-7.....	14.18 .....	2.36
BP-8.....	27.44 .....	4.18
BP-10.....	2.29 .....	0.45
BP-11.....	8.57 .....	1.14
BP-12.....	15.97 .....	1.53
BP-13.....	15.74 .....	2.42
BP-14.....	2.95 .....	0.13
BP-15.....	1.04 .....	0.0
BP-EMG1.....	4.21 .....	1.29
<b>TOTAL .....</b>	<b>200.19 .....</b>	<b>26.15</b>

**D6.** Stuart Turner & Associates, August 31, 2006: Section 3.2.2. Figure 43. Several of the proposed homes throughout the project site appear to be located in existing wetlands. We recommend that the four proposed lots located directly west of the main entrance to the site be reconfigured or eliminated to reduce impacts to onsite wetlands. There also appears to be significant wetland impacts on one of the southwesterly most triangularly shaped lots, a south-central lot located off of an approximately 400 foot cul-de-sac, and several lots located on the northeasterly portion of the project site. We recommend that these lots be reconfigured or dedicated to open space.

*Response: The lots mentioned above have been reconfigured to eliminate or reduce the impacts to onsite wetlands. As a result of the realignment of these lots, potential impacts to wetlands or steep slopes have been significantly reduced thereby resulting in no significant environmental impacts associated with the buildable area of individual lots. Furthermore, the final layout will be subject to Village Planning Board review and approval.*

**D7.** Stuart Turner & Associates, August 31, 2006: Section 3.2.3. First paragraph of page 146. At what point will the SWPPP be completed and available for the Town Engineer’s review?

*Response: A complete stormwater analysis is part of this FEIS (see Appendix K). In addition, a complete Stormwater Pollution Prevention Plan will be finalized during the site plan and subdivision approval process.*

**D8.** Stuart Turner & Associates, August 31, 2006: Section 3.2.3. First paragraph of page 147. The applicant should clarify whether they intend to apply for a variance to allow disturbance of more than 5 acres of land at any one time.

*Response: It is not expected that the construction of individual home sites will necessitate a variance from the NYSDEC maximum clearance requirements. However, in order to minimize construction impacts associated with the necessary project infrastructure, such as roadways and utilities, a variance may be required. Any such variance will be subject to approval by the NYSDEC and will be submitted for review to the Village Engineer subsequent to Preliminary Site Plan and subdivision approval.*

**D9.** Riddick Associates, P.C., August 31, 2006: Section 2.0, Page 92. Although it may be clear in other sections, the next to last paragraph on this page indicates the project sponsor proposes to establish a Town stormwater management district “to maintain the storm drainage facilities on the property”. We understood the HOA would maintain the storm drainage facilities like the roads including all

pipes, swales, ponds and other infrastructure. The storm drainage district is simply to allow the Town to have mechanism to charge back those benefiting should the HOA fail to properly exercise its responsibilities. This should be clarified in the FEIS.

*Response: The Village Board may establish a stormwater management special improvement area and incorporate only the Legacy Ridge development. This provides a mechanism for the Village to charge back those properties benefiting from the improvement area should the HOA fail to properly exercise its responsibilities*

**D10.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 121, Apx. 9.24. The DEIS indicates the Muskingham Cunge routing technique was utilized in the stormwater calculations, however the Hydrograph Plots in Appendix 9.24 list the Att-Kin Routing Method. Although there is no requirement with respect to the routing technique utilized the DEIS should be revised for consistency.

*Response: The individual hydrographs for the drainage areas and detention pond out-flows were routed to the site Point of Compliance (POC) using Modified Att-Kin routing techniques.*

**D11.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 122/Fig. 39. The DEIS described the onsite soils as containing pockets of Hydrologic Soil Group (HSG) D while Figure 39 shows a predominance of type D soils. The DEIS should be revised for consistency.

*Response: The majority of the site is divided between Soil Type D and Soil Type C with pockets of Soil Type B.*

**D12.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 132/Fig. 43. The DEIS indicates Wetland Area Z is located in the “southwestern” corner of the property while Figure 43 shows this wetland in the “southeastern” corner of the property. The DEIS should be revised for consistency.

*Response: The sentence in the paragraph in question should read:*

*“Area Z is a large wetland area located in the southeastern corner of the property.”*

**D13.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 132. The DEIS describes the existing manmade pond (Waters Index No. P-227) concrete dam and spillway. This description should be expanded to describe any proposed improvements to the pond including any special provisions to protect the pond from construction related sediment.

*Response: The existing man-made pond, concrete dam and spillway will be evaluated and any structural deficiencies will be addressed during the Planning Board Site Plan and subdivision review.*

**D14.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 132. The DEIS identifies Mineral Spring Brook (Waters Index No. 89-7-4) as a NYSDEC Class C(TS) waterbody. The New York State Stormwater Management Design

Manual strongly discourages the discharge of stormwater ponds (with exception of type P-1 ponds) to trout waters due to the geothermal (heating) impacts. The DEIS should address how the potential geothermal impacts of these ponds will be mitigated.

*Response: Energy from light reflecting off suspended sediment found in surface runoff can increase water temperatures in streams and estuaries. Stormwater ponds will be constructed in accordance with the August 2003 New York State Stormwater Management Design Manual and have a permanent micropool designed to detain and treat runoff through settling of suspended sediment so as to mitigate water quality impacts known as a P-1 design. For trout waters, NYSDEC recommends reducing the detention time from 24 hours to 12 hours, and the basin outlets have been redesigned for the reduced detention time as a mitigating measure. The DEIS design of a wet pond (P-2) can be modified to reflect a P-1 design through reduction of the permanent pool size and an increase in extended detention volume proposed. The stormwater report has been modified to reflect this pond type design. The design of the basins is subject to NYSDEC approval as part of that agency's stormwater permitting process.*

**D15.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 135. The time of concentration will be “decreased” by the construction of the proposed collection and conveyance system not “increased” as indicated in the DEIS. The minimum Time of Concentration,  $T_c$ , should be increased from five (5) minutes as indicated in the DEIS to six (6) minutes pursuant to *Urban Hydrology for Small Watersheds (TR-55)*. The DEIS should be revised for consistency.

*Response: The DEIS is hereby amended to “decreased” as indicated above, and the minimum  $T_c$  path is 6 minutes instead of 5 minutes.*

**D16.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 138, Apx. 9.24. Table 8 of the DEIS which lists the post development peak rates of runoff is at variance with similar tables in Appendix 9.24. The DEIS should be revised to correspond with the calculations.

*Response: Table 7 – Projected Existing Peak Flow Rates on page 127 in the DEIS is hereby revised as shown.*

Table 7 – Projected Existing Peak Flow Rates							
Basin	Design Year Storm Event						
	1	2	5	10	25	50	100
<b>Existing Site</b>							
1	35.5	54.9	91.1	130.4	171.7	192.7	235.5
2	98.1	147.4	237.5	334.5	435.1	486.2	589.5
3	51.3	77.0	124.3	174.7	227.4	254.1	308.3
4	74.6	103.1	152.8	203.8	255.3	281.1	333.0
<b>Site Total</b>	<b>228.71</b>	<b>341.81</b>	<b>549.06</b>	<b>770.67</b>	<b>1001.86</b>	<b>1119.89</b>	<b>1358.39</b>

Table 8 – Proposed Storm Event on page 138 in the DEIS is hereby revised as shown.

Table 8 – Proposed Storm Event							
Proposed Site	Design Year Storm Event						
	1	2	5	10	25	50	100
Pond 1 - out	55.0	74.3	107.3	145.3	182.1	200.0	239.0
Pond 2 - out	4.1	5.2	9.4	12.3	14.7	19.9	28.2
Pond 3 - out	22.8	30.3	47.3	93.8	140.8	161.8	199.1
Pond 4 - out'	10.7	14.8	20.8	26.2	35.4	42.3	53.8
Pond 5 - out	75.7	104.9	156.1	208.7	261.9	288.6	342.1
Pond 6 - out	13.5	18.1	64.5	101.3	134.5	148.8	176.7
Pond 7 - out	12.7	29.4	66.2	96.0	119.2	130.9	155.2
Pond 8 - out	29.5	37.4	76.4	121.4	143.1	161.7	209.7
Pond 9 - out	20.2	29.4	45.1	61.6	78.4	86.9	103.9
<b>Total</b>	<b>194.87</b>	<b>268.72</b>	<b>480.62</b>	<b>714.67</b>	<b>918.60</b>	<b>1019.72</b>	<b>1270.97</b>
<b>Ratio</b>	<b>85%</b>	<b>79%</b>	<b>88%</b>	<b>93%</b>	<b>92%</b>	<b>91%</b>	<b>94%</b>

These tables were updated to reflect the changes made in the Stormwater Report, attached as Appendix K, in response to DEIS comments D15 and D26.

**D17.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 138. The overall volume of the proposed stormwater ponds should be increased to provide a greater safety factor. For instance the ratio of post to pre development rates of runoff listed in the DEIS is greater than 99% for both the 10-year and 100-year storm events.

*Response: According to the August 2003 New York State Stormwater Management Design Manual, storage for the 10-year and 100-year storm events must attenuate 24-hour peak discharge rates to predevelopment rates. The proposed peak runoff rates for both the 10- and 100-year storms are in compliance having flows less than, or equal to, the peak flow rates generated in the pre-existing condition. As referenced in response D16, it is clearly shown that the stormwater ponds are oversized for all storm events.*

**D18.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 139. The DEIS indicates the Water Quality Volume (WQ<sub>v</sub>) is designed to equal “80 percent of the one-year storm event” however the *New York State Stormwater Management Design Manual* describes the WQ<sub>v</sub> as “90 percent of the average annual storm water runoff”. The DEIS should be revised for consistency.

*Response: The DEIS is hereby revised to indicate that the Water Quality Volume (WQ<sub>v</sub>) “is designed to capture and treat 90 percent of the average annual storm water runoff volume” in accordance with the New York State Stormwater Management Design Manual.*

**D19.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Figure 43. As part of the review process (DEIS Site Plan) provide specific details for lots and roadways with drainage and wetland conflicts (i.e. Lots 66, 122 and 229 Road A Station 34+00, Road B Station 28+50, and Road C Station 30+00).

*Response: Site Plan Key Maps are now included in the site plans which show these areas in greater detail and a larger scale. These areas are illustrated by diagonal hatching.*

**D20.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 145. As part of the review process (DEIS Site Plan) clarify how construction related runoff from the bypass areas will be collected and conveyed into the temporary sediment ponds/traps described in the DEIS.

*Response: Construction related runoff will be collected and conveyed through the use of diversion swales and temporary swales. Runoff carrying construction related sediments will be diverted to temporary sediment/ponds traps as necessary. The final design will be submitted to the Planning Board during the Site Plan and subdivision review process to the satisfaction of the Village Engineer.*

**D21.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 146. The DEIS indicates periodic inspections will be performed by the “contractor.” The DEIS should be revised to indicate inspections will be performed by a “qualified professional” in accordance with the requirements of NY SPDES General Permit 02-01.

*Response: The DEIS is hereby revised to indicate that inspections will be performed by a qualified professional in accordance with the requirements of NY SPDES General Permit 02-01.*

**D22.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 146. In addition to the weekly inspections indicated in the DEIS, the stormwater facilities must be inspected within 24 hours of a storm event of 1/2-inch or greater in accordance with the requirements of the NY SPDES General Permit GP-02-02.

*Response: The DEIS is hereby revised to indicate that stormwater facilities must be inspected with 24 hours of a storm event of 1/2-inch or greater.*

**D23.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Page 146. The DEIS indicates “temporary sediment basins will be located in each watershed basin adjacent to permanent extended detention and retention stormwater ponds” however, the customary practice is to utilize the proposed permanent stormwater ponds as sediment basins during construction and convert them to permanent stormwater ponds after the site is stabilized.

*Response: The DEIS is hereby revised to indicate that the proposed permanent stormwater ponds will be utilized as sediment basins, whenever possible, during construction, converting them to permanent stormwater ponds after the site is stabilized. In instances where the permanent basin cannot be used as a temporary basin, then a temporary basin will be constructed upstream of the permanent basin.*

**D24.** Riddick Associates, P.C., August 31, 2006: Section 3.2, General Comment - Water Resources. As part of the review process (DEIS Site Plan) provide a Stormwater Pollution Prevention Plan (report) with items listed in the Appendix E



of the New York State Stormwater Design Manual. Also include Collection and Conveyance calculations for the entire drainage system (pipelines, swales, culverts, etc.). Report to be signed and sealed by a New York State Licensed PE. *Response: A complete stormwater analysis is part of this FEIS (see Appendix K). In addition, a complete Stormwater Pollution Prevention Plan will be finalized during the site plan and subdivision approval process, which will include collection and conveyance calculations.*

**D25.** Riddick Associates, P.C., August 31, 2006: Section 3.2, General Comment - Water Resources. The DEIS should discuss any potential impediments (culverts, debris, and sediment bars) along Mineral Spring Brook which would obstruct post development flow from reaching Woodbury Creek. Confirm offsite culverts are of sufficient size to permit the flow of anticipated post development flows.

*Response: Analysis of these downstream culverts will be included and appropriate design action will be taken to ensure that these additional points of compliance are mitigated, if necessary, as part of the site planning/subdivision approval process.*

**D26.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Apx. 9.24. The post development calculations rely on an average percent impervious assumption for generic 1 acre and 1 1/2 acre lots to calculate composite Curve Numbers (CN). Confirm this assumption by calculating the percent impervious area associated with each of the two land classifications (1 acre and 1/2 acre).

*Response: Composite Curve Numbers (CN) were based on an assumption of an average percentage of imperviousness for 1-acre lots in accordance with the Soil Conservation Service, Urban Hydrology for Small Watersheds, TR-55. Half-acre (1/2-acre) lots were not used in calculating the composite CNs because the mean gross lot size is approximately 43,000 square feet.*

*The average CNs were based on the following assumptions and calculations:*

*For a 1-acre (43,560-square-foot) lot –*

*Impervious Area (house, driveway, walks, etc.) – 4,000 square feet  
Lawn/Landscaping Area – 20,000 square feet  
Undisturbed (wooded) – 19,560 square feet*

*The following CNs were used:*

Soil Type	Coverage		
	Impervious	Lawn/Landscape	Undisturbed (Wooded)
B	98	61	55
C	98	74	70
D	98	80	77

*Weighted CN values are as follows:*

Soil Type	As calculated	Assumed within the report

<i>B</i>	<i>61.7</i>	<i>68</i>
<i>C</i>	<i>74.4</i>	<i>79</i>
<i>D</i>	<i>80.3</i>	<i>84</i>

*The conservative assumption was made within the report to reflect the approximation of the assumed development on each lot.*

**D27.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Apx. 9.24. All watercourses (ponds, wetlands, streams) should be modeled as impervious areas when calculating the pre and post development CN's.

*Response: The stormwater management report has been updated to reflect the required change in CN values for ponds and streams and is included in Appendix K.*

**D28.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Apx. 9.24. The DEIS should include a figure showing the flow patterns utilized for the Time of Concentration,  $T_c$ , calculations. The figure should be of sufficient detail to evaluate flow length, land slope, and channel dimensions.

*Response: A detailed watershed map including  $T_c$  paths, flow lengths, slopes and dimensions will be added to the final stormwater report during the site plan and subdivision approval process to accommodate any revisions deemed necessary by the Planning Board.*

**D29.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Apx. 9.24. The DEIS should include a diagram of the entire site showing a graphical view of the routing sequence.

*Response: A graphical view from Hydraflow Hydrographs has been included. Due to the likely changes that the site plan and subdivision approval process will impart upon the final layout of the project, including the stormwater model routing, a more detailed routing diagram will not be included in this FEIS but will be added to the final stormwater report during the site plan and subdivision approval process.*

**D30.** Riddick Associates, P.C., August 31, 2006: Section 3.2, Apx. 9.24. Provide calculations confirming pond designs meet general protection criteria and flood control goals (over bank and extreme storm) per the design manual.

*Response: Calculations confirming that the ponds meet general protection criteria and flood control goals will be provided in the final stormwater report during the site plan and subdivision approval process. As shown in the DEIS, the ponds as sized show compliance with the established goals set forth in the August 2003 New York State Stormwater Management Design Manual.*

**D31.** Riddick Associates, P.C., August 31, 2006: Section 3.2, General Comment - Water Resources. All new pond embankments should be designed pursuant to the Guidelines for Design of Dams published by the NYS Department of Environmental Conservation, Division of Water, latest revision.

*Response: Stormwater pond embankments will be designed pursuant to the Guidelines for Design of Dams, published by the NYSDEC, Division of Water, latest revision, in accordance with the August 2003 New York State Stormwater Management Design Manual.*

**D32.** Riddick Associates, P.C., August 31, 2006: Section 3.2, General Comment - Apx. 9.24. The Pond Reports included with Appendix 9.24 for each pond (1 - 9) indicate the low flow orifice invert elevation equals the bottom elevation of the pond. This configuration will prevent the formation of the required permanent pool.

*Response: Inverts for the low flow orifice will be redesigned and allow the required formation of the permanent pool. The final design will be submitted to the Planning Board during the Site Plan and subdivision review process to the satisfaction of the Village Engineer.*

**D33.** Riddick Associates, P.C., August 31, 2006: Section 3.2, General Comment - Water Resources. Pond No. 3 and No. 6 should be reconfigured to provide at least one-foot of freeboard during the 100-year storm event.

*Response: Pond No. 3 and No. 6 will be configured to provide at least one-foot of freeboard during the 100-year storm event in accordance with the August 2003 New York State Stormwater Management Design Manual. The final design will be submitted to the Planning Board during the Site Plan review process to the satisfaction of the Village Engineer.*

**D34.** Mary Gross-Ferraro, dated August 29, 2006: The scoping document asks that federal wetlands be flagged and mapped, but it does not state the NYSDEC wetlands should be flagged and mapped. Yet there are sizable wetlands on both the North and South Parcels which need to be flagged and mapped by the DEC. They include, but are not limited to, the North Parcel wetlands as well as Wetland Z (20.08 acres) and, a 27.4 acre wetland in the southeastern portion of the South Parcel (p. 150). Has NYSDEC been contacted by Legacy Ridge to map these wetlands?

*Response: NYSDEC does not need to flag the wetlands on site but they have visited the site this year and inspected the wetlands on the north parcel since the wetlands in question had not been reviewed by the United States Army Corps of Engineers (USACE). The normal procedure is for NYSDEC to take jurisdiction over wetlands greater than 12.4 acres in size. Based on a USACE site inspection of the southerly parcel, C&H Environmental, Inc. (C&H) has verbal approval of the Jurisdictional Determination (JD) approval and has made one minor change required by the USACE (the Corps approval letter has not yet been received but it will be valid for five years from the date of issuance). A copy of the JD letter will be supplied immediately upon receipt. The USACE, not the NYSDEC, typically does the field review to verify the wetland line before issuing the JD. NYSDEC did review the wetlands on the north parcel with C&H staff when a crossing was being considered for Trout Brook and/or tributaries relative to the water supply and relevant access issues. NYSDEC agreed with the C&H delineation and is taking jurisdiction over the large wetland in question on the north parcel as expected. It is anticipated that NYSDEC will also take jurisdiction over the*

wetland in the southeast portion of the southerly property and a 100-foot buffer or adjacent area (wetland Z) because of the 25.3-acre size and will not have jurisdiction over the remaining wetlands. A copy of correspondence from C&H is presented in Appendix D.

**D35.** Mary Gross-Ferraro, dated August 29, 2006: Of particular concern for storm water retention are the wetlands at the headwaters (see attached letter from Dr. Bruce Schwenneker). It appears from DEIS maps that these wetlands will be impacted and that there are building lots on them. This needs to be carefully reviewed by NYSDEC.

*Response: So noted. As analyzed and addressed within the EIS record set forth, a complete set of development plans will be submitted to NYSDEC for their review. All necessary permits will be applied for from the USACE for any necessary encroachments. Likewise, any permits required from NYSDEC will be applied for, received, and complied with. The EIS in its entirety has addressed the potential impacts associated with all such stormwater facilities and has identified the proposed mitigation to address any such potential impacts. Therefore, as a result, there are no anticipated significant impacts associated with the proposed stormwater management system.*

**D36.** Mary Gross-Ferraro, dated August 29, 2006: The FEIS needs to address the impact to North Parcel flora, fauna, wetlands, streams, ridges as well as the Schunnemunk State Park viewshed from the North Parcel to the Hudson River.

*Response: No measurable or meaningful impacts are expected to flora, fauna, wetlands, streams or ridges on the north parcel. The development on this parcel is limited to a water tower, several wells, a pump station, and a narrow access road. With regard to the Schunnemunk State Park viewshed, please refer to the response to Comment F5.*

**D37.** Mary Gross-Ferraro, dated August 29, 2006: That area is also part of a large wetland area which needs to be flagged and mapped by NYSDEC.

*Response: See the response to Comment D34.*

**D38.** Mary Gross-Ferraro, August 29, 2006: The map should also show delineation of the North Parcel wetlands (including field notes) and the NYSDEC area of special concern.

*Response: C&H has prepared a wetland map showing the delineation of the northern parcel. Soil and vegetation data are included on this map. A copy of the map is presented in Appendix H. Also, see the response to Comment D34.*

**D39.** Mary Gross-Ferraro, dated August 29, 2006: As Dick Manley stated at the August 1, 2006 Legacy Ridge Hearing, Mineral Springs Stream (tributary 4) is a C(TS) trout-spawning stream, and there is nothing in the DEIS about protecting it from the pollution from the storm water discharge from the Legacy Ridge development.

*Response: Tributary 4-1 to Mineral Springs Brook, a tributary to Woodbury Creek, is proposed for a water classification upgrade by NYSDEC to C (TS) due to the presence of brown trout fingerlings. The Stormwater Pollution Prevention Plan, to be finalized during the site plan and subdivision approval process will conform to the required general permit conditions (GP-02-01, or the last applicable General Permit issue,) for construction related activities,, post construction water quality guidelines, and maintenance requirements as stated in the NYSDEC Stormwater Management Design Manual – August 2003, and the enhanced treatment at the proposed wastewater treatment plant will meet with the applicable NYSDEC criteria for C (TS) streams as a permit condition. The treatment plant discharge will also conform to the applicable SPDES criteria, including ongoing compliance, for intermittent streams (meeting the criteria at the point of discharge with no allowance for downstream attenuation or mixing). Therefore, there are no significant environmental impacts associated with the stormwater management facilities or the sewer plant discharges. The HOA will be responsible for the ongoing maintenance and repair of the storm water management infrastructure as required by the NYSDEC and the Village Code. Refer to comment D1 & D4 for further clarification.*

**D40.** Mary Gross-Ferraro, dated August 29, 2006: In addition to Mineral Springs Stream, it was discovered this summer by a NYSDEC electroshocking team that tributary 4-1, which feeds into Mineral Springs Stream (trib. 4), is also a trout-spawning stream. Not only will the storm water have to meet more stringent requirements for both trout—spawning streams, but the wastewater (up to 225,000 gpd capacity) will have to meet C(TS) standards since the discharge will go directly into trout-spawning trib. 4-1. And there needs to be 100 foot buffers from all wetlands and streams.

*Response: See, in part, the Response to Comment D39. One of the differences between the current Class C water quality standard and the proposed C (TS) standard is the requisite dissolved oxygen levels (as described in Part 703.3 of Article 2, Title 6, NYCRR – the official compilation of Codes, Rules and Regulations for the State of New York). The minimum daily average for non-trout water is not less than 5.0 milligrams per liter (mg/l), and no lower than 4.0 mg/l at any time. For waters suitable for trout spawning, the minimum daily average is not less than 7.0 mg/l, and no lower than 6.0 mg/l at any time. The higher standard was used in the Wasteload Assimilative Capacity Analysis (Appendix B) to demonstrate compliance with this criterion. The thermal standards for trout waters as described in Part 704.2 are also applicable to the discharge from the treatment plant and any stormwater discharge to the stream and will be reflected in the general and special permit conditions from NYSDEC.*

*As protected watercourses under Article 15, Mineral Springs Brook and Tributary 4-1 (when upgraded) will have a 50-foot buffer or regulated adjacent area from each bank. Should NYSDEC consider the large wetlands (presently unmapped by NYSDEC) to be under their jurisdiction, then a 100-foot regulated buffer from the landward edge of the approved wetland boundary would be applicable. There is, under the current federal criteria, no regulated buffer or setback from wetlands or watercourses regulated solely by USACE as “Waters of the United States”.*

**D41.** Mary Gross-Ferraro, dated August 29, 2006: If this project were only a few homes, it wouldn't matter much, but where there are large numbers there are problems. With 287 homes being planned, 195 acres of trees to be cut (and with WP3, that's nearly 500 acres of forest to be cut in Woodbury), 6 acres of wetlands on the South Parcel to be impacted (How many on the North Parcel?), 140,000 gpd additional wastewater (with a capacity of up to 225,000 gpd) to be discharged into trout-spawning trib. 4-1, which flows into Mineral Springs Stream (Class C(TS)), then the Woodbury Stream (Class C(TS)), storm water (from the impervious surfaces replacing the 6 acres of wetland and 195 acres of forest) with pollutants (salts, pesticides) running off into these trout-spawning streams, scouring and sedimenting the streams, and adding thermal pollution to these streams, groundwater being pumped out of the sand and gravel aquifer in northern Woodbury to supply Suburban (WP3) and Legacy Ridge and more, potentially impacting the wetlands, streams, and nearby private wells, this project will have major impacts.

*Response: See the responses to Comments D39 and D40. All of the items cited in D41 were considered in the Wasteload Assimilative Capacity Analysis and the Stormwater Management Plan. Adherence to the terms and conditions of the NYSDEC SPDES permit will preclude significant impact to the on-site wetlands and downstream resources. The results of the well drawdown studies have found no interference on nearby private wells and no hydraulic connection with the baseflow in Tributary 4-1, Mineral Springs Brook, or Woodbury Creek.*

**D42.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: Has the developer invited NYSDEC to flag and delineate the large wetlands on the North and South Parcels? When will this be done? The FEIS should contain a map delineating the NYSDEC wetlands on both parcels. Will the plans impact any of those wetlands?

*Response: See the response to Comment D34.*

**D43.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: There are many smaller wetlands as well. It appears from the maps that there are lots where some of those wetlands are. The FEIS should include a map of all the wetlands they plan to destroy.

*Response: See the response to Comment D35.*

**D44.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: The FEIS should include a map of the flood plain along Mineral Springs Stream using the latest FEMA reports.

*Response: According to the FEMA National Flood Insurance Program Community Status Book, the Town of Woodbury current map status is as follows:*

*Initial FHBM identified on 05/31/74  
Initial FIRM identified on 03/18/87  
Current Effective Map on 03/18/87  
Regular or Emergency Date on 03/18/87*

*Preliminary updated FEMA maps had been projected to be released on May 31, 2007, but have not been released to date. The new projected release date for*

updated preliminary maps is May 31, 2008, as per the FEMA Map Assistance Center, on June 25, 2007.

**D45.** Mary Gross-Ferraro, dated August 29, 2006: All storm water and related sediment, salts, pesticides, and herbicides from the site, both during and after construction, will also flow down to the Mineral Springs Stream, bringing thermal pollution as well.

*Response: Tributary 4-1 will be protected through the implementation of Best Management Practices during the construction phase, and through adherence to the General and Special permit conditions to be cited by NYSDEC in the SPDES permit for the wastewater treatment plant. The treatment plant has been designed to conform to the proposed (more stringent) water quality standard. See also the Responses to Comments D39 and D40.*

*Thermal impacts are a concern in trout waters, where cold temperatures are critical to species survival. Runoff containing sediment, salts, pesticides, and herbicides from impervious surfaces may increase temperature in receiving waters in part due to energy from light reflecting off suspended sediment found in surface runoff. The use and maintenance of cleanouts to trap sand and sediment and reduce their entry into the stormwater features will be a water quality benefit in the stormwater basin and the receiving water body. Stormwater ponds will be constructed in accordance with the August 2003 New York State Stormwater Management Design Manual and have a permanent pool designed to detain and treat runoff volumes through settling of suspended sediment so as to mitigate water quality impacts. For trout waters, NYSDEC recommends reducing the detention time from 24 hours to 12 hours and the basin outlets have been redesigned for the reduced detention time as a mitigating measure.*

**D46.** Peter Stabile, Public Hearing Comments: How much drainage will the emergency road to Skyline create and where is it going.

*Response: Additional stormwater generated by the emergency road to Skyline will be negligible since the emergency drive will only be regraded and will be surfaced with gravel similar to the existing condition. The final design will be submitted to the Planning Board during the Site Plan and subdivision review process to the satisfaction of the Village Engineer.*

**D47.** Peter Stabile, Public Hearing Comments: The storm water plans show the retention ponds draining to a swale on a County road. Where will the drainage go from there? Who is going to be responsible for those swales?

*Response: Swales within County Right-of-Way will be the responsibility of the Orange County Highway Department upon completion and acceptance of any improvements made. Swales will continue to flow downstream as occurs currently.*

**D48.** Peter Stabile, Public Hearing Comments: Address the catch basins centered on the road.

*Response: Typically, drainage structures centered in roadways are avoided. As shown on the plans, the catch basins in the center of the road will either be converted to inlets or moved to the edge of the road, depending on the road*

*alignment and grading in those areas. All drainage lines will be reviewed in conjunction with the new road profiles and alignments.*

**D49.** Peter Stabile, Public Hearing Comments: How will the roof drains be designed?

*Response: Roof drains will either be designed to daylight to existing grade, or to connect to proposed storm structures, depending on overall water quality and water quantity requirements.*

**D50.** Peter Stabile, Public Hearing Comments: Specify what the Town easements are for on the plans.

*Response: The easements shown on the plans are for one or more of the following reasons: access, water, sewer, or drainage. Depending on the utility location, the appropriate easements are used. Since utility/access easements are likely to change during the site plan and subdivision approval process, the DEIS does not specify which easement will ultimately be needed. It should be noted that the HOA will maintain the onsite stormwater drainage infrastructure and that proposed drainage easements are only in the event the HOA does not maintain stormwater infrastructure.*

## **E. Vegetation**

**E1.** Stuart Turner & Associates, August 31, 2006: Section 3.3.1. Deciduous Forest. Pages 149 and 150. A tree survey should be prepared for Town review prior to the completion of the SEQR process. It appears that a large stand of sugar maple trees and another stand of eastern hemlock trees on the southern portion of the site will be significantly impacted by the applicant's proposed layout. The survey should detail the location, size, and health of important trees on the project site and illustrate those trees proposed to be cut and removed. We recommend that the applicant make a strong effort to reconfigure or eliminate those lots which would have a significant impact on important existing vegetation. We suggest that the applicant illustrate the location of trees over 18 inches in diameter at four feet above ground level in the areas proposed to be cleared.

*Response: A tree survey has been prepared and is included in Appendix I of this FEIS. This tree survey shows the location and type of trees over 18 inches in diameter at 4 feet above ground level. All healthy trees within the Open Space areas will be preserved except as needed to provide required improvements, such as stormwater management, utilities and other infrastructure.*

*Upon the acceptance of a Preliminary Site Plan and subdivision, a Landscape Plan will be prepared and submitted as per Village regulations and submitted to the Planning Board. The Landscape Plan will show existing trees to remain, existing trees to be removed, and additional landscaping materials to address landscaping of public areas and to mitigate loss of vegetative buffers. The Landscape Plan will include provisions for protecting existing trees to remain through the use of snow fencing at drip lines to be installed prior to start of construction.*



*The referenced stand of eastern hemlock trees has been heavily impacted by woolly adelgids, an introduced parasite. Most of the larger trees in the stand are dead and most of the sub canopy trees have been damaged by the infestation.*

**E2.** Stuart Turner & Associates, August 31, 2006: Section 1.6, Page 29. The fifth bullet under Mitigation refers to large trees. Is there a tree survey, especially for the proposed clearing areas?

*Response: A tree survey was conducted; a copy is presented in Appendix I.*

**E3.** Riddick Associates, P.C., August 31, 2006: Section 3.3, Page 149-150. General comments on the deciduous forest include an observation there are few trees over 16-inches in diameter. However, the report notes there are a few stands of large sugar maples and a few other large trees (tulip poplars, red oaks, American beach) and a stand of eastern hemlock trees which are substantial in size but may have damages. The Planning Board will be reviewing the layout to try save substantial specimen trees however; these few areas noted should be clarified with respect to the ability/desirability of preservation. This need not be a specific site plan *and subdivision* but at least an observation of construction impacts (utilities, grading, etc) and the condition, size and the anticipated ability for preservation. The remainder of the review of tree preservation can be left to the Planning Board during the plan review.

*Response: As noted in the Response to Comment E1, the referenced stand of eastern hemlock trees has been heavily impacted by woolly adelgids, an introduced parasite. Most of the larger trees in the stand are dead and most of the subcanopy trees have been damaged by the infestation*

*A tree survey has been prepared and is included in Appendix I of this FEIS. This tree survey shows the location and type of trees over 18 inches in diameter at 4 feet above ground level. All healthy trees within the Open Space areas will be preserved except as needed to provide required improvements, such as stormwater management, utilities and other infrastructure.*

*Upon the approval of a Preliminary Site Plan and subdivision, a Landscape Plan will be prepared and submitted as per Village regulations and submitted to the Planning Board. The Landscape Plan will show existing trees to remain, existing trees to be removed, and additional landscaping materials to address landscaping of public areas and to mitigate loss of vegetative buffers. The Landscape Plan will include provisions for protecting existing trees to remain through the use of snow fencing at drip lines to be installed prior to start of construction.*

**E4.** Mary Gross-Ferraro, dated August 29, 2006: Was the site checked for American Chestnut? Many years ago, there was a huge American Chestnut on that property. I don't know if it survived the blight.

*Response: While several stump sprouts up to eight feet tall were observed on the upland forested portion of the south parcel, no large American chestnut (*Castanea dentata*) trees were observed or are expected to occur on the site. Beginning in 1904, the American chestnut, once a dominant tree in eastern*

*deciduous forests, was decimated by an imported blight. Saplings continue to sprout from the rootstocks but seldom reach a diameter of more than six inches before being killed by the blight. Any large chestnut trees observed on the site after 1950 are almost certainly the introduced Chinese chestnut (Castanea mollissima), which is resistant to the chestnut blight fungus.*

## **F. Fauna**

**F1.** Stuart Turner & Associates, August 31, 2006: Section 3.4. In several areas throughout the Fauna section the applicant indicates that the NYSDEC is presently evaluating the potential for threatened and/or endangered species on the project site. In other areas the applicant indicates that the NYSDEC has reported that there were no specific concerns regarding same. The applicant should reconcile this discrepancy.

*Response: Wildlife biologists from NYSDEC Region 3 visited the Legacy Ridge site on September 8, 2005 to walk the southern parcel and evaluate the potential for any endangered or threatened species. The onsite wetlands were deemed to be too dry and lacking the specialized subclimax open canopy areas within a larger wetland system required for viable bog turtle populations. The potential for timber rattlesnakes was deemed to be minimal due to the distance to known dens and the intervening major roadways. The onsite forests do not feature the large trees (shagbark hickory and black locust) used by roosting Indiana bats; recent studies by the US Fish & Wildlife Service (USF&WS) have not found any dispersal of Indiana bats from known hibernacula to sites near the project area. The project team will remain in contact with the regulatory agencies and will address any issues with regard to endangered or threatened species.*

**F2.** Mary Gross-Ferraro, dated August 29, 2006: I noticed the DEIS list of mammalian species does not include the far-ranging black bear, and this site is most definitely black bear habitat.

*Response: There has been no evidence or reports of black bears on the project site. Transient bears (principally yearling males from northern New Jersey) could periodically move through the site searching for new territories. The development of the site will not represent a habitat loss to the existing New York State black bear population and, provided that NYSDEC-recommended guidance (such as securing garbage cans, cleaning grills, and not using bird feeders during the bear's active season) are followed, the potential for any human – bear conflicts will be minimal.*

**F3.** Mary Gross-Ferraro, dated August 29, 2006: The DEIS also mentions Timber Rattlesnake den or dens on the West Point land to the east of the site. While the DEIS discusses the Timber Rattlesnake, the Bog Turtle, and the Indiana Bat, it fails to include any field surveys and written evaluations from any federal or state agency. The FEIS needs to address this.

*Response: See also the response to Comment F1. The results of the November 22, 2004 Natural Heritage Program (NHP) file search response letter*

were reviewed with NYSDEC Region 3 and a field inspection with NYSDEC was conducted on September 8, 2005. An updated file search was requested (refer to Appendix D) and obtained from the NYSDEC Natural Heritage Program on July 5, 2007 to supplement the November 22, 2004 response letter. There were no project site-specific changes to the database results; the NYSDEC Region 3 biologist was re-contacted to confirm the database results. The Project Sponsor will remain in contact with the endangered/.threatened species staff at NYSDEC Region 3 and USF&WS through the approval and permitting process.

**F4.** Mary Gross-Ferraro, dated August 29, 2006: There is a letter from Charlene Houle, NYSDEC, with a map of the site with the wetland area at the juncture of Mineral Spring Road and Trout Brook Road circled. Since the letter pertains to rare or state-listed animals and plants and significant natural communities and habitats, that circled area has significance.

*Response: The circled area on the map in the NYSDEC NHP response letter (dated November 22, 2004) does have significance. The citation has been removed from the DEIS in compliance with the confidentiality clause in the NHP letter to protect the resource. Since the project will not impact the circled area, the resource cited by NHP will not be disturbed or its habitat compromised. The same location and resource were cited in the letter obtained from NHP on July 5, 2007.*

**F5.** Mary Gross-Ferraro, dated August 29, 2006: The FEIS needs to address the impact to North Parcel flora, fauna, wetlands, streams, ridges as well as the Schunemunk State Park viewshed from the North Parcel to the Hudson River.

*Response: Impacts to the north parcel will consist only of the installation of roadways, water tower, and wells. There will be no significant impact to the wetlands and stream as the wells are not hydraulically connected to the surface aquifer. The wildlife habitat present on the north parcel will not be adversely affected by the minimal impact associated with the wells and access road. The only impact on vegetation will be the minimal clearing needed for the wells and attendant features. The construction of the 28-foot tall water tank is not expected to have a negative impact on the scenic views of the north parcel. The existing vegetation canopy exceeds the proposed height of the water tank (based on field observations and vegetation analysis tree canopy heights are approximately 35 feet along the ridges and 60 feet elsewhere on the site). The only vegetation to be cleared on the north parcel is the amount needed for the construction of the water tank and access driveway. Additionally, a Viewshed Analysis (see FEIS Figure G-3) was prepared to show a representation of where, within the five (5)-mile radius, the water tank can be seen based on topographic features. Both existing and proposed on-site vegetation, as well as existing off-site vegetation will provide additional screening from these areas.*

**F6.** Mary Gross-Ferraro, dated August 29, 2006: The FEIS needs to include written reports of field studies from agencies regarding the Timber Rattlesnake, Bog Turtle, and Indiana Bat.

*Response: See the Responses to Comments F1 and F4.*

**F7.** John Baronowski, Public Hearing comments: What is the scientific basis of saying that fauna will adapt to the conditions of the site because of the gradual build out? The stated use of blasting and mechanical clearing on the site are alone adequate reasons to doubt the assertion that fauna will return to the site.

*Response: Approximately 430 acres (57%) of the 749-acre Legacy Ridge land holdings will remain undisturbed, providing habitat (cover, food, and nesting) for area birds. The project plans (roadway setbacks, protection of the wetlands, avoidance of steep slopes, and minimal disturbance of the north parcel) will further the maintenance of wildlife habitat on the site. As cited in the DEIS, the goal of the landscaping plan is to retain as much native vegetation (and the wildlife food supply it provides) as possible, and to preserve as many large trees as possible. As trees and landscape plantings mature, more wildlife habitat will be created in terms of both numbers and species diversity. Adherence to clearing limit lines and lot setback requirements will further the preservation of native plants and the wildlife values they provide. The phased approach to the site development will allow for landscaping to be established and to provide habitat while other portions of the site are under construction.*

**F8.** John Baronowski, Public Hearing comments: There's a huge discrepancy between a hundred eleven breeding species documented in an official atlas in the State of New York and twenty six observed on site during the biologist's visit. Why this discrepancy? I recommend that a repeat site visit and analysis and census needs to be carried out in late May or early June. Species of New York State special concern, as they're pointed out in table ten, including the golden winged warbler, two species of hawks, and the whippoorwill, should be sought out on this property and may very easily not have been found, especially the warbler at that time of year.

*Response: The field inventory that was conducted also verified the habitats present on the site and the species that could be expected to use the site. As an example, the flooded shrub swamp habitat used regionally by the golden-winged warbler is not present on either the north or south parcels (See Appendix 9.11 in the DEIS and the NYSDEC Breeding Bird Atlas).*

*The NYSDEC Breeding Bird Atlas results are based on three-mile by three-mile breeding blocks. The Legacy Ridge site is contained within three breeding blocks (Blocks 5657B, 5757A, and 5758C), encompassing an area approximately 17,280 acres in size. This is roughly 23 times the size (749 acres) of the combined north and south parcels of Legacy Ridge. Thus a lesser number of bird species would be expected to occur or breed on the Legacy Ridge site than in the entirety of the three breeding blocks due not only to the much smaller size but the comparatively few habitats represented on the site.*

**F9.** John Baronowski, Public Hearing comments: Most wildlife species are tolerant to humans, it says, and are expected to return after construction. That's not true of many of these breeding birds that have been identified in the immediate vicinity of this development. So-called inner-forest birds, for which this parcel is part of a much larger landscape, requires isolation and lack of disturbance to exist on a parcel of land.

*Response: Some of the bird species cited on the three breeding blocks that contain the Legacy Ridge parcel are known as forest interior species. Examples of forest interior species that may use the site are the wood thrush, hermit thrush, veery, scarlet tanager, rose-breasted grosbeak, ovenbird, and eastern wood pewee. Two (of 26 total bird species observed) forest interior species observed on the site were the black-and-white warbler and the pileated woodpecker. Existing limiting factors to forest interior species in and adjacent to the south parcel are the surrounding roadway network, existing housing development along the roadways, and the cleared and mowed fields on the site. Background noise from the New York State (NYS) Thruway precludes the westerly portion of the south parcel from being considered as free of disturbance. Additionally, the forest on the ridgeline is small (trees are generally less than eight inches in diameter) and the shrub layer and/or subcanopy is sparse or absent in many areas, further limiting the value to forest interior birds. It is acknowledged that some individuals of forest interior species will be displaced from the site and will seek alternate habitat. Adequate habitat for forest interior species will remain on the 292-acre north parcel, and on the adjacent West Point land holdings.*

**F10.** John Baronowski, Public Hearing comments: The impact on the fauna, flora and view shed are not described on the northerly parcel and no mitigation is discussed or proposed.

*Response: The proposed disturbance (access roads and water supply wells) to the 292-acre north parcel will be minimal, thus no mitigation (beyond erosion control and Best Management Practices for erosion control during road construction and well installation) is required. (See Appendix 9.11 in the DEIS and the NYSDEC Breeding Bird Atlas).*

## **G. Visual**

**G1.** Stuart Turner & Associates, August 31, 2006: Section 3.6.2. Figure 58. It would be helpful for the applicant to superimpose directional arrows illustrating the vantage point from which Figures 66 through 81 were shot.

*Response: Directional arrows have been added. See Appendix G.*

**G2.** Stuart Turner & Associates, August 31, 2006: Section 1.6, Page 32. Are the areas of supplemental buffer vegetation plantings included and identified as a mitigation measure?

*Response: Yes, the supplemental buffer vegetation was added as mitigation to certain view corridors into the site. These supplemental buffer areas were located in coordination with the Village Planner (Fred Doneit).*

**G3.** Stuart Turner & Associates, August 31, 2006: Section 3.3.3. Second paragraph of page 159. The applicant states that a landscaping plan has been developed. It is not clear where this plan is located. This will be a significant item since vegetation, buffering, and landscaping are essential to the review of the plan, including visual impact.

*Response: A Landscape Plan will be prepared for Village Planning Board review with the submission of the Preliminary Site Plans. The plan will include information from the tree survey (see Appendix I), such as location and type of*

*existing trees to remain in addition to the location and type of new planting materials necessary to address landscaping and buffering needs for the project.*

**G4.** Stuart Turner & Associates, August 31, 2006: Section 3.6.3. We recommend that the applicant develop a more substantial vegetative buffer around the periphery of the site, helping to mitigate substantial visual impacts from the vantage points illustrated on Figures 72a and 74a, particularly if these areas are within the Ridgeline Preservation Area.

*Response: The provision for additional buffers and project landscaping will be provided in the Landscape Plan to be included with the Preliminary Subdivision and Site Plan and subdivision submissions. These plans will provide landscaping in those areas as identified in the Visual Analysis as having been affected by the design of the proposed project. The Landscape Plan will further comply with the requirements of the Ridge Preservation Area.*

**G5.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: One of the first things I noticed in the DEIS was that, in spite of the fact that I and a few other letter writers had requested it, the viewshed analysis did not include views of the project site from Schunnemunk State Park.

*Response: The DEIS Viewshed Analysis did incorporate areas along Schunnemunk State Park. Five (5) Viewshed Maps (DEIS Figures 53 through 57) were provided to illustrate areas, based on topography, that would be visible from different portions of the site. In order to provide additional analysis, cross sectional maps have been added to demonstrate the views from the park to the site (see FEIS Figures G-1 and G-2).*

**G6.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: The FEIS needs to address the impact to North Parcel flora, fauna, wetlands, streams, ridges as well as the Schunnemunk State Park viewshed from the North Parcel to the Hudson River.

*Response: Impacts to the North parcel will consist only of the installation of roadways and wells. Additional Viewshed Analysis maps have been provided in the FEIS (Figures G-3 and G-4) to illustrate the viewshed impacts of each of the two water tanks. Viewshed analyses are completed based on current topography only; existing remaining vegetation will provide further screening.*

**G7.** Mary Gross-Ferraro, August 29, 2006 and Public Hearing Comments: Why would the Town approve of a plan to put a water tower on the North Parcel ridge in one of Orange County's most scenic views?

*Response: A water tank necessitates siting in a location in which water can be gathered, stored and released as needed. The location of the water tank on the north parcel meets all of the needs of the water tank, while limiting the amount of disturbance for the water tank.*

## **H. Transportation**

**H1.** County of Orange Department of Planning, August 18, 2006: Impact to Transportation Facilities: While it is commendable that jitney service is proposed for commuters from Legacy Ridge to the Harriman Train Station and area bus park and ride lots, it is questionable whether such a service will be utilized to any significant extent by future residents of Legacy Ridge. The limited schedule planned during peak morning and evening hours and the limited number of destinations makes service impractical for those needing it for other purposes at other times of the day. As such, the schedule of operation, number of destinations and service area should be expanded to decrease the number of trips and traffic impact attributable to development at Legacy Ridge.

*Response: The jitney service is proposed for commuters and will be the responsibility of the HOA. It is anticipated to have increased ridership over time. Depending on utilization, the jitney could be expanded by the HOA depending on future ridership. However, no commitment is implied other than for commuter activity. It should be noted that the traffic study did not take credit for the jitney service and used the full traffic generation rate for the development.*

**H2.** Adler Consulting, August 30, 2006: Smith Clove Road with NY Route 32. The FEIS should contain a revised analysis of this intersection with a 12-foot wide westbound lane, as discussed on page 35 of the DEIS. The FEIS should also contain a more detailed discussion regarding the possible delineation on a northbound right-turn lane, including what response, if any, has been received from the NYS DOT, what parking issues are associated with the matter and who would fund the improvement.

*Response: Between the right edge of the northbound travel lane and the parked cars there is some 15 to 20 feet. In fact, this paved area is used by vehicles during peak hours to make the right turn onto Smith Clove Road. While no discussion has been undertaken with the New York State Department of Transportation (NYSDOT), there appears to be a paved area available for re-striping as a right turn lane. This lane would not result in a significant loss of parking. However, one space near the corner of Route 32 and Smith Clove Road may have to be eliminated. The final application will be dependent on approvals from NYSDOT. The Sponsor will undertake the re-striping subject to NYSDOT approval. Measures identified by NYSDOT beyond those addressed in the EIS will be participated in based on a fair share basis.*

**H3.** Adler Consulting, August 30, 2006: New Thruway Exit. The FEIS should include a brief discussion of the possible benefits of a new thruway exit north of Exit 16 on the Study roadways and whether the subject development would make any significant difference in the potential for the construction of such an interchange.

*Response: A new Thruway interchange north of Exit 16 would be beneficial since it would reduce traffic volume at Exit 16 and north and southbound traffic along a portion of Route 32. Depending on the location of the interchange, vehicles to Legacy Ridge could use this interchange; however, the traffic generated by this project will not be a deciding factor in the need of any future interchange.*

**H4.** Adler Consulting, August 30, 2006: High-school Student Drivers. The FEIS should indicate whether high-school student drivers were included in the trip generation and trip assignment patterns used for the Traffic Study. If not, the FEIS should provide a brief quantitative evaluation of the additional impact of these drivers.

*Response: The base traffic counts were collected when school was in session, therefore, high school drivers are accounted for in these base traffic volumes, for the project, the ITE trip generation rates do not account for the age of the drivers.*

**H5.** Stuart Turner & Associates, August 31, 2006: We believe that for a jitney system to be successful it needs to be in place at the time of initial occupancy.

*Response: The jitney service will be owned and operated by the HOA, at no cost to the Village. Details of the jitney service will be determined in the final HOA document to be approved by the Village of Woodbury, however, at a minimum:*

- *The jitney will begin operation before more than 10% of the certificates of occupancy (COs) have been issued on the site.*
- *The HOA will post a bond with the Village to ensure continued operation of the service at no cost to the Village.*
- *The jitney will, at a minimum, stop at the recreation center at pre-arranged times between 5:30 a.m. and 9:30 a.m., and 4:30 p.m. and 8:30 p.m. as needed, for transportation to and from the Harriman Train Station, and a nearby bus station that provides service to Manhattan.*
- *The future HOA may elect for expanded use of the jitney for transportation to nearby shopping during off-peak hours.*
- *Should another jitney service later be established which could serve the project, in addition to serving broader areas of the Village, the HOA could consider ceasing its own service to participate in the other available service, subject to approval of the local municipal legislature.*

**H6.** Riddick Associates, P.C., August 31, 2006: Section 3.7, Page 244, Table 15 - Under traffic mitigation, the project sponsor has opined “that the traffic generated by the proposed development will not have a significant impact”. They also conclude that “similar levels of service and delays will be experienced under future no build and build conditions”. John Canning has requested some additional analysis at the Smith Clove Road and New York Route 32 intersection, which may impact this conclusion. Nevertheless, we note that Table 15 indicates the no build condition would have two movements at this intersection at levels of service D and C (delays of 42.5 and 27.7 seconds respectively). Under the build condition these movements will be at levels of service E (delays of 68.9 and 60.5 seconds). This appears to be significant. The Planning Board has required mitigation for intersections where the level of service falls to “E”. Whether these two movements will result in the entire intersection functioning at level of service E will need to be determined. Nevertheless, the increase in delay for these two movements appears significant. This should be addressed in the FEIS.



*Response: As correctly noted, the level of service of two movements during the PM Peak Hour at the intersection of Smith Clove Road and Route 32 would be Level of Service "E". However, the overall intersection will be "D", a 42.5-second delay. Therefore, no improvements are required. Also see Response H2.*

**H7.** Peter Stabile, Public Hearing Comments: The DEIS states that the HOA will maintain the few hundred feet of public road at the main entrance. What does that mean?

*Response: School buses are prohibited from entering private roads to pick up school children. The first 600 feet of road into Legacy Ridge and the school bus turnaround will be dedicated to the Village of Woodbury as a public road, allowing for the safe boarding of children. However, even though a public road, this section will be maintained by the HOA under agreement with the local government so as not to burden Village of Woodbury taxpayers.*

**H8.** Peter Stabile, Public Hearing Comments: Provide a TMC report, traffic control way, on when they want to close the roads down, when they're going to dig, how far they're going to dig.

*Response: All construction within the public right-of-way will require a Maintenance and Protection of Traffic Plan (MPT). This plan will indicate the hours of construction as well as the work area under construction within the public right-of-way.*

**H9.** Tom Seboldt, Public Hearing Comments: I would hope that the traffic study would include the impact of another proposed development that was just approved, which has four hundred fifty homes, which I believe that most of these people that are living in these two hundred eighty-seven homes will be commuting to work, and studies seem to show that they work their way down from Route 6, 32, 17 corridor, to go to the train station or the bus.

*Response: The scope prepared by the Town required the Project Sponsor to account for other developments in the area, including the 450 homes mentioned. The traffic study followed the scope and considered traffic for these other developments under the No-Build condition.*

**H10.** Jonathan Swiller, Public Hearing Comments: I would ask that the developer, the board and any other appropriate party, look into the possibility of having the New York State Thruway Authority open an exit north of the town to help alleviate the traffic from New Windsor and Cornwall, the southern portions of Newburgh, that funnel right down 32 in order for the commuters to get onto the Thruway.

*Response: Comment noted. The Town and the Village are the responsible and appropriate parties to interface with the New York State Thruway Authority.*

**H11.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: The project proposes to initiate a jitney service serving the project and connecting to the Shortline bus and the Harriman Train Station. The proposal is to begin offering the service before 10% of the units have been issued Certificates of Occupancy. According to this proposal, it would mean that if fewer than 28 units were completed and habitable - whether they were occupied or not - the

jitney service would be instituted, to be operated by the Homeowner's Association. The DEIS (p. 245) indicates that the HOA will post a bond with the Town to ensure continued operation of the service at no cost to the Town, but it is not clear what the continued obligations of the HOA would be to continue the service. The DEIS (p. 35) appears to indicate that the demand must be 10 or more riders per peak period, and it appears to imply that the service, if unsuccessful, could be discontinued. It seems conceivable that, depending on the commutation patterns and demand, the service might be highly infeasible at the beginning, though there may be sufficient demand years later, particularly as regional commutation patterns change. By premature launching of the jitney service, the program may be doomed to failure. In any case, even if it were to be successful, the peak hour reductions that the jitney service might achieve, will not off-set the overall regional traffic impacts of the increased zoning density that the sponsor seeks.

*Response: The jitney service will be owned and operated by the HOA, at no cost to the Village. Details of the jitney service will be determined in the final HOA document to be approved by the Village of Woodbury, however, at a minimum:*

- *The jitney will begin operation before more than 10% of the certificates of occupancy (COs) have been issued on the site.*
- *The HOA will post a bond with the Village to ensure continued operation of the service at no cost to the Village.*
- *The jitney will, at a minimum, stop at the recreation center at pre-arranged times between 5:30 a.m. and 9:30 a.m., and 4:30 p.m. and 8:30 p.m. as needed, for transportation to and from the Harriman Train Station, and a nearby bus station that provides service to Manhattan.*
- *The future HOA may elect for expanded use of the jitney for transportation to nearby shopping during off-peak hours.*
- *Should another jitney service later be established which could serve the project, in addition to serving broader areas of the Village, the HOA could consider ceasing its own service to participate in the other available service, subject to approval of the local municipal legislature.*

## **I. Land Use**

**I1.** Stuart Turner & Associates, August 31, 2006: Section 1.3, Page 15. Footnote 1. When will it be determined whether the 41 acre Foxwood tract will be Town or HOA open space (page 41 says it will be HOA)?

*Response: The subject tract will be dedicated to the Village. The second sentence of the last full paragraph of Page 41 of the DEIS is hereby revised to read as follows:*

*"The southerly 41±-acre Foxwood parcel will be preserved as open space and offered for dedication to the Village or to a land trust selected by the Village, and will provide a buffer between the Legacy Ridge project and the existing homes within the Skyline Drive development."*

**12.** Stuart Turner & Associates, August 31, 2006: Section 1.4, Page 20. The applicants' references to the Town Master Plan should be clarified. Should we assume that these references are to the 1990 adopted plan?

*Response: The Master Plan references are to the adopted 1988 Master Plan. Until the revised Comprehensive Plan is adopted by the Village, the old Master Plan remains the governing land use document.*

**13.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: There is nothing that would prevent the development of a Conservation Cluster Development on the site pursuant to the recently adopted zoning provision under the current R-3A zoning, and nothing to prevent the utility improvements from being built, other than a desire to maximize profits. The DEIS misconstrues the collective representations of local and regional plans and studies in order to indicate support for the density increase, while omitting conflicting information.

*Response: The proposed improvements to the water supply and the preservation of 430 acres of open space are significant benefits for the Village of Woodbury and are stated goals of the Town of Woodbury Master Plan. The requested rezoning is a prerequisite to enable the project to support these significant assets to the Village.*

*It is the opinion of the Lead Agency that the local and regional plans have not been misconstrued, and in fact the local and regional plans and studies are flexible enough to support the proposed project.*

**14.** County of Orange Department of Planning, August 18, 2006: The clustering of development and preservation of open space as part of the Legacy Ridge project are clearly promoted within both the OCCP and Orange County Open Space Plan as means of decreasing environmental impact, preserving scenic view sheds and providing additional recreation opportunities to citizens. The southerly extent of Legacy Ridge, incorporating the bulk of the proposed development, is in a Priority Growth Area of the OCCP where municipal water service, sewage treatment and greater development densities are prescribed to fulfill the goals and objectives of the County Plan.

*Response: Comment noted. The Legacy Ridge project has been proposed for development with central water and sewer services, consistent with the goals and objectives of the County Plan for greater development densities where such services are available.*

**15.** County of Orange Department of Planning, August 18, 2006: While Legacy Ridge incorporates commendable aspects in the way of clustering and open space, the project fails to adequately include the sustainable development principles and design guidelines promoted within the County Plan for residential development on the 416-acre parcel (SBL 3-1-12.5) where a majority of the development will occur. The design and layout of the 287 residential lots in the concept plan for Legacy Ridge lacks sensitivity to and preservation of the natural features present on this parcel. This is substantiated by the fact that protected wetlands and/or steep slopes in excess of 25% make-up a majority of the area of 49 of the 287 lots proposed. The concept plan also lacks sidewalks for pedestrian mobility and adequate road connectivity to adjacent neighboring residential subdivisions promoted in the County Plan for creation of quality residential neighborhoods.

*Response: The revised proposed layout results in 11 lots with buildable areas located within a wetland or 25% slopes. In addition, as stated in the DEIS, the clustering of the layout will result in significant reduction of disturbance of environmentally sensitive lands. The proposed layout will consist of private roads within a gated community and will therefore provide a safe pedestrian environment within those roadways. In addition, a shuttle will provide pedestrian access to transportation and service areas. While the project is located in a Priority Growth Area, there are no existing sidewalks on Trout Brook Road, Mineral Springs Road and Smith Clove Road. The emergency egress to Skyline Drive will facilitate pedestrian access to this neighborhood. It is therefore, the opinion of the Lead Agency that the project design is consistent with the principles and guidelines of the County Plan.*

**16.** County of Orange Department of Planning, August 18, 2006: A comparison of the Legacy Ridge project with draft Comprehensive Plan for the Town of Woodbury indicates that that the provision of clustering and open space is clearly supported by the draft Woodbury Comprehensive Plan. It is questionable, however, whether the intended increase in residential density requested with the proposed zone change from R-3A to R-2A is supported by the draft Plan given that only moderate density bonuses are mentioned as possible incentives for conservation subdivision and the preservation open space.

*Response: According to the planner for the Town and the Village, the draft plan was never formally adopted, but remains a guidance document for the evaluation of projects. It is the opinion of the Lead Agency that the project design is consistent with the principles and guidelines of the 1988 Town Master Plan.*

**17.** County of Orange Department of Planning, August 18, 2006: The current Master Plan for the Town of Woodbury by Stewart Turner Associates adopted on March 3, 1988 also recommends minimum residential lot sizes of 2 acres for the area in question and categorizes it as being a “low priority for public water and sewer” although it does allow for the logical extension of suburban residential densities around Woodbury’s hamlets where sufficient water and sewage treatment capacity exist. The Legacy Ridge project is somewhat removed and isolated from the Hamlet of Highland Mills by the NYS Thruway. As such, it is questionable whether the subject properties as part of the Legacy Ridge Project represent a logical extension of Highland Mills and hamlet residential densities in the Town of Woodbury.

*Response: It is the opinion of the Lead Agency that with the extension of water and sewer facilities to the Legacy Ridge site that the project’s design is consistent with the Town Comprehensive Plan. As noted in Comment 14, above, “The southerly extent of Legacy Ridge, incorporating the bulk of the proposed development, is in a Priority Growth Area of the OCCP where municipal water service, sewage treatment and greater development densities are prescribed to fulfill the goals and objectives of the County Plan.” The proposed plan calls for Legacy Ridge to be serviced by new municipal water and sewer plants, paid for by the project sponsor and extended to service the parcel.*

**18.** County of Orange Department of Planning, August 18, 2006: Given that Legacy Ridge is not within walking distance of the hamlet of Highland Mills and the service offered there, it is not considered to be a optimum location for senior housing. Legacy Ridge also does not incorporate a variety of housing sizes and types to accommodate the demand for affordable housing advocated in the OCCP, as well as the existing Woodbury Master Plan and proposed draft Woodbury Comprehensive Plan. As such, we recommend that affordable housing be required as part of the zone change from R-3A to R-2A. Twenty percent of the 140-dwelling unit increase in density as part of the requested zone changes should be dedicated to building affordable housing as a means of satisfying a demand for such by first time homebuyers and lower income residents in the Town of Woodbury.

*Response: It is the opinion of the Lead Agency that the proposed varied lot sizes and likely home sizes in Legacy Ridge contributes to the mix of housing in the Village and is consistent with both the adopted and proposed Town Master (Comprehensive) Plan. Further, the upgrade of water and sewer services to existing higher density neighborhoods, improved safety as a result of heretofore non-existing emergency connections, and the addition of significant public open space outweigh the specific need for designated affordable housing within the project itself.*

**19.** County of Orange Department of Planning, August 18, 2006: A comparison of the Legacy Ridge project with the recommendations from the SEOC Traffic and Land Use Study indicates that while the proposed conservation cluster and jitney service provided are consistent with the SEOC Study, the increase in density as part of the requested zone change from R-A3 to R-A2 is contrary to the recommendation to reduce residential densities in the more rural areas of Woodbury outside of the hamlets.

*Response: The property is located in a Priority Growth Area in the OCCP and is sufficiently close to the hamlet areas to justify the increase in density requested.*

**110.** County of Orange Department of Planning, August 18, 2006: From a design perspective, Legacy Ridge also fails to provide the road and pedestrian connectivity to neighboring preexisting development recommended in the SEOC Study to reduce potential traffic on collector roads like Mineral Springs and Trout Brook Roads by giving residents alternative routes to and from their destinations.

*Response: The only neighboring development is the existing Skyline Drive development to the south of Legacy Ridge, and no sidewalks exist on either Smith Clove Road or Trout Brook Road in the vicinity of the project. It is the opinion of the Lead Agency that a vehicular interconnection between Legacy Ridge and Skyline Drive is very important for emergency vehicles, and the project has been designed to incorporate this feature. This emergency roadway will also provide for pedestrian interconnectivity between the two developments. It is also the opinion of the Lead Agency that full-time vehicular interconnection between these two developments is not in the best interest of the communities, and has therefore not been required.*

**111.** Stuart Turner & Associates, August 31, 2006: Section 3.8.2. Fourth paragraph of page 260. "Excepted" should be changed to expected.

*Response: Noted and by reference included in the DEIS.*

**I12.** Stuart Turner & Associates, August 31, 2006: Section 3.8.2. Goal “3”, page 262. It would be helpful for the applicant to provide or refer to a map that illustrates the open space network referred to.

*Response: The Open Space parcels to remain with the HOA, OP-A through OP-F, are shown on the Site Plan included in this FEIS. The entire northern parcel and the 41±-acre Foxwood parcel to the south will be offered for dedication to the Village or to a land trust selected by the Village for open space.*

**I13.** Stuart Turner & Associates, August 31, 2006: Section 3.8.2. The narrative under “Goal 6”, located on page 263 should be modified. The applicant has prematurely reached this conclusion since a phase 2 study has not been performed as recommended in Section 3.5.3 “Cultural Resources Mitigation Measures”.

*Response: Based on the Phases 1A and 1B work, four sites on the Legacy Ridge parcel were considered for further (Phase 2) archaeological testing. Based on the site plans provided, two (Sites 2 and 4) of the four sites were outside the limits of project disturbance and would be avoided by the development and thus preserved in place. Phase 2 archaeological testing of Site 1 was initiated during August 2005 and completed on October 24, 2005 (see Appendix C). Preliminary Phase 2 archaeological testing of Site 3 was initiated during October 2005 and completed on November 17, 2005. Supplemental Phase 2 field testing was conducted at both sites during April 2007. Based solely on the supplemental field work at both sites, no further field work is believed to be necessary.*

**I14.** Stuart Turner & Associates, August 31, 2006: Section 3.8.2. The applicant states in the first paragraph of page 264 that “gated communities generally have positive impacts on the value of neighboring properties”. However, in the fourth paragraph of page 261 the applicant contradicts this. This should be clarified, especially regarding fiscal impacts.

*Response: No contradiction exists in the DEIS. Page 264 states that “gated communities generally have positive impacts on the value of neighboring properties”. Page 261 states that “Data exists that property values do not increase outside of the gated community as quickly as they increase inside the gates”. The two statements support each other.*

*There is no contradiction and the information on page 261 of the DEIS is repeated here for clarity.*

*“Much of the data which exists on the impact of property values for properties surrounding gated communities centers around two precepts:*

- 1) In an urban setting, a gated community forces crime outside of the gated community, raising crime levels there, and therefore reducing property values outside of the gated community.<sup>1</sup>*

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<sup>1</sup> Renaud Le Goix, The Suburban Paradise or the Parceling of Cities? -- An analysis of discourses, fears and facts about the sprawl of gated communities in Southern California, UCLA International Institute, 8/25/2003.

*Legacy Ridge is not set in an urban or high-crime area, and therefore this data does not fit this site.*

- 2) *Data exists that property values do not increase outside of the gated community as quickly as they increase inside the gates.<sup>2</sup>*

*This is likely true, but does not address the concern that a gated community has a negative impact on surrounding property values.*

*There are various factors which impact the appraised value of a property<sup>3</sup>*

- *neighborhood*
- *location*
- *proximity to schools*
- *zoning*
- *comparable sales*
- *design*
- *floor plan*

*A gated community, such as that proposed by Legacy Ridge, is expected to have a positive impact on surrounding property values in this setting as it provides a stable, attractive neighbor, without significant negative impacts.”*

*The DEIS language was intended to bolster the argument that gated communities generally have positive impacts on the value of neighboring properties for two reasons:*

*First, as the Legacy Ridge project is not in an urban setting, the data that suggests that gated communities push crime towards non-gated communities, resulting in lower property value, is not applicable. No data has been identified which suggest that in a relatively low-crime area such as the Town and Village of Woodbury, that there would be a rise in crime (and a lowering of property values) in areas outside of a gated community.*

*Second, as discussed in the DEIS, there are numerous factors which affect the appraised value of a particular parcel. The Legacy Ridge project is expected to positively impact the neighborhood and comparable sales, and therefore have a positive impact on surrounding property values. While the data may suggest that the value of properties outside of a gated community may not rise as quickly as property within the gated community, the data does not suggest that the property values will fall, but in fact that all property values are expected to rise.*

**115.** *Stuart Turner & Associates, August 31, 2006: Section 3.8.2. Page 264, Natural Resources Goal. The applicant’s conclusion that “No negative impacts on natural resources will be caused by the proposed plan” should be explained in order to justify its inclusion.*

*Response: The conclusion should be “No significant negative impacts on natural resources will be caused by the proposed plan”. The proposed project will remove native vegetation and displace some wildlife species. The impacts will be offset by the preservation of the majority of the site and adherence to the landscaping and stormwater management plan will further reduce the impacts on wildlife. Compliance with the terms and conditions in the SPDES permit for the wastewater treatment plant, and maintenance of the stormwater management features will reduce or eliminate any impacts on aquatic resources. No impacts*

<sup>2</sup> Michael LaCour, Little, and Stephen Malpezzi, Gated Communities and Property Values, June 10, 2001

<sup>3</sup> <http://www.domusappraisals.com/faqs.html#factors>.

*on endangered or threatened species have been identified through agency file searches, site surveys, and coordination with NYSDEC. The majority of the site (430 of 749 acres) will remain undisturbed, preserving wildlife habitat and minimizing the visual impacts. The landscaping plan is geared toward preserving native vegetation which will in turn benefit area wildlife.*

**I16.** Stuart Turner & Associates, August 31, 2006: Section 3.8.2. Page 266, Environmental Infrastructure Strategy. The applicant states that under alternative plans, an on-site sewage treatment plant would be developed. In other areas it is indicated that individual septic systems would be installed. This should be clarified.

*Response: This comment refers to an errata in the DEIS. The DEIS language referred to states:*

*“Under the alternative plans, an on-site sewage treatment plant will provide high-quality infrastructure for the Legacy Ridge Site.”*

*The correct language should read:*

*“Under the preferred plan, an off-site sewage treatment plant will provide high-quality infrastructure for the Legacy Ridge Site.”*

**I17.** Stuart Turner & Associates, August 31, 2006: Section 3.8.2. Page 266, Existing Zoning Full Zoning Build-Out Scenario. The applicant should clarify what is meant by the statement that “existing zoning should be deemed to include recommended concepts”. The CCDOD has been adopted and is no longer proposed. The DEIS should explain what is meant by the statement that “the recommendation for low-density zoning in northern areas can also only be understood as part of the study’s overall recommendations, which seek to have density as high as 7 units per acre in other parts of Woodbury, along Route 32”. This refers to the SEOC study but the paragraph is not clear in this regard.

*Response: The portion of the DEIS, which is the subject of this comment, is under the heading Southeastern Orange County Traffic and Land Use Study, and therefore the comments are related to the SEOC.*

*The Lead Agency acknowledges that the CCDOD legislation has been adopted by the Town.*

*The SEOC study recommends that density not be increased beyond what has already been contemplated by the Town. The DEIS statement “existing zoning should be deemed to include recommended concepts” was meant to convey the position of the Lead Agency that the increase in zoning density and proposed clustering on the Legacy Ridge site is consistent with the Town Master Plan and therefore does not reflect an increase in density beyond what was contemplated by the Town Plan. As stated previously in the Response to Comment I2 above, the Master Plan references are to the adopted 1988 Master Plan. Until the revised Comprehensive Plan is adopted by the Village, the old Master Plan remains the governing land use document.*

*The SEOC makes many recommendations regarding density within the Town of Woodbury. As stated in the DEIS, it is the position of the Lead Agency that all of these recommendations may not be consistent with the Town Master Plan. The concept of low-density zoning in the northern areas of the Town was provided in*



*concert with high-density (7 units per acre) in other parts of the Town. The comment made in the DEIS that “the recommendation for low-density zoning in northern areas can also only be understood as part of the study’s overall recommendations, which seek to have density as high as 7 units per acre in other parts of Woodbury, along Route 32” is meant as a reminder that the reduction in density for the northern sections of the Town was proposed within the SEOC as an offset to the increased density along Route 32. It is the opinion of the Lead Agency that the reduction in density was not intended to be a stand-alone recommendation. Therefore, it is the opinion of the Lead Agency that a reading of the comment within the SEOC to reduce density within the northern areas of the Town must be taken within the context of the entire SEOC comment. As an increase of density to 7 units per acre along the Route 32 corridor is not consistent with the Town of Woodbury Master Plan, this concept is not considered relevant to this project.*

**I18.** Stuart Turner & Associates, August 31, 2006: Section 3.8.2. Page 267, first paragraph. “Regarding” should be changed to regrading.

*Response: Comment noted. By reference, the DEIS is so revised.*

**I19.** Stuart Turner & Associates, August 31, 2006: Section 3.8.2. Page 267, Reduced Density Scenario. This section should describe the realistic impacts of the reduced density scenario. The municipality would not necessarily permit the landowner’s development that maximizes return on investment nor would they permit homes to be placed along ridgelines if they were to have a negative visual impact not properly mitigated.

*Response: A Reduced Density Scenario is analyzed in Section 5.4 of the DEIS.*

*It is understood that the Village might not necessarily permit a Reduced Density Scenario that would encompass the entire project area, since such a development is not consistent with the Town’s Master Plan. However, this alternative was constructed, as required, in the scoping document to provide an assessment of a Reduced Density Scenario.*

**I20.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: Since we do not have a Comprehensive Plan, how does letting a developer create a new water supply which encourages growth at both ends of Town fit in with our Master Plan? Our Master Plan allows for “the logical extension of suburban residential densities around Woodbury’s hamlets where sufficient water and sewage treatment capacity exist.” (David Church, Orange County Planner, letter attached). Neither the Suburban nor the Legacy Ridge project is a logical extension of hamlet densities. The wells in northern Woodbury will pave the way for massive development in outlying northern Woodbury by making possible the creation of a water district that will extend from northern Woodbury to southern Woodbury. This is empire building, not extension of hamlets.

*Response: It is the opinion of the Lead Agency that the project is consistent with the currently adopted Town Master Plan.*

**I21.** Mary Gross-Ferraro, August 29, 2006 and Public Hearing Comments: The Open Space Plan, p. 1-4, recommends that the town discourage development in outlying areas not served by water and sewer. Instead, the Town has created new higher density zoning laws to encourage development in outlying northern Woodbury and wants to create a NEW water district there.

*Response: It is the opinion of the Lead Agency that the project clearly meets the plan goal of keeping increased density in areas with central water and sewer, by expanding and upgrading the Village's and Town's water and sewer systems and bringing central water and sewer to the Legacy Ridge site. The proposed project will not result in a new water district but will expand the existing Woodbury Consolidated district and by doing so will improve both the capacity of the district and provide improved reliability and service by adding looped systems to the existing water mains. Furthermore, the northern parcel is being preserved as open space.*

**I22.** Dick Manley, Public Hearing Comment: Will the roads be built to Town standards? What happens if the Town has to take over the roads?

*Response: The roads will be private roads maintained by the HOA, including approximately 600 feet of the main entrance, which must be dedicated to the Village as a public road so as to be accessible by school buses. Even so, that portion of the road will continue to be maintained by the HOA under agreement with the Village. All roads are subject to the provisions of Article III of Town Code, "Private Street Maintenance."*

*Dedication of private roads to a Village is at the discretion of the Village and the Highway Superintendent and is governed by State Highway Law § 171 and Village Law § 7-732. The acceptance of private roads may be conditioned on meeting Village specifications.*

**I23.** Ralph Caruso, Public Hearing Comments: I question why there is an exit to Skyline.

*Response: The access point to Skyline is for emergency access and egress only. The access point will be gated to prevent daily use while providing an access point for emergency vehicles.*

**I24.** Peter Stabile, Public Hearing Comments: How long and how wide will the emergency access road to Skyline be?

*Response: The emergency access road to Skyline Drive will be approximately 1,600 feet in length. It will follow the existing path as much as possible to avoid any further disturbance; however, to allow the safe passage of emergency vehicles, it will need to be widened to 14 feet from the existing width of approximately 9 feet. As a result of the narrow width, pull-overs will need to be incorporated into the design as well as in areas that will cause the least disturbance to allow vehicles to safely pass.*

**I25.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: The DEIS states (p. 71, 246) that the site is located adjacent to R-3A, R-2A, R-1A and CR districts, and concludes that the proposed zoning is therefore consistent with surrounding land uses. In fact, this is not the case because the entire area outside the heart and center of the Town of Woodbury is zoned R-3A as befits its more rural character. There is no R-2A district directly abutting the site, and re-zoning this to R-2A would introduce a higher density residential district at the outskirts of the Town of Woodbury, and close to the Town of Cornwall which has both recently adopted Plan and zoning amendments (both

2005) that specifically reduce residential densities in comparably situated residential lands north of the project site in order to protect the rural character of these lands. The DEIS references selected textual goals of the Town of Cornwall Comprehensive Plan, but it says nothing whatsoever about the land use categories and the planned land use densities for the area. These two items must be read together. Without this critically important information, the discussion (p. 264) about the supposed conformity of the action with the goals of the Town of Cornwall Plan is baseless. The Town of Cornwall Plan incorporated proposed zoning, and, in fact, the nearby proposed residential zoning of 3-acre Agricultural Rural Residence has been adopted. This 3-acre residential zoning category is wholly consistent with the Town of Woodbury's existing 3-acre zoning. Of course, the effective land use densities in the Town of Cornwall may be considerably less than 3 acres per unit because the Town of Cornwall counts net lot area, excluding wetland and certain steep slope areas. The Town of Cornwall also has a Ridge Preservation Overlay District in the area. Clearly the two towns' existing zoning is compatible; the same cannot be said of the proposed zoning increase.

*Response: As is stated in Section 2.2, Proposed Site Rezoning, and Section 3.8.1, Existing Land Use, of the DEIS, the site is located adjacent to R-3A, R-2A, R-1A and CR districts. Further, the existing neighborhoods to the south of Legacy Ridge generally consist of lots of sizes consistent with the proposed rezoning. Therefore, it is the opinion of the Lead Agency that the proposed rezonings are consistent with the Master Plan.*

**126.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: The DEIS does not address a land use issue which the Town of Cornwall Planning Board had brought to the Town of Woodbury's attention in December of 2004. This regards the Planned Industrial lands on the west side of Route 32 in the Town of Cornwall. Cornwall is concerned that the proposed significant increase in upscale residential density in this location would seriously conflict with its long-standing plan to make use of the band of non-residential land in the Town of Cornwall. The DEIS (p. 264) only speaks to concerns of competing commercial/retail uses, not to the possibility of this higher-density residential enclave objective to the non-residential land in Cornwall in accordance with its adopted Plan. The Town of Woodbury's current Master Plan (1988) places the site in the "Open Residential" land use category, with a recommended density of one dwelling unit per 4 acres. The intended land use density seems abundantly clear, yet the DEIS incredibly states (p. 261) that "the project density is more than 2.5 acres per dwelling, significantly less than adjoining Skyline and Valley Forge areas." Because the density is clearly and significantly higher than what Woodbury's Plan recommends for this large area, how can the proposal be remotely considered to be consistent? Simply because there are other nearby areas that are appropriately recommended for higher densities (based on existing land use patterns, it must be emphasized), does not make it appropriate to repurpose a huge swath of land in a manner that is not established in the Woodbury Plan. That is entirely inconsistent with the purpose of land use planning as established in New York State law. Simply because there are benefits that may be obtained by developing the site as a CCDOD, does not justify a significant zoning increase that is inconsistent with the Town's own Plan, when those same benefits can be achieved by developing a CCDOD under the current zoning.

*Response: It is the opinion of the Lead Agency that the proposed development is consistent with the currently adopted Town Master Plan. The project preserves open space. The plan clusters development, thereby minimizing disturbance to the land and environmental impacts. The density provides an economy of scale allowing for the infrastructure improvements required for central sewer and water. The provision of central utility services avoids impacts to ground and surface water.*

**I27.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: The document states (p. 266) under the heading of “Existing Zoning Full Build-out Scenario” that the Town’s Master Plan specifically supports increases from R-3A to R-2A in areas such as the subject site, and then concludes that the term “existing zoning” should be deemed to include “recommended concepts”! This is flatly incorrect. Comprehensive planning is not zoning; zoning is one of many tools used to implement a Comprehensive Plan. The Town of Woodbury has had ample time since 1988 to implement its existing plan. It seems reasonable to believe that Woodbury’s existing zoning is a good reflection of its intended land use goals, and the Woodbury Town Board’s comments to the Town of Cornwall Planning Board in the 2003 SEQR review of Cornwall’s Route 32 industrial subdivision gave every indication that the Woodbury contemplated no change in the low density residential designation of the area. Again, there is nothing in the Town of Woodbury’s Plan that is inconsistent with a CCDOD using the existing zoning of the site. The document indicates (p. 267) Southeastern Orange County Traffic and Land Use Study (hereafter, “SEORT’,) recommends that all residential districts be rezoned to a 5-acre minimum. SEORT recognizes a link between land use and zoning and traffic impacts in the southeastern portion of the county, and recommends numerous changes in the studied communities. This DEIS reacts strictly literally to that recommended reduction in density, concluding that it would mandate sprawl. This is not at all the case; clearly, good planning precepts would dictate that this recommendation be taken in concert with other goals of the county and local plans. The SEORT recommendation clearly should be taken to mean “average land use densities”, not “invariable Euclidean zoning requirements”, and thus should achieve all other goals of the County and local plans to preserve open space. Using good planning precepts, the SEORT recommendations provide a basis for clustering and preservation of open space, based on reduced residential land use densities outside of Village centers, so as to avoid further burdening the already challenged regional traffic network. The deliberate mischaracterization of the study goals are self-serving and not in the interests of good comprehensive land use planning practice. This section completely misses the SEORT point that recommended higher densities of 7 dwellings per acre is consistent with a Village center, consistent with supporting a walkable community and Transportation-Oriented Development. Increasing densities outside Village centers does not support the transportation network, despite the jitney offer.

*Response: It is the opinion of the Lead Agency that the proposed development is consistent with the currently adopted Town Master Plan. The project preserves open space. The plan clusters development, thereby minimizing disturbance to the land and environmental impacts. The density provides an economy of scale allowing for the infrastructure improvements required for central sewer and water. The provision of central utility services avoids impacts to ground and surface waters.*

**I28.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31,

2006: The document further characterizes the 5-acre SEORT recommended densities as being inconsistent with the Town of Woodbury Plan, despite the fact that such densities are closer to the current Plan and zoning than the sponsor's request. Page 277 discusses the Town of Woodbury Plan and the requested rezoning, stating that "While the Master Plan foresaw that certain areas may be properly changed from R-3A to R-2A, there is no "magic number" of appropriate sites. The Town Board would evaluate the circumstances at the time that any individual request is made." It is logical to think that the circumstances giving rise to the SEORT study and recommendations would be a key factor to be considered, as the increase in zoning density is entirely inconsistent with the SEORT. When the current Woodbury Plan was adopted in 1988, the SEORT did not exist. The SE Orange Regional Traffic Task Force was created to study and attempt to resolve some critical regional traffic problems resulting from land use patterns in the study area and beyond. Clearly this is a factor that deserves great weight in the Town's evaluation; and particularly given that virtually all of the project's purported benefits can be achieved without a discretionary increase in zoning density, the request cannot be justified. All of the stated goals of the Plan - preservation of vistas, clustering, reduction of clearing and grading, etc. - could readily be achieved under the existing zoning and clustering, either with or without the CCDOD. We have already established that the provision of water and sewer is required for the project, and this enhances the ability to cluster. The DEIS clearly shows that the CCDOD applies both to the R-2A and the R-3A districts. The DEIS argues that the impacts of the up-zoning are offset by mitigation measures, but in fact this is not true. The inescapable conclusion is that the increase in zoning density is simply intended to subsidize the development of the property for the provision of utilities that are already required by law. No matter how often the document repeats the claim that the requested density bonus protects open rural character, and misrepresents that the action conforms to local plans, the existing zoning allows the same goals to be achieved without an avoidable increase in density, traffic, school children, and without creating land use conflicts with the Town of Cornwall.

*Response: It is the opinion of the Lead Agency that the proposed development is consistent with the currently adopted Town Master Plan. The project preserves open space. The plan clusters development, thereby minimizing disturbance to the land and environmental impacts. The density provides an economy of scale allowing for the infrastructure improvements required for central sewer and water. The provision of central utility services avoids impacts to ground and surface water.*

**I29.** Mary Gross-Ferraro, dated August 29, 2006: The key question is this: What are we, the people of Woodbury, getting out of this increase in zoning density for Legacy Ridge? No one is questioning their right to develop their land; the issue is the justification for increasing the density. We're losing taxes on the North parcel, gaining responsibility for and liability for the North parcel and all its water and sewer infrastructure, negatively impacting the view shed of the northern Woodbury valley with a water tower and over 100 homes built on the ridge line of over 600 feet ("almost the entire Legacy Ridge site is greater than 580 feet in elevation", p. 168, DEIS), impacting 6 acres of wetlands and cutting down 195 acres of forest, generating growth in both ends of town with the Seaman well,

impacting trout-spawning streams with wastewater and storm water and wetland destruction and well drawdown, and increasing traffic as well as taxes for those who live in the Cornwall School District.

*Response: The project benefits are listed in Section 3.1 of the DEIS.*

## **J. Zoning Issues**

**J1.** Sheila Conroy, August 31, 2006: Please proof read and correct inconsistencies within the document. For example, the number of lots permitted under the current zoning as well as that being requested for the zone change and for the Conservation Cluster Overlay District varies within the document. These numbers should be consistent.

*Response: Comment noted. This FEIS has identified and corrected all identified inconsistencies to the satisfaction of the Lead Agency.*

**J2.** Sheila Conroy, August 31, 2006: The lot count has changed from 281 to 287 (if the second number is the correct one). The acreage has also changed with the purchase of an additional 40-acre site at the top of Skyline. Are these numbers the correct ones?

*Response: As per Section 3.1, the proposed number of lots is 287 and the project consists of a total of approximately 749 acres.*

**J3.** Stuart Turner & Associates, August 31, 2006: Section 2.2. We believe that land use and zoning are two separate issues that should be analyzed on their own merit. We recommend that the applicant provide a stronger argument for the statement that “the request for rezoning is consistent with surrounding land uses”.

*Response: Section 2.2 is included as a summary to the DEIS document. The detailed discussion of why the Lead Agency believes the request for rezoning is consistent with the surrounding land uses can be found in Section 3.9 of the DEIS.*

**J4.** Riddick Associates, P.C., August 31, 2006: Section 1.0, Page 15. Provide brief discussion regarding re-adoption of CCDOD Law; Executive Summary lists November 3, 2005 as date of adoption. Board reaffirmed by a supermajority in 2006 in response to court mandate after Article 78.

*Response: The CCDOD law was readopted by Local Law No. 5 on June 6, 2006. The law became effective on filing with the New York Secretary of State on July 14, 2006. The Village is considering a similar adoption on advice from counsel.*

**J5.** County of Orange Department of Planning, August 18, 2006: Different sections of the DEIS indicate different amounts development possible under each of the various zoning alternative for Legacy Ridge, making any discernable assessment of potential impact attributable to the various development alternatives proposed impossible. For example, the Conservation Cluster

Development Overlay District Calculations (CCDOD) for Legacy Ridge on page 280 of the DEIS indicate that 141 residential units are possible under existing R-3A zoning and 328 units under the preferred alternative while the CCDOD calculations in the appendix indicate that 147 residential units could be constructed under existing R-3A zoning and 313 units under the preferred alternative. In the "Potential Impacts of Zoning" section of the DEIS on pages 276 and 278, 155-lots are indicated as possible under current R-3A Zoning and 233 under R-2A Zoning. Such discrepancies in quantifying potential development under the various possible future zoning alternatives are significant and raise question concerning the reliability of the calculations and the conclusions arrived at to determine impact overall for the Legacy Ridge Project.

*Response: This comment refers to an errata in the DEIS Appendix 9.13 due to updated steep slopes calculations and infrastructure deductions during the DEIS process. Appendix 9.13 has been revised to reflect the correct calculations, and is included in this FEIS. Updated Build Out tables have been compiled and are located in Appendix L of the FEIS. Also included in Appendix L are updated pages where the number of potential lots have been updated to reflect the current CCDOD and Build Out tables.*

*The purpose of the CCDOD table is to illustrate the potential number of lots developable on a parcel based on a mathematical calculation. The calculation includes varying deductions for wetland areas, steep slopes, and open space. With the Net Developable Area determined, the area is then divided by the minimum lot size as determined by the zoning district, resulting in the maximum number of buildable lots. When developing a site layout, it may be determined that fewer lots are actually buildable than determined by the CCDOD table. This is the case for the conventional R2-A and R3-A alternatives.*

*Under R3-A zoning, 155 lots were laid out on the site, even though the maximum allowable, based on the open space provided, is 157 lots. Under R2-A zoning, 233 lots were laid out on the site, even though the maximum allowable, based on the open space provide, is 235 lots. The impacts of the alternatives throughout the rest of the DEIS was based on these site layouts, not the Build Out table.*

**J6.** County of Orange Department of Planning, August 18, 2006: The overall design of the 287 homes proposed could be further improved by enhanced clustering of housing on smaller lots on a smaller portion of the 416 acre parcel (SBL 3-1-12.5) to decrease the amount of site disturbance and environmental impact incurred, the amount of road area, utilities and landscaping needed, as well as the potential amount of stormwater runoff and erosion created. Such an enhanced cluster design preserve larger pieces of open space in this 416 acre parcel and, in doing, would help mitigate the impact to the environment, including aesthetic and scenic resources in the Ridge Preservation Overlay District.

*Response: The preferred alternative utilizes the CCDOD regulations to accomplish the intent of the comment. As a result, a significant reduction in impervious areas and loss of existing natural area has been accomplished. It is the finding of the Lead Agency that the preferred alternative will result in a substantial reduction of disturbed area within the project parcel and thereby will not result in any adverse environmental impacts associated with the preferred alternative. In addition, the Lead Agency agrees that no further alternatives analysis has been requested and that there is sufficient analysis of Alternatives for the Lead Agency to base a conclusion.*

**J7.** Stuart Turner & Associates, August 31, 2006: Section 3.9.2, Page 278, Item 1. The applicant should check the numbers of lots (184-256 with R2A Zoning with CCDOD). Table 16 suggests this would be 220-328.

*Response: The comment is correct. The difference in the lot yield from 184 to 256 is a result of the proposed rezoning from R-3A to R-2A. The potential yield as a result of the application of the CCDOD to the parcel would result in a yield of between 235 and 308 lots, depending upon the acreage of open space preserved.*

**J8.** Stuart Turner & Associates, August 31, 2006: It would be helpful to have an analysis that tells what the number of units would be if only the 457 acre portion of the site, south of Trout Brook Road is rezoned from R3A to R2A.

*Response: The alternatives required to be analyzed by the SEQRA review was set by the Lead Agency in its Scoping Document. As the above scenario is not consistent with the preferred plan or the alternatives required by the Scoping Document, it is beyond the prescribed SEQRA review as set by the Lead Agency. Further, the analysis of the preferred alternative, in conjunction with the alternatives reviewed in the DEIS, provide the range of potential impacts necessary for the Lead Agency to take the requisite "hard look" under SEQRA.*

**J9.** Stuart Turner & Associates, August 31, 2006: Section 3.9.3. Third paragraph of page 291. The applicant incorrectly states that 2,971 acres of open space will be preserved on the northern parcel. This appears to be a typo and should be changed to 291.

*Response: Comment noted. The comment is correct, and the correct acreage of land to be preserved on the northern parcel is 292± acres. The language in Section 3.9.3 is so revised by reference.*

**J10.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: It also appears from the maps that over 100 lots are located above the 600 foot elevation, which is the ridge line protection area. This will certainly be visible from Schunnemunk State Park, as is all of Brigadoon.

*Response: The zoning code does not preclude development within Ridge Preservation Areas. The zoning code provides Ridge Preservation guidelines that require any development to consider the building design, the use of lower elevations within a lot, the use of earth-tone colors, the blending of structures with the topography, and the use of deciduous and evergreen trees to supplement the existing vegetative buffers.*

**J11.** Mary Gross-Ferraro, August 29, 2006 and Public Hearing Comments: Why is the Town planning to accept responsibility for and liability for the 430 acre North Parcel of undevelopable surplus land (mostly steep ridge and wetland), which will go off the tax roll (How much will the town lose in taxes?), and be useless to the residents of Woodbury but crucial to the development of Suburban (WP3) and Legacy Ridge, because it will be chock full of their necessary infrastructure (wells, sewer pump station, water treatment plant, water tower, pipes, roads, etc.)? Since they apparently don't want to take up space for all that



infrastructure on the South Parcel, why not let them keep the North Parcel, take liability for it, and pay taxes on it?

*Response: The open space component of the project is addressed in detail in Section 3.17.1 in the DEIS. Further, it is the opinion of the Lead Agency that it would be beneficial for the Village of Woodbury to take ownership of the northern parcel to guarantee that its long term legacy as desirable open space is maintained.*

**J12.** Mary Gross-Ferraro, August 29, 2006 and Public Hearing Comments: Why is the town allowing Legacy Ridge to build over 100 homes above the 600 foot elevation, which is the ridge line protection area. Doesn't this conflict with the Open Space Plan, which writes of ridge line protection?

*Response: The following principals comprise the Town of Woodbury Draft Open Space and Natural Resources Preservation Plan, 2004:*

1. *Preserve all wetlands including 100-foot buffers.*  
*The wetlands have been preserved, with the occasional necessary road crossing. These road crossings will be subject to NYSDEC and USACE approval. The only wetlands subject to a 100-foot buffer or adjacent area are the two large wetlands over 12.4 acres in size.*
2. *Prohibit development on steep slopes (greater than 35%).*  
*The majority of the steep slopes within the project area are located on the north parcel. Development has been limited on the north parcel to just the water tank and its access. Steep slopes on the south parcel have been preserved in areas of open space.*
3. *Protect Streams plus 50 foot from the banks.*  
*The streams have been preserved where feasible, with the occasional necessary road crossing. These road crossings will be subject to NYSDEC and USACE approval. The Trout Brook stream on the north parcel has been entirely preserved.*
4. *Establish Greenbelts around development.*  
*A minimum 50-foot buffer around the perimeter of the south parcel has been maintained.*
5. *Incorporate links/trails between greenbelts and major recreation.*
6. *Maintain and preserve scenic ridgelines.*  
*The ridgeline on the north parcel has been preserved. The construction of the 28-foot tall water tank is not expected to have a negative impact on the scenic views of the north parcel. The development with the ridgeline protection area on the south parcel has followed the guidelines set within the Town of Woodbury's Ridge Protection Requirements.*

7. *Provide sufficient land to support recreation opportunities/programs. The proposed development includes the construction of a recreational facility and community center for the project residents.*

*One of the Open Space Strategies is Conservation Zoning and Cluster Development. The total project area is 749 acres and the proposed number of lots is 287. This results in a gross average of 2.6 acres per proposed lot. The preservation of the north parcel's 292± acres, along with areas of open space on the south parcel are the result of this cluster development.*

**J13.** John Baronowski, Public Hearing comments: Page sixteen of the executive summary, the statement that, quote, overall density is two point six acres per dwelling unit, close quote, misleadingly factors in the land constituting the so-called northerly parcel of the plan, where no residences are planned.

*Response: The total project area is 749 acres and the proposed number of lots is 287. This results in a gross average of 2.6 acres per proposed lot.*

*The entire sentence referred to is below, and the Lead Agency does not find this information misleading.*

*"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."*

## **K. Police, Fire, Emergency Medical Services and Court Services**

**K1.** Stuart Turner & Associates, August 31, 2006: Section 3.10.2. Last paragraph of page 294. The CCDOD clustered plan has allowed for additional dwelling lots over that which would be permitted for a conventional as-of-right layout. This would likely increase the demand for emergency services not lessen them. This should be explained.

*Response: The explanation is provided in the DEIS, and repeated below to aide in the review:*

*"However, the proposed (preferred) plan places lesser demands on these services than a conventional subdivision with public roads. 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."<sup>4</sup>*

*The Lead Agency recognizes that this project may generate minor increased demands on other community services in the Village and Town but that the tax revenue generated by the project more than offset any potential adverse environmental impacts associated with such minor increases in community services.*

**K2.** Stuart Turner & Associates, August 31, 2006: Section 3.10.2. Third paragraph of page 297. The applicant should provide more basis for the

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<sup>4</sup> Personal telephone communication between Lt. Arthur Abbott of Woodbury Police Department and Barbara Gerlach of LMS Engineers, LLP on March 8, 2005.

statement that “new residents will generate fewer police calls than existing town residents”.

*Response: Text was inadvertently omitted from the adopted DEIS. The correct language to be included is below:*

- *“The Police Department will not have to patrol the proposed roads, therefore no additional routine patrol time will be required; and*
- *The HOA will provide security and access control to help prevent access to the site by non-residents who might otherwise cause mischief, break-ins, scams, etc.”*

**K3.** Stuart Turner & Associates, August 31, 2006: Section 3.10.3. Alternative Development Impacts, Second paragraph, page 301. The applicant contradicts the statement made on page 294. This should be clarified.

*Response: No contradiction has been identified. Page 301 of the DEIS states that demands upon the police department for the alternative plan will be greater than for the preferred plan, because of the responsibilities that will be assumed by the preferred plan’s HOA. Page 294 similarly states that the preferred plan will result in fewer police calls and demands than will occur with a conventional subdivision. Refer to the Response to Comment K1, above.*

**K4.** Stuart Turner & Associates, August 31, 2006: Section 2.3.3. Will the applicant seek the authority to have the HOA enforce the speed limit and issue traffic tickets within the development? This authority would normally be delegated to the Town of Woodbury or New York State Police Departments. This matter was addressed in the WP3 SEQR review in an acceptable manner. Will the approach be the same?

*Response: The Project Sponsor is willing to approach the issue of traffic enforcement within the Legacy Ridge development in the same way as WP3 if such an approach is desired by the Village as follows:*

- *The HOA agreement will specify that the Woodbury Police Department is not required to provide patrols to construction sites or enforce traffic regulations on the private roads within the gated community.*
- *The HOA shall provide traffic enforcement policies for traffic control and emergency access.*
- *The HOA shall be responsible for internally monitoring traffic control including speed limit compliance, parking and snow removal to facilitate emergency services.*
- *The HOA shall authorize the Police Department to enforce parking and traffic regulations as provided by law on the site at the Police Department’s discretion.*

## **L. School District Services**

**L1.** Sheila Conroy, August 31, 2006: The project sponsor must provide mitigations for impacts to the school district: These should include a phasing plan

which would spread that growth out over a number of years. While no similar requirement has occurred in other portions of the school district, it is a reasonable and effective one that Woodbury should require. In addition, one has to take into consideration the amount of taxes that these homes will pay compared to taxes on higher density projects which can and will send children to the schools. Given the high cost of housing in this area and lack of truly affordable housing, the town houses being proposed in Cornwall could also send children to the schools, but be paying far less school taxes than Legacy homes. Four bedroom homes do not necessarily produce 3 and 4 children. Today many people want the extra bedrooms for a widowed parent or for elderly parents to live with them or for home offices.

*Response L1: As reported in the DEIS, for School year 2004-2005, the school district had an Elementary School ("K-4") capacity of 1,350 and enrollment at 1,077; the Middle School ("5-8"), showed a capacity of 880 and enrollment at 1,050; and the High School showed a capacity of 1,200 and enrollment at 1,044. The full build year for the project is 2014 to 2015. The no-action alternative would see 2014 to 2015 enrollments at 1,190, 1,160 and 1,153 respectively based on the Village Planning Consultant's analysis assuming a background growth of 1%. The preferred plan will send 123, 98 and 64 additional public schoolchildren to each of the school levels (K-4, 5-8 and 9-12) respectively over four years starting in 2010. The children introduced by this project will exceed the background growth levels especially at the elementary level. Nevertheless, it should be understood that a proportion of the project's generated schoolchildren will represent a proportion of the background growth and the projected schoolchildren cannot be considered fully additive to background growth. Based on this, it is likely that Elementary Schools and the High School will have adequate facilities to accommodate the increase.*

*In 2004 to 2005, the Middle School was already 20% (170 children) over its capacity and the lack of space in the Middle School will continue to be exacerbated regardless of whether the preferred plan is implemented. Based on calculations by the Village Planner, under an as-of-right plan with 1% background growth, in 2014 the Middle School could contain 30% (280 children) to 38% (330 children) more than its capacity. The preferred plan would increase the overoccupancy by 5% or approximately 45 students.*

*The existing situation in the Middle School already requires additional facility space over the next several years. The construction of new space will need to take into account the projected growth within the entire school district. The lapse of time between potential approval of any development alternative for this site and full occupancy will allow the school district to consider the enrollment demands of this future population and how to accommodate them in whatever new facilities are constructed. To ensure that a more rapid introduction of schoolchildren does not occur beyond what is proposed, the Lead Agency may choose to limit the number of residential Certificates of Occupancy that may be issued for the project prior to certain target years.*

*Because Woodbury occupies only a very small proportion of the school district, it is likely that larger potential impacts will arise elsewhere in the district. The proposed development is low-density (one-acre residences) even under the preferred alternative with a proposed rezoning and application of the conservation cluster. The commenter is correct in stating that much higher densities are possible in other Cornwall School District communities. The preponderance of vacant lands and the availability of higher densities elsewhere in the district make it more likely that more significant impacts to the school district will arise from other projects rather than this low-density Woodbury project.*

*It should be noted that the project is predicted to be fiscally favorable to the Cornwall School District. It is predicted to produce higher revenues than costs. This is not always the case with residential development. It likely reflects the higher value of the homes being proposed as well as the relatively low-density of the project. The excess net revenue produced by this project will be favorable to Cornwall School District ratepayers both in the Village of Woodbury and elsewhere in the district and will help to fund the debt service for capital facilities expansion that is needed to accommodate both the existing and future students of the district.*

**L2.** Stuart Turner & Associates, August 31, 2006: Section 3.11.2. Page 304. Table 21 calculations are not consistent with Appendix (p. 17). Unit count and multipliers do not agree with text in DEIS.

*Response: The Rutgers University Center for Urban Policy Research Residential Demographic Multipliers (CUPR) were used for the revised analysis. The multiplier for all single-family detached homes with school aged children attending public school is 1.01. The DEIS text and tables have been completely revised and are presented in Appendix F of this FEIS. The revised DEIS appendix tables have also been revised and are presented in Appendix J of this FEIS.*

**L3.** Stuart Turner & Associates, August 31, 2006: Section 3.11,2. Page 305. Table 22. Check calculations for Grade 7-9.

*Response: Calculations were revised using the CUPR multipliers described in the previous comment. The DEIS text and tables have been completely revised and are presented in Appendix F of this FEIS. The revised DEIS appendix tables have also been revised and are presented in Appendix J of this FEIS.*

**L4.** Stuart Turner & Associates, August 31, 2006: Section 3.11.2. Page 306. The data provided in Table 23 do not seem to be PUMS calculations, but rather are calculations of ACS summary data. The percentage of schoolchildren in the total population was compared with the average family size. This yields a multiplier of 0.81 public and private schoolchildren per household of all housing types, values and number of bedrooms. We also are not sure that applying the proportion of school age children in the entire population to the average family size is a statistically appropriate way of computing schoolchildren per unit. Nevertheless, our own PUMS calculation shows that four bedroom, single-family detached residences in the New York Hudson Valley outside of New York City produce about 0.86 public school children per unit. Therefore, while we do not agree with the way the multipliers were calculated, we do believe that the final DEIS multiplier of approximately .98 public schoolchildren per unit used in the DEIS is adequate. References to PUMS should be replaced with references to ACS summary data.

*Response: In the revised analysis, multipliers from Rutgers University 2006 CUPR calculations of Public User Microdata Sample (PUMS) data were used. The DEIS text and tables have been completely revised and are presented in*

*Appendix F of this FEIS. The revised DEIS appendix tables have also been revised and are presented in Appendix J of this FEIS.*

**L5.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 307. The information cited from the State Comprehensive Report Card could not be verified. The listed source does not describe expenditures per pupil and a separate report on the webpage provided does not provide a number. It is unlikely that the February 2004 report card would discuss expenditures for the 2004-2005 school year. The Overview of District Performance In English Language Arts, Mathematics, and Science and Analysis of Student Subgroup Performance from 2005 describes the 2003 to 2004 district-wide total expenditures per schoolchild as \$12,663. Please provide a copy of the referenced source in the appendix, or rely on the figure calculated from the budget minus state aid on page 309.

*Response: The method and sources used to calculate the expenditures per pupil are clarified in the revised DEIS text presented in Appendix F of the FEIS. In the revised analysis, the data used were the school district budget less state aid, which was divided by school enrollment to derive an estimate of expenditure per pupil in the Cornwall School District.*

**L6.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 307. Please check calculation of \$2,669,027 in paragraph 2.

*Response: The calculations have been checked and the revised estimate of total costs for the preferred plan and alternative plans are presented in the revised DEIS Appendix 9.21, presented in Appendix J of this FEIS.*

**L7.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 307. Since 2005 tax rates are used to estimate revenue, 2005-2006 budget data and projected enrollment should be used to estimate cost. Alternatively, 2004 tax rates could be used with the 2004-2005 budgets used in the DEIS. Tax rate, and budget data must be consistent, or costs could be understated in comparison to revenues.

*Response: The supporting school budget data were checked and revised as necessary. The 2004-2005 school budget and enrollment and the 2004 tax rate were used to calculate fiscal impacts to the Cornwall Central School District in the revised analysis. The DEIS text and tables have been completely revised and are presented in Appendix F of this FEIS. The revised DEIS appendix tables have also been revised and are presented in Appendix J of this FEIS.*

**L8.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 308, Table 27 and similar tables thereafter, "Revised Assessed Value" should be "Revised Market Value." "Equalized Value" should be "Assessed Value".

*Response: Revisions to the tables were made. The revised DEIS tables are presented in Appendix F of this FEIS.*

**L9.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 308, Table 27. RAR used for this table is not consistent with appendices.

*Response: The correct RAR used in the revised analysis is 39.12. The DEIS text and tables have been completely revised and are presented in Appendix F of this*

*FEIS. The revised DEIS appendix tables have also been revised and are presented in Appendix J of this FEIS.*

**L10.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 309. In the school section, only RAR is used. In the Fiscal Impact Section both ER and RAR are used. Please consistently use one or both between the two chapters.

*Response: Both ER and RAR methods were used in the revised analysis and are presented in the revised DEIS Appendix 9.21 provided in Appendix J of this FEIS.*

**L11.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 309. Table 29 refers to the annual taxes being based on the RAR, yet Table 27 shows this amount being based on the ER. In the appendix (p. 18) it does not agree with either amount. Further, since the RAR is a lower percentage, the taxes based on the RAR should be lower than those of the ER, yet this is not the case in the appendix. Please make sure all numbers agree with the appendix in both the school section and the fiscal section.

*Response: Both sections were revised according to the revised analysis. The DEIS text and tables have been completely revised and are presented in Appendix F of this FEIS. The revised DEIS appendix tables have also been revised and are presented in Appendix J of this FEIS.*

**L12.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 309, Table 29. Please check calculation for increased costs.

*Response: The table has been revised according to the revised analysis. The revised table is presented in Appendix F of this FEIS.*

**L13.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 309. It is subjective to characterize the R-2A alternative's \$328,296 impact as "small," while the preferred plan's \$447,780 is identified only as a "net positive." These should just be reported.

*Response: The text was deleted. The revised text is presented in Appendix F of this FEIS.*

**L14.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 309. The development will significantly increase the equalized valuation of the portion of the Cornwall Central School District in the Town of Woodbury. This will cause a greater proportion of school taxes to be levied to the Town of Woodbury in the future. This raises the possibility of the development raising the school taxes of existing Woodbury residents, while lowering those of the district outside of Woodbury. An analysis could be conducted to determine if this can be anticipated to happen.

*Response: The Lead Agency agrees that it is conceivable that benefits will accrue to properties within the Cornwall Central School District outside of the Town and Village of Woodbury. All else being equal, if assessed values go up in Woodbury, the school district could reduce levies for all communities. An analysis*

*was performed and a discussion of the results is provided in the revised DEIS text presented in Appendix F of this FEIS.*

**L15.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 309. According to the discussion on pages 302-304 there is an existing need for Middle School space, yet only a future need is discussed here.

*Response: The DEIS states:*

*“The Cornwall Central School District is aware of the future need for expansion of the buildings and facilities for grades Kindergarten through Middle School.”*

*The DEIS should be revised to state:*

*“The Cornwall Central School District is aware of the need for expansion of the buildings and facilities for grades Kindergarten through Middle School.”*

*Text has been revised according to the above suggestion. The revised DEIS text is presented in Appendix F of this FEIS.*

**L16.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 310. Cornwall School Bus Transportation. The applicant should clarify how children will be transported or safely walk to the proposed bus stop at the entrance to the project site, as sidewalks are not proposed. We question whether one bus stop area is sufficient. The applicant should also describe school bus pick-up and drop-off for the portion of the project not included within the gated community.

*Response: The bus stop area has been redesigned. (Refer to Figure B-2.) The children will be driven to the designated drop off area and will access the bus pick up area via the provided sidewalks. The drop area will provide vehicle parking for approximately 55 cars within the gated community.*

**L17.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 310, Table 30. Check calculation of students.

*Response: Tables have been revised according to the new analysis. The DEIS text and tables have been completely revised and are presented in Appendix F of this FEIS.*

**L18.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 311, Table 31. Check calculation of children in each grade.

*Response: Tables have been revised according to the new analysis and are presented in Appendix F of this FEIS.*

**L19.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 313, Table 37. Check calculation of children in each grade.

*Response: Tables have been revised according to the new analysis and are presented in Appendix F of this FEIS.*

**L20.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 314, Table 40. Check calculation of STAR Exemption.



*Response: Tables have been revised according to the new analysis and are presented in Appendix F of this FEIS.*

**L21.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 314, Table 40. Check calculation of estimated taxes, which does not agree with Table 41.

*Response: Tables have been revised according to the new analysis. The DEIS text and tables have been completely revised and are presented in Appendix F of this FEIS.*

**L22.** Stuart Turner & Associates, August 31, 2006: Section 3.11.3. Page 314, Table 41. Check calculation of Net Annual Fiscal Impact.

*Response: Tables have been revised according to the new analysis and are presented in Appendix F of this FEIS.*

**L23.** Adler Consulting, August 30, 2006: The DEIS should indicate whether or not the Cornwall school buses might stop at other points along Trout Brook Road (say by the secondary access) or on Smith Clove Road (perhaps by the emergency access or by Road D) if students walk out to those roads.

*Response: The only two stops will be at the main entrance to the site and on Smith Clove Road at the base of the road that accesses the separate 17-lot area.*

**L24.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: Although the Cornwall Central School District provided information indicating an impact of 2 students per [new] household, the document fails to evaluate this even as an alternative. Instead, the document uses two different metrics to evaluate potential public school children generation, and then averages them to generate what the study represents as a realistic figure. We note that the PUMS data, which the DEIS averages with the Rutgers data, may not be valid for any individual district, particularly one that is held in high repute. Our concern is that the document fails to conduct any sensitivity analysis of relying on any of these three different metrics (CCSD's, Rutgers, or PUMS).

*Response: A sensitivity analysis was not performed in the revised analysis. The original multiplier calculations using the average of the "The New Practitioners Guide" and PUMS multipliers were not used in the revised calculations. The sensitivity is then based only on the standard errors of the Rutgers multipliers which are based on 2000 census data.*

**L25.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: The school district impact analysis is very superficial. Though the school capacity figures are presented, they are not addressed in detail in accordance with the school district's facilities needs. The financial effects of the capital facilities needs are treated completely inadequately. The projected impacts of public school children generation are minimized by presenting them as a percentage of the future total district-wide enrollment, without speaking to the capacity issues existing at the schools, without even considering the School District's ability to expand or to site even the modular units that the document assumes can be employed. The document (p. 307) assumes that the District has

planned for this increase, while completely ignoring the fact that the density bonus sought by the applicant is well above the increase that otherwise might have been generated by the property! This is a significant concern. The impact in question is not so much from the project itself, which we acknowledge the District would otherwise need to consider in its future planning, but with the avoidable 85% increase in 4-bedroom dwellings that the applicant is asking the Town of Woodbury Town Board to legislate! The DEIS shows (p. 310) that the 155 units possible under the current R-3 zoning would generate less than half the number of students that the requested bonus density would generate, and it is still projected to have a net positive fiscal impact on the School District, though this too avoids considering facilities impacts. Not granting the requested significant density increase would have less of an impact on the School District's already overcrowded facilities. We note that this avoidable impact on the School District's overburdened facilities would affect all families in the District, teachers and administrators, both within the Town of Woodbury and Cornwall.

*Response L25: As reported in the DEIS (as revised in the FEIS Appendix), for School year 2004-2005, the school district had an Elementary School ("K-4") capacity of 1,350 and enrollment at 1077; the Middle School ("5-8"), showed a capacity of 880 and enrollment at 1,050; and the High School showed a capacity of 1,200 and enrollment at 1,044. The full build year for the project is 2014 to 2015. The no-action alternative would see 2014 to 2015 enrollments at 1190, 1160 and 1153 respectively based on the Village Planning Consultant's analysis assuming a background growth of 1%. The preferred plan will send 123, 98 and 64 additional public schoolchildren to each of the school levels (K-4, 5-8 and 9-12) respectively over four years starting in 2010. This is 56, 45 and 32 student more than an as-of-right development. The children introduced by this project will exceed the background growth levels especially at the elementary level. Nevertheless, it should be understood that a proportion of the project's generated schoolchildren will represent a proportion of the background growth and the projected schoolchildren cannot be considered fully additive to background growth. Based on this, it is likely that Elementary Schools and the High School will have adequate facilities to accommodate the increase.*

*In 2004 to 2005, the Middle School was already 20% (170 children) over its capacity and the lack of space in the Middle School will continue to be exacerbated regardless of whether the preferred plan is implemented. Based on calculations by the Village Planner, under an as-of-right plan with 1% background growth, in 2014 the Middle School could contain 30% (280 children) to 38% (330 children) more than its capacity. The preferred plan will increase the overoccupancy by 5% or approximately 45 students.*

*The existing situation in the Middle School already requires additional facility space over the next several years. The construction of new space will need to take into account the projected growth within the entire school district. The lapse of time between potential approval of any development alternative for this site and full occupancy will allow the school district to consider the enrollment demands of this future population and how to accommodate them in whatever new facilities are constructed. To ensure that a more rapid introduction of schoolchildren does not occur beyond what is proposed, the Lead Agency may*

*choose to limit the number of residential Certificates of Occupancy that may be issued for the project prior to certain target years.*

*Because Woodbury occupies only a very small proportion of the school district, it is likely that larger potential impacts will arise elsewhere in the district. The proposed development is low-density (one-acre residences) even under the preferred alternative with a proposed rezoning and application of the conservation cluster. The preponderance of vacant lands and the availability of higher densities elsewhere in the district make it more likely that more significant impacts to the school district will arise from other projects rather than this low-density Woodbury project.*

*It should be noted that the project is predicted to be fiscally favorable to the Cornwall School District. The project is predicted to produce higher revenues than costs. This is not always the case with residential development. It likely reflects the higher value of the homes being proposed as well as the relatively low-density of the project. The excess net revenue produced by this project will be favorable to Cornwall School District ratepayers both in the Village of Woodbury and elsewhere in the district and will help to fund (at a greater than average per-ratepayer rate) the debt service for capital facilities expansion that is needed to accommodate both the existing and future students of the district. It is believed that the estimation of school children generated by the project is overstated in the DEIS and that fiscal benefits will actually be higher than those cited in the DEIS study.*

*Nevertheless, the commenter is correct in stating that there are serious existing facility deficiencies in the Cornwall School District. The proposed preferred plan will fractionally exacerbate this existing and projected deficiency in the Middle School. Regardless of the mitigating revenues provided by this project; the mitigative prescriptive phasing of the project to allow the school district to consider the project in its already required expansion plans; and the relatively small scope of the impact in comparison to larger potential impacts that may arise in other District communities with higher permitted densities; the lead agency will need to weigh any potentially unmitigated impacts to the Middle School against the various other purposes, needs, and public benefits associated with the preferred plan as is intended under SEQRA.*

## M. Utilities - Wastewater

**M1.** Sheila Conroy, August 31, 2006: The document should clarify what the applicant is providing regarding the Valley Forge Sewer Plant. For example: there appears to be some confusion about the previous “upgrading” of the plant that occurred after the original phase of Valley Forge was built. The Town can provide the background regarding this. I believe the record shows that all Valley Forge lands were entitled to use the plant and that an upgrade, not a rebuilding of the plant, was required when the later stages of the development came in for approval. While some new buyers felt that their realtors led them to believe that a new plant was being built, it appears that they did not confirm this with the Town who would have explained that an upgrade for the additional homes coming in was the requirement. In order to avoid a repeat of this misunderstanding, the applicant should clearly explain in the DEIS what is being proposed here.

*Response: The wastewater plant is an upgrade and expansion to the existing facility, with some components of the existing plant being re-used, such as tankage and underground pipes that are still in good condition. Also see the response to Comment M15.*

**M2.** Sheila Conroy, August 31, 2006: Is this an upgrade to the existing plant or a replacement plant?

*Response: The wastewater plant is an upgrade and expansion to the existing facility, with some components of the existing plant being re-used, such as tankage and underground pipes that are still in good condition. Also see the response to Comment M15.*

**M3.** Sheila Conroy, August 31, 2006: Who will pay for the cost of designing and getting the various approvals for this plant?

*Response: The Project Sponsor has agreed to pay for and provide the Village with a plant that is fully constructed and operational, including the necessary permitting to construct and start-up the facility.*

**M4.** Sheila Conroy, August 31, 2006: Who will pay to tear down and remove the existing plant once the replacement plant is built and functional?

*Response: The no longer needed portions of the existing plant will be demolished and removed. This work will be in concurrence with the agreement of the Town and Village Engineer when the treatment plant drawings are completed during the subdivision review and permitting process. The Project Sponsor will pay these costs.*

**M5.** Sheila Conroy, August 31, 2006: In layman’s terms, what are the differences between the existing plant and the proposed plant regarding odor controls, noise and the actual processing of wastewater?

*Response: Any substantive difference in odor controls are not foreseen but it is anticipated that the new operation building (in place of the existing building) will have better noise control. The existing plant uses conventional wastewater*

*treatment processes to achieve what is commonly termed secondary treatment, as measured with five-day biochemical oxygen demand (BOD) and total suspended solids (TSS). The proposed plant will include additional treatment to achieve what is commonly referred to as tertiary treatment and will include filtration of the water through very fine screens, phosphorus removal, and addition of oxygen, among other enhancements.*

**M6.** Sheila Conroy, August 31, 2006: During the planning, design, construction, and clean up phases of the proposed plant, will any costs be passed onto the existing residents of Valley Forge or the Town? If so, describe what they are.

*Response: The cost to upgrade and expand the Valley Forge wastewater treatment plant (WWTP) during construction to serve existing users and accommodate the Legacy Ridge development will be borne by the Project Sponsor (also see M21)..*

*The Town/Village will operate the plant during construction and any increase in operational costs (expected to be marginal) during the proposed upgrade will be paid from Project Sponsor escrow funds with the Village of Woodbury.*

**M7.** Sheila Conroy, August 31, 2006: In what condition will the sewer plant site be left after the replacement plant is built? Will it be landscaped or will it look like it does today?

*Response: The existing sewer plant site will continue in use. The overall condition of the site will be improved over the current conditions. This will be accomplished through the updating of many of the older facilities. The sewer plant site will be landscaped as a result of the upgrades, to include the installation of evergreen screening.*

**M8.** Sheila Conroy, August 31, 2006: Regarding impacts to the Woodbury Creek from outflow, are there different standards or requirements today in terms of the quality of effluent released compared to the treatment levels required when the original plant was approved? Are higher standards required today?

*Response: Yes, there will be higher standards for future treatment, as compared with what is required today. As documented in the Wasteload Assimilative Capacity Analysis, provided in Appendix B of this FEIS, the NYSDEC will be imposing more stringent requirements than currently in place, reflecting that the receiving stream is now considered to have an intermittent flow and supports trout spawning.*

**M9.** Sheila Conroy, August 31, 2006: The Town of Cornwall has stated that the applicant has to build central water and sewer for this project because of its size. What are the advantages or disadvantages to the Town and to Valley Forge if Legacy were to build its own sewer plant and leave the Valley Forge plant as it is?

*Response: If the Legacy Ridge development were to construct a separate sewer plant, it would be required to meet the same criteria that it currently proposes. The Valley Forge WWTP would then continue to be the responsibility of the*

*Village to upgrade to conform to its permitted standards. As documented in the Wasteload Assimilative Capacity Analysis, provided in Appendix B of this FEIS, the NYSDEC will be imposing more stringent requirements than are currently applicable to the existing facility. Ultimately, these new requirements will be expressed in a future revision to the facility's SPDES permit and will necessitate additional treatment to low BOD, ammonia and suspended solids concentrations in the plant effluent. With the upgrade of the Valley Forge plant being funded by the Project Sponsor, the Village will not be faced with implementing and funding the additional treatment. The current users of the Valley Forge plant will benefit from the economies of scale available for larger wastewater plants – the unit cost (\$ per gallon of wastewater treated) is lower for large facilities than for small ones. In addition, the Village would then have an additional sewer plant to maintain.*

**M10.** Sheila Conroy, August 31, 2006: How will the new development be connected to the rebuilt Valley Forge sewer plant-via Smith Clove Road, through the project lands, or by some other route?

*Response: The proposed route will be along both County and Village rights-of-way. Connection to the Valley Forge WWTP will be coordinated with the Village Sewer Superintendent and Village Engineer to provide a connection consistent with the existing infrastructure and hydraulic conditions which may require extension of the force main closer to the plant which may not be the nearest point of the collection system to Legacy Ridge.*

**M11.** Sheila Conroy, August 31, 2006: In layman's terms, what is the level of sewage treatment that is required for the Valley Forge sewer plant given that Woodbury Creek has been classified as a trout-spawning stream?

*Response: The trout-spawning classification results in the need to maintain higher levels of dissolved oxygen in the stream. At the treatment plant, the need to maintain the stream dissolved oxygen results in requirements to: (1) remove more material in the wastewater that consumes stream oxygen, and (2) aerate the treated wastewater prior to discharge to the stream. In addition to the trout-spawning classification, the NYSDEC now considers the stream to be intermittent, which results in even more stringent effluent limitations. Therefore, more stringent effluent limitations on ammonia, carbonaceous biochemical oxygen demand (CBOD), TSS, etc. are enforced. Hence, the level of treatment is considered to be Advanced Wastewater Treatment.*

**M12.** Maureen Lane, dated August 17, 2006: On July 27th I attended an informal gathering at the Inn at Central Valley, at that gathering I had a conversation with two of the professionals connected with the Legacy Ridge project. I was told at that time and there were illustrations of what I was told was going to be a new, state of the art, \$3 million dollar sewer plant constructed by the builder with no cost to the residents of Valley Forge. I brought to their attention that last year the town board took out a loan for repairs to the existing Valley Forge sewer plant in the amount of some \$64 thousand dollars. I expressed my feelings that if our existing sewer plant is to be replaced I do not feel that the residents of Valley Forge should continue to pay off this loan in our taxes for something that no longer exists. I suggested that the Legacy Ridge developers should become responsible for that debt and the residents of Valley Forge have it removed from

our tax bill. I believe that the builders of Legacy Ridge have discussed this with the town board.

*Response: The existing Valley Forge WWTP will be upgraded and expanded with advanced wastewater treatment complying with all current regulations governing effluent discharge at the sole expense of the Project Sponsor and to the benefit of the existing users within the existing district. The district has incurred debt to maintain and upgrade the plant. The actions of the developer will provide new facilities at no cost to the residents. This will avoid the immediate need for additional capital expenditure by the improvement area but will not reduce or eliminate debt the district has incurred..*

**M13.** Maureen Lane, dated August 17, 2006: In another notice I received it mentions that the developers of Legacy Ridge will re-build our sewer plant and that many area residents will be able to connect into the new sewer system. I was led to believe this new sewer plant was for the residents of Valley Forge and Legacy Ridge. I would greatly appreciate for myself and the residents of Valley Forge a very clear explanation of what the builders of Legacy Ridge have in mind for the new sewer plant.

*Response: The proposed sewer plant is an upgrade and expansion of the existing Valley Forge facility. It is designed to handle both the existing flow currently processed by the Valley Forge plant as well as the proposed Legacy Ridge subdivision. Any additional capacity will be distributed by the Village in the manner it determines best serves the improvement area.*

**M14.** Cornwall Conservation Advisory Council, August 31, 2006: Regarding wastewater treatment, the DEIS fails to include any mention of the need for nutrient removal in the proposed wastewater treatment system for this project. This is a serious deficiency. Comments I submitted on my own behalf (not the CCAC's) during the original scoping process addressed a variety of issues and options for improving the treatment of wastewater for this project, but none of these comments are addressed in the DEIS section on wastewater treatment. All options should be considered more fully, including technologies that discharge highly-treated water to the ground thus providing better protection for the extremely sensitive and ecologically valuable streams in this vicinity.

*Response: Nutrient removal is provided in the proposed wastewater treatment system. To meet water quality requirements (refer to Appendix B – Wasteload Assimilative Capacity Analysis), a total phosphorus limit of 0.5 mg/l will be achieved. In addition, the plant will provide denitrification to reduce nitrate concentrations to 7 mg/l. While other alternatives may exist, the proposed design meets the required criteria for treatment as defined by NYSDEC for the proposed Valley Forge facility. The proposed Membrane Bioreactor (MBR) system in the upgraded treatment plant will provide tertiary treatment and discharges a high quality effluent. Other factors, such as future operation and maintenance, are also considered by the Town Engineer when approving wastewater treatment plant designs that will be owned by the Town.*

**M15.** Riddick Associates, P.C., August 31, 2006: Section 3.12, Page 315. The applicant's description of the upgrade and expansion of the Valley Forge

Treatment Plant is satisfactory however; there was some confusion by the public at a board hearing regarding the meaning of “upgrade and expansion”. Based on reports in the appendices and discussions with the developer we understand they are replacing all facilities with the exception of some concrete tanks and buried pipes. FEIS should have a simple declaratory statement indicating replacement of all facilities and mechanical equipment some new concrete tanks and buried pipe in good condition. This appears to be stated on page 318 -- wastewater treatment plant will be “completely rebuilt”. This should be confirmed with a note that the final plans will be subject to the review of the Sewer Department and Town Engineer.

*Response: Comment noted. The new treatment plant will result in the replacement of all facility and mechanical equipment, except for some tankage and buried pipe still in good condition. Final plans will be subject to the review of the Sewer Department and Town Engineer.*

**M16.** Riddick Associates, P.C., August 31, 2006: Section 3.12, Figure 108. FEIS should confirm complete redundancy for all facilities.

*Response: The wastewater treatment plan will be designed in accordance with Ten State Standards, as required by the NYSDEC and the Village Engineer. Ten State Standards does not require complete redundancy of all facilities, e.g. outfalls. The final design will be submitted to the Planning Board during the Site Plan and subdivision review process to the satisfaction of the Village Engineer. All facilities will have redundancy unless waived by the Village Sewer Superintendent and Village Engineer.*

**M17.** Riddick Associates, P.C., August 31, 2006: Section 3.12, Figure 109. Any areas within the plant site that have abandoned facilities and are not otherwise to be incorporated into the new treatment facility must be restored in an acceptable manner. Most notably, the abandoned sand filters are to be leveled, top soiled and grassed.

*Response: Areas of abandoned facilities will be restored in a manner acceptable to the Village Board and Village Planning Board.*

**M18.** Riddick Associates, P.C., August 31, 2006: Section 3.12, Page 326. The FEIS should clarify the monitoring to indicate that there will be daily monitoring of inflow and treatment parameters and effluent discharge will be monitored in accordance with permit requirements for sampling and testing.

*Response: There will be daily monitoring of the inflow and treatment parameters, and effluent discharge will be monitored in accordance with permit requirements.*

**M19.** Riddick Associates, P.C., August 31, 2006: Section 3.12, Page 326. Where the proposed sewer forcemain runs along Smith Clove Road adjacent to property owned by Legacy Ridge, the forcemain should be located in an easement provided by Legacy Ridge (HOA) unless there are environmental constraints. We recommend this be included at least as an option in the FEIS with a determination to be made at site plan *and subdivision* review.



*Response: The DEIS is hereby amended to recognize an option of locating the forcemain in an easement provided by Legacy Ridge (HOA). The final determination will be made by the Village Planning Board at site plan and subdivision review.*

**M20.** Riddick Associates, P.C., August 31, 2006: Section 3.12, Figure 109. A table should be provided listing the SPDES permit limits if they are available. If not available, provide estimated levels based on known classifications of receiving waterbody. The proposed schematic of the location of facilities is generally adequate for the purposes of the EIS but the final arrangement will be subject to site plan review by the Planning Board with advice from the Sewer Superintendent and Town Engineer.

*Response: A Wasteload Assimilative Capacity Analysis has been completed to determine the effluent limitations that should be anticipated for the treatment plant based on water quality considerations for the receiving surface waters. A copy of the study report is included in Appendix B to this FEIS. The report includes a table listing the SPDES permit limits that are anticipated. The final arrangement of the facilities will be subject to site plan and subdivision review by the Village Planning Board with advice from the Sewer Superintendent and Town Engineer.*

**M21.** Riddick Associates, P.C., August 31, 2006: Section 3.12, Page 319. The ability to remove one of the existing trains from service while the treatment plant is retrofitted will depend on the project schedule and the condition of the existing equipment. FEIS should note that construction might require an overflow or temporary aeration tank if deemed necessary by the Plant Operator due to the length of construction or condition of equipment.

*Response: The DEIS is hereby amended to state that temporary equipment may be necessary to facilitate the construction and transition of the existing plant to keep it operational during the upgrade. The actual equipment and timing of such will not be known until the time of construction and the condition of the existing facilities can be assessed. The cost for all temporary equipment, materials and labor related to construction at the sewer plant and necessary to operate the plant within existing permit limits will be borne by the Sponsor.*

**M22.** Riddick Associates, P.C., August 31, 2006: Appendix 9.7 Wastewater Treatment Plant Report (WWTP) Fig. 3-1. This report indicates an application was made to DEC in May, 2005 for an effluent limitation determination. FEIS to update status of that request.

*Response: The NYSDEC has directed the Project Sponsor to complete a Wasteload Assimilative Capacity Analysis. A copy of the study report is provided in Appendix B.*

**M23.** Riddick Associates, P.C., August 31, 2006: Appendix 9.7 Wastewater Treatment Plant Report (WWTP) Figures 4-1, 6-1, 6-2. 11 x 17 figures printed on 8 ½ x 11 paper with most of schematic missing; if this was on all documents distributed, FEIS should include full schematics.

*Response: The figures are again presented in Appendix G of this FEIS.*

**M24.** Stuart Turner & Associates, August 31, 2006: Section 2.3.3. Third paragraph on page 84. The proposed locations of the sanitary sewage pump stations, water supply wells, and the second water tower are not illustrated on Figure 3. These should be illustrated since they are referenced in this section.

*Response: The updated figure is included in Appendix G of this FEIS.*

**M25.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: I have seen nothing in the DEIS about a WAC analysis or cumulative impact study of the Woodbury Stream and its tributaries. This is essential in light of the accumulating evidence of the deterioration of these streams as a result of Woodbury's rush to growth.

*Response: The Wasteload Assimilative Capacity Analysis has been completed; the report on the analysis is presented in Appendix B.*

**M26.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: A June 2006 NYSDEC electroshocking of the Woodbury Stream showed a 56% decline in wild brown trout and a 45 to 100% decline in wild brown trout fingerlings. This was attributed largely to watershed changes due to development in Woodbury. NYSDEC's 2004 and 2005 Woodbury Creek Biological Assessments along with the 1987 biological assessment for comparison (attached), show that there have been impacts to the Woodbury Stream and tributaries 6 and 7. The major impacts have been nutrient enrichment, salts, and siltation. Tributary 4, Mineral Springs stream, is presently regarded by DEC as having high quality. How will Legacy Ridge impact this stream? From both Legacy Ridge and WP3 (Suburban), that's an additional 341,000 gpd wastewater into the Woodbury Stream. And that is just the beginning, as other parcels will also qualify for higher density zoning and package plants, as I explained in my July 14, 2005 letter to DEC's Marc Moran. The DEC needs to do a cumulative impact study of all the present, planned and potential (under new higher density zoning) package plants on the Woodbury Stream and its tributaries. It should be included in the FEIS.

*Response: The request for a state study on cumulative impact is beyond the scope of this FEIS. Adherence to the state standards for both the treatment plant discharge and the stormwater runoff will protect the downstream resources in Mineral Springs Brook and Woodbury Creek. It is important to note that the brown trout is a non-native species and is heavily stocked in the streams in the project area. As an example, NYSDEC Region 3 planned to stock 1,460 and 720 catchable-sized brown trout in Moodna Creek and Woodbury Creek, respectively in the spring of 2007. One of the principal limiting factors to the spawning and recruitment success of brown trout in small headwater streams is intermittency of flow caused by below-average rainfall. One potential project benefit is the treatment plant discharge (meeting the C (TS) water quality criteria for temperature, dissolved oxygen, phosphorus, nitrogen, and other parameters) will provide a baseflow to the stream that will supplement the seasonal flow in the stream.*

**M27.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: Under the present discharge from Valley Forge plant, which operates on a 1989 permit allowing a capacity of 36,000 gpd wastewater discharge to trib. 4-1 of Mineral Springs Stream, the WAC analysis of 1989 shows that the trib. 4-1 receiving stream doesn't recover to background conditions until it reaches trib. 4, the Mineral Springs Stream. With an additional 225,000 gpd capacity, where will that recovery be? The FEIS needs to contain a WAC analysis of trib. 4-1, 4, and the Woodbury Stream.

*Response: The Wasteload Assimilative Capacity Analysis has been completed; the report on the analysis is presented in Appendix B.*

**M28.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: There are no phosphorous parameters in the permit for Valley Forge or for any of the package plants discharging into the Woodbury Stream or its tributaries. Will there be phosphorous parameters in the new permits? Will they meet C(TS) standards?

*Response: There will be phosphorus limits to meet water quality requirements. Refer to the Wasteload Assimilative Capacity Analysis documented in Appendix B.*

**M29.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: Since Suburban (WP) apparently will exist only if they get water from the northern Woodbury wells, which is to say they are apparently dependent on the existence of Legacy Ridge, and since their wastewater will go to Trib. 7 of the Woodbury Stream, a WAC analysis is also needed for Trib. 7. There hasn't been one since 1988.

*Response: Legacy Ridge will be contributing sanitary flow to the Valley Forge WWTP. The plant discharges to unnamed Tributary 1 of Mineral Springs Brook (water index number H-89-7-4-1). Mineral Springs Brook flows into Woodbury Creek in the town of Woodbury and Woodbury Creek flows into Moodna Creek. The study area for the Wasteload Assimilative Capacity Analysis covers unnamed Tributary 1 and Mineral Springs Brook to the confluence with Woodbury Creek. Tributary 7 of Woodbury Creek, which flows into Woodbury Creek near Highland Mills, i.e., upstream of Mineral Spring Brook's confluence with Woodbury Creek, and is not affected by the Valley Forge WWTP discharge and therefore is not covered by the Wasteload Assimilative Capacity Analysis study.*

**M30.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: The Draft Comprehensive Plan, p. 7.9, says "...development should be limited near waterways, especially Woodbury Creek, which is a trout-spawning stream..." So why does the Town want to allow Legacy Ridge and Suburban (WP3), both of which will discharge wastewater into tributaries of the Woodbury Stream? Why does the Town pay consultants to do these comprehensive and open space plans if they're going to ignore them?

*Response: The stormwater management features and the wastewater treatment plant have been designed in accordance with and will operate based on NYSDEC regulations and any special conditions contained in the NYSDEC permits. Development on the northerly parcel (near Mineral Springs Brook) will be limited to the installation of access roads and wells. The remainder of the*

*parcel will remain in its existing condition providing wildlife habitat and a buffer for the stream.*

**M31.** Mark Pellaluna, Public Hearing Comments: Will the current residents in the Valley Forge Sewer District have to pay for the recent upgrades and the past \$60,000 upgrade which will be replaced by the developer.

*Response: The capital cost of the new Valley Forge WWTP, to serve existing users and to accommodate the Legacy Ridge development will be borne by the Project Sponsor. However, the Project Sponsor cannot address existing debt services associated with the current sewer district serviced by the existing Valley Forge WWTP.*

**M32.** Simon Gruber, Public Hearing comments: Looking at the DEIS, the waste water treatment plan says nothing about nutrient removal. There's water quality data collected by DEC and by Orange County using screen monitoring techniques that indicates that the Moodna basin, the most common problem basically in the Moodna basin and streams right now is nutrient enrichment, and the Woodbury Creek is a trout stream, as you know, and I think that phosphorus removal technology should be required for the treatment plant, and the same goes, in some ways, for the storm water management.

*Response: Phosphorus removal technology will be utilized for the wastewater treatment plant. The stormwater management practices will conform to the New York State Stormwater Management Design Manual.*

**M33.** Simon Gruber, Public Hearing comments: The plant design should go beyond DEC standards and include multiple treatment systems and series for redundancy and for increased removal of pollutants with a special emphasis on nutrient removal. The plan should also explore the use of surface and sub-surface infiltration practices for storm water.

*Response: The wastewater treatment plant design will include multiple treatment systems and series for redundancy and for increased removal of pollutants with a special emphasis on providing a high level of nutrient removal. The stormwater design incorporates provisions for water quality protection and meets NYSDEC standards. No additional investigation is warranted.*

**M34.** Ralph Caruso, Public Hearing Comments & Sheila Conroy, August 31, 2006: Who will pay for the improvements to the sewer plant. How is the sewer main going to run. Are they going to upgrade the mains in Valley Forge.

*Response: Please refer to responses M6, M10 and M31. All wastewater generated by the Legacy Ridge development will be conveyed to the Valley Forge WWTP through a proposed 8-inch force main. For details of the proposed plan, please refer to the HDR|LMS Engineer's Report for the Valley Forge Wastewater Treatment Plant Upgrade included as part of the DEIS.*

**M35.** Peter Stabile, Public Hearing Comments: Where will the waste water go, what creek is it going to go in to, where does the creek flow?

*Response: All wastewater associated with the proposed expansion of the existing Valley Forge sewer district will be treated by the upgraded wastewater treatment plant and will be discharged to an unnamed Tributary 1 of Mineral Springs Brook (water index number H-89-7-4-1). Mineral Springs Brook flows into Woodbury Creek in the Town of Woodbury and Woodbury Creek flows into Moodna Creek. The Wasteload Assimilative Capacity Analysis presented in Appendix B provides additional information on this topic.*

**M36.** Ken Cook, Public Hearing Comments: Will the developer pay for the past \$65,000 sewer plant repair cost.

*Response: The Project Sponsor will not pay for current debt service for the existing facility.*

**M37.** Simon Gruber, Public Hearing comments: The DEIS should consider land application for waste water. This would be, instead of a direct stream discharge, it would be treated waste water, applied to the land somewhere on the site, using either spray or drip irrigation most likely, or it could be a subsurface leach field.

*Response: The proposed wastewater treatment system involves direct discharge, consistent with the existing Valley Forge facility. Advanced Wastewater Treatment will be provided and will be protective of stream water quality. Spray and drip irrigation and subsurface leaching of the size that would be needed to accommodate the flow would entail more land clearing and it is uncertain if the geology and soil conditions are actually conducive to such an option. Furthermore, spray and drip systems may not function properly during the winter.*

**M38.** Ken Cook, Public Hearing Comments: My suggestion to you folks is that the builder should be required to provide the town with a consultant, who will come up with a set of specifications just as to what is state of the art, and that should be put in as a requirement before he's allowed to build anything, so that you really know exactly what you're buying into, because state of the art could mean anything.

*Response: The Village of Woodbury currently has a Consulting Engineer providing review and recommendation on infrastructure improvements.*

## **N. Utilities - Water**

**N1.** County of Orange Department of Planning, August 18, 2006: It would also be prudent to examine the potential impact of stormwater and sewage effluent from Legacy Ridge on the municipal wells planned as part of project given that these wells are planned downstream of discharge from these facilities in close proximity to Woodbury Creek.

*Response: The report on the recent testing of the well (Appendix E) demonstrates no surface water influence to the municipal well.*

**N2.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: The DEIS is not specific about who actually owns and controls the well sites it discusses. It appears to imply that it is the Town of Woodbury, and it appears to imply that this is something that is part of an ongoing plan to be financed by others (p. 95), but this is not clearly stated. There is also some language on p. 57 about the north parcel (292.7 ac.) having been intended to include water supply wells, among other elements. The water supply options and alternatives are not clearly identified, nor the responsibility to pay for the costs of developing each.

*Response: The proposed water supply for Legacy Ridge will be obtained from a series of wells completed on the north parcel. This parcel is currently privately owned and will be dedicated to the Village once the supply and associated elements are constructed. The cost of the water supply development and associated infrastructure will be paid by the project sponsor.*

**N3.** Riddick Associates, P.C., August 31, 2006: Section 2.0, Page 71. The DEIS lists one of the positive aspects of rezoning as “a significant new source of drinking water to the Town”. We understand the exploration for the new water source will be required to meet the maximum day demand (MDD) of Legacy Ridge but most likely will not be greatly in excess as originally intended. The Project Sponsor is continuing to explore for additional water supply and, if more successful than anticipated, this comment can remain unchanged in FEIS. If they are unable to provide a “significant new source of drinking water” in excess of the project’s own needs, the benefits to the system should be clarified in the FEIS. We believe there are significant benefits to the system in terms of water distribution, location of supply and water storage particularly to the Valley Forge, Greenway and Skyline areas. WP3 did not have the distribution system benefits of Legacy Ridge and was required to provide a significant new water source.

*Response: Development of an additional source capable of providing the maximum daily demand (MDD) for Legacy Ridge will be a significant new source for the Village once the necessary wells and testing are completed. As indicated in the attached pump test report (Appendix E of the FEIS), a significant new source of water has been located.*

*Also see N7.*

**N4.** Riddick Associates, P.C., August 31, 2006: Section 2.0, Page 95. The DEIS has linked the water supply requirements and supply of this development and WP3 in terms of the total demand of the two sites and the well capacity developed. WP3 was previously approved and has a water supply requirement and supply as described in its own SEQRA review. The FEIS should clearly indicate the current status of water supply for Legacy Ridge with its maximum day demand and the amount of available supply exclusive of any well supplies already assigned to the WP3 project. The Town Water Department and Town Engineer have agreed that, because of other benefits to the water distribution system, the Legacy water supply required must meet or exceed the maximum day demand.

*Response: The water supply for Legacy Ridge is exclusive of any well supplies already assigned to the WP3 project. The Municipal Water Department and*

*Village Engineer have agreed that, because of other benefits to the water distribution system, the Legacy water supply required must meet or exceed the MDD. A new water supply source has been located and tested and demonstrated to exceed the Legacy Ridge MDD.*

*Also see N7.*

**N5.** Riddick Associates, P.C., August 31, 2006: Section 3.13, Page 329. The statement that the Town of Woodbury requires water supply meet “demand” follows a table that lists average, maximum and total system demand. FEIS should clarify that water supply is to be in excess of maximum daily demand.

*Response: Comment noted. The new water supply is in excess of the MDD.*

**N6.** Riddick Associates, P.C., August 31, 2006: Section 3.13, Page 330. The discussion on water supply in paragraph 5 should be updated with results of current testing including a full hydrologic analysis with aquifer safe yield, well pumping capacity results, water quality, impacts on area wells, and water bodies and other information from well water pump testing. If this information is not available when the Board is ready to act, the board could specify the supply requirements in its findings. The development of the information to confirm adequate water supply would still need to be confirmed prior to final subdivision approval (required by health department).

*Response: This information is now available and confirms that the new supply is adequate. Refer to Appendix E.*

**N7.** Riddick Associates, P.C., August 31, 2006: Section 3.13, Page 330/331. A number of wells listed were used in conjunction with the action approving WP3. This is acknowledged somewhat on Page 331 in Paragraph 4. WP3 was approved on the basis of excess capacity being provided to the system from these wells. Legacy Ridge also has criteria for new well supplies to meet or exceed its maximum daily demand. We recommend a table be provided in the FEIS listing all wells developed, the maximum demands required by the Town for each of the developments and the excess water being provided to the community. If wells have not yet been developed for Legacy Ridge, the additional capacity requirement should be included in the table.

*Response: The requested table is provided below:*

<b>WELL</b>	<b>SAFE YIELD (gpm)</b>
<i>WP3 Wells</i>	
<i>TW-1</i>	<i>210</i>
<i>TW-2</i>	<i>120</i>
<i>TW-4</i>	<i>39</i>
<i>Total</i>	<i>369</i>
<i>Final Capacity required per WP3 Findings Statement for Full Build-out</i>	<i>410</i>
<i>WP3 MDD</i>	<i>245</i>
<i>Required Excess to Town</i>	<i>165</i>
<i>Current Excess to Town</i>	<i>124</i>
<i>Legacy Ridge Wells</i>	

<b>WELL</b>	<b>SAFE YIELD (gpm)</b>
PW-1	>250 (tested)
<u>Legacy Ridge MDD</u>	<u>158</u>
<u>Excess to Village</u>	<u>&gt;92</u>

**N8.** Riddick Associates, P.C., August 31, 2006: Section 3.13, Page 334. The first offsetting mitigation should be revised or clarified to indicate the new groundwater supply will meet or exceed the maximum day demand.

*Response: The first mitigation listed in Section 3.13 of the DEIS is hereby revised to read: "Development and dedication to the Village of a new groundwater supply source will be provided to meet or exceed the water demand estimated from the Legacy Ridge project."*

**N9.** Riddick Associates, P.C., August 31, 2006: Section 3.13, Page 334. In the second set of bullets, the last item regarding Town of Woodbury mapping and the water district "should the Town decide to include this parcel within the Water District" should be clarified. Meaning unclear to us.

*Response: The bullet referred to has extraneous language. The DEIS says:*

- *"The Town of Woodbury will map and discuss the proposed modifications to the water district and the affected parcels should the Town decide to include this parcel within the water district."*

*The corrected DEIS language says:*

- *"The Village of Woodbury will map the proposed modifications to the water district and the affected parcels."*

**N10.** Riddick Associates, P.C., August 31, 2006: Section 3.13, Page 335. Shutdowns of the water system to allow the connections noted (No's 1 thru 4) would only be permitted if essential and as approved by the Water Department. Wet taps may be required.

*Response: Comment noted. Shutdowns of the water system to allow the connections noted (Nos. 1 through 4) would only be permitted if essential and as approved by the Water Department. Wet taps may be required.*

**N11.** Riddick Associates, P.C., August 31, 2006: Section 3.13, General Comment - Utilities – Water. The yield of 410 gpm was in excess of the WP3 maximum daily requirement of 245 gpm but was the minimum benefit acceptability. The additional capacity required by Legacy Ridge is approximately 160 gpm (maximum daily demand).

*Response: Comment noted. The yield of 410 gpm was in excess of the WP3 maximum daily requirement of 245 gpm but was the minimum benefit acceptability. The additional capacity required by Legacy Ridge is approximately 160 gpm (maximum daily demand). The Legacy Ridge project has located and tested a well at rate of 250 gallons per minute (gpm), in excess of the 160 gpm MDD. Refer to Appendix E for the report on this well.*



**N12.** Riddick Associates, P.C., August 31, 2006: Appendix 9.6 - Water System Report, Figure 1.0. The bullet referencing a new water source capable of yielding the “average daily water demand” of Legacy Ridge should be revised to indicate the supply would equal or exceed the “maximum daily water demand” (MDD).

*Response: The subject bullet of Appendix 9.6 - Water System Report of the DEIS is hereby revised to read as follows: “A new water source capable of yielding the maximum daily water demand of the Legacy Ridge community.”*

**N13.** Riddick Associates, P.C., August 31, 2006: Appendix 9.6 - Water System Report, Figure 3.0. The second paragraph is confusing. It says MDD is not used to calculate new source requirements and follows with a sentence stating “a new water supply source equating to the MDD of Legacy Ridge must be supplied.

*Response: The second paragraph of Section 3.0 of Appendix 9.6 of the DEIS is hereby revised to delete the following sentence: “Therefore, since firm capacity is achieved elsewhere in the WCWD, MDD is not used to calculate new source requirements.”*

**N14.** Riddick Associates, P.C., August 31, 2006: Appendix 9.6 - Water System Report, Figure 4.0, Pages 3 & 4. The dissertation on the water supply wells for WP3 and Legacy Ridge as a combined demand and supply should be modified.

*Response: The last paragraph of the DEIS Appendix 9.6 – Water System Report Section 4.0 is revised to read as follows:*

*“The estimated long term safe yields and recommended pumping rates for TW-01, TW-02, and TW-04 are 210, 120, and 34 gpm, respectively, based on the aquifer testing data. The total combined yield of the three test wells is 444 gpm (639,360 gallons/day) which is in excess of the anticipated daily demand for WP3. Testing of the new test well PW-1 constructed for the Legacy Ridge development demonstrates a safe yield of 250 gpm, in excess of the Legacy MDD of 158 gpm. The excess supplies of the two developments over their demands provide flexibility in operation and maintenance and decrease the vulnerability of the overall system should one (or more) of the existing wells fail or become contaminated.”*

**N15.** Riddick Associates, P.C., August 31, 2006: Appendix 9.6 - Water System Report, Appendix 1. The water concept plans CW1 and CW2 provide a plan view of the Consolidated Water District with Legacy Ridge and a schematic of the pressure zones with the exception of Legacy Ridge. The FEIS should include a schematic profile of the Legacy system showing the pressure districts and a plan view of the tie-ins to the existing system. This can be on 8 ½ x 11 sheets.

*Response: The pressure zones schematic is provided in Figure N-1 of this FEIS.*

**N16.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: Since the streams and the underlying aquifer are hydraulically connected, there is risk of drawdown of these nearby trout-spawning streams.

*Response: Based on the results of the 27-hour pumping test conducted on PW-1, the well can sustain a yield of 250 gpm. The data indicated no discernible impact on the stream flow (stage) in Trout Brook*

**N17.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: It appears to me that these wells (two of which are on the Legacy Ridge property) are the primary reason why Legacy Ridge, with its higher density request, is even being considered by the Town. Without the water from Legacy Ridge, it doesn't appear that Suburban can be built. If Suburban can get water by drilling in Central Valley or using Cromwell Lake, why don't they?

*Response: Adequate water supply for the proposed project has been identified and is subject to Board of Health and Village Engineer approval. The potential impacts of the proposed wells are discussed in detail in Appendix E of this FEIS.*

**N18.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: What is the impact on the nearby wetlands, streams and private wells from continuous drawdown over a long period of time from all the new wells pumping simultaneously? Was the well testing done when the water table was high? This is crucial since these are sand & gravel wells, not deep bedrock wells. What would be the result of continuous drawdown over a long period of time during a summer drought or dry fall conditions?

*Response: There is a layer of clay 10 to 30 feet below ground that isolates the upper aquifer from the zone of extraction. The report on the test well for the new supply demonstrates no significant impacts to shallow groundwater levels and thereby no significant impact to wetlands. Refer to the report in Appendix E.*

**N19.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: What would be the Town's liability if the new wells fail after Suburban (WP3) and Legacy Ridge are built?

*Response: The development of wells requires approval by the NYSDEC and the issuance of a water taking permit pursuant to Article 15 of the Environmental Conservation Law. Wells are also regulated by the Orange County Department of Health. In addition, there is no indication that the wells will fail. Please refer to the Response to Comment N7.*

*Pump tests reviewed by the Lead Agency and by its consultants indicate the availability of more than enough water to serve the project. In the unlikely event that the wells fail during the project sponsor's build-out of the development, then the sponsor will redevelop or re-drill the wells. If they were to fail after the Village accepted them, the improvement area would be responsible. However, the development will take some time to build-out and the lead agency will require bonding of all improvements, including water sources and systems during construction with a maintenance bond after acceptance of the dedicated improvements. This will provide a number of years of operating experience to better understand the functioning and reliability of the wells and other improvements.*

**N20.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: The issue of the Seaman well needs to be looked at objectively. Town officials have an obligation to protect this water for the Town. A map included in the Woodbury 2005 Open Space Plan shows locations of wells, possible well sites and areas of contamination/potential contamination. According to this map, there is considerable contamination/potential contamination in southern Woodbury and very little in northern Woodbury. In light of that, shouldn't the town preserve the Seaman well as a backup for the town instead of using it primarily for the creation of WP3 and Legacy Ridge?

*Response: At this time, the Seaman well lacks the necessary pumping equipment and distribution so it is not possible to use the well as backup. Once the WP3 and Legacy Ridge wells and distribution system are completed, the Village is essentially preserving this area for groundwater supply purposes since the total new source addition to the overall system will be in excess of the normal daily usage at WP3 and Legacy Ridge.*

**N21.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: Even though the wells will be dedicated to the Town after the developer develops the wells and infrastructure, how can the developer, after investing so much money, not have special rights to that water for his developments? Money is control. The excess water will go to the rest of the town, but it's primarily for these two developments (even though it's mixed in with town water). And if these new wells fail to produce sufficient water, the developments will still have rights to town water once the homes are built.

*Response: The water source for the proposed project will be part of the expanded water district. As such, the water district maintains the control over the source and its continued use.*

**N22.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: Why would the Town allow a developer to invest in what should be strictly a Town well, free and clear of any outside control of the water supply. Has the Town signed any agreement with Suburban (WP3), giving Suburban the right to northern Woodbury's wells?

*Response: The Project Sponsor will provide additional water sources to the community and a new Valley Forge WWTP at no cost to the municipality. A public benefit funded by the developer will be provided to the municipality at no cost.*

**N23.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: And why is the Town expanding the water district? People who have their own wells have no desire to be forced into PAYING for CHEMICALLY-TREATED water. The FEIS should contain a map of the exact boundaries of the new water district.

*Response: A map showing the proposed extended boundaries for the water and sewer districts is included as Figure A-1 The Project Sponsor will file petitions requesting that the Village extend the boundaries of the consolidated Water District/Area (meant to refer to an area that was within the District before the*

*District was dissolved) to include the Legacy Ridge parcels. The reasons for the expansion of the Village Water Improvement Area are listed in the Project Benefits section of the FEIS and throughout the DEIS and the benefits were acknowledged by the Village Engineer.*

**N24.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: If the 3 existing wells have an excess of water for both Suburban and Legacy Ridge, as the DEIS states, why were they drilling more wells? On July 5, 2006, they were drilling near the wetlands on the southeastern portion of the North Parcel. Why were they drilling near a large wetland? Will a well placed in that area draw down the wetland?

*Response: The Town has required that Legacy Ridge obtain a new supply, independent of the WP3 excess supply. The supply location was selected based on anticipated yield, which was confirmed by testing (see Appendix E). There is a layer of clay 10 to 30 feet below ground that isolates the upper aquifer from the zone of extraction. The testing demonstrates no significant impact to shallow groundwater levels and thereby no significant impact to wetlands.*

**N25.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: A 72-hour drawdown test was done. NYSDEC needs to review this carefully for drawdown to wetlands, streams and nearby wells.

*Response: Comment noted. The pump test reports will be provided to the NYSDEC as part of the permitting process.*

**N26.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: The DEIS states that if neighboring wells are affected by the new wells, those people who are impacted can go on Town water. What if they don't want to go on chemically treated Town water and have to pay for it, too, when they've had free, pure water. This will surely lead to lawsuits.

*Response: The location for the new supply well has been located and tested, as described in the Pump Test Report presented in Appendix E. As demonstrated in that report, private wells in the area will not be significantly impacted.*

**N27.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: What will the boundaries of the new water and sewer districts be? How will this impact the properties which have not been included in any water and sewer district?

*Response: The Project Sponsor, if necessary, will file petitions requesting that the Village extend the boundaries of the consolidated Water District/Area (meant to refer to an area that was within the District before the District was dissolved) and the Valley Forge Consolidated Sewer District/Area to include the Legacy Ridge parcels.*

*The expanded districts will include just the Legacy Ridge properties. Therefore, the proposed expansion of the water and sewer districts will not negatively impact properties which have not heretofore been included in either district. There will be a benefit to these properties, nonetheless. Public water and sewers*

can be made available to these properties that are incorporated into the districts in the future. A map showing the proposed extended boundaries for the water and sewer districts is included as Figure A-1. Fire water protection will be available to those properties outside the district near fire hydrants. The project sponsor will file petitions requesting that the municipality extend the boundaries of Water District #1 and the Valley Forge Sewer District to include the Legacy Ridge parcels.

**N28.** Mary Gross-Ferraro, dated August 29, 2006: Are there NYSDEC permits for the 3 wells? Are there DEC permits for the new wells? Does the Town have a DEC permit to extend the water district?

*Response: NYSDEC does not require permits to install test wells. Therefore, the existing test wells and associated monitoring wells do not have permits. New York State Environmental Conservation Law requires that the registered well driller provide a "Preliminary Notice of Proposed Water Well" form. This form was submitted to the NYSDEC who assigned a "DEC Well #" to each of the wells.*

*The Town does not presently have a permit to extend the water district.*

*The NYSDEC well numbers for the wells drilled under the supervision of LBG are as follows:*

*Bedrock Test Well 1: 08150  
 Bedrock Test Well 2: 08151  
 Bedrock Test Well 3: 08152  
 TW-A: 08236  
 PW-1: 08237*

*At this time, Bedrock Test Well (BRW) 1, 2 and 3 have not been abandoned. The wells are capped and tack welded closed. The wells will be abandoned following completion of a large diameter production well that will be drilled to replace PW-1. The BRW's will be monitored during additional testing to confirm any hydraulic connection with the proposed sand and gravel well and the bedrock wells. At the completion of the water-supply development program, the wells will be abandoned according to New York State regulatory standards and a copy of the well abandonment report will be provide to the Town.*

*Listed below are the latitude and longitude for each of the wells.*

<i>Well</i>	<i>Latitude</i>	<i>Longitude</i>
<i>BRW-1</i>	<i>41° 22 minutes 22 seconds</i>	<i>74° 5 minutes 32 seconds</i>
<i>BRW-2</i>	<i>41° 22 minutes 13 seconds</i>	<i>74° 5 minutes 11 seconds</i>
<i>BRW-3</i>	<i>41° 22 minutes 19 seconds</i>	<i>74° 5 minutes 23 seconds</i>
<i>TW-A</i>	<i>41° 22 minutes 23 seconds</i>	<i>74° 5 minutes 52 seconds</i>
<i>PW-1</i>	<i>41° 22 minutes 23 seconds</i>	<i>74° 5 minutes 50 seconds</i>
<i>TW-1</i>	<i>41° 22 minutes 39 seconds</i>	<i>74° 6 minutes 7 seconds</i>
<i>TW-3</i>	<i>41° 22 minutes 35 seconds</i>	<i>74° 6 minutes 0 seconds</i>
<i>TW-4</i>	<i>41° 22 minutes 39 seconds</i>	<i>74° 5 minutes 59 seconds</i>

**N29.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: Using the latest figures for all the wells drilled by Legacy Ridge and Suburban (WP3) in northern Woodbury, how many gallons a day of water can be provided? How much of this is in excess of what the two projects will use? Please put all the latest drilling figures from all the wells in the FEIS.

*Response: Refer to the Response to Comment N7.*

**N30.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: The FEIS should contain field studies done by the DEC of the impacts of the new wells on the nearby wetlands and Mineral Springs Stream and Woodbury stream.

*Response: NYSDEC has not conducted any such studies to date. The hydrogeologic study for Legacy Ridge will be reviewed by the NYSDEC as part of the water supply application process. The Pump Test Report (see Appendix E) indicates that there is no hydrological connection between the wells and surface waters. Refer also to the Response to Comment N31.*

**N31.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: Has the DEC done any studies of aquifer recharge in the Mineral Springs Stream area as well as the Woodbury Stream downstream of the confluence with Mineral Springs Stream? The Dr. Waines' report shows that the flood plains of these areas are sands and gravels, an aquifer recharge area. This needs to be looked at in light of the fact that the Seaman well is in this area, and it is during floods that untreated or partially treated sewage from the package plant, which would go into these streams, is most likely to occur. The FEIS needs to include a DEC study of aquifer recharge in the Mineral Springs Stream and Woodbury Stream area.

*Response: The NYSDEC does not have the necessary resources to conduct such studies. They do provide general information on aquifer recharge through previously conducted studies and specific guidance to follow during groundwater supply development and testing, which were followed during this investigation. The hydrogeologic study for Legacy Ridge will be reviewed by the NYSDEC as part of the water supply application process.*

**N32.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: The FEIS should include all documents pertaining to the Town's legal rights to the Seaman well. Does the Town own the Seaman well? What would it cost the Town to develop the Seamen well on its own?

*Response: The Village is not considering the Seaman well as part of the supply necessary for Legacy Ridge so the documents pertaining to the Town's rights to the well will not be included in the FEIS.*

**N33.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: The 1988 Woodbury Master Plan, p. 11, says that the Town is planning to do studies of creating additional water supplies and districts and the impact that may have on the aquifer. Did the Town ever do those studies? If so, they should be included in the FEIS. If not, those studies should be done, by an outside

objective firm, before developing new wells and a new water district, and that information should be included in the FEIS.

*Response: The Town conducted a limited exploratory drilling program in the late 1980s but it did not include any detailed aquifer or groundwater quality testing. The site-specific study for Legacy Ridge is being conducted according to NYSDEC guidance Appendix 10, Technical and Operational Guidance (TOGs) 3.2.1 Recommended Pump Test Procedures for Water Supply Applications. The site-specific report will be reviewed by both the Village Engineer and NYSDEC to ensure the study was adequate to develop a new source and associated infrastructure.*

**N34.** Ralph Caruso, Public Hearing Comments: It was mentioned this evening that there were five wells driven that yielded a capacity of four hundred gallons per minute, and I ask the board to be very careful on whether or not the yields of those wells are what they say they are, and I would believe that if you're going to check the yields of the wells for a particular development, that you would want all the wells that they drill, whether it's six or seven or eight wells, to be pumping all at the same time, conducting that test for the yields all at the same time not conducting that test individually, because there might be draw-down on the other wells if they're all pumping at the same time.

*Response: Additional wells were constructed as part of the exploration for a new water source. However, they will not be used for supply, and are instead being used as observation wells. Groundwater withdrawals from the new well PW-1 during the test event indicated no discernible impacts on the existing production wells (TW-1, TW-3 and TW-4). The data indicates PW-1 can be pumped simultaneously with any of the other existing production wells (TW-1, TW-3 and TW-4).*

**N35.** Amy Fitzgerald, Public Hearing Comments: Can we anticipate lower rates for this expansion of the water district with this expanded collective responsibility.

*Response: Yes, lower rates are anticipated. Construction costs for the new well, storage tanks, transmission lines, distribution lines, etc. will be paid by the Project Sponsor. Since the facilities will be newly constructed, they will be less costly to maintain than older, existing facilities. Furthermore, and more significantly, the fixed costs of operating the water district will spread over a larger customer base, thereby resulting in lower rates to the present users in the existing district. The district may hire additional personnel to accommodate the additional customers brought in by the project; however, such hiring will be related to the number of new customers and so will not result in an increase in rates for existing customers.*

**N36.** Amy Fitzgerald, Public Hearing Comments: I did not see any real delineation of the established water district, which I know, and then expanded water district, the new proposal with this. Will adding to the district invoke eminent domain since there will be expansion of the water district.

*Response: The Project Sponsor will file petitions with either the Town for the expansion of Water District #1, or with the Village to create a special*

*improvement area. If the petitions are approved, the water district boundaries will be extended to incorporate the Legacy Ridge property. Eminent domain is a compulsory condemnation and purchase of private lands by a municipality for a public purpose. Eminent domain is not applicable here. Legacy Ridge properties will remain privately owned. A map showing the proposed water and sewer extension boundaries is included as Figure A-1.*

## **O. Fiscal Resources**

**O1.** County of Orange Department of Planning, August 18, 2006: The methodology utilized to determine fiscal impact for Legacy Ridge is inherently flawed for many reasons. First, it underestimates the number of potential school children attending the Cornwall School District and, secondly, it overestimates the potential average assessed value of future homes in Legacy Ridge. In so doing, the calculations for fiscal impact erroneously show that Legacy Ridge homeowners will be paying a net surplus in school taxes when in fact there will be likely be a net deficit. The fiscal impact analyses also does not account for the additional municipal personnel needed (e.g. two to three additional police offices with new vehicle, page 295) nor the increase in services demanded by the influx of new people coming into Woodbury because of Legacy Ridge when calculating per capita cost and impact to municipal services.

*Response: The Fiscal Analysis is consistent with that required by the scoping document. The “per capita” basis of conducting the analysis does, in fact, account for such items as the additional police officers. This comment appears to mix the requirements of an integral cost approach with that of a per capita analysis, and therefore the analysis is correct as proposed.*

**O2.** County of Orange Department of Planning, August 18, 2006: In calculating the number of possible school-age children in the DEIS for Legacy Ridge, demographic multipliers from the Rutgers New Practitioner’s Guide to Fiscal Impact Analysis for families living in 4-bedroom houses were averaged with estimates of school-age children per household in OC from the Census Public User Microdata Sample (PUMS). The PUMS estimates of school-age children are average values for all households in OC regardless of the number of bedrooms in each dwelling unit. As such, the PUMS estimates of school-age children incorporate the characteristics of smaller families living in smaller homes when compared to the 287, 4-bedroom homes proposed as part of Legacy Ridge. As a result, the overall estimate of potential school children from Legacy Ridge is underestimated given that the characteristics of families living in smaller dwelling units in OC are factored in. Conversely, it is reasonable to expect homes with a greater number of bedrooms to generate more school-age children. The Rutgers New Practitioner’s Guide to Fiscal Impact Analysis bears this out. The greater the number of bedrooms, the greater the potential number of future school-age children. As such, we recommend that the multipliers from the Rutgers New Practitioner’s Guide to Fiscal Impact Analysis be used without averaging in the PUMS characteristics concerning school-age children to calculate fiscal impact attributable to additional school children from Legacy Ridge. Alternatively, a better approach would be to actually conduct a survey of



4-bedroom homes in the Cornwall School District to determine the likely number of school children generated rather than using national averages. This information should be available from the Cornwall School District. Another option is to determine multipliers based on the number of school children living in 4-bedroom homes in other OC school districts.

*Response: In the revised analysis, multipliers from the Rutgers University 2006 CUPR were used to estimate the number of school-aged children and the population increase resulting from Legacy Ridge. These multipliers are more current and location specific than those previously used. The DEIS text, tables, and appendix tables have been revised and are presented in Appendix J of this FEIS.*

**03.** County of Orange Department of Planning, August 18, 2006: It is unclear how the predicted average selling price of homes in Legacy Ridge of \$625,000 was calculated given that the methodology was not specified anywhere in the DEIS. The average selling prices of homes is important because it determines assessed value, the amount of taxes paid to the Town of Woodbury and Cornwall School District, as well as the fiscal impact of the Legacy Ridge Project. Inflated estimates of average selling prices increase assessed value and hence future potential tax revenues. It is presumed that the average selling price of \$625,000 was calculated by averaging the recent home sales price in the Town of Woodbury listed in Table 28, page 308 of the DEIS. However, the sales of homes over \$700,000 in this list cause the overall average to be skewed higher and, in doing, over-inflate the potential future selling price and assessed values of homes in the Legacy Ridge Project.

*Response: The Project Sponsor has considerable experience in the pricing of homes in this market, and therefore the \$625,000 selling price is considered appropriate for the type, size, style and location of the homes proposed by Millennium Homes.*

*The selling price was not a result of averaging recent home sales prices as stated in the comment. The only reason recent sales were included in the DEIS was to establish the reasonableness of the selling price.*

*The DEIS has been revised by removing Table 28 to avoid confusion of its purpose. The revised DEIS text, tables, and appendix tables are presented in Appendix J of this FEIS.*

**04.** County of Orange Department of Planning, August 18, 2006: We recommend that the fiscal impact analyses be recalculated using the number of school children typical of 4-bedroom houses in the Cornwall School District and assessed values of future homes which are more in line with current market conditions in Woodbury.

*Response: The revised analysis used multipliers from the Rutgers University 2006 CUPR. These multipliers are specific to New York and the number of school-aged children attending public school in an average 4-bedroom, single-family, detached home. The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS.*

**05.** Riddick Associates, P.C., August 31, 2006: Section 2.0, Page 81. The FEIS should note that dedication and acceptance of improvements would be in accordance with the Town Code and State Law. Essentially this requires offers of dedication be filled with the Town prior to the signing of the final plats. The Town Board will act the offers of dedication and accept infrastructure when improvements are completed and a report is received from the Town Engineer and Superintendent recommending acceptance.

*Response: Comment noted. Any offer of dedication and acceptance of infrastructure will be in accordance with State Law and Village Code. As the commentator notes, these laws include legal procedures.*

**06.** Riddick Associates, P.C., August 31, 2006: Section 3.17, Page 354. The project sponsor has acknowledged their requirement to pay recreational fees per Town policy. This should be expanded in the FEIS to clearly state that the residents of the development will use Town facilities and capacity. The recreation fees paid to the Town will allow it to expand the recreational facilities to meet residents needs and offset impacts from this development.

*Response: Comment noted. The Project Sponsor will pay a recreational fee.*

**07.** Stuart Turner & Associates, August 31, 2006: Section 3.15.1. Page 341. The study references an ER of 36 percent, while the appendices reference an ER of 40 percent.

*Response: The correct ER is 40%.*

**08.** Stuart Turner & Associates, August 31, 2006: Section 3.15.1, Page 341. The tax rate cited is the total rate to fund the Town and County levies. However, costs are based solely on a portion of the Town budget. The tax rate and budget must correspond in order to get an accurate assessment of impact. Using the Town and County rate and comparing it to the costs of only a portion of the Town budget will overestimate revenues and underestimate costs.

*Response: In the revised analysis the town tax rate for 2004 was used to determine fiscal impacts. The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS.*

**09.** Stuart Turner & Associates, August 31, 2006: Section 3.15.1. Page 342. The text here describes using the 2005 RAR while the previous page advocated for using the 2004 ER. Please make these consistent. Also the 39.12 RAR cited here is not consistent with the 35.02 RAR used in the appendices. If \$625,000 is the anticipated sales price in 2006, then the 2006 ER and RAR should be used unless a town wide reassessment has been completed since 2004. If a reassessment has been completed since 2004 or 2005, then the \$625,000 sales price must be adjusted to 2004 or 2005 dollars before applying the 2004 or 2005 ER or RAR.

*Response: Both the ER and the RAR methods were used to calculate fiscal impacts. The ER for 2004 is 40% and the RAR for 2004 is 39%. Furthermore, the Project Sponsor has verified that \$625,000 was a reasonable market value for the units in 2004.*

**O10.** Stuart Turner & Associates, August 31, 2006: Section 3.15.1. Page 342, Table 52. The fiscal impact compares the 2004 budget to the 2005 tax rates. This will overstate revenues in comparison to cost. Consistent years for tax rate and budget should be used.

*Response: The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS. The tax rate used in the revised analysis was the 2004 tax rate with a 2004 city budget.*

**O11.** Stuart Turner & Associates, August 31, 2006: Section 3.15.1. Page 342, Table 52. It is not clear why special districts were removed from the 2004 Woodbury budget. This would only be a valid procedure if these districts were not funded by the tax rate used to predict revenues. Please explain this decision in detail.

*Response: The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS. Special districts were added in the revised analysis. They should have been included in the original analysis as they are also funded by the property tax levy. The removal of the special district resulted in the costs being understated.*

**O12.** Stuart Turner & Associates, August 31, 2006: Section 3.15.1. Page 342. The third sentence of the last paragraph reads, "Therefore the ratio of non-residential to residential values is 54%," is not accurate. The 54% quoted is actually the ratio of residential value to total value. What is required for the analysis is the ratio of non-residential value to total value. The 54% is misidentified on page 1 of the fiscal impact analysis appendix as well. It seems that the actual calculations later in Table 53 use 46% which would be the correct ratio based on the numbers provided in this paragraph.

*Response: The ratio of residential to total valuation in the revised analysis was changed to 61% after removal of vacant (300), public service (800) and parkland/forested lands (900) from the consideration of proportional valuation. The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS.*

**O13.** Stuart Turner & Associates, August 31, 2006: Section 3.15.1. Page 342. The total number and value of residential parcels cited here is the total of parcels with assessor class code 200 through 280. It is appropriate to also consider class code 411 as residential. Also, typically residential vacant land (codes 310 through 319) is considered as residential land for two reasons: (1) often it is a yard that is vacant but part of an adjacent residential use, (2) since vacant land is low valued, classifying all vacant land as non-residential could overstate the share of municipal expenditures attributable to non-residential uses. Class codes 310 through 319 should be added to the residential parcels as well.

*Response: No changes to the DEIS are required based on this comment.*

**O14.** Stuart Turner & Associates, August 31, 2006: Section 3.15.1. Page 343. We believe that the share of residential expenditures attributable to non-residential property is unrealistically high (79%) and not reflective of actual

experience. This unique issue was discovered during a previous EIS review for a different project. We have performed an analysis in order to determine why this occurs. Generally, we believe that it is because the Town has a large number of essentially vacant parcels that are considered non-residential. Specifically, these are state park parcels and public service (mostly utility transmission) parcels. Because these uses are mostly considered non-residential, they result in non-residential property being apportioned a greater share of municipal expenditures, when in reality, these types of uses demand almost no municipal expenditures. Therefore, we suggest that in order to arrive at a more realistic breakdown of the residential share of municipal expenditures, the study should eliminate consideration of all real property with class codes in the 800 (public service) and 900 (parkland) series from the calculation of total value (and average local value). If this is done, the residential share of real property value should be closer to 52.5% of total, which is more realistic.

*Response: The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS. The ratio of residential to total valuation in the revised analysis was changed to 61% after removal of vacant (300), public service (800) and parkland/forested lands (900) from the consideration of proportional valuation. This revision was made with the assistance of Stuart Turner & Associates.*

**O15.** Stuart Turner & Associates, August 31, 2006: Section 3.15.2. Page 343, Table 54. The per capita cost is not consistent with appendices. All appendix calculations should be consistent with the text.

*Response: Revisions have been made according to the revised analysis. The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS.*

**O16.** Stuart Turner & Associates, August 31, 2006: Section 3.15.2. Page 344. The statement that “it is clear that smaller houses, equating to fewer bedrooms, will have a reduced impact to the town services than larger lots, more bedrooms and more residents,” has not been demonstrated. The statement seems to state that less people is equal to less impact. However, five to six bedroom houses on two to three acres will provide the Town with greater amounts of tax revenues than four bedroom homes on one acre, which may more than compensate for the additional half person that the larger house would generate.

*Response: The DEIS text has been revised and is presented in Appendix J of this FEIS. The referenced statement was removed from revised document.*

**O17.** Stuart Turner & Associates, August 31, 2006: Section 3.15.2. Page 344, Table 56. Calculation of Taxes raised for the ER and RAR should be recalculated and the nets changed accordingly.

*Response: The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS. Impacts were calculated and presented in the revised analysis using both the ER and RAR methods.*

**O18.** Stuart Turner & Associates, August 31, 2006: Section 3.15.3. Page 345. The study cites 287 homes for the preferred plan, however costs computed in the appendices are based on 281 homes. These should be made consistent.

*Response: The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS. For the revised analysis, 287 units are specified in the preferred plan.*

**O19.** Stuart Turner & Associates, August 31, 2006: Section 3.15.3. Page 345. One cannot accurately assume a home on two or three acres to sell for the same amount as a home on one acre. Increased values should be assigned to homes on the R-2A conventional, cluster and R-3A plans consistent with the additional lot sizes and number of bedrooms as described on page 344. The increased value should be used for school district computations as well. Costs should be based on additional persons and schoolchildren in the larger alternative homes.

*Response: There is no basis to assume that the value of a house will be different because it is on a larger lot in a conventional development, than in this kind of development that has interesting terrain, wooded views and other enhancements. However, the lots are going to benefit from the significant open space and technically each will be paying a share of taxes based on the enhancement value from those open spaces attributable to each of the lots. On the same theory, that the lots are enhanced by the large area of open space, it is reasonable to expect those enhancements will be reflected in the value of the homes. Therefore, to try to give a distinction between the value of a home on a larger lot with certain amenities versus a smaller lot that has the benefit of all those amenities as well, plus others, is problematic.*

**O20.** Stuart Turner & Associates, August 31, 2006: Section 3.15.3. Page 345. Please verify tax rates used. Table 57 states 2004 rates, while Table 58 states 2005 rates. All rates should be consistent with budget data used.

*Response: The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS. 2004 tax rates were used in the revised analysis.*

**O21.** Stuart Turner & Associates, August 31, 2006: Section 3.15.3. Page 345. Please re-label third column of Tables 57 and 58 to indicate that they are calculated using the ER as opposed to the fourth column.

*Response: The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS. Tables have been revised to include results using both the ER and RAR methods for calculation.*

**O22.** Stuart Turner & Associates, August 31, 2006: Section 3.15.3. Page 345. The calculation of costs (and number of persons) for each of the two alternatives should be provided. The final calculations of net cost for each alternative do not seem correct and should be checked.

*Response: The DEIS text, tables, and appendix tables as revised are presented in Appendix J of this FEIS. The net costs for each alternative were calculated in the revised analysis and presented in the revised document.*

**O23.** Stuart Turner & Associates, August 31, 2006: Section 3.15.3. Page 345. The decision to gate the community, the provision of private roads, and the provision of on-site recreational amenities does not directly relate to the nature of the underlying zoning but is a strategy to increase the value of community homes. Therefore, while these features reduce the demand on community resources, there is no reason those features can only be provided for the preferred plan and would not be provided for the other alternatives as seems to be implied. We suggest that this be acknowledged. To do so does not minimize the benefits of the proposed community, but does offer a more realistic comparison of alternatives.

*Response: It remains unproven that other alternatives could not be proposed as gated communities with private roads and amenities. The subjective discussion of the fiscal benefits of the preferred plan that are associated with the gating of the community, private roads and recreational amenities were not considered in the objective calculation of fiscal impacts that provides a more concrete comparison of the alternatives. Because it has not been adequately demonstrated that a conventional R-2A or R-3A development could not be gated with recreational amenities and private roads, the Lead Agency will rely more on the objective calculated fiscal benefits or impacts of each alternative. The lead agency considers the subjective statements of the DEIS with regards to higher amenitization of the preferred plan as the opinion of the project sponsor and places less reliance on them. However, it is noted that the project sponsor is providing improvements that reach beyond the borders of the development and benefit the Village, such as new potable water sources, increased water pressure, enhanced firefighting abilities and a more ecologically sensitive Valley Forge wastewater treatment plant and that these improvements are associated with development beyond existing permitted densities, notably the preferred plan.*

**O24.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: There do appear to be some inconsistencies in the lot count reporting in various parts of the DEIS document, both in the main part of the text and the summary. For example, on p. 38 the DEIS indicates that 141 lots could be achieved under the existing R-3A zoning, yet elsewhere in the document the figure of 155 is used. Page 71 indicates that the number of lots allowed as a result of the re-zoning would be expected to increase by a maximum of 78 lots, but elsewhere the document proposes a difference of 91 lots. And page 276 states that the rezoning would increase the number of lots from 155 to 233, representing that it is an increase of 81 lots though the difference is 78.

*Response: The DEIS text on Page 39 has been updated, and included in Appendix L, to represent the actual lot count illustrated in the alternative plans in Appendix 9.4 of the DEIS. The lot count for the R3-A zoning has been updated to reflect the 155 lots shown on the plan, the lot count for R2-A zoning has been updated to the 233 lots shown on that plan. The actual increase is 78 lots. Page 276 has been updated to reflect 78 lots, and is also located in Appendix L of the FEIS.*

**O25.** Sheila Conroy, August 31, 2006: Is it correct that in addition to providing on site recreation facilities for Legacy residents and donating hundreds of acres of land to the Town, that Legacy will also pay parkland fees to the Town for each

lot? This should be clearly stated so that no one can misunderstand or misinterpret the payment being agreed to, regardless of ownership of the property.

*Response: Comment noted. The Project Sponsor will pay a recreational fee.*

## **P. Recreation and Open Space Resources**

**P1.** County of Orange Department of Planning, August 18, 2006: To maintain the natural and scenic qualities of open space that presently exist on the site, as much mature vegetation as possible should be preserved through an enhanced cluster design. All mature trees to be preserved should be marked in the field and roped off from trucks and heavy construction equipment to prevent soil compaction and damage to their root structure. These trees should then be included as part of the landscaping plan to ensure that they are preserved and not clear-cut during construction. This will benefit all concerned and help mitigate the visual impact in the Ridge Preservation Overlay District, a Critical Environmental Area in the Town of Woodbury.

*Response: A tree survey has been prepared and is included in Appendix I of this FEIS. This tree survey shows the location and type of trees over 18 inches in diameter at 4 feet above ground level. All healthy trees within the Open Space areas will be preserved except as needed to provide required improvements, such as stormwater management, utilities and other infrastructure. Upon the acceptance of a Preliminary Site Plan, a Landscape Plan will be prepared and submitted as per Village regulations and submitted to the Planning Board. The Landscape Plan will show existing trees to remain, existing trees to be removed, and additional landscaping materials to address landscaping of public areas and to mitigate loss of vegetative buffers. The Landscape Plan will include provisions for protecting existing trees to remain through the use of snow fencing at drip lines to be installed prior to start of construction.*

**P2.** Stuart Turner & Associates, August 31, 2006: Section 2.1. Figure 1. The community service and parks designations included in the legend of this figure are not depicted on the map. These categories should be removed from the legend unless there is a reason to include them.

*Response: The designations not depicted on the map have been removed. A revised map is provided in Appendix G.*

**P3.** Stuart Turner & Associates, August 31, 2006: Section 1.6 Page 39. Please verify that “more than 50 percent of the total area of the project” is to be public open space transferred to a land trust (i.e. not HOA open space).

*Response: Of the 749-acre total parcel, approximately 430 acres or 57% of the property will remain as open space. The 430 acres of open space will be protected in two ways. Approximately 333 acres will be offered for dedication to the Village of Woodbury or to a land trust selected by the Village. The remaining 97± acres of open space parcels will remain with the HOA and will be protected with a restrictive covenant or specific language in the HOA agreement. The 333-acre public open space portion, 292± acres in the north parcel and the 41±*

*acres in the parcel to the south, represents approximately 44% of the total parcel, which is a slight reduction from the stated 50% in the DEIS as a result of adjustments to the site plan and subdivision due to the natural land constraints, but is still well above the open space requirement of the CCDOD.*

**P4.** Sheila Conroy, August 31, 2006: Clear distinction should be made between lands being dedicated to the Town and those that will remain open space but under the control of the HOA. I believe this causes some confusion when one reads the document and sees different numbers for open space to be preserved. The lands belonging to each entity and the acreage should be clearly identified.

*Response: Of the 749-acre total parcel, approximately 430 acres or 57% of the property will remain as open space. The 430 acres of open space will be protected in two ways. Approximately 333 acres will be offered for dedication to the Village of Woodbury or to a land trust selected by the Village. The remaining 97± acres of open space parcels will remain with the HOA and will be protected with a restrictive covenant or specific language in the HOA agreement. The 333-acre public open space portion, 292± acres in the north parcel and the 41± acres in the parcel to the south, represents approximately 44% of the total parcel, which is a slight reduction from the stated 50% in the DEIS as a result of adjustments to the site plan and subdivision due to the natural land constraints, but is still well above the open space requirement of the CCDOD.*

**P5.** Sheila Conroy, August 31, 2006: There should be clear and strong language within the HOA prospectus restricting use of the commonly owned open space areas. There have been instances where such lands are seen as being available for the construction of individual or community decks, sheds, swing sets and playground apparatus. Open space should be identified and then restricted by covenants in order to prevent intrusions into these areas. In this project, recreation areas and privately owned property have been described as usable for these activities, not the open space lands.

*Response: Comment noted. The HOA agreement is subject to Village and State Department of Law approval for filing. Thus the Village will review the proposed language of the HOA as it pertains to the use of commonly owned open space.*

**P6.** Sheila Conroy, August 31, 2006: It should be clearly stated that all costs associated with the transfer of lands from this project to the Town, including surveys, preparation of deeds, filing costs, etc., shall be borne by the project sponsor.

*Response: Comment noted. The Project Sponsor will pay all costs associated with the transfer of lands from this project to the Village, including surveys, preparation of deeds, filing costs, etc.*

**P7.** Stuart Turner & Associates, August 31, 2006: What is meant by “significant parcel”? Figure 13, Existing Land Use, illustrates at least one large parcel, categorized as “park” which we believe is a private vacant parcel.

*Response: As per DEIS Section 2.3.1, Site Location, and as illustrated in Figure 13, there are no remaining large parcels located in this portion of the Village. Figure 13 has been updated as noted above and is included in Appendix G.*



**P8.** Stuart Turner & Associates, August 31, 2006: Section 3.17.2. First paragraph of page 354. The applicant should provide a basis for the statement that “Woodbury has sufficient parks, trails and open space to accommodate the residents of the proposed development”.

*Response: As stated in the DEIS on page 354: “Residents of the development will likely use Village facilities. Upon a review of the Village’s facilities, and a comparison of the Village of Woodbury population (before and after this development) with parks standards published by the National Recreation and Park Association,<sup>5</sup>”*

**P9.** Stuart Turner & Associates, August 31, 2006: Section 3.17.3 Page 354. The applicant should clarify how the dedicated open space on the project site will contribute to active recreation for residents of the development.

*Response: In that significant hiking opportunities will be accommodated on the northern parcel, it was intended to state that preservation of the northern parcel will contribute to passive recreational enjoyment, not active.*

**P10.** Mary Gross-Ferraro, August 29, 2006 and Public Hearing Comments: The FEIS should contain a map with an overlay of what the North Parcel will look like after infrastructure development as well as a detailed map showing exactly how much and what contiguous open space in the North Parcel (once the infrastructure areas, wetlands, streams, and quicksand area are eliminated) will be accessible to the public and for what purposes. And how will they access it and where will they park?

*Response: DEIS Figure 3 has been revised to show the north parcel with a depiction of the proposed infrastructure development. The revised figure is presented in Appendix G. The project does not include new public access or parking for the north parcel. The Northern Parcel will be offered for dedication to the Village or a land trust acceptable to the Village for open space.*

**P11.** Phil Wilken, Public Hearing Comment: Create on-site ball fields.

*Response: The lands proposed for open space do not lend themselves for ball fields due to the presence of steep slopes, wetlands and limited dimensions. The Village of Woodbury will consider appropriate uses on the northern parcel as part of an overall Village Recreation Master Plan.*

**P12.** Dick Manley, Public Hearing Comment: Will the open space be fenced. If the open space is public, the public should be able to access it. Will the open space be titled to the Town.

*Response: Of the 749-acre total parcel, approximately 430 acres or 57% of the property will remain as open space. The 430 acres of open space will be protected in two ways. Approximately 333 acres will be offered for dedication to the Village of Woodbury or to a land trust selected by the Village. The remaining*

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<sup>5</sup> Roger A. Lancaster, *Recreation, Park and Open Space Standards and Guidelines*, National Recreation and Park Association, 1987.

*97± acres of open space parcels will remain with the HOA and will be protected with a restrictive covenant or specific language in the HOA agreement. The 333-acre public open space portion, 292± acres in the north parcel and the 41± acres in the parcel to the south, represents approximately 44% of the total parcel, which is a slight reduction from the stated 50% in the DEIS as a result of adjustments to the site plan and subdivision due to the natural land constraints, but is still well above the open space requirement of the CCDOD.*

**P13.** Don Seaboldt: There's been no expansion for recreation facilities proposed.

*Response: The applicant is proposing to pay a fee-in-lieu-of recreation lands. As noted in the DEIS, the project will generate significant recreation fees to the Village which could be used for expansion of recreational facilities.*

## **Q. Alternatives**

**Q1.** County of Orange Department of Planning, August 18, 2006: The DEIS for Legacy Ridge fails to adequately compare and contrast the environmental impacts attributable to development densities under current R-A3 zoning with the impact incurred by the increase in residential density as part of the preferred alternative. While it is commendable that open space and upgrades to municipal sewage treatment and water system are proposed as part of the project, it remains questionable whether such upgrades are justified by the additional impact incurred by the increase in housing, traffic, school children, municipal services, impervious surface and sewage effluent incurred by the Legacy Ridge project.

*Response: Section 5.0 in the DEIS addresses these impacts in detail.*

*It is the opinion of the Lead Agency that the EIS adequately compares and contrasts the environmental impacts of the R-3A zoning with the preferred plan. Further, it is the position of the Lead Agency that the upgrades and benefits of the project justify the proposed increase in density.*

**Q2.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: Sewage disposal option 2 (p. 325) evaluates the impacts of clearing for on-site septic systems, but omits notice of the 49-lot limitation, which completely invalidates the DEIS discussion about the additional land disturbance supposedly resulting from that option.

*Response: It is noted that State regulations require (unless a waiver is granted) a subdivision consisting of 50 lots or more to utilize a community sewerage system. Given the size and development potential of the land and the current and proposed zoning, development of less than 50 lots is not a feasible or reasonable alternative. Therefore, there is no purpose to addressing site disturbance related to installation of individual wells and septic systems on 49 lots.*

**Q3.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: A fundamental fact which this document fails to mention is that any

subdivision with more than 49 lots requires the provision of central water and sewer services. With the current R-3A zoning resulting in 155 lots, there is no question that the Health Department requires the provision of central water and sewer. While no doubt the improvements that the sponsor offers to the Valley Forge sewer district are attractive to the Town of Woodbury, the fact remains that some sort of central sewage treatment is required, whether on the site itself or by some other mechanism.

*Response: Improvements to the Valley Forge wastewater treatment system will benefit the Village, current and future users of the system, and the environment. If this subdivision cannot utilize a community wastewater system due to economic or other considerations, then the alternative of individual septic systems may be pursued.*

**Q4.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: The DEIS indicates (p. 332) that “the alternative of individual wells for each lot would be the more appropriate resolution for the smaller project” (i.e., the project at the current zoned density) but in fact this is not a feasible option.

*Response: The alternative of individual wells for the small project of 155 lots may be pursued if economic or other considerations prevent service by a community water system.*

**Q5.** Town of Cornwall Office of Supervisor Richard Randazzo dated July 31, 2006: The DEIS indicates (p. 330) that the cost is not justifiable to provide central water service to the 155 lots allowed in the current zoning. It indicates (p. 324) that it would be “less economical” to provide central sewers for 155 lots both under the current zoning, and under the R-2A zoning at 233 units. However, this is an existing situation of which the sponsor should have been well aware prior to acquiring the land. This is a site limitation under the existing zoning and current Health Department requirements; it applies equally to this and every other large tract of land in every other municipality in this county and beyond, wherever central water and sewer services do not already exist. Why should the Town of Woodbury become the guarantor of this project’s financial feasibility by legislating a significant bonus density, at the expense of the entire regional traffic network, the Cornwall Central School District and inconsistency with both local and regional plans? The developer’s profitability is not the proper concern of town government.

*Response: It is the opinion of the Lead Agency that the EIS adequately compares and contrasts the environmental impacts of the R-3A zoning with the preferred plan. Further, it is the position of the Lead Agency that the upgrades and benefit of the project justify the proposed increase in density, the impacts of which are fully addressed and acceptably mitigated where necessary.*

## **R. Growth Inducing Aspects**

**R1.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: The three wells, according to the DEIS, will not induce growth. What do they consider Suburban, Legacy Ridge, and possibly development of the Family Fun parcels, if that’s not growth? The new wells, particularly the Seaman well, are, as

I see it, key to the Suburban (WP3) and Legacy Ridge projects as well as the future development of northern Woodbury, which is not yet known to the public.

*Response: The Project Sponsor will provide new water supply sources via wells on the property which will meet the water usage needs of the proposed development and benefit existing developed areas. All future development will be in accordance with such zoning as is in place at the time. Future projects are subject to the same approval and review process as Legacy Ridge and subject to the control of the then-elected and appointed officials.*

**R2.** Mary Gross-Ferraro, August 29, 2006 and Public Hearing Comments: Will there be an independent environmental impact study of the growth-inducing impacts in northern Woodbury from the development of the Seaman well and the potential Thruway interchange in northern Woodbury?

*Response: Growth inducing aspects of the proposed development are addressed in Section 7.0 of the DEIS. Independent Town and Village consultants reviewed and commented on the DEIS, as has the public. These comments are addressed in the FEIS. The Seaman well and the potential of a new Thruway interchange north of Exit 16 has been addressed in the DEIS. See response to comment H3 for further discussion of the potential Thruway interchange.*

**R3.** Riddick Associates, P.C., August 31, 2006: Section 1.0, Pages 15 & 16. Applicant notes open space lots will have some municipal utilities and “access roads”; specifically parcel 3-1-11 (Northern Parcel). Although applicant lists this as an access road for the water tower, this is to be a public roadway providing access to upper section of open space and possible extension to a lot to the west. If so, this should be noted in FEIS.

*Response: The roadway accessing the water tank on the northern parcel will be built to Village specifications and dedicated to the Village, thus providing access to the water tower for municipal trucks and equipment. Please see the Response to Comment R7, below, for a discussion of future decisions.*

**R4.** Riddick Associates, P.C., August 31, 2006: Section 2.0, Figure 84. The DEIS states that the access road for the water storage tank will be built to Town Standards and dedicated to the Town as a proposed access to the water storage tank. We understand this roadway will provide access to the upper elevations of the open space and possibly future access to an adjoining parcel. This should be confirmed in the FEIS.

*Response: The roadway accessing the water tank on the northern parcel will be built to Village specifications and dedicated to the Village, thus providing access to the water tower for municipal trucks and equipment. Please see the Response to Comment R7, below, for a discussion of future decisions.*

**R5.** Stuart Turner & Associates, August 31, 2006: Section 2.3.1. What is the basis for the statement that the project site represents the last significant parcel available for development in this portion of the Town? Figure 1 illustrates two adjoining parcels which comprise of 125 acres or more.

*Response: The comment in Section 2.3.1 acknowledges the presence of the adjoining parcels. It states: “with the exception of two parcels just west of the*

*northern Legacy Ridge parcel, this site represents the last significant parcel for development in this portion of the Town.” Thus, the comment noted here is addressed by the language of Section 2.3.1.*

**R6.** Mary Gross-Ferraro, dated August 29, 2006 and Public Hearing Comments: The 93 acre and 40 acre parcels are owned by the same corporation, Woodbury Family Fun Resorts, Inc., and together they have the required 125 acres needed to apply for the higher density zoning laws. Are there plans to hook up the Family Fun parcels to these wells and to the Valley Forge sewer plant?

*Response: See the Response to Comment R7, below.*

**R7.** County of Orange Department of Planning, August 18, 2006: According to our records, the project sponsors also own the 93.1+/- acre lot (Tax Map SBL 1-1-47.3) northwest of the parcel (SBL 3-1-11) to be preserved as open space. Inquiry should be made into how this parcel will or will not be developed in connection with Legacy Ridge in the future.

*Response to R3, R4, R6, and R7: Future decisions by the municipality should not be constrained by premature commitments. The same decision making process for Legacy Ridge is available for every property in the municipality. Present Board decisions cannot bind future boards that will be under a duty to make decisions in what is the then public interest. Extension of infrastructure to adjoining lands may be economically justified on an economy of scale basis or cost-benefit value basis, or both. The type and size of any proposal will be evaluated on the standards, policies and regulations in effect at that time and by the officials then in control of the government. Whether there will be a receptive market, competitive costs, infrastructure, regulatory mandates and a host of other standards at such point in the future is speculative.*

*The kind of land use which may be considered at a future time is presently conjectural. Significant market flux, uncertainty, and the amount of product going through the approval process at any given time, some near ready to enter the market, some a significant time away, make predictability of use impractical.*

*Thus, the FEIS has considered all known, announced and real proposed projects.*

## Key Word Index

Adler Consulting, 12, 13, 14, 15, 16, 39, 40, 64  
Amy Fitzgerald, 84  
Cornwall Conservation Advisory Council, 19, 20, 69  
County of Orange Department of Planning, 18, 39, 43, 44, 45, 55, 75, 84, 85, 86, 91, 94, 97  
Dick Manley, 29, 50, 94  
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